

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COMMITTEE

**Jekyll Island Club Hotel
Jekyll Island, GA**

March 1, 2010

DRAFT MINUTES

Mackerel Committee

George Geiger, Chair
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Red Munden

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Kim Iverson

Observers/Participants:

Monica Smit-Brunello
Dr. Mike Travis
Nik Mehta
Bob Gill

Dr. Jack McGovern
Phil Steele
Dr. Bonnie Ponwith

Additional Observers and Participants Attached

The Mackerel Committee of the South Atlantic Fishery Management Council convened in the Club Ballroom of the Jekyll Island Club Hotel, Jekyll Island, Georgia, March 1, 2010, and was called to order at 4:00 o'clock p.m. by Chairman George Geiger.

MR. GEIGER: All right, we're going to call the mackerel meeting to order. You've all had an opportunity to look at the agenda. Are there any changes or additions or deletions to the agenda? Is there any objection to approving the agenda? Seeing none, the agenda is approved. The minutes from the December 8th were included in the briefing book. Any changes, deletions or additions to the minutes? Any objection to the minutes? Seeing none, the minutes are approved.

The first order of business on the posted agenda is the status of Gulf Council Actions as they pertain to Amendment 18. Gregg.

MR. WAUGH: The Gulf Council Committee and Council reviewed the Draft Amendment 18 document. They had no recommendation on the alternatives. They did approve a control date for Gulf King Mackerel of June 30, 2009, and for Spanish Mackerel, March 31, 2010. There is a team that's putting together the options paper that is being used for the amendment.

We still have some work to do. I've got the Table of Contents. This is Attachment 1. The decisions that need to be made in Amendment 18 are modifications to the fishery management unit; any species we can remove. Action 2 would be to modify the framework procedure to incorporate the SEDAR process.

Then the third – and these first three are joint decisions – cobia is now one stock and we want to split it into two management groups, and we've got some alternatives to look at doing that. These first three items are joint decisions that need to be made. What we're trying to get reflected in the document is from then on to have all the Gulf decisions in one area and the Atlantic decisions in the other area, and that would help when we go out to public hearings.

Also, we need to still work in MSY, OY alternatives and ABC. We will have an ABC Control Rule. The Gulf Council may or may not have an ABC Control Rule. I'm working with Rick Laird to get that information incorporated. Our intent would be to have those three joint actions there and then probably the Gulf Council actions for all of their species including cobia and then follow up with our actions for cobia and king and Spanish.

That's it right now. Our SSC is meeting in April; and when we get to June, we hope to have this document restructured such that we can make our decisions. We will have the SSC recommendations on the ABC Control Rule. We will have their recommendations of ABC and OFL from them, so we will have some work to do at our June meeting when we discuss this Mackerel Amendment; in fact, an overview of the amendment and the Gulf actions.

MR. GEIGER: Okay, thank you, Gregg, and make note that Mr. Munden has joined us and is here for the meeting so we have a full committee, which leads us into the next action which is the status of the data request from the Southeast Fisheries Science Center. Gregg.

MR. WAUGH: I'll pull up the letter and we may want to hear from Bonnie on the results or I can address those as well. The letter was sent out. Their response was e-mailed to you. Bonnie, do you want to handle this or would you like me to go ahead?

MR. GEIGER: If I might, Gregg, why don't you cover a little bit of background of why we asked for is just to refresh everybody's memory; why we asked for this data.

MR. WAUGH: Okay, here is the memo that went with this data request. These are analyses that the SSC requested in order to do their OFL and ABC recommendations. The assessments that were done did not have this P-star analysis probability of overfishing, so the SSC requested some additional analyses be completed.

We wanted that information to be provided by March 15th so that the SSC can use that information at their April meeting. Here is what we asked for: updated catch for the 2007, 2008, and 2009 fishing years for Atlantic king mackerel; to provide available measures of recruitment such as CPUE for Atlantic king mackerel; provide updated projections for Atlantic king mackerel that accounts for cumulative uncertainty over time and based upon that 27.5 percent probability of overfishing occurring.

Then it asked for some specific items in terms of fixed catch, annual Fs and so forth; ABC changes. This is the full complement of information that the SSC needs to run king mackerel through their ABC Control Rule for data-rich species. The Center has indicated that they will provide all of the material by the March 15th deadline.

You will remember for Spanish mackerel, that's going to be run through our data-poor ABC Control Rule that the SSC is working on. After the April meeting we should have all the recommendations from the SSC. Cobia would be run through the data-poor ABC Control Rule as well.

MR. GEIGER: Dr. Ponwith, did you have something you wanted to add to that discussion at all?

DR. PONWITH: No, Mr. Chairman, that's a pretty comprehensive overview.

MR. HARTIG: Gregg, the data-poor designation results because we didn't have the biomass estimates from the assessment?

MR. WAUGH: That's correct.

MR. GEIGER: Okay, so I guess there's really no action. We've discussed it; we were going to get the data back prior to the SSC meeting, so that's an action complete. Thank you very much. The next order of business is the South Atlantic Council participation in the Gulf Mackerel Catch Share Program. It's listed here as a LAPP but we're going to call it a catch share because all these programs are now called catch shares. Gregg, do you want to give the overview or do you want me to give the overview? It might be better if it came from you.

MR. WAUGH: Okay, in looking at the committee report that came out of the Gulf meeting, they did discuss this. It was pointed out that they've got workload issues and the focus right now is on Amendment 18 to take care of the ACL and AM requirements. The issue of catch shares will be looked at in a future amendment. It is something that will be developed once they get past the issues of dealing with ACLs and AMs.

MR. GEIGER: Let me just add a little bit to that. I went to that Gulf Council meeting specifically to become informed as to where the Gulf Council was in terms of developing a catch share program for the king mackerel fishery. It's beyond that just a bit. A motion was made and approved for them to form an ad hoc committee to begin to investigate forming a catch share program for king mackerel.

It dawned on me immediately when I began to talk to people at the Gulf Council that we've probably missed an opportunity, and one of the reasons that we had such problems maybe in the past is that we've had these lapses in communication. We have a meeting, we need to get something done, we have to send it over to the Gulf, we have to wait for them to approve it, and they have to vice versa do the same thing, and there is this transfer of confused data back and forth with some significant time lapses between actions being taken.

The fact that they even considered this catch share program without really considering the effects it might have on South Atlantic fishermen to me is a bit alarming because the permits are king mackerel permits. They're not Atlantic and Gulf permits; it's one group of fishermen. If they were to act on this particular catch share program, I don't know how it would impact our fishermen.

I can tell you that having attended every public hearing in the state of Florida since I've been on this council that I only recollect one person who ever demonstrated an interest in a King Mackerel Catch Share Program. That's an alarming prospect in and of itself. I suggested and I talked it up amongst a number – well, I virtually hit almost every council member – the fact that this mackerel issue, even Amendment 18, things are so confused and so much time elapses between doing things, that perhaps we should meet as a Committee of the Whole, Gulf and South Atlantic Mackerel Committee, in an attempt to resolve these issues in a more timely manner and keep everybody on board.

We'd have staff face-to-face representation and they could iron out issues face to face and get resolution and avoid these tremendous delays and the confusion that ensues between having meetings lapse and trying to get data back and forth. It was met universally as a good idea. Unfortunately, my travel arrangements caused me to leave before their council met and they didn't vote to do that. That's kind of thrown a monkey wrench into the mix.

We wanted to do it in June and possibly even do it in July. I don't exactly why this was done because I spoke with their principal mackerel staff person who was on board, the chairman of the committee who was on board, and at the last minute Gregg told me that the idea had kind of fallen through.

I would like to do is have a brief discussion and get an idea or a sense as to whether or not the committee and then the council believes it's a good idea for us to meet jointly as mackerel committees from both councils and then take it back to the Gulf Council in April and have them discuss it again and let's move forward with either a joint meeting in June or July in an effort to firm up Amendment 18 and then move on with other mackerel issues jointly as they come up, including this potential catch shares program, which has been put on the back burner, I might add. The bottom line of that is they are moving slower on that catch shares program. David.

MR. CUPKA: Mr. Chairman, you will recall at our last meeting I reported that the Gulf Council had moved ahead to form an ad hoc Mackerel LAPP AP and that we needed to have some fishermen involved in that, and that was an opportunity to work with them on it. Of course, that's at the fishermen and the AP level and not at the council level or committee level.

I think we need to do both things, to be honest with you, to coordinate some of this because it is going to have an impact. Until we get a better feel for where this is heading at least, I think we need to get some council representation or committee involvement with their committee as well as trying to get some representation on their ad hoc Mackerel LAPP AP, to have some of our fishermen on their. We've kind of moved ahead and expressed to them an interest in the one, but I didn't express an interest in the other at the time because it hadn't gotten to that point. I think it's a good idea and I'm kind of disappointed that it didn't happen.

MR. HARTIG: Certainly, Rusty and I talked about who we could get on that ad hoc panel. I don't know if we did get anybody finally or not. I had talked to a couple of fishermen and Rusty had talked to them, but I don't know what the end of that was. What I was wondering, Roy you've had a bit of time to think about how we'd do king mackerel.

Basically, we've got the different groups with the different quota. You have to go in for each quota section and actually have its own individual LAPP for that section of the quota in the specific geographical range. I don't see how you'd do it any other way. The Gulf, summertime, July 1st fishery would have its own quota. That little panhandle, whether or not that stays or not, would have to have it.

The Keys hook-and-line fishery would have to have their own LAPP. The net fishery in the Keys would have to have their LAPP, and then the fishery on the east coast would have to have their own LAPP. In fairness that's the only way it could go because fishermen have made their decisions over time on how they're going to fit into the king mackerel fishery.

We've got a number of fishermen on the east coast who fish in the Louisiana/Texas area all summer, so their catch history would reflect that participation. They would be included in a LAPP in that fishery. They wouldn't be included over here because they don't have the catch history for that timeframe on the Atlantic coast in that time of the year for the Atlantic king, so they would be getting Gulf Group considerations for a LAPP.

It's going to be complicated but we can do it that way, and I think that's the way – if we decide that's the way we should go. To me any group that wants opt out of a LAPP could opt out of it

because it's not going to affect the other fishermen's ability to form a LAPP and other regions who may want one. I don't know if you've thought about that.

DR. CRABTREE: Well, I haven't thought about it a whole lot. The one segment of the fishery you've had the most problems with is that net fishery because they catch the fish very quickly and we tend to have some real overrun problems with that. Just based on the way you're laid it out, it seems logical but I haven't spent a lot of time thinking it through. I think it does make sense to me, like George was talking about, to try to get some sort of joint meeting together to talk about this because it is one permit, and it would be nice if we could do this consistently for once.

MR. ROBSON: I was just going to ask what did happen as far as at least getting some Atlantic members on that ad hoc AP.

MR. GEIGER: Well, they haven't done anything. Correct me if I'm wrong, Bob. Mr. Gill is here from the Gulf Council as the liaison. To the best of my knowledge they're placed the King Mackerel LAP Program on the back burner pending completion of Amendment 18.

MR. GILL: No, that's not quite true. We're forming and have formed a LAPP AP Panel and placed it and they're scheduled to have a meeting I think this month.

MR. GEIGER: Well, I guess I'll entertain a motion, David, to cover the issue and maybe we can send a letter requesting we have Atlantic representation to some degree on their AP.

MR. CUPKA: Well, I certainly think we need representation, Mr. Chairman. I wasn't aware they had gone that far. The last I heard was when I was at your last council meeting, Bob, and you passed a motion to create such an AP, but I didn't realize you had actually done it yet. Certainly, I think we need to get some representation on there. I would make a motion, Mr. Chairman, that we send a letter to the Gulf Council requesting that we get representation on their Ad Hoc Mackerel LAPP AP.

MR. GEIGER: I have a second by Mr. Robson. Is there any opposition to that motion? Seeing none, it is approved. Ben, I would request possibly that you do some more investigation with Rusty and determine who it is we'd like to have. You're probably going to get one space. Gregg, how many would you request, one or two? Does anybody on the committee – I'm hearing whispers in my ear of three.

MR. WAUGH: I think it would be more important to make sure you have your major gear types and sectors represented, and then we'd have to talk about impacts to budget. I'm sure if we were to do this, the Gulf might welcome them attending but would probably want us to cover their fare.

MR. HARTIG: We only have one gear type in the east coast subzone, and that's hook and line, so we could do that. We were thinking of two, but if we can only send one, we'll send one. Rusty just informed me that in the six people they have chosen to be on this panel, none of them are from the east coast and we did have two applicants. We didn't get any –

MR. GEIGER: Well, how about lining three people; get three names. We'll request two and have one as an alternate in case one of the guys can't make it and see if that's a doable thing, Gregg. Brian.

DR. CHEUVRONT: One of the things I'm not clear about at this point is would such a LAPP just go through that mixing zone area off the east coast of Florida. Is that going to go all the way up to North Carolina as well?

MR. GEIGER: And those are the decisions and the things that are unclear in this whole process.

DR. CHEUVRONT: Right, and so if we're considering gears and things like that; do we need to consider a geographic distribution as well? That's a long way from Florida up to the Outer Banks. We've got several mackerel fishermen that fish up that way as well with the majority of the fishery occurring off of the east coast of Florida and North Carolina.

MR. GEIGER: Well, would you investigate amongst your fishermen to see if you can identify somebody to help Ben out from the northern zone and we can put a pool of names together.

MR. HARTIG: Well, to that point, the discussion is specific to Gulf Group King Mackerel and a Gulf Group King Mackerel LAPP, so we don't really need to get Atlantic people involved unless you want to. That's up to you, but I don't think it would be appropriate to talk about forming a LAPP in the South Atlantic with Gulf people.

I don't think that's really appropriate, but it is appropriate to talk with Gulf people about what we're doing in our area on Gulf Group stock, at least half of which is Gulf Group and half is South Atlantic. I don't think we need to get carried with any North Carolina representation at this time. In the future we may.

MR. GEIGER: Is that all right with you, Brian?

DR. CHEUVRONT: Yes, that's all right. My question was really more for clarification as to what is the area that they're considering for this and whether it is going to impact the entire South Atlantic area. It sounds like from what you're saying that it probably is not. Okay, I'm fine with that.

MR. GEIGER: Unless your guys go down and fish on the Gulf zone fish.

MR. HARTIG: They could still be represented by the three people we bring.

MR. GEIGER: Yes, I'm sure they would come back and provide information to all the permit holders in the South Atlantic. If there are people that go from North Carolina south, they –

MR. HARTIG: We do; we have several North Carolina fishermen that fish in that zone during that time of the year.

MR. GEIGER: All right, so we've got a motion that has been approved; is there any further discussion? Any objection to that motion? Seeing none, that motion carries. David, I'd also entertain another motion in regard to joint committee meetings. What do you think?

MR. CUPKA: For the purposes of discussing LAPPs or just mackerel issues in general?

MR. GEIGER: Mackerel issues in general as we move forward in an attempt to try and streamline this process, seeing as how we have potentially given up on the divorce.

MR. CUPKA: If they aren't going to have a divorce that might be the route to go. It is frustrating and one of the things a divorce would have done was allowed both groups to move forward more expeditiously. Since we aren't going to do that, then maybe we need to go back to the way we used to where we had some joint committee meetings.

MR. GEIGER: Well, we don't want to go back to the way you used to do it; what we'd like to do is move forward with the new people who are –

MR. CUPKA: Yes, I didn't mean with the same outcomes; I meant structured the same way. I would make a motion that we request from the Gulf that we establish a joint Mackerel Committee.

MR. GEIGER: And seconded by Mr. Robson. Any discussion? Mr. Chevront.

DR. CHEUVRONT: And with that as a point, do we want to suggest that we have a meeting in June or July of this summer?

MR. GEIGER: I think we can let the staffs work that out. The first thing we've got to do is get that letter in the form of a letter to them, and then they'll have to discuss at their April meeting and determine whether it's best done in June or July of when the best time to do that is, but the important thing is I think as we move forward on matters pursuant to mackerel that we do so jointly as opposed to individual councils and committees.

I'm having agreement from our Gulf liaison, Mr. Gill. Okay, any other discussion? Seeing no further discussion; anybody opposed to that motion? Seeing none, that motion carries. Okay, the last order of business is the request from Mr. Hickman for the use of float gear. Yes, sir.

MR. HARTIG: Mr. Chairman, are you going to go to the AP meeting that discusses the LAPPs as the chairman of this committee?

MR. GEIGER: I hadn't even thought about it. Do you want to go?

MR. HARTIG: Well, the question I'm asking is should we have council representation at that meeting based on the contribution of our fishermen to that?

MR. GEIGER: Bob, do you guys normally have council members attend your AP meetings as just observers or in what capacity?

MR. GILL: We normally have one council member as a representative for the council at our APs to provide the council intent and any questions from the council's perspective relative to the AP's charge.

MR. GEIGER: Well, I think it's a very good question, and Mr. Currin has not yet informed me once again of my precipitous downward slide into oblivion, so if someone were going to attend I would like instead of me perhaps somebody who is going to have more longevity and be involved in this process.

MR. HARTIG: Well, I'd certainly like to attend. I know the issues and I know the fishery. I've been involved in it for 40 years, so I can certainly represent the fishermen's perspective from our side. I talk to those guys all the time. There are some that want it and some that don't. My interest was getting one guy who supports LAPPs and then one who didn't and then see how the discussions went from that within the framework of the Gulf Council's AP.

MR. GEIGER: Well, I'm certainly amendable to having you represent the committee. Is there any objection to that? Well, I'll make a chairman's decision, then, and you will be the designate, then. Thanks for volunteering. Okay, the next order of business is a request by Mr. Hickman in regard to his king mackerel float gear. Brian.

DR. CHEUVRONT: Well, since Mr. Hickman didn't get his official request in, I'm not sure that there is anything we can do about this at this time. I had worked with him and trying to get him to get his request in and he failed to do so, so there is nothing for us to consider at this time.

MR. GEIGER: And we have sent a letter to Mr. Hickman; correct, based on his original request?

DR. CHEUVRONT: The original request from last September, yes, the letter was sent.

MR. GEIGER: And the ball was then placed in his court and he has not chosen to shoot.

DR. CHEUVRONT: The ball is definitely in his court. He went back and has modified the gear. He believes that he has a gear that would be acceptable to the council. I told him he had to write this up and get his request into the council for consideration. I had told him that he needed to have it done by the first week of February to make sure it got on to the agenda, and he failed to do so. I have not heard back from him since late January on this matter.

MR. GEIGER: Okay, thank you. Monica.

MS. SMIT-BRUNELLO: I don't recall we had discussion on Amendment 18 and I have two brief questions. One is on timing. Gregg, I understand that the council has a data request into the center for information that will be considered by the SSC at the April meeting. Then this council will have a more fleshed-out document at the June meeting?

MR. WAUGH: Yes.

MS. SMIT-BRUNELLO: And then the Gulf meets next in April and so they will, I assume, work on this Amendment 18 at their April meeting? I'm looking at Bob Gill; not to put you on the spot, but do you know whether the Gulf Council intends to address Amendment 18 at the April meeting?

MR. GILL: If you'll give me a few minutes, I just got the proposed schedule. Let me take a look at it and we'll find out.

MS. SMIT-BRUNELLO: Okay, and I guess, Gregg, then – I'm just trying to figure out when you expect to have a public hearing draft and that sort of thing. That will be maybe in the September meeting or possibly June?

MR. WAUGH: I will project the overview for this committee meeting that has some of this information. Here is the plan timing. We will have options papers that we will work on March and June. The Gulf Council meets I think the week after we meet in June. The intent is to approve for public hearings the August/September time period. I know we meet in September.

Our intent right now is to approve for public hearings in September, have those hearings in October/November. Right now we're looking at an environmental assessment and to review public hearing input and approve actions at the December 2010 and January 2011, so we would take final action hopefully in December and then review a complete document at our March meeting and send to the secretary in April 2011. That's the current plan.

MS. SMIT-BRUNELLO: Okay, and then I have one question I guess on an action, and it really involves the framework. It's Action2 and it says modify the framework to include the SEDAR process and other past actions by the council. Does that mean actions the council took in various amendments that changed the items in the framework? What does mean, "other past actions by the council"?

MR. WAUGH: I would think that's referencing other items that may want to be added to the framework. We can look at that document very quickly.

MS. SMIT-BRUNELLO: Well, I read the document and it doesn't really say what that means, so maybe I can go back to my counterpart in the office and ask him and also the IPT can maybe address it.

MR. WAUGH: Yes, I'll make sure we go back and flesh that out and put in specifically what that is.

MR. GILL: Monica, we do have the options paper for Amendment 18 on the schedule for the meeting of the week of the 13th of April.

MS. SMIT-BRUNELLO: Okay, thanks, I'll get with Shepherd before that.

MR. GEIGER: Okay, anything else, Monica? All right, thank you. Under other business I would just alert the committee members to a letter that we've just received. You all should have

it in your e-mails from the Florida Keys Commercial Fishermen's Association concerning our setting of ACLs on Amendment 18, so I encourage you to read that and take it under consideration. We will be talking more about that at the next meeting. Any other business to come before this committee. Mr. Harris.

MR. HARRIS: Well, George, I want to go back to what you had started the committee meeting with and that's joint committee meetings with the Gulf Council. In light of what we've heard, do we need to continue down that road and look at the budget and decide if we need to have joint mackerel committee meetings or will this schedule allow us to complete everything that we need to complete without that, or was that mainly related to the LAP Program?

MR. GEIGER: It's related to all things mackerel as we move forward. I've only been on the council seven and a half years, and we've been working on this mackerel business for seven and a half years, so I'm not sitting here fooling myself or trying to fool anybody else thinking that Amendment 18 is going to move forward on schedule.

I hope it does but it wouldn't surprise me if we have other issues; I don't know. I just believe that as we move forward, even if we don't have anything immediately after Amendment 18, we've got this catch shares issue.

Even if that gets placed on the back burner as it has been in the Gulf Council, mackerel will be addressed at some time in the future and I believe that the way that business should be conducted is by joint committees as opposed to individual committees on each council as we have during this very trying period over the last seven years.

MR. HARRIS: Well, let me talk to Bob and look at the budget situation and maybe we can come back at full council and make a recommendation on that issue if that's what you think is needed. I'll talk to Bob in the meantime and see if his council would have any –

MR. GEIGER: When I talked to all the council members – you saw Mr. Gill nodding his head in the affirmative that he thought that would be a good way to conduct business. I can tell you everybody on the Gulf Council who I spoke with was in unanimous agreement that is a pretty logical way to proceed. I mean, mackerel issues are going to come up in the future and I think that's the way those committees should meet. Any other business? Gregg.

MR. WAUGH: Just to let you know that the northern zone of Gulf Group King Mackerel will be opening again this week. We had a quota closure but the fishermen were successful in pointing out to NMFS that the data projection, given the extremes in weather, weren't accurate for this year, and so the National Marine Fisheries Service is reopening that fishery I think for four or five days starting I think it's March 3rd – five days starting March 3rd.

MR. GEIGER: In the event that nobody has thanked you guys for doing that, I'll say thank you.

MR. HARTIG: I would like to extend my thanks to the National Marine Fisheries Service for having the extended conversations they had with the fishermen and coming back and then reopening the fishery when we needed it and at a time when we needed it the most and when the

fish are worth the most. It was a productive discourse between both bodies and it worked out very well. Thank you.

MR. GEIGER: Any other business? Okay, timing and tasking motion; we have two motions basically sending a letter to the Gulf of Mexico Fishery Management Council about membership on the LAPP and Ad Hoc Catch Shares Mackerel Group; and sending a letter to the Gulf of Mexico Fishery Management Council requesting a joint Mackerel Committee meeting. We will receive additional input on that at the full council from Mr. Harris and Bob. Okay, the timing and tasking I just read, if somebody wants to make that in the form of a motion.

MR. CURRIN: I would so move.

MR. GEIGER: Seconded by Mr. Harris. Is there any objection to the motion? Seeing none, that motion is approved. With that, our business is complete.

(Whereupon, the meeting was adjourned at 4:39 o'clock p.m., March 1, 2010.)

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PLEASE SIGN IN

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

Mackerel Committee
Jekyll Island, GA
Monday, March 1, 2010

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ORGANIZATION

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