

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COMMITTEE

**Charleston Marriott Hotel
Charleston, SC**

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SUMMARY MINUTES

Mackerel Committee

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John Jolley
Bill Teehan
Charlie Phillips

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Duane Harris
Dr. Michelle Duval
Tom Swatzel

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Observers/Participants:

Dr. Bonnie Ponwith
Kate Michie
Dr. Jack McGovern
Andy Herndon

Monica Smit-Brunello
Bob Gill
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Other Participants Attached

The Mackerel Committee of the South Atlantic Fishery Management Council convened in the Topaz Room of the Charleston Marriott Hotel, Charleston, South Carolina, September 13, 2011, and was called to order at 2:12 o'clock p.m. by Vice-Chairman David Cupka.

MR. CUPKA: If everyone will take their seats, we can go ahead with our next committee meeting, which will be mackerel. Obviously Ben is not going to be here with us this week. I know he is listening in so we want to certainly wish him a speedy recovery and hope he'll get back to us quick.

The first order of business on the mackerel agenda is the approval of the agenda. Are there any changes to the agenda? Seeing none, then the agenda is approved. Next is approval of the minutes from our last meeting. Are there any corrections or additions to the minutes? Seeing none, those minutes are approved. That takes us down to Item 3, which is the status of the commercial and recreational catches versus the quota for king and Spanish mackerel. The first one is the commercial and I'll ask Jack if he has anything he wants to report on that.

DR. McGOVERN: Yes, sir, Mr. Chairman. The mackerel landings from the quota monitoring system are in Tab 11, Attachment 1, which just shows the quota monitoring landings. I've also sent around monthly landings for mackerel, too. This is something Ben requested the last time so you could see where landings are at this point in time this year compared to previous years. That is an e-mail that was just sent out recently.

King mackerel is at 39 percent of the quota thus far this year and Spanish mackerel is at 35.9 percent of the quota. Those are the most recent updated landings on the web. We're going to send out another updated report tomorrow with that. You can see with the tables that I sent out that show landings by month. Thus far this year about 1.4 million pounds have been landed. That's for kind mackerel and that's lower than in previous years. For Spanish mackerel, about 1.3 million pounds have been landed and that's higher than previous years. It was about 980,000 pounds by this time last year.

MR. CUPKA: Any questions for Jack? Seeing none, then we'll move to the recreational landings. Bonnie, do you have something on that for us?

DR. PONWITH: Yes, Mr. Chairman, I do and I'm having trouble putting my hands on that presentation on the thumb drive.

MR. CUPKA: Okay, while they're looking for that, let's and get a status report on Mackerel Amendment 18.

DR. McGOVERN: Mackerel Amendment 18 was approved by the South Atlantic and the Gulf Councils at their August meeting. We're working on the proposed rule package right now. The council still has to submit the amendment to us, and we'll be ready to roll and get it submitted.

MR. CUPKA: Questions for Jack on the status of Amendment 18? Gregg.

MR. WAUGH: A couple of issues that surfaced when we were reviewing 18 before it was submitted is the table that's in the document – and I've got it projected here, Table 2.16.4.1 – shows the quota monitoring over time, and this has come out of previous stock assessments. In the past it has been backfilled with more complete data.

One of the issues – and we wanted to bring this to your attention here just to make sure you were in agreement with moving forward the document with this revised data – is when we went out to public hearings you can see that for the 2008/2009 fishing year we were telling the public based on quota monitoring data that we had up through that time that there was about 2.5 million pounds of commercial landings, so they were under the quota of 3.87 million pounds.

Also, for the 2009/2010 fishing year the quota monitoring had landings at 2.633 million pounds commercially and under the quota of 3.87 million pounds. Well, in completing the document and checking the analyses we found that in the economic section they were using some different numbers.

And so in resolving them we found that they had more recent and more complete data, and what that showed is that in the 2008/2009 fishing year the commercial catches were actually 3.511 million pounds, just under the commercial quota. And then in 2009/2010 fishing year the landings weren't 2.6; they were 4.038 million pounds, which is about 1.4 million pounds higher, and it's above the quota that was in place at the time.

Had you had this information, you may have considered revisions to the trip limits for Spanish mackerel, but again the councils have approved this document and perhaps the better approach is just to correct these numbers and go forward with 18 and then revisit this in a future mackerel amendment and see if you want to make any adjustments.

It also points out that we continue to have what appear to be significant problems in the existing quota tracking system accurately tracking the landings, and you'll see this when you look at some of the snapper grouper numbers that Jack has distributed as well. The way the commercial quotas are being monitored is not giving us an accurate portrayal of the commercial landings.

Anyway, the bottom line is these numbers need to be changed in here and in the document and we will go through and make those corrections. The other issue that surfaced that Ben was interested in discussing – obviously, he is not here, but I'll just mention it so we're clear when we go forward – is he had some concerns over the time series of data that were used for cobia to determine the allocation.

Those just happened to be the time series that were pulled into the amendment document from the start and so those were the years that used and applied the allocation alternatives to. Here we're just looking – if you are okay with this going forward and the staffs making these changes, then we don't need to do anything.

MR. CUPKA: Does anyone have a problem with that? I think at this point it would probably be the best is to make those corrections and move ahead on this one issue. I am concerned that the

information is off that far and I don't know what is causing that, but we certainly need to try and find out and improve some of these quota monitoring actions.

Anyway, does anyone feel any differently in regard to moving ahead with 18, making those changes and going ahead; is there any opposition to that? Well, seeing none, then we'll direct staff to do that. The other issue that Ben brought up on cobia deals with the allocation formula, and I think it's a bigger issue than just looking at cobia specifically.

I think Ben would like to have some discussion on the allocation process and the formula as it impacts all species, which is a much more general discussion. Perhaps the next time he is here we can bring that up and get into that in more detail, but I think it is a bigger issue than just the impact on cobia. I think it impacts a lot of species and the time to revisit that is probably when Ben is with us and we'll get into that at a future meeting. Any other discussion or action regarding quotas or landings?

Okay, we've already heard from Jack on the status of Mackerel Amendment 18, and the staff will make those corrections, update and we'll be submitted that shortly. That brings us down to Item 5 on our agenda, which is the terms of reference and appointments for SEDAR 28, which is the Spanish Mackerel and Cobia Assessment. I think John is going to make some comments on this.

MR. CARMICHAEL: The SEDAR Committee will be looking at and making appointments for SEDAR 28, which is doing Gulf and the South Atlantic Spanish and cobia, and also be approving terms of reference. We're just looking for any feedback from the committee on those items. Ben has made some suggestions of individuals he supports for the participants, which I think are very helpful.

We've got a pretty extensive list that is within the SEDAR Committee documents where we have tried to reach out to the states and bring in some more people. This one given, say, cobia which extends up to some of the states beyond our region to the north, we have talked to people in places like Virginia. – I understand they have some age data – so there are new names in there that we don't always see.

Also, we're cooperating here in dealing with both jurisdictions so we have a lot of overlap and we expect a fairly substantial workshop. We have a lot of species but we have a lot of area so we're going to need to have some restraint in terms of making appointments so we don't end up with a totally unmanageable group and recognizing where people cross both jurisdictions, especially in an area like Florida.

The terms of reference, a couple of things to note, the committee suggested – I don't remember if it was made at the SEDAR or at this committee some time ago – about requesting a continuity run that is similar to what was done for Spanish mackerel back before SEDAR through the mackerel stock assessment panel, so that has been added to the terms of reference.

Another thing which has been discussed in our planning calls with Science Center about this is considering at least striving to get a model that would work for both Atlantic and Gulf Spanish

because of concerns that have come up quite often about getting slightly different models or different packages that are essentially the same type of statistical model can create some discomfort when things look a little different, so we think it would be very good to have a consistent model for Spanish at least.

Now, with cobia we recognize quite a bit of data differences between the Gulf and South Atlantic and these are being first-time assessments, so we're not sure where those are going to fall out, but we are striving for that with regard to Spanish. One last comment on the terms of reference, they're getting a little bit different than what they used to be.

We're trying to move toward an approach that is more generalized questions to ask to the group, especially to the review panels, with a hope that we don't get any of these situations where if a review panel has some difficulties with the actual model, how it's performing or perhaps some of the input data and its ability to support the models that were pursued, that they still fall back and give us some good information based on the breadth of data that is put before them.

MR. CUPKA: John, were you going to touch on the issue of maybe adding something to the terms of reference to standardize a data set and use that same data set through all analyses or was Gregg going to mention that?

MR. CARMICHAEL: I think that would be something that comes up in the amendment development process and a little bit different than SEDAR, so I think that's probably for another place, but it is something we're thinking about and SEDAR maybe puts the first foot forward on doing that.

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MR. CUPKA: Gregg, did you want to comment on that at this point?

MR. WAUGH: Yes, two things; one, we are going to – and I talked to Jack about this over lunch – when we start an amendment to basically have a data workshop where the IPT agrees on a data set and we use that data set throughout that amendment, because we run into situations where the data set changes over time.

If we have a recent stock assessment, then we can pull a lot of the data out of that, but there are going to be some analyses that will be done with logbook data that would be different. I did want to surface one additional issue and potential for including it as a data set at the SEDAR data workshops as a deliverable.

I talked with John about this and John can explain his views. We're finding difficulty in creating a table of landings that we can use from the SEDAR assessments. For red grouper it took us three tries before we got the correct table. This information is in there. The recreational data is in as numbers of fish. The commercial is in a separate table. It could be gutted weight, it could be whole weight.

There is nowhere in the SEDAR data workshop process where a table like this is produced. I think if we were to have this as a deliverable it would help certainly us as we try to use the information that goes into a SEDAR, but it will also help the public understand what is going on

in this stock assessment. What we find and what the fishermen are asking us is, well, what are the trends in the fishery now?

Certainly, you would think that if you started a stock assessment you would look at the trends in the current fishery, and that's done to some extent but not looking holistically at the fishery like this because they don't have a table that puts this together.

They convert all the numbers and then it goes into the stock assessment, and they look at the output over time. Our suggestion would be that we create a table that has the years and then the recreational, and it's all in whole weight, the recreational is broken up private, charter, headboat, then the total recreational, you have commercial and then total landings.

I think this would help the public understand and buy into the results of the SEDAR stock assessment a lot more and it would certainly help us use the products that come out of the SEDAR stock assessment.

MR. CUPKA: Questions or comments for Gregg? Bill.

MR. TEEHAN: Mr. Chairman, not of Gregg of John; John, do you know about what the universe of how many people you think will be manageable for the SEDAR?

MR. CARMICHAEL: That's always a good question. We have data workshops with upwards of 60 people; and by the time you break out into different workgroups, that's fairly manageable. We try to appoint around and what the council appoints, keep that to around 15, 16, which seems to work, so we've sort of told each council on the order of 8 to 10 is what we're heading for.

Then you bring in the federal people, which obviously are incredible partners in this process, so it does grow right quickly. I think we're kind of in that ballpark in terms of people. I'll comment on this one; South Carolina does an awful lot of work on cobia, so they have some people really interested, but we're holding it in Charleston so that's going to be beneficial to us in the sense that we can bring in a lot of those guys without incurring travel costs, which is really what the primary limitation is.

MR. CUPKA: Other questions or comments in regard to the terms of reference or appointments? We'll be getting into those appointments during our SEDAR Committee meeting. All right, we can go back to Bonnie now. Did we find the file that we needed for the recreational landings?

DR. PONWITH: Yes, thank you, Mr. Chairman. If we go to the next slide you'll see that the king mackerel landings – and what I'd like to do is urge you to look at the caveats of each of these tables because again these are preliminary data. The area included in these landings are New York to Florida. They're the MRFSS data on weighted estimates through 2011, including Wave 3, which, of course, are preliminary.

The headboat data are in there in through 2010 so the 2011 numbers don't include the headboat data. You'll see there that the king mackerel recreational landings in whole weight is 909,000 pounds and change. If you go to the next slide you'll be able to see the recreational landings, the

historic trends compared to the historic trends in recreational effort and see how 2011 through Wave 3 stacks up by comparison. Yes, Gregg.

MR. WAUGH: Coming back to the first slide, if we don't include the headboat in 2011, how are we tracking to make sure we don't exceed the quotas?

DR. PONWITH: Well, we can use the MRFSS data as an index on helping guide us where we are with the overall suite of landings. The other thing that we're doing is working toward making a shift on how we do the headboat reporting, so that instead of doing the headboat reporting on an annual basis that we start doing it on a quarterly basis.

We have to be careful about that because for the headboats, because the population is smaller, the more refined your timeframe is the more you're in a situation where you have empty cells where you have landings of some species and not landings of others and actually have to borrow data from earlier in the time series, and the more you do that the more kind of uncertainty you enter into those estimates.

Right now what we're looking at is going to quarterly reporting for the headboats, which would take some of that uncertainty out, but right now it's using the MRFSS data as sort of a leading indicator of what the total catch would be.

MR. WAUGH: And one additional question not related to king mackerel but the headboat reporting; with that same quarterly reporting rate, do you anticipate applying that to monitoring the black sea bass recreational quota, also?

DR. PONWITH: That's exactly correct. If we do the headboat on a quarterly basis it would be for all species. We're not there yet but that's the goal and that's the direction that we're heading on this. I'll take a look at where we are on that and see if I can give you a better feel for when that step will be completed.

DR. CRABTREE: But we are getting headboat estimates on black sea bass now that we're using to monitor the recreational catches.

DR. PONWITH: Okay, so if we go to the next slide, again you can see the comparison of – all right, so we have already looked at the comparison of the landings versus the effort for king mackerel. Bringing us to Spanish mackerel, the same caveats. In 2011 to this point it's 824,000 pounds whole weight. The final slide in this series shows the Spanish mackerel recreational landings relative to the recreational effort thus far this year.

MR. JOLLEY: Bonnie, can you give us a sense of where we are with your confidence in these recreational data now?

DR. PONWITH: Well, we're at an interesting stage right now in the transition from the MRFSS data to the MRIP data. The modifications to the MRIP estimation process have been complete. They're undergoing review, and those numbers will be released as soon as the review process is

done, and then it's a matter of making some decisions about how those data will be incorporated into the decision-making process by the councils.

Of course, the ACLs are based on MRFSS landings for the recreational industry and starting in the spring the plan is that the recreational landings from that point forward will be collected by and reported by the new MRIP protocol, so that creates sort of an apple and an orange comparison. What we're going to have to do is work closely with the SSC to make to make some decisions about how we transition to get both the landings in terms of MRIP numbs as well as the ACLs in terms of MRIP numbers. That is the process that is under discussion right now to make sure that transition goes as smoothly as possible.

MR. CUPKA: Bonnie, on these tables is there any reason why we don't indicate on there what the ACL is so we'll have something to compare it with so kind of know where we are in terms of landings? The information is good to have but I find myself saying, well, what does that number mean, where is that at in terms of the ACL? Is there any way just to add that to the table?

DR. PONWITH: Yes, the ACL line could be added to that table for present year.

MR. CURRIN: Bonnie, I'm not sure whether you know the answer to this, but the last conference call I was on with the MRIP folks, the re-estimation folks, there was some discussion of an additional data set containing MRFSS data that would be collected and stored not on the website for general access but somewhere at NMFS, such that analysts, team members, whoever was interested or in need of those data would be able to access not only the new MRIP estimates but the old methodology through MRFSS.

I believe Gordon Colvin told me that those were going to be available at least through this year. Are there plans to do that for additional years or is there a mechanism – I was under the impression there would be a mechanism to convert the MRIP estimates to the old MRFSS estimates.

The reason I asked that is purely – you brought it up – apples and oranges and that's where we're going to be unless we've got some continuity in those MRFSS estimates which will allow us to track the ACLs and the landings that were developed under the MRFSS system until we can make some sort of orderly transition and start using the MRIP numbers.

DR. PONWITH: Yes, there are two things that are changing right now. It's the way the estimates are being made due o improvements in the protocols for actually crunching the numbers. The second thing that's changing is the actual way the data are collected in the first place. The first step that they took was to change the estimation protocols.

Those new numbers are the ones that are under review. In the springtime there is the intent to actually change the data collection protocols. Once those data collection protocols are changed, MRFSS no longer exists, so the ability to compare a MRFSS number to an MRIP number no longer exists because the way we collected the data has been changed.

That's what you're referring to or that Gordon was referring to is that we would be able to see side-by-side MRIP and MRFSS until the springtime. Once again, once the data collection changes, there is no longer that ability. The MRFSS data; in other words, the historic time series from MRFSS will exist in perpetuity, so those numbers do exist now, they will exist because they're part of the federal record, the administrative record.

But, from the spring forward because the data collection changes, that won't exist anymore. Right now re-estimation has been conducted from 2004 forward for MRIP. The thing that is going to be under discussion this winter is what to do with the data from 2004 back to the late nineties. There are some decisions that have to be made, and what we're trying to do is get specialists in the recreational data – some of the scientists together.

Because there are things that are uniform across the Eastern Seaboard, there are going to be some special cases on how those data are used that may differ from council area to council area, so we want to get the people together to look at that and help make decisions about how to transition that earlier part of the time series. That's a discussion that, again, we're working on holding this winter. Does that address your question?

MR. CURRIN: I think it answers it, yes. It disappoints me some, but I don't know we get around it unless we've got some ability to kind of reconvert back to the old MRFSS numbers or methodology which provides some sort of continuity. Otherwise, we've got a line drawn or a brick wall or whatever way you want to look at it, and we've got no choice other than mixing apples and oranges and trying to make chicken salad out of oranges and apples. These concerns were raised by a number of people as a potential problem with the re-estimation and converting the MRFSS. We need some help I think trying to figure out how we make that transition in some sort of orderly and understandable way.

DR. CRABTREE: And there have been a lot of discussions on how to do that internally, Mac, and I suspect that the spring change in the sampling strategy will ultimately be delayed so that they can continue to generate MRFSS estimates until we've had time to complete this transition. I believe we're going to have to amend potentially a lot of plans and a number of ACLs, and that will take – and we may have to readdress allocation issues along the way.

That's likely to take us a year. If we don't get MRIP numbers until early next year we'll need the entirety of that year to shift things over. There have been discussions about when that timing is going to take, and I suspect it will end up being bumped back to aid us with that transition.

DR. PONWITH: Yes, and also to that same point, I think this transition is uncomfortable. I think Mac hit a really important point and that is we really cherish that time series because the time series is critically important to our stock assessment process and our understanding of where we are in the rebuilding of some of these stocks.

The other thing to remember is that MRIP is an improvement. Both the data collection and the protocol of estimating is an improvement on the system and so going through this kind of rocky transition I think is going to pay some very strong benefits, but we have to do it in a way that

allows us to maintain the integrity of that time series because the time series is critical to understanding where we are in our road to success here.

From that standpoint I think that's a really important point. We will be working very, very closely with the scientists to make sure we're able to calibrate the old data into the time series that the new system is to going to give us into the future so we've got as smooth a transition to that new time series as we can.

MR. WAUGH: I'm not we'd get far at public hearings saying that we cherish that time series, but it's there. What are the plans for moving forward with reassessing all the stocks because as soon as we get new data that's going to raise questions about all the stock assessments?

DR. PONWITH: Yes, if a stock assessment were a five-minute deal, the thing to do would be the second that the data are hot off the press you do a hundred percent of the stocks that same day, and, of course, that's not the reality. Right now the plan is that as stocks come up in queue for whatever of the three tiers of stock assessments we have planned for them, that's when those data will be incorporated.

The thing that we'll have to do is as we transition to the MRIP data collection protocol as well as the assessment protocol, we're going to have to make sure that those landings numbers map to an equivalent ACL. So, again, the first thing that we're going to have to do, the most immediate thing we're going to have to do is to make sure that we have the landings data and the ACL in equivalent terms. That's the thing that we'll be working on this winter.

MR. CARMICHAEL: We certainly thought about this a lot – I have – in terms of the SSC in dealing with the ACLs. If you take our unassessed stocks that are based on landings, once we get the new data, that's relatively straightforward to revise the time series and have the SSC review some new ACLs. Hopefully we can do that at our April meeting.

And as Bonnie mentioned, updating assessments as they come up in the queue means that we may want to think during the SEDAR Committee what are the right stocks, the most important stocks to put in the queue for 2013. 2012 is largely underway; plans are in place for that, so we're really looking at 2013 which we'll we talking about assessment priorities for.

One thought I had recently, in considering this, in the apples and oranges situation of the data and the accountability measures is that we may want to prioritize on those stocks that are in a overfished situation where you have a payback penalty in terms of your accountability measures for going over, because I think it would be very difficult to have an apples and oranges ACL versus a yardstick now and apply a payback on it.

One of the priorities for 2013 may be to get the overfished stocks first and get the new data and input into those rather than perhaps pursuing some other stocks that we're very interested in but would be first-time benchmarks. Maybe by doing standards and updates for a number of those stocks we can make some really good headway and really reduce the number of species that might require some sort of, say, conversion in terms of what the ACL was based on and then what the current measurement of the fishery is. I think the amount that we can reduce that and

maybe only have it come down to a year you may avoid a situation where you do actually trigger a penalty based on the mismatch of the data sources and goal post we're dealing with.

MR. CURRIN: John, the fact that you've been thinking about this gives me some comfort, you and I'm sure many others as well. That whole prioritization thing is going to be tricky as well. You brought up one possible scenario here that deal with the other fish stocks, and that's probably going to be the way it goes.

There may be some pressures from others because of apparent differences or changes as a result of the re-estimation that stocks that we thought were in pretty good shape, once we apply the new numbers look like they're going to be in terrible shape, so there is going to be some pressure to address those first. Everybody may not have the same prioritization on which stocks are most important to put at the top of the queue.

MR. CUPKA: Yes, prioritization was tough before and it's going to be even more exciting now as we go through this. Roy.

DR. CRABTREE: John, it's my understanding with the MRIP thing, though, that the CPUE series and things like that aren't likely to change much, so it's just the magnitude of the catches. It seems unlikely to me that the status of the stock is going to show a major reversal in an assessment just because – that's going to scale the magnitude of the ACLs but if the trends all stay the same – and, of course, the age comp I don't think is affected at all. I don't think it's likely you're going to see dramatic changes in the assessments.

MR. CARMICHAEL: I think that's right, you're not going to see dramatic changes. I'd be surprised to see a dramatic change in a status. What we may see a change in is the scale of the potential ACL coming out of it and maybe the scale of the estimate of current landings, but hopefully statuses won't change and give us those types of surprises.

MR. CUPKA: Any other comments or questions? If not, then we'll go into our next agenda item, which is items pending for future mackerel amendments, and Gregg is going to walk us through this.

MR. WAUGH: If you look at the overview, this picks up Item E. We will finish Amendment 18 and submit that in the couple of weeks. Then the next in queue is Mackerel Amendment 19, and this deals with the prohibition of sale of coastal migratory pelagics, addressing the permit issues, and that would be a joint amendment with the Gulf because we need to sort out our permits and deal with the sale together.

In my discussions with Rick Leard this is still their intent. He will clarify this with his council at their October meeting. In the planning stages is Mackerel Amendment 20 and this was to deal with a LAP Program. This was to be joint with Gulf. I spoke with Rick Leard and they have done some outreach work. There is not a lot of support for going forward with this.

He intends to raise this at their October meeting. It's not likely that there is going to be a lot of support for moving forward with it. I talked with Ben Hartig about this and there is not support

in Florida with moving forward with this, so perhaps this amendment won't move – there won't be an interest in moving forward with a LAPP and so that will free Amendment 20 to where we could look at additional items.

Other items we had was we've gone out and scoped allocating the commercial quota by state or region. We've also looked in the future a whole host of changes that we have in our scoping document, and Ben Hartig distributed a list of items that he would like to see us address out of that options paper and that has been distributed to everybody.

We'd be looking for some guidance from the committee if indeed the Gulf is not interested in moving forward with a LAPP, then do we begin trying to pull out some of these items that Ben has suggested and bring that back to you at your committee meeting for you to look at. Certainly, any work on this will be done next year after we get finished with the current amendments that we're working on.

MR. CUPKA: So probably the thing we need to do with this is look at least at 19 and 20 and see what the committee and ultimately council wants to do in regard to those, and then we can consider these other things perhaps at the next meeting when Ben is back. Let's take up 19 first, I guess. This was the no sale and the permit issue thing. Is there anyone that feels like we shouldn't move ahead with that contingent on the Gulf still wanting to do that? Mac.

MR. CURRIN: Yes, I definitely am in favor of moving ahead with the no-sale provision and whatever is required as far as permitting for cobia, to make that a part of it as well. I guess my only other question would be whether we could tolerate or abide a consideration of the regional or carving out North Carolina's quota for the commercial guys.

That's something that is still of great interest to the commercial mackerel fishermen in our state. I know there are problems with some of the other states not having an interest or capability of doing that; and if that's the case, then I think what I'm hearing at least is that then let North Carolina have whatever proportion that they've historically been landing and carve that out for the North Carolina fishery to be managed separately.

MR. CUPKA: That's certainly been a problem in the past and one of the things that we've been concerned about, the impact on the northern range of the fishery given what is happening in other areas. I see Gregg making a note of that, and I don't know why we can't look at that or would we rather wait until the next amendment. Gregg.

MR. WAUGH: The input that has come from the NMFS IPT members – and Roy may want to elaborate this – it gets into this issue of lumping and splitting as well, but it is going to be a joint amendment with the Gulf.

There is concern to try to keep it just to the sale and the permitting issues. If we start putting stuff in, then the Gulf is going to start putting stuff in. We can begin to look at things that just affect our side and that don't necessarily require Gulf action, that perhaps we could do that in a separate amendment, but it's up to you.

MR. CUPKA: Mac, do you have anything further on that?

MR. CURRIN: No, that's fine. I'm disappointed that it's yet another delay in taking a good close look at that, but I'm probably less disappointed about that than I am the delay that we've already experienced in the consideration of the prohibition of sales. If the Gulf is serious about wanting to move forward with that as a joint action and establish these permits for cobia, then that makes sense to do those separately, and I would suggest that we add the regional or state split-out for Amendment 20 in mackerel.

MS. SMIT-BRUNELLO: Gregg, if I missed this, I'm sorry, but did you state whether the Gulf Council also wanted to prohibit bag limits sales for mackerel?

MR. WAUGH: They certainly are interested in developing this amendment because it has been in the plan to work on this together as a joint amendment.

MR. HAYMANS: Will there be discussion – I know that the council has beat it around for years, but on tournament sales as well, some provision?

MR. WAUGH: That will be an alternative that is evaluated in there, yes. Mr. Gill is here if he has anything to offer from the Gulf side.

MR. GILL: We do have it on the agenda for the October meeting so we will be addressing it at that time.

MR. CUPKA: Well, it looks like we're all pretty much agreed on that, so we'll definitely move ahead with that. That brings us then to Amendment 20, the LAPP consideration. What is the pleasure of this group? I know we've had some input from particularly down in the Keys and Florida that they're not particularly interested in that at this point. Mac.

MR. CURRIN: Yes, I think Ben has brought up a number issues and I think his assessment of kind of where we are with regards to the acceptability of LAPP in mackerel and maybe everything else at this point is pretty accurate. I'm not hearing or seeing much support. I'm glad Ben went through and sent all of us the items that he has kind of cobbled together.

In looking at them I think he has done a very, very good job. A lot of them have been recommendations or items identified by the APs. I just want to make sure – and I tried to do it myself before the meeting, but make sure that we go back through and look real carefully at the last few AP meetings to ensure that we've pulled out everything that they've kind of brought forward as issues so that we can consider those as we decide what to look at Amendment 20.

MR. CUPKA: At least for the record it might be good if we had a motion in regard to this particular issue that we could bring before full council, if anyone wants to make a motion along those lines. Mac.

MR. CURRIN: David, do you want a motion for 19? **I would be willing to make the motion that the council ask the staff to being development of Mackerel Amendment 19, which**

would look at the issue of prohibition of bag limit sales for king, Spanish mackerel and cobia as well as necessary permits to enable us to – permits for cobia to enable us to pull that off.

MR. CUPKA: Yes, it might not hurt to have a motion in regard to both amendments. Mac, I appreciate that. Is there a second to Mac's motion? Second by Tom Burgess. Is there any discussion on the motion? **Is there any objection to the motion? Seeing none, that motion is approved.** Anyone wish to offer a motion in regard to Amendment 20 as it's currently structured with the LAPP? Mac.

MR. CURRIN: Yes, David, I'll make the motion that we no longer consider moving ahead with Amendment 20 as a LAPP amendment but yet try to ask the staff to cobble together suggested actions from the AP and council members that might be included in those; specifically the regional and/or state-by-state quotas as one.

MR. CUPKA: Okay, we have a motion that Gregg is trying to get up on the board now. Second by Mr. Harris. Any discussion on the motion? **The motion is do not continue with a LAPP in Amendment 20 and direct staff to work with the council to evaluate allocating the commercial king mackerel quota and other issues in the list provided.** Charlie.

MR. PHILLIPS: Mac, could you clarify for me, please, the difference between a state allocation for mackerel versus a LAPP because isn't that kind of like a sector? Is that the same thing as a state sector allocation? I'd just like some clarification.

MR. CURRIN: If I might, Mr. Chairman, Charlie, I guess it really depends on how you look at it. I think if you stretch it and pull on it long and far enough, then you could probably define it as a sector allocation, which could be conceived of or perceived as a LAPP. I don't consider it that way. I'm just looking at allocating a proportion of the commercial allocation to a state or a region because we've just had so much interest in that in our state.

MS. SMIT-BRUNELLO: Gregg, what is "the list provided" in the motion?

MR. WAUGH: That's the list from Ben.

MS. SMIT-BRUNELLO: Can we somehow get Ben's e-mails made public? They were sent to council members and I got them, too, I think, but they should be part of the public record here so other people can see what was on his list.

MR. WAUGH: And that will be attached to the committee report that will be distributed.

MS. SMIT-BRUNELLO: Great; thank you.

DR. DUVAL: I'm glad that Mac brought up this issue of regional or state-by-state allocations. To Charlie's point, definitely if it was a LAPP, North Carolina would likely not support it. I just want to be clear about that. Gregg, I think Louis brought up something at the August meeting

with regard to Spanish mackerel that may or may not be thrown into the mix here for consideration.

But we have in August of pretty much every year a run of undersized Spanish that comes through and gets caught up in pound nets that are usually right around 11 inches. Those fish have to be discarded because they're undersized, and I think Louis is interested in pursuing potentially some regional seasonal exemption from the size limit during that time. I don't know if that's possible, but if it is I want to throw that into the mix for you all to consider. Thank you.

MR. CUPKA: Other comments? Bear in mind, too, that we're just starting this process so we may see other issues added as we move through. Are there any other comments relative to this agenda item, which are items for a future mackerel amendment. I think this will give staff enough direction at this point to move ahead and we'll be hearing more about both potential amendments at our next meeting and in the future. **&&Is there any opposition to the motion? Seeing none, then that motion is approved.** Okay, any other business to come before the committee? Roy.

DR. CRABTREE: Just to back up, Gregg, what is the timeline you expect on submitting Amendment 18 for secretarial review?

MR. WAUGH: I think we were waiting for NOAA GC comments. I haven't spoken to Sue. Those were supposed to be – not that NOAA GC; the other one in the Gulf. Shep was looking at it and he was supposed to be finished last week in my understanding. I had provided some comments and those I think now have been addressed. I had indicated I would like to take one more look at those corrections and then they need to go to the Gulf staff. Since they're administrative lead, they'll go to them for their chair to review and deem.

DR. CRABTREE: My concern is if we don't get that submitted ASAP it's going to be very difficult to get things implemented by the timeline. We're rapidly running out of time. I can ask Jack to check with I guess Sue and see where we are on the Gulf, but we need to wrap it up and get it submitted pretty quickly or we're not going to make it.

MR. CUPKA: And, again, I think we can do our part very quickly as far as making those minor changes, and it's just a matter of getting those final comments in. We'll move ahead as expeditiously as we can. Is there any other business to come before the Mackerel Committee? Seeing none, then the committee is adjourned.

(Whereupon, the meeting was adjourned at 3:10 o'clock p.m., September 13, 2011.)

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