

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

JOINT SAFMC & GMFMC MACKEREL COMMITTEES

**Renaissance Orlando Airport Hotel
Orlando, FL**

June 7, 2010

SUMMARY MINUTES

SAFMC Mackerel Committee

George Geiger, Chair
Mac Currin
Duane Harris
Rita Merritt
Mark Robson
Red Munden

David Cupka, Vice-Chair
Dr. Brian Chevront
Ben Hartig
Charlie Phillips
Tom Swatzel

GMFMC Mackerel Committee

Steve Branstetter
Kevin Anson

Tom McIlwain
Ed Sapp

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Dr. Roy Crabtree
Doug Hayman

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Charlie Phillips
Lt. Brian Sullivan

Council Staff:

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Gregg Waugh
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Kim Iverson
Dr. Julie Neer
Kate Quigley
Roger Pugliese

Observers/Participants:

Monica Smit-Brunello
Sue Gerhart
Dr. Bonnie Ponwith
Mason Bowen
Dr. Carolyn Belcher

Dr. Jack McGovern
Phil Steele
Bill Teehan
James Busse
Rick Leard

Additional Observers and Participants Attached

The Joint Gulf and South Atlantic Mackerel Committees convened in the Ballroom of the Renaissance Orlando Airport Hotel, Orlando, Florida, Tuesday morning, June 8, 2010, and was called to order by Chairman George Geiger.

MR. GEIGER: I would like to convene the Joint Gulf Council and South Atlantic Council Mackerel Committees. I would like to welcome our Gulf Council counterparts to Orlando. Tom McIlwain is sitting in for Myron Fischer, who is the mackerel chair. Tom will be able to adequately fill that position, I'm sure, based on your experience on the council. Welcome, Gulf Council members.

I guess this joint committee meeting that we're having, let me just set the framework. It is not unique. We've had these joint meetings in the past. In past years they have been productive. It is just difficult for planning purposes to get a large group of people together like this. I think as we move forward we've found that there is a lot of confusion in trying to get separate councils to vote on the actions required by the other council's in passing documents back and forth and trying to meet the timelines and for all the committee members to keep up with what is going on with the time lapses that occur between council meetings.

I think a face-to-face on these jointly managed plans is a more efficient way to discuss and get things done and keep amendments moving through the process. Additionally, the Gulf Council began discussions concerning a potential catch share program in the mackerel fishery, and we on the South Atlantic Council did not know anything about those discussions or any pending plans to move forward with the catch share program.

We wanted to be involved in that from the get-go if it ever does materialize or at least be in the discussion loop because mackerel permits are applicable to the Gulf and South Atlantic. There is no distinction between the permit holders. Mackerel fishermen, despite the fact that they're governed by two separate councils are in fact one entity. As we move forward in those discussions, I think it would be best done face to face, so that kind of sets the stage. Tom, do you have anything you'd like to say?

MR. McILWAIN: No, I'm just happy to be here and hopefully we can move forward with our agenda. I think the good news is that we are meeting face-to-face and we can address the issues that we have before us. I think this is the way to move forward.

MR. GEIGER: Okay, with that said, at least in the South Atlantic Council Briefing Book is the overview document. I hope everybody on our committee has had an opportunity to review that material and look at the agenda and see what we're going to do this morning. What we're going to do is discuss South Atlantic actions. The South Atlantic Committee will take our individual votes on those particular actions and motions as they come forward. The Gulf Council will also do likewise.

At the end of that discussion concerning Amendment 18 we will have a discussion concerning the catch shares program and where that stands within the Gulf Council. We need to do some introductions and I'll start off over here on my right with Red Munden. Welcome, Red, from the

Mid-Atlantic Council. Red is the representative from the Mid-Atlantic Council as our management authority for mackerel in fact involves that council as well.

MR. MUNDEN: I'm Red Munden with the Mid-Atlantic Fisheries Management Council.

MR. CURRIN: Mac Currin from North Carolina with the South Atlantic Council.

MR. HARRIS: Duane Harris, Georgia, South Atlantic Council.

MR. CUPKA: David Cupka, South Carolina, South Atlantic Council.

DR. CHEUVRONT: Brian Chevront, North Carolina, South Atlantic Council.

MS. MERRITT: Rita Merritt, North Carolina, South Atlantic Council.

MR. PHILLIPS: Charlie Phillips, South Atlantic Council, Georgia.

MR. SWATZEL: Tom Swatzel, South Atlantic Council member from South Carolina.

MR. HARTIG: Ben Hartig, commercial fisherman, mackerel primarily, Hobe Sound, Florida.

MR. ROBSON: Mark Robson, state of Florida, South Atlantic Council.

MS. GERHART: Susan Gerhart, NOAA Fisheries Service.

DR. LEARD: Rick Leard with the Gulf of Mexico Fishery Management Council staff.

MR. McILWAIN: Tom McIlwain, Mississippi, Gulf of Mexico Fishery Management Council.

MR. GEIGER: George Geiger, South Atlantic Council, Florida.

MR. WAUGH: Gregg Waugh, South Atlantic Council staff.

LT. SULLIVAN: Brian Sullivan, U.S. Coast Guard.

MR. TEEHAN: Bill Teehan, Gulf Council Liaison to the South Atlantic.

MS. SMIT-BRUNELLO: Monica Smit-Brunello, NOAA General Counsel.

MR. STEELE: Phil Steele, NOAA Fisheries.

MR. SAPP: Ed Sapp, Gulf Council from Florida.

MR. ANSON: Kevin Anson, Gulf Council, Alabama, proxy for Vernon Minton.

MR. GEIGER: Thank you, All. If we could, we'll get an approval of the agenda. If it is okay with my co-chair, we can do that by consensus. Is there any objection to the agenda as it is displayed? We have one addition under other business. I have been approached by North Carolina to have a discussion concerning quotas at the end of our discussions. We will cover that, Brian, under other business. Okay, Gregg, if you would, let's move into the SSC comments.

MR. WAUGH: Our Chair of our SSC, Dr. Carolyn Belcher, will be here later today, so she won't be here to give this presentation to the Mackerel Committee, but we've got the recommendations that came out of our SSC folded into our decision document. We'll be picking those actions up as we move through the decision document. We've got alternatives for control rules that we'll discuss as well.

I just wanted to mention, too, we've got extra copies of the agenda and overview on the table, and we will be projecting the actions and alternatives and motions so everyone can follow along. In the overview there is a little bit of information on the timing; and just to orient everybody, the intent in our current timing is for the councils to approve this document for public hearings.

The South Atlantic Council will do that at their September meeting. The Gulf Council will do it at their October meeting. We would hold public hearings in the November/December time period; review public comments and provide final guidance on the actions; the South Atlantic Council at their December 2010 meeting, the Gulf Council at their February 2011 meeting; and then review and approve the final document; the South Atlantic Council at their March meeting and the Gulf Council at their April meeting.

Those of you that look at the overview, there is a typo in there where we talk about the Notice of Availability of Amendment – it says 17B; it should be Amendment 18. That is what we're working on for mackerel is Amendment 18.

MR. GEIGER: Okay, Rick, you're up.

DR. LEARD: Pretty much the Gulf Council, our SSC met back actually in December of 2008, just following the final results of SEDAR 16. Of course, that was some time ago. They did come up with a recommendation of an ABC, which we'll be going over when we go through the actual alternatives in the document for the Gulf Council.

They made a few other motions, but they were more procedural and some of them are actually outdated because they reflected changes that have been made to the SEDAR process and some other things regarding development of an ABC Control Rule, which we have not finished actually doing yet. Pretty much the only thing that pertains to our discussions here are the recommendations for ABC for king mackerel. They didn't address Spanish or cobia, but they have addressed those stocks in past assessments. Again, I'll be going over those as we get further into the document.

MR. GEIGER: Okay, we're going to go over the Mackerel Amendment 18 joint actions. Why don't you go ahead and lead that, Rick. Sue, are you going to make your presentation now?

DR. LEARD: The first action deals with alternatives and the changes in the management unit. Currently we have and have always had the species that were in the management unit as being king mackerel, Spanish mackerel and cobia, and the species that we had in the FMP for data collection purposes only were bluefish, cero, little tunny and dolphin.

Now, of course, dolphin now in the Atlantic is managed under the Dolphin and Wahoo FMP, and the Gulf Council has no management measures for dolphin in the Gulf. The consideration that we have with these alternatives is that now we have to set annual catch limits for all the species that are I believe it's, quote, in the fishery. I there may still be some legal question as to whether or not what that actually means.

The alternatives that we put in here were basically the status quo, leave these stocks in there and set ACLs for them except for the stocks that are in the fishery management plan for data collection purposes only. The next two alternatives, the first one would be to retain only Gulf and Atlantic Group King and Spanish Mackerel and cobia in the management unit and delegate all the other species as ecosystem component species.

Kind of going along with that, the third alternative would be to retain only Gulf and Atlantic Group King and Spanish Mackerel and cobia in the management unit and, obviously, remove dolphin in the Atlantic from the coastal migratory pelagics and then designate all the other species as ecosystem component species.

The last alternative would be to remove all species other than king mackerel, Spanish mackerel and cobia from the coastal migratory pelagics' FMP. I think that the biggest question comes, and maybe Monica can address it, is that if we went with status quo and leave these species that we aren't managing right now, leave them in the management plan for data collection purposes only; would we have to set annual catch limits for them?

A second question is with regard to Alternatives 2 and 3 is since these species are actually caught and kept and maybe in some instances even targeted maybe for bait, such as little tunny, for billfish and others; would they be eligible for consideration as ecosystem component species in a legal sense; because if they're not, then to me there is a question of whether or not those two alternatives are reasonable alternatives. If they legally cannot be designated as ecosystem component species, they probably would not. Those are the alternatives that we're considering under Action 1.

MR. McILWAIN: Monica, do you want to respond?

MS. SMIT-BRUNELLO: The National Standard 1 Guidelines talk about what is in the fishery and what is not in the fishery, and they have it set up that if you have stocks that are in your FMP, by default they're all in the fishery unless they're considered to be ecosystem species. There is not a good discussion, though, as you pointed out – well, you allude to in the National Standard 1 Guidelines as to what happens to those stocks that are in an FMP for data collection purposes. That set up the data collection purposes.

Part of an FMU is kind of alluded to in National Standard 3, so there is no real good discussion in National Standard 1 about what happens to those data collection species that are those stocks. By default – I’m looking at National Standard 1 – it says if they’re in your FMP they’re either in the fishery – and then you’d have to specify ACLs and all the other requirements – or they’re ecosystem species.

If you’re considering establishing ecosystem species for some of the ones you talked about, then there are criteria set up in the guidelines that you would have to go through to see if they meet the definition for ecosystem species. Does that get to most of your questions, Rick?

DR. LEARD: Yes, I believe so. If I’m reading you right, then my understanding is that if we leave these species in the FMP in pretty much any way, shape or form; if they’re in the FMP, then they’re going to be subject to annual catch limits and accountability measures.

MS. SMIT-BRUNELLO: Right, except they could be in the FMP as ecosystem species, and then they wouldn’t need those parameters.

DR. LEARD: I guess that’s my other question is would those species, cero, little tunny, bluefish, would they qualify under the definition of ecosystem component species?

MS. SMIT-BRUNELLO: Well, we can talk about that, and I think that’s what you all should do. Just to remind you, the ecosystem species factors that are listed in the National Standard 1 Guidelines are really four general areas; a, it is non-target species or non-target stock; b, not be determined to be subject to overfishing, approaching overfished or overfished; c. not be likely to become subject to overfishing or overfished according to the best available information in the absence of conservation and management measures; and, d, not generally be retained for sale or personal use. Then it goes on to say that occasional retention of the species would not in and of itself preclude consideration as an ecosystem species.

MR. HARTIG: Monica, is it all or none on the ecosystem component; do they have to meet all of those criteria or do have they to meet three out of four?

MS. SMIT-BRUNELLO: Well, we’re kind of learning as we go with this, I would say, and it said that the species should and then it lists A, B, C, and then says “and” for D; so it doesn’t say “and” after each one, but I’m assuming we should have a discussion on each of those factors. It does say in here, too, that it is important to consider whether the use of the EC species classification in a given instance is consistent with the MSA conservation and management requirements. I would think that we need to develop the record if you want to consider them as ecosystem species and see how we can address – we really have to look at each factor for every species and then we should see where that leaves us after we’re done discussing them, I think.

MR. HARTIG: Well, to that point, there are a number, but some of these species have significant commercial landings and recreational, also. I don’t know how you’d designate them an ecosystem species in that regard. I don’t know how you’d do it. We can have that discussion.

MS. SMIT-BRUNELLO: Well, if you're saying what you just said, that some of them have significant commercial landings, that sounds like it knocks them out of the ecosystem category and puts them into the category where you would need to establish ACLs.

MR. GEIGER: Yes, and in addition to that, they're targeted species. It's not just the commercial landings. For some there may not be commercial landings, but they're certainly a targeted species. All of them are targeted by the recreational sector.

DR. LEARD: I would also point out in terms of trying to set ACLs for them, I wouldn't exactly call them stock assessments, but we did have some work by the center to try to determine the status of these stocks and what a acceptable catch would be, a total allowable catch back then. This was probably back in 2000 or 2001, somewhere along in there, and there is just not enough information on those stocks for us to really get down to any type of real stock assessment other than basically just using pretty much average catches.

I think it would be extremely difficult to set a reasonably scientifically defensible ACL for them if we had to do so. The other alternative – Alternative 4 – would be to just simply remove them because neither council is managing them. I know the Gulf Council has never really even talked about managing them.

MR. CURRIN: Just to reiterate Ben's point, at least in North Carolina there are significant commercial landings of little tunny. I couldn't envision attempting to qualify them as a ecosystem species at least in the South Atlantic.

MR. McILWAIN: Is there additional discussion relative to this point? Ed.

MR. SAPP: It sounds like from the discussion that we're agreement that at least some of these species we're considering don't meet the ecosystem component species definition because they're, number one, targeted and, number two, retained. Would it be appropriate, if that is our understanding, that we even include Alternatives 2 and 3 as we send this document out for public testimony? Do we need to withdraw those two?

MR. McILWAIN: Dr. Leard, do you have a comment relative to that?

DR. LEARD: That's kind of what I'm hearing is that if they can't be considered ecosystem component species in accordance with the guidelines, then these alternatives – it seems like they wouldn't fit the criteria of being a reasonable alternative.

MR. SAPP: Do you need a motion to instruct you to remove? **I make the motion that we remove Alternative 2 and Alternative 3 from the 2.0 management alternatives.**

MR. GEIGER: And move them to the considered but rejected portion of the document?

MR. SAPP: Thank you, you are correct.

MR. GEIGER: Brian Chevront seconds.

MR. McILWAIN: We have got a motion and a second. Monica, do you have a comment?

MR. GEIGER: What we need to do is go back. This is a Gulf discussion first and then we'll come back and discuss it on the South Atlantic side; so if you can, get your second from your committee, Tom, and then we'll move in and discuss it on the South Atlantic side.

MR. ANSON: Second.

MR. McILWAIN: Kevin seconds. All right, is there discussion?

MR. SAPP: Having made the motion, now I defer to Dr. Leard. Does that leave us in a bind because we've only got two alternatives under this action?

DR. LEARD: I would say so. I think if you pass this motion that you probably need to have another alternative in there which would be to leave these in the fishery, and we would move forward with – try to develop alternatives. Well, we wouldn't try; we would develop alternatives, as well as we could, for setting ACLs and accountability measures.

MR. WAUGH: Maybe we could get some guidance from Monica because I know the general rule of thumb is to have at least three or more alternatives, and this to meet NEPA. You're certainly not meeting the intent and spirit of NEPA if you're concocting alternatives that don't meet the requirements just to have more than three. I think in instances where the only reasonable alternatives are two, that we can go forward with two.

MS. SMIT-BRUNELLO: Gregg and I love to discuss this three-alternative – I guess it is a description. I'll leave it at that. Right, NEPA wants you to – it forces you into, and I think it sounds like a good idea to me for you to consider a reasonable alternatives. You shouldn't concoct, just like Gregg said and I absolutely agree. There is not a rule of three; and if you are concocting something just to make sure you have three but it is not reasonable, then that doesn't seem to be within the spirit of NEPA.

I did want to say one other thing while you're discussing. I know this is early in the document, so maybe it would be good if we could go back into the history of how these species that you're considering removing from the AP, why they were included in the first place and what the rationale was, because I think you should look at that as well. At least that should be part of the document eventually so that you'd all have that to consider.

MR. McILWAIN: Having said that, it seems to like it would not be in our best interest at this point in time to pass this motion. If we keep them in, there obviously was some reason for us to keep them in to collect data on in the past. It is my belief that if we leave them in, then we'd go back and revisit that at some point before this document was completed and determine whether there was some rationale or justification for keeping them in there or possibly include them in the ecosystem plan. There are fish that are caught through a directed fishery. That is my comment relative –

MR. GEIGER: And to get to your point, Monica, about the history, my knowledge of the history of these species dates back when Dr. Daniel was on the council. He was the one who pushed to get them in for data collection purposes because of this developing fishery that Mac Currin alluded to in terms of commercial landings of little tunny in North Carolina.

It was an effort to try and just collect data. Of course, this was before the reauthorization and let no good deed go unpunished, here we are in this situation with having included them for data collection and now having the onerous task of ACL applicability. Mac, correct me I'm wrong; is that history as you remember it?

MR. CURRIN: I think you're very correct; and as Duane just said, Georgia probably goes back further than that, but there has been a blossoming recreational fishery for little tunny off of our coast. It occurs in Florida and perhaps other places as well. I think the concern is with the importance of that fishery; we also have what I consider to be fairly significant commercial landings.

They average – Brian, correct me if I'm wrong – well over a hundred thousand pounds a year of little tunny. I think there is concern that if the commercial fishery were to develop to a larger extent, then that might impact availability for a very, very popular recreational fishery. They're not retained recreationally often. Some are kept for bait by the charter guys, but it is primarily and catch-and-release fishery, but an important one in our area.

MR. GEIGER: And, Tom, if you'll bear with us, Mr. Cupka would like to speak, also.

MR. CUPKA: That's part of the history but it goes back even earlier than that because, if you remember, this isn't a mackerel plan. This is a coastal migratory pelagics plan. Back when we were starting to work on this, we looked at what species were taken in that fishery that weren't already under the jurisdiction of the HMS Group, and so we wanted to make sure that they didn't fall in the cracks, and so they were included. It was just for data-gathering purposes, but it was back even before the little tunny thing in North Carolina. It was to try and make sure that we considered all the coastal migratory pelagics.

MS. SMIT-BRUNELLO: I'm sure Rick will make sure this gets done because this is a joint plan, so we should go back and look at the reasons why from the Gulf perspective they wanted them included and maybe why, if there were – you know, as Ben said and others – if it's true in the Gulf that there are significant amounts of commercial catch, why haven't the councils seen the need to put any restrictions on that catch, and maybe that will lead you to figure out, well, maybe they don't need to be managed in this way or they do, and you need to put those kinds of measures in – just give them a hard look.

DR. LEARD: Yes, just like David Cupka said, originally when we started developing these FMPs – and our Reef Fish FMP was the same way – we threw virtually everything that was caught that was within the reef fish complex, grunts, porgies, whatnot, we threw all of those into the plan simply because we wanted to I guess have a placeholder to make sure that we did monitor those landings; and if they did start going up, then we might need to move them into the management unit.

That was pretty much the rationale for including cero, which are often misidentified, in the landings and whatnot, as well as little tunny, which is a lot of times mixed up with bonito, but we wanted to just have those in the plan so that we could kind of watch the landings and see how it went and see if there was a need to move them into the management unit sometime in the future. As I remember, that was in the original FMP probably dating back to at least around 1983.

DR. CRABTREE: I think that's right, Rick, and the reality, though, is just putting something in the plan really doesn't result in any additional data being collected that wouldn't be collected otherwise. You can watch a species and monitor its landings without it being in the plan. I think if you look back at the history of these councils, it seems to me we would have been better off not to have put so many things in these plans.

If anything, we've erred on the side of too many things in these plans; and now with all of the requirements that we, it is very difficult to deal with them. It is very difficult to justify moving most of them as ecosystem species, and so that leaves us with looking at taking things out of the plan.

MR. CUPKA: Roy is right; hindsight is always good, and I can guarantee you if we would have known we were going to have to do ACLs and AMs for all of these things, we probably wouldn't have put them in there to start with, but we were just trying to be inclusive at the time, and that was all species that were taken in the fishery. Given what we know now, I'm sure we would have set them up differently.

MR. McILWAIN: Is there additional discussion? I guess we're ready to vote. The motion is to remove Alternatives 2 and 3 from Action 1 in Amendment 18 to the Coastal Migratory Plan. **All those in favor say aye; opposed. The motion carries.**

MR. GEIGER: Thank you. You guys have heard the discussion; do we have a motion? Brian.

DR. CHEUVRONT: **Mr. Chairman, I would like to make a motion that we remove Alternatives 2 and 3 from Action 1 and move them to the considered but rejected appendix.**

MR. GEIGER: Second by Mr. Cupka. Any objection to that motion? Mr. Currin.

MR. CURRIN: Can we have some discussion? We have had some discussion, but I'm still unsure of the format of this with the Gulf trying to handle it and then we're going to do it, and I don't know where that leaves us. I'm still unclear as to how we're going to proceed exactly. In looking at Alternative 4, it is to remove all the species other than king mackerel and Spanish and cobia from the Coastal Migratory Pelagics FMP.

To me that doesn't seem to be a viable alternative in view of some of the statements about these other species that are sought, are targeted. In fact, I thought at one time we were talking about adding Atlantic bonito as well. As Rick indicated, those things occur. Our fisheries are changing. We're placing more and more restrictions on the fishermen.

Here is a resource that's closely monitored at this point and is not, the best I know, targeted to a large extent, but it concerns me that could change. Species like little tunny and like Atlantic bonito, I feel it's important that we have some ability to regulate the harvest of those if we see changes in those fisheries.

Blackfin tuna is another one that we've talked about. In my opinion HMS should be doing that, but there are no minimum size limits on blackfin tunas. I was in Hatteras last week and I'm seeing blackfin tunas that are barely 12 inches long thrown up on the dock everyday. That doesn't sit well with me. Anyway, I see reasons to include those and for that reason don't see much use in including Alternative 4. If we remove that one, then we're in a real bind; we've just got one, which is the status quo.

MR. WAUGH: This is the quandary we're in now. I think going back and saying that we erred when we put these in isn't the right approach. We had a common sense approach to fisheries management back then, and we were using precautionary management and we wanted data. Now we have to recognize the box we're in. If you have a species in an FMP and you're managing it, you have to come up with ACLs and everything. Perhaps the way to handle this is to remove any species that we can't do ACLs for at this time.

As Roy pointed, out data can be collected without them being in an FMP, so it is no longer necessary to have them in the FMP to get data. Then when there is sufficient data to do an assessment, to do ACLs, we amend the plan and add them in and put in those specific values. It is just the bar to do precautionary management has been raised so high now, we're having trouble climbing that for our major species, much less the minor species.

This approach would allow us to add them when we can get an assessment and when we can get these values calculated. Until then it would be up to the states – if they're not in the FMP, the states can do a certain level of management much more quickly and much less bureaucratically than we can.

MS. SMIT-BRUNELLO: And I guess a little bit to that point, too, or not quite, but when the document goes out for the public to review, the public will want to know, well, why didn't they consider ecosystem species for any of these. Even though you're taking those alternatives, there should be a discussion somewhere along the line as to why they're either in or they're out; and if they're out they weren't even considered as ecosystem species. That could be developed in the discussion, too. I think the approach that Gregg was talking about seems like a logical one to me as well.

MR. HARTIG: I'll address Monica first. I think we should have the landings off all the species in there and why they can't be considered and an explanation for that. That is a good way to show the public why they couldn't be considered ecosystem components. I agree a hundred percent with Gregg; and I'll make a motion to that effect that we come to the period of time when we have enough data to do a SEDAR stock assessment, that is the time we will consider that species to be added back into the management unit.

MR. GEIGER: Before we consider that motion, we already have a motion on the floor and we're under discussion of that previous motion, so just hold your thought. Any other discussion concerning the motion that's on the floor? Tom.

MR. McILWAIN: I have one question. We do collect landings' data on these various species, but I've heard the argument before that there is not a fishery and therefore we don't have enough data to do anything, but there is no concentration or no directed effort to collecting that data. That gives me pause or worry that we would never reach that point where we had enough data.

MR. ROBSON: I think I'm a little concerned about removing Alternative 3 simply because it is the one mechanism that was specified for us not to have to do ACLs. Now, I don't know how many species, if we were able to really go back and look at it carefully in terms of landings, we would want to say might be ecosystem component species, but if we removed Alternative 3 I don't think we'll have the ability to do even that unless I'm mistaken. I'm concerned about taking Alternative 3 out at this time.

MR. GEIGER: Okay, any other discussion? We've had some discussion and it sounds like we've got some opposition possibly. **By a show of hands, all in favor, 4; opposed. Four/three, the motion carries.** Okay, is there any discussion or desire to select a preferred alternative from the two remaining? Rick.

MR. LEARD: I don't really think we're looking for a preferred right now because we're still really at a rough options' paper stage and we'll be bringing back to the councils in August and September – as Gregg kind of mentioned the schedule, we'll be bringing back a draft document that has some of the analysis in there. Right now we're not ready to go to public hearings. We won't be doing that until probably sometime in November/December, as Gregg said.. I don't think there is a need to do that.

I also wanted to just kind of throw it out there. Sue mentioned to me just a second ago that one thing we could do is we could make alternatives to remove each one of those individuals. In other words, we would have an Alternative 2 to remove cero; Alternative 3 to remove little tunny; Alternative 4 to remove bluefish.

If you have those as alternatives to remove them, then you'll have the discussion that you are talking about needing and it will also have tables and whatnot for the landings, economic values and so forth and so on, and then you'll build that justification for removing them.

MS. SMIT-BRUNELLO: I think that's a great idea because then you can focus on each species individually. Who knows; maybe you're going to uncover a treasure trove of information you didn't know about for one of these species and you're going to want to leave them in. It's not like an all or nothing decision. I also agree about not choosing preferred alternatives. It seems like you don't have enough analysis and discussion before you to make that decision at this time.

MR. GEIGER: All right, based on the suggestions from Dr. Leard, anybody want to take a shot at a motion – good idea, bad idea? Let's continue the discussion. Dr. Chevront.

DR. CHEUVRONT: I'm not sure that we need to take a motion at this time. I think just sort of by consensus we're saying that we don't need to set a preferred right now for the reasons that were mentioned and we'll come back and do it later.

MR. GEIGER: Well, I was talking not to the preferred but to adding these alternatives that was discussed by Dr. Leard in terms of removing individual species to the alternative list. If we do that, if it would be preferable to have an alternative, we need to have a motion.

DR. CHEUVRONT: I'm in favor of that but I haven't worked out the wording of that yet; so if somebody can say it, I would be –

MR. GEIGER: Rick, let me turn it back to you guys on the Gulf side. You've had the idea; do you want to flesh out through your committee and we'll come back and address it in the South Atlantic.

MR. McILWAIN: Rick, do you want to go ahead and flesh that out a little bit?

MR. LEARD: Well, I would say just something simple like a motion to add individual alternatives to remove the individual species that are currently listed in the management unit for data collection purposes.

MR. McILWAIN: Will the Gulf Council Committee entertain that idea; are there any suggestions or motions?

MR. GEIGER: So you're saying there would be an individual alternative for each individual species?

MR. ANSON: Something related, it was brought up about blackfin tuna; would it be appropriate to add blackfin tuna to these other species for this document under this action item?

MR. McILWAIN: I think before we do that, if we entertain this motion that Rick has outlined, then I think we could add blackfin tuna at that point in time, but I think we need to address this first. Ed.

MR. SAPP: Well, since Rick can't make the motion, I would like to make a motion for consideration by the Gulf Council Committee that we add individual alternatives to remove the individual species that are currently listed in the management unit for data collection purposes.

DR. LEARD: Ed, make that alternatives or options because I'd like for the IPT to kind of discuss whether or not we want to have like one alternative to remove species and then options for cero, little tunny, whatnot. It might come out a little cleaner that way, but if you will just give us the alternatives/options, that that gives us a little bit wiggle room to structure the document around exactly what you're trying to do, anyway.

MR. SAPP: Since I'm trying to parrot your words, can I give you power of attorney and let you suggest to him how to word it up there?

MR. McILWAIN: Okay, we have a motion to add individual alternatives or options to – the Gulf Committee's motion is to add individual alternatives or options to remove the individual species that are currently listed in the management unit for data collection purposes. Is there additional discussion?

MR. ANSON: I second.

MR. McILWAIN: Okay, we've got a motion and a second. Is there further discussion? Are we ready to vote? **All those on the Gulf Mackerel Committee in favor say aye; opposed. The motion carries.** Okay, Mr. Chairman.

MR. GEIGER: Do you want to take up the issue of blackfin tuna seeing as how it was brought up?

MR. ANSON: Yes, I'd like to create an additional motion to add to the previous motion to add blackfin tuna for the same purposes.

MR. McILWAIN: Do we have a second? Dr. Leard.

DR. LEARD: Blackfin tuna aren't in there. They're not in the plan at all anywhere.

MR. ANSON: Right, and would it appropriate to add them at this time or this document or we would have to come back in another document?

DR. LEARD: I would say no. Our current plans are to move forward with the species that we've got; then to consider catch shares; and then to consider a number of other actions that both councils have been deliberating for a number of years, including blackfin and adding Atlantic bonito and maybe some others. Maybe by then we'll have enough data to where we can assess those stocks and do it right.

MR. ANSON: Then I withdraw my motion.

MR. GEIGER: South Atlantic Committee members; David.

MR. CUPKA: **I would make the same motion on behalf of the South Atlantic Committee.**

MR. GEIGER: Do we have a second? Dr. Chevront seconds. Any discussion? Ben.

MR. HARTIG: The only discussion I would have is that the reality that Gregg mentioned of doing these, certainly we can look at the individuals and make decisions, but I still would like to make a motion eventually, after we get done with this one, that we not add any of those individuals until we have enough data to do a stock assessment.

MR. GEIGER: Any other discussion? Mac.

MR. CURRIN: I'm not going to belabor the point, but – and Gregg is right; if these species are removed from the plan, then the states will have the capability of managing those species. That would be fine for setting size limits and that is a step in the right direction at least for blackfin tunas and perhaps for albacore as well.

What will the states will not be able to do is assess these stocks because they occur off the east coast. We won't have the information in North Carolina to do any better assessment of little tunny than the South Atlantic will. In fact, we're going to have to dig the information from other states and landings and all that same procedure that the council would go through.

We will be limited I think. The states will be limited in any attempts to manage these species other than perhaps establishing a size limit on them. I think that is part of my impetus for trying to get the council to do something to establish some regulations for these things before a fishery might develop that decimates them.

MR. GEIGER: Any other discussion? Okay, we've got a motion and a second. The South Atlantic Committee motion is to add individual alternatives or options to remove the individual species that are currently listed in the management unit for data collection purposes. **Is there any opposition to that motion? Seeing none, that motion carries.** Let me get to Ben Hartig who had –

MR. HARTIG: **Yes, I would make the motion subsequent to this motion that any of those species currently listed in the management unit for data collection purposes, before they are added to the plan, should be assessed by a SEDAR stock assessment.**

MR. GEIGER: We have a motion; is there a second? Mark Robson seconds. Discussion.

MR. HARTIG: George, I make the motion just because of what we're going through right now with the SSC and what we're looking at between 35 and 75 percent of average landings right now for a species that we don't have any assessments for. This will come up later in our discussions of other species that we deal with later on in our committee meetings.

Basically, I've come to the decision myself that before we deal with any of these heinous management regulations that we're going to put on the public, that we should have a full assessment of each of the species that we're capable of doing it for. That is just the way that I've come through procedure has influenced my thinking process, and that's the way I feel about it.

MR. CURRIN: Ben, I don't disagree philosophically with you at all. I think if the motion passes – and I think it's a good idea, but I think it is going to come back to bite us in snapper grouper in particular with the number of species that we don't have enough information at this point or marginal information to do a full assessment for, yet the landings are at a level such that they require management. I think the option of removing those from the management unit is not there for us, so I'm seeing some conflicts that we're going to encounter if we adhere strictly to this motion if it were to pass.

DR. CHEUVRONT: Mac, I see this motion as being a little bit different than what is going to happen in snapper grouper because I think one of the things we're talking about with snapper grouper is having species groupings. We're not really talking about that here. We're talking about individual species. I think I can support this for this fishery management unit. I see where you're coming from on snapper grouper, but I don't think we're comparing oranges to oranges here. I think it is a different scenario, so I don't have a problem supporting this motion.

MR. GEIGER: Any other discussion? **No further discussion, is there any opposition to the motion? Seeing none, that motion carries.**

MR. McILWAIN: I guess that throws it back to the Gulf Council to consider. Ed.

MR. SAPP: I'm not sure what they just did. I agree with what you're doing but I don't understand. Is that something that you want to include in this document as a management alternative to take out for – does there need to be any actions associated with that or it stands on its own and we're just asking for public comment? I'm confused here.

MR. McILWAIN: I think it would be an alternative in here and we're asking for public comment on it at this point in time. The point is that we will be collecting data on these if we keep them – well, we've got options or alternatives to keep or remove individual species; and if they're added back to the plan, as I understand this they'll have to go through a SEDAR assessment if they're taken out. Having said that, the Gulf Council needs to address this issue.

MR. SAPP: **I'll make the motion and if we get a second, you can make your comment because I'm hoping you'll clarify for me; but so that we're consistent between the councils, I make the motion that the Gulf Council also consider that species currently listed in the management unit for data collection purposes, before they be added to the plan, should be assessed by a SEDAR assessment by a Gulf Committee.**

MR. McILWAIN: Do we have a second?

MR. SAPP: Did I misread something there?

MR. CUPKA: Ed, you were reading the last part which just showed that the South Atlantic Committee approved that. It wasn't part of the motion; just put a period after "assessment". Gregg took the rest of it out.

MR. ANSON: Let Ed finish his motion I guess for the record.

MR. SAPP: Let me correct the last line of the motion I made to read "SEDAR assessment" instead of "SA Assessment".

MR. ANSON: Second.

MR. McILWAIN: We have a motion and a second; is there additional discussion? If not, the motion is the Gulf Council's Mackerel Committee; any of those species currently listed in the

management unit for data collection purposes, before they are added to the plan, should be assessed by a SEDAR assessment. Dr. Leard.

DR. LEARD: Just to comment if we set the alternatives up to where there is an Alternative 2 to remove the species and then options would be for zero, little tunny, et cetera, I was envisioning this being to be more of we would put in that discussion that it's the councils' intent to not essentially put them back into the plan until such time as the SEDAR.

It's in the document but it is more in the discussion rather trying to set up alternatives that you can compare and contrast and do a NEPA analysis on. I really don't know how you would do that with this, but it certainly could be put in there that is the council's intent, that we're not going to put them back in the FMP until such time as we've got a SEDAR for them.

MS. SMIT-BRUNELLO: Well, a thought occurred to me that you're really kind of putting yourself in a little bit of box if you state that you can only add this in if it is assessed by SEDAR. What happens if you get information that landings have just spiked and they're off the charts for one of these species because of X, Y, Z, effort shift?

I don't know, there could be a number of things that happen, so you want to try to manage them in some way, but yet you're not going to be allowed to do it because they haven't been scientifically by SEDAR? There are a number of different kinds of management options you have. It doesn't mean – I can just envision an scenario where you might not want to box yourself in by saying that you've got to have a SEDAR in order to manage it. Just a thought.

DR. CRABTREE: We get a limited number of SEDAR assessments where usually the emphasis is on our major fisheries and trying to have more up-to-date assessments. Unless we are going to greatly increase the numbers of assessments we can use, which I hope is going to happen but it hasn't happened yet, most of these species we're talking about to me I don't think are of sufficient importance that I would want to expend the resources of doing a SEDAR on them. I think this would be fine if we could quadruple our assessment outputs and do 20 assessments a year or something, but until we get to that point it just doesn't really seem very workable to me.

MR. WAUGH: My understanding of where Ben is headed with this is when he says assessed through SEDAR, SEDAR reviews assessments conducted by other organizations, states and so forth. The problem I think Ben is trying to address is that even though we want to do precautionary management the cost of doing that is having to specify ACLs.

In the absence of any assessment information, any SPR values, any F rates, the center has said use landings' data. The problem with using landings' data is then you're looking at a significant reduction – at least the alternatives that we have been presented with from the SSC, significant reductions from either average or median landings that end up significantly reducing available landings in the fishery.

We're dealing with this, as you all know, and we will get to it in wreckfish and golden crab. It is a balancing act. While the council wants to be precautionary in its management, in order to do that we have to specify ACLs, and the National Marine Fisheries Service can't give us the

assessment to do that; and under the SSC process, the cost is really high. I think that's where Ben is headed with this.

DR. CRABTREE: But part of the problem here – and this is true of both councils – we have not given the SSCs any clear direction as to what to do. I think the proper way to fix this is to give much more clear direction to the SSC in terms of how much risk we're willing to accept and what control rule we want them to apply.

If you think the SSC is being much too conservative, then you need to give them a control rule and tell them that we're willing to accept more risk and this is the control rule we've selected. I think if that's the concern, if this is getting down to using annual landings and the amount of reduction that the SSC has applied, then that's something that we deal with the SSC and deal with ourselves.

Both councils have largely not addressed the question of how much risk are you willing to accept, and you've given an extremely broad range to the SSC and essentially let them figure it out. Now they've come up with something that I think to most council members isn't acceptable. Well, the fix to that is not this. The fix to that is let's be much more specific in the ABC control rules and give some very clear guidance to the SSC in terms of how we want this done. I think that is the way at what we really need to address, and I guess we're going to come to that at another point in the meeting.

MR. HARTIG: Well, it is pretty tough, Roy. It puts me in a position that since we haven't had that discussion – and I know we're going to have it – in a position to make that motion. For bluefish, there are millions of pounds of landings. For little tunny I think there is probably at least a million, and it is increasing every year. The price for little tunny is increasing.

Even at 75 percent of the landings is untenable for me for a fishery that – for little tunny it is the most abundant coastal pelagic fish in the ocean. That's where I'm coming from with the motion. I still think that it is appropriate even though – you know, NMFS keeps telling us we don't have this and we don't have that, we can't do this and we can't do that. Well, we have to do it.

We don't have any choice anymore. We have to do these assessments for those species for the fishery to continue. That's where we are now. We're put in this box by congress and the National Marine Fisheries Service; and since we're in this box the only way to get out of it and still have productive fisheries is to do things like this. And this motion – and I'm going to continue to make it all the way down the line because I believe that for species that can be assessed by SEDAR, we have to have that information before we make a decision that kills the public just because we have to use landings.

That's not fair and that's the way I feel about it, and those are the motions I'm going to make right down the line for all those species that can be assessed by SEDAR. If we can't assess a species that has 3 million pounds of landings like bluefish, my gosh, that's a lot more landings than most of the snapper grouper species have. I'm in a quandary.

DR. CHEUVRONT: Since we're in committee right now and this is going to be taken up by council these motions later on, I know at least for the South Atlantic – and the Gulf is meeting next week – that perhaps we should go ahead and allow the motions to continue now, and they'll be revisited at full council after we have had the discussions regarding how to deal with the ABC control rules, that maybe we can – if we don't need these motions at that point, we can just not pass them. I hear what Ben is saying, and we're sort of painted into a box here, so we'll get a chance to revisit these things later on in the week if we need to.

MR. SAPP: Let me ask somebody for clarification. At this point we've got a Gulf motion that is on the board there for consideration. What are the repercussions if we vote this down, which leaves us in a situation where we've got inconsistent recommendations from the two councils? Does that mean that there will be two separate documents that go out for hearings to the two different council areas? How does that work; I don't understand?

MR. WAUGH: What we've done in the past is honored each council's views going out to public hearing. It has been very common in the past to take two different positions on an issue out to public hearing. For those items like this that are joint decisions, we need to resolve them before it goes to the secretary for formal review, but there is no problem taking out different views at the public hearing stage. We've done it before.

MR. McILWAIN: Also, I would add that, as Brian said, we, the Gulf Council, will consider whatever actions we're taking at this South Atlantic meeting this week so we can readdress that in our full committee and the full council next week. Are we ready to vote on the motion? **All those in favor of the motion say aye. The motion carries.**

MR. CARMICHAEL: I just have one comment to make about the SEDAR assessment. In setting up SEDAR, the councils did not – and it was an explicit decision to not specify that SEDAR is the only source of assessment information for the councils to avoid getting in a box where perhaps a university or some other entity were able to conduct an assessment, a state agency, so that information can come through the councils.

You could achieve the same ends with something by just saying the stock should be assessed without putting that stipulation of having it done through SEDAR, which is somewhat at what Roy was directing toward as well, that the resources the SEDAR, the intent was to bring those in for the biggest, most controversial, most challenging issues, and the opportunity is there to pursue other avenues.

MR. McILWAIN: Is there additional comment or discussion? Monica.

MS. SMIT-BRUNELLO: I guess, John, you could add a parenthetical “or other peer-reviewed process”, something like that, which would give you same kind of information that SEDAR would, but it would just be another kind of process.

DR. PONWITH: Monica can correct me if I'm wrong, but I believe it has to be a peer-reviewed process that is approved by the council because that is part of the actual revised guidelines.

MR. CARMICHAEL: Yes, I think that is correct given the revised guidelines, which could mean the council could come up with something that includes the SSC as a means of peer reviewing other types of assessments.

MR. CUPKA: That was going to be what I suggest, that we make it rather than a SEDAR assessment, a peer-reviewed assessment that has been approved by the council. I don't know, but I guess we need to make another motion to change that now that it has been approved, but certainly I think that is the intent the way it should work.

MR. McILWAIN: Would it not be in our discussion in the minutes that this was our understanding of the SEDAR process and the council's wishes to have some kind of peer-reviewed –

MR. CUPKA: Well, if the maker of the motion indicated that was his intent, then I think we would be covered.

DR. CRABTREE: I want to come back a little to what Ben said because I agree with a lot of this, Ben. I think I have a lot of the same frustrations you do right now. I'm just looking at it a little differently. We maybe have, I don't know, a dozen stocks that we get regular assessments for, something like that. I've never really counted them up.

I worry that if we're going to be in a position where we're just going to – we can't manage anything anymore unless we can get a stock assessment; because if we manage something and we don't have an assessment we're going to cut it deeply without any information to say that is necessary, I think we have allowed ourselves to just get in an absurd position. I understand all the theoretical notions about uncertainty and all that.

We've got to find some way to deal with these stocks that need to be managed, that we can't get an assessment done, and we don't have any reason to think there is a problem, and there has got to be some way for us to deal with those stocks without coming in and just making big cuts without anything to support them. I guess where I'm coming from, Ben, is the way to deal with that is through these ABC control rules, and I don't want to give up on our ability to do that yet.

MR. GEIGER: I think Monica and Dr. Crabtree made an excellent point, and we're certainly going to have the options of voting on this at full council per Dr. Chevront's suggestion. I think it would be appropriate maybe to carry forward with David's suggestion that we modify the motion with a new motion or come forward with a new motion to change it to a peer-reviewed process instead of just open SEDAR. Charlie.

MR. PHILLIPS: Could somebody tell me who else would do this and how it would be done? I know it sounds good but who would do it? Just kind of give me a general idea on how it might work.

MR. McILWAIN: I'll take a shot at it. I think like black sea bass I believe is done by the state of Florida. Correct me if I'm wrong, but it goes through all of the same processes as a SEDAR

review does. It is a good, complete review. I think that's what John was alluding to in that there is a mechanism out there for doing that.

MR. CUPKA: I share some of the same frustrations and in a way it's kind of unfortunate that we got to this point before we had what I'm sure are going to be some fairly detailed discussions when we get to snapper grouper and start looking at the ABC Control Rule. I think after we've done that we will be coming back, and maybe that's the time to look at if we want to keep something like this we can correct it at that time.

It may be by the time we go through our discussions on control rules, we will have decided to deal with it a different way. I just think it was kind of bad timing, Ben, but I agree with you that we got to this point before we had this other discussion which we really need to have.

MR. GEIGER: All right, are we ready to move along, then; framework?

MR. McILWAIN: Dr. Leard, let's move to Action 2, modify the framework procedure.

DR. LEARD: Sue Gerhard is going to go through those.

MS. GERHART: We have a framework action or a framework that's in place to take framework actions for some of the management measures to speed up the process a little bit beyond what a regular plan amendment would take. This is very much out of date in terms of terminology. It was written before the SEDAR process was even in place.

We have several alternatives to modify this framework to make it more up to date and perhaps to broaden it a little bit. The alternatives that you see just refer to the appendices that are in the document. The first one is just a modification of the current framework to update with the correct terminology to include the SEDAR process in that as well, and to include ACLs and AMs because the framework currently discusses TAC rather than ACLs, which is really going to be replacing the TAC discussion.

This framework, however, is still fairly limited in what is allowed to be covered. The actions mostly respond just to a new stock assessment, and it was felt that perhaps we could broaden our framework a little bit to include more actions that need a little more timely action to them. Appendices B through D include a new development of this framework that are variations on the same theme.

This was written by Shepherd Grimes, who is our NOAA GC for the Gulf portion of NOAA Fisheries. He worked on this with other members of the Gulf Council staff to come up with something that would be a little broader but at the same time have a very specific process involved so that there were very specific outlines of how these things would happen and at what point.

What I'd like to do is just go through the base, which is Appendix B. This is the base outline that discusses the basic framework. Then the other two are variations on that theme, one a little broader and one a little narrower in scope. There are two parts to this. There is the substance as

well as the process, the substance being which items can be done under this framework and the process being what the process, of course, is to make that take place.

Under the base there are two different processes, and these are an open and a closed process. The closed process is also in the current framework. This is pretty straightforward. It's actions that need to be taken by the regional administrator, Dr. Crabtree, that are basic things involving quota closures as well as reopening if the quota is not met when it was thought to be met. These are very specific sets of circumstances that require a very specific set of actions.

These would require no action on the part of the council, but would just be something that the regional administrator would do; so when we reach a certain percentage of the quota, maybe change the trip limits. These are things that are already in place in the plan itself. The open framework, on the other hand, are things that require more discretion and would involve the councils' input.

There are two parts in the base. There is both an expedited process as well as a more standard process. The abbreviated process would require a letter or memo from the council to the regional administrator, so it would be a little quicker. Either council in this case could initiate it depending which council's actions it would affect.

Because this is a joint plan, there are two councils involved. However, most of the management measures are separate between the two councils; so whichever council was affected would have to initiate this. If both councils were both affected, then one would initiate and the other would need to approve it.

There are several things that can be done under this abbreviated process. There are things involved with reporting and permitting; and if you look on Page – well, if you're in Appendix, there is a whole list of things, and some of these are management measures that are considered routine and insignificant.

They would be things like a size limit change that is less than 10 percent, for example. Those numbers could be changed by the council but this is just a starting point; or changing the restricted area by less than 100 nautical square miles, so there are fairly minor changes that could be done fairly quickly through a letter or a memo from the council to the regional administrator.

The more standard documentation process is what we're used to under our current framework, which is what we've referred to as a regulatory amendment, but we want to change that wording to be a framework action to be clearer. The framework action would be similar to what we're doing now with a regulatory amendment. It would still require the input of the council; the actions and alternatives and whatever was the appropriate NEPA document in that case.

The things that would go under there would be changes to ACLs and ACTs, things like rebuilding plans and, of course, any changes that were larger than the things that were under the abbreviated, so more than a 10 percent change in size limit, for example, so things that were not quite so insignificant.

In this case either council could initiate this, but it would require at least one council session of discussion and public input as well. This would be the more standard process that we take under our current framework. That is the base plan. The other two alternatives are a broader approach which allows a little more discretion so we wouldn't be limited in terms of the 10 percent, for example, with the size limit.

There would be more things underneath that as well as the council having the discretion of whether they wanted to do it by a letter or by a full framework action or amendment. Then the narrow approach would limit more so what would be included in that in terms of both the substance as well as the process. Each of these is a way of just really revising what we're already doing with our framework to make it a little more flexible and to be a little more timely in our regulations so they don't have to take quite as long as a full plan amendment does.

MR. McILWAIN: Is there any discussion? George.

MR. GEIGER: Thank you, Sue, for that and I appreciate all your work in developing these framework issues, you and Shepherd both. Would it be possible, however, to develop some form of a cheat sheet where you can have side-by-side what the alternatives are and how they change very quickly and easily for the public to look at?

MS. GERHART: We do have a table that is actually – if anyone here was on the Lobster Committee, it is in the lobster document, and I can put the same sort of thing into the mackerel, but it is a comparison of those alternatives to how what the differences are.

MR. GEIGER: I think it would help because it is very difficult to go page by page, item by item and make a comparison and have to go back and forth. I just had trouble. Thank you.

MR. McILWAIN: Good suggestion. Is there discussion on Action 2 on the part of the Gulf Council Committee? We do have to vote on it as the Gulf Council Committee. Is there a recommendation from my committee?

MR. SAPP: **I make a motion that we accept the actions as presented.**

MR. ANSON: Second.

MR. McILWAIN: Okay, is there additional discussion from the Gulf Council? **Hearing none, all those in favor say aye; all opposed. The motion carries.** George.

MR. GEIGER: South Atlantic Committee. Mac.

MR. CURRIN: **Sue, if I understand you correctly, Appendix C offers the broadest approach to framework changes for the councils? I'm all about being able to do things quicker, easier, and if that's the changes in our framework that would allow that, then, Mr. Chairman, I would be willing to make the motion that select Appendix C and the associated alternative, and I think it is 4, as our preferred.**

MR. GEIGER: Mr. Harris seconds. Any discussion? Mr. Harris.

MR. HARRIS: Just a question for Roy or Monica perhaps – I'm looking at this with respect to red snapper and to the new benchmark assessment and looking at whether this locks us into something that we may not – or locks NOAA Fisheries into something that we may not want to be locked into. Is there anything that you see here that would cause us problems with making a timely action after we get the new benchmark for red snapper? Is there anything you see here?

MS. SMIT-BRUNELLO: Well, Duane, this is for coastal migratory pelagics so you're thinking that we – I guess you're thinking we should look at this in relation what if we got a new assessment for one of these species that's in the migratory pelagics; would this lock us into something or are you thinking if we put this kind of framework into the snapper grouper plan would it lock us into something?

MR. HARRIS: Yes, that's my main concern. I know this is for coastal migratory pelagics, but I'm looking down the road, if you will, and I just want to make sure we think through this. I know we're not adopting anything right now. It is a concept that we're going to accept, perhaps, today with the motion that's on the table and then have further discussion about it down the road, but I just want everybody – and maybe I'm just asking everybody to think about this and look at it in terms of red snapper, too, and make sure that this doesn't lock us into something we don't want to be locked into.

DR. CHEUVRONT: I'm feeling pretty certain I'm certain I'm not ready to select a preferred alternative as preferred alternative here. I think what we need to do is to look more closely at the table that Sue was talking about preparing that George had suggested of the different alternatives side by side.

There is no pressure at this point to set a preferred, and, frankly, I'd like to hear from the public before I consider a preferred because what we may see as being minor changes to closure areas or size limit sorts of things, they might see it as being something really big. I would like to get more input from the public before we jump into that. I guess I was sort of thinking we were headed towards adopting the Gulf's motion and go from there and then come back later on and choose a preferred.

MR. ROBSON: I agree with that, but, of course, I also agree with Mac's general perception that we need to do things to expedite the process as much as we can as a council, but I think it is a little premature to go – I'm not comfortable with selecting this as a preferred. I do think it's a good idea to take a look at some kind of matrix or table that helps us understand these different framework possibilities.

MR. CURRIN: I didn't realize it would so controversial. I'll be happy to withdraw the motion at this point if that's okay with my seconder. If we need a motion to approve the range of alternatives for this action, I would offer that. If you don't need a motion, by consensus then I'm comfortable with the range of alternatives.

MR. GEIGER: Okay, we've got a motion to approve the range of alternatives by Mr. Currin; second by Mr. Cupka. Any discussion of that motion? I failed to mention that we did withdraw that previous motion. Any discussion of the motion on the table? **Seeing none, is there any opposition to that motion. Seeing none that motion carries.** Tom, I might suggest that we take a 15-minute break.

MR. GEIGER: If I could get the council members to come back to the table, please, we'll get started. Before we get started again, I would like to recognize the fact that we do have a large contingent of mackerel fishermen in the room, and we appreciate you guys being here today. Certainly, we encourage you to attend all subsequent meetings and stay posted and keep up with what is going on.

I'm going to make a proposed agenda change here for the benefit of the Gulf Council. I've already talked to Tom about it. We've got one final joint action to cover in coastal pelagics, and that is the action concerning cobia. The agenda says to then have Rick go into the Gulf-only actions and then Gregg was to do South Atlantic actions.

I'm proposing that right after the Gulf does the Gulf-only actions, that we move into other business and talk about the catch shares and Brian's issue. That would give the Gulf Council and the Gulf committee members then an option to stay or go off and do other more productive things because I think our discussions concerning the South Atlantic issues are going to get pretty detailed and you may not want to have to bear that. Okay, we'll move forward, Gregg, I guess you're going to lead off the discussion on cobia.

MR. WAUGH: Yes, thank you. I'm first going to use Attachment 4, which are the South Atlantic Council actions for Amendment 18. The next time you see the document these two documents, this and the Gulf draft amendment, will be blended into one. I'm picking up with the cobia discussion of PDF Page 4.

We lay out the results from the stock assessment that was done on Gulf cobia in 2001, looking at tagging studies revealing migration of fish in both directions between the northern Gulf and the Carolinas, exchange of fish from the Gulf and the Atlantic. We know we have some exchange, but previous assessments were done based on a separation line at the Miami-Dade/Monroe County Line.

We've got Table 1 that shows commercial landings and value of cobia, and this is on PDF Page 5. We also show just for the Atlantic the recreational and commercial landings of cobia by year. Just to refresh everybody's memory, for king mackerel we've got a boundary that moves back and forth. The king mackerel boundary; November 1 – March 31, is at the Flagler/Volusia Line; and then April 1 – October 31 it is down at the Monroe/Collier Line.

Spanish mackerel we currently manage based on a fixed boundary at the Miami-Dade/Monroe County Line on the east coast. We do have two separate areas on the Atlantic where we have different management, but that is a fixed boundary. Then there is still mixing with Spanish mackerel.

If we now switch to Attachment 3, which is the joint amendment, PDF Page 18, lays out Action 3, which is to establish separate Atlantic and Gulf Migratory Groups of Cobia; no action, which is our current position, is where we manage these as one group of cobia. Alternative 2 is to separate the two migratory groups at the Miami-Dade/Monroe County Line, which is where we manage Spanish mackerel. The third would be to separate the two migratory groups at the South Atlantic/Gulf boundaries.

MR. GEIGER: And as a general reminder, this is a public hearing document. We're not making any final decisions or determinations at this meeting. It is just to determine if we've got the complete range of alternatives that everybody would like to see in the document. Okay, any discussion from the South Atlantic. Brian.

DR. CHEUVRONT: I know in the discussion that it makes the comments about the – I'm sorry, I was looking at the wrong alternative.

MR. GEIGER: Any additional alternatives; anything in here that you think – Mac.

MR. CURRIN: I'm comfortable with the range that we've got here. It makes the most sense biologically. The fact that we've got an assessment that has already been done to the Dade/Monroe Line, I'm not sure why that was chosen to begin with, but obviously there is some mixing that goes on there. They seem reasonable to me.

MR. GEIGER: Okay, we've got a motion to approve the range of –

MR. WAUGH: Nobody made it yet.

MR. GEIGER: Mac made it.

MR. WAUGH: Mac did, sorry.

MR. GEIGER: Mac just made it.

MR. CURRIN: **Yes, I'll make that motion to approve the range of alternatives.**

MR. GEIGER: Motion made by Mr. Currin to approve the range of alternatives; second by Mr. Robson. David, you just sat down; I reminded everybody that this is a public hearing document and we're looking to make sure we have a complete range of alternatives, any additions or deletions. We're in the discussion process now, so any discussion of the motion? **Seeing none, is there any opposition to the motion? Seeing none, that motion carries.** Tom.

MR. McILWAIN: Okay, Gulf committee, you've seen the range of alternatives in Action 3. Is there any discussion at this point? If not, do I hear a motion?

MR. ANSON: **I make motion that we accept the alternatives in Action 3.**

MR. SAPP: Second.

MR. McILWAIN: Okay, we have a motion and a second. **Is there any objection to the motion? Hearing none, the motion is accepted.**

MR. GEIGER: Thank you, Tom. I think it was productive to have the cross-discussions even when the South Atlantic was talking and when the Gulf was voting and vice-versa during the discussion phase. I think it is important to have those types of cross-discussions when you're making those joint decisions, so I thought it was a productive meeting. Tom, I'm going to turn it over to you for discussions of the Gulf-only actions.

MR. McILWAIN: Okay, Dr. Leard, I'll enlist your help in discussing the Gulf actions only.

DR. LEARD: Okay, for Action 4; again, here we're looking at setting of ACLs for Gulf Group Cobia. As Gregg mentioned, we had a stock assessment for cobia that was done back in 2001. It showed that cobia was not undergoing overfishing and they were not overfished. There was only about a 40 percent chance of overfishing and only about a 30 percent chance of being overfished under the requisites that we had at that time.

The alternatives that we've set up here for setting an ACL for cobia – I might add that the SSC did review – at that time we didn't use SEDAR; we used the old stock assessment panel approach, but they did provide ABC recommendations, MSY recommendations, OY recommendations. The SSC reviewed those and deemed them to be based on the best available scientific information.

Based on that, we set up the alternatives for setting an ACL equal to MSY, which would be approximately 1.5 million pounds for cobia. The options underneath there is that we can set a single ACL or to set separate ACLs for the commercial and recreational sectors based on average percent of catches for the period 1999-2009; and also to set separate commercial and recreational ACLs based on current average catches for the full time series that we basically have for these coastal migratory pelagic species, which is 1986-2009.

Alternative 3 would set ACL equal to the ABC recommendation based on our current definition of OY, which is the yield corresponding to 75 percent of the catch when fishing at Fmsy when the stock is at equilibrium. Currently that estimate is about 1.45 million pounds for Gulf Group Cobia. Again, the same options prevail there for setting a single ACL or setting separate commercial and recreations ACLs.

I might go on into 2.5 there, which is Action 5, is to set an ACT. Our current plan at least as we've discussed in the IPT is that we've set these up as separate actions for an ACL and for an ACT. For the options paper, however, if the council does not feel that there is any need to set an ACT at some level below whatever they determine for an ACL, we'll simply drop these actions for ACTs and then renumber them in the document.

Again, ACT, we've got alternatives for the no action; to set ACT equal to ACL, whichever one may be chosen; for instance, the MSY level at 1.5 million pounds or Alternative 3, which would be equal to the ABC, at 1.45 million pounds; or we roughly just – I guess it was somewhat arbitrary, but we set an ACT at approximately 90 percent of that ABC of 1.45 million pounds,

which would about 1.23 million pounds if you wanted to be a little more precautionary and set at ACT below your ACL and below your ABC.

MR. McILWAIN: The first thing we need is the Gulf Committee to consider Action 4, setting an ACL for Gulf Group Cobia. Do I hear a motion?

MR. SAPP: **I make a motion that we accept the alternatives for Action 4 as presented.**

MR. McILWAIN: Do I have a second?

MR. ANSON: Second.

MR. McILWAIN: Is there any discussion? **Hearing none, all those in favor say aye; opposed. The motion carries.** That brings us to Action 5, setting the ACT; do I hear a motion?

MR. SAPP: **I make a motion that we accept the alternatives for Action 5 as presented.**

MR. ANSON: Second.

MR. McILWAIN: Is there discussion? **All those in favor of the motion say aye; opposed. The motion carries.** Dr. Leard.

DR. LEARD: Just a question; does the South Atlantic Committee need to approve these as well? Okay, Action looks at setting accountability measures for Gulf Group Cobia. The no alternative would be to just simply retain the current in-season accountability closures for cobia. Right now basically we're simply monitoring the catches and both the commercial and recreational sectors are limited to a two-fish per person per day bag and possession limit.

Alternative 2 would be to change the in-season accountability measures for commercial and there would be a sub-option there that there would be a closure of the commercial whenever the ACL or ACT, whichever is set, is reached; or a Sub-Option 2 that we're got there is a trip limit would be implemented when X percent of the stock commercial ACL or ACT is reached.

I'm not sure, but we probably need to work on that a little bit. It might not be a trip limit but probably most likely a bag limit reduction as opposed to a trip limit – and pretty much the same thing for the recreational since both the commercial and the recreational sectors are managed by the same regulations.

As for post-season accountability measures, we're looking at commercial for any overage of any quota that would be set, there would be a payback. Also, a Sub-Option 2 would be to possibly implement a reduction in bag limit or I presume that we could go with a trip limit; but again when you're looking at two fish, it is more likely to be a bag limit reduction.

For the recreational sector it would be pretty much the same thing; a payback or a reduction in the allowable catch for the following year; possibly a bag limit reduction or even having some

type of closed season. Depending on how high that overage might, then the council could opt for more than one of these particular alternatives or sub-options within the alternatives.

MR. McILWAIN: Okay, is there discussion on Action 6? Do I hear any motions?

MR. SAPP: **I make the motion that we accept the alternatives for Action 6 as presented.**

MR. ANSON: Second.

MR. McILWAIN: Okay, is there additional discussion on the motion? Is there any objection to the motion? Bonnie.

DR. PONWITH: I just wanted to raise a notion with respect to in-season management in the recreational fishery. Any in-season actions taken within the recreational fishery would have to be based on projections within that fishery, which are benchmarked at an earlier date because of the turnaround time in the recreational fishery. We would want to make sure if these were presented it was presented in that context. If for the private boats the projections might have to be based on harvest rates from the previous season because of the lag time in getting those data.

MR. McILWAIN: Okay, thank you for that explanation. Is there other discussion? **Hearing none, is there any objection to the motion? Hearing none, the motion carries.** That brings us to Action 7, which is setting ACLs for king mackerel. Dr. Leard.

DR. LEARD: Okay, for king mackerel, of course, we've got a new assessment with SEDAR 16. The ACL alternatives that we're setting up here are again based on that stock assessment. Of course, the status quo, the current TAC, which would be the ACL, is 10.2 million pounds. Alternative 2 is based on Table 3 where it has for the Gulf of Mexico, there are three runs there. One is called the projections' final model.

That assumes a 50/50 mix of Atlantic and Gulf Group in the mixing zone. There are projections adjusted for a Dade/Monroe management unit and projections adjusted for a boundary at the council jurisdictional boundary and projections under the status quo, which assumes a hundred percent as Gulf of Mexico stock in the EEZ.

Our SSC recommended that we go with the deterministic run based on the 50/50 mixing, which are the projections' final model, and they recommended an ABC at the F 85 percent of 30 percent SPR. For 2011, if you scroll down there, then the ABC would be 13.215 million pounds. The alternative there is to set ACL equal to ABC, which is 13.215 million pounds for Gulf Group King Mackerel.

Again, we have those same alternatives to set single ACL or to set separate commercial and recreational ACLs based on the current allocations, which is 68 percent recreational and 32 percent commercial. Option C for the commercial sector set a separate ACL for the hook and line and for the run-around gill net fisheries. Alternative 3 there would be to set an ACL somewhat less, 90 percent of the ABC level, which would be about 11.894 million pounds for Gulf Group King Mackerel.

Then, once again, if the council elects to set an ACT below the ACL, Action 8, the alternatives would be no action and then to set ACT equal to the current TAC of 10.2 million pounds; to set the ACT equal to ACL, which would be for the ABC at 13.215 million pounds; and again the same set of options for a single ACT or separate ACTs for the commercial and recreational sectors or to set an ACT at 90 percent of the ABC, which would be 11.894 millions pounds.

I presume that you could even have an ACT at somewhat less than the ACL alternative of 11.894 million pounds, but we didn't include an alternative for that. You could do it, but it would be again somewhat arbitrary to possibly go 90 percent of the 11.894 million pounds and have that as an Alternative 5 if you wanted to go that route.

MR. McILWAIN: Okay, Action 7, is there discussion?

MR. SAPP: Rick, thanks for the presentation. Alternative 3, set ACL at 90 percent of ABC, I understand the reasoning for that is just to apply some management uncertainty that we might have when we're setting the ACL. What is the justification for 10 percent; is that a standard amount to use of is it based on something else?

MR. LEARD: Well, there was nothing really standard about it, but we know that for about the last 7 years or so our catch levels have been between about 6.5 and around 7 million pounds. We've been leaving a lot of fish in the water, so to speak, and the stock is perfectly healthy. We don't have any problems with it. I guess it was kind of a relative thing. We didn't see the need in developing these alternatives to be much more conservative than that. But, again, there was no magic that went into picking 90 percent versus 85 percent versus 75 percent or whatever.

MR. SAPP: I guess that leads me to the real question I had. I agree with you that when we're taking this increase, that the SSC has taken into consideration all the scientific uncertainty, and I feel real comfortable with the 13.215 million pounds; but when we set an alternative that allows for a 10 percent reduction of that, does that limit the council when we take final action to not have the ability to go with 5 percent or 15 percent if we feel like it's more appropriate based on what our management uncertainty is?

DR. LEARD: Well, that might be a question for Monica, but I understand once we get the document together, if we go to public hearing and we go with a 90 percent and we've also got an alternative to set ACL equal to ABC, which would be the 13, then you're being less restrictive than what you have gone out to public hearing with, so, therefore, yes, you could go with a 95 percent if you wanted to.

MS. SMIT-BRUNELLO: And I agree with that.

MR. McILWAIN: Any other questions or discussion? Do I hear a motion?

MR. ANSON: **I'll make a motion that we accept the three alternations in Action 7.**

MR. SAPP: Second.

MR. McILWAIN: Okay, any other discussion? **Hearing none, is there any objection to the motion? Hearing none, the motion carries.** That moves us to Action 8, which is setting the ACT for Gulf Migratory King Mackerel. Do I hear any discussion or a motion?

MR. ANSON: **I'll make a motion that we accept the alternatives in Action 8.**

MR. SAPP: Second.

MR. McILWAIN: Okay, we have a motion and a second to accept the proposed alternatives under Action 8. Is there any additional discussion? **Hearing none, is there any objection to the motion? Hearing none, the motion carries.** Dr. Leard, Action 9, set AMs for Gulf Migratory King Mackerel.

DR. LEARD: For the accountability measures, we looked at alternatives being the status quo, which basically for the commercial sector, anyway, we retain the current in-season accountability measures for Gulf Group King Mackerel. Again, with the commercial sector we've always had quota closures by zone or by subzone; or in the case of the gill net fishery it is based on gear. We also have trip limits and trip limit triggers such as in the eastern zone where we have a 1,250 pound trip limit on the commercial sector it drops to 500 pounds once 75 percent of the allocation is taken, so we would leave that in there.

Then also the recreational sector is governed by a two-fish limit including the captain and crew, but under the current framework the regional administrator is authorized to revert that bag limit to zero if it is projected that they're going to exceed their allocation. In-season accountability measures for the commercial sector, we would do simply basically what we're doing now and that's close the area whenever the ACL is anticipated to be reached.

We could also add measures that would reduce trip limits that we currently have in place by some percentage when the stock is expected to reach its ACL. For the recreational sector we could close whenever that stock is projected to be reached; and again as Dr. Ponwith mentioned that would probably have to be projected based on the previous year's effort; or, we could invoke, as we do now, a bag limit reduction to one fish or even zero fish once some percentage of the allocation of ACL is expected to be reached.

Alternative 4 would be to set post-season accountability measures for the commercial sector being a payback of the overage and possibly a reduction in the trip limit for the following year; and for the recreational sector also payback of the overage in the following year or perhaps a reduction in the bag limit, depending on the severity of the overage; and possibly setting a shortened season in the following year. Again, the council could choose of these alternatives.

MR. McILWAIN: Okay, you've heard the range of alternatives. Actually, I think, Rick, that was Alternative 3, the last one you discussed, set post-season AMs.

DR. LEARD: I'm sorry, yes.

MR. McILWAIN: That's all right; it's just for the record. Is there any discussion? Dr. Crabtree.

DR. CRABTREE: Rick, the part of the fishery that I really think we need to put a payback in place is the king mackerel run-around gill net fishery. Is there anything here that would specifically allow us to do a payback there but not necessarily elsewhere? They've had a history of some big overruns some years.

DR. LEARD: Well, I think in the discussion we could probably – I mean this is really rough right now, but we could probably expand on that Alternative 3, Sub-Option 1 for a payback of the overage of the quota because the gill net fishery does have their own separate quota or sub-quota, whatever you want to call it, so we can expand upon that to make that definitely –

DR. CRABTREE: Yes, I would like to see it where that could be a particular subalternative we could choose or something like that.

DR. LEARD: Okay, we can do that.

MR. McILWAIN: Okay, are there any other questions or discussion? Do I hear a motion relative to Action 9?

MR. ANSON: **I'll make a motion that we accept the alternatives listed in Action 9.**

MR. SAPP: Second.

DR. McILWAIN: Would that be the idea that we would modify potentially Alternative 3 with some subset of options in Sub-Option i?

MR. ANSON: Relative to run-around gill net fishery, correct.

DR. McILWAIN: Okay, is there other discussion? **Hearing none, is there any objection to the motion? Hearing none, the motion carries.** Dr. Leard, Action 10.

MR. WAUGH: Mr. Chairman, did we deal with Action 8?

DR. McILWAIN: Yes.

DR. LEARD: Okay, Action 10, we looking at setting ACLs for Gulf Migratory Group Spanish Mackerel. We haven't had a stock assessment for Gulf Group Spanish since I believe it was 2003, and I think the last one that our SSC actually reviewed and was 2001-2002. Gulf Group Spanish Mackerel have not been targeted very much at all for a number of years, at least going back to about 1994.

The stock assessment showed that for Spanish mackerel there was probably less than a 9 percent chance that the stock was undergoing overfishing and less than a 3 percent chance that it was overfished. The ABC range, the midpoint of that was around 9 million pounds. I may have to play with some of these numbers a little bit because – and you'll see maybe some inconsistencies that the IPT is going to have to go back and actually look at.

For ACLs the alternatives would be the status quo, which is the current 9.1 million pounds, or to set the ACL equal to essentially the MSY proxy of F 30 percent SPR, which was estimated in 2003 at 9 million pounds; or, we can set the ACL equal to ABC, which is equal to a corresponding fishing mortality rate at the Foy level which is currently defined as 75 percent of the Fmsy, which would be 8.3 million pounds with the options, again, to set a single ACL or to set separate commercial and recreational ACLs based on the current allocation of 57 percent commercial and 43 percent recreational; or, an Option C to set separate commercial and recreational ACLs based on recent landings.

Recent landings probably over the last ten years at least are about two-thirds recreational and about one-third commercial. It is about 60/40 or 60-something and 30-something, somewhere in that range.

For Action 11, which would be set an ACT for Gulf Migratory Group Spanish Mackerel; the alternative there would be no action, don't set one, or set the ACT equal to the current total allowable catch, which is 9.1 million pounds, or to set ACT equal to MSY which is the F 30 percent SPR, which would be – this says 8.7 million pounds. I really need to reconcile that to see if it's 8.7 or if it's 9 – again with the same options of setting a single a single ACL or setting a single ACT or setting separate commercial and recreational ACTs or to set the ACT equal to ABC which is equal to ACL at the yield corresponding to the Foy, which is 75 percent when the stock is at equilibrium, which is 8.3 million pounds; or, Alternative 5, again to set ACT equal to about 90 percent of the yield corresponding to Foy, which would be about 7.47 million pounds.

MR. McILWAIN: Okay, going back to Action 10, which sets the ACL; do I have any motions from the Gulf Group?

MR. ANSON: **I make a motion that we accept the alternatives listed for Action 10.**

MR. SAPP: Second.

MR. McILWAIN: Okay, we have a motion and a second. Is there additional discussion relative to setting ACLs for Gulf Migratory Group Spanish Mackerel? **Hearing none, is there any objection to the motion? Hearing none, the motion passed.** That brings us to Action 11, setting an ACT for Gulf Migratory Group Spanish Mackerel. Do I hear a motion?

MR. SAPP: **I make a motion we accept the alternatives for Action 11 as presented.**

MR. ANSON: Second.

MR. McILWAIN: Is there any other discussion relative to Action 11 to set ACT for Gulf Migratory Group Spanish Mackerel? **Do I hear any objection to the motion? Hearing none, the motion carries.** That brings us to Action 12.

DR. LEARD: Mr. Chairman, maybe to revisit king mackerel ACTs under Action 8, for Spanish we just had an Alternative 5 that would again set an ACT at 90 percent of the ACL, which was basically 90 percent of the other. I would just like to ask the committee if you would like to add

a similar alternative in with king as with that which would then give you a series of alternatives that drops your potential, let's say, ACLs from one equal to ABC to something less than ABC and something less than that at an ACT level, so you essentially have the four criteria that are set up in the National Standard 1 Guidelines for catch level to MSY – in other words, ABC equal to MSY, ACL equal to ABC, ACT equal to that, or something less than that.

MR. McILWAIN: What is the desire of the committee?

MR. SAPP: In light of the fact that we're talking about an annual catch limit that is 50 percent over what we've caught in any of the previous years that we're looking at here, just for the sake of public discussion, I would like to see included that 10 percent factor applied to the ABC so that we have some discussion from the public about whether it's appropriate to reduce that ACL over what we're talking about doing. I don't know how you handle setting an ACL for something that we've never come close to catching in historical times. I'm not sure of the appropriate way to handle that, but I would like to hear some public testimony.

MR. McILWAIN: Okay, this would be a modification to the previous motion for Action 8 to add that 90 percent.

DR. LEARD: Yes, to add a 10 percent reduction from that 11.894 million pound level.

MR. McILWAIN: Okay, is that your motion?

MR. SAPP: I haven't made a motion. I was actually discussing Spanish mackerel and not king mackerel. I was back to Action 11 or 12 on not 8.

MR. McILWAIN: I think the point that Dr. Leard was making if we do that for Spanish, maybe we ought to do it for king as well; is that right, Rick?

DR. LEARD: Yes, just so we have basically the same range of alternatives and the same logical steps that we're doing for king and for Spanish; because right now with Spanish we've got five alternatives. With this we've only got four.

MR. ANSON: **I make a motion that we add an alternative to Action 8 that matches what is listed for Spanish mackerel in regards to that particular Alternative 5 in Action 11.**

MR. SAPP: Second.

MR. McILWAIN: Okay, is there additional discussion on the motion? Okay, the motion is to add an alternative to Action 8 that matches what is listed for Spanish mackerel in Action 11. Basically, that is to add an Alternative 5 that would set the ACT at 90 percent yield corresponding to a fishing mortality rate. Okay, is there any other discussion? **Is there any objection to the motion? The motion carries.** Dr. Leard.

DR. LEARD: Okay, for Action 12, the accountability measures for Gulf Migratory Group Spanish Mackerel, Alternative 1 would be status quo, retain the current in-season accountability

measures with options there for obviously the commercial quota closure and for the recreational bag limit currently set at 15 per person per day.

Alternative 2 would be to change in-season accountability measures for the commercial sector with sub-options for a closure whenever the ACL is projected to be reached and also perhaps implementing a trip limit of some percent of when the ACL is projected to be reached; and for the recreational sector a closure whenever the allocation is anticipated to be reached, again possibly based on projections from the previous year or effort from the previous year or a reduction in the bag limit.

Alternative 3 would be set post-season accountability measures for the commercial sector, including a payback of overages or the implementation of a trip limit the following year. Currently there is no trip limit. For the recreational sector also a payback of the overage and reduction in the bag limit, again depending on the severity of the overage, and potentially a shortened season. Once again, the council may choose a combination of preferred alternatives.

MR. McILWAIN: Okay, what is the committee's desire?

MR. ANSON: **I make a motion to accept the alternatives listed in Action 12.**

MR. SAPP: Second.

MR. McILWAIN: I've got a motion and a second. Is there discussion? **Hearing no discussion, is there any objection to the motion? Hearing none, the motion carries.** Dr. Leard, Action 13.

DR. LEARD: Mr. Chairman, that concludes the Gulf actions for ACLs.;

MR. McILWAIN: Okay, Dr. Leard, I'll turn it back over Mr. Geiger.

MR. GEIGER: Thank you, Mr. Chairman, and this is where we'll deviate from our agenda just a bit and get into the discussion of what I'm sure a lot of people in the audience are here to hear about, and that is the potential catch share program that is contemplated by the Gulf of Mexico Council. I guess we're open to hearing what you guys have discussed and where you are in the process, if there is a process.

MR. SAPP: Mr. Chairman, I just have a clarification. Is it your intention to have a discussion with both of the councils on the subject with the idea that we're not going to be making any motions or affect anything that is going out to the public?

MR. GEIGER: It is my intention just to have an open exchange of information for us to understand where you are in the process. Certainly, for the fishing public, after the word got out that the Gulf Council – I mean, a lot of things were said that went beyond what I know you guys were doing. It is important because there was a lot of concern expressed by the fishermen on the Atlantic side. A lot of those folks are here today and I think they'd like to hear that discussion and where we are in this process.

MR. McILWAIN: Having said that, I'll turn it over to Dr. Leard to kind of give an overview of where we are and what we've doing.

DR. LEARD: What we've done so far is the Gulf Council has requested that we proceed with a catch share or LAP Program for king mackerel. What we have done is we have formed an Ad Hoc LAP AP for king mackerel. I believe at the last South Atlantic meeting and then our last Gulf meeting we agreed that the South Atlantic Council would provide us with the names of two members to be on that LAP AP and one alternate, which we hope you'll do at this meeting so we can take that up next week and get those people on board.

Where we are in terms of looking at the development of this is we're proceeding with Amendment 18. We want to get Amendment 18, get the ACLs, get that amendment fully up and running with most of the analyses complete hopefully by the end of the summer. After that we plan to convene that AP to begin looking at how that program might work, some of the inherent problems that we're going to be facing with it as well as perhaps whatever advantages and have them put together something.

I don't anticipate that meeting occurring until at least late July, maybe even into August or September because that's when we pretty much expect to have a draft of Amendment 18 up and running. Then depending on what comes out of that, then the councils can decide how they're going to proceed. As I mentioned, there are some problems because, number one, for the Gulf we will have to hold a referendum before a catch share program can be approved.

With the South Atlantic Council I'm not sure how Legal is going to determine this because we've got a joint plan, and I really don't see how we can proceed with a joint catch share program because we have only one permit – how we can proceed with a program unless both councils are in agreement.

If the Gulf has to do a referendum and the South Atlantic Council doesn't, there are some people that fish obviously on both sides, which brings to mind another problem with that, and that is how are we going to allocate initial shares, and that goes to other problems that we've got in that management has controlled catch in different ways in different zones in both the Gulf and in the Atlantic.

Not to go really into all those particular problems and issues at this particular time, but our timeframe is to convene that AP, get some thoughts from them, come back to the councils probably at the end of next year, maybe October for us, maybe December for the South Atlantic Council and see where we go from there in terms of moving forward.

One of the things that I think that we really to do kind of at the same time as we're moving forward with convening that AP is to try to get in some fashion a sense from the fishermen as to whether or not this is a program that they want. Obviously if it looks like a referendum would fail in the Gulf and if a referendum had to also be held in the South Atlantic Council in the South Atlantic in order to be approved, then we don't want to go through a lot of work to develop an FMP and then have it voted down.

I think we need to probably get our public relations people and whatnot working to try to get some sense from the fishing permittees and whatnot as to whether this is a program that they would want to consider. I think that is where we are; first of all, to try to get that information, then convene the AP and see what their recommendations are and then come back to the councils for any further direction to staff to move forward.

MR. GEIGER: Thank you, Rick. Any questions or comments?

MR. SAPP: My understanding of what we did within the Gulf Council is just a little bit different than what I heard from Rick's characterization of it. What my understanding was is that we had discussions that maybe a LAP Program would be appropriate in that fishery, let's begin to explore that idea, but it was never with the understanding that we were going to move forward with it.

It was always let's gather the information, let's get input from the industry; and if there is a level of interest within that LAP Committee, they could provide to us some guidance as to what shape that catch share system would take, but there has never been, at least to my understanding, a commitment on the part of our council to move forward with a program like that. I don't think we're as far along in the process as what a lot of people perceive in the public. There is no mandate from the Gulf Council that there will be a kingfish catch share program, I can assure you.

MR. GEIGER: Any questions from the South Atlantic Committee? Mark.

MR. ROBSON: The formation of the ad hoc AP, is it the first intent of that to get that kind of input from the fishermen; that is the first order of business before you even talk about what kind of framework of a catch share plan? You mentioned definitely wanting to get a sense of the fishermen about how much support there would be for that. Isn't that the primary purpose of having that AP?

MR. McILWAIN: I believe that is the primary purpose, to see what kind of interest there is and then we'd move forward based on that.

MR. GEIGER: Ben, have we identified the potential ad hoc AP members?

MR. HARTIG: Yes, I believe Kim has two. We don't have an alternate yet or we do? We do have an alternate, also?

MS. IVERSON: We have two applicants and I need the contact information for a third alternate, but the applicants have been sent application forms to complete so we can do the background checks and things that are necessary.

MR. HARTIG: And also to that point, we may have some other people in the audience today, so we'll see.

MR. TEEHAN: My duties as the liaison from the Gulf Council, I was the chairman of the Coastal Pelagics Committee when this whole LAP AP came up. The original intent, I think as Mr. Sapp has indicated, was that the group that voted to move this thing forward was not necessarily congealed into moving toward a LAP Program either.

They just felt that given all of the potential effort shifting that was going to occur in the Gulf due to other fisheries' closures, that they wanted to start the process of looking into an LAPP Program – we were calling it limited entry back then – in order to get the process moving, knowing that it would probably take the Gulf Council upwards of two years or so to get something moving to the point where it had some sustenance to it.

I think I kind of agree, I don't think the Gulf Council, as least in my mind – and I seem to hearing the same thing from Mr. Sapp – that we have not, as a council, said this is what we will do. I think there are people on the Gulf Council who might not agree with the Mackerel LAPP right now, and I think there are people within the industry in the Gulf of Mexico that are probably on the pro and con side of it. The intent of this ad hoc committee was just to start the process and flesh out things and throw things out there to look at. I don't know if there is really a need for a certain amount of panic at this point.

MR. CURRIN: Just a comment and a concern, I guess, or a number of concerns, and that is because of the joint plan we're intimately tied in this, and one council moving forward is going to drag the other one with it and vice versa. I think the South Atlantic Council, since this is a Gulf initiative at least at this point, is going to have to be very careful about keeping our fishermen involved. I'm delighted we've got some representation on this ad hoc AP. My concern is that it may not be enough. We're going to have to be very careful with informing our fishermen in the Atlantic about the progress and problems and the workings of that group.

MR. TEEHAN: Mac, I understand what you're saying, and we angst it over the representation of the South Atlantic Council and had some discussion. I don't know, I may be speaking my own mind and maybe Ed or Kevin can weigh in or Dr. McIlwain, but I think there might be room, if we all decide that we need more than two South Atlantic folks on there, to work some sort of deal out in that committee makeup. It may be that not all three of them or four of them could be voting members, but I think something could be eased out. I know David was there.

DR. CHEUVRONT: That was part of the point that I wanted to address because I think when we were initially looking at this and appointing two people it was thought that this was going to be affecting the Gulf stock, and the issue is that we have the Atlantic stock as well, which is heavily fished on by North Carolina.

I think the only applicants that we have now are from Florida, and I think what we need to do is be very careful to the idea that we may need to expand this if it is going to be considered throughout the entire range of Gulf and South Atlantic king mackerel because we certainly need to keep all the fishermen in all the states involved and let them have a chance to be a part of this process.

MR. CUPKA: I was just going to say when I attended the Gulf Council meeting as liaison, there was discussion about the makeup of the AP. I think it was Bob Gill or somebody at the time indicated that even though we were just going to appoint two, that they were open to having more members and increased representation if they thought it was necessary. I thought I had passed this on to staff that the Gulf Council did indicate a willingness to expand that if it was necessary or appropriate. I don't think we're locked into just having two representatives if they decide to go ahead with this.

MR. GEIGER: I appreciate that concern on the part of the Gulf Council. When we named two with an alternate, it was just trying to get the camel's nose under the tent and work our way in from there.

MR. SAPP: One of the approaches for how we can deal with this is to ultimately come up with a LAP Advisory Panel that is fair and equitable and is represented by all the fishermen on both of the coasts. My fear in doing it that way is when you make those appointments you're almost going to know what the recommendation is going to be coming out of that LAP because this issue has so much alienated people.

I've been over here and heard testimony at your council and we've certainly heard it over on the other side. While there are some industry people that are strongly in favor of a catch share system within the king mackerel commercial fishery, there is an equal number of people that are equally opposed to it. Maybe as an alternative – since this thing is so controversial, obviously we don't want to include it as part of the amendment that we're pursuing right now.

Our plates are full with all these accountability measures and annual catch limits. Maybe the more appropriate way to do it is if the industry, among themselves, decide that they want to pursue some kind of a catch share system, let them bring it to us as a recommendation, and at that point we can pursue it; just to throw that out as an alternative.

MR. McILWAIN: Is there other discussion? I think that pretty much summarizes where we are at this point in time. To reiterate, I think there is a willingness on the part of the Gulf to make this inclusive if and when we move in that direction.

MR. GEIGER: This is a dangerous thing, but is there anybody in the public who has heard anything here that they want to comment and say something about? This has been opened, and you guys are here. Just briefly; we don't want any postulating or anything on what we're going to do. I just want to make sure we cover a question that you might have that wasn't discussed.

MR. BOWEN: First off, you're going to have to tell me what "postulating" means.

MR. GEIGER: Pontificating, don't go on and on, just give us a question specific to what discussed here.

MR. BOWEN: My name is Mason Bowen. My family is historically king mackerel fishermen, predominantly from the east coast of Florida.

MR. GEIGER: We don't want all that background history. If there is a specific question that we didn't discuss like how strong is the South Atlantic Council pros to moving towards a catch share or are they not, or is the Gulf Council or are they not. Is there anything you heard here that alarms you?

MR. BOWEN: Let me gather my thoughts here in what was said. I know that in our area – let me address this. It has been said that we need to discuss a LAP or an IFQ or a catch share system. You guys don't seem to understand for months I've been debating this. I mean, this is nothing new as far as the debate. I've talked to Dave Crebbs; I'll talk to anybody about it. I have the history and I have the knowledge to do that. Here is the situation. In our area the majority of the fishermen do not want a catch share situation. That's just the way it is.

MR. GEIGER: Okay, and we know that, but you've heard us discuss that we're not going to move forward without a recommendation from the industry. Is there any concern on your part that we haven't openly discussed and you understand how we're going to move forward in this process?

MR. BOWEN: Do I have a concern with it; no.

MR. GEIGER: Okay, thank you. I'll take one more because this was not a good idea. You understand, Jim, what the ground rules are.

MR. BUSSE: My name is James D. Busse, president and owner of Seafood Atlantic, Cape Canaveral. The question was what do the fishermen feel about catch shares and proceeding forward with implementing catch shares or discussing catch shares in the ad hoc group.

MR. GEIGER: No, the question was did you hear anything that alarmed you in regard to us moving forward with –

MR. BUSSE: Actually, I was very impressed.

MR. GEIGER: Okay, and that's really what we wanted. If you have no concerns about the openness of this discussion, that's all we need. I want somebody to tell me if they have a concern that we're moving ahead in the face of –

MR. BUSSE: Understood, George. Tonight I will give my testimony. I have a public record I'm going to give to the council. I have signatures, opposition letters, resolutions. I have a whole box of goodies that is going to be submitted as public comment and public record.

MR. GEIGER: Great, thank you. I apologize to my fellow council members for doing this, but we've got a lot of people here, this is a hot topic and I just felt like I wanted to give them an opportunity if there was anything that was pressing. Okay, we have one final item under other business and that was Dr. Chevront.

DR. CHEVRONT: One of the things that we're concerned about in North Carolina in the Atlantic stock on king mackerel came about as the reported landings' quota that we've gotten.

Even the notice that came out today that we were all e-mailed shows that 711,606 pounds of Atlantic Group King Mackerel, they show as being landed through May 15th; actually that has been counted through May 15th because the counting ended actually on April 15th for that same amount so we don't have an update since April 15th.

In the first six week of the season 19.2 percent of the quota was taken by April 15th. The concern now is that since this is landings through April 15th and now with the problems with oil in the Gulf, that some of the Gulf fishermen are coming around and fishing, as they have the right to do, on the Atlantic stock.

The concern that have in North Carolina is that this fishery occurs much later in the year there than it does here further south. Our concern is that potentially this quota could be taken up prior to the fishery even reaching North Carolina. I wanted to bring this as a concern and also take another opportunity to plug this is why we need state-by-state quotas.

If we had them, this would not be an issue; that North Carolina would be guaranteed a share of the fish. Since we don't have some kind of system in place that will allow us to be guaranteed to fish on the stock, that we run the risk of being shut out of the fishery off of North Carolina this year. I wanted to bring this to the attention of the councils, and I think we need to figure out is there something that we can do about this, is there some way that we can address this of what needs to be done.

MR. GEIGER: Well, certainly, we're not going to be able to tackle it in Amendment 18.

DR. CHEUVRONT: I was thinking more in terms of emergency action or something like that, if that is appropriate or not.

MR. STEELE: Mr. Chairman, I just got some updates from the science center. As of today the quota monitoring system indicates that 984,512 pounds have been landed or about 27 percent of the quota. I can break that down by state if you need it.

DR. CHEUVRONT: Let me follow up with Phil; what date is that for the landings?

MR. STEELE: That is as of today in the QMS system.

DR. CHEUVRONT: Okay, so that is what has been reported as of today?

MR. STEELE: That is correct.

MR. McILWAIN: What was that percentage again?

MR. STEELE: 27 percent.

MR. CURRIN: Phil, if you've got it at hand, I'd be curious as to how that plays out among the states or you can get it to me later. It's not a big deal; I'm just curious.

MR. STEELE: I've got it; I can get it to you.

MR. HARRIS: Phil, how does stand up with normal years? Has this dramatically increased over a normal year; and if so, how much? Brian is say yes; just how much of an increase, and Brian may have the answer to that.

DR. CHEUVRONT: Actually I think in previous years, usually by the middle of May, we don't have more than maybe 4 or 5 percent at most of the quota taken, and that is what raised the concern among the North Carolina fishermen that they saw such a huge percentage of the quota was taken so early.

MR. STEELE: Before I answer, let me check that out just to make sure where we were this time last year.

MR. PHILLIPS: Well, there are a lot of snapper grouper guys, the vermilion guys that took a lot of those kings. It didn't come from Gulf fishermen; it was local guys who have shifted effort already.

MR. STEELE: Dr. Branstetter I think has got some more information for us.

DR. BRANSTETTER: Actually, I'm stealing from Sue, but I asked her to look this up when this was requested the other day about North Carolina. Normally by May 15th for the last two years North Carolina has landed about a hundred thousand pounds of fish. This year they've landed 8,000 pounds. It sounds like the North Carolina guys are down in Canaveral, but so are a lot of other people, apparently.

MR. GEIGER: Brian, we didn't capture an action of any type of item for the staff to work on. Do we want to capture something for the – Ben.

MR. HARTIG: Well, I need to comment. I sent a letter out to the council or to Bob and Gregg – I can't remember who got it, but talking about the first week or ten days of April we had Gulf fish stay longer due to the weather conditions, the seriousness of the winter. There was a lot more production, and I had alerted North Carolina that they may have a problem this year with the catches. These are high.

At full council we need to Phil to give us some more information so we can discuss this further and see where the percentages really are over not just one year but several years based on that. We will have a higher production in April, but the May run has not materialized to the degree that it has in the last four or five years, so the production is off in May, so that will offset some of that.

The good thing about what we got see – and I think the Gulf Council would like to hear this, also – we got to experience Gulf fish in that Jupiter area for the first time in a long time because of the winter. We actually had Gulf fish come around. Basically, that's the most fish I've seen since the late sixties and early seventies. We're back to almost historic numbers of fish at least that came around this time.

That points to what the stock assessment said based on their fishery-independent indices. There were a couple of them where they showed a lot of real small fish in that one year. I mean it was one of the biggest spikes they're ever had in recruitment. That has translated into the Gulf stock based on what we saw.

I wanted to let you guys know that we've seen this translation, and the stock assessment people said, yes, you may have a really big year class, but we're not quite sure how big so be careful about where you go with your quotas, but it's translating – because these fish are about this size and age they would be from that year class.

That's really impressive to see that fishery-independent data translate into real fish into the stock. That's the good thing I wanted to pass on to you guys. But to get back to this issue, I think we need more data to look at for Brian's sake at full council, and we'll discuss it further then and what possibly we could about it.

MR. GEIGER: Phil, have you heard this request for additional data to be able to discuss at full council? Is that possible and feasible?

MR. STEELE: Yes, sir, we can do it.

MR. GEIGER: All right, any other items under other business? Roy.

DR. CRABTREE: This is a Gulf issue but since we're doing a joint committee meeting I wanted to go ahead and bring this up. I guess we'll talk about it more next week at the Gulf Council. We've had fishermen express concerns that due to the closed areas related to the oil spill in the Gulf, they're not going to be able to fish on the king mackerel quota in certain areas, and so they've asked us to look if there was way to adjust the quotas in order to account for that. I would like Steve to provide us some context and background on this.

DR. BRANSTETTER: Historically in the Western Gulf the fishery is not just local Louisiana fishermen. There is also a lot of fishermen that come from the west coast of Florida, the east coast of Florida and they'll come over to the mouth of the Mississippi down around Plaquemine's Parish and fish on the Western Gulf Zone's quota, which is about 1.1 million pounds.

Ninety percent of those landings come into Plaquemine's Parish, which is Empire, Venus, that area. Obviously, that is dead center in what is going to be continued to be closed for some time. This is going to either force fishermen to go west or it is going to force fishermen to go east. If they go east into the Panhandle, the quota in the northeast Gulf is only 168,000 pounds.

I mean these guys in the room right here can catch that in a week or less. What we're looking at doing is suspending that zonation this year and just take that entire quota – it would be about a 1.2 million pound quota – and allow it to be fished on either the northern zone or in the western zone. It's two groups of fish actually.

We have a Western Gulf Group that comes up from Campeche towards the mouth of the river, and there is another group of fish that come up from the Keys, and they all converge right there around the mouth of the river. Now, we don't expect them to even show up there this year because they're not going to go swimming into that oil. Hopefully, if the fish pile up off Panama City or somewhere like that, then at least we'll be able to have a quota that they can harvest off of.

DR. CRABTREE: And I just bring up, Tom, because I think this is something the council ought to talk about next week, and to address it we would need to request I guess an emergency rule to allow us to collapse the quota. I think we wouldn't need South Atlantic Council concurrence or anything, I don't think, because it is just Gulf Group.

MS. SMIT-BRUNELLO: That's right.

MR. GEIGER: Okay, one last item of joint business. Ben.

MR. HARTIG: Just a short comment; I would like just to thank the National Marine Fisheries Service for looking at an innovative way to try and solve that problem in the Gulf with at least one species. As a fisherman over here, I certainly appreciate it.

MR. GEIGER: Thank you, Ben. One final piece of business here, I guess it would be prudent to go over our timing and public hearing locations as a final review.

MR. WAUGH: We just wanted to get some guidance from you on timing and public hearings. This is in the overview for the Mackerel Committee Meeting, on Page 3 of that. Right now our timing is to approve for public hearings, the South Atlantic Council at the September meeting; Gulf at their October meeting; to conduct public hearings in November and probably hold the last one in conjunction with our December council meeting; look at public comments, us at the December meeting; Gulf at the February 2011 meeting.

Then approve final review and submittal to the secretary at our March meeting and our April meeting. We do have some slack in there that it could go to our June meetings and still give the National Marine Fisheries Service six months to implement it if we're trying to get this implemented in 2011.

We just wanted some guidance from you on whether we should still try to shoot for this approving for public hearing in September/October and then where are we looking at holding public hearings. The South Atlantic Council did scoping in Charleston, South Carolina; New Bern, North Carolina; Key Largo, Florida; Cape Canaveral, Florida; and Pooler, Georgia.

The Gulf Council did scoping in Key West, Marathon, Grand Isle, Louisiana; Biloxi, Mississippi; Corpus Christie; Madeira Beach, Orange Beach and Panama City. Should we look at sort of these same hearings, and you can think about this and give us more guidance at full council for us here and full council next week, but perhaps some guidance on what sort of timing should we aim for?

MR. HARTIG: Question, Gregg; I know we had mentioned the AP is going to get a shot at this; when are you proposing they get their shot at it?

MR. WAUGH: Well, that's something the committee and/or council should talk about and give us some guidance on whether they want them to look at this before we have it ready to go to public hearing or during the public hearing process or should we bring them here in conjunction with our December meeting, so we would be looking for that guidance from the committee and council.

MR. GEIGER: All right, any other comments? We're going to take public comment tonight, Dan. Bill.

MR. TEEHAN: I'm not on this council, but I had a question I guess of procedure and the timeline and the discussion we had earlier about the LAPP and potentials for Gulf-Atlantic joint whatever – Gregg, in your opinion, if that grew legs and it became a joint South Atlantic/Gulf single LAPP Program and it would require the associated development period for that; would that then separate itself from the timeline that you have here, because I don't see any progress being made anytime soon for the LAPP, so that would be a separate thing?

MR. WAUGH: Yes, that would be separate amendment. Right now our discussion between the two council staff and NMFS does not have anything to do with LAPP in this amendment and this timeline. It would have to be outside of this.

MR. HARRIS: I would prefer that we have our advisory panels meet prior to the public hearings. I think that is a better way to do it and then we've got that input from the AP prior to going to public hearing. I don't know if we can fit it in; it is a tight schedule, but if we need to back this up one meeting, as you said, Gregg, it looks like we probably have that flexibility, but I would just like to bring the AP in before the public hearings.

MR. GEIGER: A less complicated one for Dr. Crabtree; where there is a will, there is a way. Okay, no other comments for the joint committees; again, thank you, Gulf Council – I'm sorry, Monica.

MS. SMIT-BRUNELLO: I did want to compliment Attorney Leard on the way he laid out a number of the legal scenarios and the problems, the options, whatever. I thought he did a very good job.

MR. McILWAIN: Mr. Chairman, I would just comment that we would support having our AP look at this thing before it goes to public hearing as well.

MR. GEIGER: Okay, great! All right, what we're going to do is we're going to break for lunch now and we going to be back at 1:00 o'clock. If you look at Action 2.1.3, Action 13, there are a lot of blank spaces we have got to fill in.

(Whereupon, the meeting was recessed at 11:43 o'clock a.m., June 8, 2010.)

The South Atlantic Mackerel Committee of the South Atlantic Fishery Management Council reconvened in the Ballroom of the Renaissance Orlando Airport Hotel, Orlando, Florida, Tuesday afternoon, June 8, 2010, and was called to order by Chairman George Geiger.

MR. GEIGER: We will reconvene the South Atlantic Mackerel Committee. We've got a lot of work to do and two hours to get it done. I'll direct you to Attachment 4, and I guess Page 11, Gregg, is where we'll start with the actions.

MR. WAUGH: Okay, we're starting Attachment 4 in mackerel, and we are on PDF Page 10. Attachment 4 is the South SAFMC actions for Amendment 18. As we indicate here, these actions will be added to the Gulf actions after our June meeting. The IPT will produce a combined Amendment 18 document for the following council meetings.

We ended with Action 12; we pick with Action 13. Our first action is to specify MSY; minimum stock size threshold or MSST; maximum fishing mortality threshold; overfishing level; ABC; OY; ACT, which is what we used to call TAC; and then the ACT levels for Atlantic Migratory Group King Mackerel.

MR. GEIGER: And, again, this is a public hearing document and we're looking just to make sure we have a complete range of alternatives.

MR. WAUGH: The SSC approved the recent SEDAR 16 King Mackerel Assessment as based on the best available science. The SSC supports the conclusion of the review panel that the South Atlantic king mackerel stocks are not overfished. It is uncertain, however, whether overfishing is occurring in the South Atlantic stock or not, but if it is occurring it is at a very low level.

We have formulas in place for calculating some of these values. We're on Page 11 of the PDF Document now. The new numbers are highlighted there. This does not require an action on the council's part. There are just updating the values. The maximum fishing mortality threshold, based on the updated projection, MSY is in the range of 9.357 to 12.836 million pounds.

The council has specified a formula for minimum stock size threshold based on the SEDAR 16 assessment. The minimum stock size threshold is 1,827.5 billion hydrated eggs. The council also has a formula for maximum fishing mortality threshold. That's the value of Fmsy or proxy. Currently that proxy we're using is F 30 percent SPR. Prior to this last assessment, there is no poundage estimated. Based on the SEDAR stock assessment, that value for the fishing mortality rate at 30 percent of SPR is 0.256.

In terms of the overfishing level, the SSC provided the following OFL at their April 2010 meeting. The OFL for king mackerel is 12.8359 million pounds, and this corresponds to the yield at F 30 percent SPR, which was the accepted MSY proxy from the last assessment.

MR. HARTIG: This was probably one of the most confusing things I've ever dealt with in mackerels is trying to deal with all these numbers and how these numbers relate to actual catch

and how does the MSST given in hydrated eggs relate to catches? It doesn't; it is just an MSST, right? It doesn't relate directly to a number that you could calculate for catches in time?

MR. WAUGH: No, and the intent with the MSST is to use to determine whether or not the stock is overfished; so when the stock assessment is done, they come up with an assessment of what the current production of hydrated eggs would be, and that is compared to the minimum stock size threshold. As long as you're above that level, then the stock is not overfished. Those values are shown in Table 4.

MR. HARRIS: Gregg, can you tell us how that number is measured? I mean how do we know that we are at 1.827.5 billion hydrated eggs?

MR. HARTIG: Based on fecundity.

MR. WAUGH: I can't tell you off the top of head. That's something that comes out of the stock assessment. It is based on looking at the fecundity of the fish sampling estimating the spawning stock biomass times eggs per female times their spawning frequency, and that gives you an estimate of the production.

MR. HARRIS: Mr. Chairman, may I follow up? I understand that and I appreciate that, but how that translates for us is what is difficult to understand. I think just having a better understanding of that would be helpful.

MR. WAUGH: Okay, if we move to Page 13 is where we start getting into the ABC Control Rule and the resulting ABC estimates. The updated projections are shown in Table B, which is on the bottom of PDF Page 13. We've worked this information into our alternatives. Alternative 1 is no action; do not establish an ABC Control Rule for Atlantic Group King Mackerel.

Alternative 2 – and we're carrying over on to Page 14 now – is to establish an ABC based on the recommended control rule from the Scientific and Statistical Committee. That is included here as an attachment. The South Atlantic Council's SSC developed their ABC Control Rule for assessed stock based on the guidance provided by the council on the level of risk; a 10 to 40 percent range.

The expected ABCs are shown here in Table 6. They range from 10.06 to 10.95 million pounds. We have existing allocations and we're not reconsidering the allocations for king and Spanish mackerel. When we get to cobia, we're coming up with new allocations because we don't have any place now. These are the resulting annual catches.

The recommendation from the SSC was to use – and for those of you we're using a new system to project this information on the internet and this is the first meeting we're doing it, and we're running into some difficulties so forgive the slight interruption. The SSC decided not to use these individual values since the P-star value of 28 percent is a bit higher than the 27.5 percent, which was the higher risk of overfishing established by the control rule.

The group decided to determine ABC for the period 2011-2020 through a linear interpolation of values from 27.5 percent to 28 percent. I don't think we have that numerical estimate yet. It is not included in the final SSC Report.

DR. CRABTREE: Gregg, can you explain that to me again; where did the 28 percent come from? The 27.5 percent came from their control rule; where did the 28 percent – I don't understand.

MR. WAUGH: Actually, I had asked John Carmichael to be ready to explain this, and I don't see him here. Carolyn, are you in a position to explain that?

DR. BELCHER: Off of the top of my head, Gregg, no. I would have to go back through it.

MR. WAUGH: So I guess between now and full council we can get that explanation for you, Roy.

MR. HARTIG: Gregg, how does the OFL, the 12 point whatever it is million pounds relate to the numbers for the years 2011, 2012, 2013? Is that multiplied by the P-star; is that how that is calculated?

MR. WAUGH: Which OFL value are you talking about, Ben?

MR. HARTIG: That came out of the ABC from the SSC. I was looking at Table 6. Is that value for 2011, which is, what, 12 point something million pounds; I'm not sure what it is.

MR. WAUGH: Yes, but it is 10/10/10, and I don't see where he is getting 12.

MR. HARTIG: That was the ABC that the SSC picked for 2011, correct.

MR. WAUGH: The ABC values that the SSC is recommending are shown in Table 6 here for ABC.

DR. CRABTREE: What was the OFL? What I think I want to know and maybe what Ben wants to know is how much have they reduced –

MR. HARTIG: Right, that's exactly what I want to know.

DR. CRABTREE: – between the OFL and the ABC?

MR. WAUGH: The OFL recommendation is show on Page 10. The OFL recommendation was 12.8359.

DR. CRABTREE: And that's for 2011?

DR. WAUGH: Yes, and that is the expected yield in 2011 as shown in Table 5-B. Their reductions are about 2 million pounds by applying the P-star analysis.

DR. CRABTREE: So, just my quick math that is about a 15 percent or 16 percent reduction, something like that; less than 20 percent reduction? Let me run through the other control rules and then perhaps John will be ready to answer that question. What is new in here are these other alternatives that are non-SSC control rules, and you will see this surface for Spanish mackerel, cobia. Then when we get into the Comprehensive ACL Amendment, you will see them there as well.

Alternative 3 is to establish an ABC Control Rule where ABC equals OFL. Alternative 4 is to step that down where the ABC equals some percentage of the OFL; 65 percent, 75 percent and 85 percent. Then Alternative 5 is to establish an ABC Control Rule where it equals the percentage yield of the MFMT; 65, 75 and 85 percent.

And as Roy pointed out yesterday for spiny lobster, these two Alternatives 4 and 5 could be the same because the OFL is the MFMT. Alternative 6 would be to establish an ABC Control Rule where ABC is a percentage of the OFL, and that percentage is based upon a level of risk of overfishing. 6a would be to base the reduction upon a P-star of 0.2; 6b, 0.3; 6c, 0.4; 6d, 0.5.

MR. HARTIG: Gregg, is it your intent to fill in these with numbers so the public can look at them?

MR. WAUGH: Yes.

MR. HARTIG: And the council.

MR. GEIGER: Yes, we're looking to get the range of alternatives. Between now and the next meeting, they'll work out those numbers before it goes to public hearing.

DR. CRABTREE: Would another way to get at this, though, couldn't the council go into the SSC ABC Control Rule and simply specify a different level of risk? For example, if the council said we're willing to accept a 30 percent or a 35 percent risk of overfishing, couldn't that number be plugged in instead of the P-star recommendation value and then calculate out?

I guess at some point I want to see the calculations and what all went into the SSC ABC Control Rule, but it seems to me the council could specify some other level of risk and that would generate a different number. You all need to be clear that the choice of the level of risk is your choice to make, and that is a policy call. You can deviate from what the SSC has come with this kind of I guess P-star analysis that they've done.

MR. CARMICHAEL: The SSC selected 27.5 percent as their P-star, and then the tables that they had for the projections of king mackerel showed fixed yields and then the probability of overfishing for the range of fixed yields for like 2011 through 2015 perhaps are farther, so in the first year there was a fixed yield corresponding to 28 percent. Then it varied in other years, so what the SSC decided to do – what they recommended that we do is interpolate between whatever two probabilities there were that bracketed 27.5 percent. The recommendations that ended up in their report going out several years were based on interpolating between whatever two points happened to fall on the fixed yields that bracketed 27.5.

The numbers that the SSC has for ABC don't appear explicitly on that table. They're between two of the points that bracket the 27.5 percent probability, so they actually used the critical value that came from their control rule. Is that what the question was as I understood it?

DR. CRABTREE: I think so. John, if the council said, well, we're going to accept a risk of 30 percent, it would be a trivial matter to calculate what the ABC would be?

MR. CARMICHAEL: Right, the council could do that and then we could calculate through the same manner, perhaps, interpolation for 30 percent, because, remember, we don't have the – we have yield; and then given the probability, we don't have the probability and then providing yield.

Now, another way the council should look at those in the case of mackerel, the yield at, say, the 27.5 – and the same will be true at 30 – it tends to decline somewhat over time, so the council may want to pick a fixed yield that will satisfy, say, 30 percent – you know, the value that satisfies 30 percent three years down the road, which might mean you have a lower chance of probability of overfishing occurring in 2011, so that you fish at the one that gives you 30 percent probability of overfishing occurring in 2015. If you can understand that, the yield is trending downward for any given probability of overfishing as you move ahead into the future.

DR. CRABTREE: And why is that?

MR. CARMICHAEL: I believe that it's tied to the biomass trajectory.

DR. CRABTREE: So the biomass is going to be fished down over time?

MR. CARMICHAEL: Yes, the trend of the year classes that is in the pipeline now that are contributing to the population, that is the general trend in it. I believe that the mackerel biomass is above Bmsy so if it reaches back to the equilibrium it is going to be expected to go down some in the future as just from average recruitment. Of course, if we know that recruitment is different, it will be different.

MR. HARTIG: John, these projections are based on if that level of catch is caught every season; is that what they're based on? What happens when you have 2 million pounds or 3 million pounds that aren't caught in the first year; do you redo your projection?

MR. CARMICHAEL: Well, yes, you could do that absolutely. If you did not catch the TAC in that year, then that would change it. These projections were done with I believe data – we got them in April and I believe they included through the last fishing year that ended in 2009. So if perhaps in the next fishing year, if you didn't catch the limit, then, yes, these projection values could change.

Then if you didn't catch in this current fishing year, then they could change for the next round. That's one of the things is the SSC recommended using the assessment that we have until we get the next benchmark, but I think we also always have to recognize that if some reason the

landings' limit is not reached and these projections assume that it was reached in the last fishing year, then it will change the possible yield from the population.

But, as we also know, that is offset by the fact that what if recruitment is not the same as predicted or what if selectivity is not the same as predicted, so sometimes we're hesitant to get into assuming too many of those changes, but if you do have an event like maybe we have in king mackerel where the target is significantly not reached, then it might be worth considering an updated projection for next year.

MR. HARRIS: Mr. Chairman, I guess that just begs the question why are we doing multiyear projections when so much of this is based on what is caught during a current fishing year and it may change, and we may want to come back in and change the numbers based on what we caught during a particular fishing year. I don't understand the rationale for projecting this out over time. Unless that number is reached each year, that may be a good way of doing it, but if it is not why would we do that rather than just coming back in each year and setting a new ACL?

MR. CARMICHAEL: Well, you can do that. I think it is just sort of a practical approach, and then we always like to do multiple years of projections just to give you an idea of what lies in the future. Then I think if there is a situation where a fishery is not reaching its TAC, well, then you would want to consider why that is happening, and you'd have to be cognizant of potential situations where maybe there is something going on in the stock you're not aware of, so you always want to do that evaluation to figure out the reason.

MR. GEIGER: John, when you refer to TAC, you're referring to the commercial allocation of the landings or are you talking about the entire –

MR. CARMICHAEL: Projections for the king mackerel are for the entire – it's the ABC.

MR. GEIGER: Okay, the ABC.

DR. CRABTREE: So what you're getting into the problem here is that we go too long between assessments and we need more frequent updates. Getting to the issue Ben raised, if you don't catch the TAC one year, so say there is 2 million pounds left over that weren't caught, well, if you just go into the projections and plug those low catches in, the projections will say, okay, it was low fishing mortality that year, but it may not have been low fishing mortality.

It could be poor recruitment or something else that caused those catches to go down. If you then take those fish that weren't caught and add them into the next year, you could be driving the stock down, and there is just no real way around that with projections other than to do more frequent updates of the stock assessment so you can really see what happens.

That's the problem we get into, and that's why it's so risky to come in and reset the ABCs every year based on what the landings were if you don't have an updated stock assessment. That's why it's so difficult to write accountability mechanisms that allow underages to be carried over to the next year because you could end up making a big mistake and exacerbating a bad situation. It goes both ways, Ben, because overages can be because you had a booming year class that you

didn't expect and they caught way more fish than you caught and the fishing mortality rates are just fine. You can go wrong both directions with this.

MR. GEIGER: Well, am I hearing talk about adding another alternative here?

MR. HARTIG: Well, just to that point, we're looking at a recreational fishery in Spanish and king mackerel that on average does not catch their allotted percentage. They don't catch it. If you want to believe the one year that they did is almost twice of any year in the last six or seven were, then you can believe that number but I don't believe that number.

You've got a chronic problem on the recreational side in Spanish and king mackerel they do not catch their TAC. Is it a question of there not being enough fish in the water for them to catch; is it a question of their bag limits being too low, but this is a chronic problem. I'm not looking at a year-to-year scenario.

I'm looking at something down the line for a number of years that continues to happen. Based on projections and based on that happening, I mean you could do a projection based on the last six years of the recreational fishery not catching their TAC basically. Do that projection that is based on six years – you know, there is almost two and a half million pounds they haven't caught. To just do projections based on total catch I don't think is the right way to do it.

DR. CRABTREE: Well, I would say to that if that's the situation is that we are overstating the risk associated with all of this because then all odds are that these are not going to be caught, and so the risk of overfishing is actually less than what we think it is there. That would be one way to come at that.

The other way, yes, it may be that you've got good cause to raise the bag limit or something like that. I don't know; that would be up to you as the council, but it sounds like – and maybe John will comment, but it sounds like to me if that is a chronic situation that is happening, then the risk of overfishing is probably less than what we think by these ABCs.

MR. CARMICHAEL: The projections going back in time, there going to be based on the observed catch; so if the observed catch was 2 million pounds less than the TAC, that is what is included in the information that supports the projections. It is just in the years where you don't know what the catch was going to be that the normal approach is to assume that the TAC is going to be reached.

I believe that is what we did in the case of setting the specifications for king mackerel. They wouldn't have gone back six years and assumed higher catches than what were observed. They would use the observed catches to the extent that's possible. Now, in terms of, yes, if the recreational fishery is consistently coming in below its allocation, then I think you're right, maybe there is a possibility to consider some changes in those regulations. That seems to be a chronic issue and there is a possibility to fix that.

DR. CRABTREE: I guess the bottom line is, Ben, I think you would have grounds there to build a smaller buffer in because in reality you're probably overstating the risk of all these things.

MR. CARMICHAEL: That's certainly something to comment on in terms of the council setting its ACLs or ACTs relative to ABC. If you know that you have consistently come in below your limit, then you have very strong grounds for setting ACL possibly equal to ABC.

MR. HARTIG: And that's in there, yes.

MR. GEIGER: All right, what are your druthers; are these alternatives sufficient, do we want to add any? I need a motion.

MR. HARRIS: **Mr. Chairman, I would move that we accept the alternatives under this action.**

MR. GEIGER: Do I have a second? Mr. Currin.

MR. CURRIN: Yes, I'll second, but as a point I think we need to make sure that we don't have two alternatives that are essentially the same thing; the issue that Gregg brought up or Roy identified yesterday. If that's in fact the case, then I would like the motion to reflect that one of those alternatives be removed.

MR. HARRIS: And that's okay with me as the maker of the motion, Mr. Chairman, but somebody has got to make that determination.

MR. GEIGER: Gregg is doing it now, I think.

MR. WAUGH: Part of the reason we've added these alternatives separately is to account for the case where for data-poor species we might have a situation where you have an OFL but not an MFMT. I don't know if that's the case for king mackerel so there may be some justification here to remove one of the alternatives or you could just direct the team to look at this and combine them if it's possible.

MR. GEIGER: Okay, we've got a motion and second and included in the motion the direction to the team to review the opportunity to combine them if applicable. Is that satisfactory? Okay, any discussion on that motion? Ben.

MR. HARTIG: One more point, Gregg. I just want to be comfortable knowing how the P-star relates to everything. Can you explain that quickly or is it going to take –

MR. WAUGH: No, but John can. Again, this is a part of the SSC's control rule that has been presented to us. You've got it in Attachment 4.

DR. BELCHER: I can answer the questions about the P-star. The P-star is basically the probability that you'll be overfishing; so what we've done is that ABC Control Rule is how we determine the best buffer away; so the percentage, as we're working away from a probability of 50 being ideal at your probability of overfishing – if we have perfect knowledge, we could be that risk prone.

As we know less and less or have higher levels of uncertainty, we buffer back from that. As we built that chart based on the assessment, what information is available, you buffer away from 50 percent. When we looked at the data at hand for king mackerel, that ended up being at 27.5 percent. We took that range into account that was given to us by the council. It was originally up to 40 percent – 10 to 40 percent was the range. We actually bumped it to 50 saying that in a perfect world you should be able to fish ABC at OFL. We're not going to have that situation, but we can do that. In the case of what we know with king mackerel, 27.5 percent risk was about what we felt the information would gain us from that table. Does that help answer that question?

MR. HARTIG: Yes, it gives me the direction. I wasn't sure of the direction, where your going to 0.2 was better or 0.5, so closer to 0.5 is you're getting to more of an ideal situation in management.

DR. BELCHER: Correct.

MR. GEIGER: Okay, any other discussion? Roy.

DR. CRABTREE: But just again, that's the SSC's advice to you on what they think is a reasonable level of risk, but it is your decision as the council to decide what the level of risk is going to be, and you could decide to be riskier than that, and that would change these ABCs.

MR. GEIGER: And to that point we have a range of 10 to 40 percent in the document, Gregg, is that what is in there now?

MR. WAUGH: No, that was the guidance provided to the SSC, but they broadened the range to go up to 50 percent. I don't think we could be any more risky than that, could we, Roy?

DR. CRABTREE: No, but that is Alternative 6, right, which would give the ABC based on different levels of P-star. I think 50 percent would be probably not defensible, but there are other choices there that probably you could make an argument for.

MR. CURRIN: Just if it provides any comfort to the rest of the council members, I just asked John how difficult it would be to interpolate between those values under Alternative 6, between 20 and 30, and 30 and 40 and so on. He said it's not a problem so that could be easily done. In case the council decided that a level of risk of 35 percent, for example, was acceptable, then we're kind of covered there. I don't think we need to specify one percentage levels of 5 percentage levels.

MR. GEIGER: Okay, any other discussion? **Is there any opposition to this motion? Seeing none, the motion carries.**

MR. WAUGH: The next item is the optimum yield. Currently optimum yield is the yield from fishing at a fishing mortality rate equal to 40 percent spawning potential ratio. However, we didn't previously have a value in there. Based on the SEDAR 16 assessment and the council's action on other species, here are the alternatives that we have.

OY of 65 percent of the yield at F 30 percent SPR would give you a range of 7.96 to 8.36 million pounds. Alternative 3, OY of 75 percent of that yield gives you 8.46 to 9.37. Alternative 4, OY of 85 percent of the yield at F 30 percent is 8.8 to 10.46. Then we're offering the new Alternative 5, OY equals the yield at F 30 percent; 9.36 to 12.84 million pounds.

MR. GEIGER: Mr. Harris for a motion.

MR. HARRIS: **Mr. Chairman, I would move that we adopt the alternatives listed under 4.13.4 regarding optimum yield.**

MR. GEIGER: Do I have a second? Mr. Cupka, thank you, sir. Discussion? Ben.

MR. HARTIG: Just that how conservative are we going to be?

MR. GEIGER: Well, I think that covers a suite of alternatives, and again this is a public hearing document. What we settle on in the end is down the road. Any other discussion? **Seeing none, any opposition to this motion? Seeing none, the motion carries.**

MR. WAUGH: The next item is setting the annual catch limit. This is equivalent to what we've called TAC as used in the past. Based on projections provided by the NMFS Southeast Fisheries Science Center after the SEDAR assessment, the updated projections and the SSC recommendation, the council is considering the following options.

We have landings' data provided in Table 5 to help here. We do show the Mackerel Advisory Panel and they recommended 8.356 million pounds. This was based on the original information in Table 5. As was indicated earlier, we'll have a meeting with them to get their updated recommendation.

Alternative 1 is no action. Current TAC or ACL equals 10 ten million pounds based on an ABC of 8.9 to 13.3 million pounds. We show based on the existing allocation where we are relative to those allocations. That discussion is presented under each of the alternatives and you can look also at Table 7 that shows where we are relative to our existing regulations, and I'll touch on that at the very end.

Alternative 2 is to set ACL equal to the ABC, which is equal to 10.46, and that is just using an average of those ABC values for 2011-2013. When we get the interpolated ABC value from the SSC's recommendation, we could plug that in as another alternative. ACL equal to ABC equal to 10.06, that's the lowest value within that range.

Alternative 4 is 10.36, which is near the middle of the range. Alternative is 10.95 million pounds, which is the highest point in the range. Alternative 6 is just to base it on some percentage of the ABC. Then if you look at Table 7 – and this is on PDF Page 18 – you can see that the TAC has been in place for a while.

The TAC of 10 million pounds has been in place since 1999-2000 fishing year. These show the catches. This is the commercial catch. The commercial allocation is 3.71 million pounds. We

went over very slightly in 2006-2007 and went over again in 2008-2009, 4.21 million pounds versus the quota of 3.71.

The recreational data, we have updated this table based on the information from the projections, and that does include discard mortality on the recreational side. The projections are included as an attachment, also. You can see that on the recreational sector in 2007-2008 we went over their allocation of 6.3 million pounds. Their total mortality was 6.8456. The resulting total catch of 10.46 million pounds is about 460,000 pounds above the TAC of 10 million pounds. That is the range of alternatives.

MR. HARRIS: Mr. Chairman, I would move that we adopt the alternatives listed under Section 4.13.5, annual catch limits.

MR. GEIGER: Thank you, sir; can I get a second? Dr. Chevront seconds. Discussion?

DR. CHEUVRONT: I'm looking at some of these alternatives and it looks like Alternative 2 is the average and Alternative is the median. Is that the correct distinction between these two and do we really need both of them since they're so close together.

MR. WAUGH: We can certainly remove one of them.

DR. CHEUVRONT: That's what I was thinking in terms of just to reduce the analysis burden. You usually have both of those in there if there is a big discrepancy in the landings' range, but it doesn't look like there is enough of a difference here to warrant this.

MR. GEIGER: Would you like to amend the motion?

MR. HARRIS: That's okay with the maker of the motion.

DR. CHEUVRONT: Yes, let's go ahead and amend that motion that we look at somehow eliminating either Alternative 2 or 4. Yes, I think that is the way to put it, Gregg.

MR. GEIGER: All right, so the new motion is to adopt the alternatives under 4.13.5 but move Alternative 2 or 4 to the considered but rejected appendix.

MR. HARRIS: Mr. Chairman, discussion about Alternative 6 where you are requesting a percentage; do you need that percentage now or can we do that later on or can you give us some percentage options that we can consider later on?

MR. WAUGH: Well, the family of options we've looked at before is 65, 75, and 85 percent, so I can take it as direction from the committee to put subalternatives in there at 65, 75 and 85.

MR. HARRIS: Okay with me.

MR. GEIGER: Okay, any opposition to the motion? Seeing none, that motion carries. Annual catch targets.

MR. WAUGH: This begins on PDF Page 19. The issue of whether or not you set annual catch targets is optional. The idea of setting these are to address what is called implementation uncertainty; so if you run into a situation where your bumping up against your quotas and allocations, you may want to consider setting an ACT to help ensure that you don't go over your ACL.

So given that we've got this situation where we've gone on the commercial and the recreational side, it gives greater impetus to considering setting annual catch targets. The alternatives we have in here are, one, do not specify a commercial – and we're talking about commercial first – sector ACT for Atlantic king mackerel. Alternative 2 is to set commercial sector ACT equal to the commercial sector ACL. The commercial sector equals 90 percent of the commercial sector ACL or 80 percent of the commercial sector ACL. Basically, Alternative 2 is no reduction; Alternative 3 would reduce it by 10 percent; Alternative 4 would reduce it by 20 percent.

MR. GEIGER: Again, a range of alternatives for a public hearing document.

MR. CURRIN: **Mr. Chairman, I'll move that we accept the alternatives for annual catch targets.**

MR. GEIGER: Second by Chairman Harris. Discussion? **Seeing no discussion, is there any objection to this motion? Seeing none, that motion carries.**

DR. CRABTREE: Just one thing; I think you've got to bear in mind, as we work on this, that whatever you decide, ACLs, ACTs, however that lays out, it is and needs to be related to what you decide about optimum yield. Somehow the limits and things you put in place need to be designed in a way that they're going to result in your achieving what you choose to be optimum yield. I don't know exactly how we're going to do that, but they're related.

MR. GEIGER: Well, I guess I'm not as smart as everybody but it is difficult for me to relate to those things just by looking at these alternatives as we go through. At some point is there some way we can get a chart, Gregg? It is almost like a flow chart. If you choose this, you go to that and you go to the next thing, but it almost becomes predetermined what it is you select because you're going to have to work backward from your optimum yield. No?

DR. CRABTREE: Yes, I think your optimum yield is basically the defining part of your strategy, and then you need to set the ACLs and things and risks all in a way that are going to help you achieve optimum yield.

MR. GEIGER: Okay, I'll talk to you about that.

MR. WAUGH: This is precisely why we added that new alternative for OY is to ensure that you had a range that included an OY value that was sufficiently high enough. Roy is right, you have to approach this from your OY and we can certainly construct a table that looks at that.

MR. GEIGER: Okay, that dealt with the commercial ACT. Rita.

MS. MERRITT: Mr. Chairman, it really has to do with both. If we're going to have an ACT, why would we have different percentages between the target and the limit for commercial and recreational? Does that have something to do with the time it takes to get landings' information?

MR. WAUGH: The reason is that given the existing data collection programs is you have more accurate monitoring of the commercial quota than you do the recreational landings and more timely monitoring of the commercial quota than you do the recreational.

MR. GEIGER: Okay, Gregg, thank you; move along to the recreational sector ACT. Mac, did you have your hand up?

MR. CURRIN: Yes, I thought my motion covered both of them, but I'll make another motion regarding the recreation sector ACTs, that we approve or accept the four alternatives under the recreational sector ACT.

MR. GEIGER: Seconded by Chairman Harris. Discussion? Seeing no discussion, is there any opposition to the motion? Seeing none, that motion carries.

MR. WAUGH: Okay, now we get into specifying the accountability measures, and these include both in-season to ensure that you don't exceed your ACL; and post season, what do you do if you do exceed your ACL. Alternative 1 is status quo. The commercial AM for this stock is to prohibit harvest, possession or retention when the quota is met. That is what we do now. All purchase and sale is prohibited when the quota is met. Do not implement ACLs or AMs for the recreational sector. That is where we are now.

Alternative 2 would say the commercial accountability measure for this stock is to prohibit, harvest, possession and retention when the quota is met. All purchase and sale is prohibited when the quota is met. Implement accountability measures for the recreational sector for this stock.

If the recreational sector ACL 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 ACL for the following fishing year. We would compare the recreational ACL with recreational landings over a range of years. For 2011 we would just use 2011. For 2012 we would use the average of 2011 and 2012. For 2013 and beyond we would use the most recent three-year running average.

DR. CHEUVRONT: One of the issues that we have here, we specifically say ACLs in both of these alternatives; but it could end up if we decided to set an ACT, it could end up being an ACT instead of an ACL that we're comparing against, so I think we need to clarify the language in the alternatives to take into account that possibility.

MR. GEIGER: Good point, thank you.

MR. WAUGH: So continuing, in your document we have included past advisory panel recommendations. You're got recommendations from 2009, and those are provided here for

your guidance as you look at these alternatives. Alternative 3 would be to examine the impacts of release mortality resulting from increasing the minimum size limit from 20 inches fork length to 24 inches fork length. Evaluate whether the minimum size limit should be reduced to 20 inches fork length.

Alternative 4 would be to not change the bag limit Atlantic king mackerel. Alternative 5 would be include within the existing bag limit only one fish greater than 45 inches fork length. Alternative 6 would be within the existing bag limit only allow one fish greater than 50 inches fork length. Alternative 7 would prohibit bag limit sales of Atlantic migratory group king mackerel.

Alternative 8 would look at trip limits for Atlantic king mackerel, modifying the bycatch allowance for the shark drift net fishery to those figures shown there. Then new alternatives are added to consider payback – this is getting at the post-season accountability measures. Alternative 9 would look at commercial payback of any overage. Subalternative A is to payback regardless of the stock status. Alternative B would to pay back only if the stock is overfished. Alternative 10 looks at a recreational payback. Subalternative A is to pay back regardless of stock status. Subalternative B would be to pay back only if overfished.

DR. CHEUVRONT: In Alternative 7 we have prohibiting bag limit sales, but do we also need to be looking somewhere, whether it is in this alternative or somewhere else, at tournament sales as well? I know that occurs in North Carolina. That also counts against the commercial quota we might want to consider whether we want to end tournament sales of king mackerel.

MR. GEIGER: But tournament sales are recreationally caught fish under a bag limit, correct?

DR. CHEUVRONT: But we have a separate license in North Carolina for tournaments, and so I'm not sure whether that would cover it or not. If it's the intention that this was to cover tournament sales, could we just go ahead and add the language that says "prohibit bag limit, including tournament sales or recreationally caught fish." That would probably go ahead and cover the concern.

MR. GEIGER: And you're making that motion?

DR. CHEUVRONT: **I am making the motion that we modify the Alternative 7 language to be prohibit bag limit and tournament sales of Atlantic migratory group king mackerel.**

MR. GEIGER: Second by Ben Hartig. Dr. Chevront, read that and make sure that is your intention, sir, please.

DR. CHEUVRONT: Yes, and I'll go ahead and read it for the record then. The motion is to modify Alternative 7 to prohibit bag limit and tournament sales of Atlantic migratory group king mackerel.

MR. GEIGER: And I had a second by Ben Hartig.

MR. HARRIS: This issue has come up for years and years and years, and the problem has always been the double-counting of what are recreationally caught fish but then they enter the market and so they're counted against the commercial quota. That to me is the only problem with this. The tournaments that I'm aware of that sell the catch, they're fishing under a bag limit.

In fact most of the time the requirement is that they bring in much less than the bag limit for a tournament; and then if the fish are sold, all that money enters charity at least in Georgia. I mean all the money that is derived from that goes to various charities, and so I hate to eliminate the sale of these fish when the money is going to charity like that as long as they're not double-counted. I have a big problem with them being double-counted, but if they're not being double-counted then I don't have a problem with them selling those tournament-caught fish.

DR. CHEUVRONT: But they are being counted against the commercial quota because they're entering commerce. I believe Dr. Crabtree made that distinction in the past as that is what determines whether they are commercial or recreational is whether or not they enter commerce. Any fish that enters commerce is counted against the commercial quota.

MR. HARRIS: Well, I guess my question is we've talked about for many, many years; isn't there a way to fix that so that they're not counted against the commercial quota? We know they're coming from a tournament, so can't we fix that, Steve, somebody?

DR. BRANSTETTER: Yes, as to the commercial sale and double-counting, what normally happens, as I understand it, with the port agents, if there is no trip ticket turned in for those recreational fish, then it doesn't go against the quota. Because they're not being purchased by a dealer, so as they move on up into the next level of market, they're not counted against the quota because we've lost them at the point of sale.

MR. GEIGER: If I might just interject here – and I understand, Chairman Harris, your concern, but it wasn't just with the double-counting of the fish going against the commercial quota, but there is a phenomena that occurs when those fish are dumped on the market on any given weekend with what happens to the price of the fish, as I understand it. We've have taken testimony with regard to that phenomenon as well over time. It is a conundrum. There are a lot of different ways to make money for charity.

DR. CHEUVRONT: In North Carolina, though, we do have a license for a tournament and it's because somebody has to fill out a trip ticket for those fish. I can verify that to make sure but I'm almost certain that is the reason why we have this license to make sure that we get trip tickets on them.

DR. BRANSTETTER: It sometimes happens in Florida as well. I know our port agents that are in our office at the southeast region have that same issue, and we go around and around with it. I might add that I'm not sure your motion fixes your problem. Those fish are not being sold. The dealer receives the fish and writes a check to the tournament's charity. The fish are not sold, per se. It's an ugly loophole.

MR. CURRIN: I guess what I'd like to do is separate these two issues. I'd hate to see one of them negatively affect another, so I guess the way to do that is to offer a substitute motion or amend this motion. I want to split them into two issues, so I would like to take this one motion and create two alternatives; one being to prohibit bag limit sales and the other to prohibit tournament sales.

MR. GEIGER: Okay, Chairman Harris seconds that motion. Discussion?

MR. HARRIS: I just ask the maker of the motion if he would be willing to add language to the end of that motion that says if these fish are counted against the commercial quota; so if they are counted the commercial quota it would be prohibited. If they're not counted against the commercial quota, it would not.

MR. CURRIN: I'm perfectly willing to do that.

MR. GEIGER: Okay, can I get the maker to read the motion in its completeness.

MR. CURRIN: **The substitute motion is to split the previous motion into two alternatives; one, to prohibit tournament sales if they are counted against the commercial quota; and, two, to prohibit bag limit sales.** I don't we think we need that clarification on the second one. That is just to prohibit bag limit sales, Gregg.

MR. GEIGER: Okay, we've got a motion and a second. Any further discussion? Charlie.

MR. PHILLIPS: Just to note not all of those fish hit the market in a big chunk because when I buy tournaments, most of the time they're frozen, and they go out little bits at a time over a period of time.

MS. SMIT-BRUNELLO: Just as a point of clarification; on the first one, "prohibit tournament sales if they are counting against the commercial quota", are you suggesting that staff find out whether that is true and bring it back to the document as opposed to a case-by-case basis as to whether those sales would be prohibited or not?

MR. HARRIS: In response to that I think some of them are counted against the commercial quota, as Brian said, in North Carolina because they have to have a special license for it. In Georgia I don't know that they are; I don't know they're not, but I know that they're sold to a dealer and I don't think he writes a check to the charity.

He may now; they may have worked that out now. If the tournament is getting the proceeds and then they writing the checks to charity, I still don't know if those are going against the commercial sales. I don't know whether the trip ticket is filled out or not. That is something that we need more information on.

MR. GEIGER: Charlie, would go to you in regard to the price. What happens to the price during tournament sales; are they purchased at a reduced rate or does the market price prior to the tournament hold during the tournament?

MR. PHILLIPS: I don't pack enough king mackerel to keep up with what Ben might be getting down there. Most of my fish are large fish, which is not what they're catching anyway. They're mostly frozen and then they go up maybe a thousand pounds at a time a month or two at a time. I don't think we move enough stuff and the checks are always written to the charity; normally the Rotary Club in whatever town it is in.

MR. GEIGER: Okay, any further discussion on the motion? **Seeing none, is there any opposition to the substitute motion? Seeing none, the substitute carries.** Now we have to vote on the primary motion. The substitute motion now becomes the main motion. Is there any opposition to the main motion? Seeing none, that motion carries. Chairman Harris.

MR. HARRIS: Just to comment on this, I think we need to figure this out once and for all. This has been an issue for so long now that we need to figure out what these tournaments are doing with their fish and whether these fish are entering the commercial market or not. I'm not sure we know and I'd like to have a report that tells us what is going on. It is probably going to take contacting each of these tournaments. I think Jack Holmes was here earlier and he can probably help us in that regard.

MR. GEIGER: And also what happens to the price during the tournaments because we've had testimony in the past about the fact that the fish are dumped on the market and the price for some period of time after the tournament is depressed. Okay, we just modified the one alternative, as Gregg informs me. We need now a motion to accept all the alternatives under accountability measures, Action 14. Does that represent a full range of alternatives to everybody's satisfaction? Could I get a motion, please? Mac.

MR. CURRIN: **George, I move that we approved the myriad of alternatives under the accountability measures in the document at this point.** I think it's more than a sufficient range, but there are some issues here that I think we would benefit from having public input on regarding the size limits and the like.

MR. GEIGER: Thank you; can I get a second on a myriad approval? Thank you, David. Any discussion about the myriad of alternatives? **Seeing none, is there any opposition to the myriad? Approved.**

MR. WAUGH: Okay, this brings us to PDF Page 24. Action 15 is to specify all of these different values just like we just did for Spanish mackerel. In terms of –

MR. HARTIG: Excuse me, Mr. Chairman, can I ask just a question of what happened to Alternative 8 and Alternative 9?

MR. WAUGH: The motion the committee just passed would have us analyze all the alternatives, so Alternative 8, 9 and 10 would be included and analyzed. Was your question about this part that is crossed out?

MR. HARTIG: No, I just wanted to make sure that – actually, I had a motion to make on nine for both commercial and recreational. We've got the paybacks there and I would like to see

some consideration of any underage given to the following year at either a hundred percent or 50 percent, so that would Subalternative C and Subalternative D.

MR. GEIGER: Are you ready to make that motion?

MR. HARTIG: I'm ready to make the motion that under Alternative 9 and Alternative 10 add Subalternative C and D, which would roll over the underage of either of the groups, commercial or recreational, to the following year, at either a hundred percent for Subalternative C or 50 percent for Subalternative D.

MR. GEIGER: C at a hundred percent and D at 50 percent, correct? Okay, the motion is add subalternatives that would allow roll over of underages; C, of a hundred percent; and, D, of 50 percent, I would presume that's to Alternatives 9 and 10.

MR. HARTIG: Yes.

MR. GEIGER: Do we have a second? Charlie Phillips seconds. Discussion? Dr. Crabtree.

DR. CRABTREE: So what this would do, Ben, if, for example, you had an ACL of a million pounds and only 500,000 pounds were caught, then you would take the 500,000 pounds and add it to next year's ACL?

MR. HARTIG: Or half of it.

DR. CRABTREE: So if you set your ACL equal to your ABC, wouldn't that mean the next year the ACL then is greater than the ABC, which is not allowed by the statute.

MR. HARTIG: Yes, that would be problematic.

DR. CRABTREE: I think so. I think if you set your ACL at 50 percent of the ABC or 75 percent, then you could have some rollover the next year and still stay below it, and that would probably be all right, but I'm not sure you'd want to do that.

MR. CUPKA: This is something I'd like to see clarified because I raised this same issue relative to golden crab, and I think at the time Monica said she thought we could do rollover or we could bank – we were talking about banking underages and that sort of thing, so it is not clear to me what we can do on this.

MS. SMIT-BRUNELLO: Well, I don't think rollovers are prohibited, but I do think that you have to keep in mind how much you're rolling over and what your targets already are or your ACL already is for that year.

DR. CHEUVRONT: But couldn't we set it so that you wouldn't exceed ABC? The other suggestion I had is maybe instead of confusing Alternatives 8 and 9, which we've already approved; can we just make this a different alternative and just have one alternative that covers rollovers since Alternatives 9 and 10 already cover paybacks. I just offer that as a friendly

suggestion here because we could handle rollover of underages would be the same for both commercial and recreational, so it would just be additional alternative.

MR. HARTIG: Thank you, Brian; that's certainly what we could do, and we could certainly tie it to the ABC as long as it did not go over the ABC.

MR. GEIGER: All right, Ben, how does that look?

MR. HARTIG: It looks better; thank you. Charlie, is that okay with you?

MR. GEIGER: **Okay, so we've got an alternative; add a new alternative that would allow rollover of underages of 100 percent and of 50 percent not to exceed ABC. Any discussion? Seeing no discussion, any opposition to that motion? Seeing no opposition, that motion carries.** Okay, on to Page 24.

MR. WAUGH: Okay, this brings us to PDF Page 24. SEDAR 17 was reviewed by the SSC at their December 2008 meeting. It was determined that the stock was not experiencing overfishing. There was some question as to whether this robustness would hold over a wider range of sensitivity runs. The ratio of current biomass to Bmsy, however, was quite sensitive to the various runs and as such the model could not reliably determine whether the stock was overfished or not. There was some discussion as to the overall robustness to the ratios, but the SSC consensus was to agree with the findings of the review panel. We're not experiencing overfishing. The determination of overfished is unknown.

In terms of MSY the council in the past has determined to use the MSY from the most recent stock assessment. Now we do have an estimate of MSY in the SEDAR 17 stock assessment. That number is 11.461 million pounds, but in the review the reviewers pointed out there was concern with the biomass-based values and the SSC agreed with that.

You'll see later on that the SSC did not provide an OFL recommendation because there was no estimate of MSY available. We have this number that we can pull out of the assessment that was done, but there is some question that has been raised in the review process and by your SSC. As far as the minimum stock size threshold, SEDAR 17 again has a value of 8,085 metric tons, but again it has that same qualifier as to a biomass-based value.

Then the maximum fishing mortality threshold, the Fmsy estimate from the SEDAR assessment was 0.371. As I mentioned for the overfishing level, the Scientific and Statistical Committee provided the following recommendation at their April 2010 meeting. Since no estimate of MSY is available for Spanish mackerel, the SSC decided to develop ABC recommendations based on landings' data.

Based on the SEDAR 17 Review Panel recommendation that was not occurring, the SSC decided to bypass the OFL estimate and recommend ABC as the median of landings over the last ten years. This leaves us in the position of the council needing to develop an OFL recommendation. I'll stop there before we go on.

MR. HARTIG: Gregg, doesn't everything we just said become moot because of the no biomass estimates from the assessment and then the new ABC that we just got from the SSC? I'm just asking how do we go forward with the numbers here? I'd love to, but how do we?

MR. WAUGH: Well, the numbers we have based on their control rule, which Carolyn is going to make a presentation later today on their data-poor control rule, that uses landings, so that is one way of estimating these values. That is what your ABC recommendation that is presented a little later – it's shown on Page 26 – the ABC recommendation is 4.91 million pounds.

DR. CRABTREE: What was the OFL that they worked off of?

MR. WAUGH: They bypassed the OFL recommendation.

DR. CRABTREE: Did they use average landings, then?

MR. WAUGH: They used average landings – the median landings over the last ten years to develop the ABC recommendation.

DR. CRABTREE: Okay, so then the median landings over the last ten years I guess was considered the OFL; what was that value? Do we have that?

MR. WAUGH: Table 12.

DR. CRABTREE: Gives the ABC but not – I'm trying to see how much they reduced by?

MR. WAUGH: Well, they gave us no value for OFL. What they've provided is a recommendation for ABC and that is 4.91 million pounds as shown in Table 12. That is the median of landings over the last ten years.

DR. CRABTREE: Not reduced at all; that is the median right there?

DR. BELCHER: Just a point of clarification; the data-poor control rule was not applied. We were actually working off of the assessment and then the fact that there wasn't an OFL – sorry, there wasn't an actual estimation of the biomass available, we actually at that point didn't have a determination for OFL, so we left it as an open entry at that point and used the landing stream to determine what the ABC would be.

The information that we also had in front of us was that overfishing was not occurring, so that was another point that led us down that road, but we used the median landings for the ten years as an ABC estimate. We don't have an indication of OFL. We just know that is not overfishing or the indication is that it's not overfishing.

MR. PHILLIPS: Well, Carolyn, how did you go about deciding that there was no overfishing going on?

DR. BELCHER: That was what came out of the actual assessment report and looking at the trends and the fishing levels.

DR. CRABTREE: Well, then it seems to me this alternative is mislabeled because it seems to imply this came from their data-poor control rule, but in fact based on what Carolyn just said it didn't, right?

DR. BELCHER: That is correct.

MR. WAUGH: Correct, and we will make that change; that's my error.

MR. CURRIN: A question for you, Carolyn – and correct me if I'm wrong – doesn't using or selecting the median of the landings assume that overfishing was occurring half of the years that were used in developing that, and yet that seems to conflict with the information we got with this stock from the stock assessment. Did you guys have any qualms with that or discuss that at all?

DR. BELCHER: I know the discussion relative to some of our other discussions, when we were looking at OFL limits, most of the discussion in the group felt that the median was a better indicator of the central tendency, but, yes, it does kind of infer that there is 50 percent below and 50 percent above, obviously, because the median is exactly the midpoint of the values.

MR. CARMICHAEL: But here it is ABC and not OFL.

DR. BELCHER: Yes, and as John pointed out it is actually the ABC that we're setting and not OFL.

MR. CURRIN: But, still, doesn't it assume that half of those years reflected in the landings were years in which they were being overfished or overfishing was occurring; it does not?

DR. BELCHER: No, because we don't know what the overfishing level is. We set it as ABC. OFL is unknown so we don't know what that limit is for the overfishing limit.

MR. GEIGER: Okay, we're going to have to come up with a number, and it is difficult. We can't just cherry-pick one but we have within the alternatives, Alternative 4, just think about using possibly the reverse of Alternative 4 to establish the OFL as a beginning point. Again, this is a public hearing document. We have got to get past this. Somebody come up with a better idea. Mac.

MR. CURRIN: I don't have any additional alternatives to suggest, George. I think we've got a pretty good range there. I just wanted some clarification on the derivation of the SSC's ABC value.

MR. GEIGER: Well, we're talking about establishing OFL here now and we're not talking about selecting these alternatives. We're trying to pick an OFL number before we can move on.

DR. CRABTREE: Well, that gets us into a little bit of difficulty because if the SSC is telling you they don't know what the OFL is, then it is not clear to me how you're going to pick an OFL. It seems to me where you are is you don't know what the OFL is, and I'm not sure how we can just pick one. What would be our justification?

MR. GEIGER: But all the other alternatives are contingent upon the OFL value.

DR. CRABTREE: Yes, it is a problem.

MR. GEIGER: And the solution is?

DR. CRABTREE: I'm not sure. I wasn't at the SSC meeting and I'm not familiar enough with the situation to really understand why we can't come up with some proxy for OFL. The fact of the matter is we've got all of these data-poor stocks and we don't have an OFL, but we're using average landings as a proxy I think for the OFL, and then it is being reduced to some extent to account for uncertainty. We need to get, I guess, into the SSC report and how they handled these other things before we can get back into this. It's just hard for me to understand really what is happening with some of the ABCs.

MR. WAUGH: Monica, is specifying OFL a required provision of an amendment to meet the new requirements?

MS. SMIT-BRUNELLO: Well, I think you should get that figure from your SSC; and if they can't give it to you, then I don't think that we should just be choosing various alternatives to figure out what an OFL is if your scientific advisors can't tell you what it is so then you work from ABC and you try to figure it out that out. I was looking for a comment. There is one in the National Standard 1 Final Rule that discussed this situation, and I believe that's what they said to do.

MR. GEIGER: Can we go forward with an unknown or do we have to have a number?

MS. SMIT-BRUNELLO: I think in this case you could go forward with an unknown.

MR. CARMICHAEL: That was one of my questions because Spanish mackerel is handled different than the other stocks for which there are no assessments. As Carolyn said, the assessment gave information that it appears that the stock is not experiencing overfishing, so the SSC believed then that the average landings over a period of time when the advice from the assessment is that the stock is not overfishing wasn't a reasonable proxy to get at ABC.

Well, because they don't know the biomass, they don't know what the OFL is so the big question then is if you don't have an OFL can you move forward. At this point the SSC elected is they don't know what OFL is and gave you the ABC. Maybe you can move forward with the ABC they recommended.

DR. CRABTREE: Well, what I don't understand, John, is they did come up with OFLs for date-poor stocks with no assessment. We know more about Spanish mackerel than we do about those

stocks yet they were unable to come up with an OFL for Spanish mackerel even though they know more about it than they do for the stocks that have never had assessments. It simply doesn't make sense to me. Surely, if they can come up with an OFL for a stock that has never been assessed based on average landings, they can come up with an OFL for Spanish mackerel where we know more.

MR. CARMICHAEL: Perhaps they could and then if the process stops if you don't have an OFL, then maybe they can go back and reconsider. If they were to apply the data-poor control rule that was applied for the other stocks, then your OFL would be where your current ABC is. Then ABC would be some amount below that. It will be at least 25 percent below that if not more.

DR. CRABTREE: And I understand that and I'm not saying that is what we want to do, but there has got to be some internal consistency on how we're approaching all of these things, and that is my biggest concern with it. I think this discussion is better placed when we go through the SSC report later in the meeting.

MR. GEIGER: So the last movable advice I heard is we can go forward with an unknown and work on the rest of these alternatives as being satisfactory. Time for your motion, Mac.

MR. CURRIN: Well, I don't know how to suggest for moving the references to OFL and all that, and I guess we can let the staff have the latitude to change these alternatives or do you want a motion that the OFL is unknown?

MR. GEIGER: Make the OFL unknown.

MR. CURRIN: **Okay, I'll make that motion. I feel confident making that.**

MR. GEIGER: Chairman Harris seconded. Any discussion? Ben.

MR. HARTIG: I'll save it for the discussion we have in snapper grouper when we discuss the SSC report.

MR. GEIGER: Any further discussion? **Any opposition to that motion? Seeing none, that motion carries.**

MR. WAUGH: Okay, PDF Page 26, the ABC Control Rule and the resulting ABC values. Alternative 1 is no action; do not establish an ABC Control Rule for Spanish mackerel. I just tracked the wording from before; so Alternative 2, we need to look at changing that wording because we don't want to apply the data-poor control rule, so that alternative should be changed.

The other alternatives are the same as we talked about for king mackerel. Alternative 3 is to establish the ABC Control Rule where ABC equals OFL. Alternative 4 is the ABC equals some percentage of OFL. Alternative 5, ABC equals some percentage of the yield at MFMT. Alternative 6 is a percentage of the OFL. The percentage is based on the risk of overfishing. If we consider it, we should probably delete Alternative 2.

DR. CHEUVRONT: Also, aren't Alternatives 4 and 5 essentially the same; isn't that what we had discussed earlier in other species so we should delete either 4 or 5.

MR. WAUGH: Correct.

MR. GEIGER: Mac, I'm ready for your motion.

MR. CURRIN: Well, I'm not going to make a motion yet because I need some clarification, George, because this entire action bases determination ABC on a known OFL. We don't have an OFL, so I don't think it doesn't make any sense. Not of the alternatives make any sense if we don't have an OFL. We've got an ABC value from the SSC at this point. Am I reading that incorrectly, Gregg or anybody?

MR. WAUGH: No, you're correct, we have an ABC and no OFL; that is correct.

MR. CURRIN: So the purpose of an ABC Control Rule is to take your OFL and find your ABC. We've bypassed that step. We don't have an OFL so at this point –

MR. CARMICHAEL: What Mac described is basically what the SSC did. They tried to use the information that they had and the content that they had from the assessment to give the ABC, recognizing that they don't have the OFL. They're not considered reliable. Now, I suppose we could ask the science center and press them for an estimate of OFL, but so far we've been told to use average landings.

The SSC felt that they had more information in the case of Spanish mackerel that would allow them to recommend an ABC that's better supported by the scientific evidence from the assessment than just taking some average landings and getting an OFL. We're using that as a proxy. The reality is for all these remaining stocks we don't know what OFL is.

Some of the other councils around the country are facing that head on and they're not recommending OFL and their SSCs are recommending straight to ABCs for their unassessed stocks. John Boreman, who is on our SSC is also chair of the Mid-Atlantic, and he told us that's what their SSC has done on a number of stocks. They said we don't know OFL, but we can try to give the council some information in terms of ABC as an acceptable catch based on simple average landings, and that's what we've done in the case of Spanish. Now, how that is perceived with the council, I don't know, but it does create a problem for these alternatives. Well, maybe these alternatives aren't appropriate for every situation.

MR. CURRIN: Well, I guess we could turn the cat around and come at it from the other end and use our ABC to establish an OFL when we've got great alternatives here to determine a range of OFLs, but I don't think that gets us anywhere. I think the previous motion just says we don't have an OFL and I think this whole action at this point at least is moot.

MR. CARMICHAEL: You could set an OFL at the highest landings, perhaps, and maybe looking at it from that perspective. Well, you're the ultimate decision-makers so I believe you guys can do whatever you wish to do.

MR. ROBSON: This may be a question for Monica. What are the specific Magnuson-Stevens requirements regarding making the fishing level recommendations and the responsibility of the SSC to do that versus what flexibility we may have or not have as a council to do that. We may not have any leeway to even try to estimate an overfishing level.

MS. SMIT-BRUNELLO: The Magnuson Act says the SSC shall provide the council ongoing scientific advice, including recommendations for acceptable biological catch, preventing overfishing, MSY, achieving rebuilding targets, and those sorts of things. The Act then says that the council must develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its SSC or if you have a peer review system set up.

It also says that each FMP must establish a mechanism for specifying annual catch limits in the plan at a level such that overfishing does not occur in the fishery, including measures to ensure accountability. The council can't exceed the SSC's –

MR. GEIGER: If we had a recommendation from the SSC, we can't exceed it but we don't –

MS. SMIT-BRUNELLO: But you don't have one, and I'm not suggesting that you then willy-nilly make one up, but you're in a difficult position.

MR. GEIGER: So our alternative in this particular case has to be to send it back to the SSC to get some determination of OFL. John.

MR. CARMICHAEL: Well, I didn't hear OFL mentioned. It said the fishing level recommendations including ABC, MSY, et cetera. From the assessment MSY is unknown. The SSC gave you a fishing level recommendation in the form of ABC, and then it says the council sets an ABC and ACL that does not exceed ABC, so does the game fall apart if you don't have OFL.

MS. SMIT-BRUNELLO: I don't think so, but the setting of the ABC is within the council's purview. It is based upon the advice from the SSC, but it is within the council's purview.

DR. CRABTREE: Well, I think the issue gets to is what the SSC did adequately justified and explained. The statute says you can't exceed the fishing level recommendation of the SSC, but there is a lot of tension and a lot of other things in the law and you can't proceed on things unless the record for them supports it.

I think part of our problem we're having right now is we're going through these recommendations and we haven't gone through the SSC report, and it seems to me we've gotten out of sequence on a lot of this. I think we're going to end up spending a lot of time on the SSC report and we're going to talk about a lot of these recommendations, which are going to include some of the ones in this document.

I don't have an answer to this right now. I have read through all of this. I think that they could come up with an OFL. They came up with an OFL in other situations, so I think asking them to relook at this is an option, but I think also asking for a lot more explanation as to how they came

up with the number and what supports it. I think part of our trouble is we've gotten out of sequence because we haven't gone through the report to understand what the SSC has given us; and until we do that I don't think we're going to get anywhere with this right now.

MR. HARTIG: Well, to either Bill or Roy, I never saw OFL mentioned in any of the Gulf mackerel presentations. How are they handling OFL in the Gulf?

DR. CRABTREE: Specifically with respect to mackerel, I don't know, Ben. I don't know what we have for the Spanish mackerel assessment in the Gulf, so I can't answer that. Rick Leard I guess is gone and he might have been able to.

MR. TEEHAN: I can see what I can find out for you, Ben. It might take a little snooping in here.

MR. CARMICHAEL: The last Gulf assessment was pre-SEDAR. I think this morning we mentioned it was 2002, I believe, but then there was some question as to whether or not that one was actually accepted by the SSC and it kicked back to one from 1999/2000, a couple of years before, so it would be an old pre-SEDAR assessment.

MR. GEIGER: All right, where is Susan Shipman when you need her? Anyway, what we're going to do, because this is going to progressively worse as we get into cobia with the same situation, my recommendation is that we adjourn the Mackerel Committee at this particular junction, go into full council, get our report from the SSC, thrash through that and then reconsider these mackerel issues that remain, including the remainder of Spanish mackerel and cobia as a Committee of the Whole during full council. Any objection to doing that? Seeing none, the mackerel committee is adjourned.

(Whereupon, the committee was adjourned at 2:41 o'clock p.m., June 8, 2010.)

The Mackerel Committee of the Whole of the South Atlantic Fishery Management Council convened in the Ballroom of the Renaissance Orlando Airport Hotel, Orlando, Florida, June 11, 2010, and was called to order by Chairman George Geiger.

MR. GEIGER: Mr. Chairman, that completes the portion of the mackerel agenda that was completed in the Joint Mackerel Committees, and we're now moving on to issues that remain unresolved. The first order of business is 4.15.3, allowable biological catch control rule and ABC. Gregg, can you give us the point in the document? If everybody has a mackerel report in front of them, it is on Page 16. All the remaining actions for Spanish mackerel are conveniently located on Page 16.

MR. ROBSON: This is the committee report?

MR. GEIGER: This is the committee report or you can go back to the mackerel document if you so desire. That would be Attachment 4. It is just as easy to work off the committee report, Gregg.

MR. WAUGH: Yes, for our purposes here the committee report would work well.

MR. GEIGER: Okay, so let's do that for continuity purposes. The first thing we're going to discuss is 4.15.3, and the first order of business is to discuss the allowable biological catch control rule and the ABC itself. We've got a range of alternatives that are identified. We have an option to pick a preferred if we so desire. Dr. Cheuvront.

DR. CHEUVRONT: **For the sake of consistency and trying to move things along, I would like to make a motion that we accept Alternative 4B as our preferred and that is ABC equals 75 percent of OFL.**

MR. GEIGER: Do we have a second? Second by Chairman Harris. Any discussion on that motion?

DR. CRABTREE: I have a question; we're in a Committee of the Whole now?

MR. GEIGER: We are in a Committee of the Whole. Ben.

MR. HARTIG: Just a general comment; is it appropriate to talk about Spanish right here now?

MR. GEIGER: We are dealing with Spanish mackerel.

MR. HARTIG: Okay, I wanted to make sure. In Spanish mackerel – we have used less and less efficient gear over time – the landings really don't have a whole lot to do with the population. The other thing I'm going to say is that another thing we have to think about; in assessments where we don't have the biomass estimates; how are we going to deal with that long term?

Are we going to go back to landings in each one of the assessments to see those levels from the SSC? I think there is a much better to do it with mackerels. If you go back in the history of the fishery and look where it crashed, you may be able to get an OFL based on those things. There are certainly other ways to look at it than just using recent landings to develop an OFL. That is what I'll about that.

MR. GEIGER: Okay, thank you, we have a motion on the floor with a second. Is there any other discussion? **Seeing no other discussion, is there any objection to this motion? Seeing none, that motion carries.** The next order of business is 4.15.4, optimum yield. We have a complete range of alternatives. Any desire to choose a preferred?

MR. WAUGH: The main thing we need right now is to agree to the alternatives. If you're not ready to do preferreds, that is fine. If we just get the range of alternatives, we will work the document up and bring it back to you in September and you can pick preferreds there.

DR. CHEUVRONT: I think as long as you can get Alternatives 1 through 6 all considered, that would be fine. I don't know if we any additional direction for that, I'm happy with that.

MR. GEIGER: And you will make that in the form of a motion, sir.

DR. CHEUVRONT: **I would like to make a motion that we include Alternatives 1 through 6 for consideration.**

MR. GEIGER: Seconded by Chairman Harris. Okay, we have a motion and a second. Is there any discussion? Yes, Ben.

MR. HARTIG: Just for my edification, how did we get to be able to use those numbers?

MR. WAUGH: If you remember, the assessment calculated these values. The review panel expressed concern about using the biomass-based parameters and the SSC concurred. We use these at some risk.

MR. HARTIG: If we've put this before the AP and we already have at one time and they came up with a lower number; that's no problem?

MR. WAUGH: The AP's recommendation to us is a recommendation for the council to consider along with this information.

MR. GEIGER: Any other discussion? We have a motion and a second. **Is there any objection to this motion? Seeing none, that motion carries.** 4.15.5, annual catch limits on Page 16, continued over to Page 17. That is all on Page 16, excuse me. We have three alternatives. Is this a complete suite or would you like to see something like an addition ACL equals ABC of 75 percent of OFL as a suggestion; just one additional alternative that is within the range of reason, I think. Again, we're not looking for a preferred. We don't have to have a preferred. All we need is an approved range of alternatives. Dr. Chevront.

DR. CHEUVRONT: I'm not sure what is an appropriate range of management uncertainty – to allow management uncertainty to guide us to choose this ACL. Ben, do you know? Is there something happening here that we potentially might not be capturing that could cause us to overfish on Spanish?

MR. HARTIG: No.

DR. CHEUVRONT: So you would agree that we could set – we have already got ACL equals ABC, which means no management uncertainty, so maybe step it down like 95, 85, 75 percent of ABC as the range of alternatives.

MR. HARTIG: Yes, that would be good.

DR. CHEUVRONT: **Okay, I'll make that motion to accept Alternatives 1 through 3 for annual catch limits for Spanish mackerel with the direction to include subalternatives under Alternative 3 as ACL equals 75 percent of ABC, 85 percent of ABC and 95 percent of ABC.**

MR. GEIGER: We've got a second by Chairman Harris. That came pretty quickly; let's wait until he gets it up to make sure we have an accurate motion. The motion is to include

Alternatives 1 through 3 for consideration with subalternatives for ACL equal to 75 percent, 85 percent and 95 percent of ABC. Dr. Chevront, is that correct?

DR. CHEUVRONT: That is correct.

MR. GEIGER: We have a motion and a second; is there any discussion? **Any objection to that motion? Seeing none, that motion carries.** 4.15.6, annual catch targets; we have a commercial sector ACT. The next one is a recreational sector ACT. Basically, they mirror the ACTs that we established in other fisheries. If you desire to have ACTs established for this fishery, this is a range of alternatives. Mr. Harris.

MR. HARRIS: **Mr. Chairman, I move that we accept Alternatives 1 through 4 as annual catch targets.**

MR. GEIGER: For both the recreational and commercial sector?

MR. HARRIS: Yes, I will include that both.

MR. GEIGER: Mr. Hartig seconds. Any discussion? **Seeing none, is there any objection? Seeing none, that motion carries.** 4.16, specify accountability measures for Atlantic Migratory Group Spanish Mackerel. Again, if you have a desire for a preferred, we have traditionally been able to pick from a number of the alternatives that are identified in the total suite of alternatives. If you desire to pick a preferred alternative; if not, approve for a range as being acceptable? All right, seeing as how there are so many, maybe there is an option here that we can possible remove some of these. Why don't we just take them one by one, Gregg, and talk about them quickly.

MR. WAUGH: Alternative 1 is status quo. Alternative 2 would have the AMs to prohibit harvest, possession and retention when the quota is – and we will add for all of these “projected to be met”. For the recreational sector we would reduce the length of the following season, so we've kept those. For others, just track the others. I would presume we would keep that one.

MR. GEIGER: Okay, as we're going here, can we can a motion to delete items if you see them and you don't want them, and then we will move on to the next one.

MR. WAUGH: And here where we get into others – and this is a little bit of a mix of management measures. We don't have a separate category for management measures. They're all just shown under accountability. I'll just call your attention to the bottom where we have got paybacks. Do we want to keep commercial and recreational paybacks, the same type of alternatives we have had for others? Maybe we can talk about that and then come back to the management measures.

MR. GEIGER: Any desire to change or make additions to those suite of alternatives? Ben.

MR. HARTIG: We don't have a preferred? Okay.

MR. GEIGER: Would you like to make one?

MR. HARTIG: Well, the AP suggested reducing the bag limit rather than reducing the length of the following fishing year, and I would make that as our preferred.

MR. GEIGER: Dr. Chevront seconds. **We have a motion and a second to reduce the bag limit in lieu of shortening the subsequent fishing year.** Is there any discussion of that motion?

DR. CHEUVRONT: It looks like Subalternative 3A has been deleted. I think Subalternative 3C is probably untenable. I'm happier with 3B than I am with 3C. I just don't know how 3C could be enforced. What I'm trying to do is to look at – I guess what I would like to do, Ben, if that is all right, is I would like to make Subalternative 3B the actual preferred, so I would like to modify the motion if we could do that and then see if in a subsequent motion we get can rid of some of these subalternatives because I think they might not be very workable or desirable.

MR. GEIGER: All right, that becomes a substitute motion and is there any objection to the substitute motion? Seeing none, the substitute motion now becomes the main motion, and could you restate it, please.

DR. CHEUVRONT: **Yes, I would like to make the motion that we make Subalternative 3B under the accountability measures a preferred alternative.**

MR. GEIGER: Okay, that now becomes the main motion and we have a second. Is there any discussion of that becoming our preferred? Dr. Chevront, would you reread the motion, please.

DR. CHEUVRONT: The motion that is up right now is to make Subalternative 3B under accountability measures our preferred.

MR. GEIGER: And there was a second; Ben, any issues with that? No discussion? **Any objection? Seeing no objection, that motion carries.** We're still looking at the suite of alternatives to see if we can eliminate any that you don't believe will make the cut. Rita.

MS. MERRITT: **I would like to see Alternative 4 also as a preferred. That would be to prohibit bag limit sales of Atlantic Migratory Group Spanish Mackerel.**

MR. GEIGER: We have an additional preferred; is there a second? Ben Hartig seconds. **Any discussion? Seeing none, is there any objection to that becoming a preferred? The motion carries.** Dr. Chevront.

DR. CHEUVRONT: I would like to back up to Alternative 3 for a second, if we can. **I would like to make a motion to remove Subalternatives 3C through 3E and send them to the considered but rejected appendix.**

MR. GEIGER: We have a motion; is there a second? Second by Mr. Hartig. The motion is to move Subalternatives 3C through 3E to the considered but rejected portion of the documents. Any discussion? **Any objection to that motion? Seeing none, that motion carries.** Anything

else on this, folks? Okay, we're going to move along. 4.17, specify MSY, MSST, MFMT, allocations, ACT levels for Atlantic Migratory Group Cobia, Page 21 of the Mackerel Report. The first action, 4.17.1, MSY, and here we have not been provided – yes, Brian.

DR. CHEUVRONT: Is there enough direction or a template that we could follow from our previous MSY alternatives that we could give direction to just follow the same template?

MR. GEIGER: Yes.

MR. WAUGH: Yes, I think so because these are all unknown so we will indicate the council shows them as unknown.

DR. CHEUVRONT: **Okay, I would like to make a motion that we incorporate a range of alternatives for MSY for cobia that are similar to the ones that we have used for king and Spanish mackerel.**

MR. GEIGER: We've got a motion; is there a second? Second by Mr. Hartig. Any discussion of the motion?

MR. WAUGH: We don't have that information for these values.

DR. CHEUVRONT: So we don't have any kind of proxy for MSY?

MR. WAUGH: No, nothing; nothing has been done on Atlantic –

DR. CHEUVRONT: **So then I will withdraw the motion.**

DR. CHEUVRONT: Is that okay with the seconder?

MR. HARTIG: Yes.

MR. WAUGH: And I think our only choice at this state is to indicate that we have ways that we would calculate it and when that information becomes available, then we'll plug those in, but we'll just have to indicate that they're unknown.

MR. GEIGER: 17.2, overfishing level, and there is a brief paragraph there that talks about that and at the end it says, "Therefore, OFL is equal to 857,714 pounds." Is everybody satisfied with the way that was calculated? Dr. Chevront.

DR. CHEUVRONT: I would sure like to have some other alternatives because correct me if I'm wrong, we have nothing on cobia so we have no indication whether there is any overfishing or it is an overfished status; but using the SSC control rule, we're taking the median of the landings in previous years. I think we need to, at a minimum, include an alternative that would be the maximum of landings from the last ten years. **I will make a motion that we include an alternative for OFL that sets OFL at the maximum annual landings for the period 1986-2008.**

MR. GEIGER: Okay, we have a motion; second by Mr. Robson. Any discussion of that motion? Mr. Hartig.

MR. HARTIG: The only question I have, George, is the 1986-2008; is that a standard timeframe that is used for any particular reason?

MR. WAUGH: We have used that for snapper grouper. We have the data for that time period. It is Table 18 in your attachment, so we have that information.

MR. HARTIG: Well, let me give a little discussion on the biology of the species. The species are very fast growing and very similar to dolphin in some ways in its life history. I don't have a problem with trying to set landings at the highest level for OFL, but that is the biological part of it.

DR. CRABTREE: So we don't have anything from the SSC right now in terms of an OFL or we do?

DR. CHEUVRONT: They did; they gave us the median value of that same timeframe.

DR. CRABTREE: Well, I think what you have got to do with this is go back to the SSC and ask them if they would reconsider. I don't think we can just set an OFL that is higher than the OFL they've given us without some kind of justification.

MR. HARRIS: Mr. Chairman, can we not include it as an alternative? We're not picking it as a preferred. We're just putting it in there as an alternative right now; and if the SSC happens to agree, it is at least there already; I don't know.

DR. CRABTREE: I guess you can include it as an alternative. It is just understand that if the SSC says it is a lower level, it is a problem.

DR. CHEUVRONT: Is it inappropriate for us to ask the SSC to consider this as an OFL?

MS. SMIT-BRUNELLO: It seems to me that is what you want to do. I think that it is not a good idea to have OFL alternatives. I just don't think that's appropriate. If you want to ask the SSC to consider it, I'm not sure how you convey that to them. Maybe you just leave it in here and it can be reworded later. I guess it is the council's choice.

DR. CHEUVRONT: I would like to take a stab at modifying – John, do you want to say something first?

MR. CARMICHAEL: I think I agree with Monica. It is kind of hard to have it in for an individual species when we have accepted for many, many species OFL based on median landings and accepted the SSC's reasoning for that. Now, perhaps if the council wished the SSC to consider OFLs across the board at something set at the maximum of annual landings as sort of a comprehensive thing to look for many species, that might be a better approach to get maximum

landings considered. Picking and choosing for individual species would seem to be to create a record that is based not necessarily on the science or the information.

MS. SMIT-BRUNELLO: Well, I guess that brings me to an issue that has been nagging me the whole meeting, and that is that the SSC chose the median landings for a set number of years and used those years for every single species. In going through the minutes of the SSC meeting in trying to build a record and those sorts of things, I'm not sure whether – I'm not a scientist – I'm not sure from an administrative record point and support for that particular way to go about it is – I am not certain that there is support in the record right now, which is only based on the SSC minutes, for choosing that time period for every species that they looked at.

It seems that some might say that was just – I don't know whether it was an arbitrary time period, but it was certainly a time period. It would seem to me you would want to look at each species – look at the time period for each species, which could vary from species to species. This has been nagging me so I think that if you would want them to look at that for every species, that's fine; it may be appropriate for some species and not for others. I don't know, that's just my thoughts. It has just been nagging me so this is a good time to bring it up.

DR. PONWITH: To that point, I don't see a problem with setting an approach for evaluating OFL in these circumstances that is a consistent approach for coming up with kind of a default position on how OFL is arrived at. I also think it is highly appropriate where information is available to then test the appropriateness of using that default.

That would be done by looking at the life history of the species to say are there unique attributes of the life history of the species that would justify a departure from the default. To Monica's point, for the years that were selected as the time series, is there a wrinkle in that time series that would justify using an offset time series that would be more appropriate; some environmental phenomena, some market phenomenon that would render the default time series as less appropriate than some other. I would think it would be appropriate for the council, if they have knowledge that for one given species, either a life history feature or some related to the setting of this, or the time series that was selected, to ask the SSC to revisit it in the context of that information.

DR. CRABTREE: I'm in the same boat as Monica. I think the record we have provided in this SSC Report is questionable on a whole lot of fronts, and we need to do something to shore that up.

DR. CHEUVRONT: **I think based on this discussion and I see that John was taking some notes on some of this, I would like to go ahead and withdraw my motion.** I think we need to have more discussion with the SSC on how to apply landings' data.

MR. GEIGER: And I got a signal from the seconder that is okay. Is there any objection to withdrawing the motion? Seeing none, the motion is withdrawn. Charlie.

MR. PHILLIPS: And it may need to come up under other business – I'm not sure where – but at some point I'd like for to make a motion or get on the record that we'd like the SSC to look at

something other than landings equaling OFL because it keeps putting us in this bind. We need to give them some direction as to giving us some other formulas, something else that fits our needs, because what we've hasn't done it.

MR. SWATZEL: I'm just pointing out that the SSC used the time series of 1994-1997 for dolphin. I'm not exactly sure why but they went back in time and used the 1990s.

MR. HARRIS: Mr. Chairman, going back to what Bonnie said with respect to evaluating what an appropriate OFL is for a species like cobia, we're talking about a time series of landings, but then we're talking about application of life history aspects. I don't see how you get back to choosing a different time series of landings based on life history aspects. That's what I thought I heard you say, but it we're using landings, then how do we then take a time series of landings, get a median value for OFL and then apply life history aspects to it? I'll have to ask Bonnie to clarify that.

DR. PONWITH: The time series, again, if you're trying to do something in an expedited way, taking a default time series and using that as a point of departure, evaluating is this time series appropriate for this fishery, not for the fish but for the fishery, was it a time where the fishery was conducted in a way that was stable or was there a pronounced change in methodology in the way the fish was harvested or a pronounced change in the market demand for the fish.

That would be the way you would evaluate the appropriateness of the time series as a proxy for OFL. Secondly, you would look at the life history of the fish to determine the question that was raised earlier and that is, is the median or mean harvest within that time series the most appropriate measure or is something other than that, like was suggested the maximum more appropriate, so the life history would be looking at what statistic within that time series of landings you would be looking at.

MR. GEIGER: Okay, John, are you comfortable with where we're at?

MR. CARMICHAEL: I believe so. I think we would to ask that the SSC consider further the recommendations for OFL, and that consideration should be given to the appropriateness of the time series when OFL is to be determined based on landings, and they might consider things like regulations, the fishery, economics, life history characteristics of the fish. They should also consider whether within the time series for each individual stock whether the median, the mean, the max or some other statistical measure is the most appropriate proxy for OFL in that period.

MR. GEIGER: Charlie, does that take care of your earlier issue?

MR. PHILLIPS: Yes, and there are still other things. They can put CPUE and spawning stock ratios, but, yes, it is the spirit of where I want to go.

MR. GEIGER: All right, talk to John if you have anymore.

MR. CARMICHAEL: So evaluate other information also where it may be available for fish such as CPUE, maybe historical monitoring surveys, life history studies, things of that nature that might shed some insight.

MR. GEIGER: Okay, thank you, all, moving along –

MR. HARTIG: George, don't go too quick; there is something really important to John. What we're going to is an OFL control rule, basically. That is exactly what we're setting up from what John said and everything else. I think that is very, very appropriate to deal with all the data-poor species we have. I think that would be an excellent way to deal with exactly what Bonnie has brought before us; have an OFL control rule where we bring all these things to the table that has been mentioned by John and Charlie and everyone else. **I think that is an excellent way to move, and I would move that the SSC develop an OFL control rule.**

MR. GEIGER: Okay, we have a motion to have the SSC develop an OFL control rule. Second by Mr. Phillips.

MR. HARRIS: Just to add to that, that includes all of the elements that both Bonnie and John and Charlie have put on the table because I think those are the critical elements that are going to get us perhaps where we think this should take us.

MR. GEIGER: Okay, that's all part of the discussion if that is okay with the motion maker.

MR. HARTIG: Yes.

DR. CHEUVRONT: I see that Gregg has it up there, an OFL control rule for data-poor species, but the motion maker didn't say that explicitly and I would like for him to confirm that is what he intended, that we don't need an OFL rule for assessed species.

MR. HARTIG: Yes, that is my intent.

MR. GEIGER: Okay, any other discussion? The motion is request the SSC develop an OFL control rule for data-poor species, including all the discussion that went on subsequently or prior. No other discussion? **Is there any objection to the motion? Seeing no objection, that motion carries.**

4.17.3, Page 21, allowable biological catch control rule and ABC. Again, we have a complete suite of alternatives. I think we can give direction to staff to ensure that they're consistent with other decisions that we made during this meeting for other species. Is there anybody who has any additions that would like to see included? Chairman Harris.

MR. HARRIS: No, I'm just wondering if the way Alternative 2 is written, whether that is one that we need to reject because it says "ABC based on SSC's data-poor ABC control rule," and we have pretty much rejected their ABC data-poor control rule. Does that one still need to be in there?

MR. GEIGER: That is an excellent point. For the others, we have moved that to the considered but rejection, and I'll take that as a –

MR. HARRIS: I would move that we take Alternative 2 and move it to the considered but rejected alternatives.

MR. GEIGER: Okay, we've got a motion; is there a second? Second by Mr. Phillips. Any discussion? **Is there any objection to that motion? Seeing none, that motion carries.** Any other discussions concerning the control rule. We would like to get a motion for accepting the suite of alternatives here.

MR. HARRIS: So move, Mr. Chairman, that we all the other suite of alternatives.

MR. GEIGER: We have a second by Mr. Phillips. Any discussion? **Is there any objection to that to that motion? Seeing none, that motion carries, and, of course, that is with staff guidance to ensure that it consistent with the others from other species.** Okay, the next order of business is optimum yield, 4.17.4. That would be on Page 23 of the report.

MR. WAUGH: Maybe we want to add an alternative because we don't have the yield at those fishing mortality rates for 2, 3 and 4. We really can't fill those in and maybe we want OY equals ABC or ACL.

DR. CRABTREE: Did we do ACT on this one? I would move that we add alternatives for OY equal ACL, OY equal ACT.

MR. GEIGER: We have a motion; is there a second? Second by Chairman Harris. Any discussion of that motion? I'm not trying to rush you all, but have you had a chance to look at it? **Okay, is there any objection to that motion? Seeing none, that motion carries.**

MR. WAUGH: Since we don't have values for Alternatives 2 through 4, we'll just move those to the considered but rejected appendix.

MR. GEIGER: Thank you. The next section, 4.17.5, allocations, again remaining on Page 23.

MR. WAUGH: This is a standard suite of alternatives. There is a table showing the catches, and this is in your Attachment 4. This table will need to be updated, but you can see that over time the commercial catches have ranged somewhere around 6.2 percent in 2003 to a high of 24 percent in '95; the recreational from a high of about 94 percent in 2003 to a low of 76 percent.

MR. GEIGER: And, again, this is the standard suite of allocation alternatives. We have chosen preferreds in other fisheries. Mr. Boyles.

MR. BOYLES: Mr. Chairman, I would make a motion that we select Alternative 3 as the preferred.

MR. GEIGER: Okay, is there a second? Second by Chairman Harris. Discussion?

MR. HARTIG: Just that it is based on the allocation formula that we have been consistently using?

MR. GEIGER: Yes, sir. **Okay, is there any objection to that motion? Seeing none, that motion carries.** Okay, there is an opportunity here to delete an alternative. Chairman Harris.

MR. HARRIS: **Mr. Chairman, I would move that we move Alternative 5 to the considered but rejected appendix.**

MR. GEIGER: Second by Mr. Cupka. Any discussion? **Any objection to that motion? Seeing none, that motion carries.** 4.17.6, annual catch limits, ACLs.

MR. WAUGH: And these will be calculated – right, we passed a motion before that already addressed this.

DR. CHEUVRONT: That was under Spanish mackerel. **I make the motion to include ACL Alternatives 1 through 3 for cobia with subalternatives for ACL equal to 75, 85 and 95 percent of ABC.**

MR. GEIGER: We've got a motion; is there a second? Mr. Hartig seconds. Is there discussion? **There being no discussion, is there any objection to the motion? Seeing none, that motion carries.** 4.17.7, annual catch targets; and here again we've got ACTs for the commercial and the recreational sectors that mirror previous species that we have done in the coastal pelagics. **The motion is to accept the commercial and the recreations suite of alternatives for annual catch targets.**

MR. HARTIG: Thank you very much; so move.

MR. GEIGER: We've got a second by Chairman Harris. Is there any discussion? **Is there any objection to that motion? Seeing none, that motion carries.**

MR. WAUGH: Okay, for accountability measures and including the management measures as well, what we have in place now is a 33-inch fork length that applies to both recreational and commercial, and there is a two per person boat limit. Florida state regulations only allow one per person. There is a one-day possession limit; must be landed with heads and fins intact; charter/headboats require a permit.

Alternative 2 would track the commercial fishery and close it. Alternative 3 would track the commercial and close it. The recreational, if it is exceeded, publish a notice to reduce the length of the following season; standard from before; and then at the end we've got payback alternatives. Then we've got options to look at reducing the bag limit and setting a spawning season closure.

MR. HARTIG: Gregg, if you want to be correct on the Florida statement, it is one for recreational but two for commercial.

MR. PHILLIPS: **I would like to make a motion that we make Alternative 5 the preferred.**

MR. GEIGER: There is a motion to make Alternative 5 our preferred; is there a second? Chairman Harris seconds. Is there any discussion? **Is there any objection to making 5 our preferred alternative? Seeing none, that motion carries.** Monica.

MS. SMIT-BRUNELLO: Just for clarification, maybe it is a bag limit the way it is specified now, but it is two per person per day regardless of whether – and this applies to commercial or recreational. So, Charlie, your idea on Alternative 5, when you would prohibit bag limit sales, you're assuming that there is going to be a commercial allocation setup and a recreational allocation. Okay.

MR. GEIGER: We've got one last thing to do here and that is accept the entire suite of alternatives. Do we have a motion?

MR. BOYLES: **Mr. Chairman, I would make a motion that we accept these suite of alternatives for 18.**

MR. GEIGER: Second by Chairman Harris. Is there any discussion? **Any objection to that motion? Seeing none, that motion carries.** Mr. Chairman, that completes the coastal pelagics agenda's business. We covered other business. I guess it would be correct to ask if any other business has become up between now and when we discussed other business before. Is there any other business to come before the committee? Seeing none, we're adjourned.

(Whereupon, the meeting was adjourned at 10:26 o'clock a.m., June 11, 2010.)

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KING & SPANISH MACKEREL

George Geiger, Chair
David Cupka, Vice-Chair
Mac Currin
Brian Chevront
Duane Harris
Ben Hartig
Rita Merritt
Charlie Phillips
Mark Robson
Tom Swatzel
~~Ron Smith, Mid-Atlantic~~
~~Jack Travelstead, Mid-Atlantic~~
Representative
Representative
Staff contact: Gregg Waugh

LAW ENFORCEMENT

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Mac Currin, Vice-Chair
Robert Boyles
Duane Harris
Ben Hartig
Brian Sullivan
Staff contact: Myra Brouwer

CATCH SHARES

Rita Merritt, Chair
Robert Boyles
David Cupka
George Geiger
Ben Hartig
Vince O'Shea
Charlie Phillips
Spud Woodward
Tom Swatzel
Staff contact: Kate Quigley

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David Cupka
George Geiger
Duane Harris
Spud Woodward
Staff contact: Bob Mahood

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Wilson Laney, Vice-Chair
Rita Merritt
Mark Robson
Spud Woodward
Staff contact: Myra Brouwer

SCI. & STAT. SELECTION

Roy Crabtree, Chair
Robert Boyles
Brian Chevront
Mark Robson
Spud Woodward
Staff contact: John Carmichael

SEDAR Committee

Duane Harris, Chair
George Geiger, Vice-Chair
Brian Chevront
David Cupka
Ben Hartig
Vince O'Shea
Mark Robson
Tom Swatzel
Staff contact: John Carmichael

✓ Red
Munden

AGENDA

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

MACKEREL MANAGEMENT COMMITTEE

THE GALVESTON CONVENTION CENTER

GALLEON BALLROOM, 1ST FLOOR

GALVESTON, TEXAS

Tuesday, April 13, 2010

4:00 P.M. – 4:30 P.M.

- I. Adoption of Agenda (Tab C, No. 1) – Fischer
- II. Approval of Minutes (Tab C, No. 2) – Fischer
- III. Revised Options for Coastal Migratory Pelagics FMP Amendment 18 (Tab C, No. 3) – Fischer/Leard
- IV. South Atlantic Fishery Management Council Actions on Amendment 18 (Tab C, No. 4) – Fischer/Leard
- V. Other Business – Fischer

Members:

Myron Fischer, Chair

Mike Ray, V. Chair

~~Roy Crabtree/Phil Steele/Steve Branstetter~~

Tom McIlwain

Damon McKnight

~~Vernon Minton/~~Kevin Anson ✓

Ed Sapp

Staff: ~~Rick Leard/~~Karen Burns

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Rachael Lindsay
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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.

Joint South Atlantic Council and Gulf Council Mackerel Committees Orlando, FL Tuesday, June 8, 2010

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

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CITY, STATE & ZIP

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WILMINGTON, NC

Glen Brooks Gulf Fishermen Assoc 941-920-7302

P.O. 14894 Brad FL 34280

Donna Brooks Gulf Fishermen Assoc 352-422-2432

PO Box 636 Lecanto FL 34460

Nichola Meserve ASMFC 202-239-6400

1444 I St. NW #600 Washington DC 2002

Ed Weiss

USCG Sector Jacksonville

Mike Baker SEFSGA 772-233-5352

Port Salerno FL 33455

Thomas Stiller SEFSGA 772-618-8712

612 Baya Pl. Ft. Pierce FL 34982

Derek Reas Atlantic King Fish 772-466-0363

3051 Charles Way Ft. Pierce FL 34948

Kenny Fles

910-6205847

907 w yacht Dr

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10

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Alan Coe 772 216-6282 FN Ashley Michelle 5910 Palm Dr. Ft. Pierce FL 34982

FRED ROGETT 561-262-4496 401 ALT A1A #14 JUPITER FL 33477

JOSEPH WOLD 561-396-4787 4784 SE Grooper Ave STUART ³ 34997

Nicholas Hill 321 795 1038 4945 Owens Ave Grant FL 32949

James A Beeves 772-332-2828 14390 Orange Ave Ft. Pierce FL 34945

Terry Howard 772-332-0153 473 Chamberlin Blvd. Ft. Pierce 34949

Ed BLACK 772-216-4304 10117 Spyglass Ln. PSL, FL 34986

Lester Reeves 772 464 7168 7904 Dun Curto

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Ft Pierce

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Rick Dewey	561-262-8563	58 TALL OAKS CIR TEQUESTA FL 33469
Robert Mosley	561-746-7568	18450 SE Loxa Riv Rd Jup FL 33458
Daniel Lewellen	561-324-2416	18450 SE Loxa Riv RD Jup. FL 33458
Michelle Owen		Sarasota FL 34236
JACK RICE	561-755-0085	4738 S.E. BINNACLE WAY STUART, FL 34997
WAYNE CORSON	772-546-8794	6950 SE 138 th ST. HOBE SOUND FLA 33455
Daniel Bochenik	(772)634 7998	2045 SE WASHINGTON ST STUART FL 34997
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Holly Bross 850-727-2241 Tallahassee, FL

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CAPT. AL QUATRARO

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Frank Helies

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