

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COMMITTEE

**Charleston Marriott Hotel
North Charleston, South Carolina**

AUGUST 9, 2011

SUMMARY MINUTES

Mackerel Committee

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Ben Hartig
Bill Teehan

David Cupka
Mac Currin
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Dr. Jack McGovern
Bonnie Ponwith
Carolyn Belcher
David Newman
Angela Boehm

Other Participants Attached

The Mackerel Committee of South Atlantic Fishery Management Council convened as a Committee of the Whole in the Charleston Marriott Hotel, North Charleston, South Carolina, August 9, 2011, and was called to order by Chairman David Cupka.

MR. CUPKA: That concludes all the people who turned in a request to speak. Is there anyone else here who didn't have an opportunity to fill out a sheet? Seeing none, then we will go ahead and continue on our agenda. The next order of business is the mackerel, and I'm going to turn it over to Chairman Geiger to take us through the mackerel amendment.

MR. GEIGER: Thank you, Mr. Chairman. If we turn to the mackerel agenda in the briefing book, the first order of business is the approval of the agenda. Are there any corrections, additions or deletions to the agenda? Is there any objection to the agenda? Seeing none, the agenda is approved.

The next order of business is the approval of the minutes, and we have three sets of minutes that we need to get approved. We could possibly do it jointly. If we look at each of the minutes we've got a joint – I'm corrected; it should be done separately, so we'll take the Joint Gulf of Mexico and South Atlantic Mackerel Committee minutes from June 8, 2011. That's Attachment 1. Does anybody have any corrections, additions or deletions to those minutes?

MR. HARTIG: George, I've got a couple I will give to staff.

MR. GEIGER: Okay. they are editorial type corrections? Thank you. Is there any objection to the approval of those minutes? Seeing none, those minutes are approved. The second group of minutes are the Joint Gulf of Mexico and South Atlantic Council Meeting from June 9-10, 2011; that's Attachment 2. Any corrections, additions or deletions to those minutes? Any objection to those minutes being approved? Seeing none, those minutes are approved.

The next group of minutes is the South Atlantic Fishery Management Council Mackerel Committee of June 13, 2011, which are in Attachment 3. Again, any corrections, additions, deletions or objection to approval of those minutes? Seeing none, those minutes are approved. The next order of business on the agenda is the status of the commercial and recreational catches versus quota for king, Spanish and cobia. You're going to do them Jack?

DR. McGOVERN: I'll talk about the commercial. Mike just sent out an updated report on landings. It goes through July 15th and that shows in that Atlantic Group King Mackerel is at 32 percent of the quota and Atlantic Group Spanish Mackerel is at 26 percent of the quota for the current fishing year.

MR. HARTIG: Jack, how does the Spanish mackerel Comp are with years in the past; can I get that from you later?

DR. McGOVERN: Yes, I'll provide that to you; I can provide that to the council, too.

MR. GEIGER: I guess in Phil's absence it is safe to assume that the recreational is pretty far under; we've never really reached that quota or come close to it.

DR. CRABTREE: We're still waiting on recreational estimates for this year.

MR. GEIGER: Any other questions concerning the quotas and catches of king, Spanish and cobia? Seeing none, we'll move on to Agenda Item Number 4, which is Mackerel Amendment 18EA. Gregg is going to go over that amendment, go over the overview and provide us with an update on it.

MR. WAUGH: We'll use the overview document and I've got that projected here. I'll walk through this; and when we get to Item 3, which is the SSC, Dr. Carolyn Belcher will give the SSC Report. We just want to identify the changes. The first one is that the Gulf Council changed their preferred on Action 12.

This wording appears in three places, and I've got the PDF pages if you're interested in looking at where this is in the document. They changed their preferred and this was done at their webinar meeting, and those minutes are included as Attachment 7. The wording shows their preferred Alternative 2, Preferred Option A, and that has to do with Gulf Migratory Group Spanish Mackerel.

The second change is to clarify that for the fishing year – we talked about this in June, and we're going to use the commercial fishing year as the accounting period for the recreational data, to collect the data; but just by doing that doesn't change the existing recreational fishing year. What we have going on is we will be tracking for the sector ACLs using the commercial fishing year, but this new note is not in your overview; I added that.

But the king and Spanish mackerel fishing year for bag limits is the calendar year, and so when we modify any of those, if we just have it take effect during the normal fishing year, it would be the calendar year. For Atlantic, king and Spanish mackerel fishing year, for the quotas it's March through February, and then the cobia fishing year is a calendar year, January 1 through December 31. We'll clarify that in the document.

The third item has to do with the South Atlantic Council's request to the SSC; request that the SSC consider setting the ABC based on the highest sector landings versus the higher total landings. The amendment has been modified and I show the pages up here if you want to look at any of that wording. We've got suggested wording that describes that the council asked the SSC to review it but the SSC did not concur with changing their position. We will add the rationale from their report. The report has been distributed to you and Dr. Carolyn Belcher will go over that now.

DR. BELCHER: You all have a copy of the report. It was fairly succinct. The main point was for us to discuss what had been proposed relative to looking at the ABC being the third highest of the two sectors and then putting them together. The overall recommendation from the SSC was that we did not recommend pursuing the approach suggested, and we did indicate we'd be willing to revisit discussions to determine if setting the level at the present TAC would be an interim option given that based on the previous assessment overfishing was minor to nonexistent during that reviewed time period.

A lot of the deliberation that the group had focused around the precedent that we felt was going to be set. The ABC really, as far as we are concerned, ties back more biologically than it does relative to the fishing sectors. To actually try to separate it is kind of doing something that probably isn't in the best interest of us as an overall.

I think the bigger concern was again the precedent, if we did it for this one particular species, had the discussion and the deliberations, part of the problem was the ABC value. If you did it in the two parts and add it together, you would end up with the collective landings, that level that may or may not exceed what you would see already in the landings trend.

The other problem was that it would open up the opportunity for us to have to go back and visit for a lot of other species. This is one particular species the request came through for but what if this became an option for some other fishery? How do we go about basically stopping the progress that we've made and taking a chance that this would unravel in front of us?

The group did indicate, as I said earlier, that we would revisit it. I know we did talk at length in the April meeting about Spanish mackerel, because we did reserve that right to inform ourselves to do something different than just the third highest point. John and I were talking earlier. We had that one situation where we were looking at the golden tile and we ended up saying that we would be willing to set the level at two times the median landings or the average landings, based on the fact that there was room for that fishery to grow.

There are deliberations that can be made; we are not held to that third highest. We could also go with the highest point if we felt there was information that that fishery was not at a high exploitation rate based on the information that was in front of us. I do believe that the SSC did talk at length about what was going on with Spanish mackerel.

Yes, the assessment was not accepted, but there was information within the assessment that we did use to inform ourselves about what we should do relative to that fishing level. I'll open it to you for questions, specifically if you have more specific questions is probably the better way to do that.

MR. HARTIG: Yes, thank you, Carolyn. I thought you may have a problem with a precedent issue when I brought this forward. I was trying to keep it specific to Spanish as an interim measure, but I understand why you saw the precedent. I haven't seen the e-mail for whatever reason. I didn't see your comments yet. I am interested in one of the first things you mentioned about keeping the TAC as an interim measure. Can you elaborate more on that; what was that comment, maybe I misunderstood it?

DR. BELCHER: No, you did understand it correctly. One of the members, as we were talking about options – I mean, the main thing coming out of this was that the group was willing to revisit, to kind of again deliberate as to why holding it at the current TAC wasn't an option, given that the assessments coming in a relatively quick enough fashion.

I was trying to recall back to the April meeting minutes, and at that point my recall wasn't that good. I know we were using the information relative to what was happening with fishing trends

to kind of say are we overfished, overfishing; where are we sitting relative to the Fmsy? It was brought to again the group's attention and maybe we should go back and revisit, just saying that it should be held at the current TAC.

That wasn't exactly on the record, but again in keeping with what we were being asked for this conference call, that wasn't something that we were really at liberty to really discuss in detail to go back and revisit those deliberations of what the value could possibly be changed to in the short term interim. It's something that the group is willing to revisit, but again noting that we could end up right back to the third highest point yet again.

MR. WAUGH: Any other questions? Seeing none, thank you, Dr. Belcher. The fourth item was the council's actions at the June meeting. You changed your preferred alternatives on king and Spanish mackerel and cobia accountability measures to indicate that payback only occurs if the stock is overfished.

These items were outlined in a letter to the Gulf Council. It's included as Attachment 8, and the amendment document has been reflected to change that. We've drafted the council conclusions and we've called your attention to those. You should point out and let us know if there are any concerns with any of the language there.

This document was sent around to you I think just last night or early this morning, also. It's just we've gone through the document that is in the briefing book and just came across a couple of items that need to be corrected and wanted to point those out to you. The first deals with the council conclusion on Action 3, which is the boundary split for cobia.

There were two paragraphs from the council conclusions that didn't get put in there. This is on PDF Page 244. This language would be inserted on Page 244. I'll just keep going; if there are any questions, someone can stop me.

MR. O'SHEA: On the trigger that the accountability measure would only apply if the stock were overfished in Spanish mackerel, could you remind me, Mr. Chairman, of when we would know that the stock is overfished. Would that be when we got a stock assessment or is there other things in there? What I'm getting at is would it take five years to learn that the stock is overfished and therefore trigger an accountability measure? That doesn't seem right, but that's kind of like what I heard.

MR. GEIGER: I think we're talking about paybacks?

MR. WAUGH: Yes, we are talking about paybacks, but I think the question deals with in terms of how you would determine whether Spanish mackerel is overfished; that would be from the stock assessment. Overfishing – and this is outlined in Action 16.2 – for overfishing we are proposing to use a total ACL for Atlantic Migratory Group Spanish Mackerel to determine whether overfishing is occurring. We will revisit that after the next stock assessment.

Action 4.16.4.5, the council conclusion; the text on PDF Page 310 and 311; these three paragraphs should be inserted. They are describing the ACL discussion. Action 4-18.5, again

replacing the text in the council conclusions with the following information, this in on PDF Page 324. Then moving to Section 2, there is a table missing in Action 2.2 and that table is attached to this document.

We also need to update Appendices B, C and D with the updated version that is attached to this document that you have before you. Action 2-17, Alternative 1, the no action on PDF, Page 132, this has to do with the Spanish mackerel accountability measure and the commercial verbiage indicates now in there that we do track the quota and close the fishery when it's met.

That's not correct for Atlantic Spanish; it should read as we have here; the commercial AM for this stock is to reduce the trip limit to 1,500 pounds when 75 percent of the adjusted quota is landed and then reduce the trip limit to 500 pounds when 100 percent of the adjusted quota is landed for the southern zone. No commercial closure provisions currently exist for the stock and no commercial AMs exist for the northern zone, Georgia north. The recreational AM remains. That was stated correctly.

MR. TEEHAN: I'm sorry, Mr. Chairman, I'm derelict in what I'm supposed to be doing here. If we could back to Action 3 real quick, I just needed a little bit of an explanation. This is where the alternatives are looking at the boundaries for cobia. Both of the Gulf and South Atlantic documents are selecting the split at the council jurisdictions, which splits Monroe County in half.

Both are also saying in their texts as kind of a disclaimer, if you will, on the other hand the choice of Alternative 2, which is the Dade County and Monroe County line, would eliminate the need to assign a percentage split of the recreational catch data. If regulations for cobia are going to remain consistent between the two councils, I don't see a major problem with that split at the Monroe County Line.

But if there should be some issue in the future where things change, that's a very, very difficult boundary to deal with because it's just a matter of going underneath a bridge and you're in one jurisdiction or another. I just wanted to bring that out in case there was any further discussion on that.

MR. GEIGER: Certainly, I think we discussed that in the past when we discussed when we determined what the third alternative was going to be on that issue. Any other discussion with regard to this?

MR. WAUGH: Okay continuing Action 2-20; this is on PDF Page 149, change the second paragraph to read as follows, and what we do is we just correct – this was a cut-and-paste error and we corrected the text to refer to the appropriate subalternative. Then in Section 4, Action 4-17, we changed Alternative 1 to no action on PDF Page 316. This is the same as we just did in Section 2 to make sure we have the no action alternative stated correctly. The final change is the Regulatory Flexibility Analysis was updated, and that new information is attached to this document. Those are the major changes that have been made to the document.

DR. McGOVERN: There is also one additional suggested edit from Monica. It has to do with the AMs for king mackerel and Spanish mackerel in Action 14. Where the AMs read that it says

that the regional administrator shall publish a notice to reduce the length of the following year or reduce the bag limit; and there is a selected preferred option below that.

She just wanted to put a parenthetical statement in there that says depending on the option chosen below, something like that, just to make that clear. She said the way that it read to her is that the regional administrator had a choice to do either one of them when actually there is a preferred option below. Gregg may have made that already; I don't know.

MR. WAUGH: Yes, we addressed that in the discussion and point out that the way the alternatives are structured; the regional administrator does not have any flexibility. At this late stage we'd rather not change any of the wordings to the actions themselves and feel it is addressed in the discussion. I think that should clarify it sufficiently.

MR. HARRIS: Gregg, I'm confused. Are these changes reflected in this document that we have that was put out to us or not?

MR. WAUGH: No.

MR. HARRIS: I didn't think so. Do we have those changes; have they been e-mailed to us?

MR. WAUGH: Yes.

MR. GEIGER: The changes that he went over in detail verbally have been e-mailed to all the council members.

MR. HARRIS: Okay, then I have them. I have a different place on my Comp uter where those exist.

MR. GEIGER: (No recording)

MR. WAUGH: Yes, and we just wanted – since this is final approval, we wanted to call your attention to these changes and make sure you have before you all the proposed language changes.

MR. O'SHEA: I might be showing my ignorance, but I have a document in front of me that talks about Preferred Alternative 4 on recreational. I'm still on the payback thing. Preferred Option B, it says if the commercial sector ACL is exceeded, then it goes through a procedure to adjust the recreational sector. I'm guessing that's a typo or was it really an intent to link the payback to the commercial sector to the recreational?

MR. WAUGH: No, can you give me that page number, please, Vince?

MR. O'SHEA: Sure, it's Roman numeral XX, 20, Gregg. I apologize for bringing it up in public; I just noticed it now. Otherwise I would have gotten you offline.

MR. WAUGH: No, that's all right; Rusty Hudson already pointed that out. Yes, that is another typo.

MR. TEEHAN: As a guest council member, I'll make a motion to approve Mackerel Amendment 18EA as modified or not for formal review and implementation and to give the chairman and staff editorial license to make editorial changes to the document.

MR. WAUGH: Just one minor item, we should strike the "or not", and I'm sorry I should have pointed that out. This was done in case you make some changes or not, just as modified; my fault..

MR. MAHOOD: Are you ready for the roll call vote, Mr. Chairman? Mr. Boyles.

MR. BOYLES: Yes.

MR. MAHOOD: Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: Dr. Daniel.

DR. DANIEL: Yes.

MR. MAHOOD: Mr. Harris.

MR. HARRIS: Yes.

MR. MAHOOD: Mr. Hartig.

MR. HARTIG: No.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: Yes.

MR. MAHOOD: Mr. Teehan.

MR. TEEHAN: Yes.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Mr. Currin.

MR. CURRIN: Yes.

MR. MAHOOD: Chairman Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Chairman Geiger.

MR. GEIGER: Yes.

MR. MAHOOD: It passes with one negative vote.

MR. BOYLES: Mr. Chairman, I would make a motion that we deem the codified text in the proposed rule as necessary and appropriate and give the chairman and staff editorial license to make editorial changes as necessary.

MR. MAHOOD: All right, Mr. Boyles.

MR. BOYLES: Yes.

MR. MAHOOD: Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: Dr. Daniel.

DR. DANIEL: Yes.

MR. MAHOOD: Mr. Harris.

MR. HARRIS: Yes.

MR. MAHOOD: Mr. Hartig.

MR. HARTIG: No.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: Yes.

MR. MAHOOD: Mr. Teehan.

MR. TEEHAN: Yes.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Vice-Chairman Currin.

MR. CURRIN: Yes.

MR. MAHOOD: Chairman Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Chairman Geiger.

MR. GEIGER: Yes.

MR. MAHOOD: Again the rule was approved with one negative vote.

DR. DANIEL: I have just one issue that I would like you all to consider. We've got a pound net fishery in North Carolina where there is a significant amount of bycatch of undersized Spanish mackerel. They tend to be in the 11- to 12-inch range. They don't seem to go out of the escape panels like most other species. They tend to just stay in the net and they die because they can't move around a lot.

If there could be some type of tolerance that would allow those fish to be utilized for just a short period of the year. Usually it is August where the problem occurs. I've been approached by several pound netters who they'd like to be able to retain those fish, and really it could just be a matter of going from forklength to total length in the month of August as a bycatch allowance of some percentage.

But if the mackerel committee – Michelle, when she takes over for me in September, I'm hoping she's going to run that issue. I wanted to try to get some information on that and get that on the agenda so that we could discuss it. It will avoid a lot of waste and it will count the fish towards the quota, and we'll be able to account for those fish that are otherwise unaccounted for at this time.

MR. HARTIG: Yes, Louis, certainly just give us a detailed written report about what is going on so we can deal with it.

DR. DANIEL: Absolutely, we'll have something to the council as soon as possible.

MR. CURRIN: No, I'd just ask Louis to provide us as much history background as you can on that, whether this is an annual problem or a recent problem or something that has been going on for a long time. I know a lot of those nets have been set there for a long time and does it occur periodically or is it a persistent problem?

MR. HARRIS: Thank you, George, and, George, you might have to help me with this. I'm going back to the review workshop for Spanish mackerel. I don't remember if it was on Spanish or if it was on vermilion snapper, but there was a lot of discussion on the reviewers about the model that was used.

I think it was on Spanish mackerel, and one of the reasons they disapproved the stock assessment – and I just want to make sure we don't get in that same situation again – I just don't recall whether it was Spanish or vermilion, but there was a lot of discussion about the model that was used being a new model that had not been reviewed before and the reviewers had a lot of questions about it. I just want to make sure, like I said when we do this next stock assessment for Spanish mackerel, we don't find ourselves at the review workshop in that same situation.

MR. WAUGH: We will be dealing with the terms of reference for that stock assessment at our September meeting. I think that would be the appropriate place to put in some specifics. To me, there is a long history of Spanish mackerel being assessed by individuals at the Miami Lab, and I think we should consider as a terms of reference asking that we have some participation so that corporate history is not lost.

MR. TEEHAN: I think you're overlooking one important participant in this, and that's you. You have persevered with mackerel since I've met you. You've been abusive at time, but you've been very passionate, and I think this is a good legacy for you leaving to have seen this thing through, so congratulations.

MR. CUPKA: Thank you, George, excellent job as always; and as I say, we are going to miss your leadership on this. We are going to take about a fifteen minute break before we get into snapper groupers.

(Whereupon, the Mackerel Committee Session of the Committee of the Whole was adjourned on August 9, 2011)

Certified By: _____ Date: _____

Mackerel Committee
Charleston, SC
9 Aug, 2011

Transcribed by
Graverb Transcription
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Robert Foss
Staff contact: Myra Brouwer

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Robert Boyles
Tom Burgess
David Cupka
Michelle Duval
George Geiger
Ben Hartig
Doug Haymans
Vince O'Shea
Charlie Phillips
Tom Swatzel
Staff contact:
Kari MacLaughlin / Brian Cheuvront

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David Cupka
Michelle Duval
Duane Harris
Doug Haymans
Staff contact: Bob Mahood

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Wilson Laney, Vice-Chair
Doug Haymans
Jessica McCawley
Staff contact: Roger Pugliese

SCI. & STAT. SELECTION

Roy Crabtree, Chair
Robert Boyles
Michelle Duval
Doug Haymans
Jessica McCawley
Staff contact: John Carmichael

SEDAR Committee

David Cupka, Chair
George Geiger, Vice-Chair
Michelle Duval
Duane Harris
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PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

SAFMC COUNCIL MEETING
 August 9, 2011
 Charleston, SC 29403

<u>NAME & ORGANIZATION</u>	<u>AREA CODE & PHONE NUMBER</u>	<u>P.O. BOX/STREET CITY, STATE & ZIP</u>
Julia Byrd SCDNR	803-865-4164	217 Ft. Johnson Rd Charleston, SC 29412
Seal Whitaker - CARS	843-881-4444	2037-B McNAVIGATOR DR COLUMBIA SC 29223
Pure MacQueen Lisa Seabrite	843-276-6314	488 Allentown Blvd Mt. Pleasant, SC 29564
Bob Sherman	540-226-2733	218 St. Paul St Charleston, SC 29403
Trevor Reed	843-408-3017	218 St. Paul St Charleston, SC 29403
Tim Sealise	850-322-7845	2107 Mulberry Rd Tallahassee, FL 32304
Holly Binn	843-881-9735	3692 Pandora Drive Arling, SC 29466
Shirley E. Brown		

South Atlantic Fishery Management Council
 4055 Faber Place Drive, Suite 201
 North Charleston, SC 29405
 843-571-4366 or Toll Free 866/SAFMC-10

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 August 9, 2011
 Charleston, SC 29403

P.O. BOX/STREET
 CITY, STATE & ZIP

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	P.O. BOX/STREET CITY, STATE & ZIP
David Newman PNRX	917 657 1215	961 Amber Rd, Char SC 29412
Josie Vinca UGA	843-302 3177	Qualistown SC
Don Hammond	843 795-7624	Wadswell Island SC 29487
Susan Daugherty	919-601-8518	32 Oakdale Dr, St Helena Is SC
Oliver Burwell	843-696-3333	217 Ft. Johnson Rd. Charleston, SC
Tony Constant	843-592-0772	300 Sassa G Keylors, SC
Ernest Muhammad	843-953-9364	Charleston SC
Ernest Muhammad	843-451-3910	Charleston SC
Ernest Muhammad	843-478-5078	Charleston SC

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 PHONE NUMBER

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	P.O. BOX/STREET CITY, STATE & ZIP
Sarah Venenok (Pur)	910-685 5705	Blivia NC
Annunthie Post-Munson	727-482-2368	At Petersburg, FL
Rudolf Post-Munson	386-239-0948	32120-9351
Helena (Linda) Henninger	919-881-2923	Parkville NC
Frank Ikum (SASA)	843-437-0008	815 S. Annunthie St. 29407
Clayton Decker	904-824 8452	1600 STEETER AVE 32258
Solma Giordano-S. Williams	904-824 8452	13650 WILKIE BLVD 29405
Sack Cox	843-279-5578	1026 LOCKSLEY DR 29405
Rate Quigley	843-327-1114	Morehead City NC

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