

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

JOINT SAFMC & GMFMC MACKEREL COMMITTEES

**SEA PALMS RESORT & CONFERENCE CENTER
ST. SIMONS ISLAND, GEORGIA**

March 4, 2013

SUMMARY MINUTES

SAFMC Mackerel Committee:

Ben Hartig, Chair
Steve Amick
Mel Bell
Doug Haymans
Charlie Phillips
Pres Pate

Dr. Michelle Duval, Vice-Chair
Anna Beckwith
David Cupka
Jessica McCawley
Tom Swatzel

GMFMC Mackerel Committee:

Myron Fischer, Chair
Corky Perret
Larry Abele
Larry Simpson

Martha Bademan, Vice-Chair
John Sanchez
Mike Ray
Dr. Pam Dana

SAFMC Council Members:

Tom Burgess
Dr. Wilson Laney
John Jolley

Dr. Roy Crabtree
LCDR Scot Gibson

Council Staff:

Bob Mahood
Mike Collins
Dr. Kari MacLauchlin
Kim Iverson
Julie O'Dell
Anna Martin

Gregg Waugh
John Carmichael
Amber Von Harten
Dr. Mike Errigo
Myra Brouwer
Dr. Brian Chevront

Observers/Participants:

Susan Gerhart
Dr. Bonnie Ponwith
Ryan Rindone

Monica Smit-Brunello
Dr. Steve Bartone
Doug Boyd

Additional Observers Attached

TABLE OF CONTENTS

JOINT SAFMC AND GMFMC MACKEREL COMMITTEE MEETING

Call to Order, Chairman Ben Hartig.....	3
Approval of Agenda.....	4
Approval of September 12, 2012 SAFMC Minutes.....	4
Status of Commercial and Recreational Catches versus ACLs.....	4
Joint Gulf/South Atlantic Amendment 19.....	7

SOUTH ATLANTIC MACKEREL COMMITTEE MEETING

Continuation of Joint Gulf/South Atlantic Amendment 19.....	72
Joint Gulf/South Atlantic Mackerel Amendment 20.....	77
South Atlantic Mackerel Framework Action.....	94
Adjournment.....	112

The Joint Mackerel Committees of the South Atlantic Fishery Management Council and Gulf of Mexico Fishery Management Council convened in the Frederica Room of the Sea Palms Resort and Conference Center, March 4, 2013, and was called to order at 1:30 o'clock p.m. by Chairmen Ben Hartig and Myron Fischer.

MR. HARTIG: Welcome to the Joint South Atlantic Fishery Management Council/Gulf Fishery Management Council Mackerel Committee Meeting. We're here today to go over three different amendments; Amendment 19, 20, and the framework actions from the South Atlantic. The way we will proceed with this meeting is that the Gulf Council will discuss and make decisions on the action and vote, and then we will take action right you do. The first thing I thing I think I would like to do is just go around the table and everybody introduce themselves just so we know who everybody is.

MR. PERRET: Corky Perret, Gulf Council.

LCDR GIBSON: Scot Gibson, Coast District 7.

MR. SWATZEL: Tom Swatzel, South Atlantic Council.

MR. BELL: Mel Bell, South Atlantic Council.

MR. HAYMANS: Doug Haymans, South Atlantic.

MR. AMICK: Steve Amick, South Atlantic Council.

MR. PHILLIPS: Charlie Phillips, South Atlantic.

MS. BECKWITH: Anna Beckwith, South Atlantic.

MR. BURGESS: Tom Burgess, South Atlantic.

DR. LANEY: Wilson Laney, South Atlantic.

DR. DUVAL: Michelle Duval, South Atlantic.

MR. CUPKA: David Cupka, South Atlantic.

MR. SANCHEZ: John Sanchez, Gulf Council.

MR. HARTIG: Ben Hartig, South Atlantic.

MR. FISCHER: Myron Fischer, Gulf Council.

DR. MacLAUHLIN: Kari MacLauchlin, South Atlantic staff.

DR. ABELE: Larry Abele, Gulf Council.

MR. JOLLEY: John Jolley, Florida.

MS. BADEMAN: Martha Bademan, Gulf Council.

MS. McCAWLEY: Jessica McCawley, South Atlantic.

MR. RAY: Mike Ray, Gulf Council for Robin Riechers.

MR. SIMPSON: Larry Simpson, Gulf States Marine Fisheries Commission/Gulf Council.

DR. DANA: Pam Dana, Gulf Council.

MR. BOYD: Doug Boyd, Gulf Council.

DR. BORTONE: Steve Bortone, Gulf Council staff.

DR. PONWITH: Bonnie Ponwith, NOAA Fisheries.

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

DR. CRABTREE: Roy Crabtree, Gulf and South Atlantic Council.

MS. GERHART: Susan Gerhart, NOAA Fisheries Service.

MR. HARTIG: If you will turn to your agenda, the first thing on the agenda is approval of the agenda. Are there any additions to the agenda today? Seeing none; is there any objection to approving the agenda? Seeing none; the agenda is approved. All right, the next item is the approval of September 12, 2012, South Atlantic Mackerel Committee Minutes.

Are there any changes to the minutes from our last meeting? Seeing no changes; any objections to approving the minutes? Seeing none; the minutes are approved. The next item on the agenda is the status of commercial and recreational catches versus ACLs for Atlantic and Gulf Group King Mackerel, Spanish Mackerel and Cobia. Sue.

MS. GERHART: All right, first of all, king mackerel in the South Atlantic is only at about 50 percent of the quota. These are all through February 15th for landings through the quota monitoring system. Spanish mackerel, we're at 93 percent of the full quota and 101 percent of the adjusted quota, which is 250,000 pounds less than the full quota. For cobia for this year, the fishing season just started in January and it is at only 10 percent compared to last year, which was our first year under a cobia quota, was 99 percent of the quota last year.

I was also asked to present Gulf landings. We don't normally do this with the Gulf Council, but we will go ahead and give this you. This doesn't compare it to last year, but it is just to let you know where we are on some of the quotas. In the Gulf the fishing season for most of the zones is July 1st through June 30th.

The Western Zone and the Northern Subzone are both closed at this time. The Southern Subzone is still open and is at around 60 percent. They have not yet reached the 75 percent trip limit reduction level. The East Coast Subzone, which is part of the Gulf during November through March, is at 54 percent of the quota. They did have a trip limit increase on February 1st to 75 fish.

Then for Gulf king gill net, they started the day after Martin Luther King holiday. It was the opening of the season; however, the fishing didn't begin until February 5th because of weather and other conditions. They have landed 80 percent of that quota, and there are a few boats that still may fish out the rest of that quota or may not.

Then for Gulf Spanish and Gulf cobia, both of those are stock ACLs, so there is not a separate recreational and commercial ACLs. For the Spanish, the commercial portion of that 23 percent of the quota, but the total is about 77 percent. However, that season ends in May so there is only about two months left on that quota. The cobia season started in January and they're only at 0.2 percent at this point. There are not a lot of landings. Last year's total landings were 65 percent for Gulf cobia. That is all for my report.

MR. HARTIG: Are there any questions for Sue? I had one. Sue, in that Gulf king gill net quota this year, have you heard about they have had to travel to different areas than normally to catch their fish? Do you have anything on that?

MS. GERHART: I can just tell you what I've heard from some of the fishermen as well as Mr. Kelly, who is out here, is that the fish do seem to be a little farther north than normal. Their schools seem to be more mixed than they have in the past. Normally there are fairly solid kingfish in the schools, but they're mixed in with Spanish and bluefish and some other things that are mixed in there, so it's a little bit more difficult to catch. The boats haven't really been bringing in their full trip limits as they come in. It is a little bit different year than it has been in the past.

MR. HARTIG: Yes, I wondering on the warmer winter; I remember we had one winter where they didn't catch the quota at all, so weather does have some impacts on that fishery. Next I next I guess we go to Bonnie for the recreational numbers.

DR. PONWITH: This is a presentation on the coastal migratory pelagics recreational landings. The next slide will give you some of the notes on this. The council and NOAA Fisheries are in the process of converting the ACLs and the quotas based on MRIP estimates. Therefore, the landings presented here are based on MRFSS estimates.

The landings' estimates were updated by SERO to be consistent with the ACL monitoring, which is the post stratification of the estimates. It also includes data through Wave 6 of 2012, so that is what the data are current to. The 2012 headboat landings are not included in these estimates.

This is a summary table that shows where each of these pairings are relative to their ACLs. What is clipped on the side there; the first line is South Atlantic cobia. I guess you can't see that

really on either of them. South Atlantic cobia is first, and you will see that it is at 70 percent of its ACL. Gulf cobia is at 65 percent of its ACL.

South Atlantic king mackerel is the third line. It is at 22 percent of the ACL. The fourth line is Gulf king mackerel; 23 percent. The fifth line is South Atlantic Spanish mackerel, which is at 50 percent; and the last line is Gulf Spanish mackerel, which is at 79 percent of its ACL. The series of slides are pretty much depicting that same information but in various ways to give you a feel for where we are this year relative to patterns that we saw in years past.

This slide is South Atlantic king mackerel recreational landings in pounds of wet weight. The line that we're talking about is that last line, the 12/13, and you will see that we have just under 1.5 million pounds wet weight. Then if you go to the next slide it shows that same information again. You will recall in this format the stacked bars are the landings in pounds of wet weight and the lines are effort in terms of trips. The black dot that you see over the last bar is the ACL.

The next slide shows the same information for Gulf of Mexico king mackerel. It shows you kind of what the landings were historically over the years. The 12/13; the bottom line is 1.8 million pounds wet weight, and then the next slide does the thing. The stacked bar again are the landings, so you can see trends over time. The line is the effort; and once again the black dot over the last bar is the ACL.

Each of these tables is exactly that same format, and it is basically taking the percent of the ACL that you saw in that very first slide and showing the patterns in trends over the years. You can do that comparison. The next slide is South Atlantic Spanish mackerel. You can see we're at around 1.3 million pounds wet weight. The next slide is showing patterns in effort and landings.

Gulf of Mexico Spanish mackerel – and these are recreational and commercial landings together. The last line shows us at 4 million pounds wet weight. Again, you can see the stacked bar, which in this case also includes commercial, and the patterns in effort relative to the ACL. The next slide is South Atlantic cobia recreational landings; just a little over a million pounds wet weight; and again effort over time as well as the landings over time.

The next slide shows Gulf of Mexico – and again this is recreational and commercial landings. For 2012 it was just under a million pounds; and the stacked bar showing the landings relative to the effort. Are there any questions?

MR. PERRET: Does that include Texas landings in the more recent years for the Gulf?

DR. PONWITH: Texas landings for the recreational; the historic years would include the Texas landings, and I will have to double check to find out – because I know the refresh on the Texas landings is at a different periodicity than the waves; and so allow me to check and find out when the most recent refresh on the Texas landings is.

MR. PERRET: So I would have to assume if the more recent landings do not include Texas; that number for the Gulf is going to be somewhat higher. Secondly, at the appropriate time will the

Center be able to give us a comparison between MRIP and MRFSS data to see which one is higher, lower, or are we on track with both methods or how they vary?

DR. PONWITH: Some of those presentations have already been done, but ultimately, yes. When we make the final conversion, I think it is a reasonable thing to be able to show what the MRIP numbers look like and what the MRFSS looked like, but ultimately then the opportunity for those comparisons goes completely away.

The reason is because they're running both analyses for a short amount of time to enable calibrations just like this. The next phase of changes to MRFSS into MRIP actually does away with some of the MRFSS sampling protocols. At that point side-by-side comparisons will no longer be possible.

DR. DUVAL: Bonnie, is it possible for us to get a copy of your presentation at some point? Thanks.

MR. HARTIG: I appreciate that and I really liked the detail that you've put into your presentations, Bonnie. That CPUE and stuff; that is very informative for us and I appreciate that. All right, the next item on the agenda is the one I'm adding. Thank you, Gulf Council, for taking the time to come to our joint meeting.

I neglected to thank you all for taking time out of your busy schedules to get together with us on these important amendments that we need to move forward. All right, the next item on our agenda is Mackerel Amendment 19, and that is Attachment 3A in your briefing book. We're going to have an overview that is Attachment 3B by Kari MacLauchlin.

DR. MacLAUCHLIN: A few things before we get started here; I am going to go through an action, give you information, and then I am going to turn it over to Ben and he will manage the discussion and then you will do your motions; each committee and everything. On behalf of the IPT, we would like for you to make sure that everything that is in here is something that you're interested in; every alternative that you want analyzed is in there that you're seriously considering; anything that you know that you seriously are not considering, it would be great to clean this up as much as possible, and the only things that you really want to consider or you want to take out to public hearing when you approve that.

There are a few things where the councils have different preferred alternatives and maybe you're going in different directions that you probably want to go ahead and talk about and make a decision; the first one being the bag limit action for king mackerel and Spanish mackerel, which we will get into.

This is the document in its current form. The draft amendment is 3A and the decision document is 3B. For our Gulf folks, this is something that we use and blend to kind of make sure that you answer all the questions that your staff people need to put the document together and have other information and what happened the last time you talked about this.

The last time the South Atlantic talked about this was in September and the Gulf I believe it was in October, so it has been a while. We will talk about what has happened the last few times as well. The expected schedule is that in June you will both approve it at your different meetings for public hearing. We will go to public hearing July and August. In August the Gulf Council will do the final review and in September the South Atlantic will submit for review and the spring of 2014 implementation.

Since we have been on – this morning we had our Visioning Workshop and we were talking about goals and objectives. I've put in the current Mackerel FMP objectives. These haven't really reviewed and revised in a while, but I just wanted to throw those out there since we're on that train, and you can think about some of these as we're going through these actions.

Action 1 is the sale of king and Spanish mackerel, and you have three alternatives; the no action. Alternative 2 would prohibit bag limit sales except for for-hire trips in which the vessel also has a commercial king mackerel or Spanish mackerel permit, whichever it is selling; and then Alternative 3, which prohibits king mackerel and Spanish mackerel to be sold when it's caught on a recreational trip.

If you keep going through the most recent Gulf actions, the Gulf selected Alternative 3 as the preferred, and in September the South Atlantic selected Alternative 1 as the preferred. Just to remind everybody what happened the last time is we had an action in there for tournament sales of king mackerel; to allow that.

The South Atlantic Committee; there was interest in coming up with a provision to allow tournament sales. We have talked about that and everything that would have to go into that; defining a permit and who could get a permit and any kind of requirements. The committee decided to remove that action for a future amendment, which the Gulf had also done before.

The South Atlantic selected no action as the preferred alternative because if you prohibit bag limit sales under Alternative 3, then you prohibit tournament sales as well. That is what happened the last time, everybody, if you remember. We would like for you to talk about that and make a decision.

We did bring this up – I was able to talk to our Law Enforcement AP briefly on kind of spur of the moment, but I was glad to get some of their input. It wasn't like a formal review of it, but they did give good input for a lot of the actions. A lot of the members expressed – they really recommend that you maintain consistent regulations between the Gulf and South Atlantic.

We do have the options in here for the South Atlantic and Gulf. The commercial king mackerel and Spanish mackerel permits are joint permits. So, you know, consistent regulations and then also because mackerel is so complicated, when you can, if possible, the simplest approach when you're thinking about these.

In the decision document we have some preliminary analysis so you can look at the extent of the king mackerel harvest and sales with a federal king mackerel commercial permit and without, so

you can get an idea of how this would affect it. If you have more extensive questions, we will have to get Brian up here.

We have the west coast of Florida and the Keys. I think that the other Gulf states do not have the data or don't allow it, Brian. I think some of them don't allow it. We can go through these. I hope that you have had a chance to kind of look over them for the different states and then a little of the economic analysis; about how much this would impact if you require a commercial permit or you require the fish to be caught on a commercial trip.

Really, we just need you to discuss this and then I have a couple of actions for you. I do need you to approve the language in the alternatives as you see them now; because as I was going back and forth between the two councils, there were a couple of different versions, so we want to make sure everybody is good with the language that is in there now. We can do that at the end and I'll make sure that you do that before you leave. I will turn it back over to Ben.

MR. HARTIG: I think it what would be easier if I turn it over to Myron to let him have the Gulf discussion and then you guys can vote on Action 1, sale of king and Spanish mackerel, if you want to change your preferred.

MR. FISCHER: I think I have a question that possibly Roy or someone could answer. Do we have to unify our preferred alternatives or can we go to the public and have each preferred?

MS. SMIT-BRUNELLOI: I think you could each have a preferred. I don't know what kind of message that sends out to the public. I guess it sends out you're not sure, obviously, but I don't think there is any – there is no legal requirement that you unify it. Now, whether you think that it is better to unify it at this meeting, you are able to do so, but there is no legal requirement that you unify.

DR. CRABTREE: It seems to me on this one if the Gulf's preferred is Alternative 3B, that would prohibit recreational sale in the Gulf and it would continue to take place in the South Atlantic. It seems to me you could do that. I think it would be a little messy down in the Keys.

MR. FISCHER: And my question was for both documents and through all the action items and not only on this action item. Okay, so we will begin. First is Action Item 1, the sale of king and Spanish mackerel. We've had this discussion in the past. We do have three alternatives in front of us. We have chosen as the Gulf preferred Alternative 3 to prohibit the sale of king and Spanish mackerel caught under a bag limit.

You cannot sell your catch unless you are a federally permitted – unless you are a properly permitted vessel not only in a state jurisdiction but federal jurisdiction. If anyone wants to add to the discussion, there were two options. One option was in the South Atlantic Region and the other option was in the Gulf Council's Region. I can go through the three alternatives if that is what we should do.

MR. PERRET: I've got a question about the table or tables that were just presented at the appropriate time. If it is now, I'll ask you. I'm sure I'm the only one that don't quite fully understand the information in the table.

The first footnote – and I'm talking about the summary of king mackerel harvest, so on and so forth. The first footnote is from '07 to 2011 all the vessels combined that did not have a federal king mackerel permit would have lost an average of \$507,005 annually in East Florida and Georgia. That is for the combined fleet?

DR. CHEUVRONT: Yes.

MR. PERRET: Okay, how many vessels are we talking about and what would the loss be per vessel?

MR. HARTIG: Corky, I asked the same question earlier, and I think Kari does have the number of vessels somewhere, if I'm not mistaken.

MR. PERRET: Well, if I can go a little further; in North Carolina we're talking about \$150,000 and change. In South Carolina we're talking about \$7,270. Obviously, there must be very few vessels in South Carolina. We've got a range of \$500,000 to \$7,000. It would help me if I knew per vessel what we were talking about.

MR. FISCHER: Can we divide this out?

DR. MacLAUHLIN: He was really good at math. Can you give me one minute, please?

DR. ABELE: Where it says they would recover 99 percent of it they had a federal permit; is there a moratorium on federal permits or because there are so many inactive that they are available and cheap?

MR. FISCHER: The answer could be both.

MS. BADEMAN: I know that king is limited access; Spanish is not, if that helps.

MR. HARTIG: And the average price of the permit was for a number of years about \$3,500. Now, from what I'm hearing it is around \$6,000. People are looking at what we're doing, and they're upping the price of the permits because we may actually do something with them.

MR. FISCHER: Corky's question was about the average price per vessel; what would be their lost income.

DR. MacLAUHLIN: Brian is crunching that really quickly and he said he will bring me the numbers in a moment.

MR. FISCHER: Do we have any other questions; something we could filibuster with? John.

MR. SANCHEZ: As you know, historically the guys in especially the Lower Keys, they have always relied on this as part of their income, the sale of fish, as they don't travel very well. In other words, tourists will come, they will fish, they will catch their limit of king mackerel, and then they will want to leave them to the mates perhaps as a tip just because they don't do very good in a suitcase. This would kind of undermine the years and years of testimony of that, and that is an ongoing practice.

DR. ABELE: Are the sale of those fish held against the commercial quota or the recreational?

MR. HARTIG: Yes, they're held against the commercial quota.

MR. FISCHER: Right; they go into, I'm sure, the Florida version of the trip ticket system if they're a charterboat. Martha, if charterboat fish are sold, they're counted commercially?

MS. BADEMAN: Yes, they should be because they're supposed to have – they need to have an SPL and RS. They need to sell to wholesale dealers, so it should be all accounted for.

MR. FISCHER: And I think the question always was if they are in MRIP, what happens is that double counting, and it looks like the nods are affirmative, so those fish would be double counted.

DR. CRABTREE: I think they quite likely would be.

DR. ABELE: What zone are those fish held against; in the Keys?

MR. HARTIG: Yes, that is a good question, Larry. I am not sure; I guess wherever they were landed. If they were landed in the area of that zone, they would be counted against that zone. That is just my guess. One thing I would add, though, our preferred would be the same as yours if it wasn't for the tournament sale issue.

We are going to have to address tournament sales before we can address the sale of king and Spanish mackerel because we want to allow tournament sales, but it is complicated. It is going to take some time to do that. Our intent was – and I think we had voted on it at the last meeting – that we wanted to prohibit the sale.

We have gone down the path so far of trying to professionalize our fisheries and you have done it as well and trying to separate sale of commercial from the recreational catch. The double-counting issue that Roy mentioned is a real problem as well as there are problems with quality and things that we'd like to change.

MS. GERHART: I just wanted to point out in the Gulf part of the allocation – I think it was 2 percent – was shifted from recreational to commercial to account for some of those sales, but it was only 2 percent. Whether that covers what is actually happening or not is what we're looking at now.

MR. PERRET: Ben, maybe you can answer me since you seem to support sale of tournament-caught king mackerel. I'm going ahead, but on Action 2 the preferred for the South Atlantic is not to allow the sale of cobia unless you've got all the federal permit requirements. Why the inconsistency with kings versus cobia on the South Atlantic.

Secondly, we all have the king mackerel tournaments in our states, and there is lots of money involved. The last thing that people that catch those fish want is to sell them. They want to win the damned tournament because there is a lot of money involved. We had a problem with a tournament in Mississippi where the fish were being donated to a charity, but the charity was having the fish picked up by a commercial establishment.

They were selling the fish and the charity was allegedly getting the money. Well, we had to fix it in our own way. I think we fixed it, though I'm not sure. It just seems to me allowing sale of recreationally caught fish for one species and you don't allow it for the other is being inconsistent. We have had this discussion in these joint meetings for years. What is the rationale on kings; why you want to sell a tournament-caught king and not a tournament-caught cobia?

MR. HARTIG: I can give you a rationale, but Roy had his hand up so I will let him answer it first.

DR. CRABTREE: Well, I was just going to point out to Corky that both councils are in fact being inconsistent because the South Atlantic would allow sale of king and Spanish and prohibit cobia; whereas, the Gulf would prohibit sale of king and Spanish and allow sale of cobia. I'm quite confused by it, too.

MR. HARTIG: Well, it is only because we haven't addressed the sale issue from tournament sales. To Corky's point, we thought that the charitable contribution from the tournament sales was significant enough to allow that practice to continue. At least that was my gist of what we got from the long conversations, and I certainly don't want to have a long conversation about tournament sales today because we'll never move anywhere. It is significant and it is a benefit. We wanted to make it mandatory that all sales went to charities. That was one of our options. Mel had a little bit more and he can answer you from his perspective.

MR. BELL: I know you don't want to talk about this, but from my folks, anyway, I have been consistently opposed to sell of a recreational bag limit and opposed to tournament sales, and that is from a South Carolina perspective. But related to the charitable thing is that, well, what is a charity?

Is it me and my buddies are going to have a tournament and we're going to claim we're a charity and we're going to – that is part of the problem that we were concerned with was how to identify what is a bona fide charity; what is a worthwhile 501C3; you know, how do we do this. I just wanted to stay away from that entirely. I know I have been on record before as being opposed to both and still am, but we're kind of a small player here.

MS. BECKWITH: Just a technical question for Bonnie; in terms of the concerns for double counting, is it not possible to add a question to the MRIP Survey that would account for those bag limits being sold commercially?

DR. PONWITH: Adding questions to MRIP is certainly something that is possible, but, first of all, just for clarity sake, the Southeast Fisheries Science Center doesn't run MRIP. We are a recipient of those data. Those data are collected through the Office of Science and Technology up in headquarters. It is a question they get asked a lot.

They're very parsimonious about what gets added to that survey just because they want to keep it as simple as possible. I would be willing to ask them, but I do know that requests are often met with a level of resistance just because it starts bristling with add-ons. Every time you add more questions to the survey, you run the risk of compromising that core information that you desperately need, which is the actual landings' information.

MR. HAYMANS: Just a comment to Corky's question about the difference in the fish; at least from what I've seen, one, it is the pure numbers of fish per vessel that are landed. With a king mackerel tournament, there is a lot more fish that come in than in a cobia tournament. Two, it is the quality of the fish itself, the table fare of the fish. Most anglers would fight you to keep their cobia if you told them to give it to the tournament versus keeping it. They pretty much want to give you all the king mackerel back. That is what I've noticed at least is the difference in the fish.

MR. HARTIG: Corky, does that satisfy your curiosity?

MR. PERRET: Well, I appreciate the rationale. I guess the rationale or the person I agree with is Mr. Bell; but be that as it may, yes. Like you say, we've had this discussion numerous times before.

MR. HARTIG: One thing I would add is to Roy's comments, and he is right on the mark. We're sending these messages out. We've got the sale in here, but we're taking no action. We want to prohibit the sale, but we're having no action under this alternative. To be frank, until the South Atlantic Council addresses the tournament sale issue, we may be better served to remove this item from the document. Roy.

DR. CRABTREE: The only thing I can think of – and I don't know if this would work or not, but it might be possible – my understanding is North Carolina permits tournaments. It might be possible to prohibit sale of king or Spanish mackerel caught under the bag limit, but make an exception for a state-permitted tournament with some provisions on it. I don't know if that would work or not, but it would avoid us having to then issue permits and going through that whole process.

DR. DUVAL: Wow; this feels like reliving a bad dream. We did have a pretty extensive conversation in this regard I think – I'm not sure if it was September but maybe the previous mackerel meeting we had before then – and we were trying to wrestle with this question of tournament sales.

That was one of the things that if we were to go forward with an action considering tournament sales, that we include an alternative under that action that would allow for a state who already has a tournament-licensing system an exception to be able to continue using its system as opposed to having to go through a federal permitting system. That is just history.

DR. CRABTREE: Yes, I sort of recall that. I don't know if this gets complicated and difficult or not and I haven't looked back at the minutes of that conversation. I can't think of any other way, really, to resolve this. If we have to permit tournaments, then are a whole host of decisions and things we would have to decide. Mel is right; you've got to define what is a tournament, what is a charity, how many tournaments, all those kinds of things. That will take time to work through.

MR. FISCHER: I know we decided at the beginning the premise would be the Gulf Council would discuss the issues, and would vote on it, and then the South Atlantic would discuss it and vote on it. However, I also think it is very healthy to have these cross-discussions because we're not aware of the issues on the Atlantic Coast.

Although that was the premise set up, I am happy we allowed this to happen to take hold of what is happening in other areas. I think earlier Corky had asked for the vessels that were not permitted, what income they would lose per year, and those figures were calculated.

DR. MacLAUCHLIN: Okay, I have two things. One is these numbers that Brian crunched, and you guys can take a look. That is the average amount per vessel per year of non-permitted cells. Some of these cells are by vessels with a commercial king mackerel or Spanish mackerel permit that caught the fish on a for-hire trip.

Those we actually don't know because of the way that they're sold at the state level with whatever state permit they have. I also want to point out that this is kind of a regional – it doesn't happen with every charter fleet. There are certain places, for example, the Florida Keys where this is something that they do on a regular basis, so this is an average and it may be more for vessels in some areas and less for vessels where they don't do this.

MR. SANCHEZ: What are those numbers for the visually challenged?

DR. MacLAUCHLIN: Okay, for the east coast of Florida and Georgia, we have put those together because of confidentiality, at \$436.32 average per vessel per year; South Carolina, \$173.10; and North Carolina, \$305.24. This is an average. It is going to be a lot higher for some vessels in certain areas and very low or non-existent in others. That tournament thing we talked about in June and there were lots and lots of – I know that you guys can't really see this, but this is the decision document from September; everything that would have to go into making a provision for tournament sales.

I looked up HMS tournament requirements and their definition and how you register and your reporting requirements; everything that the committee would have to address to do this, what kind of permit; who has to get a permit; who is eligible to receive a permit; what qualifies as a comparable state tournament permit, in which case we had an example from North Carolina and

all of their requirements; and then what are the reporting requirements; do you want a set-aside for a recreational ACL.

Everybody said, "Whoa, that is really complicated and we can't do that in one meeting." That is why it was removed. If you guys are going to put a provision back in; it is going to change this timeline. I mean, it is very complicated and we are going to go through this at this meeting and you're going to answer all these questions. If you want to do it, then I want you to be really serious because a provision will take a lot of work. It is not impossible; it is just going to change the schedule for this amendment.

MR. FISCHER: And my understanding, Ben, the sale at tournaments was about the only difference that the councils had between Alternative 1 and Alternative 3?

MR. HARTIG: That is correct, Myron.

MR. FISCHER: You know, as much as I'm states' rights person, I would love to see North Carolina be able to sanction their own tournaments in their own state and the same for any other state that chooses to do so and we move forward. However, I do understand the timeline, so I don't know what the pleasure of the committees is. I think it is a solution. It might take a little more time, but it is positively a solution.

MR. HARTIG: Yes, sure, you guys just go ahead and vote on what you think you want. If you still want that 3B to be your preferred – well, you don't have 3B; you have Alternative 3 as your preferred. You could add Option B to it.

MR. FISCHER: We have had a lot of healthy discussion across the board. Martha.

MS. BADEMAN: Well, of course, I always have to chime in here and say for Florida we really would not like to prohibit sales of king and Spanish. We have tournaments which is more of a donation system, but it could I guess be considered a sale. We also have a lot of charter for-hire boats that come in and sell king mackerel and Spanish mackerel and depend on some of those funds coming in. Maybe we're on the other side of spectrum here, but we're good with Alternative 1.

MR. PERRET: Well, our preferred was action taken by our entire council; is that not correct? Can this committee change that? We may make a recommendation at the next meeting, but I thought we had already taken this action. This is our preferred; full council did that.

DR. BARONE: Our council met and discussed this, Corky, and the whole idea was to allow these committees to make that decision. Yes, it would have to be ratified at each full council, but the whole purpose of having the joints make this trip and come together – and this is the first of we hope several joint meetings that we will have to resolve some issues.

The model would be similar to what you see, bad example, perhaps, the Senate and House coming together on some issues when they resolve things in committee. This is the purpose

here. Our council voted to give you the authority to make these decisions, but again it would be ratified.

MR. SANCHEZ: In order to move, I make a motion that we make Alternative 1 our preferred.

MR. FISCHER: We have a motion and we have a second by Martha Bademan. Do we have further discussion? Dr. Abele.

DR. ABELE: I thought that the discussion was we were going to try and be consistent; no recreationally caught fish being sold. I can't remember the discussion of how we ended where we are right now at the Gulf Council, but that was my clear understanding of how the discussion went and how we ended up there.

MR. FISCHER: And I think I even added a contribution that Louisiana does not allow rod-and-reel caught fish – we don't allow recreational caught fish to be sold. Mr. Perret.

MR. PERRET: I will echo what Mr. Fischer said; the state of Mississippi does not allow recreational fish to be sold, so I think under Magnuson we have certain requirements and definitions. Under Magnuson recreationally caught fish I thought are not supposed to be sold. I just don't believe recreational fish should be sold.

MR. FISCHER: I will get John and then we will come to Monica for the legal definition.

MR. SANCHEZ: Yes, again, this is a historic practice in the Keys. It has been going forever and way before I ever thought of attending a council meeting. You have heard the discussions before. More so, I think in lieu of some of the recent decisions that we have made, which are still are in the process, there may be some additional impacts to the charterboat industry regarding red snapper by virtue of being federally permitted where they may be precluded from fishing. I don't it is time to be adding more economic impact to that sector.

MR. FISCHER: Do we have any legal advice to this?

MS. SMIT-BRUNELLO: I'm not sure I want to jump in on this mess, but I will tell you that the Magnuson Act defines recreational fishing as fishing for sport or pleasure, and commercial fishing means fishing in which fish harvested either in whole or part are intended to enter commerce or enter commerce through sale, barter or trade.

MR. FISCHER: Does that mean a commercial fisherman can't enjoy his occupation?

MS. SMIT-BRUNELLO: It does not mean that.

MR. JOLLEY: I am not on your committee here, but I know we're wrestling with this commercial and recreational thing deeply, but I don't see where the for-hire sector should be penalized for using a rod and reel, for using recreational techniques. It is a commercial enterprise. I think that is something that maybe the councils overlooked.

Everything about charter fishing is a commercial operation. They happen to take people fishing who pay a fee. They use a rod and reel and they are using a different methodology, but you're penalizing the business because they do something a little bit differently. It has certainly always been viewed as a recreational activity, but I can assure you they aren't doing it for fun. They're doing it to make a living and we all know that.

MR. FISCHER: Jessica and Martha, is there any compromise around Alternative 2 that might help out? I don't know if they all have federal permits or not.

MS. BADEMAN: For Spanish we don't require the federal permit for commercial, so I would imagine a lot of them don't. But if they're fishing in the EEZ – well, I guess if they're fishing in the EEZ if they're commercially fishing, so since it doesn't – we were thinking about that actually, if we could use Alternative 2 as a compromise. The tournament thing might complicate that; but I feel like if we're handling tournaments later, then we could maybe modify something accordingly then. I think we would be okay with that.

MS. McCAWLEY: As long as we would both agree to pick up the tournament thing at a later date, I think there might be some compromise with Alternative 2.

MR. FISCHER: Okay, I have Corky, but we do have to remind ourselves we have a motion up from John Sanchez for Alternative 1 to be our preferred to make that change. As we deliberate this, remember we have a motion. Corky.

MR. PERRET: Again, we're talking about an alternative and whether it passes as the preferred or not, my question is this. If this Sanchez motion passes, it makes it a preferred; and if indeed the council goes along with it and so on and so forth, how will those fish be counted? Will they be charged against which side of the quota? Since this is such an important Florida issue and we've got zones and subzones in Florida, will most of them be accounted to one or more of the subzones in Florida?

MS. BECKWITH: I hear things that I want to hear sometimes, but what I heard Bonnie tell me was that there is a solution to that double counting. Even though it is not the easy route, there is in a way to account for those bag limit sales by adding a question to MRIP and making sure that is accounted for when it is, "Hey, what did you guys catch?" "King mackerel." "Did you sell it?" "Yes"

DR. CRABTREE: But if they sell them, then by language in the Magnuson Act they are commercial, and therefore they have to be counted against the commercial quota unless you change things. If you look at the table in the decision document, it seems to me at least in Florida about 25 percent of the commercial take is by unlicensed sale. We are not talking a small amount; this is a lot of fish.

Back to John Jolley's comment, this isn't just about charterboats, either. The current South Atlantic would allow anybody to sell these fish and not just charterboats. That would be Alternative 2, which neither council chose as their preferred. I don't know how this breaks up in the various zones and I can't tell from this exactly where what is being caught.

A lot of these commercial king mackerel fisheries are getting shut down and we're hearing a lot of complaints by people about they can't make a living because they're getting shut down. This does contribute to this by allowing unlicensed vessels to sell what seems to me to be a substantial amount of fish.

MR. JOLLEY: Well, it seems to me there might be another way to count these fish. I think one way would be to add more allocation to the commercial quota. I guess that has been estimated, but I don't know that we have done any definitive research to get to that number. It seems that would be also another way to solve this problem, if we want to allow some for-hire sales, is to find out what the percentage contribution is to the commercial catch and then allocate it from the recreational sector.

MR. FISCHER: But isn't that what the 70/30 and then 68/32 percent was about, and it may be over 2 percent now. That's right; that's Gulf. Michelle.

DR. DUVAL: I think I was the one who requested that staff do this really detailed analysis regarding permitted versus unpermitted sales for precisely this question. I thank you guys for your efforts. I know it was not easy to collect all the data – Brian, thank you very much – but specifically because we have wrestled with this question of a professional fishery and the fact that at least in the South Atlantic those unpermitted sales of king mackerel helped to make the ACL; and so if we are going to prohibit bag limit sales, or I should say to be clear, prohibit unpermitted sales, then my thought was that we would take that 25 percent to 15 percent of whatever it is of those unpermitted sales and sort of give that back to the recreational sector.

In other words, if you're going to penalize those folks, then give them the right to at least more of the fish. John has proposed going the opposition direction in order to allow bag limit sales. I think from my perspective we hear that the commercial allocation needs to be for the professional commercial fisherman. I agree with you, John, that for-hire ventures are a commercial venture.

I think I would be amenable to allowing those for-hire vessels that also have a commercial permit to sell that catch because they're permitted; but if you don't have a permit, no sales. I realize that is contrary to the South Atlantic's preferred alternative. I think Ben has given a good history of sort of how we ended up in that place. I do have some concerns about the language of Alternative 2 once we get to that point. Thank you, Myron, for letting me go on bit.

MR. PERRET: I think if this motion is approved and the council approves it, we're asking for bigger problems especially in the state of Florida where later in the documents we're considering special measures for zones, subzones and so on and so forth. If 25 percent of this take in Florida is taken by these types of fishermen and we've got to close the commercial fishery down because of recreationally caught fish that were sold; I'm glad I'm not the Director of Fisheries in the state of Florida. I think you're going to have lots more problems than you've got now.

DR. ABELE: As to John's point, I don't think it is fair. The commercial guys are getting shut down quickly; and to have that amount of fish taken recreationally – I mean, since I've been on

the council, all I hear is – which I disagree with, but all I hear is charters are recreational; they needed as recreational; they're a part of recreational.

Now that group is going to take 25 percent of a commercial quota off the table when the season is closed so quickly. If my memory is correct, at least in the Gulf recreational don't come close to getting their quota. It wouldn't be a problem in the Gulf to move that over, but it doesn't seem fair – I mean I see both sides of it; but if a professional fisherman is a commercial fisherman, then it doesn't seem fair to have a recreational sector take 25 percent of the quota.

MR. FISCHER: Do we have any further discussion on John's substitute motion or his motion to create Alternative 1 as the preferred?

MR. BELL: Just to that last point, as John mentioned, the charterboat sector is a commercial enterprise, and I understand that, but they have a business model which works around carrying people out for-hire. They can succeed without having to sell those fish. The commercial guys; that is their business model. They have to sell those fish. In our case it is a small fishery.

My 27 guys that are all perhaps mostly snapper grouper people; but if they're dealing with a market where the price is suppressed and they bring their couple of fish back or a few fish back and they can't even sell them, then that is putting them at a disadvantage and having one sector put the other sector at a disadvantage. That is part of my opposition to that.

MR. SANCHEZ: One last thing and then I'm fine with voting this up or down. It's funny; the commercial guy is advocating recreational sale and then someone more recreational is trying to defend the commercial people. Would it help any if these recreational fishers as they're catching these fish to sell, if they don't have any fun, no pleasure is taken while doing it?

MR. FISCHER: **Do we have any further discussion? Seeing no further discussion, we may vote. We have on the board a Gulf motion to make Alternative 1 the preferred for the Gulf Council members. All in favor; opposed. It sounds like the opposed carry.** We will turn this over to Ben for the South Atlantic and he will probably want to take the lead on cobia, the next issue.

MR. HARTIG: Well, it has been a team effort, Myron, so far.

MR. FISCHER: I'm sorry, the motion failed. Okay, let's do a quick hand vote. Okay, all in favor of John's motion; opposed. The final vote failed – it was defeated and that would leave the preferred as Alternative 3 unless we have any changes or want to continue. Martha.

MS. BADEMAN: Mr. Chairman, I would like to make a motion to set Alternative 2 as the Gulf preferred.

MR. SANCHEZ: Second.

MR. FISCHER: We have a motion and seconded to set Alternative 2 as the Gulf preferred. We may have some discussion on this because it is slightly different. I guess I will hear your rationale, Martha. John Sanchez seconded.

DR. MacLAUCHLIN: Okay, I just want to be clear on the intent of each of your alternatives. Alternative 2 would be to allow sale of king mackerel and Spanish mackerel if they were caught on a for-hire trip by a dually permitted vessel. Three is no sale of king or Spanish mackerel even if – all right, it has to be on a commercial trip. Okay, just so I'm sure.

MR. PERRET: So this would allow a for-hire vessel that is on a charter trip to be able to sell recreationally caught fish?

MR. FISCHER: Yes, if they have a federal permit.

MR. PERRET: Right. Why not be consistent with what we have with reef fish and they only sell them when they're on a commercial trip; when they're on a charter trip, they can't sell.

MR. FISCHER: I think Mr. Sanchez has pointed out that this is the historic practice in the Keys, that the charterboats have sold their fish through time and probably some other areas of the South Florida Region. Roy.

DR. CRABTREE: Well, Corky, what you're suggesting is the preferred. That is preferred Alternative 3; and if that is what you want, then you should vote this new motion down.

MR. PERRET: Well, I would point out to Mr. Sanchez, Mr. Sanchez, historically in the fishing business there have been a lot of things that have been around for many, many, many years, that for good or for bad has changed, unfortunately, and we're the ones that are making these decisions. They're not easy decisions to make, but decisions have to be made and change is inevitable.

DR. DANA: I held one of the public hearings in Destin, Florida, on this issue, and overwhelmingly the public wanted the ability if they did have the federal permit and they're for-hire, to be able to – if on a charter trip, to be able to sell that recreational bag if the fish were left with them. That is just the public take.

MR. FISCHER: **Do we have any further discussion? This time I will pay attention to the vote. If we're ready to vote – and this would be to make Alternative 2 as the Gulf Council's preferred alternative – and we will do by a show of hands in favor of Alternative 2, we have three for. We have opposed how many? The Chair would feel it will vote with Alternative 2. It was three to four.**

MR. HARTIG: So the motion failed.

MR. FISCHER: Okay; do we have anyone who wants to make Alternative 3 the Gulf preferred? Ben.

MR. HARTIG: Well, I guess after that you voted to keep your preferred Alternative 3. Moving right along, we will go to the South Atlantic Council Mackerel Committee and the sale of king and Spanish mackerel, our preferred alternative is Alternative 1. Is there any sense to change that one, change Alternative 1 as the preferred? Mel.

MR. BELL: Mr. Chairman, I move that we adopt Alternative 3 as our preferred alternative.

MR. HARTIG: Motion by Mel; seconded by Steve Amick. Discussion?

MR. BELL: Since I brought that up, without going into all of the gory details of before, it is the same thing. I just think for consistency sake across the board whether it is across the Gulf/Atlantic Boundary; for consistency sake for law enforcement; for consistency sake in terms of what we have already been doing with snapper grouper, what we discussed at the last meeting related to dolphin and wahoo, I prefer consistency. You're either commercial or you're recreational. You can do both if you'd like; but when you're on a commercial trip, you're on a commercial trip; and when you're on a recreations trip, you're on a recreational trip. That has been restated a hundred times, I guess.

MR. HARTIG: Well, thanks for encapsulating that; I appreciate that.

DR. DUVAL: Again, I will go back to recognizing that unpermitted sales have helped to make these ACLs, especially in the South Atlantic, and I think in fairness if this ends up being the final alternative, after we go out to public comment and this is what we approve, then we really do need to seriously consider looking at those ACLs again.

I guess I also just want to be clear – I mean this does say for a person to sell king or Spanish mackerel in from the EEZ – because like Florida we do not require our commercial Spanish mackerel fishermen to get a federal permit. In fact, I think it is like 73 percent of all our Spanish mackerel harvest is within state waters.

I just want to make clear that this isn't going to impact those guys. I just want to make sure the language is clear such that we're not requiring the fishermen who are fishing not just in Pamlico Sound but within three miles of shore; that they're not going to need a Spanish mackerel permit.

MR. PHILLIPS: I am going to vote against it because I'm still concerned about the tournament sales and the waste of the fish and the charities not being able to have access to those funds. I was talking with some NGOs last night. They are having a really hard time collecting money to keep their operations going; I mean all of them. It just doesn't make sense not to let these sales go to the charities. I don't think we have had the problems that the Gulf may have had. We're really particular about how we handle stuff. I know we are in Georgia; I think they are probably in North Carolina. I'm going to have to vote against it for the same reasons that we voted against it the first time.

MS. BECKWITH: I was going to suggest that if we went with this alternative, that we go ahead and go through the painful process of defining the tournament sales.

MR. HAYMANS: Mr. Chairman, I, too, would vote against it for the similar reasons as Charlie. I would like to see us get to the tournament sales issue at some future meeting and hammer this out. By leaving the preferred Alternative 1 and the Gulf having something different when we take it out to the public, we will have a sense of the public's view on either one of those. If we have to adjust for some sales when we address the tournament sales, we can do it at that point. I want to hear the complete argument before I do something that might jeopardize that down the road.

MR. HARTIG: All right, is there anymore discussion. I will just say I was disappointed when this option was held hostage by the tournament sales debate. We have been moving in this direction for several fisheries already, dolphin, wahoo and snapper grouper, where we prohibit bag limit sales, and hopefully we can do it here. The question I have is if we move ahead, Michelle, with this under the state tournament regulations; would you be prohibited from doing that in North Carolina?

DR. DUVAL: I have to think about that. I have to say that we would like to find a way to allow for tournament sales. I think we have a good system in place. Generally we complement federal regulations within state waters. Just off the top of my head, I would have to talk to Louis about this,

But the way I could potentially see tournament sales continuing is issuing of a proclamation that is specific to those tournament sales; so, in other words, you were only allowed to sell the fish if it is involved in a tournament somehow – I mean, I think we could probably complement all pieces except for that tournament sales in state waters. That is my off-the-top-of-my-head answer, but please do not hold me to that. I would really need to check with our legal counsel and check with my boss.

MR. HARTIG: I appreciate that. **Is there anymore discussion? All those in favor raise their hand, four in favor; all those opposed. All right, the motion fails five to three.**

MR. MAHOOD: People have got to raise their hands.

MR. HARTIG: So do you want to revote, Bob? Do you want to get the numbers again?

MR. MAHOOD: I think you're right. I knew it was five opposed and four in favor.

MR. HARTIG: Okay, five votes; four in favor. All right, that leaves us with Alternative 1 as our preferred. Are there any other motions to come up on this? Seeing none; Alternative 1 will be our South Atlantic preferred option. All right, the next action, sale of cobia, and the Gulf preferred alternative is no action. Is there any intent for the Gulf to change that alternative?

MR. FISCHER: Do we see any substitute motions; any motion to change the preferred alternative from no action on the sale of cobia? Seeing none; Chairman Ben.

MR. HARTIG: That brings us to the South Atlantic. Our preferred alternative is Alternative 4. Is there any intent to change that alternative? Jessica.

MS. McCAWLEY: I would like to make a motion to change the South Atlantic's preferred to Alternative 1, the same as the Gulf.

MR. HARTIG: We have got a motion by Jessica. Is there a second? I don't see a second so that motion fails. Is there anything else? Yes, Roy.

DR. CRABTREE: At the risk of complicating things, since the tournament sale has become such an issue, I brought up the possibility of recognizing state permits, and Kari mentioned that we had looked at that before. I looked back at the minutes and we did have a discussion, as Michelle says, and there was in fact a motion made to allow the sale of fish if there was a state permit, but that motion tied the state permit to a federal permit, and it had to be comparable and all that.

That gets into all the issues Kari raised and becomes a complicated thing. It might be possible to just provide an exception that if the tournament has a state permit that allows sale, then they can do it and not have any federal permit like that. That puts basically the burden on the state to decide whether they want to do that or not.

Now, that still might have some unforeseen complications or not, but it might be something that is worth looking into given that we don't seem to be able to find a compromise or a solution here, and it has become a big issue. I just throw that out as a possible way to allow it without going through the whole federal permitting process, which we could take up I guess in a later amendment if we wanted to. But I think that is something the staff would have to talk to Monica about and see if that is –

MR. HARTIG: So you're not proposing to do that in this amendment?

DR. CRABTREE: Well, I'm not on either committee so I can't propose it, but it is something I think you could ask staff to look into with Monica's office to see if that is an option.

MS. SMIT-BRUNELLO: We could do that before full council since it just affects the South Atlantic decision.

MR. HARTIG: Yes, that would be my suggestion that we do that. I see the heads nodding from the committee so let's try and do that and reach a decision by full council and maybe we can move ahead with the Gulf's preferred. That would be a step in the right direction from my perspective. All right, we're back to our preferred alternative, Alternative 4, on sale of cobia. Is there any other discussion on this action? Michelle.

DR. DUVAL: We were doing this to provide better tracking of the sales; is that why we were looking at allowing sales as long as you had any of the other South Atlantic permits; is that correct? I'm just trying to refresh my memory on this; that we're concerned about not tracking sales accurately; is that it?

MR. HARTIG: Yes, it was certainly a tracking mechanism and a mechanism to allow people who already had permits in those fisheries to participate. One thing I think I'll do from now on; I

will read the alternatives to refresh everybody's mind of what we're doing. That would certainly I think help in this discussion because it has been a while since we have these. Jessica.

MS. McCAWLEY: To Michelle's point, I'm wondering how having a different type of federal permit is going to help track cobia. Can someone explain that to me?

MS. BECKWITH: To my recollection, we currently did not require cobia to be sold to a federally licensed dealer; and by having it attached to one of these permits, then that was the piece that we were missing, to require cobia to be sold to a federally licensed dealer, if I'm not mistaken.

MS. McCAWLEY: So according to Alternative 4, you just have to have these other commercial permits, but it doesn't mean that cobia has to be harvested on a commercial trip.

DR. CRABTREE: Yes, but because those vessels then have federal permits, they're required to sell to federal dealers and the reporting requirements would apply. The problem with the no action and no permit is then these guys can sell the fish to restaurants of wherever and there won't be any dealer report filed, and so it won't show up in a quota monitoring system.

MS. McCAWLEY: In Florida a commercial fisherman – a saltwater products license holder has to sell to a licensed wholesale dealer. I think there is a way to track this, so I would argue that this is not the only way to do this.

MR. BELL: For clarification, so a charterboat who happens to hold a commercial snapper grouper permit as well could basically go on a charter trip, harvest cobia and sell them. That is the way this is set up, I guess, right?

MR. HARTIG: I wasn't sure, to be honest with you. Go ahead.

MR. BELL: I am opposed to that just as consistently with everything else.

MR. HARTIG: Well, I guess we could word the alternative similar to what we had in mackerel, if that is what you all want to do, if you want to offer a different alternative. Roy.

DR. CRABTREE: Well, just to point out Jessica may be right in Florida, but remember we're talking about a whole bunch more states than Florida, and I don't know that we have similar requirements across any states. At any rate, though, it does seem to me this is one where both councils are going to need to come to some agreement because the two preferreds now are in conflict.

DR. DUVAL: It is the same in North Carolina. In order for you to sell a fish, you have to have a standard commercial fishing license and it has to be sold to a licensed dealer.

MR. HAYMANS: And likewise for Georgia.

DR. DANA: Mr. Chairman, I'm not on your committee. For Florida or for the Gulf, before when we maintained the Gulf preferred alternative, the no action, it was largely because of what Jessica had remarked on. We already have a state products license and restricted species in Florida that a person would need to possess in order to sell to a federally permitted market. The states already are doing a good job. We felt strongly that it need not be federalized; we did not need to federalize the cobia fishery. That is the difference between the king mackerel fishery. It has a federal permit already versus cobia. It is managed by the states.

MS. McCAWLEY: And remember in the state of Florida we have more restrictive regulations in state waters than we do in federal waters.

MR. HARTIG: Okay, where are we? Right now where we are is Alternative 4 is our preferred. If there is intent to change it, someone is going to have to make a motion with different wording, Mel, to take care of your concerns. Otherwise, without another motion, Alternative 4 will stay our preferred. Kari.

DR. MacLAUCHLIN: I'm sorry, I was not paying complete attention. Mel, you were asking if these alternatives would prohibit fish caught on a non-commercial trip. I think that is the intent. On the record the South Atlantic Committee has clarified that the intent, which is in this little box under here, where it says, "What does this mean?" – that two, three and four would prohibit the sale of cobia caught on a recreational trip because we have that under a commercial quota, which – and then on the record you guys said, yes, that means it has to be caught on a commercial trip.

We have to use commercial quota because the Gulf has a stock; right – no, there was something weird about the language, but that was the intention and we can tweak the language if that is unclear. But what you were talking about is prohibiting sale of cobia that is not caught on a commercial trip, which I have been working under is that was your intention for Alternatives 2, 3 and 4 was to prohibit recreationally caught cobia.

MR. HAYMANS: Is there a definition for a commercial trip or something that precludes the vessel owner from charging his mates to go fishing with him? I'm wording it wrong, but what is to stop someone from claiming he is on a commercial trip even though he has got a paid charter on board? Is there language that precludes that?

DR. CRABTREE: Yes; it is addressed in the regulations to distinguish between a charter trip and a commercial trip. Now, I can't tell off the top of my head whether those definitions apply to every fishery, but I know it is defined for at least some fisheries.

DR. MacLAUCHLIN: I have it up there – I can't see it; maybe you can – so I will read it, "Under the bag limit refers to these situations" – this is from the regulations – "a charter vessel with a commercial permit as required under Section 622.482 is considered to be operating as a charter vessel when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew. A headboat with a commercial vessel permit is considered to be operating as a headboat when it carries a passenger who pays a fee or in the

case of persons aboard fishing for or possessing coastal migratory pelagic fish when there are more than three persons aboard, including operator and crew.”

MS. McCAWLEY: I am going to continue to fight this losing battle. I think with the difference between Alternative 1 and Alternative 4 and based on the discussion that we had, it seemed like on the South Atlantic people were picking Alternative 4 because they thought there was going to be this better reporting.

We just had all the states weigh in that they have proper licenses and they feel like they’re reporting is adequate. To me the difference between one and four is that number one is stating that the states have adequate mechanisms to maintain cobia and Alternative 4 is saying that they don’t and that we’re going to require the federal permit because we think that these fish are not being reported accurately. To me those are the two differences. I already made a motion to switch it to Alternative 1 and that failed, so I’m just saying.

DR. CRABTREE: Well, I don’t know that we heard from all the states. We heard from Florida and we heard from North Carolina –

MS. McCAWLEY: And Georgia.

DR. CRABTREE: Did we hear it from Georgia, too? You guys are requiring that all the landings be reported into the federal quota monitoring program?

MR. HAYMANS: When I said likewise to North Carolina, it is basically that the commercial fishermen have to have a license and they have to sell to a dealer. The dealer in this case is a federally permitted dealer who reports into the system.

DR. CRABTREE: And you require that they have to sell to a federally permitted dealer?

MR. HAYMANS: If it is a federally managed species, yes.

MR. BELL: The way we’re set up, if you land anything commercially you have to sell to a licensed South Carolina dealer. If it is a federally managed fishery, I know snapper grouper goes to snapper grouper dealers, HMS goes to a shark dealer. It is all sorted to the proper federal dealer, but then we also report our data to ACCSP, so it gets in the system. My concern with this had to do with the – again, kind of back to the size of the fishery – we have dealt with it in state waters ourselves.

Our legislature established cobia as a game fish in state waters, so you cannot sell any cobia caught in state waters. The few cobia that are landed from federal waters are again those snapper grouper guys primarily that are bringing in a couple of fish to just augment what they have got in terms of the other species.

Allowing sort of the charterboat community to participate in that and kind of flood the market as well; it is the same concern I have with the king mackerel. It sounds like the way Kari described that, if that is covered, then I’m fine with it.

MR. HARTIG: The only question I had and I will complicate things a little bit – I don't want to do it but I'm going to do it, anyway. I will direct this to anyone on the Gulf Council who wants to answer. You guys have gone on record prohibiting sales of most things recreationally. Why cobia is not?

MR. FISCHER: I will leave that one up to Mr. Perret. Cobia was the a sale of the bag limit or two long before me, and maybe Larry or someone with history can go back and look into why it was always a bag limit or two, and it was also allowed to sell if you had the proper state licenses.

MR. HARTIG: Well, basically you have a chance here to take an action to take one more species off the double counting and the competitive aspect of these sales. I was wondering what the difference was between this and what we just discussed in king and Spanish mackerel.

MS. BADEMAN: I think it goes back to what Pam mentioned a couple of minutes ago. At least in more recent discussions this is – at least in Florida I mean it is a viable state waters fishery. We have a tight bag limit on it or I guess commercial limit. You have to have an RS and an SPL to sell. We haven't had any cobia problems. There really hasn't been the need. I think that is kind of the discussions we have been having at Gulf Council.

MR. HARTIG: All right, that brings us back. Are there any other alternatives to come under Action 2, sale of cobia? Seeing none, Alternative 4 remains our preferred. We don't have to vote because we never had a motion. The motion was never seconded. That brings us to the next action item, elimination of latent permits. Why don't we have Kari walk through that? There have been some changes and some IPT wording.

DR. MacLAUCHLIN: I feel I have some stuff in the other ones that I wanted you to talk about, but we missed that, but I guess we can wordsmith that maybe at council as far as the language in Action 1.

DR. DUVAL: Yes, I can talk to you about that later; do you mean in Action 1? It was just some of the language in Alternative 2 that actually concerned me. It wasn't clear if it applied only in the EEZ. We can talk about that later.

DR. MacLAUCHLIN: I do kind of need the South Atlantic Council to approve the language in the alternatives in Action 1. I forgot to do that, but I would rather go ahead and do that now, if possible. I just need a motion that everybody is okay with the language just because there has been a couple of versions of it, and I just want to make sure that the South Atlantic Committee is clear with the language and it is what you want.

MR. HARTIG: And you're on Action 1?

DR. MacLAUCHLIN: I'm sorry to go back. I just figured we'd nip it.

MR. HARTIG: So we need to approve the wording in all the alternatives?

DR. MacLAUCHLIN: Well, two and three.

MR. HARTIG: Two and three? **Okay, we need a motion to approve in Action 1, under the sale of king and Spanish mackerel, the wording under Alternatives 2 and 3.** Jessica.

MS. McCAWLEY: So moved Mr. Chairman.

DR. DUVAL: Second.

MR. HARTIG: Any discussion? Michelle.

DR. DUVAL: Kari, my concern was just Alternative 2 says prohibit sale of king mackerel caught under the bag limit with the exception of for-hire trips, et cetera, et cetera. My concern was just that similar to Alternative 3 – I mean in Alternative 3 it clarifies that for a person to sell king or Spanish mackerel in or from the EEZ, but there is no reference to the EEZ in Alternative 2. I know that our preferred alternative right now is no action, number one.

My concern is just that Alternative 2 doesn't provide me some confidence that should that end up being the final alternative that is chosen, that it is not going to impact again the state waters guys who are fishing just under a state commercial fishing license. I don't know if you have any thoughts to offer on that.

MS. GERHART: I would say there is actually a couple of places even in Alternative 1 in both Actions 1 or 2 that we probably need to add that wording as well that says "in or from the EEZ". That was an oversight.

DR. DUVAL: Okay; and that is just what I wanted to make sure of that it was not intentional that this would potentially apply to the state waters fisheries.

DR. MacLAUHLIN: Okay, how about a motion to approve the language as revised to specify "in or from the EEZ"? Would that would be okay?

MR. HARTIG: Does that take care of the wording that we had in the motion that we had seconded? That is an additional motion, Kari. I think we do that with direction to staff. Why don't we just do that, direction to staff? We have got on the motion on the floor. **The motion is in Action 1, approve the wording in Alternatives 2 and 3. Anymore discussion? Any objection? Seeing none; that motion is approved.** Jessica.

MS. McCAWLEY: Can we write up there what the direction to staff is so that we're clear on that?

MR. HARTIG: Sure, direction to staff to add the wording "in or from the EEZ" to Alternatives 1 and 2. All right, we're clear on that. Monica.

MS. SMIT-BRUNELLO: I think since you're going to change the wording of the alternatives that are currently in front of everybody with the addition of "in or from the EEZ", I think it would be better for the record if you had a vote from both committees to change the language to "in or from the EEZ".

MR. HARTIG: Okay, we voted, correct? Our council voted so I'll turn it over to Myron. No, we haven't voted. This was direction to staff, so I don't know how we vote on that, Monica. Do you want it cleaner as a motion?

MS. SMIT-BRUNELLO: I think that would be better.

DR. DUVAL: Mr. Chairman, **I move that we add the phrase "in or from the EEZ of the Gulf of Mexico or South Atlantic" to Alternatives 1 and 2.**

MR. HARTIG: Seconded by David. Any more discussion?

DR. MacLAUCHLIN: It just needs to be in the Gulf of Mexico or Atlantic; not South Atlantic.

DR. DUVAL: My apologies, so the motion reads add the phrase "in or from the EEZ of the Gulf of Mexico or Atlantic" to Alternatives 1 and 2.

MR. HARTIG: Is that okay with the seconder? Okay, any more discussion? Any objection? Seeing none; that motion is approved. All right, I will turn it over to you, Myron.

MR. FISCHER: Gulf Council committee members, a motion is on the board. Do we have any discussion? Pam.

DR. DANA: Just a point a clarification; did we go back to Action 1 at the beginning of the document?

MR. FISCHER: Yes. Any further discussion? Martha is about to make the motion.

MS. BADEMAN: I would like to make a motion for the Gulf to add "in or from the EEZ of the Gulf of Mexico or Atlantic" to Alternatives 1 and 2 in Action 1.

MR. FISCHER: We have a motion and we have a second by Mike Ray. Do we see further discussion? No discussion; do we have any opposition? No opposition; the motion carries.

MS. SMIT-BRUNELLO: This isn't anything that you all need to vote on, but I think in Alternative 1, no action, I would imagine that language has to be inserted into their as well, so the next time you will see the document I would assume that we will be stating the exact correct no action, because I believe that is probably in or from the EEZ as well. It is nothing you have to vote on because it is just currently what is in the regulations now.

MR. HARTIG: Thank you; we will reflect that in the wording. Do you need a break? Let's take a short break. Bonnie.

DR. PONWITH: So just circling back to the question on recreational landings that Mr. Perret had, to close that one out the Texas Park and Wildlife Data are current through the low-use period, which runs through May 14th. The 2012 high-use period, running from May through

November 20th, those data are not available yet. We expect it in about three or four weeks. It is up through May.

MR. HARTIG: All right, I think we tied everything together with Action 1 finally. That brings us back to the latent permits or as the IPT wants to call inactive permits. Kari, what did you have about the language you wanted – did you have something that you wanted to talk about the language in this or was that only Action 1? Okay, we're good with the language in Action 3.

DR. MacLAUCHLIN: No; we're just starting Action 3. Okay, what I'm going to do is first we are going to talk about these alternatives and the options and all the combinations. Sue is going to go through those. In your document you also have some tables that show the number of permits that would qualify.

We only did kind of the preliminary analysis for Alternatives 2 and 4 because one eliminates them and the other just makes them non-transferable, so she is going to talk about that. Then we have some IPT recommendations and some committee actions that are just kind of logistics. Before you get into your discussion and making motions and everything, I would like to go over those with you. I am going to give it to Sue first to kind of talk about the different alternatives and that analysis.

MS. GERHART: Action 3 is about elimination of latent king mackerel permits. One of the first things to note is in Alternatives 2 and 4, which are similar, Alternative 2 does not renew king mackerel permits based on the thresholds and the years' landings; whereas, Alternative 4 simply makes basically a new category of permit, one that is not transferable except to immediate family members, and that was at the recommendation of the South Atlantic Advisory Panel.

It is similar but the permits would not be taken away; they would be put into a new category where they could not be transferred except to immediate family members. We do have definitions of "immediate family members" that we have for some other permits. The options under Alternatives 2 and 4 are the same.

The first three are alternatives for the time period to use for determining the latency or inactivity. Option A was using all years available. That is fourteen years starting in 1998 when the moratorium first went in and goes through 2011. The South Atlantic Council removed this I believe at their last meeting, but the Gulf Council has not addressed that or done similar.

One of the problems with using this range of years is that the early years our permits' data is not as stable the later years are. For the other two options, B and C are ten years and five-year periods. Both of those end in 2010, and that date range was picked because 2010 is when the control date is, although the control date is September rather than the end of the year.

Suboption 1 gives you the average of all of those years to meet the landings' threshold, Suboption ii is just one out of those years, so one out of ten or one out of five. Option D will be pared with one of those other options to give the actual threshold; so A through C showed the years to use; whereas, Option D shows which poundage to use.

We start at the lowest of one pound, meaning anyone who has landed any mackerel landings either in the average or at least one of those years, all the way up to a thousand pound average in one of those years. One of the things about the years; I also want to point out is that these are not based on fishing year. Originally we had them based on fishing year, but the first problem is that the areas have different fishing years, so they don't even follow the same fishing year. That creates the problem of deciding when to start the time period, and also this is how our permits' data is annually rather than monthly.

It would be a substantially larger data collection of data analysis to get that data by fishing year. We could do it but we might having this same conversation a year from now were to do it that way. Those are Alternatives 2 and 4. Alternative 3 is slightly different in that it is based specifically on the South Atlantic Council's control date of September – well, the control date was September 17, 2010.

We asked to at least go through the end of the month for data purposes. Once again, our permits' data doesn't go monthly; it goes annually right now, and so we don't have any numbers associated or any analysis associated with Alternative 3 because, again, that would be a larger data request that we haven't gotten to yet.

Although the control date there wouldn't specifically be used because in Alternative 2 and 4 they go through 2010, it would incorporate that control date and just add on a couple more months beyond it. The last one I want to point out is Option E under Alternative 4. Option E was added by the South Atlantic Council, and I don't believe the Gulf Council has seen this one either.

This was added asking for an average reported landings of any species and not just kind mackerel to meet the landings requirement. Again, we don't have any analysis for that because that is an even larger data request to the science center to get all of the landings for all those people during those various time periods.

The numbers that we do have for you are shown in the tables in your decision document. they're for Alternatives 2 and 4, as I said, and the first table shows you the number of permits under each combination that would qualify or would not qualify, and then the percent that would be eliminated under Alternative 2 or restricted under Alternative 4.

You can see going down the side, we have the thresholds themselves; an average of one pound, a hundred pounds, five hundred or a thousand pounds. The next set is at least one year with those landings. Across the top are the various options of the years' ranges. The first one for Option A, which again the South Atlantic Council has already removed, but then Options B and C, which are the ten year and the five-year periods.

You can see that there is quite a range depending on what you choose. If you were, for example, to choose the five-year period, a thousand pounds, which is about the most restrictive one that you could pick; 51 percent of the permits would be eliminated, or in the case of Alternative 4 restricted to no transfer. You see the actual numbers there.

This is around 1,500 permits, but you can add those numbers to get the exact; and so about half of the permits would be eliminated under either Option B, the ten year; or Option C, the five year if you used a thousand pound average as your threshold. You can see smaller numbers; but remember that if you pick something, for example, like Option A, which is the 14-year period, and Suboption ii, which is they had to have had at least one pound of landing in one of these years, that means someone just had to have landed one pound of mackerel over the course of 14 years in order to qualify, so that is why you have such a low number eliminated because there are people who were previously in the fishery that may not be in there anymore.

That is some of the data and below that is some of the state-level breakdown that Kari brought from this data to show state by state some of the permits expected to qualify. That should add up to be the same as the table above; that is an overall. If you don't have any questions, I will give it back to Kari to talk about the recommendations that she's like.

MR. PERRET: I have got a question. What years were used to come up with the current allocation that is used; the split? It seems to me we're talking about possibly using a series of years, and I want to know when we set up the original allocation what years were used. I mean is it years that we're talking about doing away with in some of the options?

MR. FISCHER: Yes, Mr. Perret, it would because the allocation was split at the inception; so you correct that we would be actually doing away with the original qualifying years of people who jumped through hoops once already.

MR. PERRET: So moving forward if we eliminate years, how will we decide if we want to maintain current allocation, change future allocations; we will have to come up with a different set of years?

MR. FISCHER: Corky, I did not understand what you're asking.

MR. PERRET: Well, for instance, we're talking about, okay, Option A, if we did away with '98 through 2011 or used '98 through 2011; or Option B, 2001 to 2010; and the original allocation was based on data from prior years and we want to modify the allocation one way or the other in the future; what are we going to use? We have to decide that a later date, too?

MS. SMIT-BRUNELLO: Corky, for clarification when you're talking about allocation, you're talking the amount allocated to the South Atlantic and the amount allocated to the Gulf; that is the allocation you're referred to?

MR. PERRET: That as well as the current commercial and recreational split. It seems to me, good or bad, we've got a South Atlantic/Gulf split; we've got a recreational/commercial split; and we used the best data we had when we set that up. Probably, hopefully, we have got a much better dataset today or at least in the last few years than we had back then. I think all that needs to be taken into consideration for any future modifications on allocation especially if we use more recent years on management measures.

MS. SMIT-BRUNELLO: So would you want the no action to more fully discuss what was used and what is in place now in terms of the various allocations and the years used to get that?

MR. PERRET: I've read nothing – and I may have missed something, but I have read nothing – in fact, people to scratch their heads as to what am I talking about on original allocation. That survived for a long time. Now, if we want to do away or look at latent permits, it seems to me we have got to keep in mind the current two councils' allocation and the current recreational/commercial allocation. I learned as much at the break I guess as I do at official meetings insofar as how we might accommodate some of the things we discussed earlier, and that is possible separate allocations for tournaments and all that kind of stuff. It seems to me we have got to give some thought on what years we're going to use to be comparable to how we set up all the original split and so on.

MS. SMIT-BRUNELLO: And I think that is a great idea; because to get to where you're going I guess you have to know where you came from. There should be more discussion under the no action on what is no action, how did it get arrived or what years were used to determine the current splits, both allocation between Gulf and South Atlantic; recreational and commercial for both councils and all that. Yes, I think that should be in document; I think that is a great idea.

MR. PERRET: Well, a lot of work has been done thus far, and I don't want to be the one to say wait a minute, we have got to go back and look at what the current allocations were based on, what the current geographical split was based on and all this kind of stuff. We know to know where we have been before we go too much further. I hate to be the one bringing it up; but if I'm the only one that feels that way, so be it, but it seems like that is a piece of the data puzzles that in my opinion is not there right now.

DR. ABELE: I am having a hard time figuring out why that is really relevant given the changes, especially in the Gulf now when we went to grouper and snapper IFQs you have got this restricted fishery. When they hit their quota, they can then turn to kings and vermilion. That has made a huge – in my view a huge change in the structure of the fishery in the Gulf.

I was looking at 2006 when the IFQs kicked in, looked at what has happened with snapper boats. We went from about 250 and now we have got over 350 harvesting snapper because of the trading back and forth. Especially with snapper moving down the west coast, having a small quota, they're going to go fish for something that there is no limit on, which would be both vermilion and kings.

MR. PERRET: Well, Larry, my only concern is we're considering options that will in no way be reflective of years that were utilized to set up original geographical splits and sector splits. I think we need to see how some of the years that we may be considering to use for the future. How will they reflect on the original years and the data that was used to set all this up? As I said, I think the current data or more recent data is probably a lot better than what we had years ago. I sure as heck hope it is, but I just think we need to see some of those comparisons.

DR. ABELE: Well, my reading of it, I'm trying to figure out what the goal is here. Are we trying to manage the fishery by restricting the number of fishermen in it or – I mean, when you

have got a fairly large number, 663, of permits that basically haven't fished for some time – and I don't know enough to know if they're valuable or not. Are they going to be selling these or what is the value of them and why are they sitting there? Just on the surface, if they haven't been used in a long time, get rid of them, but obviously I don't know enough to –

MR. PERRET: Well, I must not know enough either because I'm like you; if the permits have been inactive for X period of time, we probably should address that and do something about it.

MR. HARTIG: Well, I'm still lost, Corky. Monica understands it. I don't understand it as well as she does, but I don't know – and I'm kind of like Larry, the relevance of trying to do something with current participation, new fishermen have moved into this fishery over time that were not impacted by those allocation decisions back in time – how going back in time is going to help us better manage this fishery.

MR. PERRET: I don't want to go back in time. I just want us to all be aware of the years of the data that was used that set the system we have got now; whatever we use for the future to make comparisons or to be able to at least look at current years' data versus what was utilized back then. I don't want to go back and redo anything.

MR. SANCHEZ: I understand the logic that we made them jump through hoops way back when, and they did and all that, and some of them maybe aren't utilizing their ability to participate in that fishery to the extent they could, and it may be for a myriad of reasons. Maybe the fish weren't there; maybe it was a hurricane; maybe, like in the Keys, the trip limits are a little lower now than maybe it historically was.

With the price of fuel, to catch 1,200 pounds, I might not go to Tortugas either. There may be some explanations as to why some of this is the way it is. It is not perfectly like that. I do agree with you. Then there is that component of what you reminded me of that not everybody wins in these things, and it is unfortunate but sometimes that happens. I might remind you of that, but I still need a ride home to the airport.

MR. HARTIG: Well, I'll just add that Alternative 4, the beauty of that alternative is it allows fishermen who haven't participated in the fishery in a number of years, but keep that permit in their portfolio so they may need it in an emergency. John, you're well aware of the discussions we've had over the years in the Keys of the lobster and stone crab guys who have hammered into my head over time where part of this came from is that only utilize snapper grouper and mackerel to some extent when their traps are destroyed and they need to make money to rebuild their traps for the fishery.

I think we ought to allow that to occur by maybe they get a latent permit. Now, there would be a problem maybe down the line where they would lose the economic value of that permit; but if it is a generational fishery they will be able to transfer it to their immediate family. In North Carolina as well when Jeff wrote in said, "I may not make it and I have used king mackerel extensively, but I haven't recently" because he was fishing tunas and other species an Atlantic king mackerel was on a period of lower abundance.

Down the line I'm going to offer income requirements that will qualify you for a permit if you're a full-time fisherman or 75 percent of your income comes from fishing. In that you would get a non-latent permit as well. Some of this will be accomplished. If you're a full-time fisherman, you won't be thrown into the latent pool.

The only people who will get thrown into the latent pool, if we do all of this, will be people who didn't meet the qualifying landings. There are too many permits in this fishery. It can support between Gulf and South Atlantic maybe 300 or 350 fishermen, and our goal should be to try and match the number of permit holders to the amount of quota available to the fishery at some economics that works for a full-time fisherman in this fishery.

That is one of the goals that I have been operating under. I had a meeting with my fishermen two nights ago. This is one of the first amendments I've ever gone through where I didn't know where I was or what direction I should be going so I had to meet with these guys. A number of them were Gulf fishermen as well, about 15 of them. We had 40 people and they're all full-time king mackerel fishermen.

We went through most of these alternatives and got some direction on where they wanted to go. We got very little in scoping on this. Sue has been great fielding questions and information she has garnered over time to add some additional options into this paper. Some of these have been really helpful. One in particular – and it is under Alternative 4 – matches what the fishermen wanted, and down the line there is another one as well. These amendments haven't had the public scrutiny under the scoping process that I would have liked, and that is why we're kind of struggling trying to have some better direction than what we have now. Larry.

DR. ABELE: It is almost contradictory, though, what you just said. We want to protect the professional fishermen, but we're going to let those people whose one source of fishing is damaged, then they pick it up and move in; and when they move into those zones, that means there is fewer fish for the professional king fishers to harvest. There are so many fish; and when you move those extra boats in there, it does have a pretty big impact. I'm sure they mentioned that last night, following the fish and having people who occasionally go after kings and flooding the market as well.

MR. HARTIG: Yes, I understand that argument, but the part of the insurance policy and when fishermen need that permit – and the other thing is fishing has gotten hard the last few years. The Gulf is still pretty damned healthy. The Gulf looks pretty good. The South Atlantic has been on a downward spiral for the last three years. That is why you're seeing more effort.

It is the full-time guys going from our side to yours, and that has increased every year to some degree. It is not a lot, but it cuts into every fisherman whose portfolio of what his business plan had been for the Gulf every year; he was looking at X amount, but it has been cut every year. When one fisherman goes, it cuts every one of their participation. That is something that I think we need to at least cap at this level. I'm talking to what you guys want to do, but at least somehow cap that effort so we can stop that bleeding of the people who are in it now. Michelle.

DR. DUVAL: And just to add a little bit, Alternative 4 came out of at least our Mackerel Advisory Panel the idea of only allowing latent permits to be transferred to an immediate family member or another vessel owned by the same person. Then Option E, which is using a threshold for average reported landings of any federally managed species, that was a suggestion from our fishermen.

Up North Carolina probably a third of our permit holders are north of Hatteras, and the availability of the fish is not anything like up there what it is down in Florida. It is more sporadic. The pulse tends to – you know, you have some boom years and you have some best years, so those guys see this as a tool in their toolbox. It is not that they're, oh, well, we're not participating because there are these other more high-value species; it is what is actually available at the time.

These are people who make all of their income commercial fishing, and so that was a suggestion was to say, well, don't penalize the folks who are using this as a tool, who have less of an impact on the stock as maybe other fishermen do and continue to let them demonstrate that they are full-time commercial fishermen. I like Ben's alternative that he has talked about a little bit in terms of income requirements as well. I think between these things we can get to that, but I would love that Option E to stay in Alternative 4.

MS. BECKWITH: And to Michelle's point, I was wondering rather than having to do the analysis required for Option E, because I recognize how extensive that would be, is it possible to create an appeals process where a full-time fisherman would be able to show like our guys in North Carolina that they have full-time fishing in their background and they may show 5,000 pounds of other federally managed species through an appeals process rather than having to do the analysis for Option E.

DR. CRABTREE: You need to lay out the criteria clearly in here; this is who qualifies, this is who doesn't; and not leave it really squishy for someone else to determine it in an appeal.

MS. SMIT-BRUNELLO: I agree; people need proper notice to see whether they qualify or not, and then the appeals would be set up for those people who believe they were erroneously excluded from the eligibility requirements or whatever you set up. I agree with Roy; it should be clearly set out.

MR. BELL: Just to kind of add to what you were saying, you can tell from the numbers on the permits on Table 11 – and South Carolina and Georgia are combined. We're not a big state in terms of a directed king mackerel fishery at all; it really isn't. It is that additional permit that these guys have got that allows them to bring something else in. If it opportunistically can save a trip or whatever, we would be real sensitive to whatever threshold we set there, but you could literally shut a lot of these guys down depending on which way that went.

MR. PHILLIPS: Well, I'm curious what happens to – because these permits are traded fairly regularly. The last day I'm seeing is 2010, so we have got at least three years that somebody could have bought a permit that didn't have landings. They're fishing the permit; what happens to these guys?

MR. HARTIG: If they're fishing, Charlie, and they meet the qualifier of whatever poundage we say – if they haven't fished in three years – no, okay.

MR. PHILLIPS: I'm saying somebody bought a permit in 2011 – this is after these cutoff dates – or 2012; this is well after the cutoff dates, but they're fishing and might they have a snapper grouper permit that they're working with, too, but what happens to their permit?

MS. SMIT-BRUNELLO: It is kind of to Charlie's point although I think what your point is getting at is – well, the Magnuson Act requires if you're going to further limit access; that you need to consider the present participation in the fishery. I was going to bring up that the data does go through 2010, and that is because of the control date and other I think factors.

I think you all are going to need to see what the present participation is. If you can get data through 2012 by the time you take final action on this, I think you need to see that data to consider it. Now, in terms of what you think your eligibility should be and the years for eligibility, you need to demonstrate why these particular years are the years that you think are best to use. If you're talking about changing those years, then you need to make the case and discussion why that is a good idea. That is kind of a separate issue from the one I was going to bring up, which is you need to see the present participation as well.

DR. CRABTREE: I think Charlie raises a good point especially with respect to Option E. We could have somebody – since all these cutoff years 2010, you could have somebody who has a lot of king mackerel landings in 2011 and '12, and they lose their permit; but someone who caught one pound of bluefish five years ago gets to keep his and may have never participated in the fishery. I think that is a real problem that you're going to have to address.

DR. DANA: I have to agree a hundred percent with Charlie's comment. When I hosted the scoping meeting in North Florida, that was a concern of many of the fishermen, both commercial and for-hire, that have purchased recently a permit and it was outside of the timeframe that was placed in this amendment. It scares them; they have spent good money for these permits. Let's also remember in 2010 we had an oil spill and so that affected a lot of fishing during that timeframe. If somebody purchased their permit in 2010, there wasn't a lot of opportunity.

MR. HARTIG: Well, to Charlie's point, if you bought a permit, the permit may or may not have catch history. If it has catch history, it may meet the qualifications or it may not. We have got a control date that tells you after 2010 you may not be considered in this fishery – well, however that works.

However, in 2010 there is a control date says we could use that date to make landings' cutoff, and it doesn't guarantee you that you will be carried on in this fishery. There are some legal things we do with the control dates that allow you to move forward with some of these options. But, still, the latent thing, you won't lose it. If we use Alternative 4, you won't lose the permit, You will still be able to fish it.

What was interesting in the conversations I had – I went to two different groups – the full-time guys, one of the guys said, "Well, I'm not going to get it. I'm going to be latent permit just

because when I bought my permit” – but he said, “But I will still get one because I meet the qualifier” that we came up with in that meeting. He was fine. “He said, “Yeah, I won’t be able to sell my permit, but I will still be able to fish.” That was what was important to him; he would still be able to fish.

Now there is the other group that I talked to, guys who are not fulltime, they’re parttime, and they were made because they were going to lose the value of the permit. The real fishermen didn’t care if they lost the value of the permit as long as they could stay in business. That was their on it. This is tough; this is not easy. It is hard trying to cut these permits down, but we can substantially reduce the number of permits that are circulating; and that is the key, circulating in the fishery on a yearly basis.

The permit transfers on our side in particular – probably not yours, but on our side it is really a dynamic – people getting in and out of it all the time. If we can stop that circulation, I think we can – and the fishery has gotten harder. We are going to see a significant decline in the number of people that are operating. They’re going to find other ways to make money and to do different jobs over time and may shift out of fishing altogether, and they will have a permit that will never be transferred. It is kind of a generational way to do it, but I think it would work.

MR. BURGESS: Ben, I’m not on your committee, but you touched on something that is very important to a commercial fisherman. His permit, the value of it when you sell it is minimal compared to the value that it is to you and the living that you can make with it and providing that income to your family, especially during hard times and changing circumstances that you don’t foresee and all of that. The value lies with the income that it can produce for you.

MR. HARTIG: All right, where are we? We’re having a philosophical debate about how the permits are going to work. Where are we, Kari, get us back on track, please.

DR. MacLAUCHLIN: Okay, I just want to remind everybody that we still have about twelve actions left and we’re on number three. What we want you to do here is to hopefully look at some of the preliminary analysis. If you want to break it down to county level in the appendices, you can look at it at even farther down and look at counties that you’re interested in.

Really, if there are some poundages that are too high or too low or the number of permits that would be eliminated or restricted is too high or too low, let’s go ahead and remove those that you’re not interested in. If you’re going to add more alternatives to consider different qualifying periods, okay, we can do that.

If you’re not seriously considering eliminating permits that are defined as inactive, then you may want to take out Alternative 2 altogether if really what you’re just focusing on is a passive reduction. It is a limited entry so the number is capped already, but this could be a way to do a passive – you could also do a two-for-one if you really want to bring your effort down.

We have some IPT recommendations, which one is changing the language that we used from “latent” to “inactive” in the title and the language in the alternatives; consider removing

Alternative 3, as Sue said, because that is the one that has the control date, because your other alternatives capture that time period.

We will need – the South Atlantic removed Option A, which is a qualifying period of those 14 years. The South Atlantic removed that at their September meeting, so we need the Gulf Committee to also pass a motion to remove that or – I don't know; what happens if there are different alternatives? There is not going to be; you would need to work that out, please, before you leave.

If that is something that the Gulf Committee is interested in, then please have that conversation like a longer time period that you want in there. The South Atlantic also – you know, they're the ones that specified the qualifying periods. The alternatives just said five years and ten years. At the September meeting the South Atlantic specified that they meant 2001 through 2010 and 2006 through 2010. If there are different qualifying periods that you want to talk about, let's do that.

The Gulf Committee also needs to approve the addition of Option E under Alternative 4, which is considering landings of all federally managed species to qualify for your king mackerel permit. Those are some things that I would like for you to do in addition to adding, removing, or modifying any alternatives that you're not interested in and then even selecting a preferred if you want. I do want to – when it comes to these, remember we're going to talk about latent effort, and what you want to think about is if all of your current permits that are fishable, which is 1,495 right now, kicked in, could the stock handle that, both stocks, and you can break that down.

We do have in Table 12 the number of permits in 2011 that reported any landings. That is one pound of king mackerel; but just to give you an idea of how many of your – and that is just in 2011, just so everybody knows; how many of your active permits in 2011 reported king mackerel; and then, you know, how many, but there are people who keep there – right now from what I can tell between five and six thousand dollars for the king mackerel commercial permit. There are people who have held on to these permits for a long time and have kept them valid and haven't sold them, and that is characteristic of the southeast, the portfolio fishing.

MR. HAYMANS: I just wanted to ask Kari a quick question. Based on the table that you sent around a little while ago, which had current permit holders, and it seems to me that since the table we have in the document, which is any of them through 2010, we have dropped a hundred permits between 2010 and 2012 for the east coast.

MS. GERHART: No, these only include permits that were valid as of June 19, 2012. We took the valid permits first and then we found their landings for those years.

MR. HAYMANS: The table is presented is through –

MS. GERHART: The table that is in your decision document, yes. If you look at the heading, it says the date there.

MR. HARTIG: All right, I think what I'll do – like I say, we had the meeting with the fishermen and here is what they wanted. They wanted Alternative 4, Option C, Suboption I; and under

Option D they wanted a thousand pounds. That is what came out of the meeting I had with them. The rationale was they would use the shorter time period to make sure that some of the younger fishermen were included in the average there. Larry.

DR. ABELE: My meeting was a phone call Saturday and Sunday, but they converged on that also.

DR. DUVAL: I would not be able to support this just based on the fact that the past four years of king mackerel fishing in North Carolina has been fairly dismal, and so we would have a lot of folks who were simply not using their permits during that time period and would not – well, they would end up I guess in the latent pool if we're looking at Alternative 4.

That is why I would really like to see some analysis for Option E. I think that was a good alternative that was offered by the fishermen, and I would like to see it at least stay in there. I do think we can probably eliminate things like Suboption i from Option D on Alternatives 2 and 4, the one pound threshold. That seems ridiculously low. If our goal is to actually reduce the number of permits, then I don't think one pound is really a reasonable way of getting us there.

MR. HARTIG: The only thing I would say to that is if we go down the line and we look at the option that I've added, that option would allow these people to qualify for a full permit. If they had 75 percent of their income came from commercial fishing over that timeframe, they would get a permit and it would not be latent.

Regardless of the number of king mackerel landings they had, it would be based on their full participation in commercial fishing and that they possessed an Atlantic king mackerel limited access permit. They would that permit and they would be able to sell it as long as they made 75 percent – what my option does is exactly what you want your option to do, but it is just not in this section.

DR. DUVAL: Okay, I understand that. I'm still going to support maintaining Option E in there even though I understand this may not end up being a preferred. I'm just telling you that I would like to see it stay in there as this was I think a valid suggestion from commercial fishermen to try to solve this problem.

I like your alternative and I hope that we can actually get to that today and discuss that because I think that would probably solve some of those problems, but it is in the document now. As you have alluded to, part of the difficulty with this is that we added a few things in September, and there really hasn't been a chance for the public to respond to this.

MR. HARTIG: The only problem I have this one, Michelle, is that any of these qualifiers are way too low for a full-time commercial fisherman as far as poundage goes. I'm thinking about just what I catch in a given year, and it is 150,000 pounds of fish, and that is parttime while I'm on the council. Really, if you want to have something that gets to the heart of what you're trying to do, and that is allow full-time commercial fishermen to retain these permits and not being latent, we should have some qualifiers that are high enough with respect to what they're actually doing.

DR. DUVAL: And I completely agree with that. I think one pound, a hundred pounds and five hundred pounds are way too low for an average over five years or ten years in terms of any landings of any federally managed species to be able to maintain your permit. I know that staff was just working on the suggestion to include this as an option to look at it and just maintain consistency with the other suboption qualifying poundage in there. I am completely open to modifying that.

DR. DANA: I guess I'm a little confused because I heard you mention that the intent here is to eliminate latent permits for the benefit of the full-time commercial fishermen, but there are a lot of for-hire charter fishermen and they're dually permitted and utilize the king mackerel permit after the charter season is over. In recent years we have seen, as you noted, a lot of effort coming across the canal fishing out the Gulf allocation and the season closes of meeting the cap.

The guys with the permits; the for-hire charter guys do not have the opportunity to fully participate in the fishery. I am concerned when you talk about a thousand pounds or whatever or you're talking about 2010 and before, we have got to be careful that those that are fishing – well, we just need to be careful, and it is not in my mind only about the full-time commercial fishermen that these permits impact.

MR. HARTIG: And you will see in the option that I've put forward you could use either income from charter fishing as well as commercial fishing in the income requirements that I have. I'm sorry I didn't send it out to you all. I sent it to our guys but I neglected to send it out. I was kind of harried at the last minute. When we go through that, you will see that in that option.

I understand from the Gulf perspective that the charter fishery is primarily – well, I'm not going to say that – is the summer their more active period? I thought that the season impacted them, but in the Gulf it is a little bit different because your Panama City boom is pretty much in the summer from my perspective and what I have got in the past. I know those fish arrive late – or not late, but they arrive after the quota has been closed to those areas in that particular area; and they're more accessible, actually, from what I've heard. Those guys wouldn't have had the opportunity to fish because they were fishing their charters and not commercially. Is that what you're saying?

DR. DANA: That is what I'm saying.

MR. FISCHER: I just wanted to make a comment. I think the people on this side of the room heard me say this before. I'll probably have to add a year or two to it because times have changed. I keep saying this year after year, but probably now in the last six or seven years – it used to be five years – we have had a – everyone has events.

You all have weather events, but we have had four hurricanes, a flood and an oil spill. We had a whole lot going on and our fishermen will not have high landings. When you use the shortest time series of five years; that does not benefit the commercial fishermen in the northern Gulf. We would prefer seeing a longer time series to accommodate them; not that we want to rule them out, we just want to be fair to them.

MR. HARTIG: That's a good point.

MR. FISCHER: I did have a few other points and one is again understanding the income and the business of the people on the northern Gulf Coast. In addition to Pam's charter fishermen, you have a whole array of these people who work offshore in the off season and work on the oil rigs, manual labor to make ends meet because their banker told them they need more money.

They may not make this 75 percent income requirement because the oil industry might just pay them a little better, but they're fishermen at heart and they're back on their boats when the weather is calm and the season is back open.

That is what scares me about an income requirement. I'm just putting out different ideas from a different perspective of the country and seeing how maybe it was already solved or where it is going to go. Ben, I will turn it back over to you, and thank you for allowing me to make them comments.

MR. HARTIG: Well, thank you, Myron, and they were spot-on from the Gulf's perspective.

MR. PHILLIPS: Well, in relation to the consistent turning of these permits – and Kari threw something out a while ago – we may want to do something and do a two-for-one, which would have an ongoing – and everybody knows what is going on when they do it. It is not going to catch them from behind, so we might could set a lower limit to let people in and then reduce people with the two-for-one and do a combination of the two.

MR. HARTIG: Yes, the only thing with the two-for-one – and Roy has made this point a number of times with snapper grouper, and he wanted to bring up before us at a number of meetings ago that the two-for-one is not accomplishing what we wanted to do with snapper grouper. All of our fishermen at that meeting want to two-for-one. I can tell you that all 40 of them raised their hand; two-for-one, two-for-one and two-for-one; this is what we need. If we had had it in 2004 when we proposed it, it would have made a big difference by now in king mackerel especially due to the dynamic trades, but we didn't get it, and so we're in this situation we are now.

We can go to a longer time series; I don't have a problem with that at all. It is just I would like to see what the Gulf would like to use. The main thing we need to do is we need to decide if we want to allow these things to be kept by the fishermen. We have got options that remove them and we have got the other one that lets you keep the permit.

MR. FISCHER: And I realize the object is we do have to reduce the amount of permits, but I think from my perspective and maybe not shared by the other Gulf members is I would rather see trade pounds for income and raise the poundage requirement, but not go with the income requirement.

They have already jumped through the hoops 15 years ago to get the permit or had to purchase it from someone. I'm not saying we want to keep all 1,500 permits, by all means. When Ben mentioned that this fishery could maybe only support 300 vessels, that is going to be a tough

number to get to, but we do have to reduce the amount of permits. I didn't want to come off thinking that I'm trying to keep it at 1,500. I just want to find a mechanism that is palatable.

MR. HARTIG: And that 300; that is full-time guys; that is not talking about the portfolio guys either, so it is going to be more than that. Well, we have talked around this a lot. Do we want to make any options; do we want to go to public hearing; do we want to remove some of these that we know we don't want? That would be a step in the right direction for staff. Larry.

DR. ABELE: Maybe we could just start by getting rid of Option A so that at least we have consistency between the two councils, and I would move that.

MR. FISCHER: We have a motion by Dr. Abele to remove Option A and seconded by Martha. Do we have any discussion on removing Option A?

DR. MacLAUCHLIN: And would that be under Alternative 2 and Alternative 4?

MR. FISCHER: Yes. Seeing no further discussion, it was already hashed out; should we vote. All in favor of the motion to remove Option A under 2 and 4, show of hands; opposed. The motion carries. That puts us consistent so where do we want to go? Do we want to try to remove some –

MR. HARTIG: Yes, there is some other stuff we wanted to remove. We heard from Sue about Alternative 3; do we still need that one? Corky.

MR. PERRET: Did we follow the IPT recommendation of "latent" versus "inactive"?

MR. HARTIG: Well, do you want to vote on that or do you want to give direction to staff to do that?

MR. PERRET: I think it is a good suggestion personally.

MR. HARTIG: Yes, I think it is, too.

MR. PERRET: And if I'm on a roll; is the Gulf up or South Atlantic up right now.

MR. HARTIG: You're up; go ahead.

MR. PERRET: I would, in line with another recommendation, move that we place Alternative 3 in the considered but rejected alternative.

MR. FISCHER: Motion by Mr. Perret to remove Alternative 3; second by Mike Ray. Do we have discussion? Seeing no discussion; we will vote. All in favor of the motion to place Alternative 3 in the considered but rejected appendix, show of hands in favor; all opposed. The motion carries.

MR. HARTIG: Well, I guess I ought to ask you all if you have any heartburn about the Gulf concurrence first with removing both Option As that we did at our last meeting? If we don't have any problem with that, we will move on. All right, on Alternative 3 the Gulf Council voted to remove Alternative 3 to the considered but rejected appendix. Michelle.

DR. DUVAL: Mr. Chairman, I move, on behalf of the South Atlantic Council, that we move Alternative 3 to the considered but rejected appendix.

MR. HARTIG: Second by Mel Bell. Any discussion? Is there any objection? Seeing none; that motion is approved. All right, we have pared it down somewhat. Kari, where does that leave us as far as you want to try and analyze as far as what we've got? Larry.

DR. ABELE: Is there any value in getting rid of the one pound and one hundred pounds just to clean it up. I didn't hear any support for either of those.

MR. HARTIG: That is a good point. That's a pretty low level of landings, especially the one pound.

MR. FISCHER: All right, Dr. Abele has a motion to present.

DR. ABELE: I move that from all the suboptions we remove the one pound and one hundred pound options.

MR. FISCHER: Seconded by Mr. Perret. Pam.

DR. DANA: Once again, if we are looking at the years' span of 2001 to 2010 and if a permit that was purchased in 2010 in the Gulf, with the oil spill and all, and it didn't have any history or if from 2010 onward, we're immediately putting that vessel in a position where their permit is going to be latent, and I cannot vote for that. I would look towards the least amount of poundage.

MR. FISCHER: Roy, could your office give an answer to that? Pam's question was if someone purchased a permit in 2010 and that is the end of the time series, they only had the permit for one year.

DR. CRABTREE: Well, the landings' history would be with the permit; so if that permit had landings associated with it, the permit would qualify. That is the normal way that we have done these things; not the person, the permit.

DR. DANA: In my scoping meeting in Destin, there were a number of folks there and there were a number of permits that were had by individuals that had no history, so they would immediately be deducted.

DR. CRABTREE: If the permit has no landings' history, regardless of who owned it, then, yes, it would be gone.

DR. DANA: And I can't vote for that.

MR. HARTIG: Well, depending on how we end up on this, it won't be gone. They could still possess the permit and continue to get the economic benefits from the permit. They just would not be able to sell the permit.

DR. CRABTREE: Right, under Alternative 4.

MR. HARTIG: Under Alternative 4, which is the good thing about all this because it does take care of some of those instances where people fall through the cracks in the landings and these suite of years that we have chosen.

MR. FISCHER: For the creators who wrote the document; do we have to stop at 2010; do we have any catch data, any landings' data from 2010 forward and that might help out some of these people if that was chosen?

MS. GERHART: We have 2011 and 2012 isn't complete yet, but we will eventually have it. I am not sure when; we'd have to check with the science center to see when that was complete.

MR. FISCHER: Right, and that might satisfy this problem.

MR. SIMPSON: Is there any way we can quantify the number of individuals that are in the 100-pound category and below? Are we talking five vessels or five hundred or what are we talking?

MR. HARTIG: Well, Larry has posed the question; that you do have on the record. The other Larry mentioned that on the record –

DR. ABELE: On any of the tables, let's say Table 11, the one pound and one hundred pound, you have got 1,298 out of 1,495; figuring that is 287 out of that range.

DR. DANA: Again, I just want to go back to the point in the for-hire charter fishery with the dually permitted vessel, if in most recent years, from 2010 onward, the charter fishery, once that winds down and then the fishermen go into the mackerel fishery, if that fishery has already been fished out by the folks that cross the canal, a thousand pounds is a heck of a lot of pounds for them to have accrued if the fishery is still open for that finite amount of time. I'm probably more specifically talking about people that have gotten their permits in 2010 onward. But a thousand pounds is a lot in the finite amount of time that we have in the north goal for the for-hire charter guys with the permits.

MS. GERHART: I was just going to point out Table 10 shows how many qualifying and how many don't by those thresholds, and it just depends which time period you use. Also, Suboption i, the first set, is if you used average landings, but then there is also the Suboption ii that uses just one of those years you had to have had those landings. It is a little bit different and obviously you have fewer people being eliminated with only one year requiring that rather than an average.

MR. BOYD: Just a quick question – I’m an observer and not on your committee – in Table 11 and in Table 12 all the states are listed with the number of permits and then there is a category of “other”. I’m just curious about what is “other” if all the states are listed?

DR. MacLAUCHLIN: These were the vessel IDs that were in the home ports that were listed for those vessels, and then we attached them to this landings’ analysis, so “other” is most Mid-Atlantic, Virginia, maybe, and some a little further north; maybe a few here or there in New England.

MR. HARTIG: So in order to address your concerns, Pam, I guess we can only get another year of data that is finalized, and I certainly don’t have a problem putting the most recent data year in there. Myron has talked about a longer time period and 2002 through 2011 would give you ten years. Would that help and then maybe choose the different poundage requirement, trying to move us forward.

DR. DANA: Yes, the year and the poundage; the thousand pounds is complicated for my region and in Alabama and Florida.

MR. HARTIG: Well, what I would suggest then is that you have heartburn over some of these, if someone would make a motion to change them, and then we will see where we go from there.

DR. CRABTREE: Point of order; you have a motion on the board by the Gulf Council that you haven’t voted on yet.

MR. FISCHER: To get back to the point on the board, we do have a motion to remove the one and one hundred pound options. That would leave the 500 and thousand pounds. It is where the committee wishes to go. What is their desire; if we have anymore discussion or if we’re prepared to vote? Hearing no more discussion – Kari.

DR. MacLAUCHLIN: Just to clarify; you have a couple of places where that would be under the Alternative 2, which has the thresholds, and that would define it as inactive and eliminate it; Alternative 4, which would define it as inactive and make it non-transferable; and then Option E, which is the one that has average reported landings of any federally managed species. Is that correct; there would be three sets? Okay.

MR. FISCHER: That was Dr. Abele’s intent to have it in all three sections. **Now, hearing no further discussion, we shall have a show of hands. All in favor of this motion, please raise their hand, to remove the one and one hundred pounds. All opposed. The motion carries.**

MR. HARTIG: All right, we have got a motion for the South Atlantic, Action 3, to remove the Suboptions for one pound and a hundred pounds. How does the motion read; “from the suboptions remove one pound and a hundred pound options –

MR. CUPKA: In Alternatives 2, 4 and 5.

MR. HARTIG: In Alternatives 2, 4 and 5; thank you, David.

DR. MacLAUCHLIN: It is actually Alternatives 2D, 4D and 4E.

MR. HARTIG: Does anyone from the South Atlantic want to make that motion? **Motion by Doug Haymans; second by Charlie. Discussion? Okay, the South Atlantic motion, Action 3, from the suboptions remove one pound and one hundred pound options in Alternative 2D, 4D and 4E. All those in favor; all those opposed. The motion passes with one opposed.**

Okay, now, Kari, if we can't rectify some of these different years, we really probably should do that right now if we want figure out what timeframe the Gulf wants to use. Our fishermen, whether they use the 2001 through 2010 or 2006 through 2010, the percentages are almost identical. It is 52 versus 51. Like I said, the only reason our fishermen went for a shorter timeframe was to allow their newer fishermen to qualify. Myron's points are good about the impacts of hurricanes and oil spills in the Gulf. I certainly would concur if you wanted to go to a longer timeframe since the – go ahead.

MR. FISCHER: We have discussed it and we have heard this on other issues also, and I think what we have to do is entertain a motion to see what time series we're going to go to. Mr. Perret.

MR. PERRET: Let me try; **I move we go with Option B, Suboption II, in Alternative 2 and Alternative 4.**

MR. FISCHER: This was to keep as a preferred or to remove those?

MR. PERRET: That would be my preferred. In other words, to provide more flexibility due to the spill and the hurricanes and so on and so forth, they would only have to have that poundage in one of the ten-year period.

DR. MacLAUCHLIN: Okay, so you are selecting a preferred?

MR. FISCHER: We have been streamlining the document for analysis purposes. If you want, you could do the reciprocal and streamline the document and remove the others.

MR. PERRET: Okay, if that is my motion, then the little i would be removed – yes, remove them.

MR. FISCHER: And the time series – I think, Corky, we will start it over. Yes, I think what you want to do is remove Option C with the shorter time series on both 2 and 4.

MR. PERRET: That's right.

MR. FISCHER: We can do the little II's next if you choose.

MR. PERRET: That is a better way to put it; thank you, Mr. Fischer.

MR. SANCHEZ: I will second that.

MR. FISCHER: **So we have a motion and a second to remove Option C, the shorter time series under Alternatives 2 and 4.** We did have discussion; do we need further discussion? Dr. Abele.

DR. ABELE: I just have a quick question. We're always reminded by counsel that we have to have several options there. Are we narrowing the number down such that they're going to bounce it back with not enough options?

MS. SMIT-BRUNELLO: Well, the number of options is determined by whether they're reasonable or not, whether you have a reasonable range. I think if you have good rationale for why you want this removed and the alternatives that are left, you have good rationale for leaving those in document, then that is how we determine whether you have a sufficient range or not.

MS. FISCHER: And then whether we choose Suboption i or ii would also determine what we years we take. Do we see any further discussion? **Seeing no more discussion; we shall vote to remove Option C, the shorter timeframe under Alternative 2 and 4. All in favor; show of hands. Okay, all opposed. The motion carries.**

MR. HARTIG: The Gulf Council has approved a motion and I will bring it before the South Atlantic Council. **The motion is in Action 3 remove Option C, five years, 2006 through 2010, under Alternatives 2 and 4. Doug.**

MR. HAYMANS: **I would make that motion, Mr. Chairman.**

MR. HARTIG: **Okay, motion by Doug Haymans; second by Michelle Duval. Any more discussion? Is there any objection? Seeing none; that motion is approved.** All right, we trimmed it down quite a bit, staff. Martha.

MS. BADEMAN: **So in line with Charlie's comments from earlier, I would like to make a motion to change the time series years in Alternative 2B and Alternative 4B to be 2002 to 2011.** I don't know if we need that or not; if direction to staff works. I would really like it to be through 2012, but it sounds like that might not happen.

MR. SANCHEZ: I will second that.

MR. FISCHER: We have a motion and a second –

MS. BADEMAN: Yes, ten years, still.

MR. FISCHER: – to keep the time series remaining at ten years but to change it upward a year in Alternative 2B and 4B to 2002 to 2011 time series. We have further discussion. Pam.

DR. DANA: When would that in 2011 end; what day and month? Is that clear already or am I just not seeing it?

DR. MacLAUCHLIN: It would be December 31, 2011.

MS. BADEMAN: Could we maybe find out when the 2012 data would be available as well and maybe – I don't know if that is an option to add that in later. It would be nice to have that when this all comes to fruition at the end.

MS. GERHART: We have the permits' data; it is the logbook data. Of course, being only February right now, they just don't have it in there yet. We'd have to ask someone at the science center about when they would consider that complete.

MR. PERRET: Martha, what is your rationale for the more recent year? The only reason I ask that is we know what happened in '09 with the oil spill and we've got people still – things are not back to normal in spite of what you may read and see in the media. It seems to me that one year on the early end may be helpful to some. What is the rationale for 2011 versus 2010?

MS. BADEMAN: Yes, I understand that, but in my mind by the time this actually – assume it gets approved and is implemented, four years will have passed since the cut off here if we stick with 2010. A lot has happened in those four years, so in my mind it would be nice to kind of have a more recent picture of what is going on the fishery; also considering how many of these permits have changed hands.

MR. FISCHER: **Do we have further discussion? Seeing no further discussion; we shall vote on changing the time series from 2002 to 2010. All in favor of this motion raise their hand; all opposed. The motion carries with one in opposition.**

MR. HARTIG: All right, the South Atlantic Council. Michelle.

DR. DUVAL: **I would move that for the South Atlantic Council in Action 3 that we change the time series in Alternative 2B and 4B to the years 2002 through 2011.**

MR. HARTIG: Seconded by Anna; and a comment.

MS. BECKWITH: Should we be concerned with adding the time series to Option E as well if we're going to retain that in the options?

DR. DUVAL: I think it would apply to that suboption, that time series, because it is within Alternative 4. I think the thing that I'm struggling with is just the poundages under Option E, but that is a separate motion to consider changing those threshold poundage levels. But, yes, that time series would apply to Option E.

MR. HARTIG: **All right, anymore discussion? Is there any opposition? Seeing none; that motion is approved.** Anything else under latent king mackerel permits? We got a lot of work done; painful but we did it. Michelle.

DR. DUVAL: Clearly, I think if we're looking at a ten-year time series for Option E, an average of a thousand pounds or 500 pounds of landings in any federally managed commercial fishery is pretty minimal. I don't think I know any full-time commercial fisherman that would have that

low of an average. I am wondering if it might be appropriate to suggest some alternate thresholds for that like perhaps 1,000, 5,000, 10,000, 20,000, some like that. I don't know.

MR. HARTIG: It is tough when the chair is involved in the discussion like this. It makes it harder but it all good. It is going to be hard to do without some information. Yes, we could make some ballpark estimates and the ones you raised are certainly okay. It just would be nice to know – well, my point was that it depends on what it is. If it is a thousand pounds of gag grouper versus a thousand pounds of mackerel, that is a big difference in the price; Spanish mackerel, anyway, or a thousand pounds of lobster at \$18 a pound I heard; what did I hear?

MR. SANCHEZ: I don't know nothing.

MR. HARTIG: You're not in that neck of the woods anymore. Go ahead, Michelle.

DR. DUVAL: And I agree; I struggled with that, too. It is a chicken-and-egg thing. It is hard to make a decision unless you have a little bit of information that would help inform that decision, and is obviously going to depend on the species that are sold. I'm just trying to make it something that would be reasonable. I'm fine if we want to just leave it the way it is at 500 and a thousand pounds; maybe adding a couple more. I'm just looking for a little bit of input here.

MR. HARTIG: We're going to get beat up in the public hearing process if we leave these low qualifiers. I'd probably start at five at a minimum and then take it ten, twenty, thirty; in 10,000 pound increments probably. When we hit thirty, it is about what the guys are catching in king mackerel only; but those full-time guys, that is about what they're catching. Some of these guys aren't doing anything else; that is all they do is chase king mackerel from the east coast to the west coast. John.

MR. SANCHEZ: Just a quick question; did I miss something or did we vote earlier and I was on the losing side again to get rid of the one and the hundred; so that is like a moot point, We're at five and a thousand that remains.

DR. DUVAL: Right; and I'm specifically talking about Option E, which is the qualifying poundage under any federally managed commercial fishery.

MR. FISCHER: This is new for me, but would a solution be to leave the other options as is, leave Option D and then have another means of – and Option E would read that other than mackerel. If your other fisheries amounted to this poundage, you would qualify, and that would include then all the reef fish, gag, possibly shrimp, whatever is permitted; so you would still have one way to qualify with mackerel alone and then another way to qualify with other species.

MR. HARTIG: And then it goes to the point we had later on down the line as well. It incorporates what you want in another qualifying manner under income requirements.

MR. PHILLIPS: To Michelle's point, yes, I think we should add a suboption of at least 5,000 pounds. I would make that motion. If you want to add some different weights, then that would be fine, too; to add an option of 5,000 pounds to Option E.

DR. DUVAL: Sorry, I was having a little sidebar over here with David and I wasn't paying attention. Charlie, what was that?

MR. PHILLIPS: Under Option E we will have 500 pounds, 1,000 pounds, 5,000 pounds, and do we want to go any higher?

DR. DUVAL: I would think so. I would think we would want to add 10,000 pounds, 20,000 pounds. I think the other thing that we need to clarify in this motion is that right now the way it is worded it says the threshold for average reported landings of any species. I think we need to clarify that is federally managed species.

MR. HARTIG: Have we even approved the wording on this option in this document? David.

MR. CUPKA: Michelle brought up the point I was going to bring up that we need something more than just saying species, because we don't want Charlie to qualify with his clam landings down there.

MS. BECKWITH: I was going to suggest that we got more specific and did federally finfish species; federally managed finfish species. I would like to get rid of the 500 and go 5,000, 10,000, 20,000; because I think even a thousand is too low for that as an additional option.

MR. HARTIG: The only problem I have that one is I know in the Gulf there are shrimpers that actually target king mackerel. I think we should probably not get that specific.

DR. DUVAL: So what does the motion read right now?

MR. PHILLIPS: Mr. Chairman, I guess I'll read the motion, and we will make under Option E, suboptions will be 1,000 pounds, 5,000 pounds, and 10,000 pounds, and I will leave as any federally managed species; but if they want to make a friendly amendment, I'm open to it.

DR. DUVAL: I was just going to second the motion on that and I think Roy has a point.

DR. CRABTREE: Shrimp may be a bit of a problem because we would normally use the Coastal Logbook Program to determine what landings you have, but there is no logbook requirement in the shrimp fishery. We would have to use something else to determine their shrimp landings. I guess there probably is something we could use, but we'd need to figure that out.

DR. DUVAL: I don't really have any suggestions in that regard, but one thing I was going to say it should not just be federally managed species in the South Atlantic. Our guys who are a third of our permit holders north of Hatteras, they're participating in HMS fisheries and are participating in Mid-Atlantic managed fisheries as well, so I just don't want that discounted.

MR. HARTIG: Yes, as long as it is federally managed species, we will be okay, correct?

DR. DUVAL: Right, and I just wanted that clear on the record.

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

DR. CRABTREE: So are we talking about all federally managed species that are reported on our logbook and are you going to want to look at New England groundfish and cod and scallops and all these things that probably aren't reported on our logbooks. If you want to go beyond that, that gets much more complicated to do; but as long as we're sticking with our coastal logbook reporting, then that is fine. We can look at any species landed on that, and then we will have to figure out some alternative with shrimp. I think our Coastal Logbook Program would include HMS species, but it wouldn't include other New England groundfish and those types of things.

DR. DUVAL: And I'm not talking about New England fisheries but Mid-Atlantic fisheries.

DR. CRABTREE: And that I think we will have to have staff look into because I'm not exactly sure if all Mid-Atlantic species are covered in the Coastal Logbook Program or not.

MR. HARTIG: Are we good?

DR. MacLAUCHLIN: So do you want that added in here for federally managed species and specify including HMS, South Atlantic and Mid-Atlantic?

DR. DUVAL: If that would make it clearer for you, we can do that.

MR. HARTIG: Kari, can you read that motion for me when you get it written?

DR. MacLAUCHLIN: So this currently is only under Alternative 4, which is the inactive permit non-transferable; is not under Alternative 2 at this time? Do you want to go ahead and put it under Alternative 2? If the committees are considering eliminating permits, if you are really only considering limiting them to non-transferable, then let's take out Alternative 2, I guess. If not, I would assume that this would need to be under Alternative 2 as well. Otherwise, they get eliminated.

MR. HARTIG: You kind of lost me.

DR. DUVAL: I understand what you're saying now, but this is actually – by keeping this Suboption E within Alternative 4, this would be looking at different threshold levels for the permit being no longer transferable. If we wanted to allow these folks who meet a certain threshold to continue to maintain that permit and have it be transferable, we would have to include this under Alternative 2; is that what you're saying?

DR. MacLAUCHLIN: Currently if they do not qualify with the landings under all the thresholds, under Alternative 2, if that is the selected preferred, it will eliminate all of them. There are two components to this action. One is defining what is inactive, and you have all qualifying periods and your poundage and everything, and then what are you going to do with inactive? Are you going to eliminate them or restrict them or term them non-transferable? I guess to me it seems kind of like you should have the options under Alternative 2 and Alternative 4; that or defining your inactive ones.

MR. PHILLIPS: I think the intent is to set some really high thresholds if you're landing other species so you can keep your king mackerel permit if you don't make the threshold on the king mackerel. That is what this does. If you're catching a lot of something else, you occasionally fish for king mackerel, but this shows that you are a commercial fisherman and a high degree – you have got high thresholds, this is just another qualifier, but we're not going to set it on any species. We don't need these high numbers on Alternative 2; just 4, because it is an alternative way to qualify for a non-latent permit.

DR. DUVAL: And I think that is Kari's point is that this is another way of defining the inactive permits that would not be allowed to be transferred. If we include this as an option under Alternative 2, this is an alternate means of qualifying folks to keep and transfer their permit; am I correct?

MS. BECKWITH: I just make a friendly amendment to remove the thousand, anyways, because I still think a thousand pounds is too low if this is going to be an additional alternative way of getting this. The maker of the motion says no.

DR. DUVAL: I'm just trying to be sensitive to the concerns that have been expressed elsewhere around the table about weather events and extenuating circumstances that have occurred over this time period.

MR. FISCHER: I would like to make a comment. The motion looks generic to handle commercial fishermen. My question is why not insert Gulf of Mexico at this time; because if we had to pass such a motion, obviously we'd want landings from the Gulf to also apply, but that's only if you want to make a friendly motion. Roy.

DR. CRABTREE: Well, that was one comment I was going to make. The second is I think you have gone beyond the Coastal Logbook Program with all of the species in the Mid-Atlantic. Remember, that includes surf clams, ocean quahogs and other things, and I think any of those species are reported through our Coastal Logbook Program.

This means we will have to make a data request to the Northeast Region for whatever they have up there. I guess they have some sort of logbook, but I'm not that familiar with their fisheries. At any rate, it is going to add a lot of time potentially to getting all of this done because we don't have that data.

MR. FISCHER: Do we have further discussion? Michelle.

DR. DUVAL: Well, dogfish would be – that's a Mid-Atlantic permit; a northeast region permit; bluefish, things like that.

DR. CRABTREE: I really don't know, Michelle. I'm just afraid that we're going to find out that not all of the landings on the Mid-Atlantic Fishery Management Plans are necessarily covered under our Coastal Logbook Program. Maybe they are; I don't know. I don't know if people are reporting squid through our logbooks or not.

DR. DUVAL: Can we at least look into this between now and June and see what that entails? We scheduled to approve this for public comment in June; correct?

DR. CRABTREE: Yes, we certainly can look into it.

MR. PHILLIPS: I think Kari is right; we did move under 2 and 4; so that was the intent. I just want to make sure that I'm clear.

MR. FISCHER: So this motion would apply to Alternative 2 and 4; okay. Pam.

DR. DANA: I'm not on this committee. If we went with the federally managed species in the Gulf, then that would eliminate these fishermen that fish quite a lot for cobia, for flounder, for mullet, for pompano, and that is concerning to me.

MR. SIMPSON: I suggest that we have another way besides that logbook thing. There are trip tickets.

MR. FISCHER: Yes, there are trip tickets and that is what your office handles.

MR. SIMPSON: It was good enough for BP to pay folks from.

MR. FISCHER: Where are we going with the discussion? The motion just reads that they must be federally managed species. I think what we're haggling with is the method in which these poundages are recorded and what Roy's office has the capability of coming forward with. I'm sure Larry's counterpart in the Atlantic States has the same ability handling trip tickets for the Gulf there. There may be other avenues to take to see what is actually landed by the commercial sector.

DR. DUVAL: That is fine with me. It is certainly more inclusive. I think when I brought this up at our September committee meeting the discussion that followed was that there was a concern that it needed to be federally managed species so that it would be easier for staff to access the landings. Certainly, trip ticket program data are available for everyone, and there are fishermen who participate in both state waters and federal waters fisheries.

MR. FISCHER: I don't know the complications that would be involved. Martha.

MS. BADEMAN: I just have a question because in the documents that I'm looking at – and maybe I missed this – did we add Option E to Alternative 2, because right now it is not there.

DR. MacLAUCHLIN: Not yet.

MS. BADEMAN: Okay, so that would add it.

MR. HARTIG: Are we good on the motion now or not?

DR. DUVAL: Ben, I think the question that Pam brought up is there are a lot of fishermen in the Gulf who participate in state waters' fisheries that would not necessarily be recording landings through the Coastal Logbook Program; and so by putting the phrase "federally managed species" in there, we are eliminating a source of information through the state trip ticket program that would allow those fishermen to demonstrate that they are in fact full-time commercial fishermen. I don't have a problem being more inclusive.

I was going on the fact that when I brought this up and asked this to be added as an option in September, that there was some concern about being able to come up with the numbers for this. That is why we talked about being federally managed species.

MR. HARTIG: Well, Roy, how do we do it for state water fisheries? How would we – through trip tickets?

DR. CRABTREE: Well, we could do that and do you want it requested all the way up through all of the Mid-Atlantic states, too? The real problem I see is how hard will it be to then cross-walk all those trip tickets back to a permit? I suspect that will take quite a bit of work. My honest impression on where you are right now is that you're so reluctant to get rid of any permits that it causes me to wonder why you don't move the whole action to the considered but rejected.

We seem to be allowing essentially everyone to remain in. I think the only way to get the state water landings would be go to all of the states' trip ticket programs, request the trip tickets, and then you're talking a substantial amount of work to try and match all of that up back with the permits. I really can't say exactly how you would do it.

DR. DANA: If you were at risk of losing your king mackerel permit and you place the burden on the fishermen to come up with their trip tickets, just as Larry had said, when BP wanted proof that folks were catching fish and made earnings off of fish, mullet, pompano, cobia, flounder, then they came up with their trip tickets. It is pretty straightforward in my mind.

MR. HARTIG: Okay, there is certainly part of that participates in the mackerel fishery. They do a lot of things, and a lot of the mackerel guys don't have permits, Spanish mackerel, so that would help. Then the burden would be on the fishermen to provide the information necessary for that qualification method. Roy,

DR. CRABTREE: You have got to think of this from an analytical purpose. We have got to analyze the effects of all this so we can't put the burden on the fishermen to do that. I just don't think that is workable.

MR. SIMPSON: How is requiring them to have a logbook not putting the burden on fishermen?

DR. CRABTREE: Well, we have their logbooks, so we would go back and do it, but we can't just tell fishermen now to provide us all your trip tickets for the last ten years. We would have to go to the states and get the trip ticket records.

MR. HARTIG: Does the motion on the board encapsulate what we want to do? Michelle.

DR. DUVAL: Well, it encapsulated what I wanted to do. I suspect that if the South Atlantic Committee votes this up and presents it to the Gulf Council Committee, there may be some disagreement in that regard.

MR. HARTIG: Is there any intent to change what we have on the screen at the moment? Seeing none, we will go ahead and vote if there is no more discussion. Kari, can you read that?

DR. MacLAUCHLIN: **Add Option E to Alternative 2 and make the suboptions for Alternative 2E and 4E 1,000, 5,000 and 10,000 pounds for federally managed species (South Atlantic, Gulf of Mexico, Mid-Atlantic and Highly Migratory Species).**

MR. HARTIG: **Any more discussion? Is there any objection? All right, the motion passes with three objections.** Okay, Myron.

MR. FISCHER: Gulf Council committee members; we have a motion on the board passed by the South Atlantic. We heard their discussion and we took part in their discussion. Do we have further discussion on such motion? Seeing no further discussion, we shall vote. We need someone to make the motion.

Does anyone choose to even make this motion from the Gulf Council? We have no motion on the board, sir. Mr. Chairman, we have dilemma. The South Atlantic Council passed a motion and the Gulf Council chose not to take it up. It was a rather close vote. I wouldn't know what the vote would have been on the Gulf Council. I will turn the gavel back over to you.

DR. MacLAUCHLIN: Monica, can you comment on what happens when there is a motion to add the alternatives and one council approves and one does not? Do we analyze it and does it go in the document?

MS. SMIT-BRUNELLO: This is a new alternative that only one council has chosen to add to the document?

DR. MacLAUCHLIN: It is a new option under Alternative 2 completely, and it is kind of a revision of the Option E under Alternative 4.

MS. SMIT-BRUNELLO: So I'm thinking that when you fix your framework you would be able I think to have that option just apply for the species that the South Atlantic manages; i.e., Atlantic king mackerel and Atlantic Spanish mackerel, right?

DR. MacLAUCHLIN: Well, no, it is an active permit and that is just the one permit for the whole region. The thing is that if this is – you can't split it.

MS. SMIT-BRUNELLO: This is an odd situation. Let me think about it a minute because I'm not sure whether it can stay in the document.

MR. WAUGH: While Monica is thinking about that; how we have operated in the past for joint king mackerel and spiny lobster management is the councils can have different alternatives.

They can have different preferreds that go out to public hearing, but we have always operated under the premise that both councils agree with what is in the document that goes out to public hearing, because ultimately you have to approve the amendments to go out to public hearings. If one committee is recommending that alternative be added and the other is not willing to add it, then it dies. That is how we have operated in the past for mackerel and spiny lobster.

MS. BECKWITH: Well, I just want to let you guys know that Monica and I just had a discussion, and I have asked her to look into taking this option and researching it to see if we could create it in some fashion as an appeals process. The concern has been we have to know how many people we have in or how many people we're eliminating, but we have that information in the document already in regards to the actual king mackerel permits.

This particular option is considering an additional way to reactivate those permits once they're already kicked out. To me that still makes sense to try and consider it as an appeals process rather than doing this analysis, which likely is overly complicated and may or may not come to fruition. Monica said she was going to look into that and maybe have something to us for full council to see if that would be an option that we would be able to take and put this into the document.

MS. SMIT-BRUNELLO: I think that Gregg is right. I think if the Gulf Mackerel Committee did not agree to add this to the document, I think it wouldn't be added, which is different than alternatives you already have in the document that both committees and both councils decided should be in the document and you have different preferreds. I tend to agree with Gregg.

DR. DUVAL: And I guess I'm just – you know, from the folks on the Gulf side; the concern is just that it refers only to federally managed species and not being able to use state waters' landings.

MR. FISCHER: Through the sidebars; was that the dilemma? That is what I gathered from speaking to a few people. Michelle, I understand what you're trying to accomplish here by allowing other fishermen, non-mackerel fishermen to retain their permits. I guess it has to go back to the South Atlantic to figure where you're going with it.

DR. DUVAL: I guess I would just correct that. I don't think any of these guys would consider themselves not mackerel fishermen. They have fished for mackerel in the past. It is just that they may not qualify to be able to transfer their permit or have it be considered active under some of these other qualifying poundages.

This was another way to define whether the permit was active or inactive. I'm completely amenable to any commercially landed species. I think the concern that Roy has voiced is how do you that analysis and how do you get all of that information. Well, you can't just have fishermen submitting all of their trip tickets for an analysis. I'm not trying to link those – I'm not really sure I see a way to do that cleanly, but maybe that is because it is late in the day. I'm supportive of that; I'm amenable to it. I'm just wondering how on the ground it gets done; that's all.

DR. ABELE: In reading the document, I was trying to figure out the goal, and I think our chair said it earlier. Really, there is not enough quota out there for more than a couple hundred, and we have almost 1,500.

Yet we have spent all of this time trying to widen the window, which I understand that. To see anyone cut out is tough, but I think we have to decide what we want this to do. I'm not clear that I understand it. I thought I did but after we keep expanding, I'm not sure. Maybe someone can tell me what we're trying to do with this.

MR. HARTIG: Well, I know what we were when we started, but we got off of that track. Well, basically if the Gulf doesn't concur, this one falls out. Unless you can convince the Gulf, that is just the way it works. Michelle.

DR. DUVAL: I guess the way to solve that is go back to the original language which is setting qualifying limits for any species – landings of any species and leave it at that. I guess it would be unfortunately up to staff to investigate that and see how that analysis could be done, and it would involve a data request to the states probably or to ACCSP.

MR. HARTIG: Well, since we have had so much trouble with this one, there is another opportunity to address exactly what you want down the line; maybe not exactly but somewhere close; not using poundages but using income. Hopefully, we can allay your concerns there and we still have the opportunity to do what you want to do. Roy.

DR. CRABTREE: So if this motion fails; then we're back to you have Option E in there where it says the threshold reported landings of any species. Now I had originally read that as meaning any species reported through the Coastal Logbook Program; but if that is not what you mean, then you need to say so.

I think unless you specify otherwise, that is how I read that and how we would analyze it. If you want to get all the state trip tickets all the way up to the state of New York and then go through the process of trying to match all those trip tickets up with the permits and look at all that, we will try to do that, but I suspect that is going to push this back quite a bit timing wise.

MR. HARTIG: We have got to make practical decisions here and that one doesn't seem to be practical to add "all species" from my point of view, anyway. Michelle, from the fishermen you have talked to, if you think about their portfolio and we're using – we're already using the HMS species, correct; all federally managed species?

DR. DUVAL: Well, the way the motion was worded up there, yes, that includes HMS species.

MR. HARTIG: Yes, any species that is covered under a federally managed logbook program, basically, would be included, and is that enough for you?

DR. DUVAL: I don't know; I would need to see some numbers. Roy is saying that he doesn't think that the other fisheries that our fishermen would be participating in would be included; bluefish, spiny dogfish.

DR. CRABTREE: I don't know; we will have to have staff look into that and maybe Bonnie could find out before full council what species exactly would be likely to be covered under our Coastal Logbook Program. I can't tell you now, but I suspect that at least the Mid-Atlantic species and potentially a number of other species in state waters may not be reported through that program. I just don't know for sure.

MR. HARTIG: Well, that depends on the fishermen, I can tell you that. I report everything I have ever caught whether it is in the federal program or not; just to report, but that's me. I'm sure other fishermen do that as well, but probably not everybody. I'm sure not everybody does it, so that's a problem.

DR. DUVAL: Well, that sounds like just based on the assumption that Roy laid out that Option E as worded, commercial landings of any managed species you're assuming that was through the Coastal Logbook Program, that would wouldn't satisfy the Gulf's concerns either; it sounds like it. I'm just disappointed; that's all.

MR. HARTIG: So that brings us back to the original motion; do you want to remake that and bring it back to the Gulf and see what the Gulf says? I don't know what is going to happen. The original option that you had –

DR. DUVAL: Well, again, I think the original option as it is stated is that the threshold for average reported landings of any species – and I think this is any species that is accessible through the Coastal Logbook Program that the science center staff have access to is what Roy is saying; if that is the case, then, yes, I would leave the suboptions of 500 pounds and 1,000 pounds in there as they are if it is only going to be able to be the South Atlantic coastal logbook species.

DR. CRABTREE: But there will have to be an exception made for shrimp because shrimp is not reported. To the best of my knowledge, I don't think there are any shrimp landings or most shrimp landings are not reported through the logbook program. If you want shrimp included, we will have to figure out some other way to deal with that.

MS. SMIT-BRUNELLO: I think it is up to the committees to decide what “any species” you're talking about. I think when you decide that, you should put it in the document so the public is aware of what it is. It might mean something to Roy and it might mean something different to you, and I think you all have to decide what “any species” means. It is very broad. If you're asking me as an attorney, I would say “any species” with no qualifications on it is any species. It could be a dog; I don't know. I doubt it, but what does that mean, “any species”?

DR. CRABTREE: This whole Option E; has it ever been adopted by the Gulf? So it is not really even officially in the document yet unless the Gulf adopts it; so it seems to me unless the Gulf is in agreement with putting this in here, we're not going to analyze it, anyway. That seems to be the real issue right now is whether the Gulf Council is going to concur with this or not.

MR. HARTIG: And that is what I want to know; was there anything we could do to change it to make the Gulf concur? I don't if that is the case based on the discussion. Myron.

MR. FISCHER: It is just simple; is there any way we could massage Option E to retain it in the document or do we just feel it is not necessary because “and other species”; it is any species and not just mackerel. Do we have any consensus to even work with it? We don’t have a lot of comment.

MR. HARTIG: Well, this is new for me. I’m in a quandary. It’s hard to move ahead when the Gulf doesn’t concur with that option. From my perspective, they didn’t approve that motion. Michelle, you could make the original motion. We could vote it up or down, give it back to the Gulf; and if they don’t accept that, then we’re done with this.

DR. DUVAL: I was just going to say that we already voted to include this as an option the way it is written so I think it is really – I mean, parliamentary procedure here; I think it is really on the Gulf to decide if they want to make a motion to also add it as it stands to the document.

DR. MacLAUCHLIN: Okay, I really feel like this, wild guess, is on par with no action. Any landings, it will not be defined as inactive, right? I think it is going to be pretty high. Yes, it is going to be like 95 percent of the permits, unless somebody is really just snoozing on a king mackerel permit.

We’re saying ten years; averages 500 pounds, a thousand pounds of any species – like that has got to cover everybody; in addition to the fact that there is an income requirement still for king mackerel. Regardless that it is just an affidavit, let’s assume that most people are honest and are actually commercial fishermen, it is going to be pretty high.

It is going to be very close to the no action alternative if we can actually get everything and analyze. It’s like talking about the intent of this action at all, which is if every permit – if everybody who had a permit fished it, could handle it and your answer is no; this will absolutely not address that in any way.

And if it is not a problem, then maybe you should discuss why you’re doing it at all; or, if we say, well, we want – like Ben was talking about, we have it capped; we are talking about reducing participation – I mean, opportunity to participate, then a two-for-one, a passive reduction over time – I mean, I think there are other ways; and I think if you want to put something like this in there that is really not going to define any of them as inactive; then let’s take it out for now, even; you know, come back to it later.

MR. HARTIG: I think that was a good explanation and I’m inclined to leave it out. I see a head or two nodding over there. I know someone is going to be disappointed, but this to me is way more analysis than we should be doing for any of these options, in my opinion, for what we gain out of it. I think we should move on. Jessica.

MS. McCAWLEY: Do you not need a motion to remove it; would you like a motion, Mr. Chairman?

MR. HARTIG: Yes, that would be great.

MS. McCAWLEY: Okay, I make a motion to remove Option E from Alternative 4 for the South Atlantic.

MR. HARTIG: We already made a motion to include it and now we have got a motion to remove it. Is there anymore discussion? **The motion is to remove Option E from Alternative 4; second by Anna. Anymore discussion? Is there any objection? The motion passes with one objection.** Now we can move ahead to federal regulatory compliance. The Gulf has a preferred alternative. Well, after all the discussion in the Gulf as of late, is there any intent to change your preferred?

MR. FISCHER: Gulf members; we have preferred Alternative 1 under federal regulatory compliance; stand pat. Seeing no hand; no one has chosen to change it.

DR. DUVAL: **Mr. Chairman, I was going to make a motion that the South Atlantic adopt Alternative 1 under Action 4 as our preferred.**

MR. AMICK: Second.

MR. HARTIG: We have got a second; any discussion? Mel.

MR. BELL: I will just point something out I guess related to – this is cobia, right? Well, our state regulations pertaining to cobia are really about cobia caught in state waters, but they are much, much more restrictive than federal. I don't think that really applies.

MR. HARTIG: The only question I would have is how do we line up on other amendments as far as regulatory compliance. In snapper grouper I think, Michelle, we did require that; didn't we? Roy, in snapper grouper I thought we did.

DR. CRABTREE: We do in snapper grouper and we do in reef fish in the Gulf.

MR. HARTIG: And the rationale in this fishery would be – why we're not doing it possibly would be because so much of the catch is caught in state waters? Okay, Michelle is nodding her head. That would be your rationale why we're not doing it. I don't know if that is the case in the Gulf. It probably is for cobia that we've heard at this meeting, so certainly for that species. All right, I just put a little rationale into the record. **Anymore discussion? Any objection? Seeing none; that motion is approved.** Martha.

MS. BADEMAN: **Seeing that both councils have chosen the no action alternative, I move that we move Action 4 to the considered but rejected appendix.**

MR. SANCHEZ: Second.

MR. FISCHER: **We have a Gulf motion to move Action 4 to the considered but rejected appendix and it was seconded. Do we have any opposition to this motion? Seeing no opposition; the motion carries.**

MR. HARTIG: Do we have a motion to remove Action 4 to the considered but rejected appendix? Jessica.

MS. McCAWLEY: I will make that motion.

MR. HARTIG: Okay, we have got a motion; second by Charlie. Discussion? Any objection? That motion is approved. We might actually get through this whole amendment today. Action 5, modify or eliminate income requirements for Gulf and South Atlantic commercial coastal migratory pelagic permits; and the Gulf has a preferred. Their preferred is to eliminate the income requirements for commercial king and Spanish mackerel permits. Is there any intent on the Gulf side to change their preferred?

Well, let me do this – before I do that, let’s have our discussion on our side because we have some changes to make. Let’s discuss the Alternative 5 that I added in an e-mail this week. That alternative reads, “To obtain or renew a commercial permit for king or Spanish mackerel or cobia, at least 75 percent of the applicant’s earned income must have been derived from commercial fishing or for-hire fishing during one of the three calendar years preceding the application the individual will qualify for the permit; or, in the case of corporations the qualifying officer of the corporation must be on the vessel when engaged in commercial fishing for king and Spanish mackerel or cobia.”

That is the gist of what I have come up with – and our fishermen; that is not just me – and in consulting with some of Michelle’s people as well addressing some of their concerns over the years, that they wanted to have some way as being – you know, the 75 percent level would qualify you as a full-time commercial fishermen and allow you at least income to come from some other source.

In the IRS Guidelines, in order to receive all the tax breaks from commercial fishing, you need to make 66 percent of your income from directed commercial fishing. The 75 percent is a bump up a little bit above that, but that is part of their rationale for this as well. Roy will probably chime in on how we can do this; and if we’re just going to sign an affidavit, how effective it will be.

To me this is quite a step forward from what we have now. It is a significant commitment if you sign up that you’re making 75 percent of your total earned income from commercial fishing. Monica and I talked a little bit about this. Enforcement is not here today and I would like them to weigh in eventually on it to find out if they did have intel on someone who didn’t qualify, how would they do it? Could they ask for a tax return for a certain individual to be able to find out if they or a corporation qualified for that permit. That is the motion and we need some discussion.

DR. DUVAL: Mr. Chairman, do you need someone to make that motion to add that alternative? I move that we add the new Alternative 5 as was written – and I can’t repeat all that from memory, but I could read I guess what is on my computer screen – to Action 5.

MR. HARTIG: Doug, did you second that? No.

MR. CUPKA: Second.

MR. HARTIG: David seconded it. Doug.

MR. HAYMANS: I was hoping to jump in before the motion was made because it seems to me the requirement to be on the vessel – the permit holder is a separate issue than the qualification to get the permit, and I was really hoping to see that as either a different alternative or a different action.

MR. HARTIG: Yes, I think that is a point and we can do that, but the other point is do we want to separate it out for each of the species? Do we separate it out for cobia, king mackerel and Spanish mackerel; and if you did that – because Monica made that suggestion – if you separated it all out, then you would have to have a cobia permit, but that is down the road; a dedicated cobia. Roy,

DR. CRABTREE: Just to income requirement; so basically we just ask the applicant do you meet the income requirement, and they check the box and say yes. I don't believe in the past – I'm not aware in the past ten years that anyone has ever failed to meet an income requirement. Secondly, even if you enforced it, there are so many ways to get around it. If you put the permit into a corporate name, then it is only the corporation's income that counts; and so you could be a doctor making half a million a year, that your corporation would still meet the income requirement. It just in my experience income requirements are not effective. That's why we in the Gulf Council have eliminated it on a number of the permits. I really don't think they're effective.

MR. HARTIG: Well, we had this discussion several meetings ago and we talked about the corporate part of it, and that is why the verbiage is in here that the corporate officer qualifying under the income requirements would have to be on the vessel. The corporate loopholes are mainly where you put the corporation into someone who isn't going to be on the vessel's name.

DR. CRABTREE: But the requirement to have people on the vessel is a significant change. I'm not talking about that at all. I'm just saying that income requirements in my experience have not been effective, and there is no real way to police them.

MR. HARTIG: Well, I would disagree. I would disagree that this is a significant step above what we have required in the past. If we do this, I believe we could get enforcement to follow up with intel on some people to find out. Fraud is pretty big case in the federal system. If you're accused of fraud, that is a pretty significant violation.

Yes, we haven't followed up. Well, I'm not even sure of one case, but I had heard of one case in the past where Ronowski had followed up on it. Somehow we need to be able to do this to get our fisheries professionalized and commercial fishermen participating in them. This is one way to try and do that.

MR. PHILLIPS: I know this is well intentioned. I'm inclined to agree with Roy the income requirements are going to be a nightmare. Basically, what this says is if you are working on a

boat and you don't own it, it doesn't matter how much you fish or what you produce, you're not a professional fisherman. I think I would take issue. There are a lot of guys that run boats for people, and that is all they do. I don't think we want to go there.

DR. ABELE: Not directly related but somewhat; we just started the five-year IFQ red snapper review. I would say 70 percent of the people were claiming they were selling snapper X-vessel for \$2.75 a pound. I mean that is absurd and there is no way they were doing that, and yet all these tickets just came in and came in with these absurdly low numbers.

Enforcement didn't do anything about it and no one did anything about it. Everyone said they were confused, but it was clearly a way to get around the 3 percent. I just don't see enforcement jumping on even something as blatant as that to do anything about it. It is tough to monitor that. The big problem I see with fisheries is trust and there is just not a hell of a lot of it.

MS. BECKWITH: I don't have a problem supporting this for the sake of public comment, but I would like to offer a friendly amendment to separate those two functions out, the income requirement and the individual qualifier being on the boat.

DR. DUVAL: Ben, you said you had some discussion with Monica about that. I'm fine with accepting that as a friendly amendment if that would provide more fruitful discussion, but I will defer to my seconder as well. Then I would like to hear the discussion that Ben and Monica had.

MR. HARTIG: Monica had mentioned maybe separating it out by species as well, but I think one of the things that we definitely wanted to separate out was what we have highlighted there in the wording. We can definitely start there and that may be enough; maybe not. Yes, remove it from this option and add it as a separate option in another motion. Is that okay with the seconder?

MR. CUPKA: Yes.

DR. CRABTREE: And your current preferred is not to have a cobia permit, so there wouldn't be any income requirement there.

MR. HARTIG: And that doesn't give me a whole lot of heartburn for that particular species where you could only keep two. I don't see that as a game changer. Did you remove cobia from that? Okay, we removed cobia from that motion.

DR. MacLAUCHLIN: You will probably want to read it again.

MR. HARTIG: Can you do that for me?

DR. MacLAUCHLIN: The South Atlantic motion is to add Alternative 5 to Action 5, which would be to obtain or renew a commercial permit for king or Spanish mackerel, at least 75 percent of the applicant's earned income must have been derived from commercial fishing or from for-hire fishing during one of the three calendar years preceding the application.

MR. HARTIG: Any more discussion? Corky.

MR. PERRET: Well, my first question earlier on would have been do you want discussion from the Gulf Council members at this time? I assume the answer is yes since we have had some discussion. Is that from any commercial fishing and/or charter fishing? I don't see the FMP-type fisheries in that, so it is any type of commercial fishing or any type of charter for-hire fishing?

MR. HARTIG: Yes, we're getting into the weeds like Michelle did. Roy.

DR. CRABTREE: Yes, it is just going to ask on the permit application do you meet the income requirement and it is 75 percent from any kind of commercial fishing or charter fishing combined.

MR. PERRET: Okay, that is different than what was discussed much earlier. It was FMP fisheries.

DR. CRABTREE: Well, much earlier we weren't talking about income. We were talking about landings. We have no way to verify people's income.

MR. PERRET: I agree with the income problem. We have tried it and my experience with that has been similar to what Roy is telling you. We have tried it at the state level and it is extremely difficult. They can get affidavits, they can get CPAs to sign things and notarize things that they made X number of dollars, they can come up with receipts. It is extremely hard to go with an income requirement.

DR. CRABTREE: And I also think probably, Ben, if you want to revisit the income requirement, it is not clear to me why – it is currently 25 percent; why would 50 percent not be a reasonable alternative?

MR. HARTIG: It could be added in at 50 percent as an alternative under this in another motion.

MR. BOYD: I just make a comment that I think Corky and Roy are correct. The mortgage industry has this same problem trying to verify income and it ended up in a complete debacle over the years. They were giving everybody a mortgage based on what they said they made and found out that they weren't, so this could be the reverse or it could be the same way.

MR. HARTIG: It seems like I'm going down in flames. It has just been really tough in the last 25 years trying to professionalize the industry from my perspective, and this is one way I thought we may be able to try; but if it is going to be ineffective – I mean, the honest people are going to be honest and then you're going to have some dishonest people, but how many dishonest people are you going to have? That is the crux.

MR. BOYD: Let me just follow up on that; having been a banker for 30 years, the process of verifying income is really difficult because people can get around it. The only way to really do it is to get tax returns and to verify those tax returns, because anybody can get their, quote-unquote,

account to verify what their income is. It can be done but it would be pretty onerous to get all that stuff.

MR. HARTIG: Well, the intent was for me – I mean, once we’ve put this in, if some intel takes place and somebody says, “Hey, this person, there is no way they qualify for a permit;” okay, law enforcement takes that up. They request IRS for the tax return; then you can verify it. Now, having said that, how amenable is law enforcement to actually doing that, I don’t know. When I talked to Jeff in person a number of years ago about a case in particular, he said it was a serious violation. Monica.

MS SMIT-BRUNELLO: When the Service used to request tax returns, it was asked of them why don’t you verify it – well, the IRS – I’m just going to paraphrase – the IRS does not allow many agencies – other federal agencies at all to get the verification information. So even though the Fisheries Service is a federal agency, that doesn’t mean the IRS is going to let them have that information because they’re very protective of people’s confidential information, as you would expect them to be. You probably do have to hear from enforcement as to whether they’re able to get that information from the IRS, whether they have the ability to.

MR. HARTIG: Okay, to that point, do you think enforcement could request the tax return from the person in question, from them personally?

MS. SMIT-BRUNELLO: Yes, let’s hear from them. I imagine if there was – I don’t know what kind of information enforcement would have to get to trigger a case where they would be able to get that information, so we can ask that of them. I think they’re coming later this week; is that correct? I know at least Karen Raine, enforcement attorney, will be here I think tomorrow or the next day, so we can ask.

DR. DANA: Since you’re taking comments from the Gulf Council, I personally having a for-hire charter business and dual permits in some areas, I have no problem with the income requirement; never have. In fact, in Florida for our saltwater product license and restricted species, we have to meet an income qualifier as well.

I believe, if my memory is correct, at the Gulf Council we all were moving towards I think it was no action to require the income qualifier to renew or obtain the king mackerel permits, but Roy prevailed in getting enough votes because of the staff effort taken to verify whether the income requirement had in fact been met. I’m with you; I think if someone checks that box and they’re telling an untruth, there is fraudulent activity going on.

MR. FISCHER: Pam, I think there was more to it than that. Also, as you know, because of the spill, we had commercial fishermen miss an entire calendar year of fishing. Many other things have happened. I guess I’m wrestling with Ben’s comment trying to professionalize the industry. I look at it as if it is a requirement to reduce participation, then just handle it with the minimum poundage. Maybe it is not the same goal, but could we accomplish the same thing just going with a higher poundage of a higher requirement?

MR. HARTIG: Well, you would accomplish reducing the number of permits, yes, but you would get rid of the commercial fishermen who are doing other things in this period of time that have a king mackerel permit and rely on that permit at times. The guys in the Keys are a great example that we mentioned before, so I won't harp on that any longer. Michelle.

DR. DUVAL: If I remember correctly, the South Atlantic Mackerel AP supported keeping income requirements, I believe, and Kari is nodding her head, yes. A comment was made earlier, I think it was Roy who said, well, why not 50 percent? After we vote on this motion, I guess assuming the Gulf Council might consider concurring with that, I would be happy to make another motion to either add an additional alternative looking at a 50 percent income requirement or we could restructure this one to have just Option A and Option B; 50 percent and 75 percent. Those are all out there.

MR. HARTIG: Do you want to add that other option of 50 percent as well in this one? I think that would be appropriate: Option A and Option B. That would be simpler and we don't have –

DR. DUVAL: **Okay, so I guess I would alter the language of this motion be to obtain or renew a commercial permit for king or Spanish mackerel at least Option A, 75 percent; Option B, 50 percent of the applicant's earned income must have been derived from commercial fishing or from for-hire fishing during one of the three calendar years preceding the application.** I guess the seconder would have to concur.

MR. HARTIG: The seconder approves that change. **Anymore discussion? All those in favor raise their hands on our side, 4; all those opposed. The motion carries with two objections.** All right, we will bring that to the Gulf.

MR. FISCHER: **The South Atlantic just passed a motion to add an alternative to Action 5. If we can get it back on the board and if someone would choose to make such a motion; we could deliberate it. Dr. Abele has made the motion that the Gulf Council proposes such. We have a second from Pam. Do we have much discussion? We see no discussion. Evidently, everyone is prepared to vote. All in favor of the motion raise your hand; opposed, one opposition. The motion passes.**

MR. HARTIG: Wow; very cool; thank you very much and our fishermen thank you for that one. All right, that concludes this amendment, Kari, if I'm correct. Michelle.

DR. DUVAL: I think the friendly amendment that was made to the motion that we passed initially was to split up the income requirement versus the qualifier or corporate officer qualifier being on the vessel when engaged in commercial fishing. I'm not sure how to handle that in terms of a motion for an alternative.

DR. MacLAUCHLIN: The individual qualifier or the corporate officer qualifier must be on the vessel when engaged in commercial fishing for king or Spanish mackerel, and we can remove the cobia part.

MR. PERRET: Is there a situation where a corporation has more than one vessel permit and/or vessels; and if so, would any of the officers or any of the – well, the language says “corporate officer”. Would any individual in the corporation qualify as to be on the boat to be fishing? We may have corporations that have five or six permits and vessels.

MR. HARTIG: But they have to qualify for each one of those permits, correct?

MR. PERRET: Yes, but if one corporation – and I don’t know the answer; that is why I’m asking – can qualify for more than one, that one individual can’t be on two boats at the same time.

MR. FISCHER: I don’t know if this is covered in your motion. One of my hangups is suppose the owner of the vessel and it was an older gentleman trying to pass it to his son, where is that going to fall in if the son is running the boat or other family – I don’t know; then maybe he is the qualifier.

MR. HARTIG: Well, certainly it could be transferred. If they qualify for this permit, you could transfer it.

MR. PERRET: I understand your intent, but I’m just trying to figure out if we would exclude an individual from fishing who qualifies because he has got more than one permit and can’t go on – you know, he can only be on one vessel.

MR. HARTIG: No, and that is a great question. I don’t how the office permits corporate vessels. Can one corporation qualify for a number of permits under one corporate officer? Somewhere you have got to draw the line about how a corporation – an income qualifier in the past has qualified to different vessels.

MR. SMIT-BRUNELLO: I will try to find that out.

MR. HARTIG: Well, we don’t have an answer for it now. Corky.

MR. PERRET: It looks like you’re trying to get action on this. It seems to me – and I am just thinking out loud – the qualifier or officer qualifier or a designee with written commission or something that is on the vessel with that individual might be a way to make sure we’ve got this taken care of; that somebody that has more than one vessel or more than one permit would be able to fish both at the same time; some kind of language to allow a designee with written permission from the owner.

MS. BECKWITH: I think it just goes back to no action because a corporate officer is president, vice-president and treasurer/secretary in the corporation. I know; I have one. That is broad enough and then if you also add in a designee, then there is no point in taking this action because it does nothing.

MR. HARTIG: No, and that was the intent. The intent is to have people who are part-time fishermen, who qualify corporations with individuals that meet our income qualifiers, wife, son,

daughter, however that is done, because in the percentage of the income or actually the \$10,000 – if you make zero, you qualify because you don't have any income, basically, so you can qualify anybody in your family. This way at least it puts the person – the burden of proof on the person who is qualifying for the permit in a corporation. Michelle.

DR. DUVAL: It seems like this is something that we could add as an alternative under this action and could choose to vote for it as one of a number of preferred alternatives. That would be one route to take. In other words, you could vote for one of the alternatives regarding the income requirement, but not necessarily vote for the qualifier corporate officer being on the vessel, because these two are separate alternatives. Conversely, you could vote for this alternative as well as one of the income requirements as preferreds if this were to be included as an alternative.

MR. HARTIG: All right, anymore discussion? We didn't answer all the questions. Michelle.

DR. DUVAL: Are you looking for a motion to go ahead and add this as an alternative under this action?

MR. HARTIG: Yes.

DR. DUVAL: Well, then I will move to add Alternative 6, I believe, to Action 5. The individual qualifier or corporate officer qualifier must be on the vessel when engaged in commercial fishing for king or Spanish mackerel.

MR. HARTIG: Okay, we have got a motion; seconded by Anna. Roy.

DR. CRABTREE: I guess I'm confused. You have got an action that is to modify or eliminate income requirements. Okay, this has nothing to do with modify or eliminating income requirements. I'm not quite sure what this is to do, but I guess it is somehow to get the owner and make him be on board the boat. It seems to me this is a separate action. This isn't modifying or changing the income requirement in any way unless I'm missing something.

MR. HARTIG: No, that's a good point.

DR. CRABTREE: But in all honesty it is not really clear to what the intent of why you would do this; what is it supposed to do. It is not very clear to me at all.

MR. HARTIG: Well, it is trying to curb the corporate loopholes that we have. Basically, a fisherman can qualify any member of his family in the corporation under a \$10,000 income qualifier making nothing. You can qualify your wife if she doesn't have any income or your daughter or your son; and you make nothing, you can qualify for a permit.

DR. CRABTREE: And so by requiring that person be on the boat –

MR. HARTIG: Be on the vessel eliminates the loophole of those people that would – that qualifier would have to be on the vessel and that loophole would go away.

DR. CRABTREE: Well, maybe that somehow will fit into this action if the purpose of this is somehow to get at the income requirement.

MR. HARTIG: It is tied to this, Roy. It won't work without it in my opinion. If we don't tie them both together, it is not going to work. The one we already approved won't work. Roy, it is directly tied because it says income qualifier.

DR. CRABTREE: I'm okay with it, Ben.

MR. HARTIG: Okay, we have got a motion; we got a second by Anna. Any more discussion?

MR. PHILLIPS: Okay, so if I understand this right, this basically makes only owner/operators or the corporate owner/operator being able to fish the permit. That is what this is doing?

MR. HARTIG: Yes, that is what it does. The question that Roy has asked and I'm wondering, Charlie, how do you qualify your vessels for a permit in your operation?

MR. PHILLIPS: Each vessel is leased to the permit and all the money goes through that permit, so that is the way that works. They don't have any other income and they're stand-alone corporations.

Whether an individual has the permit for his boat or like I've got a corporation or anybody else would have a corporation – and I saw some of the e-mails between – I guess Monica sent you some stuff – should somebody get sick and it takes sixty days before you could get a letter that might let somebody else run the boat for you or something, you're done. The season is probably over. There are just too many people that are for-hire captains fulltime, making a living, that may or may not have the ability to be an owner/operator. I can't support this. It is far too restrictive.

DR. DUVAL: We have similar situation in North Carolina. We have one limited entry fishery. It is our summer flounder fishery, which is a Mid-Atlantic fishery, and so you have to have a license to land flounder in North Carolina. Our rules allow for designation of a vessel master on the license. The license is assigned to a vessel, but you can designate the person who is actually allowed to run the vessel, land the fish, et cetera, et cetera, and you can change who the designated vessel master is with – you know, you're required to contact the Division of Marine Fisheries and submit in writing a change to that. I don't know if that provides any assistance.

MR. PHILLIPS: To that point, that's fine that you can do that, but basically that negates what this would be was make you an owner/operator. You either have a very restrictive owner/operator people that can fish or you sign somebody up and if your captain quits or gets thrown in jail or decides to go run another boat, then you sign another designator, so we're spinning our wheels.

MR. HARTIG: What if we did this; what if we grandfathered in the corporations and how they're working now under the current system; and this going forward from now on would be the way that we do business?

MR. PHILLIPS: I wouldn't mind going to public hearing with it.

MR. HARTIG: I'm just really trying to make this one work. I had thought about the grandfather clause before and I thought we probably should do that is corporations currently operating under corporations would be grandfathered in under the conditions that they currently fish or however it should be worded – operate and then from going this day forward, if you had a corporation and you wanted to sell it, you would have to sell it to an owner/operator. Martha.

MS. BADEMAN: I'm not crazy about the grandfather thing. What I'm thinking about is if I'm a younger guy that is kind of getting started and I'm looking to expand my business, my expanding the business might be buy another boat. With that grandfather clause, I wouldn't be able to do this because I can't be on two boats at one time. We're at the same problem. I know what you're trying to do, but I don't think it is working. I don't know.

MR. HARTIG: The brutal truth. Well, thank you. Let's take a vote on this and see where it goes and then we'll go from there. **All those in favor of this motion raise their hands; all those opposed. The motion fails.** All right, with that, I don't know that the income requirement qualifier was going to be very effective, but we'll see. Anything else on 19? All right, David, do you want to tell us where we are and what time –

MR. CUPKA: That's a question where we are; obviously we didn't get through both joint amendments, and somehow we're going to have to do that. I would imagine, Chairman Boyd, that most of your committee members are leaving early in the morning; is that correct? We're going to have to get back together somehow to get through this other amendment.

MR. BOYD: I haven't checked with them about travel arrangements, but I guess we could just kind of take a poll and see who is going to be here. Well, it is up to you.

MR. CUPKA: We're scheduled to start at 8:00 now, so I don't know if we could get through the other one or not, but we've got to find the time to do that.

MR. BOYD: Our next meeting is in April in Biloxi. We could do a joint there, I guess.

MR. CUPKA: Yes, that is what I was thinking that we may have to do something like that.

MR. BOYD: David, why don't you and I caucus?

MR. HARTIG: Yes, that's a good idea.

MS. SMIT-BRUNELLO: Maybe another thing you could do is look – so you're done with 19, but you could look at 20 and see if there are any – I know there are many actions in there specific just to the Gulf. You could see if there any actions that affect both councils. Other than the fact that both of you have to approve the document, but there might be some specific that you could just focus on there.

MR. HARTIG: Yes, there are. Larry.

DR. ABELE: We could at least do an hour and a half and start at 7:00 a.m. and at least some time in so that people don't have to get back together again. I'm happy to do that.

MS. SMIT-BRUNELLO: I'll be here all week.

(Whereupon, the Joint SAFMC/GMFMCA Mackerel Committee adjourned at 6:40 o'clock p.m., March 4, 2013.)

The Mackerel Committee of the South Atlantic Fishery Management Council convened in the Frederica Room of the Sea Palms Resort and Conference Center, March 7, 2013, and was called to order at 3:30 o'clock p.m. by Chairman Ben Hartig.

MR. HARTIG: We are on Mackerel Part 2. That is a good way to put it. I've got a committee report to give you from joint meeting we had with the Gulf; and then after that committee report, I will go into Amendment 20 and Framework Actions for the South Atlantic jurisdiction. Okay, we have had a suggestion to revise the committee report, which I think is a good idea. I won't give that. We will go right into the options, although we have some outstanding stuff on 19 that we may want to revisit before we go into 20, so I think we will do that.

The first one on that is in Amendment 19 under Action 1, the sale of king and Spanish mackerel, we have got another alternative to consider. Kari is putting that up now. This one, Roy, will get us closer to get in concurrence with the Gulf if this alternative is passed. That is one you're going to need look at because it involves tournament sales and how we could make an exception for tournament sales and still go ahead with the prohibition on the sales for other recreational entities.

DR. MacLAUHLIN: So some suggested wording for this Alternative 4 is up on the screen. I will read it in case you guys can't see it. It basically is Alternative 3 with that highlighted part added in. Alternative 4: Prohibit sale of king and Spanish mackerel caught under the bag limit with the exception of state-permitted tournaments. For a person to sell king or Spanish mackerel in or from the EEZ of the Gulf of Mexico or Atlantic, those fish must have been harvested on a commercial trip aboard a vessel with a commercial vessel permit/endorsement. A king mackerel permit is required to sell king mackerel and a Spanish mackerel permit is required to sell Spanish mackerel.

New Part: King or Spanish mackerel caught during a tournament may be donated to a dealer in exchange for a charitable donation if the tournament organizers have a permit from a state to conduct that tournament, and transfer and reporting requirements are followed; and then the two options.

Transfer and reporting requirements; and these are based on Florida's requirements and these can be tweaked: A licensed wholesale dealer that is not part of the tournament must be present to accept the donated fish directly from the anglers. If any value is exchanged for a fish, both parties must be properly licensed. The wholesale dealer sells the fish and donates the money to charity.

Tournaments should arrange for the donation of funds from the sale of fish directly to the charity. If any money comes back to the tournament, the exchange would constitute a sale. The wholesale dealer instructs the tournament what records participating anglers must provide (according to their trip ticket or other reporting requirements) and how fish must be handled and iced. The fish are reported through normal reporting procedures by the wholesale dealer and must be identified as tournament catch.

MR. HAYMANS: First can I get that in writing and e-mailed or something. Second, for Monica, the use of the word “permit” in what is presented there in that alternative; can that be literally accepted to mean maybe a memorandum of agreement or a memorandum of understanding?

I think through board action I can come up with a memorandum of agreement, but I don’t know that I can develop a permit. I think that might require legislative action in my state. Spud and I have talked about it a little bit and we think we can do this through board action. It just might not be called a permit.

MS. SMIT-BRUNELLO: I would that we could either change “state permitted” to something else or “state permitted” with a parentheses “or state-sanctioned”. Sanction is a great word and then we could put in memorandum of understanding. We could tweak this so that we could work that, so that you wouldn’t have to get legislative authority.

MR. HAYMANS: Right; so the first use of “state permit” is not the problem. I understand that one. It is down in the second highlighted section where it says, “Tournament organizers have a permit from a state”; that is really the use of the phrase that I’m most interested in.

MS. SMIT-BRUNELLO: So maybe we could change that to “authorization from a state”.

MR. HARTIG: Are there any other questions? Michelle.

DR. DUVAL: Not so much a question; just a comment. I think this would work well with our rules. It is not a permit; it is a license; so state sanctioned; obviously that is a great phrase for us and will allow things to continue. This is really in line with what we require for our tournament sales. A licensed dealer has to be there to receive the fish at the tournament.

There has to be a receipt. We track all these through our trip ticket system, so they are recorded as commercial sale because they do go into commerce. Because the sale is recorded on a trip ticket, they do go into commerce, and so that is how they are reported is as commercially landed fish. If that is fine with everyone else, that is okay.

I know we have had some presentations by tournament organizers regarding the monetary importance and value of these tournaments, et cetera, et cetera. I think there had previously been talk of trying to carve out some piece – because these are recreationally caught fish, some part of recreational – that is how we got wrapped around the axle the last time.

I'm fine with this being included as another alternative. It doesn't bother me at this point that these fish are going to be recorded through the trip ticket system. I do think at some point we're probably going to have to wrestle with the question of how they're accounted for under our ACLs. That was a thing that we sort of struggled with the last time. I guess I'll just leave it at that. We're just taking this out to the APs and everything.

MR. HAYMANS: Also, as I read it, it does cause a bit of concern because I know that our largest tournament is in itself a 501(C)3. All of the sales come back to them and then that tournament itself gives to the community from its 501(C)3; so I can see there is some tweaking that is going to happen to that in the AP or IPT or somebody.

DR. DUVAL: Just one more point; Kari, I would be glad to e-mail you our statutory requirements and the rules that we have on the books so that the IPT can consider that.

MR. HARTIG: So I would need a motion to add Alternative 4 suggested by the IPT to Action 1, the sale of king and Spanish mackerel. Michelle.

DR. DUVAL: Mr. Chairman, so move.

MR. HARTIG: Second by Charlie. Anymore discussion? Mel.

MR. BELL: I was just going to say the same issues that we have, we still have them. In order to do this in South Carolina, we would have to change several laws. It doesn't work the way our code sections are developed.

MR. HARTIG: Anymore discussion? Is there objection to that motion? Seeing none; that motion is approved. All right, Amendment 19, anything else that you want to add? I would be remiss if I did not bring this up. At our meeting with the fishermen in Sebastian, it was overwhelmingly voted on that they want the two-for-one permit requirement for king mackerel specifically. Since Spanish mackerel is open access, it wouldn't make much sense to do that yet.

That is another discussion in itself, but they wanted a two-for-one for king mackerel. It has been obvious that through the years for snapper grouper that has become less and less effective. However, the permit costs for both of those fisheries are considerably different. I think king mackerel has gotten up a little bit higher now. It used to be \$3,500 forever, and now I'm hearing between five and six thousand dollars. The cost of incorporation, if someone could give me that approximate value, I can't remember off the top of my head. Does anybody know about what it would cost to incorporate a business; have any ideas? Anna.

MS. BECKWITH: I think you can do for about \$500 if you use that like online like no lawyer option.

MR. HARTIG: But it would be my intent, if someone wanted to make that motion, that we include that in Amendment 19. Michelle.

DR. DUVAL: I'm certainly prepared to make a motion, but I just a quick question. Did the AP talk about this previously a two-for-one? I'm trying to remember, and I don't know if it has been in like my massive one-year tenure on the council, if I recall that in the minutes at all.

MR. HARTIG: I remember them putting the two-for-one; that they wanted to see that in the document. It was in there at one point and we took it out. The Gulf removed it as well, and I think one of the reasons we did is because the Gulf did. If the Gulf doesn't vote for it; it doesn't go forward. That is clear. I think in fairness to our fishermen it would be nice to have a motion that at least addressed their concerns; and then if it doesn't go forward, I can explain to them why it did not. Michelle.

DR. DUVAL: I would like to make a motion to add an alternative under Action 3 to allow for a two-for-one permit reduction in the king mackerel fishery similar to what has been implemented for snapper grouper.

MR. HARTIG: Seconded by David Cupka. Charlie.

MR. PHILLIPS: Do we want to put a cap on it so we reach some kind of a number or with the subalternatives with several numbers so when it would stop once it reached that number of permits?

MR. HARTIG: Yes, that's a good question, and I have been approached by Rusty with that as well. If you want to, I'm fine with it. I don't think we need to do that now; but if you think it is necessary now – we never did do it in snapper grouper and we talked about it in snapper grouper when we did it. I don't know what that number is, to be honest with you, right now; and we have so many permits that it is going to take us a while to get there. I would like to do that in the future. If we don't have an informed judgment now on it, I would like to do that, for sure.

MR. PHILLIPS: Well, we might want to just – if we're going to send this to AP, we could ask them and see if they've got a number that they have got some kind of consensus on, and then we can put it in the document, possibly; and maybe just do it that way.

MR. HARTIG: Yes, I think that is a good suggestion. We have got a motion to add an alternative under Action 3 to allow for a two-for-one permit reduction in the king mackerel fishery similar to the snapper grouper system. **Anymore discussion? Any objection to that motion? Seeing none; that motion is approved.** Anna.

MS. BECKWITH: Under Action 1, did we want to change our preferred to that new alternative? I think we're still standing on Alternative 1 as our preferred.

MR. HARTIG: Yes, Alternative is still our preferred. At least from my perspective, I think now that we have changed it much more similar to what the Gulf has, that this action could go forward possibly if the Gulf approves it. It is much closer to theirs than what we had before.

DR. DUVAL: I was just going to second it if Anna was going to make it.

MR. PHILLIPS: I will make it.

MR. HARTIG: All right, motion by Charlie Phillips to select Alternative 4 under Action 1 as the preferred; seconded by Michelle. Discussion? Jessica.

MS. McCAWLEY: I am going to vote against this motion. I don't think that the Gulf is ever going to agree to this and then that puts Florida in a strange situation with reduction on part of the coast and not on the other. The Gulf is never going to go for this so I am going to vote against this motion.

MR. HARTIG: Objection noted. Michelle.

DR. DUVAL: I was just going to say this is about tournament sales, and you don't think the Gulf will go for that?

MS. McCAWLEY: I thought we were on Action3, elimination of latent permits?

DR. DUVAL: We voted on that.

MS. McCAWLEY: I'm still voting against it.

MR. HARTIG: Is there anymore discussion? Is there any objection to this option? Seeing one; the motion is approved with one objection. All right, is there anything else under Amendment 19? Jessica.

MS. McCAWLEY: I'm on the right action now. On Action 2, on cobia, we had a lot of discussion the other day. I had made a motion that died for lack of a second to make Alternative 1 our preferred, which would match the Gulf's preferred. We had a lot of discussion after that motion died about how this allows the states really the opportunity to manage cobia. As we mentioned the other day, the regulations in Florida state waters are different than they are for federal waters. **I would like to make a motion to change our preferred to Alternative 1, Action 2, under cobia.**

MR. HARTIG: We've got a motion by Jessica; second by Michelle. Discussion? I think you gave us the rationale that you would like to have concurrence between the two sides of the state on that issue. **Anymore discussion? Is there any objection to that motion? Seeing none; that motion is approved.** Is there anything else in 19? Well, thank you for taking the time to deal with those issues in 19.

Now, moving right along to 20, and Amendment 20 deals with a joint fishery management plan for the Gulf of Mexico dealing with zones and boundaries. In 20 you will recall that Action 1 is to modify subzones and allocations of Gulf Migratory Group Eastern Zone King Mackerel. That is a Gulf decision and we don't have to deal with that until they do.

Number 2 I think is similar to modify commercial hook-and-line trip limits for Gulf Migratory King Mackerel. The only one I had any question about is I know the guys from the Keys,

especially the Cuban contingent – was that a joint meeting do you all remember we had down there when we had those Cuban fishermen – yes, I see Doug is shaking his head in concurrence that it was a joint meeting when we had that.

The Gulf has heard those concerns as well, so I'm concerned that the Gulf hasn't heard the issue, so they're fully aware of that. They can deal with one as well. Number 3 was change the fishing season for Gulf king mackerel for the Eastern and Western Zones; that is their option as well. It doesn't impact us. It impacts some of our fishermen, but it doesn't impact us.

Then that brings us to Action 4, establish transit provisions for travel through areas that are closed to king mackerel fishing. Depending on where we go with that, if we want to change the direction that it was and accept some of the IPT's suggestions, it would impact some of our fishermen so I think we do need to have discussion on the transit issue. I think first we need to discuss the IPT's recommendations or suggestions. Kari, do you want to take us through those?

DR. MacLAUCHLIN: Okay, just a reminder, at the last meeting, which was in September, the South Atlantic selected Alternative 4, and that tracked Florida's language for a transit provision. But then there was some discussion about allowing transit through any closed area, so there were a couple of IPT suggestions.

Alternative 5 would establish a provision allowing transit through areas closed to king mackerel fishing for vessels possessing king mackerel that were legally harvested in the EEZ off areas open to king mackerel fishing. Alternative 6 would establish a provision allowing transit through the Florida West Coast Northern Subzone when that area is closed for vessels possessing king mackerel that were legally harvested in the EEZ off Collier County. That is on the Gulf side.

The Law Enforcement AP did kind of talk about that and discussed consistency with the transit provision and then also that allowing transit through closed areas under certain conditions with certain criteria, which are outlined more in the discussion of the alternatives; but if there was some kind of issue about a landing site and they needed to – they wouldn't have to go all the way around a certain area. They're not like designated landings in certain areas that are open.

MS. McCRAWLEY: Okay, let me see if I can explain it. What originally happened when this was originally put in here was that fishermen that were harvesting off of Monroe County when Monroe County was open or wanting to land in adjacent Collier County waters that at the time were closed.

What Florida did was allow a transit provision only during a certain time of the year for them to land in Collier County, because what was happening is there weren't a lot of landing sites in Monroe County. Some of them were having to pretty much go all the way down to the Keys when they were there at the Monroe/Collier County Line. That is originally what happened and that is what the state did was make this allowance just for Collier County just during certain times of the year.

In the past couple of months or a few weeks the Florida Keys Commercial Fishermen's Association has come to the FWC and requested now that they also want to transit into Lee County, the county right above that. We have been trying to work out how that would work in state waters because our zones don't necessarily match up with the federal zones partly because we don't allow gill nets in state waters.

We have been working internally as to what this would look like and right now the only suggestion that we think would work based on what is listed here would be Alternative 5 because that would basically allow someone to land anywhere. I know that was what the Law Enforcement AP had suggested. Our own law enforcement that is actually enforcing in this area had some concerns about that, and at this point I would say it is not fully resolved yet.

MR. HARTIG: Okay, so if it is not fully resolved, should we move forward or wait until resolution? You said that Alternative 5 would accomplish the goals of what you wanted to try and do, basically?

MS. McCAWLEY: I think we should add these two new alternatives that have been suggested by the IPT and keep them in the document, and then the document can still keep moving forward. The most liberal one is Alternative 5 that would basically let someone land it anywhere; and so if worse comes to worse, that one would work.

We would like a little bit more time to research this for what we think would be best for the state, but my suggestion would be to add both of these IPT suggested alternatives and I can make a motion to that effect if you would like, Mr. Chairman. My motion is to add these two IPT suggested alternatives.

MR. HARTIG: Motion by Jessica; second by Charlie. Discussion? **The motion is to add the IPT's suggested alternatives under Action 4, Alternatives 5 and 6.** Doug.

MR. HAYMANS: I know this probably way early in the process, but this is the exact sort of issue that the South Florida Workgroup should be handling, right? I mean it is that specific, but it is too early to move that over there, I'm assuming.

MS. McCAWLEY: I think it depends on timing and depending on where this goes, whether you want to pull this out and punt it back to the South Florida Committee. I think that they would want a say in this, so I think that is kind of up to the committee. I think that we'd have to learn a little bit more about the timing and how much that would slow that piece down if it stays in there versus moved out of there.

MR. HARTIG: Well, I know Jessica mentioned the net fishery. This year they fished much farther to the north than in previous years and wanted to land those fish where they were catching them. It was 300 gallons of fuel to go back each way so a significant expense. I think we should keep this in here for now. Jessica.

MS. McCAWLEY: Yes, I agree; I'd keep it in here for now and then the South Florida Committee can always discuss it. One thing to note now by adding this Alternative 5, this

doesn't just apply to Florida. This is going to apply to all states; whereas, this alternative was very specific to transiting in Florida, this is basically saying that they can land anywhere that is closed, so that would affect every other state. I mean, you might want to think about that, that this now isn't just a Florida-specific issue with Alternative 5.

MR. CUPKA: Jessica made the very point I was going to make that I don't think it is appropriate without Alternative 5 because it could be anywhere the fishery occurs.

MR. HARTIG: Well, remember where the zones are. Everybody else is in a different zone; all the other states are in the same zone. This would only apply to Florida, so it wouldn't apply to any other state. **Okay, anymore discussion? Is there objection to the motion? Seeing none; that motion is approved.** Kari.

DR. MacLAUCHLIN: Well, Alternative 5 doesn't just apply to Florida, and that is what David was –

MS. McCAWLEY: Right.

DR. MacLAUCHLIN: Is that okay?

MR. HARTIG: Well, since we only have zones in Florida is what I was saying. Go ahead, clear me up.

MR. CUPKA: We've got zones set up in the Gulf of Mexico. They've got an Eastern Gulf and a Western Gulf Zone and northern/eastern zone, and there are a lot of other zones.

MR. HARTIG: Well, I know in the Gulf it does and they're going to have to discuss this one, but I was just making the point that all the other states in our jurisdiction will not be impacted by this. That is what I was trying to put forward.

MR. CUPKA: Yes, but the Gulf will be and that is a joint thing.

MR. HARTIG: The Gulf will be, true. Okay, Action 5; this one ought to be easy, establish state quotas for Atlantic Migratory Group King Mackerel and Spanish mackerel for North Carolina.

DR. MacLAUCHLIN: One thing is that we added these options to figure out the different proportions, and it was based on five years and ten years. It is actually what we used for the tables that are Table 3, 4, 5 and 6 that show what the percentage allocations would be. It is actually based on these numbers, so we used the most recent past five years and ten years.

So just to clarify for everybody, I meant to update that before this got sent out, but this will actually be from – it is the 2006/2007 season through 2011/2012 season; just to clarify that with everybody; and we will clean that up. We ran percentages and then also there are tables in there that show the poundage that would be allocated under the current ACLs to North Carolina and then to the rest of the Atlantic Group King and Spanish Mackerel compared to landings over the past ten years or so, so you can see how that lays out.

And then these possible options were ones that when we were working on this had put together just to run the numbers, and so those are not in there officially at this point. They are just other ideas that we looked at. I don't know if anybody has any questions. That is the percentage allocations under the different options, and then Tables 5 and 6 show the actual poundage, and then the little table to the right will show you the recent landings.

DR. DUVAL: I did have one question. I noticed that in the Spanish mackerel tables there are a number of years that don't have landings there, and I was wondering why that is.

DR. MacLAUCHLIN: Okay, Table 7, I received the data from the science center and those were listed as confidential, so I just didn't include them.

DR. DUVAL: I find that difficult to believe because we routinely have 90 to 100-plus dealers that received Spanish mackerel, so I can't imagine there is any way shape or form that those landings are confidential.

DR. MacLAUCHLIN : When they tell me confidential; I don't make it public. I will check, though, and see if they can double check on those numbers.

DR. DUVAL: Yes, I would definitely be interested in that because I had those landings pulled myself and the number of dealers for which landings were reported, like I said, was anywhere from 90 to 105 dealers. While I have the microphone, Mr. Chairman, I was going to suggest that I appreciate Kari and the IPT running the possible Options F through I on average proportion of quota, but I think it is much better to do these things by average proportion of landings.

I think it is just a better reflection of availability of fish to the fishery. It is much more consistent with how state-by-state quotas have been established in the Mid-Atlantic and elsewhere. I think it is just going to be much more understandable to the public when they see this to just look at options of proportion of landings.

MR. HARTIG: And I would agree. Not even looking at the numbers, I would have picked a longer time series, probably ten years at least to capture some of the variability in catches over time from an average landings point of view. Dr. Duval.

DR. DUVAL: I don't know if we can do this, so let me just talk through what I'm going to suggest before I would make any motion. I would propose to remove Option B and Option D from both Alternative 2 and Alternative 3. Those deal with average proportion of landings plus proportion of unused quota. I think that is confusing as well.

I know that it was a very difficult conversation the last time we met when I was talking about how to try to do this. If he is listening, that was at the request of my boss; but having since talked to him about this and explained my rationale I think removing those two options would be good. What I would like to see is an option that looks at the average proportion of landings over the last 15 years for both species, if folks don't mind.

As I said, even just looking at the last five years of North Carolina landings, you can see that these have just been sort of bust years; and just given the variability of the availability of fish within the state, I would at least like to add that as one more option. I just wanted to explain that to the committee before I went ahead and made any motions. If anyone has any questions about that, I would be happy to answer them.

MR. HARTIG: So your suggestion is to remove all of the reference to unused portion of the quotas from this document?

DR. DUVAL: Yes, those aren't even official options. They're not even in there. Those are just things that the IPT worked up, and I'm just suggesting that I think they're kind of confusing. I would suggest just taking them out; but since they're not officially in there, I don't think we need a motion to do that.

MR. CUPKA: Ben, in looking at those landings' tables, you see just the opposite in the other three. They were way up in the last four or five years, and is that because those fish were caught before North Carolina had a chance to fish on them or were the fish just not there?

DR. DUVAL: I would say the fish just weren't there because I don't think we've hit the quota for king mackerel those past five years.

MR. HARTIG: Yes, we're on a downswing on Atlantic king mackerel, no doubt. There is a big year class and is being substantiated up and down the coast that came in this year. This year class I'm talking, though, was spawned this year, so this will not enter the fishery for a while. The fish is going to still be looking depressed for a while.

Now Spanish mackerel is a different story in North Carolina. I don't want to talk for Michelle, but I do know some people who fish up there. It is a pretty fickle fishery. The fish are coming through in a relatively short period of time; and if the weather happens to get a northeaster in that October timeframe, then they really miss out on the fishery.

For Spanish mackerel in particular I think it may be possible to look at if we do separate the Spanish mackerel quota between the two areas to have – after North Carolina is done, if any portion of their quota is left, to transfer it to Florida because they will not a shot at those fish in that year. King is different.

DR. DUVAL: And if I could just elaborate; like in the Mid-Atlantic where we have used state-by-state quotas, there are provisions in there to allow for a transfer of unused quota between states. We have done this between North Carolina and Virginia and actually more recently several other states for summer flounder.

Some of the transfer provisions are actually through ASMFC plans such as the – yes, spiny dogfish – but horseshoe crabs are a good example. The great state of Georgia has been very kind to the great state of North Carolina the past few years in allowing for a transfer of horseshoe crab quota to us to cover some overages that we have had. There are also transfers allowed within the

black sea bass state-by-state quota shares that are present from Hatteras north. I would certainly suggest looking at something like that because I think it is a useful tool to have.

MR. HARTIG: All right, Kari, doing that, where are we now as far as options under the alternative?

DR. DUVAL: Do you want me to make a motion to remove some of these options from these alternatives?

DR. MacLAUCHLIN: You would need a motion to remove B and D because those were in there previously, but then that is it.

DR. DUVAL: Mr. Chairman, I would like to make a motion to remove Options B and D from Alternatives 2 and 3 under Action 5.

MR. HARTIG: Motion by Michelle; second by Charlie was to remove Options B and D under Alternatives 2 and 3 under Action 5. Anymore discussion? Is there any objection to that motion? Seeing none; that motion is approved. Roy.

DR. CRABTREE: And so, Michelle, the plan here, if the council goes along with this, would be that North Carolina would then monitor the quota and you would notify the Fisheries Service when to close the EEZ?

DR. DUVAL: I'll just tell you the way this works in the Mid-Atlantic states. I can pull up the federal regulations. I was actually just looking at those earlier today and forward those to Monica. Yes, for our quota-managed fisheries, spiny dogfish, black sea bass, bluefish, summer flounder, striped bass although that is an ASMFC species, we require daily quota monitoring for everything but bluefish, so dealers have to report into us by noon of the following day.

The way we generally do this is we open – Louis issues a proclamation to open the fishery for a set window, whether that is two weeks, three weeks or a month at a particular – for summer flounder we set it at a particular trip limit after consulting with industry; so you have the opening date and the closing date within the proclamation.

That allows us to take the time to monitor the landings and see where we are on our state quota. If we have enough quota left over to where we feel we can open another window and not run over the quota, we will go ahead and do that. In the Mid-Atlantic, looking at the rules, the way it works is that – when we issue that proclamation, it is a possession limit, so you are not allowed to possess any fish in North Carolina state waters after that particular closure date.

When the NMFS Northeast Region issues a notice in the Federal Register that the fishery off a particular state is closed, the way it is worded – I'm trying to think back to one that was issued for the state of Massachusetts – is that the allowable quota for summer flounder allotted to the state of Massachusetts has been met and therefore is unlawful to land any summer flounder within the state of Massachusetts.

They don't close the waters of the EEZ off Massachusetts to fishing – you're just not allowed to land any – so there are still vessels out in the EEZ. If there is king mackerel out in the EEZ off North Carolina, vessels can still possess it. They just can't come into our state waters and land it. They could go to South Carolina and land it; they could go to Georgia and land it; they could go to Florida and land it.

DR. CRABTREE: So in that scenario, the EEZ off of North Carolina would always be open even if the EEZ everywhere was closed?

DR. DUVAL: It is not a closure of the EEZ. It is a closure to landing the fish in that particular state.

MS. McCAWLEY: I know that we were just talking a second ago about if there is quota available that it would be transferred back – I think that is what we were saying – so since there isn't a quota for other states, you just have these big zones, would the quota just be transferred back to a big zone? Okay, assuming the fish are in that zone at that time; is that what we're thinking?

MR. HARTIG: For Spanish mackerel in particular, once they leave the fall they make that – they summer all the way to Maine; and then once they make that migration back to the overwintering grounds in Florida in the wintertime, they're coming through North Carolina in September/October timeframe. After that period, in the fishing year they would not have access since it changes March 1 back – the quota resets on March 1, so we would be able to access any fish not landed by the North Carolina quota in Florida.

DR. DUVAL: Jessica, the way it works a lot of times in season there are quota transfers; so, for example, Connecticut was getting very close to their summer flounder quota, we have plenty left on ours, there was a request from Connecticut's Director of Maine Fisheries to our director asking if we might be able to transfer X amount of our quota to them.

The state of Connecticut writes a letter to Louis and requests transfer of quota. We respond back on official letterhead and say yes. The regional administrator is copied on all of this because they have to notice that quota transfer in the Federal Register.

MS. McCAWLEY: To that point, Mr. Chairman, I know exactly how the quota transfer works because we do that for bluefish all the time. I guess I'm just saying how does the request come in or do you just realize that you have extra and you put it back to the migratory group that is coming next in the cycle. I guess I'm just kind of wondering that or does a particular state make a request even though other states don't have quota of their own. I'm just curious.

DR. DUVAL: What do you mean does another state make a request?

MS. McCAWLEY: Well, because the fish would be out of the area where North Carolina would have access to them, so you know that you have extra at that point. Does it automatically get transferred or what?

DR. DUVAL: No, you have to make a request for a transfer, so –

MS. McCAWLEY: Who makes that request in this?

DR. DUVAL: That is what I said; the Director of Marine Fisheries for whatever state. I'm just telling you how it works in the Mid-Atlantic where we have state-by-state quota shares for it. You make a request specific to that state. You alert the Northeast Regional Administrator, who is kept in the loop on all of this, because they then have to notice that quota transfer in the Federal Register. Now, in the case of something like this, it could be a provision whereby when the North Carolina season is closed or a quota has been met, there could be a provision that if there is quota remaining before the end of the fishing year, it just gets transferred back to the remaining of the rest of the Atlantic Group Migratory Quota.

MS. McCAWLEY: That is exactly what I trying to get at. Could we add that into the document because I think that would help Florida fishermen and other states kind of understand what this really means? That would make me feel a little bit better if we could add that.

MR. HARTIG: Yes, and since we don't have the wording for it yet – to that point, Roy?

DR. CRABTREE: Yes, all that is going to have to be laid out in the document how it would all work and be done and everything. I think we're going to have to lay when does the EEZ off of North Carolina – when is it open and when it closes and procedures for that or you're going to have to lay out an explanation for how it doesn't close. At this point no one has laid out a satisfactory – I mean, there are a lot of details that are going to have to be worked out, and they're all going to have to be laid out in the document.

DR. DUVAL: That is why this is – the National Marine Fisheries Service; there are examples in other regions that you all can look to for that. I'm more than happy to forward Monica an e-mail that I just sent to a Gulf coast staff member earlier today asking about this action and how it would work, that has a link to one of our summer flounder proclamations. It is not a closure of the EEZ. I also copied and pasted in there the Code of Federal Regulations from the Northeast Region that deals with this. I am more than happy to provide the information that is already available with regard to how this process works in other places.

MS. SMIT-BRUNELLO: Yes, I would love to receive that; thank you.

MR. HAYMANS: That was one of my concerns was really you're asking for a transfer of quota from the region, which means really the council should come back together and decide whether or not there is any transfer of quota if North Carolina went over.

But something you said a minute ago about if the EEZ were open and there were boats fishing in the EEZ off of North Carolina but North Carolina ports were closed, then those boats could simply go to South Carolina or somewhere to unload, which made me question why we're doing this anyway. If a boat were willing to run that far, why aren't they willing to run south to fish, anyway? We're talking about once the fish have passed, right, and –

DR. DUVAL: They're migratory.

MR. HAYMANS: Right, but explain to me the reason why we're doing this action again, please.

DR. DUVAL: The reason why we're doing this action is because the availability of fish to our fishermen is somewhat sporadic. We do not have the same ready access as, say, the state of Florida does. This would allow us to open and close the fishery and manage the fishery with the flexibility that we need to accommodate our industry.

I apologize if I'm getting frustrated because I feel like I've tried to explain this previously. I think one thing that is important to remember – and I will continue to use summer flounder as an example – people are saying, “Well, what if somebody from Georgia comes and fishes off North Carolina's coast?” Well, that happens anyway. I will say that in the establishment of summer flounder quotas, before that state-by-state quota system was established, fishermen from North Carolina were following the fish up and down the coast, landing in other states and helping those states make their state quota shares, and the same with other states landing in our state. We have vessels that are home ported in Massachusetts, Maine, Connecticut and New Jersey that hold licenses to land flounder in North Carolina, and they do that because they follow the fish.

MR. HAYMANS: So that sort of makes the point that I'm heading in. Fishermen are willing to follow the fish to begin with. This is precedent-setting for the council. We don't have it broken up any other way and so I think we really need to work through the issues, whether it is frustrating or not. I, for one, am sort of confused on why we're doing it, and I know that a couple of my seatmates here are, so I want to make sure we follow through.

MR. HARTIG: And I can understand, Doug, from your viewpoint. The Atlantic quota has only been met once and then North Carolina was closed, and it has been a number of years ago. That concern has always been from the North Carolina perspective that could happen again. To be quite honest with you, in this next king mackerel assessment that is going to start in December of this year looking at the landings, we're going to be on the wrong side of the sign wave of the year class curve in this assessment.

I don't know what is going to come out of it, but it doesn't look good to me and possibly we may have some problems. I think this is worth doing. I think it is worth pursuing. It gives fishermen in North Carolina the sense that they will have at least to plan on X amount of fish for their fishing season for king mackerel. They're on the end of the season on king mackerel and we could catch it before they have a chance to access it.

On Spanish mackerel it is the opposite. They get a chance at the fish first. Although it is March, it is really only one month. We get two weeks in March to fish for these fish, but it wouldn't have an impact on North Carolina being closed for Spanish. We're concerned that on the other end that we can get closed out if we can't transfer quota.

DR. DUVAL: You know, Doug, this isn't any different than, say, like black sea bass. We hear complaints from fishermen about having access to the fish in certain regions or areas up and down – the South Atlantic have access to the fish prior to others, and this is why some of our AP

members have been pressing the council for regional management or state management in order to ensure that there is still some ability of fish for them at the time of year that the fish are in their waters.

MS. SMIT-BRUNELLO: I think what would be helpful for you all to evaluate these options, especially as Michelle has explained to them, is to put some examples in the document. We should do that for the fishermen anyway, right, work through an example of what this would look like using a model like the summer flounder model.

Then you could see how it would work. I know it would help me. If we do that, then you will have a better way of figuring out whether you think it is appropriate to do here and pursue further or not; or, maybe tweak it somewhat because you don't want to do exactly like they do the summer flounder model, you want to do something else, but at least it gives you a better way to evaluate whether you think it is appropriate.

MR. PHILLIPS: Well, you talked about summer flounder as being an analogy I guess. We have talked about state by state a lot. Right now this would be North Carolina and the rest; but should we end up with a state-by-state, whether it is mackerel or something else, and say South Florida or the South Carolina/Georgia, however it got split up regionally; say both of them needed some of your fish; how do you decide? You said Connecticut wanted some of the summer flounder, but what if New Jersey called and said they wanted them, too? How do you split it up or am I just too far afield.

DR. DUVAL: No, that is a great question, Charlie. Certainly, I think it depends on the amount of the request and how much fish you may still have. Usually it is a question of, hey, do you have any – how much quota do you have left? Do you think you might have enough to help us out? We're only going to be 20,000 pounds, something like that.

If two requests came in at the same time, you would just have to – and maybe you're 10,000 pounds short, you just might have to ask those two states can you compromise a little bit and lower your request in order to accommodate two people. I just want to say that I really see this – I can see this actually as being a lot less difficult than like all the zones that are established in the Gulf. I mean, my God, I don't, Roy, how you manage to keep track of that.

There are different regulations for the zones and subzones and at least state lines don't move around. These zones move around. I'm just offering some frank observation. It might be that the state of Florida might want to consider a quota share for king mackerel. It might allow you to resolve some of these issues that you have between the South Atlantic and the Gulf.

I just put it out there for discussion. I will more than happily provide Kari and Monica and Roy with any of the examples that we have and the regulations that are on the books – well, and the rest of the council members as well – so that you can see what this looks like. I'm more than happy to do.

This is just going to go forward to the APs. If you guys really decide at the June meeting, after reviewing comments, that this is a bad idea, well, obviously it will get taken out because I will be

on the losing end of the stick. I would at least like to try and have a demonstration of how could possibly work. Personally I think it could make Roy's life a lot easier, but that is just me.

MR. BELL: The point that Doug made, it is rather precedent-setting, I guess, but I can see this kind of leading to then discussions about sea bass or whatever in the near future. It is certainly a concept that we haven't tried down here. It might make some sense, but I think once we kind of crack that door, we will probably hear about – well, I know I will hear about sea bass in terms of the next thing we might be asked, well, if you're looking at that, look at this.

DR. DUVAL: Well, I did want to make another motion to add another option under Alternatives 2 and 3 to add an option to look at the average proportion of landings for the past 15 years.

MR. HARTIG: We have got by Michelle; second by Doug. The motion is to add another option under Alternatives 2 and 3 to look at the average proportion of landings for the past 15 years. **Any more discussion on that motion? Any objection to that motion? Seeing none; that motion is approved.**

I can't help but talk about Spanish a little bit now because in 1995 when we had the net ban, management on Spanish changed dramatically – not management but fishing for Spanish changed dramatically. The big boats were moved out of the fishery where there was no more state water net fishery in Florida, and fisheries were evolving for Spanish.

Okay, we had a hook-and-line fishery develop. I said in '95, I said let's wait five years and then come back and look at how the distribution landings is changing and then try and get some management on this fishery. The cast net fishery developed, the hook-and-line fishery developed, the gill net fishery was still able to stay active to some degree off the Cape.

I came back five years later and asked the council for management and we didn't get any management. I asked a number of times to have Spanish mackerel management at the council level and was always thwarted by North Carolina who did never want to have the permit – to require the permit in state waters/

I understand that to some degree because so much of the fishery occurs in state waters that they didn't want to have that in North Carolina and the same in Florida. There are a number of fishermen in Florida who don't permits that participate in this fishery. What this would do in the long term – and Michelle hit it right on the head. If we look down the road, maybe Florida asked for a proportion of that quota and we could actually manage our fishery under state law.

That would go a long way, in my opinion – at least I could move forward without disadvantaging North Carolina to move forward with what we need in Spanish. We need some management in Spanish; there isn't any question. I mean it is time to get that fishery under control. The quota is going to be lower this year and we're going to have to deal with some quota closures. That is my perspective on this issue. Where does that leave us? We've got how many options?

DR. DUVAL: With the motion that just passed; that would give us four options under each alternative; the last five years, the last ten years; the last fifteen years; and that law. The other thing I was going to suggest based on the conversations we had earlier about quota transfer was if we would want to add an alternative to this action that would allow for transfer of unused quota between North Carolina and the rest of the region. Okay, **I would like to make that in the form of a motion, that we add an alternative under Action 5 to allow for transfer of unused quota.**

MR. HARTIG: Second by Jessica. Discussion? That transfer of unused quota, the staff would do alternatives under this on how this would be done or do we need to define how that would be done now?

DR. MacLAUCHLIN: I need direction.

DR. DUVAL: I don't think you necessarily have to have alternatives. Well, I would have to go back and look at a couple amendments. Usually if there is any unused quota, it can be transferred; or maybe it is not unused quota but just allow for quota transfer.

DR. MacLAUCHLIN: I have a question about the motion. Okay, so I can take this out "transfer of quota"; is that both – do you want it to be able to happen both ways from the general ACL to the North Carolina ACL and vice-versa or just North Carolina to the general ACL?

DR. DUVAL: Well, to be fair and consistent with the way it is done at other places, you would allow quota transfers both ways.

MS. SMIT-BRUNELLO: I don't know if this helps or complicates, but I'm reading the summer flounder regulations. Let me just read you a fairly short paragraph on quota transfers and combinations – that is the title of that section – and maybe it will give you an idea: "Any state implementing a state commercial quota for summer flounder may request approval from the regional administrator to transfer part of its entire annual quota to one or more states.

"Two or more states implementing a state commercial quota for summer flounder may request approval from the regional administrator to combine their quotas or part of their quotas into an overall regional quota. Request for transfer a combination of commercial quotas for summer flounder must be made by individual or joint letters signed by the principal state official with marine fishery management responsibility and expertise or his or her previously named designee for each state involved.

"The letter must certify that all pertinent state requirements have been met and identify the states involved and the amount of quota to be transferred or combined." And then it goes through how that transfer is made. The previous paragraph gives a percentage of distribution of the annual commercial quota for each state, and it was how much percentage of the quota they get. There are many more parts but at least this explains a little bit how the quota transfers are done.

DR. CRABTREE: Monica, are we going to need to have alternatives set up to allow transfers, don't allow transfers, and that kind of thing?

MS. SMIT-BRUNELLO: I think if you want to allow a transfer, you're going to need an alternative. If you want to allow a transfer, you're going to need to put an action in that allows a transfer of quota.

DR. CRABTREE: It does appear to me, too, this will end up being more than a single action in order to figure how all of this works. We're working on a regional management proposal for red snapper in the Gulf, and that is an entire plan amendment just on the one thing. It seems unlikely to me that all it would require here would be a single action. I suspect it will get more complicated than that.

DR. DUVAL: Roy, I think in terms of an alternative under this action, you would I think have two subalternatives to allow quota transfers or not allow quota transfers.

DR. CRABTREE: Well, maybe; I don't know. I haven't thought this all through that much. I think you'd just need to sketch it out how you want it to work and then see how many decision points are there about whether you want to do something or not, and then you're going to have to have a reasonable range of alternatives for those things, I guess.

MS. SMIT-BRUNELLO: I bet you will get a lot of public comment on this.

DR. DUVAL: You think! We could add it as a separate action if that would make you more comfortable, Roy. I guess it seemed to me to make sense under this action because if there ends up not being a state quota share, then you don't need any transfer provision.

DR. CRABTREE: I don't know. I think Monica's idea of some examples are pretty good ideas, but I don't really know how many alternatives we need or whether we need more than action or not. We just need to let staff work on it, I guess.

DR. MacLAUCHLIN: Okay, if you added it as an action, of course, if you did decide to remove this action at the June meeting or any subsequent meeting, then you would just remove both actions? If this is an action, I think actually the direction that we would need – there are lots of components to it that I think you would need to deliberate anyway; like is it back and forth; is it a king mackerel and Spanish mackerel provision; how would it be requested; would there be like a certain time period that you would have to catch what you could before anybody could request it; or a certain percentage of the North Carolina ACL – I don't know; these are some things that I'm thinking of; and if you add it as an action, we can come up with some alternatives before full council.

DR. DUVAL: Whatever makes you happier or makes it easier for you; I mean personally I think things like no quota transfers after a certain amount of time; I mean that is overly complicated. I don't know of anything like that; or you have to catch something within a certain amount of time, I have never heard of anything like that, and that is not set out in any of the regulations that I am aware of dealing with quota transfers. I think you could certainly lay out a process similar to what Monica read from the regulations for flounder that detail how the process would work, but I don't think you need to put criteria for a transfer of quota.

MR. HARTIG: I think what we need to do is let Michelle and I talk about both of the stocks and sit down and get a rational way to look at this, and then we will give this to Kari and then we will bring back the discussion at full council during the committee report.

DR. DUVAL: Yes, that's fine with me.

MR. HARTIG: Okay, I would like to move on, if we could. I understand we have a motion. **The motion is add an alternative under Action 5 to allow for transfer of quota between General Atlantic Group King Mackerel/Spanish Mackerel ACL and North Carolina King Mackerel/ Spanish Mackerel ACL. Is that commercial ACL?**

DR. DUVAL: Yes, this is only a commercial action.

MR. HARTIG: Okay. **Anymore discussion? Jessica seconded. All right, anymore discussion? Any objection? Seeing none; that motion is approved.**

DR. MacLAUCHLIN: Okay, Action 6 is modify the framework procedure. In Amendment 18 there were some modifications to the framework procedure to allow a framework action to adjust the ABCs and the ACLs and AMs. Gregg can explain the whole thing. There were some things that were not included so they need to be added in.

MR. WAUGH: We had in mackerel a provision. The two councils agreed and structured a provision that the Gulf Council would allocate a portion of the Gulf Group King Mackerel to the northern zone. They would allocation a portion of the TAC, which later became the ACL, in that area, and then the South Atlantic Council would manage that fishery. We would set size limits, bag limits, trip limits and so forth, and those actions would not require action by the Gulf Council. When the framework was being updated, that provision was inadvertently left out of the new framework, and so now we need to go back and replace it.

DR. MacLAUCHLIN: This one is specifically to specify – no, it is for whole framework procedure – the AMs that could be changed through framework. I think that is because not all of the ones that you need – the AMs that you may use were included in the list in 18, and so this includes all of them.

MR. WAUGH: In that case I can't elaborate on that anymore, no.

DR. MacLAUCHLIN: Okay, so you have Alternative 2 – I can't tell you exactly what this would change, but it makes sure that all of these AMs are allowed to be changed in a framework action. Then Alternative 3 has a shorter list. Under Alternative 4, this is what Gregg was talking about with the responsibility of the South Atlantic Council to manage in the jurisdiction even though they're fishing on the Atlantic Group King Mackerel on the Florida east coast.

And so this is specifically the language that it would change:

Responsibilities of Each Council: Recommendations with respect to the Atlantic migratory groups of king mackerel, Spanish mackerel, and cobia will be the responsibility of the South

Atlantic Council, and those for the Gulf migratory groups of king mackerel, Spanish mackerel, and cobia will be the responsibility of the Gulf Council, with the following exceptions:

The South Atlantic Council will have responsibility to set vessel trip limits, closed seasons or areas, or gear restrictions for the Eastern Zone - East Coast Subzone for Gulf migratory group king mackerel – and then we added this part – and the east coast of Florida including the Atlantic side of the Florida Keys for Gulf migratory group cobia.

This is in anticipation of the results of the cobia stock assessment, which you will receive in June because the biological boundary that was used for SEDAR assessment was the Georgia/Florida Line. For stocks where a stock assessment indicates a different boundary between the Gulf and Atlantic migratory groups other than the management boundary, a portion of the ACL for one migratory group may be apportioned to the appropriate zone, but management measures for that zone will be the responsibility of the council within whose management area that zone is located.

That is specifically the Florida East Coast Subzone for king mackerel and then cobia down the road when that happens. Both councils must concur on recommendations that affect both migratory groups. And then there is Alternative 5 which make editorial changes to the framework procedures, to reflect changes to the council, advisory committees and panels. You can add, remove, modify any of these or select a preferred alternative. The Gulf has preferred Alternative 2 and 4 and 5.

MR. HARTIG: So in order for our framework to be updated, we would need to select Alternative 2, Alternative 4 and Alternative 5 under the framework procedures as preferreds. I would entertain a motion to do that. Jessica.

MS. McCAWLEY: I'll make a motion that the South Atlantic select Alternatives 2, 4 and 5 as the preferreds to match the Gulf preferreds.

MR. HARTIG: **Second by Michelle. Discussion? All right, the motion is select Alternatives 2, 4 and 5 as preferred under Action 6. Discussion? Objection? Seeing none; that motion is approved.** I have a suggestion from – this is an IPT suggestion or basically Susan Gerhart's work. You have another additional framework thing?

DR. MacLAUCHLIN: Okay, the IPT would like to suggest that you add Action 7. This action was in Amendment 20; and when Amendment 20 was on a different timeline and we thought it would move faster and there would be final approval last year; and then it was slowed down and other things took priority over it, we removed these because the SEDAR assessment results would not be presented to the SSC until April and then to the council in June, and we thought 20 would be long gone.

We want to suggest that you add it back in. We don't have the numbers. It is basically just a placeholder because the SSC has not reviewed the stock assessment results yet. They will do that in April and then you will get that in June and then you will have the numbers. We would like for you to go ahead and add it in; so as soon as we get the numbers from the SSC in April, we can add it in. When you see the document in June, all the numbers can be in there.

MS. BECKWITH: I move we add in Action 7 to modify the Gulf and Atlantic Migratory Cobia annual catch limits and annual catch targets.

MR. HARTIG: Second by Charlie. Discussion? Jessica.

MS. McCAWLEY: So on Alternative 3, I think we're going to have the same problem that we have with yellowtail. Maybe Roy can speak to this a little bit more, but how you're calculating which landings go to which area, and I thought that was part of what the problem was and why yellowtail closed early. I foresee the same problem with Alternative 3. I'm not saying we shouldn't do this. I'm just noting that I see this problem on the horizon.

MR. HARTIG: I see it working more like king mackerel where we look at the landings and how they're apportioned from the different areas. We have to use some kind of averaging mechanism to separate those, either Boyles' Law – we have used Boyles' Law in the past. It doesn't mean we have to use it this time, but we could to apportion those landings between the east coast of Florida and the Gulf. That is just one way of explaining what we would do after we approve this motion. Anna.

MS. BECKWITH: Well, under Option C in Alternative 3, could we at least make it five years for the 50 percent of landings, the more recent landings rather than three? I would move that we make it from 2008 to 2012.

MR. HARTIG: The only thing I have is when will the recreational numbers be finalized. My concerns is that if you word it too specifically and those numbers aren't finalized by that timeframe – maybe if you have used the last year of data that we have, however the wording is finalized. Bonnie, do you have any thoughts on that? When will the 2012 recreational numbers be complete?

DR. PONWITH: Typically the 2012 numbers would be final by no later than June and probably no earlier than April.

MR. HARTIG: So there is a possibility we could have them for the June meeting?

DR. PONWITH: Yes, I believe. If you would like me to, I would be happy to consult with the MRIP folks and see what their timing is; if they've got any additional advice. I know for the headboat information we anticipate those estimates to be done the middle of this month. They just need to be peer reviewed then.

MR. HARTIG: Yes, that would be great if you can consult with the MRIP personnel and the direction that we're trying to head in June with the cobia; and if we could possibly have those numbers by our June meeting, that would be great. Then we could use the most recent year of data.

DR. MacLAUCHLIN: Okay, I want to clarify on Option C; what is the long period, 2002 to 2012? Okay.

MS. BECKWITH: And the short period would be the last five years of available data; so 2008 to 2012.

DR. MacLAUCHLIN: I think that is just fine as direction to staff because I just threw out those years. We'll just tweak those.

MR. HARTIG: Okay, are you all clear on what that does? You may read it, Kari, just to make sure everybody knows what we're going to do.

DR. MacLAUCHLIN: So everybody is okay with Option A and B, which A would be 2002 through 2011 landings to establish the percentage split for the Gulf ABC. Cobia, Option B is 2007 to 2007 landings to establish the percentage split for the Gulf ABC. Then Option C is to use Boyles' Law in which 50 percent of the landings would be from 2002 to 2012 and 50 percent would be from 2008 to 2012.

MR. HARTIG: And the only question I would have is why are using two different scenarios in the years between the Boyles' Law and then Options A and B? Wouldn't you like to use the last – yes, okay, so direction to staff in Options A and B is to use 2012 if it is available as of the June meeting. All right, is everybody clear?

MR. HAYMANS: Just thinking and looking at the examples of yellowtail and mutton, you really can't go back that far now because of the MRIP/MRFSS differences, right? You can't go back that far any longer.

DR. PONWITH: Say it one more time.

MR. HAYMANS: So if we're looking at using something like Options – well, Option C has two examples, which is yellowtail and mutton. You really couldn't go back that far any longer if you're trying to decide what the total ACL split would be because of the change in the MRFSS and MRIP, right? We're not calculating back to 1990.

DR. PONWITH: There is a definite cutoff, and I would have to go back and revisit what those breakpoints are because I don't recall them off the top of my head, but there is a definite cutoff beyond which the conversion from MRFSS to MRIP is not going to happen.

MR. HAYMANS: So I guess we go back as far as we can if we were to use those options.

DR. MacLAUCHLIN: Okay, so you would like to have an Option D, which would be 50 percent average landings from as far back as it goes and 50 percent of the last five years?

MR. HAYMANS: The option that is yellowtail and the option that is based on mutton, those are potentially – I am asking this as a question – those are potential additional options there that aren't added right now?

DR. MacLAUCHLIN: No, we put those in there just so you could see how yellowtail and mutton have used, so basically the yellowtail was a 15-year period. Right now you have a ten and a five and then a mix of the five and ten for the Boyles' Law. Do you want to have a 15 and a 20 for your long period, if that is possible?

MR. HAYMANS: Well, I would say if we added a 15-year option for the king mackerel earlier looking at dividing the ACLs between two states, we might as well add at least a 15-year option here if we're looking to divide it between two councils.

MR. WAUGH: These numbers should be available for cobia just like they were for mutton and yellowtail. The idea here of including these two alternatives is sometimes splitting up fish between councils can be a little dicey, and so let's include an example that was done successfully for yellowtail and one that was done successfully for mutton. I think our recommendation was to keep those alternatives with those years because then the Gulf Council would gain some comfort saying, "Hey, this is exactly what we did for yellowtail, so we're okay with it," or mutton.

MR. HARTIG: Are you good with what we have so far and you're clear on what we're going to analyze?

DR. MacLAUCHLIN: Okay, so we have A, B, C and D, which ten, five, Boyles' Law with both, and then a 15-year. Do you want Option E and F to be this 50 percent average landings, 1993 to 2008 and then 50 percent – like the yellowtail and mutton; do you want those in there?

MR. HARTIG: Well, are those the examples that were based on yellowtail and mutton? If they were, then we would want those in there. We need to be specific to those and you've got that in there based on yellowtail and mutton. Yes, I think we do because, as Gregg explained, that's a successful way it was done and an example the Gulf can use to possibly move forward.

DR. MacLAUCHLIN: Wait, I don't think you voted on Action 7.

MR. HARTIG: We didn't?

DR. MacLAUCHLIN: Can I ask if someone will modify it? Gregg notified me it actually needs to say ABCs in there also, so it would be Action 7, modify the Gulf and Atlantic Migratory Group Cobia ABC, ACLs and ACTs.

MR. HARTIG: Is that all right with the maker of the motion, whoever that was? Michelle.

DR. DUVAL: It was actually Anna but I'm pretty sure she is okay with it.

MR. HARTIG: And the seconder is okay. It was seconded by Charlie. Any more discussion? Any objection? Seeing none; this motion is approved.

DR. MacLAUCHLIN: Okay, so a few things about the framework, in September you gave us guidance on what items you wanted in the framework. There are four in there and then we have another possible action the IPT wants you to consider, and we'll talk about that at the end. This

is on the same track right now as 19 and 20; so approve for public hearings in June; final in September, hopefully.

MS. McCAWLEY: So based on what Kari just told us, are we going through this and picking preferreds in this document?

DR. MacLAUCHLIN: No, what I would like you to do is this is the first time that we are showing you the language that we used, and so we want to make sure that we have all the alternatives that you want and the language that we used is what you're thinking captures what you want. Yes, just cleaning it up so that we can analyze it.

This will have to be approved by the Gulf Council because of what is missing that you're putting back in Amendment 20 for framework actions. I don't think it will be a problem but just legally it will have to be approved. The first one is modify the Atlantic Group King Mackerel minimum size limit, which is 24 inches fork length for commercial and recreational.

You an alternative for 23, an alternative for 22, and then an alternative which would reduce the minimum size limit to 23 inches fork length for commercial only from the Georgia/Florida Line south to Miami-Dade/Monroe County Line. Everywhere else it would remain 24 inches and recreational throughout the region would remain 24 inches. This action has been around for a while and so we would like, first, for the committee to clarify the intent of the action.

MR. HARTIG: Yes, the intent was to reduce discard mortality for a short window of fishing that usually occurs in March and April. In March and April we're usually fishing in the southern part of Florida on fish that are of mixed schools, and we have a number of fish that are under the size limit that we have to discard.

There is some discard mortality related with hooking in gill arches and actually breaking what I call the throat latch of the fish, which actually makes his head go forward and they do not survive. What this would allow is a one inch – and I would make Alternative 2 our preferred if I was doing that, and that would reduce it one inch, which is a small window but it takes care of a significant number of those undersized fish.

They're really close to that size limit, the ones that we are discarding, and what it would do is we could get to the trip limit faster, stop our fishing faster, and not be interacting with a number of fish which we would have discards on for a longer portion of a trip. It is basically to reduce dead discards in the king mackerel fishery.

DR. MacLAUCHLIN: We had another question for the committee to clarify. Alternatives 2, 3 and 4; would this be year round particularly for the Florida East Coast Subzone or is that when they're fishing on Atlantic Group; April through October?

MR. HARTIG: No, it would be year round. It doesn't occur outside of that window. When the spawning group comes in the spring, those fish are all big fish. We have very, very few discards during the whole spring and summer fishery for king mackerel. We would be trying to release those fish, anyway; because if you do catch a sublegal one, you don't want to add that to your

trip limit. In reality if you're fishing and you catch one and he looks like he is going to die, we would keep it; but if it looks like even a fish that was of legal size during that time, we may release if we think that the animal is going to survive.

MR. HAYMANS: Remind me of what timing that is one more time, please.

MR. HARTIG: The timing is – we're coming right into now – March and into April; late March into April, so it is about a four- to five-week period. You could define it. If you would be more comfortable with defining the time and the areas where this occurs, that is fine with me as well.

MR. HAYMANS: Well, my initial thought was tournaments, but really you can't weigh a 24-inch fish because it doesn't ten pounds, which is the cutoff, because a lot of the boats run well into that region from the Georgia/South Carolina tournaments, but it doesn't have an effect.

MR. HARTIG: Yes, I don't think people from a tournament are going to be looking at sublegal king mackerel. Any other discussion? All right, do I have a motion to select Alternative 2 as our preferred? We don't need to do that now.

DR. MacLAUCHLIN: You don't need to do that; you can if you want, but I would like first for the committee to approve the language for the action title and alternatives and/or add, remove, modify any alternatives.

MR. HARTIG: Do we need a motion to modify the action? Go ahead, Michelle.

DR. DUVAL: Mr. Chairman, I move that we approve the language for the title of this action and the language of the alternatives.

MR. HARTIG: Motion by Michelle; second by Charlie. Discussion? Objection? Seeing none; that motion passes. Michelle.

DR. DUVAL: Mr. Chairman, I would like to make a motion that we remove Action 2 from the framework. If I can get a second to my motion, I will explain that.

MR. HARTIG: Second by Anna.

DR. DUVAL: I'm really kind of embarrassed to say that we didn't think about pursuing this through the ASFMC. We do have a state plan for Spanish mackerel at the ASMFC. This is really a state waters' issue. We have discussed this with their staff and we're going to be pursuing it through an addendum to the ASMFC Spanish Mackerel Plan.

MR. HARTIG: We need to vote on that motion to remove Action 2 from the framework document. **Any more discussion? Any objection? Seeing none; that motion is approved.** Now we will move to Action 3, modify restrictions on transfer at sea and gill net allowances for Atlantic Migratory Group Spanish Mackerel. Kari.

DR. MacLAUHLIN: Okay, this one is tricky and Ben can explain this more. When a Spanish mackerel gill net in one set exceeds the trip limit, they want to be able to transfer the net and the catch to another vessel that has not reached its trip limit. This would reduce the discards for this fishery. If you don't know in the water that you have exceeded your trip limit with one set until it is out of the water, in which case instead of just having to toss the fish overboard you would be able to just transfer those and move those.

However, at this time the current regulations state that you can have no more than two gill nets on board for Spanish mackerel and then they must be of different sizes by at least a 25th of an inch, a quarter inch; and then also transfer at sea is prohibited for any species under a trip limit. Those are the two components that you have to talk about here if the committee would like to have a provision to allow this to happen.

We have under Alternative 2 an alternative to discuss the gear specifications. You can modify commercial gear specifications, remove the maximum number of gill nets, remove the requirement for different mesh sizes, allow federally permitted Spanish mackerel vessels to possess their gill nets and/or you could have Alternative 3, which would allow a transfer of a portion of an Atlantic Migratory Group Spanish Mackerel gill net and its catch from one vessel that has reached its trip limit to another vessel that has not caught the trip limit.

Then you can talk a little more about a portion that is basically less than one whole gill net. Then we have some provisions in here, so we did talk about this with the Law Enforcement AP. They did want the council to define the portion of a gill net just so that they can keep track of who is doing these transfers at sea and bringing them in.

They recommended possibly making a call-in declaration a requirement and then specifying a number of call-ins allowed during the season so that if somebody is doing it every time they go out they can keep track of that. Net marking requirements were suggested as a way to ease enforcement and then a requirement for the vessels to transit together if they were in this gear exchange; possibly consider removing the two gill net maximum requirement.

The exact action allowing for a transfer at sea for the gill nets when you go over your trip limit in one set was actually discussed in Amendment 8 in '94, I think. At that time the council decided that there would be another way to figure out a provision to allow this. However, Amendment 8 did have some provisions in one of the alternatives, and so A, B and C under Alternative 3 are actually cut and paste from Amendment 8.

You can tweak those and wordsmith those as much as you want if you want to keep this alternative with those provisions. And then D and E we have added in there to see if you like it based on those Law Enforcement AP recommendations about transiting together and then a call-in, and that is so they can keep track of who is doing this and who is doing it legally, et cetera.

MS. BECKWITH: The Law Enforcement AP made the suggestion that we potentially remove the limit on gill nets because if we were managing via trip limit under an ACL, then why were

we specifying the number of nets allowed on the boat? I would like some feedback from Ben on that.

MR. HARTIG: That is one way we could do it. I'm looking at how this fishery is prosecuted now. We do still have an unlimited season, but the mackerel fishermen I talked to were going to get rid of the unlimited season. Right now the fish houses are controlling the amount that you can land. They're telling their gill net fishermen how much they want on a given day, and it may vary from 3,500 to 5,000 pounds. It is being self-regulated through industry to some extent.

When you have a long history in a fishery, some times it is hard to get away and it is easier for people like you, I think, to look at this and to get a fresh perspective and say this is the easiest way, and maybe that is the way we should go. I appreciate that. I don't want to overly complicate this thing.

I was very happy that Kari was able to bring this before the Law Enforcement Committee at their last meeting, and they laid out a way to do this with allowing a portion of the net. The only thing they didn't do was define the portion of the net, and I think I can do that. In all reality I think we could really simplify this thing by just not removing the maximum number of gill nets but just have a maximum number of three on the vessel. That would take care of it without overcomplicating and without having something stupid happen. Monica, to that point.

MS. SMIT-BRUNELLO: Yes, and this may have already been asked, but do you recall why there is a restriction on the number of nets? I think it has to do with something involving law enforcement from a long time ago, but I could be totally wrong.

MR. HARTIG: No, originally you had to have a different mesh size because they were targeting different fish with the different nets. They needed a bluefish net or a pompano net, and they needed to have a Spanish mackerel net. Because when they left the dock they weren't sure what they were going to be able to target, they wanted to have a net that was specific to Spanish mackerel.

We had that 3-1/2 inch mesh size requirement back then that we put in to try and – at the time it was trying to get the mackerel up to a larger size that would fit in a 3-1/2 inch mesh, so it was a management option trying to have an improvement on the stock by allowing escapement of fish under that size that would be gilled in that 3-1/2 inch mesh.

The 3-1/2 mesh is specified in the mackerel fishery and the other net was allowed to catch something other than mackerel. In reality there is I think some setting of two nets for a trip limit.

DR. MacLAUHLIN: No, it is one gill net set at a time.

MR. HARTIG: One gill net set at a time, okay. Well, that is probably the way they do it. They set one at a time and then once the other net has fish in it and if it is not the trip limit, they will set the second net. I think that is probably where the problem comes in is if you're looking to catch 3,500 pounds of fish and you set your net and you have 2,000 pounds and you set it and you catch 3,000 pounds the next time, you're going want to transfer that net to the other vessel.

MS. SMIT-BRUNELLO: So was the idea that you could only have two nets because that is what would likely get you the trip limit? I'm trying to figure out why the number; why we care. We probably have a good reason for caring about the number of nets; not the mesh size but the number of nets on board.

MR. HARTIG: I think if you look back at '94 when we looked at this – I think that is the date Kari mentioned was '94 – that was before the net ban and there were concerns and there were state concerns about how much gear the fishery should be fishing; I think one 800-yard gill net specific to the mesh size for Spanish mackerel and another net of another mesh size to be used for other species.

That I think is why we had the two-net prohibition. Things have changed a lot since '94, so I think we could probably simplify this and just go to the third net; or as Anna suggested, removing the number of gill nets. I think to be practical three nets would be more definitive and define what you could actually have on board.

DR. MacLAUCHLIN: Just to be clear about the current regulations – and this is in the Florida EEZ north of Miami-Dade/Monroe County Line – the float line has to be less than 800 yards, and then you have a maximum of two nets on board with the mesh difference of at least a quarter inch, but only one gill net set at a time. The two-net maximum is just what is on board and not what can be in the water. It can only be one in the water at time.

I did try to find the rationale for the gear specifications, and in the document it just talked about the council wanted to establish allowable gear because this assists enforcement when they know exactly what gear, but then they just defined allowable gear as what was being used, which was just typically used by mesh fishermen that wouldn't change what they were using.

MR. HAYMANS: Well, I'm just sitting wondering what my predecessor would be saying about this discussion. Inherently the issue is the fact that you can't determine with any certainty what quantify of fish you're going to remove from the water on any given net set of a gill net. Because of that, we're asking for a transfer, but at the same time we're asking to be able to transfer fish between vessels we're asking for another gill net, and I can't work those out in my mind. I can't see why we would want to add a third gill net. I have a question as to do we allow transfer at sea for any other fisheries in the South Atlantic like this?

DR. MacLAUCHLIN: It is just prohibition on transfer at sea for any species under a trip limit.

MR. JOLLEY: Well, you know I hate waste, but I see this as a bag of worms. American ingenuity is limitless, and I just don't like the sound of it. I'm not on your committee but I throw that out for whatever it is worth.

MR. HARTIG: Well, this is something that happens and it is not uncommon. If you don't allow it, then we're going to have waste in the fishery that doesn't need to happen. I understand and I'm in that same venue of the baggage that I carry from dealing with nets of the past. So, try and get rid of some of that baggage for a minute and just look at the way the fishery is being prosecuted now at lower trip limits, I think what we're going to end up with is a 3,500 pound trip

limit for the gill net fishery at least in our area. Michelle, do you have a trip limit on Spanish? I think you have a mixed limit on your gill net fishery at that time of the year?

DR. DUVAL: Well, you're not allowed to have more than 3,500 pounds of Spanish.

MR. HARTIG: Yes, you're not allowed to have more than 3,500 pounds of Spanish, and I think Florida is evolving in that direction as well. When we get to the end of the season, there really isn't that pressing fear that we're going to be harvesting a whole lot more Spanish mackerel per vessel most of the time or all of the time now the fish houses actually tell the vessel what they're going to accept on a daily basis because of market concerns. This fishery has really changed.

It went from this big bulk fishery now to a primarily fresh-fish-based marketing system, so the fish house doesn't want more than they can sell to their buyers. It has changed a lot. Like I said, I carry a lot of baggage from that time as well, but I think just allowing them to have the third net would solve the problem. You're only allowed to fish one net at a time, anyway, and that would not change. That would take care of the problem and remove the waste of this fishery.

It is still occurring now to some degree. It is just the fishermen are a chance to avoid the waste of the fishery. The other thing is that other fisherman doesn't have to set his gear to the extent that he might have. He can only set out a portion of one net if he is trying to round out a 500 or 1,000 or 2,000 pound portion of a trip limit. There is a bycatch associated of other species with this gear, so allowing the transfer would actually reduce the bycatch of other species because the other fisherman wouldn't have to set his net to try and catch that trip limit. Anna.

MS. BECKWITH: Okay, I'm going to think out loud for a second, and this is to Doug's point. If you look at Alternative 3, the first sentence says allow transfer of the portion, blah, blah, blah, gill net and its catch. But then you go down to C, and you read the last sentence and it says the fish shall then be removed from the net in a continuous process and transferred signally or in a container to the second vessel. I envision two things.

I envision two boats side by side; one guy literally flinging fish over to the other boat; or, putting it in some kind of container/cooler and transferring it to the second vessel. What I think is missing there is the fact that you should be able to pick up the net or drop the net in the water and have the second boat come up and pick it up and pull the fish out themselves. That is not clearly explained there.

I think if Alternative 3, if the first sentence said transfer gill net and/or its catch, it would allow for the idea of that third net. Otherwise, I kind of agree with Doug; there is no reason to allow that third net unless you're actually going to allow that second boat to handle that net, which is not clearly explained in Alternative 3 at the moment.

MR. HARTIG: No, and you're correct, and I had some wording to the effect that the transfer would be of a portion of the net with the fish still entangled. That would clear that up, so you would never be transferring only fish. You would be transferring a portion of a net with fish entangled in that net.

The fishermen don't have any interest in taking fish out of the net and then transferring it. Like you say, that would be much too cumbersome to try and accomplish, so you would only be accepting a portion of a net and the fish in it. Usually that doesn't even come on the other vessel. As the other vessel is pulling his net, he knows about when he has got his trip limit, so he is going to call, "Hey, Joe, come on over here; I've got three-quarters of my net" – or a quarter of my net or whatever percentage of his net left. He says, "Do you want this portion of my net?"; and the other guy accepts and comes over and takes that portion.

Now, there were a couple of other things in three that I would have gotten ridden of, D and E, because I just don't think you would need those. That would overcomplicate the transferability of the portion of the net and it would make the other vessel have to go in when possibly the transfer of the net didn't contain a full trip limit.

This could be a transfer realistically of something in the three to five hundred pound range and as much as a full trip limit in some cases. If you happen to set your net; and especially if marine mammals are in the area and they happen to be herding fish at the time, you can have a set where you could have easily twice your trip limit. It doesn't happen a lot, but it does happen in some circumstances. Go ahead.

MS. BECKWITH: To that point, I think if you don't have some kind of transfer or call-in provision, it does give an opportunity for runner boats and that sort of activity to take place, so I would be a little concerned about just allowing open transfers at sea without really being able to track them.

MR. HARTIG: And that's good; the call-in provision would be fine. I don't think the fishermen would be opposed to just the call-in, but to have the other vessel – tie the two vessels together, I think that is over burdensome and unworkable in this transfer. It is going to prohibit some fishermen from coming back with a full trip limit, and I don't think they're going to want to do that.

MR. HAYMANS: I guess as long as they're both properly permitted Spanish vessels, what difference does it make? That is the first concern with transfer at sea is throw them on another boat; but as long as both vessels are permitted.

MR. BOYD: I have just got a question. I'm ignorant about how all this operates. If I transferred a thousand pounds to your boat, who does that thousand pounds belong to when we get back to the dock together?

MR. HARTIG: It belongs to the boat you transferred it to. This is a friendly transfer. The boat that it was transferred to would get all the economics from that net. After the net was cleared, the net would be given back to the other vessel at the dock, and he would tie it back into his 800 yards.

MR. BOYD: What if I wanted my thousand pounds back when I got back to the dock?

MR. HARTIG: You would duke it out. Monica, did you have something?

MS. SMIT-BRUNELLO: There are a few other provisions that say you can't transfer at sea. You can't transfer wreckfish at sea. You can't transfer any bag limit species. There are a few limited harvest species you can't transfer. As Kari said, you can't transfer species subject to a commercial trip limit.

MR. BURGESS: Ben, I'm not on your committee; but just listening here briefly and just catching the last end of this discussion; as far as how often this happens; are you speaking about your fleet that works out of your inlet and maybe Fort Pierce Inlet or something like that? What is the range, and I have a follow-up question.

MR. HARTIG: Yes, that is a good point. It would be from Fort Pierce to the Cape is primarily where they gill net fish, and primarily the Cape. Yes, there are fish that come into Fort Pierce occasionally and they do get a chance – a couple, three or four sets a year, but that is not a long-term proposition. Most of it is at the Cape as those fish are starting to move down our coast.

After they get by the coast, most of them move inshore into state waters and then the net fishery is over. The net fishery is a short-window fishery. It is September/October. It doesn't occur throughout the year. There is a small window in March where most of the years they don't get to set these fish because a lot of times they go back up the coast inshore, and they don't get out into federal waters. It is a short window and I neglected to mention that as well. It is about a two-month window where they need this.

MR. BURGESS: As far as the regularity of this actually taking place, this wouldn't be considered a daily type of a situation, would you say, like throughout – some vessels, like if you have – I'm not sure how many vessels are in the fleet, but would you say maybe weekly or biweekly for certain vessels or X amount of time a year or things like that about how often this takes place as far as –

MR. HARTIG: I don't think you'd want to define it on how many times a year you could do it because you really don't know. Really, each year is different, how much bait is there and how the fish are moving through the area and what the weather conditions are at the time. I mean, there are so many variables involved in those fish moving through and how many marine mammals are in the area. That has had an impact on some of these guys from time to time where the mammals are actually herding the mackerel and the bait and they get a bigger catch than normal. But, no, it is not a daily phenomenon but it is – it could be a weekly one for about eight weeks.

MR. BURGESS: I wasn't asking how many times you expect it to happen, but in the foreseeable future you would – as you say, maybe a weekly occurrence and not everybody would be doing it, just kind of a sporadic type of a thing just to enable the fishermen to have a good day and things like that, it sounds like.

MR. HARTIG: Well, it just gets rid of that waste. That is the critical thing – and not only waste, but it decreases the amount of bycatch because the other guy won't have to set an amount of his gear and kill those additional bycatch species in that gear. There are two things that you

accomplish here. You accomplish the waste – you solve the waste problem and then you decrease bycatch. Charlie.

MR. PHILLIPS: Is this going to run the chance of running you over your ACL because obviously you might be able to catch more fish like this or land more fish?

MR. HARTIG: No, we haven't had that problem in the past, Charlie. Like I said, it is a short window. The gill net catches are a proportion of that fish every year depending on the season. Like North Carolina, they're dependent on the weather conditions they get in that short window. Sometimes they catch more. This year they did, so we were concerned that we were going to meet our adjusted quota quicker this year. It did not happen.

We were right about on time, if I'm correct, Jack. I think we are about right on the adjusted quota, if I'm not right, when the season changed, so it did work out. Luckily for us the fish were harder to catch once they left that gill net fishery for the rest of the season. We had a good season. I mean, we didn't catch the fish we caught, but we got paid and two and three times the price, so it worked out.

DR. MacLAUCHLIN: Okay, what do you think of Alternative 2? Is that okay; are the options okay; do you want to keep all of those; do you want to take them out? You can take the alternative out.

MR. HARTIG: Well, it depends on whether you want – I'm not sure what the committee wants to do. If you want to make it more specific and choose Alternative 3 as your preferred, then I would have some wording to change in C, and I would recommend removing D and E; or maybe have D with a call-in.

DR. MacLAUCHLIN: Wait, wait, no, I'm talking about –

MR. HARTIG: Yes, I know what you're talking about. I'm comfortable under Alternative 2. With C, I don't know that I'm comfortable with removing the maximum number of gill nets.

DR. MacLAUCHLIN: I think that if there is language in Alternative 3 that says allow a transfer of a portion, that will accomplish the –

MR. HARTIG: The three?

DR. MacLAUCHLIN: The three, yes. So if removing or changing that number of gill nets that you can have on board is not something the committee is interested in, then I would recommend removing Alternative 2 completely. We just put it in there in case you wanted to consider removing that maximum number or just changing it to three, but Alternative 3 will accomplish allowing part of the net on board, of the third net.

MR. HARTIG: So what is your pleasure? Anna, do you want to be a bit more conservative on this and have some regulations that are pointed into the transfer of these mackerel? Alternative 3 would do that; and to make sure you have everything in there you want and the wording that I

had suggested to change in C, I can read that for you, if you would like. Do we want to keep 2 in there? Charlie is nodding yes.

DR. MacLAUCHLIN: With all three options if there is – okay.

MR. HARTIG: With all three options; okay. Doug.

MR. HAYMANS: Can we add one more option? Option D would be to allow three nets aboard the vessel receiving the transfer. I don't know in your logbooks if there is a way to note that or if you're checked how LE determines that you're the vessel that received the –

MR. HARTIG: Basically if you receive the third net, it would have marking requirements differ from the other two nets you have on your vessel, so that could identify that third net with the making requirements. There are buoy marking requirements at each end of the net and I believe they're marked every hundred yards with the vessel identification number on that gear. Okay, we're good on 2. Okay, Alternative 3; I was good with A, B.

In C, the Spanish mackerel removed from the directed harvesting gear aboard the harvesting vessel shall be isolated aboard the vessel and shall not exceed the applicable daily vessel limit specified in this subsection. All fish exceeding the applicable daily vessel limit shall remain entangled in the meshes of the net until transferred. The quantity of the fish transferred to any single vessel shall not exceed the applicable daily harvest limit – I just eliminated that verbiage in between that period at “transferred” and the quantity, which is – Doug.

MR. HAYMANS: I'm still scratching; so you've got a vessel who, hey, Joe, come over, I've got too many fish. Why can't you guys on the scene pick the fish out of the net for Joe and the net comes back on your boat, and Joe has got the rest of the quota?

MR. HARTIG: Well, that takes a long time. There are quality concerns on how long it takes you to pick those fish out of the net. Usually the net is iced as it is brought on board. You pull a portion of the net, you ice it, you pull a portion of the net, you ice it, and then usually on the way in you're pulling those fish and then throwing them into your hold. There would be quality concerns. Plus, just the roughness of the ocean at that time of the year; I mean, it is in fall and it is rough, and trying to transfer fish is a lot harder than just transfer a net.

MR. HAYMANS: So the portion that reads “all fish exceeding the applicable daily vessel limit shall remain entangled” basically tells me that the prior fish are not entangled. They're iced, right?

MR. HARTIG: Yes, the prior section talks about the fish on the vessel transferring talks about his fish could be pulled out of the net in an isolated spot. That may or may not be the case. They could still and normally are still in the net, and then the other portion would be transferred with everything in it to the accepting vessel. I will let you go over that – it is a bit of a change – and I'll make sure you're comfortable with it. Michelle, did you have something?

DR. DUVAL: Well, I was just trying to read the alternate language so remind me what it is you removed from C there.

MR. HARTIG: In the fourth sentence where it says “the meshes of the net until” – and it says “another vessel”; I crossed “another vessel” – “until transferred” and then period. I mean, you can leave that in there actually. The valid permit is probably a good idea; but the 50 yards within the vessel and that, we really don’t need that. And then “the fish shall be removed from the net in a continuous process and transferred”; that is not how it is commonly done.

Due to quality concerns I would say remove that one and just add then after the “transferred”, period, and “operated by a person possessing a valid permit (applicable to himself or the vessel)” and then the “quantity of fish transferred to any single vessel shall not exceed the applicable daily harvest limit.”

DR. MacLAUCHLIN: Well, B says “Transfer shall only take place in the EEZ between vessels with valid Spanish mackerel commercial permits.”

MR. HARTIG: Okay, that cares of that parenthetical and we don’t need that in C.

MR. PHILLIPS: If he is going to take a portion of the net or the net is just tied together in sections every hundred yards; they just untie the net; is that how they would get the portion?

MR. HARTIG: I think they actually cut it. I think they actually cut the net. I have never been on one to watch this happen. This is how they have explained it to me. I did get involved in a case that someone who had got prosecuted for this. I know a bit about it from the explanation, but I have never observed how they do it. I’m just talking about and heard how we cut the net and transfer that portion to another vessel.

They would take some care in cutting the net so they cut it on a diagonal of the meshes that they were going to tie it back to. Basically, once they get back to the dock, all they have to do is – you could stitch it up or you could just run a piece of line through it to tie them both together. I mean, honestly, you’re not going to be separating this for a small portion of fish. You’re not going to be cutting up your gear. You’re going to be doing when it is substantial portion of the fish that need to be transferred. These nets are not inexpensive.

MR. PHILLIPS: Well, the reason I’m asking, I’m inclined to go along with you and eliminate D and E on Alternative 3. I’m not sure if I would want a call-in provision or not. I would make the motion that we take D and E out of Alternative 3.

MR. HARTIG: You don’t need to make a motion. All we need is direction to staff to do that if we get consensus and if nobody really objects. Anna.

MS. BECKWITH: I would leave in the call-in provision. This is going to the AP to have a conversation about this here in the next couple of weeks, so there is no reason to take that completely out. I would leave D as is for now just to have that conversation with the AP, but for sure the call-in provision.

MR. HARTIG: I don't think it is going to work with both the vessel deal; but if you want to have the AP talk about it, I think they will go ahead and tell you. I agree with you; I had the call-in remaining in, so I think that is an important part of this. In D we should leave in the call-in requirement. How is that, Charlie; does that satisfy you?

DR. MacLAUCHLIN: So basically D is just going to say call-in required for both vessels?

MR. HARTIG: For vessels involved in the transfer, yes; specific to the transfer.

DR. MacLAUCHLIN: I felt like Anna wanted to keep in the transit together? Okay, then we're changing this.

DR. DUVAL: I was just going to say that it seems like requiring that transit is just really hamstringing folks. I mean, I completely agree with the call-in requirement; but do we take out "termination of the fishing trip is required for both vessels"? Yes, okay.

DR. MacLAUCHLIN: So D would be call-in required for both vessels engaged in the transfer.

MR. HARTIG: Good.

DR. MacLAUCHLIN: And E?

MR. HARTIG: Yes, E, you don't want to make it only so many transfers because you don't know what year it is going to happen when you get this rare event where it happens more than normal. I would remove E. Michelle.

DR. DUVAL: And just to further justify that, how are you going to track that? Who is going to track that; law enforcement?

MR. HARTIG: They have enough to do. Doug.

MR. BOYD: Mr. Chairman, I'm not on your committee; I'm a guest so I even hate to comment. Just an observation; it seems to me that there are so many ways that this could be abused, so many holes in it to where a fisherman could transfer, get it back, get more than he should, get back to the dock, double his quota, be able to kind of hide it. It just concerns me. I'm not a commercial fisherman, and I hate to think that way, but it just looks like there are lots of holes. I would think that anything you do like this would have to be really, really tight for law enforcement. Just a comment.

MR. HARTIG: And, Doug, I would agree with you. In the old days I would agree with you a hundred percent. In this new fishery we live in, our fish houses will not accept more than a commercial trip limit. They will not do it. That has been a great change over the years; so basically if you allow them the transfer, these fish are going to be wasted. I don't see those egregious things happening; I really don't.

MR. BOYD: Yes, I just think of one instance I know of. I was on the Shrimp Committee in Texas and there were several instances where a shrimp boat would come into a dock, and that is going to do here because you have got call-in and call-out and you've got VMS, but they would come into a dock, offload their catch, go back out and that would be sold on the side the road some place outside of the fish houses. People are creative; that is why they're in business.

MR. HARTIG: I haven't seen too many Spanish mackerel stands on the side of the road.

MR. BOYD: I understand.

MR. HARTIG: I would love to; I wish that were the case.

MR. BOYD: Just an example.

MR. HARTIG: But most of this product goes out Florida. It has changed and really some if the baggage that I carry as well in dealing with the net fishery over the years, it is tough to deal with. I have been trying to look at how the fishery is prosecuted now, and the infrastructure we have, Doug, is very limited anymore. It is not like we have a lot of fish houses accepted product along our coast.

There are only two places at the Cape, two in Fort Pierce that really accept net catches, and rarely in Salerno anymore. Salerno used to be where the predominant fishery was prosecuted. It has changed a lot. I take that under advisement, but things have changed enough where it doesn't worry me as much as used to.

MR. BOYD: Well, thank you for letting me comment; I appreciate it.

MR. HARTIG: I appreciate your comments. Okay, what we doing? Somebody has got to make a motion to approve the wording – go ahead, Michelle.

DR. DUVAL: Maybe a motion to approve the wording changes to the alternatives in Action 3, something like that; or what Kari has on the screen, approve the wording in the title of the action and alternatives as revised.

MR. HARTIG: Well, it is really direction to staff to do this, so I don't think we really need to read the entire wording. **Action 3; we need a motion to approve the wording in the title of the action and the alternatives, as revised. Motion by Michelle; second by Anna. Anymore discussion? Any objection? The motion is approved with one objection.** All right, the last thing we have is modification in Action 4 of the commercial trip limit. Well, actually there is that discussion of Spanish mackerel trip limit as well. Bonnie.

DR. PONWITH: Mr. Chairman, just to close the loop on a question that was asked earlier; it was when do we anticipate the MRIP recreational landings to go final. We anticipate those to go final by mid-April.

MR. HARTIG: Thank you very much for following up on that, Bonnie. That will help us a lot so we will have final numbers for this year to look at that. Action 4, modify the king mackerel commercial trip limit in the East Coast Florida Subzone. There are a number of alternatives under that. Go ahead, Kari.

DR. MacLAUCHLIN: Okay, currently November 1st through January 31st is 50; and then February 1st through March 31st if 75 percent or more of that Florida East Coast Subzone quota has been taken, it stays 50; and if less than 75 percent has been taken, it goes up to 75 to allow them to hopefully catch the entire quota before the season is finished.

Alternative 2; and actually the AP, the last time they talked about this was what they recommended, which would make it 50 fish for the entire season November 1st through March 31st, so no step-up or step-down, it doesn't matter how much of the quota is caught. And then you added an alternative for 75 fish throughout the season, so no changes.

Then we have a couple of suggestions you may want to consider, which is Alternative 4 is similar to the way that it is set up now where if 75 percent hasn't been caught, then you have a step-up. It just changes the date; so instead of making that change on February 1st, it would be just the last month of the season that there would be a step-up if it's necessary; or another suggestion where it is 25 fish and then the step-up is the same time starting February 1st and it goes to 50. These are just some suggestions. You need to approve all the language in the alternatives; and if you want to add 4 and 5, we will put those in, or anything else.

MR. HARTIG: Yes, the fishermen suggested us getting rid of Alternative 5 completely. I believe you could get rid of Alternative 3 as well because they don't have any interest in going to 75 fish for the entire season. What they do suggest is a little bit of a difference in the IPT suggestion for Alternative 4. They would use from November 1st through the end of February not to exceed 50 fish.

They only wanted to change – instead of 75, they wanted if 70 percent or more of the Gulf Group Florida East Coast Zone has been taken not to exceed 50 fish. All it would do is change that percentage actually because the wording was wrong when I read that date change, but all they wanted was instead of 75 they suggested 70 percent.

The reason was this year they're going to fish the entire season, and this is the first time that has happened in four years. They're looking to possibly this repeating itself, so they would like an option that at least if they didn't get to most of the quota caught, they would be able to have that step-up for one month at the end of the season. Anna?

MS. BECKWITH: All right, I think we need some motions. I move we accept the ITP's recommendation for Alternative 2 and Alternative 4 with the addition of "end of February" under A and changing 75 percent to 70 in Subalternative B. **I will reread that motion: accept the IPT's recommendation for Alternative 2 and Alternative 4 with the addition "to end of February" under A and change 75 percent to 70 under Subalternative B.**

MR. HARTIG: Second by Michelle Duval. **Is there anymore discussion? Is there any objection to that motion? Seeing none; that motion is approved.** Anna.

MS. BECKWITH: I move that we move Alternative 3 and 5 to the considered but rejected appendix.

DR. MacLAUCHLIN: We can just remove them from this because this is the first time you're seeing it and you're basically approving alternatives. You don't have to make a motion to remove them because they weren't existing yet, anyway. I would like for you to approve the wording in the title of the action and alternatives, as revised.

MS. BECKWITH: So moved.

MS. HARTIG: Motion by Anna to approve the wording in the title of the action and alternatives, as revised; second by Michelle Duval. **Anymore discussion? Is there any objection to that motion? Seeing none; that motion is approved.** We move to the last action in the framework document, which is –

DR. MacLAUCHLIN: Okay, this is another IPT suggestion we would like for you to consider. This is something that the AP has talked about. I found some old minutes and it is basically the Atlantic spanish mackerel; the system of the quota and trip limit adjustment. There is a table in your document that shows March 31st through November 30th it is 3,500 pounds.

Then in the southern zone December 1st through the end of February it is no limit up to 75 percent on the weekdays and then 1,500 pounds on the weekend. Then after 75 percent it goes to 1,500 pounds all the time; and then when 100 percent of the adjusted quota is met, it goes to 500. There is like the adjusted quota which allows for them to go over their quota. This one is a great example of complex mackerel management.

There are a couple of alternatives to put that Ben may be able to explain better because it is unlimited on weekdays and then 1,500. I'm really not sure which one would be the best or you want to take this to the AP. However, the AP did talk about this at one point, and so we added in their suggestion, which is to remove the period of unlimited trips that start December 1st, so that would make it 1,500 pounds until 75 percent of the adjusted quota is met and then on March 1st it would go to 3,500 pounds.

MR. HARTIG: I think we could simplify it some because none of the fishermen want the unlimited season anymore, so you can strike unlimited season in each of these and then see what comes out if any are duplicative. When 75 percent are being landed or projected to be landed, the trip limit would be reduced to 500 pounds; that is a little bit problematic.

Yes, the adjusted quota is complicated to some degree, but if the fishery closed – and it has closed one year in particular and probably would have closed this year if the fishery would have been anything like it has been in the past – that 500 pounds adjusted is a fixed number and is much less than the 25 percent of the quota.

I would be more in favor of having a fixed number where you used to adjust the quota to allow for that 500 pounds to be held for a portion of that fishery to be prosecuted under a 500 pound trip limit. Did any of the alternatives do that; that is what I was wondering. I don't see any adjusted quota. My notes say it is vitally important to keep the 500 pound adjusted quota in place.

DR. MacLAUCHLIN: Alternative 3 does keep the adjusted quota; it removes unlimited; and it has the step-down. Basically that one is the same except that it removes the unlimited so that it is 1,500 pounds all the time. Can we just go through the subalternatives under 2 and you can say take it out or leave it in?

MR. HARTIG: Okay.

DR. DUVAL: I just have a smart-assed remark. I was going to say you people think state-by-state quota shares are complicated and we're dealing with this.

MR. HARTIG: I know but it has evolved through time, Michelle, from the big boats to a small boat fishery and trying to accommodate both in this fishery. Since that time there really aren't many big boats left, but there are still the different gears that we have to try and deal with. It is such an important fishery for us that we have to try and make this fishery last the entire year. I know it is complicated, but we have been able to do it and we have a way to accomplish it, and I'd like to make sure that we continue to do that.

DR. DUVAL: I'm not advocating like not doing any of this. I'm just pointing out the parallel complications, I guess.

DR. MacLAUCHLIN: Okay, 2A, this one is a straight 3,500 year-round limit; you want that one out, correct?

MR. HARTIG: Yes, I want to keep that one in.

DR. MacLAUCHLIN: You want to keep that, straight 3,500?

MR. HARTIG: Yes, because there are some people who actually think that might work.

DR. MacLAUCHLIN: Okay, that one does not have the adjusted. It will just close harvest when the commercial ACL is projected to be met or met. Does that sound good to everybody? Okay, 2A stays in. 2B removes the unlimited and so it is 1,500 pounds until 75 percent of the commercial ACL is landed. I'm sorry; it doesn't remove it. It just reduces the unlimited weekday trip limit – the no trip limit on the weekdays to 1,500 pounds when 75 percent of the commercial ACL is landed or projected to be landed and then closes commercial harvest when the commercial ACL is met or projected to be met.

MR. HARTIG: So what would the trip limit be before it reverts to 75 percent?

DR. MacLAUCHLIN: It would be unlimited.

MR. HARTIG: Okay, you can remove that option.

DR. MacLAUCHLIN: Okay, the next one goes unlimited until 75 percent – and that is just the weekday. There is a 1,500 pound limit on the weekends; weekday unlimited to 500 pound trip limits when 75 percent of the commercial ACL is landed and close commercial harvest when the commercial ACL is met or projected to be met.

MR. HARTIG: So that would be removed as well because there is no way to – unless you change the trip limit in the beginning. I can we can accommodate that in the next alternatives.

MS. SMIT-BRUNELLO: Ben, may I ask you a question? Is there a reason you can't remove the adjusted quota and just keep everything else the same as it is now; I mean, keep the trip limits the same and just remove the adjusted quota?

MR. HARTIG: Well, for one reason we don't want the unlimited anymore. That is going away.

MS. SMIT-BRUNELLO: You don't want the what?

MR. HARTIG: The unlimited part of the season that we have in most of these options and we're operating under that now. For a period of the quota, we have an unlimited season and we don't want that. We want a straight probably 3,500 pound trip limit for that first – whatever percentage you want.

The problem with this fishery, Monica, is we want to be able to have that 500 pound as an insurance policy at the end of the season so you're still able to fish. I know you want to get rid of it, but for us it is an important part. And if you use a percentage, the problem with the percentages are they're pretty high. In the past, Jack, what have we adjusted – I thought it was 250,000. I thought you mentioned something less the last time. Okay, you're not sure. It is 250,000 pounds. Okay, David says yes, so it is 250,000 pounds. If you do 25 percent of the quota at 500 pounds, then you're stretching way more of that quota out at a low-level harvest where we may not catch it. It acts as an insurance policy at the end of the fishery to allow us to be able to continue throughout the entire season under a smaller allocation.

MS. SMIT-BRUNELLO: I understand now and that's good. I'm not advocating getting rid of it or not. I'm just wondering it seemed like it fell out, but, okay, I understand.

MR. HARTIG: No, it has complicated the management and I understand that. We had this discussion when we thought it went away and it really didn't. In one of these options that has to stay in.

DR. MacLAUCHLIN: Okay, D removes the unlimited trips so it would 3,500 pounds; and then when 75 percent of the ACL has been landed or projected to be landing, it would be reduced to 1,500 and closed when the commercial ACL is met or projected to be met; so basically 3,500 pounds and then a step-down at 75 percent. D will stay in. E removes the unlimited trips and then you would start at 3,500 pounds. At 75 percent you would step down to 500 pounds and then close commercial harvest when the commercial ACL is met or projected to be met.

MR. HARTIG: Okay, that one, why don't we do this; change when 75 percent of the commercial ACL has been landed or projected to be landed, the trip limit would be reduced to 1,500 pounds.

DR. MacLAUCHLIN: That is the same as 2D.

MR. HARTIG: Okay, but then I was going to add – and you can add it to either one of them, whichever one you think appropriate – add the adjust the quota portion of what we have now.

MR. CUPKA: How does that differ from Alternative 3 that the AP had recommended?

MR. HARTIG: Three uses the 500 pounds; doesn't it?

MR. CUPKA: Yes, but does two.

MR. HARTIG: I'm sorry; you're right, they have got the hundred percent, but instead of a hundred percent – okay, they got when a hundred percent of the adjusted commercial ACL is reached, the trip limit is reduced to 500 pounds until the end of the year. Yes, that is fine. That one is fine. We can leave 2E in as stated because that is a different one and that gets us a 500 pound trip limit for 25 percent of the quota. The recommendation would be what we need to have in there for the adjusted portion of the quota.

DR. MacLAUCHLIN: Okay, are there any other alternatives that anyone would want to add?

MR. HARTIG: **Do we have to approve the wording, the language, the actions – the wording of the actions? Moved by Jessica to approve the language for the actions, the title and in the alternatives; second by Charlie. Any discussion? Any objection? Seeing none; that motion is approved.** Mr. Chairman, that concludes the Mackerel Committee.

(Whereupon, the meeting was adjourned at 6:15 o'clock p.m., March 7, 2013,)

Certified By: _____ Date: _____

Transcribed By:
Graham Transcriptions, Inc.
April 12, 2013

INDEX OF MOTIONS

JOINT SAFMC AND GMFMC MEETING MOTIONS

MACKEREL AMENDMENT 19 MOTIONS

PAGE 16: Gulf Committee motion to make Alternative 1, Action 1, the preferred alternative. Motion was defeated on Page 19.

PAGE 19: Gulf Committee motion to set Alternative 2, Action 1, as the Gulf preferred alternative. Motion was defeated on Page 20.

PAGE 21: South Atlantic Committee motion to adopt Alternative 3 as the preferred alternative. Motion was defeated on Page 22.

PAGE 28: South Atlantic Committee motion under Action 1 to approve the wording in Alternatives 2 and 3. Motion carried on Page 28.

PAGE 29: South Atlantic Committee under Action 1 to add the phrase “in or from the EEZ of the Gulf of Mexico or Atlantic” to Alternatives 1 and 2. Motion carried on Page 29.

PAGE 29: Gulf Committee motion to add “in or from the EEZ of the Gulf of Mexico or Atlantic” to Alternatives 1 and 2 in Action 1. Motion carried on Page 29.

PAGE 43: Gulf Committee motion to remove Option A under Alternatives 2 and 4, Action 3. Motion carried on Page 43.

PAGE 43: Gulf Committee motion to place Alternative 3 under Action 3 in the considered but rejected appendix. Motion carried on Page 43.

PAGE 44: South Atlantic Committee motion to move Alternative 3 under Action 3 to the considered but rejected appendix. Motion carried on Page 44.

PAGE 44: Gulf Committee motion that from all the suboptions remove the one pound and one hundred pound options under Action 3. Motion carried on Page 46.

PAGE 47: South Atlantic Committee motion under Action 3; from the suboptions remove one pound and one hundred pound options in Alternative 2D, 4D and 4E. Motion carried on Page 47.

PAGE 48: Gulf Committee motion to remove under Action 3, Option C, the shorter time series under Alternatives 2 and 4. Motion carried on Page 48.

PAGE 48: South Atlantic Committee motion in Action 3 to remove Option C, five years, 2006 through 2010, under Alternatives 2 and 4. Motion carried on Page 48.

PAGE 49: Gulf Committee motion to change the time series years in Alternative 2B and Alternative 4B under Action 3 to be 2002 to 2011. Motion carried on Page 49.

PAGE 49: South Atlantic Committee motion in Action 3 to change the time series in Alternative 2B and 4B to the years 2002 through 2011. Motion carried on Page 49.

PAGE 56: South Atlantic Committee motion under Action 3 to add Option E to Alternative 2 and make the suboptions for Alternative 2E and 4E 1,000, 5,000 and 10,000 pounds for federally managed species (South Atlantic, Gulf of Mexico, Mid-Atlantic and Highly Migratory Species). Motion carried on Page 56.

PAGE 60: South Atlantic Committee motion under Action 3 to remove Option E from Alternative 4. Motion carried on Page 60.

PAGE 60: South Atlantic Committee motion under Action 4 that the South Atlantic adopt Alternative 1 under Action 4 as the preferred. Motion carried on Page 61.

PAGE 61: Gulf Committee motion to move Action 4 to the considered but rejected appendix. Motion carried on Page 61.

PAGE 62: South Atlantic Committee motion to remove Action 4 to the considered but rejected appendix? Motion carried on Page 62.

PAGE 62: South Atlantic Committee motion to add the new Alternative 5 to Action 5.

PAGE 67: South Atlantic Committee motion to add Alternative 5 to Action 5: To obtain or renew a commercial permit for king or Spanish mackerel, at least [Option A] 75 percent or [Option B] 50 percent of the applicant's earned income must have been derived from commercial fishing or from for-hire fishing during one of the three calendar years preceding the application. Motion carried on Page 67.

PAGE 67: Gulf Committee motion to add Alternative 5 to Action 5: To obtain or renew a commercial permit for king or Spanish mackerel, at least [Option A] 75 percent or [Option B] 50 percent of the applicant's earned income must have been derived from commercial fishing or from for-hire fishing during one of the three calendar years preceding the application. Motion carried on Page 67.

PAGE 69: South Atlantic Committee motion to add Alternative 6 to Action 5. The individual qualifier or corporate officer qualifier must be on the vessel when engaged in commercial fishing for king or Spanish mackerel. Motion was defeated on Page 71.

SOUTH ATLANTIC MACKEREL COMMITTEE MOTIONS; MARCH 7, 2013.

AMENDMENT 19 MOTIONS

PAGE 74: Motion to add Alternative 4 suggested by the IPT to Action 1. Motion carried on Page 74.

PAGE 75: Motion to add an alternative under Action 3 to allow for a two-for-one permit reduction in the king mackerel fishery similar to what has been implemented to the snapper grouper system. Motion carried on Page 75.

AMENDMENT 20 MOTIONS

PAGE 75: Motion to select Alternative 4 under Action 1 as the preferred. Motion carried on Page 76.

PAGE 76: Motion to change the preferred to Alternative 1 under Action 2, under cobia. Motion carried on Page 76.

PAGE 78: Motion to add the IPT's suggested Alternatives 5 and 6 under Action 4, Motion carried on Page 79.

PAGE 82: Motion to remove Options B and D from Alternatives 2 and 3 under Action 5. Motion carried on Page 82.

PAGE 87: Motion under Action 5 to add another option under Alternatives 2 and 3 to add an option to look at the average proportion of landings for the past 15 years. Motion carried on Page 87.

PAGE 90: Motion to add an alternative under Action 5 to allow for transfer of quota between General Atlantic Group King Mackerel/Spanish Mackerel ACL and North Carolina King Mackerel/ Spanish Mackerel ACL. Motion carried on Page 90.

PAGE 91: Motion under Action 6 that the South Atlantic select Alternatives 2, 4 and 5 as the preferreds to match the Gulf preferreds. Motion carried on Page 91.

PAGE 94: Motion to add Action 7 to modify the Gulf and Atlantic Migratory Cobia ABC, ACLs and ACTs. Motion carried on Page 94.

FRAMEWORK ACTION MOTIONS

PAGE 96: Motion to approve the language for the title of Action 1 and the language of the alternatives. Motion carried on Page 96.

PAGE 96: Motion to remove Action 2 from the framework. Motion carried on Page 96.

PAGE 107: Action 3; motion to approve the wording in the title of the action and the alternatives, as revised. Motion carried on Page 107.

PAGE 108: Action 4: Motion to accept the IPT's recommendation for Alternative 2 and Alternative 4 with the addition "to end of February" under A and change 75 percent to 70 under Subalternative B. Motion carried on Page 108.

PAGE 112: Action 4: Motion to approve the wording in the title of the action and alternatives, as revised. Motion carried on Page 112.

South Atlantic Fishery Management Council

2012 - 2013 Council Membership

COUNCIL CHAIRMAN:

David M. Cupka
P.O. Box 12753
Charleston, SC 29422
843/795-8591 (hm)
843/870-5495 (cell)
palmettobooks@bellsouth.net

VICE-CHAIRMAN

Ben Hartig
9277 Sharon Street
Hobe Sound, FL 33455
772/546-1541 (ph)
mackattackben@att.net

Steve Amick
6902 Sandnettlles Drive
Savannah, GA 31410
912/429-3537 (ph)
912/898-0361 (f)
SteveAmicks@aol.com

Mel Bell
S.C. Dept. of Natural Resources
Marine Resources Division
P.O. Box 12559
(217 Ft. Johnson Road)
Charleston, SC 29422-2559
843/953-9007 (ph)
843/953-9159 (fax)
bellm@dnr.sc.gov

Anna Beckwith
1907 Paulette Road
Morehead City, NC 28557
252/671-3474 (ph)
AnnaBarriosBeckwith@gmail.com

Tom Burgess
P.O. Box 33
Sneads Ferry, NC 28460
910/327-3528
tbburgess@embarqmail.com

Dr. Roy Crabtree
Regional Administrator
NOAA Fisheries, Southeast Region
263 13th Avenue South
St. Petersburg, FL 33701
727/824-5301 (ph); 727/824-5320 (f)
roy.crabtree@noaa.gov

Dr. Michelle Duval
NC Division of Marine Fisheries
3441 Arendell St.
PO Box 769
Morehead City, NC 28557
252/726-7021 (ph); 252/726-0254 (f)
michelle.duval@ncdenr.gov

~~Lt. Mario Gil~~ **LCDR SCOT GIBSON**

U.S. Coast Guard
Brickell Plaza Federal Building
909 S.E. First Avenue
Room 876/ DRE
Miami, FL 33131-3050
305/415-6768 (ph)
305/415-6791 (f)
Mario.g.gil@uscg.mil

Doug Haymans
Coastal Resources Division
GA Dept. of Natural Resources
One Conservation Way, Suite 300
Brunswick, GA 31520-8687
912/264-7218 (ph); 912/262-2318 (f)
doughaymans@gmail.com

John W. Jolley
4925 Pine Tree Drive
Boynton Beach, FL 33436
561/732-4530 (ph)
jolleyjw@yahoo.com

Deirdre Warner-Kramer
Office of Marine Conservation
OES/OMC
2201 C Street, N.W.
Department of State, Room 5806
Washington, DC 20520
202/647-3228 (ph); 202/736-7350 (f)
Warner-KramerDM@state.gov

Dr. Wilson Laney
U.S. Fish and Wildlife Service
South Atlantic Fisheries Coordinator
P.O. Box 33683
Raleigh, NC 27695-7617
(110 Brooks Ave
237 David Clark Laboratories,
NCSU Campus
Raleigh, NC 27695-7617)
919/515-5019 (ph)
919/515-4415 (f)
Wilson_Laney@fws.gov

Jessica McCawley
Director,
Florida Fish and Wildlife
Conservation Commission
2590 Executive Center Circle E.,
Suite 201
Tallahassee, FL 32301
850/487-0554 (ph); 850/487-4847 (f)
jessica.mccawley@myfwc.com

Robert E. Beal
Acting Executive Director
Atlantic States Marine Fisheries
Commission
1050 N. Highland St., Suite 200 A-N
Arlington, VA 20001
703/842-0740 (ph); 703/842-0741 (f)
rbeal@asmfc.org

Charles Phillips
Phillips Seafood / Sapelo Sea Farms
1418 Sapelo Avenue, N.E.
Townsend, GA 31331
912/832-3149 (ph); 912/832-6228 (f)
Ga_capt@yahoo.com

Tom Swatzel
P.O. Box 1311
Murrells Inlet, SC 29576
843/222-7456 (ph)
tom@swatzel.com

SUSAN GEARHART
MONICA SMIT-BRUNELLO
BONNIE PONWITH
~~BACK AS GOVERN~~
STEVE BARTONE
RYAN RENDONE

South Atlantic Fishery Management Council

2012-2013 Committees

AD HOC DATA COLLECTION

Michelle Duval, Chair
Jessica McCawley, Vice Chair
Steve Amick
Tom Burgess
Ben Hartig
Wilson Laney
Charlie Phillips
Tom Swatzel
Staff contact: Gregg Waugh

ADVISORY PANEL SELECTION

Doug Haymans, Chair
Wilson Laney, Vice Chair
Steve Amick
Mel Bell
Tom Burgess
John Jolley
Staff contact: Kim Iverson

CATCH SHARES

Ben Hartig, Chair
Charlie Phillips, Vice Chair
Mel Bell
Tom Burgess
David Cupka
Michelle Duval
Doug Haymans
Jessica McCawley
Robert Beal, ASMFC Representative
Staff contact:
Kari MacLauchlin / Brian Cheuvront

DOLPHIN WAHOO

Tom Swatzel, Chair
John Jolley, Vice Chair
Steve Amick
Anna Beckwith
Doug Haymans
Wilson Laney
Mid-Atlantic Liaison, Pres Pate
Staff contact: Brian Cheuvront

ECOSYSTEM-BASED MANAGEMENT

Doug Haymans, Chair
Michelle Duval, Vice Chair
Anna Beckwith
Tom Burgess
Roy Crabtree
David Cupka
Ben Hartig
Wilson Laney
Jessica McCawley
Charlie Phillips
Tom Swatzel
Robert Beal, ASMFC Representative
Staff contact: Roger Pugliese- FEP
Anna Martin- CEBA

EXECUTIVE/FINANCE

David Cupka, Chair
Ben Hartig, Vice Chair
Michelle Duval
Jessica McCawley
Charlie Phillips
Staff contact: Bob Mahood

GOLDEN CRAB

David Cupka, Chair
Charlie Phillips, Vice Chair
Michelle Duval
Ben Hartig
John Jolley
Wilson Laney
Jessica McCawley
Staff contact: Brian Cheuvront

HABITAT & ENVIRONMENTAL PROTECTION

Tom Burgess, Chair
Wilson Laney
Jessica McCawley
Charlie Phillips
Robert Beal, ASMFC Representative
Staff contact: Roger Pugliese
Anna Martin- Coral

HIGHLY MIGRATORY SPECIES

John Jolley, Chair
David Cupka, Vice Chair
Steve Amick
Anna Beckwith
Tom Swatzel
Staff contact: Brian Cheuvront

INFORMATION & EDUCATION

John Jolley, Chair
Tom Burgess, Vice Chair
Steve Amick
Mel Bell
Wilson Laney
Staff contact: Kim Iverson

KING & SPANISH MACKEREL

✓ Ben Hartig, Chair
✓ Michelle Duval, Vice Chair
✓ Steve Amick
✓ Anna Beckwith
✓ Mel Bell
✓ David Cupka
✓ Doug Haymans
✓ Jessica McCawley
✓ Charlie Phillips
✓ Tom Swatzel
✓ Robert Beal, ASMFC Representative
✓ Mid-Atlantic Liaison, Pres Pate
Staff contact: Kari MacLauchlin

LAW ENFORCEMENT

Mel Bell, Chair
Tom Burgess, Vice Chair
David Cupka
Mario Gil
Doug Haymans
Jessica McCawley
Staff contact: Myra Brouwer

PERSONNEL

Jessica McCawley, Chair
Michelle Duval, Vice Chair
Mel Bell
David Cupka
Charlie Phillips
Staff contact: Bob Mahood

PROTECTED RESOURCES

David Cupka, Chair
Wilson Laney, Vice Chair
Anna Beckwith
Michelle Duval
John Jolley
Charlie Phillips
Staff contact: Roger Pugliese

SCI. & STAT. SELECTION

Michelle Duval, Chair
Doug Haymans, Vice Chair
Mel Bell
Roy Crabtree
John Jolley
Wilson Laney
Staff contact: John Carmichael

South Atlantic Fishery Management Council

Staff

✓ Executive Director

Robert K. Mahood
robert.mahood@safmc.net

✓ Deputy Executive Director

Gregg T. Waugh
gregg.waugh@safmc.net

✓ Public Information Officer

Kim Iverson
kim.iverson@safmc.net

✓ Fishery Outreach Specialist

Amber Von Harten
amber.vonharten@safmc.net

Senior Fishery Biologist

Roger Pugliese
roger.pugliese@safmc.net

✓ Fishery Scientist

Myra Brouwer
myra.brouwer@safmc.net

✓ Coral Reef Scientist

Anna Martin
anna.martin@safmc.net

✓ Fishery Biologist

Dr. Mike Errigo
mike.errigo@safmc.net

✓ Fisheries Social Scientist

Dr. Kari MacLauchlin
kari.maclauchlin@safmc.net

✓ Staff Economist

Dr. Brian Cheuvront
brian.cheuvront@safmc.net

✓ Science and Statistics Program Manager

John Carmichael
john.carmichael@safmc.net

SEDAR Coordinators

Dr. Julie Neer - julie.neer@safmc.net
Julia Byrd - julia.byrd@safmc.net

SEDAR Admin/Outreach

Andrea Grabman
andrea.grabman@safmc.net

✓ Administrative Officer

Mike Collins
mike.collins@safmc.net

Financial Secretary

Debra Buscher
deb.buscher@safmc.net

Admin. Secretary /Travel Coordinator

Cindy Chaya
cindy.chaya@safmc.net

✓ Purchasing & Grants

Julie O'Dell
julie.odell@safmc.net

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.

SAFMC Council Meeting:

Joint SAFMC/GMFMC Mackerel Committee Meeting

March 4, 2013

St. Simons Island, GA

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	EMAIL ADDRESS	P.O. BOX/STREET CITY, STATE & ZIP
Teary Adams	Blue Water Productions	P.O. Box 5416	ST Marys GA 31558
Leda Dunmore	Pen	LDunmore@penfishs.org	
Dick Strane	CEA		Wilmington, NC

South Atlantic Fishery Management Council
 4055 Faber Place Drive, Suite 201
 North Charleston, SC 29405
 843-571-4366 or Toll Free 866/SAFMC-10

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.

SAFMC Council Meeting:

~~Executive Finance~~ Committee Meeting (continued)

March 7, 2013

St. Simons Island, GA

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

EMAIL
ADDRESS

P.O. BOX/STREET
CITY, STATE & ZIP

Catherine Martin

252 646 5641

gmartin@edf.org

Wilmington NC

Leda Dunmore

LDunmore@edf.org

Emily Holmes

eholmes@edf.org

Winston NC

Leanne Ferguson

910 620 5817

leanne@edf.org

Wilmington NC

Burky Johnson

386-238-0948

bjohnson@edf.org

32120-9351

Ken Fung

202-381-8520

kfung@edf.org

Wilmington NC

Rick Pearson

813-486-2037

rick.pearson@NMHA.gov

SERO

South Atlantic Fishery Management Council

4055 Faber Place Drive, Suite 201

North Charleston, SC 29405

843-571-4366 or Toll Free 866/SAFMC-10

Attendee Report GoToWebinar
Generated

Mar 11, 2013 12:26 PM PDT

General Information

Webinar N: Webinar ID

SAFMC Col 1.99E+08

Actual Star Actual Duration (minutes)

Mar 04, 20 651

Clicked Reg Opened Invitation

79 47

Total Attended

27

Session Details

Attended	Interest Ra	First Name	Last Name	Email	Registration	Join Time	Leave Time	In Session I
Yes	45	Nikhil	Mehta	nikhil.meht	Feb 15, 201	Mar 04, 20	Mar 04, 20	461.07
Yes	30	Anne	Eich	annemarie.	Mar 04, 20	Mar 04, 20	Mar 04, 20	437.02
Yes	37	m	c	mec181@y	Mar 04, 20	Mar 04, 20	Mar 04, 20	584.65
Yes	43	Kate	Michie	kate.michie	Mar 04, 20	Mar 04, 20	Mar 04, 20	215.6
Yes	27	Carrie	Simmons	carrie.simm	Mar 04, 20	Mar 04, 20	Mar 04, 20	300.5
Yes	25	jessica	stephen	jessica.ste	Mar 04, 20	Mar 04, 20	Mar 04, 20	1.47
Yes	57	wayne	mershon	kenyonsear	Mar 04, 20	Mar 04, 20	Mar 04, 20	9.17
Yes	20	Samantha	Port-Minne	sportminne	Mar 04, 20	Mar 04, 20	Mar 04, 20	35.73
Yes	20	Ira	Laks	captaindrif	Mar 04, 20	Mar 04, 20	Mar 04, 20	571.53
Yes	48	Bill	MacLauchli	billmac@cl	Mar 04, 20	Mar 04, 20	Mar 04, 20	93.8
Yes	34	BOBBY	CARDIN	finchaser3	Mar 04, 20	Mar 04, 20	Mar 04, 20	516.02
Yes	32	Anthony	Bresnen	anthony.br	Feb 15, 201	Mar 04, 20	Mar 04, 20	451.92
Yes	66	greg	davis	gcdavismar	Mar 04, 20	Mar 04, 20	Mar 04, 20	267.35
Yes	29	Rick	DeVictor	rick.devict	Mar 04, 20	Mar 04, 20	Mar 04, 20	467.57
Yes	28	Anik	Clemens	anik.cleme	Feb 15, 201	Mar 04, 20	Mar 04, 20	286.1
Yes	61	phil	steele	phil.steele	Feb 15, 201	Mar 04, 20	Mar 04, 20	717.68
Yes	30	Karla	Gore	karla.gore	Mar 04, 20	Mar 04, 20	Mar 04, 20	561.63
Yes	29	Samantha	Port-Minne	sport-minn	Mar 04, 20	Mar 04, 20	Mar 04, 20	495.4
Yes	57	Kate	Quigley	kate_j_quig	Mar 04, 20	Mar 04, 20	Mar 04, 20	149.37
Yes	32	scott	sandorf	scott.sand	Mar 04, 20	Mar 04, 20	Mar 04, 20	254.73
Yes	52	denise	johnson	denise.johr	Mar 04, 20	Mar 04, 20	Mar 04, 20	63.67
Yes	46	steve	branstetter	steve.bran	Mar 04, 20	Mar 04, 20	Mar 04, 20	263.18
Yes	41	Bo	Von Harter	capt_bo@t	Mar 04, 20	Mar 04, 20	Mar 04, 20	500.5
Yes	27	Frank	Helies	fchelies@v	Mar 04, 20	Mar 04, 20	Mar 04, 20	383.05
Yes	30	Julia	Byrd	julia.byrd	Mar 04, 20	Mar 04, 20	Mar 04, 20	552.2
Yes	25	Rich	Malinowsk	rich.malino	Mar 04, 20	Mar 04, 20	Mar 04, 20	10.58
Yes	30	jack	cox	dayboat19	Mar 03, 20	Mar 04, 20	Mar 04, 20	116.62
No		rick	leard	cyndyleard	Mar 04, 2013 01:44 PM EST			
No		rick	leard	rick.leard	Mar 04, 2013 01:36 PM EST			
No		Michael	Larkin	michael.lar	Mar 04, 2013 02:37 PM EST			
No		Janet	Miller	janet.l.mill	Mar 04, 2013 08:33 AM EST			
No		Matthew	Ruby	warriorfish	Mar 04, 2013 02:17 PM EST			

*If an attendee left and rejoined the session, the In Session Duration column only includes their first vis

City	State	Unsubscrib Questions Asked by Attendee
St. Petersburg	FL	No
St Pete	FL	No
mtp	SC	No
St. Petersburg	FL	No
Tampa	FL	No
St Petersburg	FL	No
murrells in	SC	No
Saint Perer	FL	No
Jupiter	FL	No
Stockbridge	GA	No
FT PIERCE	FL	No
Tallahassee	FL	No
Wilmington	NC	No
St Pete	FL	No
Saint Peter	FL	No
st Petersburg	FL	No
Sarasota	FL	No
Saint Peter	FL	No
Charleston	SC	No
st Petersburg	FL	No
st. Petersburg	FL	No
st pete	FL	No
Charleston	SC	No
Tampa	FL	No
Charleston	SC	No
Saint Peter	FL	No
morehead	NC	No
tampa	FL	No
tampa	FL	No
St. Petersburg	FL	No
St. Petersburg	FL	No
Charleston	SC	No

it.

Attendee Report GoToWebinar
Generated

Mar 11, 2013 12:23 PM PDT

General Information

Webinar N: Webinar ID

SAFMC Col 5.51E+08

Actual Star Actual Duration (minutes)

Mar 07, 20 648

Clicked Reg Opened Invitation

81 34

Total Attended

37

Session Details

Attended	Interest Ra	First Name	Last Name	Email	Registration	Join Time	Leave Time	In Session I
Yes	34	Karla	Gore	karla.gore@	Mar 07, 20	Mar 07, 20	Mar 07, 20	534.15
Yes	28	herman	von harten	capt_bo@f	Mar 07, 20	Mar 07, 20	Mar 07, 20	262.02
Yes	28	john	larson	john@beac	Mar 07, 20	Mar 07, 20	Mar 07, 20	458.1
Yes	48	Gerald	Pack	gerald@sa	Mar 07, 20	Mar 07, 20	Mar 07, 20	423.2
Yes	27	kate	michie	kate.michie	Mar 07, 20	Mar 07, 20	Mar 07, 20	141.05
Yes	30	Samantha	Port-Minne	sport-minn	Mar 04, 20	Mar 07, 20	Mar 07, 20	601.73
Yes	40	david	plowden	dplowden@	Mar 07, 20	Mar 07, 20	Mar 07, 20	396.62
Yes	31	Rick	DeVictor	rick.devict	Mar 07, 20	Mar 07, 20	Mar 07, 20	506.03
Yes	26	Frank	Helies	fchelies@v	Mar 07, 20	Mar 07, 20	Mar 07, 20	317.32
Yes	29	Julia	Byrd	julia.byrd@	Mar 04, 20	Mar 07, 20	Mar 07, 20	302.7
Yes	60	Anthony	Ausstin	redress@e	Mar 07, 20	Mar 07, 20	Mar 07, 20	131.07
Yes	24	Emily	Muehlstein	emily.muel	Mar 07, 20	Mar 07, 20	Mar 07, 20	70.87
Yes	45	Vic	Lloyd	vic_lloyd@	Mar 05, 20	Mar 07, 20	Mar 07, 20	285.48
Yes	31	m	c	mec181@y	Mar 07, 20	Mar 07, 20	Mar 07, 20	630.1
Yes	23	a	g	andrea.gra	Mar 07, 20	Mar 07, 20	Mar 07, 20	195.45
Yes	28	Anne	Eich	annemarie.	Mar 06, 20	Mar 07, 20	Mar 07, 20	437.08
Yes	31	scott	sandorf	scott.sand	Mar 07, 20	Mar 07, 20	Mar 07, 20	458.75
Yes	31	jack	holland	jack.hollan	Mar 07, 20	Mar 07, 20	Mar 07, 20	336.45
Yes	25	Jeanna	Merrifield	jeannam@	Mar 07, 20	Mar 07, 20	Mar 07, 20	262.32
Yes	31	Anthony	Bresnen	anthony.br	Feb 15, 20	Mar 07, 20	Mar 07, 20	525.63
Yes	60	Jack	Cox	dayboat19	Mar 06, 20	Mar 07, 20	Mar 07, 20	546.13
Yes	25	Steve	Turner	steve.turn	Mar 07, 20	Mar 07, 20	Mar 07, 20	274.73
Yes	28	todd	phillips	tphillips@c	Mar 07, 20	Mar 07, 20	Mar 07, 20	497.25
Yes	38	bobby	cardin	finchaser3	Mar 07, 20	Mar 07, 20	Mar 07, 20	612.75
Yes	66	Gretchen	Martin	gmartin@e	Mar 07, 20	Mar 07, 20	Mar 07, 20	70.12
Yes	64	barrett	colby	bcolby3@c	Mar 06, 20	Mar 07, 20	Mar 07, 20	563.75
Yes	42	Tony	Lamberte	tony.lambe	Mar 07, 20	Mar 07, 20	Mar 07, 20	503.75
Yes	20	Matthew	Ruby	warriorfish	Mar 07, 20	Mar 07, 20	Mar 07, 20	491.63
Yes	38	susan	gerhart	susan.gerh	Mar 06, 20	Mar 07, 20	Mar 07, 20	556.57
Yes	28	Anik	Clemens	anik.cleme	Feb 15, 20	Mar 07, 20	Mar 07, 20	371.88
Yes	38	Don	Hesselman	don.hesseli	Mar 07, 20	Mar 07, 20	Mar 07, 20	171.53
Yes	40	phil	steele	phil.steele	Feb 15, 20	Mar 07, 20	Mar 07, 20	446.52
Yes	25	Rich	Malinowsk	rich.malino	Mar 07, 20	Mar 07, 20	Mar 07, 20	201.4

Yes	48	stephen	holiman	stephen.hc	Mar 07, 20	Mar 07, 20	Mar 07, 20	525.18
Yes	60	Nikhil	Mehta	nikhil.meht	Feb 15, 201	Mar 07, 20	Mar 07, 20	498.88
Yes	28	Joseph	Ballenger	ballengerj@	Mar 07, 20	Mar 07, 20	Mar 07, 20	531.93
Yes	25	DAVID	GLOECKNE	david.gloec	Mar 07, 20	Mar 07, 20	Mar 07, 20	287.37
No		deb	buscher	deb.busche	Mar 07, 2013	01:21 PM	EST	
No		NICK	FARMER	nick.farme	Feb 15, 2013	03:44 PM	EST	

*If an attendee left and rejoined the session, the In Session Duration column only includes their first vis

City	State	Unsubscrib Questions Asked by Attendee
Sarasota	FL	No
Charleston	SC	No
port canav	FL	No
Atlantic Be	FL	No
St. Petersburg	FL	No
Saint Peter	FL	No
wilm	NC	No
St Pete	FL	No
Tampa	FL	No
Charleston	SC	No
hubert	NC	No
Tampa	FL	No
Atlantic Be	FL	No
mtp	SC	No
chas	SC	No
St. Pete	FL	No
st petersbu	FL	No
Wilmington	NC	No
Titusville	FL	No
Tallahassee	FL	No
Newport	NC	No
Miami	FL	No
austin	TX	No
fort pierce	FL	No
Wilmington	NC	No
merritt isla	FL	No
St. Petersburg	FL	No
Charleston	SC	No
st petersbu	FL	No
Saint Peter	FL	No
Morehead	NC	No
st petersbu	FL	No
Saint Peter	FL	No

st. pete	FL	No
St. Petersburg	FL	No
Charleston	SC	No
Miami	FL	No
north charl	SC	No
ST PETERS	FL	No
it.		