

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**MACKEREL COMMITTEE**

**Hilton New Bern Riverfront Hotel  
New Bern, NC**

**December 7, 2010**

**SUMMARY MINUTES**

**Mackerel Committee**

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Tom Burgess  
Mark Robson  
Red Munden

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Ben Hartig  
Charlie Phillips  
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Dr. Jack McGovern  
Rick DeVactor  
Dr. Bonnie Ponwith  
Bob Gill  
Howard Rau  
Scott Sandorf

Additional Observers and Participants Attached

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The Mackerel Committee of the South Atlantic Fishery Management Council convened in the Hilton New Bern/Riverfront Hotel, New Bern, North Carolina, Tuesday morning, December 7, 2010, and was called to order at 8:55 o'clock a.m. by Chairman George Geiger.

MR. GEIGER: Okay, I'd like to call to order the South Atlantic Fishery Management King Mackerel Committee. The committee members are Messrs. Currin, Harris, Burgess, Robson, Mr. Cupka, Chevront, Hartig, Phillips, Swatzel, Red Munden from the Mid-Atlantic Council and Jack Travelstead from the Mid-Atlantic Council, and we do have a quorum.

Our first order of business would be to approve the agenda. I would ask the indulgence of the committee to have license to shift agenda items around based on some of the business that we've got to conduct this morning. If there is no objection to that; seeing none, we will consider the agenda approved.

The next order of business is the approval of the minutes. Are there any corrections, additions or deletions to the minutes? Is there any objection to the approval of the minutes? Seeing none, the minutes are approved. With that said, I would like, taking into account my request to modify the agenda, that in the overview document we had received information from the IPT concerning actions that they believed were necessary and required and an impediment to including the elimination of recreational bag sale mackerel from Amendment 18.

That impediment was that they were unable to conduct the analysis associated with the five items that were identified in the overview document. I've already expressed to the council and other venues and e-mails and during the personnel section yesterday my profound disappointment, which actually goes beyond disappointment, with the fact that at the eleventh hour we're having these particular items thrown over the transom at us and being held hostage by the IPT when they were given clear instructions at our last meeting the intent of the council.

In addition to that, the elimination of recreational bag sales has been an item that has been a priority to this committee, at least to this chairman, for over seven years since I've been chairman of this committee. We're not supposed to reveal what happened in personnel, but one thing that doesn't have anything to do with personnel, during the personnel session we actually heard from the executive director that it has been an item that has been on the council agenda for over twenty years.

This is an example of how things can get drug out, pushed from pillar to post as not being priorities, and it's extremely disappointing to me personally as a council member, who was appointed and who took an oath to be an advisor to the secretary on management issues concerning fisheries; that when you bring a fishery issue – a management issue that isn't of a crisis nature but certainly an issue that could reflect on the successful management of the stock, that it's not met with any type of – it's not embraced, let's put it that way, and we just find easy ways to throw impediments into the process to keep us from having it included in what would be a normal progression.

And, again, we've discussed this over the course of the past seven years at every Mackerel Committee meeting that I've chaired, and I've chaired every one of them. We've had three joint

meetings. And for the last three meetings I've given time back to the council because the Mackerel Committee has completed its agenda items ahead of schedule, so there has been ample time, and it's just incredible to me that at this late hour we're now identifying these issues and they're being identified to the council.

In addition to that, in my investigation of how this occurred and what happened, it was determined that when we did it in snapper grouper, the elimination of recreational bag limit sales, that it was discovered it was more complex than they really thought it was in the beginning and it was a tough issue to deal with in snapper grouper, which we did in 15B.

But there were also issues that made mackerel even more complex because of permitting issues, and that information was known over three years ago. It's just incredible to me that the council has not been kept informed and was not informed of those impediments to including this in the document and getting it kept on track for the last three years.

So, we're at a point here where we're trying to get – we're trying to maintain a statutory deadline on ACLs; and in this particular case I think this council has demonstrated compliance where we can with every amendment that we've tackled to comply with the statutory requirements associated with that regulation.

And I'll start off with red snapper. It was three years ago when there was a very dramatic presentation of a letter to me as chairman, sitting right over where Red is, describing the condition of the red snapper stock as being overfished and undergoing overfishing. That statutory requirement was to end that condition within one year.

As chairman I took it upon myself to try and push to get it done in one year; and as we got close to the end we found out that we couldn't and there were impediments to getting that accomplished. And, of course, what we heard as a result of that was it's okay, we're making progress, we're working as hard as we can, there is due diligence and we're going to get there, but the statutory timeline was not met.

We've got that same situation here and I maintain that the South Atlantic Council has done everything it can to meet these statutory timelines associated with submitting Amendment 18 in a timely manner. I just believe that the IPT failed us, didn't keep us informed, and I don't believe that, you know, it's our problem that we do not meet the statutory timeline by approving this particular document at this meeting.

I would speak in favor of forcing the IPT and causing the IPT to do the analysis necessary on the items that they have identified, taking the next two meetings to accomplish that analysis and include it in the document and ensure that when we move Amendment 18 forward that it includes the prohibition on recreational bag sales. I'd entertain a motion to that effect or a discussion, however you choose to handle it.

MR. CURRIN: Being the recipient of all the extra time from the Mackerel Committee, I appreciate that for the snapper grouper, which has been a priority for this council and necessarily so. Each time staff has asked us in the past what our priorities were, I remember it occurring on

a number of meetings, we've got limited staff, we've got limited time, what should we be working on, where do you want us to work?

And obviously it has been primarily on snapper grouper by necessity, but I share George's feelings about mackerel. I've been sitting around this table for one year less than he has; and the issue – and as we learned yesterday from Bob it has been around for much longer than any of – or at least that I was aware of the bag limit sales.

And I'm very much in favor of moving this forward in Amendment 18. I understand that it will take some time. We likely will not meet the statutory deadline for implementing an ACL for mackerel. It's unfortunate I guess because we're linked in this plan with the Gulf Council, that it impacts their ability to get their measures in place, and that's unfortunate.

We've talked for many meetings about splitting those plans and it never got done. I guess from my perspective that's one more reason that a split plan might be more advantageous. **But I do think this issue has been around so long and is important to me and obviously to George and perhaps to others, that I would move that we move forward with the bag limit sale prohibitions in Amendment 18 for mackerel and ask the IPT to conduct the necessary analysis on the identified problems and issues regarding permits as quickly as can be done.**

MR. GEIGER: We've got a motion and a second by Mr. Hartig. Discussion? Roy.

DR. CRABTREE: Well, I'm not a member of the committee, but I would urge you not to go down this path. I don't agree with George at all. This is not analogous whatsoever to Amendment 17A. We had a situation there where we were working on what was required by the statute and we couldn't get it done. We made every effort to get it done and we put in place an interim regulation.

In this case you've got something that will not get done anywhere near the statutory required time because you're putting something in there that is not required by the statute, and it's a very different thing. I understand your desire to get this done; I want to get this done. A lot of the problem with these things is we do big amendments with too many actions in it.

There are 20-plus actions in Amendment 18, but I would urge you not to put this in there because we cannot get the analysis done in the length of time when we have to submit this. If we knowingly sit here and make a decision just not to comply with the statute, that is a very different situation than where we've been in other cases. I don't know when I've seen the council make a decision like that.

We can get this done. Do a separate amendment, put this in it as a single action, and we'll get it done, but we need to get these ACLs in place or we're going to have a lot of problems. I think this is a big mistake. I understand how you feel about this. I understand the frustrations, but I think you're making a mistake to go down this path. We need to get the ACLs done. This is a complicated enough amendment because of the relationship with the Gulf, and we need to finish the ACLs and get them done and comply with what the statute requires. I would ask you not to approve this motion.

MR. PHILLIPS: Mr. Chairman, I guess this would also deal with tournament sales, and I'm supposing it would go out to public comment so the public could decide whether they – how they feel about no recreational sales and/or no tournament sales, so I'm thinking there would be a lot of input from the public on this. I agree with Roy; it's going to drag it out. I'm torn. I haven't been here that long.

MR. GEIGER: Charlie, we've had a lot of public input about this for seven years. I mean that's what brought the issue to the fore to even have it included in the amendment to begin with was a recommendation from the AP. Brian.

DR. CHEUVRONT: Are there other South Atlantic mackerel actions that are not being included in Amendment 18 that need to be included? I guess where I'm trying to head with this I understand where Roy is coming from. I share the frustration over no ending these recreational bag limit sales, tournament sales, all these other issues.

I'm trying to figure out if there is a way that we can at least move forward with establishing the ACLs. Before Roy had mentioned that, I had a concern about that and I saw that there were some differences between 17A and what is happening here with mackerel. What I would perhaps like to lean towards is if we can come up with a suite of actions that still need to be considered, of which this bag limit sales is one of them, could we start an Amendment 19 today?

MR. GEIGER: Sure, just like we started Amendment 18 three, four or five years ago. David.

MR. CUPKA: Well, this has been an issue we've looking at a long time, and you'll recall originally we were going to try and do a comprehensive amendment to deal with this issue in all our fisheries, and we decided instead to pursue it under each individual FMP as we had a chance. I share some of George's frustration, too, but at the same time I think there are some differences between this and what happened in red snapper, and I just find it hard – it would be hard to sit here and knowingly vote to postpone this thing knowing that we have a deadline.

It just doesn't seem right to consciously make that decision that we're going to disregard the deadline and just postpone this thing. You know how those things are, too. When we get into them, we think it's just going to be a small delay. I've got a feeling this one is going to take some time with all the issues involved to really deal with it and deal with it right. I tend to agree with Roy; I think it would be a mistake to sit here and do this. As much as I would like to see us move ahead on it, I just don't think it's right.

MR. GEIGER: Well, it certainly isn't the right thing to do, but unfortunately we've been put in a box by the IPT. The IPT knew about this. Over three years ago they knew these requirements, and the issue is why wasn't this council kept informed at that particular point and why haven't we been working on these issues all this time? Now, that doesn't answer the question as to what we do today, but it certainly relieves me of any moral obligation to meet a specific timeline. If we're going to allow the IPT to direct the council and we're going to abrogate our responsibilities and just follow the IPT, there is no reason to have a council; let the IPT determine what the actions are in the amendments and let the Marine Fisheries Service approve them or disapprove them and move on. You don't need us.

I mean we've got a fishery here that's not overfished and not undergoing overfishing. Are ACLs that important statutorily? I don't think so; we've missed statutory requirements in the past and we've never had to pay any price for it; nobody has. Nobody is held accountable; nobody is fined; nobody is hauled off and put in a yoke or in a stock outside in front of the building. Yes.

DR. CRABTREE: George, with all due respect, you are overstating this whole issue and I think losing perspective on this. Now, if we wanted to have gotten this done five or four years ago, we should have pulled it out of this big amendment with all these other things and just done it as a stand-alone, but we didn't make that decision.

We've gone around and around with mackerel about divorces, all these complicated things, mixing zones, and there are a lot of reasons why this hasn't got done. I hope as a council we haven't gotten to the point where we're going to say that the statute and the law and what congress has told us we have to do aren't important.

I can assure you there are consequences for missing these timelines. You may not see them, but I sure do, and there will be consequences for missing this one. I think we just need to cool the rhetoric a little bit and put some perspective on this. We can get this done and we will get this done, but we can't get it done in Amendment 18 with the timeline and the constraints we have at this point.

I understand your point of why weren't you told two or three years ago and why didn't this come up, and I don't have an answer with that, George, and maybe there has been some breakdown in communication here, but I don't think you can take some breakdown in communication with staff and translate into we're just going to ignore what the law requires us to do.

I don't think that's a message we want the public to hear; and, frankly, it's troubling to me to have things like that said by council members. I think we need to pull back from this some. Again, I agree with David's comments. I'm not a member of the committee, but I would urge you again not to approve this motion.

MR. HARTIG: This whole process has been set up as a train wreck. Basically the ACLs by statutory deadlines and arbitrary timelines that we have to implement these things; we haven't taken anything into account on what is going to happen to the fisheries once we implemented these statutes. I hold NOAA accountable for the timelines to be able to handle this as a package.

If you don't handle it as a package, all these unnecessary impacts that are going to occur in a number of these fisheries based on low quotas, which in my opinion some of them have very little basis, you've set this whole thing up to be a real problem for the fishermen. And to not deal with those things in a timeline, to not have the foresight to be able to deal with those I think is inexcusable, in my opinion.

That's one of the reasons why I'm going to support George in this. I understand your points, Roy, but from my perspective and looking at all the different things that we could have done to ameliorate some of the problems we're going to have with trip limits and quotas and things is

inexcusable in this instance based on the fact that we knew what was going to happen coming down the pike.

MR. ROBSON: I'm going to disagree respectfully with both George and Ben on this one. I think it's clear what our obligation is to try to establish ACLs in 2011, and this is one of the fisheries that we have to do that for. We have been consistently saying that we have to try to meet these requirements in the Magnuson Act to do that. We started out with the ones that were overfishing and now we're working on the rest of the fisheries.

We're not required under the Magnuson Act to address recreational bag limit sale in any timeframe. Knowing that we have been talking about it and it's something we're going to have to deal with, but I would have to say that I think we will hear quite a bit of reaction to this issue in Florida. It has always been an issue in Florida.

And I think as David had said, I agree with David, it's going to probably generate a lot more turmoil and could result in a prolonged delay of getting this amendment done if we include that bag limit sale provision in it, and I don't know when we'd ever see an ACL set.

In the meantime we're working on all the other fisheries do that, and it creates a lot of confusion and sends the wrong message I think to the fishing public about what it is we're having to do and being required to do under the Magnuson Act and why are we deciding we're not going to do it in this case to deal with a bag limit sale provision that actually isn't under any kind of timeframe to accomplish.

MR. CURRIN: Just one comment, and most of you probably are aware of it, but a while back there were a bunch of e-mails that were going around after the IPT again came back and recommended that we not include this in the provision for the reasons that have been stated around the table, and I understand those and appreciate them.

But I asked the question of staff how long would it take; how many more – is it a one meeting delay or is it a two meeting delay, and the response I got was probably two meetings, so that's the delay we're looking at. It's not like – and they may be more complicated, Mark, I don't know. Certainly, Florida is going to be one of the hotbeds of dissent on this as is North Carolina. But that's what we're looking at is two meetings here to delay this. At least that's the best estimate I've been able to get.

DR. CRABTREE: So take this action, put it in a separate amendment and we'll vote it up two meetings after the ACL Amendment, but don't hold up the ACLs and don't walk away from your legal obligations to get this done. We can do recreational sales. I don't think there is any question if the vote is on the council there to do it, we'll do it and we'll get it done.

Why does it have to be tied into this amendment? Why do we lump all these things together and drag things that need to be done down waiting on a more complicated analysis? Let's split this up. We need to do more amendments that are more focused and have fewer actions in them, and that's what you ought to do with this one. Pull this out, if you want to do it let's get it done, but I don't see why it all has to be lumped into one package.



MR. HARRIS: Mr. Chairman, would you remind me what the timeline is for this amendment, first of all, because I want to go back to what Mac said about two meetings beyond the completion of this amendment to get this done. I just want to have it clear in my mind what we're talking about.

MR. WAUGH: The current schedule is for our council to approve it for public hearings at this meeting; the Gulf to approve it for public hearings at their February meeting; public hearings in April; a joint Mackerel Committee at the Gulf's June meeting the week before our meeting; and the two councils approve it for formal review in June.

MR. HARRIS: I'm not sure; I'm still unclear. I see what the IPT said in the information that's highlighted in yellow in the plan, but I'm still unclear what kind of an analysis we're looking at. It seems to me we're looking at more than an analysis. Do we have to establish dealer permits and all those kinds of things and have an analysis of what – the socio-economic analysis of those before this can be formalized and approved; is that what we're looking at?

MR. WAUGH: When you look at how you would enforce a prohibition on bag limit sales, these issues surface. Right now there is no commercial permit for cobia; so if you prohibit bag limit sales, then who are you going to allow to sell cobia? There are no dealer permits for coastal migratory pelagics. We only have one king mackerel permit to cover the Atlantic and the Gulf. There is one Spanish mackerel permit that covers Atlantic and the Gulf.

When you say you're prohibit bag limit sales, then who is going to be allowed to sell Atlantic king mackerel? Will it be just federal commercial king mackerel permit holders, Atlantic and Gulf, or are we going to separate the existing permits into an Atlantic Migratory Group Permit and a Gulf; the same for Spanish.

Those are issues, and then in terms of the analysis this tracks what was done for snapper grouper where you would go in and look at who are selling coastal migratory pelagics now to analyze that change. You don't have a permit structure to separate out that data, so it is going to be challenging to separate the data. There are two issues; one doing the analyses and also needing further guidance from the council on what their intent is on who can sell.

MR. CURRIN: Roy made a point that we could conceivably pull this out, put in a new amendment and have it done in two meetings. To me that doesn't seem like the same – to have the same chances or probabilities of occurring if it were left in here, so I would ask Gregg in fact what the timeline would be if we pulled these measures out of 18, started a new Amendment 19 today for the South Atlantic. Again, I'm not going to hold you to this, but what will we be looking at as far as timeline? I'm just interested in getting it done and getting it done as quickly as we can; and to me, to this point leaving it in 18 makes the most sense or seems to be the most expeditious way to get there.

MR. WAUGH: Well, certainly, we have to balance it with the workload on these amendments that have a statutory deadline between now and June. We've got two rounds of public hearings already scheduled. But assuming we get the answers to these questions as to what your intent is in terms of how we're going to handle the permitting issues, I would assume that we could have

the analyses probably completed by June at the earliest for you to look at and to then consider approving for public hearing.

Now, again, the same individuals that would be helping conduct this analyses are working on all the amendments that have statutory deadlines. I wouldn't think that you could have the analyses before June. Generally what we do is get with the region afterwards and see how this workload will balance with the items that have a statutory deadline. Of course, we have an Executive /Finance Committee coming up and you'll be looking at priorities there as well.

MR. CUPKA: The other thing we have to remember – and it was mentioned earlier – is the fact that this is a joint plan; and so the fact that we happen to work with the Gulf I think could have some impacts on it, too. That's why I'm just not – I'm not very optimistic that we could get something like this done in two meetings. If it was just us, maybe, but I think even that would be a push, but the fact that it's a joint plan I think is just going to further complicate the matter.

MR. MUNDEN: This is not a real big issue for the Mid-Atlantic states; the sale of bag limit caught fish is not a big issue for Mid-Atlantic states north of North Carolina. Most of our species that are managed by the Mid-Atlantic are Northeast Region permit for sale. But, based on the action that the Mid-Atlantic Council has taken relative to a Comprehensive ACL/AM Amendment, speaking as a representative of the Mid-Atlantic, I think we would support going forward with Amendment 18 to meet the statutory deadline for ACLs and AMs.

DR. CRABTREE: And the way I would like to see this happen is I'd like to see if the Gulf Council would agree to this and we do it across the board, Gulf and South Atlantic. I think there is a good chance the Gulf Council probably would agree with doing this, and that would make this all – you know, it's going to be a mess down in the Florida Keys if you've got, well, I caught them on one side, I can sell them; I catch them on the other side, I can't sell them, and I'm going to have a lot of problems with it, but I think there is a good shot that we could get the Gulf Council in agreement with this and do it across the board. I think that would be a much better way to do this.

MR. GEIGER: I thought there was a good shot at getting this done seven years ago when we started it. Anybody else? **Okay, show of hands, all opposed to the motion; in favor. The motion fails.** Thank you. Okay, we'll move back to the agenda as we had originally approved, and Gregg is going to go over the overview of Amendment 18/EA. Mac.

MR. CURRIN: In view of this vote, I think we ought to spend some time discussing how we go about implementing those measures that we have chosen to remove from Amendment 18 in an expeditious manner. I still would like to see some progress being made on it. If the best way to do that is to begin Amendment 19 today or as soon as possible, then I would be willing to make to do that.

Roy indicated that the Gulf may be interested in doing this as well. That may simplify it some. I don't want this to drop off again. It's happened too many times since I've been sitting around this table – let's put this in another amendment; let's do it in a separate; well, let's incorporate it in another one, and we're sitting here seven or eight years later and still made no progress on it.

I want to see it move forward as an item that staff can work on when time is available to do so, so that we're not sitting here in another year or two years trying to figure out how to accomplish this; that I think as Roy indicated most of the people around this table are in favor of moving forward. **I would make that motion to begin work on Mackerel Amendment 19 to address bag limit sales.**

MR. GEIGER: We've got a second, but there are other things just beside prohibition on bag limits sales. There were issues other than just that.

MR. CURRIN: Well, there were a number of issues and it depends on how far you want to dig back into actions that were moved to Appendix A as well. There were a number of things that over the last 12 months we have removed from Mackerel Amendment 18 to streamline it and move it forward more quickly.

I have to rely on Dr. Crabtree's comments again if we start loading this thing up and pulling things out of the dust bin and putting it in there, then we're going to run into the same problem that we have today. There are several issues. I know, Ben, there were some trip limit issues that wouldn't seem to be – in fact, some of that analysis has probably already been done, I don't know, but if there is one or maybe two other things that somebody wants to add in here, then that's fine, but my motion is to begin Amendment 19. Somebody can else can make another motion to add some other things in there if they want to.

MR. GEIGER: All right, we have a motion, but I didn't catch who seconded it. Okay, we have a second from Mr. Harris. Dr. Chevront.

DR. CHEVRONT: Following up on what Mac was saying and taking into account what Roy had said earlier, if there are other actions that we already done some analysis on that could be easily completed, but I don't want to put anything that is going to have a new analysis into this amendment. We need to move this forward, but I think we need to rely on staff to remind us if any other actions, the analysis has been done or we've just got to put those other things in a separate amendment. We've got to get this bag limit sale thing taken care of.

MR. CUPKA: I was basically going to say the same thing, if we really want to move this we don't want to fall in that same trap and loading it back up again. We need to be focused on this issue to move it ahead.

MR. CURRIN: Just one more point, and Gregg brought it out earlier in some of our discussions and e-mails that we do have some things that we can do by framework in this and establishing permits I believe is what you told me that we could potentially do by framework. I just ask the staff to look at the most expeditious way to accomplish the goal here and provide us with the possible options on the ways to do that.

MR. HARTIG: Well, I was just going to say that there are some things that have already been approved by the Gulf Council and this council in I think it was '04 or '06. I don't know where to stop. If you all just want to go ahead with this in this one amendment, that's fine with me, but we certainly need to take care of those other ones as expeditiously as possible, also.

MR. WAUGH: There are no analyses that have been done on these other issues. There have been motions that have been approved by committees and councils saying this is what we want to do, but there are no analyses that have been done. In looking at this motion – and I think Roy’s point was perhaps pursue this as jointly with the Gulf – is the intent of this to do this jointly with the Gulf, and I’m seeing yes.

MR. CURRIN: Yes, just to clarify that, until they balk and then I want to move it ahead for the South Atlantic if that’s what we have to do; but if the Gulf is interested in doing the same thing, I don’t see why we don’t start out that way.

MR. GEIGER: All right, we’ve got a motion and a second. Anymore discussion? **Is there any opposition to the motion? Seeing none, that motion carries.** All right, anything else before we move back to the agenda as printed? Gregg, you’re up.

MR. WAUGH: Okay, similar to how we approached spiny lobster, I think it would be more effective if I give an overview of each action and then we take committee action. The first decision is on PDF Page 56, and this deals with modifications to species in the fishery management unit.

Alternative 1 is no action. Alternative 2 would retain only Gulf and Atlantic and Spanish mackerel and cobia in the management unit and designate all other species as ecosystem component species. You remember our discussion on spinys yesterday. If you’ve got species that have landings, that does not necessarily meet the ecosystem component criteria. Beginning on PDF Page 46 we present information on the other species, bluefish and dolphin; in the Gulf, cero and little tunny.

I know there has been interest in looking at management of little tunny in the future. Alternative 3 would retain only Gulf and Atlantic Group king and Spanish mackerel and cobia in the management unit; remove dolphin in the Atlantic; and designate all other species in the coastal migratory pelagic plan as ecosystem component species. Alternative 4 would remove all species other than king, Spanish and cobia from the coastal migratory pelagic FMP.

Now, I know there is interest in looking at little tunny, as I said, but perhaps given the requirements to meet ACLs now, we don’t have that information for little tunny. In the future when we want to propose management measures for it, we can add it back into the management unit. Alternative 4 would track what you did on spiny lobster to remove those species that we don’t have the information to develop ACLs for at this time.

DR. CHEUVRONT: That’s sort of along the lines that I was thinking about, Gregg, going ahead and making a motion to make Alternative 4 our preferred. The motion is to make Alternative 4 our preferred.

MR. GEIGER: **Okay, we have a motion to adopt Alternative 4 as our preferred; we’ve got a second by Mr. Harris. Is there any discussion? No discussion; is there any opposition to the motion? Seeing no opposition to the motion, that motion carries.**

MR. WAUGH: The next action is on PDF Page 57. This is modifications to the framework procedure.

MR. GEIGER: I'm sorry, Gregg, hold on a second. Monica, I apologize, I didn't see you.

MS. SMIT-BRUNELLO: That's okay; I had a question on Action 1. Gregg, for Alternative 3, Alternative 2, Alternative 4, shouldn't we, like you did with spiny lobster, break out all the other species as A, B, C, D so that the council could choose perhaps to retain some and not retain others.

I'm saying this because I don't think it would be anymore work because you're going to have to discuss under the action, in the discussion section, anyway, as to why you're not including those other species, so why not break them out separately so it's clear to the public as well as to what the other species are that you're talking about.

MR. WAUGH: We could certainly do that. It is in the discussion now and it will be expanded in the analysis, and we do present the data broken out by species, but that could be done.

MS. SMIT-BRUNELLO: Well, I was just thinking that gives the council more flexibility as to – when they look at all the analysis, they may choose to retain one of those other species as an ecosystem component species or something, but the way it's written now it is either you retain them all as ecosystem or you don't or you kick them all out or you don't. That at least would preserve some flexibility for the council down the road.

MR. GEIGER: Okay, thank you, any other comments? Roy.

DR. CRABTREE: So we've approved Alternative 4 as preferred; could we have some rationale as to why so the staff can write this up?

MR. WAUGH: Give Brian a second to gather his thoughts here, but we can review the information that begins on PDF Page 46. This is where we present the information and the species are cero, little tunny, dolphin and bluefish. Remember dolphin we manage in the Atlantic in a separate plan. Bluefish is managed by the Mid-Atlantic.

They cover down through Florida. Here are the landings; and again the landings, they are targeted, they are retained, they are sold so that seems to rule out the ecosystem component designation. Table 1-7 and 1-41 shows commercial landings of cero, mackerel in the Gulf and Atlantic, so you've got a range from about 13,500 in 2000 to 2008 just under 1,400 pounds.

Table 1.7 and 1.4.2, the recreational landings of cero, much higher; in 2000, 35,000 pounds; a high of 142,000 pounds in 2007; in 2009 a decline to 125,000 pounds. That's shown graphically in Figure 1.7, 1.4.1, the cero landings by wave; 1.7 and 1.4.3 your commercial landings of little tunny from the Gulf and South Atlantic, pretty minor; a high in 2003 of 1,500 pounds; recreational landings of little tunny, pretty minor, on the order of 200,000 pounds.

And then bluefish in the Gulf is pretty minor as well, commercially under a high of 181,000 pounds in 2008; recreationally on the order of – well, a high of 700,000 pounds in 2001; 2009, 287,000 pounds.

And then you get into dolphin; in the Gulf commercially less than half a million pounds; recreationally, quite large, shown in Table 1.7 and 1.4.8; so about 2.4 million pounds in 2000; and in 2009, 1.4 million pounds.

MR. CURRIN: One point, Gregg, Table 1.7 and 1.4.3 on the little tunny landings, I believe that should indicate that the landings are in thousands of pounds in that table. In the text I think it indicates that. The question I have is I guess for Mark or somebody in Florida; does Florida currently have size and bag limit regulations or commercial regulations on zero harvest? Those landings are fairly substantial as are the little tunny landings, so it gives me some pause to remove those and leave them totally unmanaged. Yes, recreational and/or commercial.

MR. ROBSON: I thought there was but let me check.

MR. GEIGER: Do want to wait for that answer, Mac, or can we move on.

MR. CURRIN: At some point, yes, I'd like to have that answer because I think they need some sort of protection; and if Florida is not going to provide it, then I think the council should in some way. Little tunny landings I know in North Carolina average – somebody correct me if I'm wrong – close to or over a hundred thousand pounds a year commercially. I don't think the recreational harvest take is high, but it's a highly sought after sportfish, primarily released, but it's an important species to the recreational community, and there are substantial landings of little tunny by the commercial industry in North Carolina.

MR. WAUGH: I guess this comes back to Monica's suggestion to list these species at this stage under each of these alternatives in case you do want to include them for management, which would mean you'd need an ACL, which the only thing I could suggest would be to use ten years of landings, the mean or the average of that, but we need to make that decision now.

We're approving the document at this meeting to go forward for public hearing; so if you think you want to keep any of these species in the management unit, then we need to make that decision now and then we can work up some ACL alternatives based on the landings' data in here. They're not broken out Atlantic and Gulf so it will be a total ACL, but we can work up some of those alternatives for full council.

MR. GEIGER: Because of your concerns, Mac, do you want to just back zero out of the motion?

MR. CURRIN: Well, that's primarily a Florida species; and if they're being managed in Florida by the state through size and bag limits and they're managed along with Spanish, I guess, in the commercial fishery, I don't know – it's primarily a Keys species, isn't it, a little north of Miami? Well, I think Monica has got a good suggestion to break those species out as options and sub-options under the alternatives.

That makes a lot of sense to me as direction to staff to give us the capability of keeping some of these other species in the amendment. The landings are substantial, folks. We went through an exercise in snapper grouper to look at removing species from the management unit, and we were looking at threshold landings of about 10,000 pounds, and I'm still wondering whether that's going to pass muster as far as NOAA's concern. Here we're looking at species that have landings of hundreds of thousands of pounds a year or tens of thousands of pounds a year, both recreationally and commercially, so I don't know how that's going to fly.

MR. HARTIG: Substantial landings, maybe; I mean it's the most abundant species in the coastal migratory complex. In my 40-something years, it's probably almost an order of magnitude larger than king mackerel as far as little tunny goes. Yes, it is 600,000 pounds, but in the – you know, if you set a quota for it, if you had a way to do an assessment on it, your landings would be – your quota would be much higher than that for king mackerel on little tunny.

That's my opinion. All the times in marking these things and catching them for 40 years, there isn't any doubt that it's the most abundant coastal migratory pelagic we have, so 600,000 pounds based on a quota probably somewhere in the realm of 14 million pounds isn't very much in the scheme of things. Certainly, if you want to leave it in here, I don't know, I have mixed opinions.

MR. GEIGER: Okay, Mac, we have a shot at a motion based on your comments; does that kind of track what your thoughts were?

**MR. CURRIN: Yes, that makes the most sense to me, so I would make that motion to add subalternatives listing each of the species under Alternatives 2-4 and develop ACL alternatives for full council.**

**MR. GEIGER: Do we have a second? Charlie Phillips seconds. Is there any objection to the motion? Seeing none, that motion carries. All right, next.**

MR. WAUGH: The next item is modifying the framework. This is on PDF Page 57. No action is do not modify the framework. Alternative 2 is to update the framework procedure to incorporate SEDAR and adjustments to ACL. That wording is shown as Appendix A. Alternative 3 is to revise the framework procedure to incorporate SEDAR process and adjustments to ACLs and expand the procedure to allow adjustments of greater range of management measures under specific procedural guidelines.

Exactly like spiny lobster yesterday, we've got three alternatives. Option A is to adopt the base framework procedure and that is shown in Appendix B. Option 2 would adopt the more broad framework procedure, Appendix C. Option 3 would adopt the more narrow framework procedure, Appendix D. Yesterday in spiny lobster you approved an alternative that would be similar to Alternative 3, Option 1.

MR. CURRIN: Well, I'm a proponent of having the broadest capabilities in framework that we can have; and if I read that correctly, that would be Option 2 under Alternative 3; is that correct, Gregg?

MR. WAUGH: Yes.

MR. CURRIN: **Then I would move that we select Alternative 3, Option 2 as our preferred under Action 2.**

MR. GEIGER: We've got a motion on the floor; is there a second. We've got a second by Mr. Hartig. **Any discussion? No discussion; is there any objection to that motion? Seeing none, that motion carries.** Gregg.

MR. WAUGH: The next item, Action 3, this is the final joint action that both councils have to agree to. This begins on PDF Page 60. This has to do with how you split cobia into two management groups. No action, there is one group of cobia in the Atlantic and the Gulf. Alternative 2 would be to separate the two migratory groups at the Miami-Dade/Monroe County Line. Alternative 3 would be to separate the two migratory groups at the council boundary.

The biological information shows there is mixing across that boundary similar to Spanish mackerel. We do manage Spanish mackerel based on the Dade/Monroe Line. The council has just discussed black grouper and decided to manage it based on the council boundary. There was a stock assessment done years ago for the Gulf only and that used the Miami-Dade/Monroe County Line. We've got data shown in Table 2.3.1.

MR. GEIGER: Okay, we were on Action 2.3, Action 3, establish separate Atlantic and Gulf Migratory Groups of cobia, and the three alternatives, 1, 2 and 3; no action; separate the two groups by the Miami-Dade/Monroe County Line; and separate the two migratory groups at the South Atlantic Council and Gulf Council boundary. Gregg has already explained it and we're open for a motion or discussion. Mac.

MR. CURRIN: Before we get back to that, Roy brought up a good point. We just passed a motion in the previous action which removed everything but Spanish, kings and cobia from the management unit yet I offered a motion that asked the staff to analyze or to include all those species as separate options under there. **It might be best if we – and I would offer a motion to reconsider the previous approval of Alternative 4 as our preferred and would suggest that we perhaps, at this point at least, don't have a preferred for that action.**

MR. GEIGER: We've got a motion to reconsider our approved motion for Alternative 4; seconded by Mr. Cupka. Discussion?

MR. CUPKA: I assume the intent is to look at this once we come back in full council and all that information is listed; is that –

MR. CURRIN: Yes, David, and I think Roy's point was we didn't develop a real good rationale for dropping these species out; and I think after we get some sort of analysis, if we can, at full council to see what the landings of these things are or think about the level of landings of these species, that we may want to reconsider whether they should be removed from the management unit or not.



DR. CHEUVRONT: Mac, do we need to make sure that we get that into the motion to reconsider this at full council, because right now all we're doing is we're just saying we're going to reconsider it, but we're not saying when we're going to do it.

MR. CURRIN: I think, Brian, the previous motion indicated that staff was going to attempt to have some estimates of the ACLS by full council and have those options out. I believe that's the way it was stated. Gregg, correct me if I'm wrong.

MR. WAUGH: Yes, and what we'll do we will have those for you and that will be based on those tables that we looked at beginning on PDF Page 46; so if we have ten years worth of landings, we'll take those and we'll have your options to use that as an ABC, step it down as an ACL, then talk about how you want to allocate that recreationally and commercially or whether you want to just leave it together. We will lay out all those decisions. It will be similar to the decision document we used for spiny yesterday.

MR. CURRIN: Yes, thank you, so that's the intent, Brian, is that, yes, we're going to reconsider it now. My hope is that we will not approve that motion as a preferred and then reconsider the whole issue at full council.

MR. GEIGER: All right, thank you; we have a motion and a second. Any other discussion?

MR. HARTIG: Just one thing; this isn't the only council jurisdiction that has significant landings of little tunny. I know the Mid-Atlantic catches quite a few of them, also, and also commercially in a mixed gillnet fishery. I don't know that we can just look at just our council's jurisdiction and come up with an ACL for these. Shouldn't we have to look at everything?

MR. WAUGH: Well, based on the guidance we've gotten on 18B, no, we don't have to look at everything. We would just be looking at the – there is no stock assessment so we'd just be looking at the area of our jurisdiction, and we would be looking at this for Atlantic and Gulf and using those numbers.

MR. GEIGER: **Any other discussion? Seeing none, any objection to that motion? No objection; that motion carries.** Back to Action 2.3.

MR. CURRIN: Mr. Chairman, I think we have got one more thing we have to do. That motion is back on the table, as I understand it, and my suggestion would be that we defeat that motion for now, which would leave no preferred under that action, I believe.

MR. GEIGER: **Okay, there is a motion to adopt no preferred alternative for Action 1; is there a second? Mr. Cupka seconds. Any discussion? Any objection to the motion? Seeing none, that motion carries.** Okay, now we're back to 2.3, I think.

MR. WAUGH: Okay, now we're back at Action 3, which is delineating the boundary for cobia. Table 2.3.1 shows the cobia commercial landings from 2000-2009. You've got South Atlantic only; Gulf only; and then Monroe County; the South Atlantic Council area and the Gulf area. It has been split out.

It shows the commercial landings under the various alternatives. Alternative is total and separating it. Alternative 2 is based on the Miami-Dade/Monroe Line. Alternative 3 is based on the council boundary. So Table 2.3.1 shows the commercial landings and you can see the difference just looking at 2009 under Alternative 2 the South Atlantic would be 99,475. If you include that portion of Monroe County that is in the South Atlantic Council's jurisdiction you add about another 10,000 pounds.

Table 2.3.2 shows the recreational data – this only goes through 2008 – the same sort of thing, Atlantic and Gulf only; Monroe; and here in order to look at how you would split Monroe, it has just been a 50/50 split, but you can see that the landings in Monroe are much less compared with the South Atlantic and Gulf area; ranging from a high of 103,000 pounds in 2006 to a low in 2008 of about 6,500 pounds. And then again the alternatives; Alternative 2 is Miami-Dade/Monroe. Alternative 3 is the council boundary.

**MR. CUPKA: Mr. Chairman, I'd like to make a motion that Alternative 3 be our preferred. There is I believe scientific information that indicates that those fish move back and forth between the Gulf and the South Atlantic.**

MR. GEIGER: Let's get a second. We've got a motion and a second by Mr. Currin. David, for discussion.

MR. CUPKA: As I was saying, there is scientific information I think that indicates those fish move between the Gulf and the South Atlantic. We could do it either using Alternative 2 or 3, but I think whenever we can that we ought to try and utilize the council boundaries in some of these things, and so I would prefer Alternative 3 as a preferred.

MR. CURRIN: If you look at the table Gregg pointed out, 2.3.1, the commercial landings as well, the majority of the Monroe Country landings, commercial landings are in the South Atlantic as well. I think that provides additional impetus to place that boundary at the council boundary.

MR. GEIGER: Any other discussion? We got a motion to select Alternative 3 as our preferred to separate the two migratory groups at the South Atlantic Fishery Management Council and Gulf of Mexico Fishery Management Council Boundary. **Is there any opposition to that motion? Seeing none, that motion carries.**

MR. WAUGH: Now we jump over the Gulf actions. They will make those determinations their own. Both councils have to agree on these first three items, and then each of the councils can handle the remaining items separately. Ultimately we both need to approve the document to go to the secretary.

The first item starts on PDF Page 74 where we look at MSY and all of those values on PDF Page 75. These are not decision items but based on the updated projections, MSY ranges from 9.357 to 12.836 million pounds. The council has determined that a formula for calculating MSST; that's currently estimated to be 1,827.5 billion hydrated eggs. The value for MFMT currently is Fmsy using F 30 percent as a proxy with no poundage estimated.

Based on the updated SEDAR assessment, that value is 0.256. The overfishing level, the SSC provided this at their April 2010 meeting. The OFL for king mackerel is 12.8359 million pounds, which corresponds to the yield at F 30 percent, the accepted Fmsy proxy. We don't need to take any action on that. Those were just updating the values.

And then we have included – similar to as we discussed with spiny yesterday, here is the SSC Control Rule, and we present it here and we don't also repeat it for Spanish and cobia, but this lays out the control rule. And then you get over to PDF Page 83, which is where we lay out the alternatives. Also, I would call your attention to – yesterday Mike distributed the mackerel/cobia decisions document, and this has landings' information for each of the three species as well as the decisions we have to make.

I'm sorry, this wasn't distributed yesterday; I just finished it this morning. I have it here and we can distribute to everybody. But if we look at the decisions for Atlantic king, just like spiny lobster we'll look at this for making the ABC and ACL decisions and go back to the document. This tracks the alternatives that are show on PDF Page 83. The SSC has provided an ABC and they provide that information, and it's shown in Table 2.13.3.4 at the bottom of PDF Page 83.

They provide values for 2011, 2012 and 2013, and these are shown here in the spreadsheet that is being projected. So in 2011 the ABC that comes out of their control rule will be 10.95 million pounds; 2012 it would be 10.36 million pounds; 2013, 10.06, so it's that range. You would also have the option – you could specify that number increasing from 2011 to 2013 and then remaining at the level in 2013 until changed; or, we could look at using an average of those three years.

So Alternative 2 would specify the ABC Control Rule and setting ABC equal to that range; the average or varying by year, and you would need to make that choice. Alternative 3 would establish an ABC Control Rule where ABC equals the OFL, and that would be 12.8359 million pounds. Alternative 4 would look at the ABC varying levels of OFL, ranging from 65 percent to 85 percent, and that range is 8.3433 million pounds up to 10.9105.

Alternative 5 would establish an ABC Control Rule where you're looking at a percentage of OFL, and that percentage is based on the risk of overfishing. I think we could move this Alternative 5 to the considered but rejected appendix because that risk of overfishing is a part of the SSC Control Rule and has looked at that probability of overfishing based on that range to 10 to 40 percent that you've given them, so I think that Alternative 5 is redundant.

The decision before us here is to either adopt the ABC Control Rule from the SSC and set an ABC, and then we'll get into the ACL. I have landings' tables here and these are from the amendment document that you have from Table 2.13.5.1, and this is king mackerel. For instance, you can look at this average value of 10.46 for the ABC and see where that comes out in terms of catches. That hasn't been reached in the time series from '86, '87 on. We can do the same sort of examination of recent catches with respect to these various values that you're considering.

MR. GEIGER: Okay, any questions about the information that Gregg just covered? Any further explanation needed of the alternatives and what is available to select from? Brian.

DR. CHEUVRONT: Yes, let's go after the low-hanging fruit first. **I'd like to make a motion that we move Alternative 5 to the considered but rejected appendix.**

**MR. GEIGER: We've got a motion and a second to move Alternative 5 to the considered but rejected appendix. We've got a second by Mr. Cupka. Is there any discussion of that motion? Is there any objection to the motion? Seeing none, that motion carries.**

DR. CHEUVRONT: Okay, Gregg, I have a question. I just need a confirmation on something in Alternative 2. You had said if we adopted the SSC's recommended ABC Control Rule and established ABC at that 10.46 million pounds, you said in the time series we've not met that, correct?

MR. WAUGH: That's correct.

**DR. CHEUVRONT: Okay, I'd like to then follow up and go ahead and make our preferred alternative to be Alternative Number 2, to adopt the South Atlantic Council's SSC recommended ABC Control Rule and establish ABC as 10.46 million pounds.**

MR. GEIGER: We've got a motion and second by Mr. Hartig. Discussion? Gregg.

MR. WAUGH: And just for clarification purposes, that is using the new verbiage recommended by the IPT, which Brian did mention, but I just wanted to point that out. The old verbiage for Alternative 2 is there, and so it would be to adopt the South Atlantic Council's SSC recommended ABC Control Rule and establish ABC as 10.46 million pounds.

MR. HARTIG: That's over the three-year period; that's the average for the three-year period that we have?

MR. WAUGH: That's correct and that value would remain in place until modified by future regulatory action.

MR. GEIGER: Any other discussion or questions? **Any opposition to the motion? The motion carries.** Brian.

DR. CHEUVRONT: Jack just asked me to make sure to get it on the record as to the rationale for why I made the motion to move Alternative 5 to the considered but rejected. The reasoning behind that is that leaving that alternative in there is overly conservative. The P-star analysis had already been considered in the setting of OFL; and to do so again in setting ABC would be counting it twice and make it needlessly conservative.

MR. WAUGH: The next item deals with the OY, and is on PDF Page 84. The IPT is recommending that OY be folded into ACL, the same as spiny lobster. You received guidance in the Comprehensive ACL to do this, so the IPT is recommending that we do it here as well. So

similar to spiny lobster, we would be looking for a motion to adopt the IPT recommendation or approve it.

**DR. CHEUVRONT: Okay, I'll go ahead and make the motion that we accept the IPT recommendation to fold OY into ACL.**

**MR. GEIGER: We've got a motion and a second by Mr. Cupka. Discussion? Is there any objection to the motion? Seeing none, that motion carries.**

MR. WAUGH: The next item is the annual catch limits specification, and this is on PDF Page 85, and we'll look at the spreadsheet. Alternative 1 is no action. We currently have a TAC that could be considered the ACL at 10 million. Alternative 2 would set ACL equal to OY equal to ABC using the average from the SSC, and that's what you just approved, 10.46 million pounds.

We have allocations in place for king mackerel and we're not looking at alternatives to change that, and so your allocation would be split 6.58 million pounds to the recreational sector and 3.88 million pounds to the commercial. Alternative 3 would set the ACL equal to OY equal to ABC equal to the low value in that three-year range of 10.06, and you see the allocations. Alternative 4 would set the ACL equal to the high value from the SSC at 10.95, and you see the allocations. Alternative 5 is looking at setting the ACL equal to OY some percentage reduction from ABC to account for management uncertainty.

We've got ranges of 65, 75 and 85. The PDT has recommended also adding 80 and 90 percent. It's all based on just those reductions from the ABC you specified which is the average value at 10.46. Those would be the ACLs and there are the values for how those would be allocated. For instance, if you look at setting the ACL equal to 90 percent of the ABC, that would be an ACL of 9.41 and a recreational allocation of 5.92 and a commercial of 3.49.

And if you look at the landings' information to see what impact those specifications might have on the recreational side, 5.92 million pounds was not exceeded. You have to go back to the '92-93 fishing year to see when that was exceeded. 3.49 on the commercial was exceeded in the 2009-2010 fishing year. And so we can look at other values that you might pick other specifications for how you would set ACL and look at the likely impacts.

MR. GEIGER: Okay, thank you, any questions about the information Gregg just explained, the alternatives? What is your pleasure? Do we have a desire to select a preferred? Gregg, what happens if we don't select a preferred; do we have a problem?

MR. WAUGH: It makes it very difficult to do the analyses from this point forward. We would have to then duplicate the analyses for every one of these values.

MR. GEIGER: How about Alternative 2 for consistency? Brian.

**DR. CHEUVRONT: That's exactly what I was going to do is make a motion that we select Alternative 2, ACL equals OY equals ABC, 10.46 million pounds, as our preferred.**

MR. GEIGER: Do we have a second: Mr. Cupka seconded. Discussion? Ben.

MR. HARTIG: When we consider management uncertainty for king mackerel, I mean really how much is there? We have a lot of information on king mackerel. We have been managing this fishery, we've taken it to the dregs of overfishing, and we brought it back to a level that is higher than I think any of us thought we could attain where we are now. We have productivity in this stock that is higher than it has ever been, and that's pretty impressive. I don't have a problem with setting ABC equal for king mackerel because I think we know an awful lot about that stock and management uncertainty is at a very level.

MR. GEIGER: Any other discussion? **Any objection to the motion? Seeing none, that motion carries.** Monica.

MS. SMIT-BRUNELLO: It's just a comment. Gregg, since the separate, distinct OY alternatives are being moved to an appendix; don't you think it makes some sense in this amendment as well as all the rest in which we're linking them up real closely in one action to not just title the action as annual catch limits for Atlantic Migratory Group King Mackerel, but also to include a reference to OY so the public realizes where that is in the document.

MR. WAUGH: Yes.

MR. GEIGER: Thank you, Monica. Okay, Gregg.

MR. WAUGH: The next item is annual catch target on PDF Page 88. The first action deals with commercial sector ACTs. Do you feel we need to set an ACT and step it down from the ACL? Again, this would reflect your ability or lack thereof to monitor the quotas closely. You have got Alternative 1 is not to specify commercial sector ACTs for Atlantic Migratory Group King Mackerel, and this is what we've done for a number of other species.

Alternative 2 would set the commercial sector ACT equal to the ACL, which is basically the same as not having one. Alternative 3 is to set the commercial sector ACT equal to 90 percent of the ACL. Alternative 4 is to set it at 80 percent of the ACL.

**DR. CHEUVRONT: I would like to make a motion that we set Alternative 1 as our preferred and that we move Alternative 2 to the considered but rejected since it's redundant with Alternative 1 at this point.**

**MR. HARTIG: Second.**

**MR. GEIGER: We've got a motion and a second. The motion is to adopt Alternative 1 as our preferred and move Alternative 2 to the considered but rejected column. Discussion? Is there any objection to the motion? Seeing none, that motion carries.**

MR. WAUGH: The next item is recreational sector ACTs. The same suite of alternatives; not specifying an ACT; specifying it equal to 85 percent of the recreational sector ACL; 75 percent or to use a formula which reflects the proportional standard errors from the MRFSS estimate, so

it would set the ACT equal to the ACL times one minus the proportional standards errors, and those are shown in Table 12.13.6.2 and projected here, or 0.05, whichever is greater. We have done this for a number of the snapper grouper species. What this does is you would then look at a slightly lower target to ensure that given the variability in the recreational catch estimates, that you don't exceed your ACL.

**MR. CURRIN: I'd move that we select Alternative 4 as our preferred.**

MR. GEIGER: We have a motion; is there a second? Second by Mr. Hartig. The motion is to choose Alternative 4 as the council's preferred. Discussion? Dr. Chevront.

DR. CHEUVRONT: Gregg, I want to make sure I understand. If we go with Alternative 4, then that sets the ACT for the recreational sector based on the numbers that we currently are seeing in front of us. Based on these PSEs, it would probably actually be higher than that 85 percent; is that correct? I don't know if I'm just missing the number somewhere.

MR. WAUGH: The Table 2.13.6.3 that is projected now shows you this value is the recreational sector ACL based on your ABC and ACL, so then looking at these three alternatives, 85 percent of that is 5.59; 75 percent is 4.93; and then applying Alternative 4, you would set your ACT on the recreational sector at 6.18 million pounds.

DR, CHEUVRONT: Thanks, Gregg; I just didn't scroll down far enough to see that.

MR. GEIGER: Okay, we've got a motion and a second; any other discussion? **Is there any objection to the motion? Seeing none, that motion carries.**

MR. WAUGH: The next item is accountability measures, and this is on PDF Page 90. Alternative 1, no action. You have commercial AMs in place where we prohibit harvest, possession or retention when the quota is – and there are several places in here where we need to insert “projected to be met”.

No action would not have AMs for the recreational sector. Alternative 2, the commercial AM would be to retain the prohibition on harvest and possession when the quota is projected to be met. All purchase and sale is prohibited when the quota is projected to be met. Implement accountability measures for the recreational sector. If the recreational ACL is exceeded, the regional administrator shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the recreational sector ACL the following year.

Compare recreational ACL with recreational landings over a range of years, 2011 – we used just 2011-2012, use the average of the two years; 2013 on use the most recent three-year running average. Alternative 3 gets into post-season accountability measures. There is a commercial payback regardless of stock status or payback only if it's overfished.

Recreational the same, two alternatives, and then we have an alternative that would allow rollover of underages of 100 percent and 50 percent, but not to exceed the ABC. So if you went

under one year, you could add either 50 percent of that or 100 percent of that to next year's quota, but only to the extent that it would not exceed the ABC.

MR. GEIGER: Questions about the explanation of alternatives? Dr. Chevront.

DR. CHEUVRONT: On Alternative 3, we're talking about payback. What if the problem is with quota monitoring and the quota is exceeded? If you have a payback, that's punishing the fishermen for a quota monitoring problem; and frankly I don't agree with that.

DR. CRABTREE: In essence isn't a quota overrun almost always a quota monitoring problem? I mean if we had perfect knowledge and perfect ability, there would never be a quota overrun. How else could a quota overrun ever happen?

DR. CHEUVRONT: Well, you can have a better quota monitoring system.

DR. CRABTREE: Well, no one disagrees with that, but any quota overrun, isn't it essentially because you have an imperfect quota monitoring program. If it was perfect, you would never go over, so what you're saying is you would never have a payback. But regardless of the reason for it happening, it doesn't negate the fact that it could have implications in terms of whether you're going to succeed in rebuilding the stock or not if it was substantial enough, I suppose.

MR. GEIGER: Could I allow Dr. Ponwith to interject here; she had her hand raised.

DR. PONWITH: The distance between your ACL and your ACT is to account for management uncertainty and quota overruns could be considered management uncertainty. That would be the buffer that you would build in based on sort of the current track record and our projected track in terms of being able to stop a fishery on a dime, and then the accountability measure would be what you do in the event that stopping on the dime, you've failed to be able to stop it on the dime. If there is uncertainty on being able to close that fishery precisely on the 0.5 fish, then it would beg for a larger buffer between the ACT and the ACL.

MR. O'SHEA: Mr. Chairman, the issue of paybacks on overages in other regions has been around for a long time; and in some cases where there is a payback penalty, the industry ends up working with the quota monitors to ratchet down trip limits and other things because they don't want to go over. I'm not sure I would necessarily agree that paybacks are unfair. I think both the reporting system and the participants share a burden in making it work.

DR. CRABTREE: Vince is exactly right; we have had instances where we had problems with the quota monitoring because some dealers weren't reporting properly, so there is some burden on them to ensure that happens. Another problem, Brian, is we could have the most perfect quota monitoring process that gave us perfect information; but if fishermen still want seven or eight days' notice of it, then now there is uncertainty because we're going to have to project what is going to happen.

I think part of what happened with sea bass is we had bad weather at the end of it. So it is an imperfect situation and I think you're going to always have some likelihood of having overruns



and underruns. I think with a better system we can minimize those; but unless fishermen are willing to have us close them down instantaneously and say you're closed effective now, get off the water, we're going to have to do some degree of projections.

And even instantaneously, I have to send these notices to headquarters, they have to go through the Federal Register, so it takes four or five days minimally for us to close the fishery down, so there is just no getting around that there is going to be inherently some projections and that requires assumptions, which may or may not prove to be the case.

MR. CURRIN: Roy said what I was going to say. The dealer reporting system has a lot to do with how timely the quotas are estimated and projected. I also agree with Vince, I think paybacks are important.

MR. GEIGER: Okay, we've had a lot of discussion; what's your druthers? Mac.

**MR. CURRIN: I would move Alternative 2 as a preferred.**

**MR. GEIGER: Do we have a second; second by Mr. Hartig, and that's to adopt Alternative 2 as the council's preferred alternative. Discussion? Dr. Chevront.**

DR. CHEVRONT: Am I reading this correctly in Alternative 2 where it says all purchase and sale is prohibited when the quota is met and implement accountability measures for the recreational sector for this stock. Is that the way that – I understand once the quota is met closing the commercial sector, but do we have any – I mean what is going to be the accountability measure for the recreational sector I guess is what I'm really asking at this point?

MR. GEIGER: There is a period after the quota is met – “all purchase and sale is prohibited when the quota is met”, and then it starts “implement accountability measures for the recreational sector for this stock if the recreational sector ACL is exceeded”. It probably should be the regional administrator should –

DR. CHEVRONT: So that's just the way that – what we're actually doing is setting the recreational AM through this?

MR. WAUGH: Yes, it's two parts. The first part just clarifies that the commercial AM – we're calling what we do now is track the quota; when it's projected to be met, we prohibit harvest, possession and retention. All purchase and sale will be prohibited. That applies to the commercial sector. Then on the recreational side we're implementing new accountability measures; and if the ACL is exceeded, then the regional administrator is going to reduce the length of the following fishing year.

DR. CHEVRONT: Okay, I'm cool with that now.

DR. CRABTREE: So the key difference is you're talking an in-season monitoring and closure commercially, but for the recreational you're not. It's a retrospective thing.

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

MR. HARTIG: Just one other thing; in that FISHMAR Process the recreational sector got in there and they actually put forward what they would like to see if they had to be closed down, and it wasn't shortening the season. It was adjusting bag limits. I don't know how much that adds. Is that a bigger problem for analyses, Gregg?

MR. WAUGH: No, because what will happen, there will be a regulatory action done to affect that change, so any necessary bag limit would be analyzed at that time. If you wanted to change this from adjusting the length of the following fishing year to adjusting the bag limit, you could do that either by adding another alternative or changing this one.

DR. CRABTREE: Or, Ben, if you go into a situation where we had an overrun and so we were going to shorten the season the following year and it was a substantial shortening of the season that you wanted to avoid, you could come in and do a framework action and adjust the bag limit, I guess, and we could make a change to it. That has some difficulties because by the time we could do it, we might be through a good part of the year.

MR. CURRIN: That's a very good point Ben makes, and I do recall that from the FISHMAR guys, and I also heard that from recreational folks in my discussion with them, they would rather see a bag limit. I don't know how we accomplish it, but I'd certainly be willing my motion to have it reflected that the regional director will adjust bag limits rather than shorten the season. I would offer a friendly amendment to change the verbiage from the director changing the length of the season to adjusting the bag limit for the recreational guys.

MR. WAUGH: One question as to your intent; before it was to reduce the length of the following fishing year; so if we're then switching to a bag limit, do you only want to reduce the bag limit for that following fishing year and then it would revert back to the old bag limit or does it just switch until it's modified again?

MR. CURRIN: My intent would be that it would stay in place as long as necessary without having to go through a protracted framework action or anything else. If there is some way we can do that to adjust the bag limit for the following year and any subsequent necessary years, if that would address it; I don't know. Roy.

DR. CRABTREE: Well, I'm not sure how we'd figure out what is necessary in subsequent years because we'd have to make assumptions about effort. The other problem I can see is the bag limit for, what, it's two now, so what happens if reducing it to one still doesn't prevent the problem from happening? The way this is written you could potentially run over again, I guess. That's a problem that I see.

MR. CURRIN: Well, to that point, regardless of the AMs that you implement, whether it's shortening the fishing season, there could be recoupment – I mean you run that risk regardless when you're doing it retrospectively, I think.

DR. CRABTREE: Well, I don't think so because I can prevent an overrun by shortening the season. I can shorten it to there will be no fishery next year, and then we can be pretty sure there is an overrun; but reducing the bag limit from two to one I suspect maybe gets you a 30 percent reduction in catches, and that may not be even close to enough to do it, so I think there is a difference between the two unless this includes that I can reduce the bag limit to zero if I deem it necessary, which effectively means I can use this to shorten the season.

MR. CURRIN: I was going to make that point exactly, Roy, and it does not prevent you from reducing it to zero if that's what is necessary to account for the overage. I'm easy on this, but I'm just trying to address the concerns of the recreational guys that these are the methods they'd rather see.

DR. CRABTREE: I understand and my thought has been with accountability mechanisms, they kick in for one year to address the previous year's overrun and then they go away. Now if we believe that if we just have the accountability mechanisms go away we're going to have another overrun the next year because we think this is chronic problem, then I'm going to come back to you as a council and say we need to do a framework modification to permanently lower – to make adjustments to it. But my read on accountability is they are a one-time deal to correct for a one-time overrun and then they go away; and anything that is going to be more long term needs to come back to you and go through the full notice and comment and rulemaking.

MR. CURRIN: That makes sense to me and I'm fine with that.

MR. PHILLIPS: I'm thinking they want to change the bag limit if it's an excessive. I mean if it's a moderate I would think just shortening the fishing year a couple of weeks or something would be better than changing bag limits, and you only change bag limits if you've got a major change. I don't think you automatically go to bag limits first.

DR. CRABTREE: So now you see the difficulty of this because the accountability mechanisms need to be automatic and no real discretion; this happened so this is what you do. If you start getting into lots of a decision-making process, I think the attorneys will become uncomfortable about lack of notice and comment and all these other things. We need to be careful we don't overly complicate this and put too much discretion into it because I shouldn't be making a lot of decisions here. I should just be calculating the numbers, calculating what has to be done, and it happens.

MR. HARRIS: Let's just remember that the only way we can enforce these is if the states have compatible regulations. You start changing bag limits in midstream; and some states, it's easy for them to do it; other states it's more difficult, so I'd avoid anything that the states are going to have to come back and do in this very complicated form.

MR. GEIGER: Any other discussion? Okay, we changed the language in the paragraph. The motion is adopt Alternative 2 as modified as our preferred alternative. Any other discussion?

MS. SMIT-BRUNELLO: Rather than box yourself in at this point, would it be appropriate to have a Subalternative A and B? One would be reduce the length of the fishing season the next

year, and the other one would be reduce the bag limit; take it out to the public and see. That would be potentially more analysis for the staff, though, to have to do, but it would give you more flexibility down the road.

MR. GEIGER: I see nodding of heads that they think that's a good idea. Gregg, can we just do that as a tasking to the staff to break that out and tasking; is that acceptable to everybody? Gregg, is that all right; do we need a motion to do that?

MR. WAUGH: No, we don't need a motion, but I assume then what you're saying is your preferred alternative would be the subalternative that reduces the bag limit?

MR. CURRIN: That's my intent with the motion that I made that I'm not sure we voted on yet.

MR. GEIGER: Okay, any other discussion? **Is there any objection to the motion, two objections. All in favor, same sign? The motion carries.** Gregg.

MR. WAUGH: Okay, the next item would be to look at post-season overages and how you want to handle those. Alternative 3 on the commercial side has two subalternatives. Subalternative 3A is pay back regardless of stock status; 3B, only pay back the overage if the stock is overfished. Alternative 4 applies to the recreational; same two alternatives. Alternative 5, we have a rollover provision.

**DR. CHEUVRONT: I would to make a motion that we set Alternative 3B and Alternative 4B as our preferred. I think the past history has shown that the stock is pretty resilient, so I think it could handle this if payback only if they're overfished.**

MR. GEIGER: Do we have a second? Second by Mr. Phillips. The motion is to adopt Alternatives 3B and 4B as our preferred alternatives. Discussion? Ben.

MR. HARTIG: You can get into a chronic situation. If you don't ever pay back, then you could get overfished eventually, so I think you really need to do 3A and I would vote against this motion because I think you do need to pay back these overages so you don't be overfished.

MR. CURRIN: I would agree with Ben; I think 3A and 4A is the way to go. I'll not vote for this motion.

MR. CUPKA: I agree, too; that kind of leaves it open-ended if you do that. If it's not overfished, then why are you going to have the ACL? There is no control there. People will say, well, it's not overfished so let's just continue to fish. I think it needs to be 3A and 4A, also.

MR. PHILLIPS: Yes, but if they go over, we're going to hit accountability measures and we're going to close the commercial, and Roy is either going to close the season or change the bag limits; so if they go over, I don't think they're going to go over that much.

DR. CRABTREE: But remember in the recreational fishery we're not going to close them down during the fishing year. We're going to look the next year how much did they go over and then

make an adjustment, and it's quite possible the recreational fishery could go over by a substantial amount.

The other thing I would add in – and it's particularly true I think for the commercial fishery overruns will largely have to do with quota monitoring and weather, and I think they will be rather minor. With the recreational fishery, I suspect when you have a really large overrun, you will find out it's because you had very good recruitment and a big year class and lots of fish in the water, and you'll find out that's when they'll have their biggest overruns. I don't think you can bank on in recreational fisheries that you won't have substantial overruns because I think you potentially might.

MR. GEIGER: Okay, any other discussion? It sounds like we had some opposition to this motion. **All in favor of the motion signify with your hand, please, 4; opposed, same sign, please, 5. Okay, the motion fails. Mac.**

**MR. CURRIN: Then I would move that we select Subalternatives 3A and 4A as our preferred.**

**MR. GEIGER: We've got a motion by Mr. Currin and seconded by Mr. Cupka to adopt Alternatives 3A and 4A as the council's preferred alternatives. Is there any discussion? No other discussion; in favor raise your hand, please, 7; opposed, 2. Okay, the motion carries.**

MR. WAUGH: And then how do we want to handle this Alternative 5 to allow rollover of underages of 100 percent or 50 percent, and we can break those out as subalternatives to make it more clear. The alternative would be to allow rollover of underages. Subalternative A would be 100 percent and Subalternative B would be 50 percent, but not to exceed ABC.

MR. HARTIG: Gregg, how does this work; I'm confused? I know when I argued for this and Dr. Crabtree kind of gave up on it, but if you have an ABC and you have a 1 million pound underage, how do you ever get to where you could actually catch it?

MR. WAUGH: My understanding of how this would work is if you had a commercial underage, then you would look at what your ACL was the next year for both your recreational and commercial; and if you added 100 percent of the commercial overage to that combined ACL, if that exceeded your ABC, then you would not allow that overage. You would only allow the overage up to the ABC level; and the same on the recreational side I suppose.

DR. CRABTREE: And, Gregg, right now we're setting the ACLs how close to the ABC?

MR. WAUGH: We set it equal to the ABC.

DR. CRABTREE: And then it sounds like to me in that case you could never roll any underage over because if you added anything to it the next year you would exceed the ABC; wouldn't you, so it seems to be an unworkable alternative.

MR. WAUGH: You're correct, with the ACL equal to the ABC, if you add any to the ACL, you're going to exceed the ABC, you're right.

MR. GEIGER: Dr. Chevront, with your penchant for low-hanging fruit.

DR. CHEUVRONT: Thanks, Roy, I appreciated the clarification. I kind of wondered how that relationship was going to work. **I'll go ahead and make the motion that we move Alternative 5 from the accountability measures action to the considered but rejected appendix.**

MR. GEIGER: Do we have a second; seconded by Mr. Currin. We have got a motion and a second. Discussion? Ben.

MR. HARTIG: I would like to see somehow down the line a discussion of three year – setting these things at multi-year levels and somehow being able to do something with an underage on some of these species where we're going to be really close – not so much in king mackerel, although we may be in king mackerel, but Spanish mackerel especially where we're going to be having problems with that. So down the line I hope we could figure out some way to be able to utilize some kind of underage.

MR. CURRIN: And I guess, Ben, I get encouragement from this based on Dr. Crabtree's reaction that exceeding the ACL was not a problem; and I guess if we get in a situation where the ACL is not equal to the ABC and we have some buffer in there, then overages I presume, based on your comments, Roy, would be something we could consider for the commercial industry, anyway.

DR. CRABTREE: Well, I think if you want to go down that path, the cleanest way to do it is to set an annual catch target and manage to that target; and then if you fall under target, you could add it over and everything stays below the ACL; but it might be if you set the ACL below the ABC, that you could work something that way.

MR. CURRIN: Yes, and that's encouraging to me, Ben. In this particular instance we know a lot about the stock and we've chosen to date at least to have the ABC equal to ACL and the OY and no catch target at all in this, so we don't have any buffer at all, and that's risky. But in other stocks or in other years perhaps where we do have some built-in buffer, then it's encouraging to me at least that we can consider dealing with some overages for the commercial guys. I don't think, however, that we should ever consider carrying overages for the recreational folks. There is too much slop in the estimation of the catches, and I think that's way too risky.

MR. GEIGER: Any other discussion? Okay, we've got a motion and a second. **Is there any opposition to this motion? Seeing none, that motion carries.** Gregg.

MR. WAUGH: Okay, if we look at our commercial ACL and the recreational ACT to see if our existing regulations are sufficient to prevent those ACLs from being exceeded, the commercial ACL is 3.88 million pounds. That hasn't been exceeded. We've also got AMs in place to close that fishery when they meet their harvest.

The ACT on the recreational side is 6.18 million pounds. That hasn't been exceeded in recent years, so there is no need to look at any modifications to our regulations to keep them at or below their ACL. That's it for king mackerel, so then the next item is dealing with the same sort of decisions with Spanish mackerel. This begins on PDF Page 92.

On PDF Page 93 is where we present some values here, and I need a little bit of guidance here. The Spanish mackerel stock assessment the SSC rejected and the review panel expressed concern in the biomass-based values. We had pulled those biomass-based values and inserted them in here from the updated assessment. It seems to me that based on the SSC recommendation and the review recommendation that we should not do that.

What that would do is remove the highlighted material in yellow, which is based on the SEDAR 17 assessment, and it would leave us with the – currently MSY in place is 10.4 millions pounds. We have a formula to calculate the minimum stock size threshold. Currently the MFMT is the Fmsy using F 30 percent as a proxy with no poundage estimated.

We do have an OFL and this is shown in Section 2.16.20 there on PDF Page 93. The SSC provided the following OFL recommendations at their April 2010 meeting. Since no estimate of MSY is available for Spanish mackerel, the SSC decided to develop ABC recommendations based on landings' data.

Based on the SEDAR 17 review panel recommendation that overfishing was not occurring, the SSC decided to bypass the OFL estimate and recommend ABC as the median of landings over the last ten years. So OFL is unknown and it would seem to me the proper way to handle these values is to remove these references to new values from SEDAR 17 and go with what is currently in place. It just wouldn't be updated. They'd be updated in the future when another SEDAR stock assessment is done – so just looking for your concurrence on that.

MR. GEIGER: I don't know; I see a shocked look on a lot of people's faces. Any questions about what we just covered? Gregg, do you need a motion to do that or just acquiescence from the committee?

MR. WAUGH: Just agreement I think on not adding that new material would be sufficient.

DR. CHEUVRONT: That just makes sense. The SSC and the SEDAR Review Panel both basically rejected those biomass numbers. It just doesn't make sense to have them in the document at this point, so to me it's kind of a no-brainer. I think we take them out.

MR. GEIGER: Thank you; is there any objection to doing this? Seeing none, you can take that as guidance, Gregg.

MR. WAUGH: Thank you. PDF Page 95 is where we get into the ABC recommendations. Again, we've got Spanish mackerel landings' data. Looking at the spreadsheet that's projected here from the Amendment 18 Document, Table 2.16.5.1, and here are the decisions. The first is the ABC Control Rule. Alternative 2 would adopt the South Atlantic Council's SSC ABC Control Rule and set ABC equal to 4.91 million pounds.

The other alternatives, I need your guidance on how to handle. Alternative 3 would establish an ABC Control Rule where ABC equals the OFL. That's unknown. Alternative 4 would establish an ABC Control Rule where ABC equals some percentage of OFL. That's all unknown. Alternative 5 would establish an ABC Control Rule where ABC equals a percentage of OFL based on ranking of P-star. We don't have the P-star analysis. It doesn't seem to me that we can carry forward Alternatives 3-5 given that we don't have values for them. The recommendation from the South Atlantic Council's SSC for the allowable biological catch is 4.91 million pounds.

DR. CHEUVRONT: I can't see from this distance what you've got up there, Gregg, but I do have a question that you might be able to answer for me fairly easily. The SSC recommended taking the median value over the time period, which I was believe was a ten-year time period. What was the range of values?

Do we have any kind of measure of dispersion around this 4.91 million; because if a standard deviation around that is really huge, this 4.91 million pounds becomes more and more arbitrary. And when you look at the numbers – and I know we just said we're not going to go by the SEDAR 17 numbers, but this number ends up being a lot lower than the numbers that were in SEDAR 17.

And I'm just wondering is our SSC being too conservative here. We did send some things back to them after their April meeting, which is where this number came from, and we didn't really deal with the ABC issue on this. I'm concerned that are we artificially setting this number too low?

MR. WAUGH: The Table 2.16.5.1 that's in the amendment document – this is on PDF Page 99 – shows the Spanish mackerel catch numbers ranging over the ten-year period, 2000-2001, 5.287 million pounds; the high was in 2003-2004, 5.937. The low occurred in 2008-2009, 4.555 million pounds. You've got a range of 1.4, 1.5 million pounds.

DR. CHEUVRONT: And using the median, that means then that half the time you're over that value, so you already know, based on recent history, that in five years you've gone over this. That makes me feel a little uncomfortable.

MR. WAUGH: Well, again, remember this is the ABC recommendation so you can step down your ACL if you're –

DR. CHEUVRONT: I'm saying the ABC is too low.

MR. WAUGH: Well, that is what we have been provided and it's the same situation that we dealt with yesterday with spiny, looking at the mean and the median. There, there was very little difference. Here I think they wanted to go with the median because they had a longer time series.

DR. CHEUVRONT: And this is just for going and taking this thing out to public hearing, right? I think we're going to hear a lot from the public about this, and I know you really want us to set a preferred at this point, right? Given what we know, then I would suggest that we set Alternative



2 where the ACL is equal to ABC is equal to 4.91 million pounds and take that out as the preferred and just wait until we hear back from the public on this.

MR. WAUGH: Could we deal with the ABC recommendation first and then the ACL?

DR. CHEUVRONT: I'm sorry, yes, you're right, let's set Alternative 2, which we're back on Page 95, correct?

MR. WAUGH: Correct, PDF Page 95.

MR. GEIGER: We've got a motion; is there a second? Charlie Phillip seconds. Any discussion; **adopt the South Atlantic Fishery Management Council's SSC recommended ABC Control Rule and establish ABC as 4.91 million pounds. Discussion? Yes, Ben.**

MR. HARTIG: Brian, you're absolutely correct, it's very, very low; it's very, very conservative. I was disappointed and I wrote a paper about Spanish and sent it on to John and he sent it to the SSC, but they didn't review it. Hopefully, next year they'll have some other way of looking at this and we can get a different figure.

I see it as an interim action for one year. Maybe I'm looking at three years, I can't remember. We did it for king mackerel for three years. I don't know, if we can – the earliest we could have this reviewed and possibly the SSC look at some different alternatives and come up with a higher number, that would be great.

It's one of our best success stories and we're again hammering the fishermen based on an assessment that wasn't the fishermen's fault. Certainly there was input given in that assessment that the landings' stream used shouldn't have been used, but the decisions were made to use it anyway, and then that was part of what precipitated those biomass values not being accepted. It's tough but we don't have any choice so we'll do what we have to do.

MR. GEIGER: Any other discussion? **Seeing none, is there any opposition to the motion? Seeing none, that motion carries.** Duane.

MR. HARRIS: Mr. Chairman, based on what you said earlier, do you want Alternatives 3, 4 and 5 to be moved to the considered but rejected appendix? Is that what I heard since we don't have an OFL?

MR. WAUGH: Yes, we don't have an OFL; so if they were to remain in here, we would just say that they're unknown.

MR. HARRIS: Then I would so move.

MR. GEIGER: Thank you, Mr. Harris; is there a second? **Dr. Chevront seconds the motion to move Alternatives 3 through 5 to the considered but rejection portion of the document. Is there any discussion of that? Ben.**

MR. HARTIG: Yes, just that we make sure the public knows that OFL is unknown and there is a discussion of that.

MR. GEIGER: Yes, good point. **Is there any objection to that motion? Seeing none, that motion carries.**

MR. WAUGH: The next item is the OY discussion, and this is on the top of PDF Page 97. The same as king mackerel, the recommendation would be to fold the OY into the ACL action.

**DR. CHEUVRONT: I would like to make a motion that we accept the IPT recommendation to fold OY into the ACL.**

**MR. GEIGER: Second by Mr. Harris. Any discussion? Any opposition to that motion? Seeing none, that motion carries.**

MR. WAUGH: Next is the annual catch limit and this begins towards the middle of PDF Page 97. The current TAC which could be considered an ACL of 7.04 million pounds – Alternative would set the ACL equal to OY equal to the ABC of 4.91 million pounds. Alternative 3 has subalternatives that would reduce it by some percentage, 75, 85 and 95.

The IPT is recommending including 80 and 90 percent. You can see the impacts of these decisions here in the spreadsheet. If you set ACL equal to the ABC of 4.91 millions pounds, the recreational allocation is 2.2; the commercial is 2.7. If we look at Table 2.16.5.1 and see what impacts that would have, the recreational sector, 2.21. They came very close to that in 2009 and 2010. You would have to go back to 2000 and 2001 when they slightly exceeded that. On the commercial side, 2.7 million pounds; came awfully close in 2009 and 2010. It was exceeded I think seven of the prior years being 2006-2207, going back.

**DR. CHEUVRONT: This is the motion that I tried to make several motions ago, so I'll go ahead and make it now. I make the motion that we accept Alternative 2 to set ACL equal to ABC equal to 4.91 million pounds as our preferred.**

**MR. GEIGER: We've got a second by Mr. Robson. Is there any discussion? Any opposition to that motion? That motion carries.**

MR. WAUGH: Next deals with ACTs; first on the commercial sector and this begins on PDF Page 100. For the commercial sector Alternative 1 is do not specify commercial sector ACTs. Alternative 2 sets the ACT equal to the ACL. Alternative 3, the commercial sector ACT equals 90 percent of the ACL; Alternative 4, ACT equals 80 percent of the commercial sector. For kings we adopted Alternative 1 and put Alternative 2 in the considered but rejected.

**MR. CURRIN: George, I'd move that we adopt Alternative 1 as a preferred and move Alternative 2 to the considered but rejected.**

**MR. GEIGER: We've got a motion and a second by Mr. Robson to adopt Alternative 1 as our preferred and move Alternative 2 to the considered but rejected appendix of the**

**document. Any discussion? Any opposition to that motion? Seeing none, that motion carries.**

MR. WAUGH: Next is to set a recreational ACT. No action would not set one. Alternative 2 would set the recreational sector ACT equal to 85 percent of the recreational sector ACL. Alternative 3 would be 75 percent of the recreational sector ACL. Alternative 4 would set it equal to one minus the proportional standard error or 0.5, whichever is greater.

Those values are shown in Table 2.16.6.2 and projected here. Those are the PSEs. Table 2.16.6.3 shows your preferred recreational sector ACL of 2.21; 85 percent of that is 1.88. Alternative 3, 75 percent of that is 1.66. Alternative 4, using the PSEs, would set an ACT of 2.03 million pounds.

**MR. CURRIN: George, I'd offer the motion that select Alternative 4 as our preferred.**

MR. GEIGER: Okay, we've got a motion to adopt Alternative 4 as our preferred; we've got a second by Mr. Cupka. Any discussion of the motion?

MR. CURRIN: Yes, I'd just like everyone to take note as we did with king mackerel that the PSEs for the recreational sector are fairly tight for Spanish mackerel as they were for king mackerel.

DR. CRABTREE: So the way this would work, we would I guess each year look back at the previous year and determine what the PSE is for the previous year and then calculate the ACT for that year and publish a notice in the Federal Register; is that kind of what you're thinking?

MR. GEIGER: Gregg, do you have some explanation?

MR. WAUGH: That certainly was never discussed as the intent. You can certainly do it like this. Our understanding of how this was set up is similar to what we did with kings is that ACT would remain in place until modified.

DR. CRABTREE: So it's going to be based on some period of years in the document that the PSE is taken from and calculated and put in place and it's not going to change?

MR. WAUGH: That's correct.

DR. CRABTREE: Okay, I just wanted to understand.

**MR. GEIGER: Any other discussion? Seeing none, is there any opposition to this motion? Seeing none, that motion carries. Gregg.**

MR. WAUGH: Next are accountability measures on PDF Page 102, and we've got this similar suite of alternatives. I need to add "projected to be met" in each case where we're talking about the quota, but the same alternatives that we dealt with for king mackerel. And remember on Alternative 2 you changed this to adjusting the bag limit rather than the fishing year.

**MR. CURRIN:** I would move that we select Alternative 2 as our preferred and let that alternative reflect the change in wording as in the king mackerel motion that the regional administrator would adjust the bag limit as opposed to the length of the following fishing year for the recreational sector.

MR. GEIGER: All right, Mac, Gregg is typing here so make sure he captures the essence of your comments and motion. Dr. Crabtree.

DR. CRABTREE: What is the current bag limit? Fifteen.

MR. GEIGER: Could we have a second for that motion; second by Mr. Hartig. Discussion? Mac, that motion captured your intent?

MR. CURRIN: Yes.

MR. GEIGER: Discussion? Is there any opposition to that motion? Was that in opposition to the motion or do you want to speak?

MS. SMIT-BRUNELLO: I was going to let you finish your sentence, but that is a lot of discretion to give the regional administrator. If the bag limit is that high, how is he supposed to know how much it's supposed to be reduced? You could get into the Amendment 16 situation in which you basically created a little chart for him; if it exceeds X, then you do Y, and it was very specific on what he was allowed to do. Otherwise, just as Roy mentioned earlier, you get into did the public have notice of this and was it analyzed and all that sort of thing.

MR. GEIGER: Well, as usual you bring up a good point, Monica, thank you. Gregg.

MR. WAUGH: Well, under king mackerel the bag limit is three and in Florida it's two; and so for king mackerel the regional administrator would need to figure out whether the bag limit needed to be reduced from three to two or three to one and two to one. Here it's reflecting, since the bag limit is higher, yes, the range of adjustments is larger, but the intent is the same as the bag limit would be reduced by the amount necessary to prevent them from exceeding their ACL. I don't know that it's giving the regional administrator anymore flexibility. Certainly the range of numbers are larger but the intent is the same.

MS. SMIT-BRUNELLO: So maybe staff could look at that and insert something into the document, perhaps. I mean it's going to take a little bit of thinking and analysis to try to figure that out but to try to give the public an idea of what is to come.

MR. GEIGER: Is the explanation that Gregg just gave satisfactory as an explanation to be included in the document, in your mind?

MS. SMIT-BRUNELLO: Well, it's better than nothing, but I'm going to have to think about it because I think we might have to go further than that, but give me a little bit of time to think about it and I'll talk with Gregg.

MR. GEIGER: Okay, does Monica's suggestion impede our motion now, Gregg?

MR. WAUGH: I don't think so; we're talking about adding more discussion to the document to clarify what is being contemplated.

MR. GEIGER: Okay, we've got a motion to adopt Alternative 2 as our preferred and track the king mackerel wording to adjust the bag limit the following fishing year. Mac.

MR. CURRIN: Monica, it may on the surface of things seem very complicated, but keep in mind that the staff does bag limit analysis for virtually every limit or every amendment that we do, and to determine those impacts and to project what kind of reduction and harvest we're going to get based on the bag limits, and they're based on average catches.

Everybody that fishes doesn't catch fifteen Spanish mackerel everyday when they go out, so you have to look at average catch. I don't think it's an analysis that has to be done, but I think if you asked Jack, I believe that those analyses can be done if the data are available for the previous year. Maybe that's a problem; I don't know.

DR. CRABTREE: Just one thing; the king mackerel thing is really – what Gregg just said, there is three and two in Florida – is a little more worrisome. And realize with king mackerel, for example, if they go over by one pound, then I'm going to cut their bag limit in half. I'm going to cut the two to one and the three is going to be cut from three to two I guess for the entire next year.

So there are scenarios that are more onerous on the recreational fishermen to do it this way because if it would shorten the length of the season, well, you might close it on December 31<sup>st</sup> and say that's good enough, it was one pound. But unless we build something in here – and I don't think I would ever come in and say I'm just going to reduce one of the king mackerel bag limits.

It seems like you've got to reduce both of them sort of. And then if you reduce – if that's not enough and you have to reduce the bag limits again, then the two is going to go to zero and the three then goes to one, and now Florida is closed, but the rest of it is open. I suspect Mark in Florida might not be happy with that. So there are some complications here that we need to think out that I think would have to be spelled out in the plan as to how that is going to work. But you can see particularly with king mackerel because of those two bag limits, it could get a little squirrely.

MR. WAUGH: And just to clarify your intent, for both king and Spanish we took Alternative 2 that adjusted the length of the season and changed it to reflect the bag limit. Is it your intent that then we would retain the old Alternative 2 in there that would adjust the length of the season as another alternative that we could fall back on and then lay out the discussion of both, because I think the public may have a different reaction when they see the two.

MR. CUPKA: Gregg, I thought what we did was set up two sub-options and had both of them and the bag limit was our preferred?

MR. GEIGER: That's right. Okay, any other clarification? Are we ready to vote on this? **Is there any opposition to the motion? We've got two opposed; the motion carries.** Gregg.

MR. WAUGH: The next item deals with the commercial payback, the same two alternatives; the recreational payback, the same two alternatives. For king mackerel you approved 3A and 4A.

**MR. CURRIN: Then I would move we adopt Subalternatives 3A and 4A as our preferred for this action.**

**MR. GEIGER: Mr. Hartig seconds. Any discussion? Okay, we've got a motion to adopt Subalternatives 3A and 4A as our preferred alternatives. Seeing no discussion, is there any objection to that motion? Seeing none, that motion carries.**

MR. WAUGH: In terms of looking at management measures or any modifications to our management measures necessary to prevent the ACL from being exceeded, on the commercial side our ACL is 2.7 million pounds, and again we're looking at the landings' data in Table 2.16.5.1 on PDF Page 99. If look commercially, going back 2.7, the last two years that wasn't met, but certainly from there back it was, but we've got measures in place to track and close that fishery, so that doesn't seem to call for any change in regulations at this stage.

On the recreational side the ACT is at 2.03; your ACL is at 2.21, so the question is do you need to change your bag limits to target that 2.03 million pound ACT. Under the existing 15-fish bag limit, here is your catch data going back. In 2009-2010 it was slightly above it; just very, very slightly above it in 2008-2009, and then below 2 million pounds from 2007-2008 back through the 2001-2002 fishing year.

We do have alternatives on PDF Page 104; you had asked us to look at reducing the bag limit from 15 to 10 fish. That analysis was done. It is shown in Table 2.17.1; so if you look at reducing the bag limit from 15 to 10 and look at the impacts for Florida, Georgia, South Carolina and North Carolina and Virginia, north of Virginia there weren't sufficient catches, you can see the range of the impacts from 2005-2009.

So Florida it ranges from zero to 27 percent reduction; Georgia, zero to 53 percent reduction; South Carolina, zero to 13; North Carolina, 15 to 19; Virginia, zero to 36. The average over that time period, which is what we recommend you use, is that if you reduce the bag limit from 15 to 10, on average you're going to reduce Florida's catch by 13 percent, Georgia's by 11, South Carolina by 3, North Carolina by 17, Virginia by 7. But again looking at the catches, you may feel that you don't have to adjust the bag limit at this stage, but that's a decision for you.

MR. GEIGER: Okay, questions for Gregg? What's your druthers, folks? Ben.

MR. HARTIG: Well, the only comment I would have is that there is a basic trend in the commercial fishery that's going down and the recreational fishery is trending upwards. Why those two are doing opposite things is one thing I would probably point out, but I would point out to you why the commercial landings are going down is the change in the migratory pattern of Spanish in the last four years.

They've gone and changed their total migratory behavior 180 degrees, and it's not unusual. It happens on about a six to ten year average when they do this, and they're staying much farther north and they're not getting down in the area where the cast net fishery is very effective, so that's changed the harvesting. If it gets back to that migratory pattern again, we'll have differences.

I don't know, it would certainly help the recreational fishery if we could do something that they wouldn't be closed, in my opinion. I don't know what Mac thinks about North Carolina, but if we could lower that bag limit to 12 or 10 to have some kind of impact that would not close them based on looking at the most recent data, I think that would be the best way for them to deal with it. And then you would never have to worry about them being closed unless we had some weird year where the recreational numbers were much higher.

MR. GEIGER: Again, that recommendation to reduce the bag limit came from the AP, most of the for-hire sector. Mac.

MR. CURRIN: I think it makes a lot of sense. I was scratching my head I don't know how many years ago it was when the bag limit went from 10 to 15, anyway, so we have an opportunity to lower it back to ten, which I think is an appropriate and gracious amount of fish from my perspective. I'm sure there are others that may disagree. **I would move that we adopt Alternative 5 as our preferred, and that would reduce the recreational bag limit from 15 to 10 per person.**

MR. GEIGER: We've got a motion and a second by Mr. Harris to reduce the recreational bag limit from 15 to 10. Discussion? If I can continue my thought, we've heard from the AP and that recommendation came from the AP to do that. The for-hire sector basically has already implemented boat limits that are lower than the individual bag limits. I have heard nothing from anybody who is in opposition to lowering the Spanish mackerel bag limit from 15 to 10. Any other discussion? **Any opposition to that motion? The motion carries.**

MR. WAUGH: Okay, next we move to cobia. This begins on PDF Page 105 and there is no action here but just to note that MSY is unknown, MSST is unknown, MFMT is unknown. The Scientific and Statistical Committee provided the following OFL at their April 2010 meeting. Since no estimate of MSY is available for cobia, the SSC decided to estimate OFL as the median of landings' data for the period 1986-2008. Therefore, OFL equals 857,714 pounds.

In terms of the ABC we've got the alternatives laid out there. We've got two sets of tables in the amendment document. Table 2.19.6.1 shows a longer time series, but some of the methodology that was used to split these has been updated. Table 2.19.6.2 from 2000 on provides a more accurate split of the landings' data, and we will come back to that as we go through.

In terms of the cobia decisions, the SSC has recommended an ABC of 75 percent of the OFL, so Alternative 2 would adopt the South Atlantic Council's SSC ABC Control Rule and set ABC equal to 643,286 pounds. Alternative 3 would establish an ABC Control Rule where the ABC equals the OFL, 857,714 pounds.

Alternative 4 would establish an ABC Control Rule based on some percentage of the OFL, and that is stepping it down from 65 percent, 75 percent of the OFL and 85 percent of the OFL. We currently have a preferred to set the ABC equal to 75 percent of the OFL. One thing we're looking for clarification is in conjunction with that, we are adopting the ABC Control Rule recommended by the Scientific and Statistical Committee.

MR. GEIGER: Okay, what's your pleasure, folks? Any questions? Are we happy with the preferred that we have selected? I'm seeing heads nodding yes. Is there any opposition to leaving the – okay, no desire to change, we're moving on.

MR. WAUGH: Okay, but we are comfortable indicating that includes adopting the ABC Control Rule language as we did for king and Spanish?

MR. GEIGER: Yes.

MR. WAUGH: All right, then next is the OY, and again it's the same recommendation that OY be folded into the ACL actions. Brian.

DR. CHEUVRONT: I'll make this motion for the third time. **I make a motion that we accept the IPT recommendation that the OY be folded into the ACT actions for Atlantic Migratory Group Cobia.**

MR. GEIGER: Second by Mr. Hartig. Discussion? Brian, the motion is to accept the IPT recommendation to fold OY into the ACL actions for Atlantic Migratory Group Cobia?

DR. CHEUVRONT: Yes, it is.

MR. CUPKA: But you said ACT when you made the motion and I'm sure you meant ACL.

**DR. CHEUVRONT: I'm sorry, I meant ACL. I was reading off the thing and I just said ACT instead of ACL.**

MR. GEIGER: Any discussion? **No discussion; is there any objection to that motion? Seeing none, that motion carries.** Gregg.

MR. WAUGH: Okay, allocations, we don't have an allocation for cobia, and the alternatives that we have we need some clarification on; and now that you've selected the boundary, if we finish before lunch, then I'll calculate those values for full council. If we finish after, then over lunch I can calculate these values. We have a preferred, but I need some clarification.

Right now Alternative 2 is based on landings of 2007-2009, splitting into the commercial and recreational. We don't have 2009 recreational data. Table 2.19.6.2 only goes through – in terms of how it would be split to analyze based on the boundary determination that you included, the data only go through 2008. Would it be your intent here to use 2006, 2007 and 2008? Deal with that first.



MR. HARTIG: Why would we be doing – I mean are we going to use Boyles' Law or are you just going to pick a three-year date?

MR. WAUGH: No, your preferred is Boyles' Law and we're going to come to that in a minute.

MR. HARTIG: So it's about three years we need to use?

MR. WAUGH: Yes, for this one, for Alternative 2 it was using 2007, 2008 and 2009. We don't have 2009; so do we back it up to 2006, 2007, 2008?

MR. GEIGER: Does that make sense to everybody to do that? I'm seeing heads nodding yes.

MR. WAUGH: Okay, then for your preferred we've got two portions; 50 percent of the average landings and we've got the time period 1986-2009. The only time period data that we have broken out is to use 2000-2008, and that's nine years. We would do the comparison – would it be your intent to do the comparison over 2000-2008 for the long time period; and then the same thing, the most recent three years would then become 2006, 2007 and 2008.

MR. CURRIN: Yes, Gregg, that makes the most sense to me. I think the question at the last meeting was it was unclear whether we might have the 2009 data or not. It's clear now that we do not, so I think we certainly ought to be using three years; and if we have to go back to 2006, so be it.

DR. CHEUVRONT: I may have checked out mentally for a second, Gregg, when we were talking about the landing stream that's available for cobia. Can we not go back before 2000? I know you just said that what you had in your table was from 2000-2008, but can we not go back further?

MR. WAUGH: I don't know what would be involved in getting the data broken out. Maybe Jack is coming up to answer this question.

DR. McGOVERN: I'm not.

MR. WAUGH: You're not, okay. These data were requested from the center and I'm not sure if we got prior to 2000. Given where we are time-wise, if you wanted to use ten years, you're only talking about going back one more year, and I'm not sure it's worth trying to get that given where we are in the process.

DR. CHEUVRONT: I understand what you're saying, and my concern was just that simply this time series is shorter than the previous ones that we've had; and when we start truncating the long time series, it starts to look more and more like the short time series, and there will be less difference between the two. That was just my concern.

MR. HARRIS: What Mac said is correct, if we don't have the data we don't have the data, and I think that's all we have, but it begs the question. This is the end of 2010; why don't we have 2009 data? I'll leave it at that.

MR. GEIGER: Are you asking me?

MR. HARRIS: Yes, I'm asking you.

MR. GEIGER: I would refer to staff; why is it we do not have the 2010 landings' data or 2009, excuse me?

MR. WAUGH: It was not provided to us in the request that we received from the center. If you want a more detailed answer – 2010?

MR. HARRIS: No, 2009; and I would ask Bonnie it's the end of 2010 and why don't we have 2009 data?

DR. PONWITH: I can't answer that off the top of my head, but I will find out.

MR. GEIGER: All right, what's your pleasure here, guys? Do we need a motion to capture all those things, Gregg?

MR. WAUGH: Well, I think it's clear. I've projected those time series there. If everybody is okay with it, we still need to need to talk about Alternative 4. I think changing those time series, if that's the committee's consensus, then I'll do that and calculate those values for full council.

MR. GEIGER: Any objection to doing that? Seeing none.

MR. WAUGH: And one further clarification that Jack pointed out is this verbiage here where we're actually putting in the poundage, the approach that is being taken now is not to put in the poundage where we're talking allocations because that poundage is dependent on the ACL that you set and will change; so if it's your intent, we'll just delete that language in all of these alternatives. I'm seeing agreement on that.

Okay, so then Alternative 4 applies basically Boyles' Law but to three sectors, and the question here is are we really going to allocate cobia within the recreational sector to the private recreational and for-hire sector; and if so, then we'll keep it in here and we'll adjust the years' data, but we don't have the recreational data. It's lumped together; we don't have it split out at this stage.

MR. CURRIN: Yes, George, it seems clear to me that there has been very little to no discussion of actually carving out the for-hire sector within the recreational allocation. **Unless somebody has some real desire to do that, I would move that we move Alternative 4 to the considered but rejected file.**

MR. GEIGER: We've got a motion; is there a second to that motion? We've got a second by Mr. Harris. Is there any discussion of that motion? Dr. Chevront.

DR. CHEVRONT: Yes, Mac, I think the reason why we might want to consider this – and I don't know the answer yet – would have to do with how much uncertainty there would be in

keeping track of recreational landings. The headboats do a better job at being accountable for their landings or they're more accurate – I want to use the right term here – than the hook-and-line sector is sometimes, and it would be not a good thing to see if the cobia fishery – and I don't know enough about it.

If the cobia fishery has a significant headboat component to it; and if there is a lot of uncertainty in the recreational hook-and-line landings, then I could see that this could be a useful alternative. Otherwise, I agree with you but I can't speak to either of those two issues that I raised. I don't know; maybe, Tom Swatzel, can you help us out with the headboat side?

MR. SWATZEL: As far as the Carolinas, I don't think that there is a big cobia fishery as far as the headboats. I can't really speak to Georgia or Florida.

MR. GEIGER: Okay, what's your druthers? We have a motion on the floor; is there any other discussion? **Is there any opposition to the motion? No opposition to the motion; it carries.** We're talking about whether or not we're going to break for lunch or continue on and see if we can get the ACLs. Maybe we can just get an ACL assigned before we break for lunch. That would help Gregg in his calculations, so, Gregg, go ahead and move on.

MR. WAUGH: Okay the ACLs are shown here. These alternatives begin on PDF Page 110. Alternative 2 would set the ACL equal to OY equal to the ABC of 643,286. Alternative 3 would set it at some percentage of the ABC values, 65, 75, 85, and the IPT is recommending that you add 80 and 90 percent. If you pick a preferred now, then when we reconvene after lunch I should be able to have all these values calculated for the rest of these alternatives and the allocations.

DR. CHEUVRONT: I'm going to defer to Mr. Hartig here. I know less about this fishery and I'm not sure about the uncertainty here.

**MR. HARTIG: Yes, I'll move Alternative 2, OY equals ABC equals 643,286 pounds.**

MR. GEIGER: Okay, we've got a motion for Alternative 2; a second by Dr. Chevront. Is there any discussion of that motion? Ben.

MR. HARTIG: Yes, on why, basically the biology of this fish, it grows almost like a dolphin. They have tremendous growth rates; they're highly fecund at a very young age. They were also tremendously impacted by the gillnet fishery in Florida. There were a large number of small cobias caught in the Spanish mackerel fishing in state waters. That no longer occurs.

They're also occasionally a member of the shrimp trawl bycatch, and that no longer occurs. So productivity on cobia is in my opinion increasing with some of the other species of the coastal migratory pelagics, and I feel this is a very low probability – yes, that we should set that figure where it is.

MR. CURRIN: I think this is based on median landings in the recommendation from the SSC; is that correct, Gregg?

MR. WAUGH: Yes, it is.

MR. CURRIN: And if it does, we've got the same problem here that Ben and Brian brought up with respect to Spanish mackerel in that using median landings assumes that or implies that overfishing has been occurring in greater than 50 percent of the time over the time series that it was calculated for.

I had a discussion with some of the SSC members a while back when this whole median landings concept as an approach for setting ABCs was done to try to get them to think about ways that we could better inform that estimate by considering other things such as trends and landings and the like, and I hope that they're still thinking about that. Again, I agree with Ben and with Brian, using the median landings is an extremely conservative approach for setting these ABCs.

MR. GEIGER: Any other discussion? **Is there any opposition to this motion? Seeing none that motion carries.** Yes, sir.

DR. CRABTREE: Are you going to do sector-specific ACLs for cobia if that's somewhere later in the document?

MR. GEIGER: Well, before we do that we're going to break for lunch. We'll be in recess until 1:30.

The Mackerel Committee of the South Atlantic Fishery Management Council reconvened in the Hilton New Bern/Riverfront Hotel, New Bern, North Carolina, Tuesday afternoon, December 7, 2010, and was called to order at 1:30 o'clock p.m. by Chairman George Geiger.

MR. GEIGER: Okay, the Mackerel Committee will get started again. We're on PDF Page 108. We have a quorum. Gregg, you're up.

MR. WAUGH: Picking up on the amendment document, PDF 108 shows the allocations. I'll work from the document for motions because I've got the numbers filled. For allocations, Alternative 2, we decided to use the years 2006-2008. That allocation would be 8 percent commercial and 92 percent recreational.

Your preferred alternative is Alternative 3, which is Boyles' Law. Generally we go back ten years and then more recent three years. We're using 2000-2008 plus 50 percent of the average of the more average of the more recent time year, 2006-2008. That also comes out to 8 percent commercial and 92 percent recreational.

If you look then at your ACLs, your preferred commercial ACL, applying that allocation of 8 percent, is 51,463; and we approved Alternative 2 that sets the ABC; so where we are is to make a decision now on the annual catch target for commercial. Alternative 2 would set it equal to the ACL, 512,463; Alternative 3 at 90 percent, which would be 46,317 pounds. Alternative 4 would be 80 percent, 41,170. And for king and Spanish we moved Alternative 2 to the rejected appendix since it ends up the same as Alternative 1. And for king and Spanish you set Alternative 1 as your preferred; not to specify commercial sector ACTs.

**DR. CHEUVRONT:** Okay, I'd like to make the motion that we set Alternative 1 as our preferred and then put Alternative 2 in the considered but rejected appendix.

MR. GEIGER: Do we have a second; Tom Swatzel, thank you. We've got a motion and a second; is there any discussion? Yes.

DR. CRABTREE: Some rationale – we need some discussion as to why.

DR. CHEUVRONT: I don't think that there is any management uncertainty here when we're talking about the commercial sector. We have the trip tickets and all that, so I think we're pretty much capturing what we need to capture.

DR. CRABTREE: Why are you moving Alternative 2 to considered but rejected?

DR. CHEUVRONT: Because it's essentially the same as Alternative 1; because we set ABC equal to ACL – excuse me, ACL equal to ABC.

MR. GEIGER: Any other discussion? **Is there any objection to that motion? Seeing none, that motion carries.**

MR. WAUGH: Next for the recreational sector, this is on PDF Page 114; Alternative 1, no action, do not specify recreational sector ACTs; Alternative 2, set the recreational sector ACT equal to 85 percent of the recreational sector ACL; Alternative 3 to 75 percent. Alternative 4 would use a formula one minus the proportional standard error or 0.5, whichever is greater.

Here are the proportional standards errors. For king and Spanish the values we've been using is a five-year average; so if you use that average, here is where you end up. Your preferred recreation sector ACL is 591,823 pounds. Alternative 2 would set an ACT equal to 503,050 pounds. Alternative 3 would set an ACT equal to 443,867. Alternative 4, using the PSE formula, would set that equal to 491,213 pounds.

**DR. CHEUVRONT:** I'd like to go ahead and make a motion that we select Alternative 4 as our preferred. The logic behind that is that the PSE does take into account some of the uncertainty in being able to count the fish, and so I think that's probably a much better approach than taking a specific percentage reduction; and as that PSE changes over time, potentially this could change as well. I think the logic on that works consistently.

MR. GEIGER: Can I get a second to the motion; Charlie Phillips. Okay, we've got a motion; any other discussion? **Any objection to that motion? Seeing motion, that motion carries.**

MR. WAUGH: Next we come to accountability measures. This is on PDF Page 115, and it's the same suite of accountability measures that we've used for king and Spanish. We need to insert "when the quota is projected to be met". You need to decide on whether you want to change Alternative 3 to be reductions in the bag limit. The bag limit right now is two.

We're going to be looking at bag limits in a moment and trip limits for the commercial sector. Perhaps it would be just instructive to look at the cobia catches. On the commercial side you have set your commercial ACL at 51,463 pounds, and here is the commercial data going back from 2009 through 2001. This is our preferred alternative for a split at the council boundary. You can see that the catches in 2009 were 109,083 pounds. Our ACL is roughly 50 percent of that. You can see how that ACL would have been exceeded every year going back in time.

On the recreational side your ACT is 491,213 pounds. You can see it's over a 50 percent reduction for 2008. Going back, that 491,213 has been exceeded every year going back; so when we come to look at bag limits and changes, we're going to be looking at trying to accommodate – on the commercial side it will be a straight quota so they'll close when they're met or projected to be met. On the recreational side we'll be looking at something on the order of 50 to 60 percent reduction from the bag limit.

DR. CRABTREE: Well, it seems pretty clear to me that I would think you need to reduce the bag limit, period, because with the decisions you've made they're going to be over every year, and we're going to end up with an extremely short season. It seems to me at minimum you need to reduce the bag limit and maybe even consider a bag limit reduction and a seasonal closure or something. Otherwise, I think we're going to have one heck of a big overrun.

MR. WAUGH: And right now we're still talking about the accountability measures, and I wanted to show that because – and maybe we should jump to the management measures first and come back to accountability, depending, but if you change this Alternative 3 to instead of adjusting the season to adjusting the bag limit, we're already going to have the bag limit reduced to one, so you don't have much room. Perhaps you want to leave this to adjusting the season.

MR. ROBSON: And just for information purposes, the recreational bag limit in Florida is already at one fish and there is a six per vessel boat limit, whichever is less.

DR. CRABTREE: And I'm not sure what proportion of the harvest comes from Florida, but I suspect it's a substantial amount; and if Florida is already at one, then that means you're going to get much less impact from reducing the bag limit to one, which is going to leave you with a problem.

MR. CURRIN: This is one I wouldn't have offered if I were to make a motion to change it from the language that exists. I have a question for Gregg, though, is you can answer this. Do we have any information on the average catch in the recreational fishery for a trip? Has that analysis been done, to your knowledge?

I ask that simply because going to a bag limit of one, if it's one or more than one under the current two bag limit, then it doesn't seem unreasonable to me that we should have an alternative in here looking at a moratorium on the harvest of cobia. I mean, if you look historically at what has been going on, we've overfished it or exceeded the ACL every year or the ACT; virtually every year in both fisheries, both recreational and commercial.

If we don't do it this year, I think through an accountability measure the recreational fishery is going to close after one year. I don't know what is going to happen to the commercial fishery if the harvest maintains the same. Very soon they're going to be out, too, and won't be able to retain one.

MR. HARTIG: Well, I certainly don't look at that level of harvest as being realistic. It's not. I mean that level that the SSC came out and gave us is totally unrealistic for this species with a bag limit, with their growth rates. With the productivity increases in time it is totally unrealistic. As soon as the SSC can revisit this with some more information, I hope they come out with a more realistic number.

You have a species here that grows like dolphin and you have a two-fish limit. I mean that was it; when we did that as far as I was concerned management of cobia was done. We don't need to do anything else. Now we come in here with this archaic way of trying to manage stocks that is ridiculous in my opinion, especially for cobia.

Be it as it may, we have to do what we have to do and we're going to hammer the public once again with a quota that doesn't need to be as low as it is. It's way too conservative. That's where I stand. I don't want to close the darned fishery. I don't think – you know, it's an important fishery, but it may realistically be the first year they go over we won't be able to fish next year.

Hopefully, next year the SSC will revisit cobia if we give them direction to, and I hope we do – it would be my intent to with all the caveats that I introduced for cobia. There are a lot of other things that impacted cobia stocks and productivity levels. Hopefully, we can get another look at cobia for next year.

MR. CURRIN: Just to that point, I was just talking to John about it, Ben, and in the fact the SSC is planning to look at that. They realize there are some problems and they're going to try to develop some way to inform their decision on setting ABCs or OFLs for cobia and others, but this one is particularly concerning to me as it is to you.

MR. GILL: We went through some of the same angst in the Gulf Council with the SSC setting of ABCs on data-poor species, et cetera, recognizing that we were headed for a train wreck, which is exactly the same place I think you all are going. We were able to change that. If it's worthwhile and if you wish, I'll tell you what we did to work out of it.

Our SSC was doing exactly like yours did and setting OFL or ABC at the median landings, and that, of course, mandates that ultimately you've got to change your management plans. And what is worse, since it's all the data-poor species and you don't have much for them, ultimately you're going to have to change management plans on target species, so you have to change everything you had to accommodate the methodology they were using.

We pointed that out to the SSC, and my sense is they didn't realize that they were basically driving the management scheme based on their decisions, which were not based on much. Once they became aware of that, they recognized the problem that they were functionally intruding

into management by arbitrarily setting OFL at a median or a mean, which forces you to change your management plan.

Then they came up with a scheme that they could live with, which is not strictly science, and it looks like I think we can live with it on the council side. At present it's set that they recommend an ACL at the median of the landings, recognizing they can't set it, but they set ABC at one standard deviation above that and OFL two standard deviations above that.

Now, statistically that still gives you some problems on some years on high landings, but it gets you out of the mode where you set the OFL at the median, you'll see the ACL probably every year you will have to change your management plan. I don't remember what the statistics are in two standard deviations, 90-something, 96 percent, but they recognized that they were not trying to change the fishery that had been, which they were doing by defining OFL at the median, because that requires you to change, and they wanted to maintain the fishery as it had been for Species X.

That's the way that we wound up doing it so far on all of the data-poor species they've attacked thus far, but we've established that as a philosophy and I suspect it will continue forward on the remaining data-poor species that we haven't done. We should not be in the same jam that you are in currently as a result of that. We'll probably have to deal with our accountability measures to take care of those peaks that may occur, but that's fairly easily handled as opposed to being driven into the corner where your ACL or ACT is less than half your average landings, so you know you're in a box. Thank you.

MR. ROBSON: Mr. Chairman, I don't know if this is – I was going to ask this question after we were through the amendment, but since we're having this discussion I'll ask now, because I was thinking about it earlier when we were talking and looking at these median landings used as evaluations of ABC coming out of the SSC.

We've got it for, what, Spanish mackerel and cobia, two fisheries where we don't – the sense is that we may be having to do more management than we really need to do based on just that decision to use that median landings. My question -- and I'd like to have some discussion or maybe at least some guidance from Monica or someone – is are these ABC determinations from the SSC; are they recommendations?

Do they constitute the fishing limits that we are not allowed to exceed or can this council have an open and legitimate discussion about whether those ABCs are appropriate that came out of the SSC or give them give guidance to go back and re-evaluate them instead of us trying to chase our tail to accommodate management – to do management that addresses what appear to be fairly rigorous ABC calculations. Are these ABCs that we're getting from the SSC; are these the fishing limits that we're not allowed to exceed or are they recommendations that we can ask them to re-evaluate?

MS. SMIT-BRUNELLO: Well, the Magnuson Act says that the SSC is to give you fishing level recommendations and you're not supposed to exceed that fishing level recommendation. I think the guidelines – I was just looking for that – that the guidelines talk about that the ABC may not



exceed the OFL. And I guess in this particular case you don't have an overfishing level recommendation from your SSC, but I'm thinking that the ABC would probably equate to that fishing level recommendation. So, if you just give me a second, I would like to look at the guidelines just a little bit further.

MR. WAUGH: And we do have an OFL recommendation for cobia from the SSC. Mac had asked earlier, if I might, asked about the catch information and catch distribution by cobia. You can't read this, but it is PDF Page 276. It's Appendix G, Table G shows the detailed cobia bag limit analysis. It shows this broken out by state, the number of fish harvested under each bag limit by year from 2005-2009. In the year 2007 there were catches in Virginia. Remember our management goes up through New York, so these regulations will apply through New York, and those fish that are caught in those areas will count towards our limits.

DR. CRABTREE: Well, while Monica is trying to figure out whether the ABC I guess is strictly the fishing level recommendation, I think you certainly, though, can, if you disagree with something your SSC has come up with, you can certainly go back to them and ask them questions and ask them to reconsider. I don't know what decision they would do. We have already done that in some cases. But the problem you've got is you want to go back to the SSC, you need to go back to them immediately and get this resolved very quickly. I don't know when they even meet again, Gregg.

MR. WAUGH: April.

DR. CRABTREE: So we're rapidly running out of time to go back to the SSC and get this done. If there are things you want them to reconsider, I think you need to get that list of things you want them to reconsider finalized at this meeting and get it to them right away and get them to do so as quickly as possible. I think it's going to be hard to get around the fact that the ABC is a fishing level recommendation and you're not allowed to exceed it. I sure wouldn't want to have to explain to somebody how it's not a fishing level recommendation.

MR. WAUGH: We included the Gulf ABC Control Rule in spiny lobster. It's Attachment 3D. We talked about this a little bit in spiny lobster yesterday. Our SSC will meet again in April. They could look at it there, but we're talking about being out at public hearings in April. Certainly their guidance can inform our final decision, but perhaps you want to add some alternatives here that would set the – similar to what the Gulf has done is set the ABC at one standard deviation above the median and let us work up alternatives that carry that forward; so that if our SSC does provide a modified recommendation in April, then we will have an alternative in the document.

MR. GEIGER: Let's go ahead; in the interest of time let's move on. Mark.

MR. ROBSON: Well, the Gulf Council has been around the block on this, and I think it's worth us asking for that kind of a – look at that buffer as a way of coming up with a different kind of ABC calculation, and I would like to ask that we do that.

DR. CRABTREE: Well, then, my recommendation to you would be to take the report and what the Gulf Council did and get the exact stuff that their SSC said here is what you should do, send that to your SSC and say why can't we do that? I know you've got at least one member of your SSC who is also – I think Luiz who is vice-chair is also on the Gulf Council SSC, so he is familiar with all this.

It does bother me that we are getting different sorts of science advice out of one SSC than we are of the other. There needs to be some consistency in all of this, but I think that would be your way to come at this is take their SSC's recommendations and go back to your own SSC and say, "Why isn't this appropriate in the South Atlantic, and we are more in agreement with their advice than we are with yours." But, again, we need to get this resolved very quickly.

MR. GEIGER: All right, if that's what you want, we need to have a motion, Mark, because April is too late for the SSC to look at it. To have it considered, we need to get it in the document now.

MR. ROBSON: Have you got it, Brian?

DR. CHEUVRONT: Do want some help with the motion because –

MR. ROBSON: Yes.

DR. CHEUVRONT: – I think I got it from what Bob was saying. Okay, I'd like to make a motion that we add an alternative to set the ABC equal to the mean of the landings plus one standard deviation above the mean.

DR. CRABTREE: Well, what I would recommend to you, Brian, is that you add alternatives in here that follow the Gulf Council recommendations, which maybe that's exactly it or maybe that's part of it. I don't remember all of that, but I would make the recommendation that staff add in recommendations that follow what the Gulf has done and put those in here as an alternative, and then you go back to your SSC and ask them to look at that. As I recall, Bob, there were a whole series of different things and it depended on what they thought the status of the stock was, et cetera, et cetera. I remember that correctly.

MR. GILL: Well, you're talking about the control rule; and in this case the data-poor species, it was just one level of that control rule, and that's how they applied it.

MS. SMIT-BRUNELLO: I'm not sure that I can shed much more light on this. Mark, I agree with what Roy just said in terms of adding that alternative in and making sure that's part of the process; because in this case, like Gregg said, you have an overfishing level recommendation from your SSC. The ABC cannot exceed that fishing level recommendation. To me that's fairly clear-cut.

In cases where you don't have a specific overfishing level recommendation but you do have an ABC recommended by the SSC, that would seem to me to equate to a fishing level recommendation. It might be a little of as clear as mud, but when you read the Act as a whole

and then you look at the guidelines as whole, I think that if you do not like what came out of the SSC other than you don't like because it's not high enough, you have to have good rationale as to why you want them to reconsider and build your record that way so they know why you're asking them to relook at this again. Does that make sense to you?

MR. GEIGER: Brian, we have what the Gulf did. Gregg is going to project it.

DR. CHEUVRONT: I'll be happy to have my motion amended to fit that.

MR. GEIGER: Well, just wait and let's see what we've got here and see what we have to do.

MR. WAUGH: John, you may want to come up to the table and help clarify some of this if you're at all familiar with what the Gulf had done; but here is Tier 3B – sorry, 3A, OFL/ABC Control Rule, and here is the ABC – set ABC using a buffer from OFL that represents an acceptable level of risk.

Here are the alternatives; ABC equals the mean of the landings' data plus 1.5 times the standard deviation. Alternative B would be the mean equals the mean of the landings' data plus 1 times the standard deviation – that's their default. Third is ABC equals the mean plus 0.5 of the standard deviation; D, the mean of the landings' data. So we want to be careful about how many alternatives you add, but that's where the Gulf is with their ABC Control Rule at this stage.

MR. CARMICHAEL: One question in there also is what did they with OFL?

MR. GEIGER: What did they do with what?

MR. CARMICHAEL: OFL.

MR. GILL: It's two standard deviations above the mean.

MR. CARMICHAEL: And I presume that in evaluating the trends in cobia in particular, I guess they decided there is nothing that made them believe there are any concerns with the stock.

DR. CRABTREE: George, it's not cobia in particular. This was for stocks – and it's right there in the condition for use – it's for stocks that had relatively low landings that had been stable, and basically they thought it was unlikely that overfishing was occurring or that the stock was heavily exploited.

So, you go back to Ben's argument that he made with cobia where we put in place precautionary management that generally should have solved it whatever problems there may have been; and if you agree with that case, then it would seem to me cobia would fall in this. I don't remember, Gregg, what the landings were overall. I think they're higher than 250,000 pounds total. At any rate this wasn't specific cobia; it was more based on what the condition of the fishery was thought to be.

MR. CARMICHAEL: Right, what I meant there has obviously been a determination specific to cobia which places it in a particular tier, which is a generalized tier, which is the same type of system the South Atlantic SSC has recommended and which is being pursued through things like the ACL Amendment.

We just haven't gotten this far at the South Atlantic SSC as going through and evaluating the trends for all of these individual species, and that is what is planned to be done in April. So what you have in place for cobia now is a control rule that has come as a result of the council's decisions to pick an interim control rule in response to dissatisfaction with what the SSC proposed as a control rule back in April.

So you came up with using 75 percent of what the SSC recommended as an OFL, and the SSC recommended as an OFL the median of a long time series of landings, and the council has accepted that. So the only way you can get into something where you might use an ABC that is a measure of error above the average landings is then to also go in and recalculate the OFL, and you're using that OFL for unassessed stocks in all of your FMPs.

DR. CRABTREE: But I think it's a very legitimate question for you to ask that if this is ultimately what the Gulf Council does, their SSC has deemed it best available science, if the Southeast Fishery Science Center is willing to deem this the best available science and appropriate in the Gulf of Mexico, I think you have a very good question of asking why couldn't it be best available and why couldn't we do it in the South Atlantic Region.

DR. CHEUVRONT: At this point I realize that at least I need to probably withdraw this motion while we try to figure how we're going to ask the question to get our SSC to determine whether this is – what the Gulf Council's SSC has done is the best available science. I'm not quite sure of the way to frame that.

MR. WAUGH: To me there are two separate issues. As John indicated, our SSC is looking at this again in April. We will certainly provide them where the Gulf is in their control rule and ask them to address cobia. I think that direction to us is clear, so we will get them to look at what the Gulf is doing particular for cobia and I would think Spanish mackerel and perhaps spiny lobster also because that is in the same situation, so those three species.

But in the interim where we are now we have to approve a document for public hearing at this meeting, so the question is what do we put in now. If you look at what the Gulf has, their most liberal ABC is a mean of the landings plus 1.5 times the standard deviation. If we add an alternative in here now that parallels that, that seems to be the most liberal, and then we go out to public hearing, and between this value, whatever it turns out to be, and the current ABC that we have, that would certainly bracket the likely range of outcome. And then when we meet in June to evaluate public input and we'll have the SSC's recommendations, then you can finalize it before it's submitted to the secretary.

MR. ROBSON: And that was going to be where I was headed. We've got spiny lobster, Spanish mackerel and cobia that I think we would like to have the SSC take a look at that ABC

calculation and determine if it can be looked at differently, and that's direction using the Gulf Council's process.

In the meantime, just as we talked about with spiny lobster, if we need to go out with a document between now and the April SSC meeting, then we need to have an adequate range of alternatives that will cover an ABC that perhaps does mirror more what the Gulf Council criteria uses, so what Gregg suggested may be the solution. We're still talking about adding alternatives or an alternative that would give us that higher level of ABC and I think not only for cobia but for Spanish mackerel as well.

DR. CRABTREE: And that's fine, but just reading the description of that sort of fishery on the board there that the Gulf put up, I wouldn't see any circumstances that you could apply that to spiny lobster. That was basically fisheries that are lightly exploited with very low landings, and I didn't see anything up there.

I think you need to look more at the totality of what the Gulf SSC did. There may be – and, of course, we're going to get spiny lobster recommendations from their SSC, too, I guess, and somehow we're going to have to reconcile those two, and I don't know if we need a joint SSC meeting or how we do that. I don't know if you want to go back to your SSC and ask them to look at this just with respect to one or two species or whether you want to go back and ask them to look at the look approach.

MR. CARMICHAEL: Along these lines is a question of do we know what the OFL is that the Gulf set for cobia, because something like this option could end up giving you an ABC that's potentially higher than the OFL using what the South Atlantic has used as an initial OFL for these unassessed stocks. Did they use like the highest landings for their OFL?

DR. CRABTREE: Well, if you look at what they put up, it specifies the OFL, too.

MR. CARMICHAEL: Yes, so I'm just wondering what was it specified as?

DR. CRABTREE: Plus two standard deviations. The approach addresses all of that stuff, so I think the question is not so much specific cobia; it's more why aren't we applying this approach?

MR. GILL: Just for clarification, I don't believe we've done cobia yet. We've done a number of data-poor species. Cobia was not amongst them as I recollect. I might be wrong.

MR. CARMICHAEL: So this is an option and it's not necessarily what the Gulf has adopted for cobia?

MR. GILL: No, we used that control rule methodology for many of the data-poor species, and we haven't gotten through them all yet. We've done a chunk of them, some snappers and tilefish and things, but I don't recollect that we had gotten to cobia yet, so cobia specifically is not included. Generically the philosophy of the methodology was recommend an ACL of the mean or median and then one standard deviation is the ABC and two is the OFL.

MR. WAUGH: If you look at the actions in Mackerel Amendment 18 for Gulf Group Cobia, the Gulf is not using their control rule. Their control rule is being worked on in their Comprehensive ACL Amendment so that's separate from here. The alternatives that the Gulf has in Amendment 18 for Gulf Group Cobia are based on results that have come out of the old stock assessment that was done years ago based on the Miami-Dade/Monroe County Line.

**MR. ROBSON: I would like to make a motion. I would like to move that we go ahead and for this amendment, that we add – and this specific to cobia and we may want to revisit it for Spanish – but to add an alternative to set the ABC equal to the mean of landings plus 1.5 times the standard deviation; and the second part of that motion would be to ask the SSC at the April SSC meeting to evaluate the Gulf Council's guideline for looking at OFL and ABC determinations and asking why that type of guidance can't be considered for Spanish mackerel or for cobia.**

MR. GEIGER: Do we have a second; second by Duane Harris. Discussion? Mac.

MR. CURRIN: Yes, I'll support the motion at this point. I think that particular alternative may be a little bit more risky than I would like to see us end up, but it will provide I think a bracket and an upper bound of where I think we would perhaps more reasonably end up. If you look at the landings' table on Page 111 in our document here, and over the whole time series there have been 12 years of landings that have exceeded the OFL we received from the SSC.

Now, if all those years were in the latter years, I would be concerned, but they're not. We've got landings in '89 that were 1.4 million. We've got landings in 2003 that were 1.5 million, and then in '07 and '08, the last two years of landings, both of them are over a million pounds, so there are no declining trends in landings in the stock that give me any kind of real pause with this, but the ABC that we got, which is based on 75 percent of the OFL is at a concerning low level in my estimation, and so I would welcome the SSC taking another look at this and evaluating what the Gulf did and perhaps trying to give us a little more informed estimate of the OFL.

MR. ROBSON: Well, specifically to cobia again and looking at – I don't know the proportion of landings from Florida, but the state regulations for cobia in Florida are very restrictive. You've got a one-fish bag, you've got a six per vessel maximum. That same limit applies to commercial harvest. There is nothing over basically the recreational bag limit allowed for commercial take. And given that there is a substantial harvest of cobia in Florida, I think there are signs here that this may be more than we need to be doing as far as setting such a low ABC.

MR. GEIGER: All right, any other discussion? Charlie.

MR. PHILLIPS: Just a quick clarification; you really want the SSC to look at this for everything eventually. We want to start here but we don't want to stop here, right?

MR. ROBSON: Well, I'm just trying to keep it focused on this amendment and what we need to do, but I don't –

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

MR. WAUGH: So your intent with this would be that we would follow that through and fill in all the other values in terms of ACTs and so forth based on this new ABC value, just like we did with the previous ABC value? I don't think we need to walk through that now, but we'll just have a parallel set of numbers with that ABC. Where we left off was accountability measures; and then after that we'll talk about any management measure changes.

MR. GEIGER: On Page 115.

MR. WAUGH: There is no quota for cobia. There are no AMs in place for cobia. Alternative 2, the commercial AM for this stock is to prohibit harvest, possession or retention when the quota is – and that should be “projected to be met”. All purchase and sale is prohibited when the quota is projected to be met; do not implement ACLs or AMs for recreational sector.

Alternative 3 would use the same commercial AM as Alternative 2 and then implement accountability measures for the recreational sector. If the ACL is exceeded, the regional administrator shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the ACL the following year. Compare the ACL with recreational landings over a range of year. We'll use just 2011 and 2012, the average of 2011 and 2012; 2013 and beyond we'd use the three-year running average.

**MR. CURRIN: George, I'd move that we select Alternatives 3, 4A and 5A as preferreds under this action.**

MR. GEIGER: Do you mean 4A and 5A?

MR. CURRIN: Yes, in the document there are two 4As –

MR. GEIGER: I understand.

MR. CURRIN: – under Alternative 5, but I'm assuming that's a type and it should be 5A and 5B.

MR. HARTIG: Second.

MR. GEIGER: Okay, we've got a motion and a second. The motion is adopt Alternatives 3, 4A and 5A as our preferred alternatives. Any discussion concerning the alternatives.

MR. HARTIG: Just one thing, George, and a question to Gregg. What is the fishing year for cobia? When do we start calculating or do we –

MR. WAUGH: Calendar year.

MR. HARTIG: The calendar year?

MR. WAUGH: Yes, I'm pretty it's the calendar year.

DR. CRABTREE: And we come to management measures, it's the second in the next action; is that right, Gregg?

MR. GEIGER: Any other discussion? **Any objection to the motion? Seeing none, that motion is approved.**

MR. WAUGH: Management measures are on PDF Page 116. As indicated, we need about a 50 percent reduction. Well, the commercial you're going to track it. You need to decide whether you want to change – do you want to track it and close it when that quota is met; do you want to change the limit from two down to one or convert that. You had indicated before you wanted to convert it to a trip limit on the commercial side.

On the recreational side we need over a 50 percent reduction. Alternative 1 is no action. This is what is in place now. Recreational and commercial fishermen are limited to two cobia per person. No action would keep the 33-inch size limit. Right there is a two per person bag limit, but in Florida state regulations they allow one per person recreational and two per person commercial.

There is a one-day possession limit. They must be landed with heads and fins intact. The charter/headboat require a permit for coastal migratory pelagics. You've got the table at the bottom of PDF Page 116. That shows the percentage reduction going from a recreational bag limit of two per person to one per person.

And, again, just like we talked about for Spanish, we've got data from 2005-2009 shown for Florida, Georgia, South Carolina, North Carolina and Virginia. We recommend using the average; so going from two to one, you get a 6 percent reduction, 64 percent reduction in Georgia, 16 percent reduction in South Carolina, 13 percent in North Carolina and 2 percent in Virginia.

I've also got on the commercial side, in looking at trying to convert this to a trip limit is a little bit challenging because right now it's now it's two per person on the commercial side as well; and so two methods were explored. The first method uses an alternative – Method 1 used average weight and no maximum cap on the numbers landed. Method 2 uses the average weight with a cap on the numbers landed.

This analysis assumes an average cobia weight of 25 pounds; so if you look at Method 2 per person bag limits, looking at a one-fish bag limit, there were in 2007 1,588 fish landed under one bag limit; 2008 was 1,500; 2009, 1,700. Two fish, you can see the numbers there. So the reduction in going from a bag limit of two to one on the commercial is a 15 percent reduction in '07; 2008 a 14 percent reduction; 2009 a 15 percent reduction.

MR. ROBSON: I just had a question about the first table on the recreational reduction. I'm assuming that you're getting some reduction in Florida for reducing the bag limit from two to



one based on people exceeding our current bag limit, because our bag limit is one already and has been for several years.

MR. WAUGH: That would be my interpretation of it, yes.

MR. HARTIG: To that point, basically, yes, in Florida state waters it is one, but in federal waters it is two. Basically, we catch a lot of our fish in federal waters commercially, so we're catching two fish. So saying that there isn't going to be a reduction in Florida based on a one-fish bag limit is not true; and the same with the recreational. I mean people do catch a lot of cobias in federal waters recreationally also. So there will be an impact in Florida from a one-fish bag limit.

DR. CRABTREE: But what is pretty apparent from these analyses is that going to one fish doesn't get you anywhere close to the level of reduction you need; and even if you go to one fish, you're likely to go way over the ACL and then you're going to have to pay it back the next year, which could leave you with no fishery at all, so it looks to me like you need more than just go to a one-fish limit. You need probably a pretty extensive closed season or something along those lines.

MR. CURRIN: Yes, it's very apparent to me that it is not going to do it either, Roy, and one thing that came to mind – I don't know whether we have any information, Gregg, about the reduction associated with a one per boat limit, daily limit, but that might be one approach that may or may not get us there. If that does not, then certainly we'll have to consider a closed season to get the reduction that we need.

MR. WAUGH: Per boat bag limits have not been done.

MR. CURRIN: And my recommendation, Gregg, you guys can hash it over and see if there is some thought that might get us close, then I would certainly like to consider it. And if not or in addition, I think we probably need to look at some season closure that is going to get us the necessary reduction.

MR. GEIGER: Do you want this back at full council or is this something we want analyzed and then added if it shows a significant reduction?

MR. CURRIN: If we can get a feel for it at least by full council, then I'd make the motion there to add it into the amendment; or if we don't, then I think we need to add it in, anyway, both of those measures. Otherwise, we don't have any management measures that are going to get us the required reduction, necessary reduction.

MR. GEIGER: Do you want to make that motion?

**MR. CURRIN: Yes, I'd make that motion that we ask staff to or that we add alternatives to consider management action of one cobia per boat daily limit.**

**DR. CHEUVRONT: Is that just recreational?**

**MR. CURRIN:** It would be for both. We're looking at necessary reductions on both sides that one per person is not going to get, **and also an alternative to look at closed seasons that meet the necessary reduction.** I think it's going to have to be both, Gregg. Seriously, what is the reduction for the commercial side?

**MR. WAUGH:** Well, with the commercial, too, remember you're going to be tracking that quota and closing it once the quota is met.

**MR. CURRIN:** Okay, that makes sense then, so, yes, for recreational.

**MR. GEIGER:** Robert, did you have a question?

**MR. BOYLES:** I did, Mr. Chairman. I'm not on your committee. Mac, do you have any sense or any guidance on the nature of the closed seasons. I just recall our staff has made presentations here before. Cobia is a very important fishery in South Carolina. We've got evidence of spawning aggregations in state waters. I know this will generate a lot of discussion in South Carolina, so I'd like to get a sense of what you're thinking with the motion.

**MR. CURRIN:** Well, I've got the same sense you do, Robert, that to get the most bang for the buck, it's most likely to be during a spawning season, which is not going to be very popular, but that's when the fish are most available and most vulnerable. It does occur oftentimes in state waters, for the most part in state waters; so without complementary regulations in state waters, it's going to be not very effective. But I think based on my knowledge of the fishery, that in order to get the reduction we're talking about needing, it's going to have to occur during a large portion of that spawning season in the spring. It's not going to be very popular.

**MR. GEIGER:** All right, before we go much further here we have got a motion; do we have a second? Ben Hartig seconds. Now, is there any other discussion? Yes.

**MR. WAUGH:** Your Attachment 1B has cobia trip and vessel limits, and for some reason I can't get it to pull up the other tabs on the projector, but we do have the analysis done on a per vessel for the commercial. If you look at the commercial, a vessel limit of one would in 2007 get you a 35 percent reduction; 2008, a 33 percent reduction; 2009, a 34 percent reduction. That's on the commercial side.

**MR. GEIGER:** Any other discussion? **Seeing none, is there any opposition to the motion?**

**MR. WAUGH:** You've got a question.

**DR. CRABTREE:** So when we've talked about vessel limits in the past, it has always been a issue when headboats came up. I don't know if that's an issue here, but a limit per vessel of one on a headboat that might have 60 passengers on it could be a problem. I think, Tom, you said cobia really wasn't an issue in the Carolinas on headboats, but you really didn't know about Florida.

MR. SWATZEL: If we catch one a day on a boat, that's pretty good as far as cobia, but I couldn't really address the other states.

MR. GEIGER: Okay, the motion is to add alternatives to consider one cobia per boat and an alternative that looks at a closed season for the recreational fishery. Again, this is a public hearing document. Yes, Brian.

DR. CHEUVRONT: Just to clarify the motion, per boat per day or per day per trip, what?

MR. CURRIN: Yes, you could do it by a daily limit or consider –

MR. GEIGER: One fish per boat per day. All right, so it's add alternatives to consider one cobia per boat per day and an alternative that looks at a closed season for the recreation fishery. Any other discussion? Mac.

MR. CURRIN: Just a question for Gregg. Gregg, what was the necessary reduction for the commercial side?

MR. WAUGH: Approximately 50 percent.

MR. CURRIN: And 35 percent is what you get by going with a boat limit?

MR. WAUGH: Yes, from 2007 through 2009, 33 to a 35 percent reduction.

MR. CURRIN: So this is not going to get us there.

MR. WAUGH: But, again, you have the tracking the quota and closing it once they're met.

MR. GEIGER: Any other discussion? &&Seeing none, is there any opposition to the motion? Seeing none, that motion carries.

MR. WAUGH: For Amendment 18 we now need to talk about approving for public hearings, guidance on the public hearing locations; and then at the very end we need to come back and talk about Amendment 19 and give us some more guidance on those questions about permits and who is going to be allowed to sell.

The next item is approving for public hearing. Option 1, do not approve until after additional measures are analyzed and added. Option 2, approve Mackerel Amendment 18 for public hearings and any others you want to consider.

**MR. CUPKA: Mr. Chairman, I'd like to make a motion that we approve Mackerel Amendment 18 for public hearing and that also we give editorial license to staff to incorporate changes made by the Gulf of Mexico Fishery Management Council at their February 2011 meeting.**

**MR. GEIGER: Second by Mr. Harris. Any discussion? Any opposition to the motion? Seeing none, that motion carries.**

MR. WAUGH: Next guidance on public hearing locations and dates. These are the locations that the Gulf Council has approved shown here for mackerel. We talked about spiny lobster yesterday and approved this list. This is sort of our standard of hearings with the addition of Key West and Marathon instead of the Largo area.

The Gulf has approved these. What we are talking with them about is doing the Key West and Marathon hearings as joint spiny lobster and mackerel public hearings. We have offered to make the hotel arrangements and Federal Register notices for those. That's the timeline that we've talked about. I have been discussing the 19<sup>th</sup> and 20<sup>th</sup> with the Gulf Council staff, so that's what we would propose.

MR. GEIGER: How does that look to you? I see nods of assent. I need a motion. Mr. Currin.

**MR. CURRIN: I'll move we approve the outlined sites for public hearings for mackerel.**

**MR. GEIGER: Second, Dr. Chevront. Any discussion? Any objection to those public hearing locations? Seeing none that motion carries.**

MR. WAUGH: Next is guidance about an advisory panel meeting. When you get to Executive/Finance, you will that the activities schedule has a tentative Mackerel Advisory Panel Meeting in May. That would give them a chance to have input on this prior to finalizing it in June.

**MR. HARRIS: Mr. Chairman, I would move that we schedule an AP meeting of the Mackerel Advisory Panel for May as per what our Executive/Finance Committee is going to do in a day or so.**

MR. GEIGER: Second by Mr. Cupka.

MR. HARTIG: Is there any way that it doesn't have to be done in May?

MR. GEIGER: We could do it in July.

MR. HARTIG: Yes, after it was all said and done; even April would be better than May.

MR. GEIGER: All right, we've got a motion and a second. Is there any other discussion about the date? Is there any objection to the date?

MR. HARRIS: Mr. Chairman, I'll just say that there is an opportunity to revisit that in the Executive/Finance; and if the staff can put their heads together, maybe there is another date that will work better.

MR. GEIGER: And we heard his plea for a date other than May. No object; we'll tentatively approve it. Yes.

DR. CHEUVRONT: The motion says prior to the public hearings. I thought it would be after if it's going to be in May since we just approved the public hearings for April.

MR. GEIGER: That's right. Thank you, Brian, that's a good catch. **Okay, the motion reads approve scheduling of Mackerel Advisory Panel Meeting during May in Charleston pending the Executive/Finance deliberations. Any objection? Seeing none, that motion carries.**

MR. WAUGH: Okay, two items are left, the timing and task, but I would propose that we go back and discuss the measures related to prohibition of sale and then we can add those as necessary. This would now be in Amendment 19 that would prohibit –

MR. GEIGER: Monica, did you want to say anything now?

MS. SMIT-BRUNELLO: I'll do it after Gregg is done.

MR. WAUGH: – prohibit bag limit sales, and we're to work on this jointly with the Gulf. If the Gulf goes along with this, it seems to simplify and then you don't have to look at splitting the permits, the king mackerel and Spanish mackerel permit. We would need to establish a commercial cobia permit and what would be the requirements for obtaining that permit.

We would require dealer permits for all coastal migratory pelagic species and we would have the option of doing that with the Gulf, and we really should be saying with the Mid-Atlantic as well because they sit on this committee, and these regulations would carry up into their area. And then we would require permitted fishermen to only sell to permitted dealers, permitted dealers only by a permitted fisherman; the issue of separate permits; and then clarifying who can sell.

For instance here – and whether it's Atlantic king mackerel or are we going to lump it together with the Gulf and all king mackerel; so if you have a federal commercial king mackerel permit, then you can sell your catch. If you have a federal commercial Spanish mackerel permit, then you can sell your catch. And then once we work out the requirements for the cobia commercial permit, that would be required to sell cobia – so just get some guidance on those factors.

MR. CURRIN: Gregg, in thinking about this before coming to the meeting, how necessary – in view of the very low trip or boat limits for cobia, how necessary is it to have a cobia permit. If we include or implement a regulation requiring that they're sold to a federal dealer, what are we losing by not having a separate permit for cobia?

MR. WAUGH: Well, we've got law enforcement people in here and they could address that better than me, but then who is going to be allowed to sell them? What is going to be the requirement for someone to sell cobia?

MR. CURRIN: Well, in North Carolina it would be somebody with a commercial fishing license. I presume it's a saltwater products license in Florida and everybody else has got some kind of state permit that allows sale of various fish. I mean, we can go down that route but with the low, existing bag limits that we have now, two, and no doubt going down, I just wonder whether that's a necessary item to include. I've got no opposition to doing it. I'm sure the fishermen will hate to have to buy or keep up with one more permit, but I'm just trying to think about how necessary it is.

MR. HARRIS: To Mac's point, Mac, it would be necessary in Georgia because anybody can buy a commercial fishing license in Georgia and a boat license, and so anybody could sell their catch if they have that license, so I think we would prefer that they have to have a commercial permit to sell any of these species in Georgia. Otherwise, it's open to the public.

MR. PHILLIPS: Would it be possible to add cobia to the dolphin and wahoo permit and just add it right in there?

MR. WAUGH: It's a whole different FMP and different requirements. I don't know that you could add to a permit requirement in one FMP for species that are in a separate FMP. I don't know how we would do that.

MR. CURRIN: Well, the answer to one of those questions of whether it's a separate Atlantic or Gulf Migratory Group Permit is whether the Gulf decides they want to go along with this or not. If they decide not to, then I would like to pursue it on behalf of the South Atlantic Council, in which case it would be separate South Atlantic permit.

I would just toss out as far as eligibility of qualifications, that the possession of a Spanish or king mackerel permit would qualify you to apply for a cobia permit, whether we need to go beyond that or not, expand that universe, but that's certainly one option that we could consider. Under B, it makes the most sense to me to look closely at C and then have one permit for all coastal migratory pelagics.

And then under C, against it's the same thing under A, it depends on whether the Gulf buys into this and wants to go down this road or not, and that's going to determine whether it's Gulf or Gulf and Atlantic. I think it's a good idea to require that they sell to permitted dealers and dealers buy from permitted fishermen.

MR. WAUGH: Under E, the intent here is so what you would be saying is that only those with the commercial king mackerel permit could sell king mackerel; only those with the Spanish mackerel permit can sell Spanish mackerel, only those with the commercial cobia permit can sell cobia.

MR. CURRIN: That would be my recommendation.

DR. CRABTREE: I'm a little worried by A-1. How do we know we don't have people out there who have been commercially harvesting and selling cobia and don't have a king or Spanish mackerel permit? The statute requires that you take into account past and historical participation

when you do limited entry; and at least with the king mackerel that's a limited entry that you would then be applying to a permit.

Maybe with Spanish mackerel, since it's open access, that gets us around it. Maybe that's something staff just needs to be aware of. I guess if it's an open access – Spanish mackerel is open access, it may be okay. But because you're saying Spanish mackerel, you're saying anybody that wants a cobia permit, just apply and they can get one. I think all A-1 is saying that it's just open access and anyone can get one.

MR. CURRIN: I guess another way to look at that – and I don't know what a can of worms it would be, but they have demonstrated landings of cobia within the last five years. I don't know whether that information is readily available in every state.

DR. CRABTREE: Well, I don't know if we need to go to limited entry on cobia or not; but if we handle it like Spanish, it would just be an open access permit. It's up to you however you want to do it, but effectively what you have there now is just an open access permit.

MR. HARTIG: Mr. Chairman, basically every one of our permits has an income qualifier at least, and I think we should at least have the basic income qualifier to get a cobia permit. What is it in king mackerel, 25 percent? Spanish mackerel, you're right, it is open, much to my chagrin.

DR. CRABTREE: It does have an income qualifier, right?

MR. HARTIG: Okay, yes, Spanish does have an income qualifier, also, I have just been informed.

MR. CUPKA: The only thing I would ask in regards to an income qualifier, that staff look at that. I know some states are getting away from that because it has become so easy now to qualify to just incorporate \$25.00 and then you can show that all your income is a hundred percent under that corporate license.

The impression I get is there are a lot easier ways to get around this than it was when we first set it up years ago. I don't know if that's something we want to consider or not, but I know it's something that concerns some of the other states in the Gulf and they're trying to get away from that.

MS. SMIT-BRUNELLO: I think both kind and Spanish require that you show at least 25 percent of your earned income or \$10,000 comes from commercial fishing.

MR. PHILLIPS: The trip limits or bag limits on cobia is going to be so low, anyway, I can't see where anybody is going to jump through a whole lot of hoops just to catch one or two fish per trip.

MR. GEIGER: All right, what do we need?

MR. WAUGH: I think that's pretty good now; it gives us enough to start with.

MR. GEIGER: All right, it's staff's considered opinion that is sufficient to get them started. Anything else? All right, we've got task and timing. Mac.

MR. CURRIN: Just to David's point that he brought up, because it's a good one, and perhaps you can address that by not only having a percentage income requirement but requiring a \$10,000 requirement as well from commercial fishing; so if you add those together, it's a little more onerous than just having one or the other. I don't know; it seems like it might be a better approach than having 25 percent or \$10,000, but have 25 percent and \$5,000 or whatever is an appropriate level. If that makes sense, I don't know, I just throw it out.

MR. GEIGER: All right, timing and tasking.

MR. WAUGH: Okay, so what we've got is make the necessary revisions to Mackerel Amendment 18 in the EA and provide the revised document to the Gulf Council for use at their February 7-10 meeting; two, make the necessary arrangements for public hearings and coordinate with the Gulf Council; three, make the necessary arrangements for the Mackerel Advisory Panel Meeting; four, coordinate with the Gulf Council to schedule a joint Mackerel Committee meeting during the Gulf Council's June 6-9, 2011 meeting in Key West; target final approval of Mackerel Amendment 18/EA for the South Atlantic Council's June 13-17 meeting in Key West. The new item is to work on Amendment 19 to have alternatives for the council to review at the June 2011 meeting.

DR. CRABTREE: Well, what about the SSC and sending things back to the SSC? I didn't see that in there, Gregg.

MR. GEIGER: All right, anything else? Monica.

MS. SMIT-BRUNELLO: I just want to clarify a previous answer. Mark, you asked a question regarding the ABC from the SSC. I reread part of the guidelines in response to some comments, and I think it's fairly clear that the Fishery Service considers ABC to be one of the fishing level recommendations covered under Magnuson Act Section 302(h)(6), so you cannot develop annual catch limits that exceed the fishing level recommendations or ABC in this case from the SSC.

DR. CRABTREE: Monica, though, the guidelines are also clear that the councils establish the control rules in collaboration with the SSC, so the South Atlantic Council could adopt the Gulf Council's SSC ABC Control Rule and then ask the SSC to recalculate the ABCs based on that control rule.

I mean, obviously, if the South Atlantic Council SSC came up with some scientific problems with the Gulf Council's recommendation, we need to know that from a regional perspective, but I'm sure that the center is watching over this and making sure that these things are scientifically defensible, but it does seem to me that have – ultimately it's your choice what control rule you want to use and that you can certainly consider and could choose the control rules coming out of the Gulf Council. You need to collaborate with your SSC to do that.



MR. PHILLIPS: Just to kind of cover all the basis; are there any other councils' control rules that we might want to look at?

DR. CRABTREE: Well, I can't really answer that one, Charlie, but I feel like part of what I have to do and particularly part of what Bonnie needs to be doing is making sure there is some consistency in how we approach problems. It's one thing for councils to come to different decisions because you making choices about risk and things like that, but it does seem to me that science shouldn't have so much regional variability and what is scientifically okay in the Gulf ought to be scientifically okay in the South Atlantic unless there is some really good reason why it's not.

MR. PHILLIPS: I was just wondering if the Mid-Atlantic, for instance, might have something.

MS. SMIT-BRUNELLO: Well, it's interesting because, of course, the guidelines discuss that the council should work with the SSC to establish the control rule. I mean the council comes up with control rule upon the advice of its SSC. It does say for stocks required to have an ABC, the council must establish an ABC Control Rule based on scientific advice from its SSC. I would certainly think you'd want to get your SSC on board with this approach. I'll think about your question further and if I have a different idea I will bring it up at full council.

MR. CURRIN: Yes, and in all fairness I think we all have to keep in mind that this is a very new process and our SSC is going through the same thing that many of the others are going through right now, and it's kind of a fluid process at this point because nobody has got all the guidance that they need and everybody is working on different kinds of approaches to this.

It's very new still, so I think down the road we're going to see, as Roy indicated, more consistency among the various SSCs. Hopefully with all these very, very smart people working all over the country on some of the same problems, we'll make some real headway and be at a point where we don't have to continue having the discussions like we had today.

MR. GEIGER: Okay, the timing and tasking motion. Mr. Currin.

**MR. CURRIN: I'll move approval of the timing and task motion.**

**MR. GEIGER: Dr. Chevront seconds. Any discussion? Any additions or deletions? Any objection to the motion? Seeing none, that motion carries.** And with that, Gregg, I think that wraps up the Mackerel Committee; and in keeping with the tradition of the Mackerel Committee, I yield all of the unused time back to the chairman for his use.

(Whereupon, the meeting was adjourned at 2:58 o'clock p.m., December 7, 2010.)

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

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## **INDEX OF MOTIONS**

PAGE 5: Motion to move forward with the bag limit sale prohibitions in Amendment 18 for mackerel and ask the IPT to conduct the necessary analysis on the identified problems and issues regarding permits as quickly as can be done. Motion was defeated on Page 10.

PAGE 11: Motion to begin work on Mackerel Amendment 19 to address bag limit sales. Motion carried on Page 12.

PAGE 12: Motion to adopt Alternative 4 as the preferred. Motion carried on Page 12.

PAGE 15: Motion to add subalternatives listing each of the species under Alternatives 2-4 and develop ACL alternatives for full council. Motion carried on Page 15.

PAGE 16: Motion to select Alternative 3, Option 2 as the preferred under Action 2. Motion carried on Page 16.

PAGE 16: Motion to reconsider the previous approval of Alternative 4 as the preferred. Motion carried on Page 17.

PAGE 17: Motion to adopt no preferred alternative for Action 1. Motion carried on Page 17.

PAGE 18: Motion that Alternative 3 be the preferred. Motion carried on Page 18.

PAGE 20: Motion to move Alternative 5 to the considered but rejected appendix. Motion carried on Page 20.

PAGE 20: Motion to make the preferred alternative to be Alternative Number 2, to adopt the South Atlantic Council's SSC recommended ABC Control Rule and establish ABC as 10.46 million pounds. Motion carried on Page 20.

PAGE 21: Motion to accept the IPT recommendation to fold OY into ACL. Motion carried on Page 21.

PAGE 21: Motion to select Alternative 2, ACL equals OY equals ABC, 10.46 million pounds, as the preferred. Motion carried on Page 22.

PAGE 22: Motion to set Alternative 1 as the preferred and move Alternative 2 to the considered but rejected. Motion carried on Page 22.

PAGE 23: Motion to select Alternative 4 as the preferred. Motion carried on Page 23.

PAGE 25: Motion to adopt Alternative 2 as modified as the council's preferred alternative. Motion carried on Page 28.

PAGE 28: Motion to set Alternative 3B and Alternative 4B as the preferred. Motion defeated on Page 29.

PAGE 29: Motion to adopt Alternatives 3A and 4A as the council's preferred alternatives. Motion carried on Page 29.

PAGE 30: Motion to move Alternative 5 from the accountability measures action to the considered but rejected appendix. Motion carried on Page 30.

PAGE 33: Motion to adopt the South Atlantic Fishery Management Council's SSC recommended ABC Control Rule and establish ABC as 4.91 million pounds. Motion carried on Page 33.

PAGE 33: Motion to move Alternatives 3 through 5 to the considered but rejection portion of the document. Motion carried on Page 34.

PAGE 34: Motion to accept the IPT recommendation to fold OY into the ACL. Motion carried on Page 34.

PAGE 34: Motion to accept Alternative 2 to set ACL equal to ABC equal to 4.91 million pounds as the preferred. Motion carried on Page 34.

PAGE 34: Motion to adopt Alternative 1 as a preferred and move Alternative 2 to the considered but rejected appendix of the document. Motion carried on Page 35.

PAGE 35: Motion to adopt Alternative 4 as the preferred. Motion carried on Page 35.

PAGE 36: Motion to select Alternative 2 as the preferred and let that alternative reflect the change in wording as in the king mackerel motion that the regional administrator would adjust the bag limit as opposed to the length of the following fishing year for the recreational sector. Motion carried on Page 38.

PAGE 38: Motion to adopt Subalternatives 3A and 4A as the preferreds. Motion carried on Page 38.

PAGE 39: Motion to adopt Alternative 5 as the preferred. Motion carried on Page 39.

PAGE 40: Motion to accept the IPT recommendation that the OY be folded into the ACL actions for Atlantic Migratory Group Cobia. Motion carried on Page 40.

PAGE 42: Motion to move Alternative 4 to the considered but rejected file. Motion carried on Page 43.

PAGE 43: Motion to adopt Alternative 2, OY equals ABC equals 643,286 pounds, as the preferred. Motion carried on Page 44.

PAGE 45: Motion to set Alternative 1 as the preferred and then put Alternative 2 in the considered but rejected appendix. Motion carried on Page 45.

PAGE 45: Motion to select Alternative 4 as the preferred. Motion carried on Page 45.

PAGE 54: Motion for this amendment to add an alternative to set the ABC equal to the mean of landings plus 1.5 times the standard deviation; and ask the SSC at the April SSC meeting to evaluate the Gulf Council's guideline for looking at OFL and ABC determinations and asking why that type of guidance can't be considered for Spanish mackerel or for cobia. Motion carried on Page 55.

PAGE 55: Motion to select Alternatives 3, 4A and 5A as preferreds under this action. Motion carried on Page 56.

PAGE 57: Motion to add alternatives to consider one cobia per boat per day and an alternative that looks at a closed season for the recreation fishery. Motion carried on Page 58.

PAGE 59: Motion to approve Mackerel Amendment 18 for public hearing and also give editorial license to staff to incorporate changes made by the Gulf of Mexico Fishery Management Council at their February 2011 meeting. Motion carried on Page 60.

PAGE 60: Motion to approve the outlined sites for public hearings for mackerel. Motion carried on Page 60.

PAGE 60: Motion to schedule an AP meeting of the Mackerel Advisory Panel for May. MOTION REWORDED ON PAGE 57: Motion to approve scheduling of Mackerel Advisory Panel Meeting during May in Charleston pending the Executive/Finance deliberations. Motion carried on Page 61.

PAGE 65: Motion to approve the timing and task motion. Motion carried on Page 65.

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~~REDACTED~~

HAL ROBBINS

OTHA EASLEY

BOB GELL

DECK BEAME

HOWARD RAU

BILL WHIPPLE

SCOTT SANDORF



# PLEASE SIGN IN

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

Mackerel Committee Meeting  
December 7, 2010  
New Bern, NC

NAME &  
ORGANIZATION

AREA CODE &  
PHONE NUMBER

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

DAVID MCKENNEY

SEAN MCKEON

NCFEA

Rusty Johnson

2157

Dave Allison Ocean

Eileen Dougherty

Michelle Davis EDF

Sara Drenth PEG

Wilmington, NC

Bill Kelly FKCFEA

JAY BOULET

SEFSC.

51

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

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**Mackerel Committee Meeting  
December 7, 2010  
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**NAME &  
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PHONE NUMBER**

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

Mark Milliken

David Hoke (NOAA) 325-669-9999

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