

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COBIA COMMITTEE

**Marriott Hutchinson Island
Stuart, Florida**

June 13, 2019

SUMMARY MINUTES

Mackerel Cobia Committee Members

Doug Haymans, Chair
Anna Beckwith
Tim Griner
Spud Woodward
Tony DiLernia

Steve Poland, Vice Chair
Jessica McCawley
Mel Bell
Dewey Hemilright

Council Members

Chester Brewer
Chris Conklin
Art Sapp

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Gregg Waugh
Dr. Brian Cheuvront
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John Hadley
Kelly Klasnick
Christina Wiegand

John Carmichael
Myra Brouwer
Dr. Mike Errigo
Kim Iverson
Cameron Rhodes
BeBe Harrison

Other Observers and Participants

Martha Guyas
Monica Smit-Brunello
Dr. Clay Porch
Dr. Wilson Laney
Erika Burgess

Rick DeVactor
Dr. Jack McGovern
Kate Siegfried
Shep Grimes

Other observers and participants attached.

The Mackerel Cobia Committee of the South Atlantic Fishery Management Council convened at the Marriott Hutchinson Island, Stuart, Florida, on Thursday, June 13, 2019, and was called to order by Chairman Doug Haymans.

MR. HAYMANS: I will call the Mackerel Cobia Committee meeting to order. The first order of business is Approval of the minutes. Shep, are we okay? Okay. The minutes are approved. Next, Rick, are you ready for some commercial and recreational catches? That was the first thing on the agenda, but we have to approve the agenda. Does anybody have anything to add to the agenda? Seeing as how we've got about four committee members, and that's me, and Steve is Vice Chair. Robert Beal is not here. Anna Beckwith, Mel Bell, Roy Crabtree, and I guess that's you, Jack. Tim Griner, Jessica McCawley, Spud Woodward, Rob is not here, Dewey is here, and Tony. Christina, are you here?

MS. WIEGAND: I'm here.

MR. HAYMANS: All right. I'm going to start over again. Is everybody good with the agenda? Okay. Is everybody good with the minutes? Okay. Rick, let's talk commercial and recreational landings.

MR. DEVICTOR: Okay. I will do the commercial landings, and then Mike Larkin is going to call in for the recreational landings. King mackerel, starting off, we have that on the screen there with updated information, and this is updated from what was in your briefing book, and so you can see historical landings of king mackerel there on the left-hand side, all below the ACL.

Then the current 2019/2020 landings, we have, for the Northern Zone and Southern Zone Season 1, and so 9.1 percent for Northern, Season 1 Southern is 39.2, and these are landings through June 10. Moving on down to Spanish mackerel, you can see what the historical landings have been since 2016, and current year Northern is 28.6 and Southern is 20.9, and we have some information there below the table showing when the Northern Zone closed and the Southern Zone closed in 2018 and 2019 and when that step-down was for Spanish mackerel.

Finally, moving on to cobia, these are preliminary landings of cobia, and, of course, we're still monitoring commercial landings and closing federal waters when the landing cobia quota is met, and we have moved regulations under the Atlantic Coastal Act, and so we still show this on our website, and so you can see what the landings are right now. They're at 29.3 percent for Atlantic cobia.

MR. HAYMANS: Thank you. Any questions on those? Seeing none, the next ones. Mike, can you hear us?

DR. LARKIN: I will go over the coastal migratory pelagics, and this is the same format as before, and so I won't go too much in detail, and I can just answer any questions, and so all of these have recently been converted over to MRIP, and so none of these are still in MRFSS. 2019 landings are preliminary, and the reason for that is we're waiting on headboat landings from November and December, and, currently, the landings are up to Wave 1 of 2019, and this is January and February, and that's with MRIP, and we don't have any headboat landings for 2019 yet.

In that paragraph, talking about post-stratification, that's just for -- We just make sure that, when we compile the data, we use the same areas that were used for the assessment. For example, with Spanish and king mackerel, we compiled the data from the North, Mid, and South Atlantic, and we compile the landings for those, and that will match the assessment, and that's how the ACLs are set.

Then, also, the last point is there, currently, we have switched over to a mail survey, but all of these landings are the phone survey, because that's how the ACL was set. They are based on the equivalent converted over to the phone survey until the ACLs are changed to the mail survey, and so this is using the equivalent to the phone survey data, if that makes sense, hopefully.

Then 2017 and 2018 preliminary landings, I actually excluded cobia from this. We're still going to provide the recreational landings for cobia on our website, but, if you guys were to request it, I can certainly add it back in, but, since cobia got passed to the Atlantic States Marine Fisheries Commission, they're measured there, but, anyway, these are the 2017/2019 preliminary landings of king mackerel and Spanish mackerel. You can see both of them are below their ACL. It's 31 percent for king and only 29 percent for Spanish.

Currently, what we have for 2018/2019, and so these have from a March to February season, and these are also currently below their ACLs, and then it's the same format as before. The gray is actually when it was monitored using MRFSS, and then the clear -- You can see, in 2017/2018, it switches from clear, and that's monitored under MRIP, and that's landings broken down by modes, charter, headboat, private, and shore.

This is the same figure that I showed you before, with the years on X-axis, and the Y-axis on the left is the landings, and the Y-axis on the right is the effort, the MRIP angler trips, which is in red, and then the orange is the headboat angler days, and those dashes there are the ACLs, and you can see that, since we've had ACLs for these species, they have been below the ACL.

Then, for Spanish, this is the same setup for MRIP, and you see the landings broken down by each individual mode, and then the same setup there, the same format with the figure, and you can see for Spanish here, you can see the ACLs in place, and they've all been below the ACL. That's it, and I would be happy to take any questions.

MR. HAYMANS: Any questions for Mike on the recreational landings? Seeing none, Mike, thanks very much for the report. No questions.

DR. LARKIN: Great. Thank you.

MR. HAYMANS: Okay. We're ready to move on.

MS. WIEGAND: Just in case you guys are having trouble finding the material, all of this is going to be under Attachment 2, and it's the Story Map that's linked right here, and so, if you click on this link, it will pop up all of the documents. This was sort of an experiment for staff, to see if maybe this is a better way to start presenting materials, and sometimes those decision documents can get a bit lengthy and dense, and so we'll see how it goes as we go through this committee meeting, but that's how you can access it.

MR. HAYMANS: So you have to be online to get to it. All right. Back on the 18th of April, we had an AP webinar, which I thought went very well. Ira, the AP Chair, is here to present the report from that, but I also thank Ben and Steve for being in the audience and being here last night and being here today to help us out as well.

MR. LAKS: The Mackerel Cobia Advisory Panel and the Cobia Sub-Panel met on April 18, 2019. We met via webinar, and the first thing we got into was an update on recent coastal migratory pelagic amendments, and we went over CMP 31 and CMP Framework 6. We then got into trip limits in Season 2 of the Southern Zone, and that goes from October through the end of February, and the fishermen are definitely concerned about the fifty-fish trip limit. You're unable to make a trip on that, and the economic harm is pretty tough on the fishermen, if you get bad weather and you can only bring home fifty fish. It's just a small trip limit.

The AP had several comments, and I will go through a few of the important ones here. It's incredibly important to get this emergency action through. This is an immediate economic pressure on these fishermen, to go through another fall and winter season without having enough fish. We do have the fish to catch, and we're just not able to do it at a fifty-fish limit. It's not a matter of not having the fish, but it's just, with a small trip limit, it's hard. We're a well-tracked fishery, and we're not going to go over our fishery, but that emergency action would really help these fishermen out, and it's just pretty tough on fifty fish at a six-pound average, or a five-pound average. The weather in the winter seems to be getting a little worse, and that reduces your weekly trips to begin with.

We also believe that the seventy-five fish is a good buffer between the work that will be done on CMP Framework Amendment 8, and it will give us a good datapoint to show what seventy-five fish will do and where we need to be from there, and we do have an assessment that will be completed shortly, and we can move forward with that, and that will definitely help to see where we need to be in the future, along with if we did get the seventy-five fish, to see.

We made a motion that we recommended that the council consider an emergency action to raise the trip limit south of the Flagler/Volusia line to seventy-five fish for the 2019/2020 season, and that motion was approved nine in favor and two opposed. We also recommended and made a motion that the council continue work on Framework 8 and consider previous public comment on possible trip limits while working on that amendment. Are there any questions?

MR. CONKLIN: I am not on the committee, but they voted nine in favor and two opposed, and why were people opposed to that?

MR. LAKS: Christina can --

MS. WIEGAND: One thing I do want to address with these votes is doing AP meetings by webinar is a newer thing for us. We tried it last year with Spiny Lobster, and there is a very small number of spiny lobster fishermen on the AP, and so it was easy to sort of say shout-out which way you're voting. With the Mackerel AP, it's quite a bit larger, and we were torn on how to do it, and we didn't want to do a roll call vote every time, because that would drag out the AP meeting, and we didn't want to just have these guys shouting out and not knowing who was voting what, and so we had them raise their hands on the webinar, and you guys can see it up here, actually, and this --

Well, I am the organizer, but you've got the little hand-raise button on your webinar, and we tried to do it that way. How well that was working was a little iffy.

We had a couple of instances where people would speak in favor and then be voting against, and so we would be messaging them and trying to get some clarification, and I will say, as someone who was listening to the webinar, I did not hear much comment against this, though there were two people who voted opposed, and so part of that could be the learning curve that comes with trying to do an AP meeting via webinar, both on the AP members part and on staffs part, about how to sort work things like motions.

MR. LAKS: We then moved into the Atlantic Spanish mackerel commercial fishery and the closures that are occurring. The AP felt that the participation in the commercial Spanish mackerel fishery has increased substantially, and it's an easy fishery to get into. They felt that, if there's a limited amount of fish, there needs to be a limited amount of fishermen. It's just really getting to be a problem, with so much effort coming in, that you're having user group conflicts, and you're shutting down the ACL sooner, and the AP really felt strongly about looking into some sort of limited entry into the fishery.

There was also quite a bit of conversation about a gillnet endorsement and trying to have a limited entry in the gillnet fishery, because, of course, that would make the problem worse, if we had more gillnetters, because they're going to take higher fish, and we're going to close the ACL again faster, and so we definitely were concerned about an expansion in the gillnet fishery.

A couple of things also are that we wanted to ensure that the fishery stayed open in state waters, and there's also some concerns about the recent recruitment, based on the SEAMAP data coming in, and, if we're going to have a recruitment problem and increasing fishermen, that's even going to make things worse in the future, and so, just to reiterate, we're looking for some sort of limited entry program, definitely either an endorsement or a limited entry in the gillnet fishery, and we recommend the council -- We made a motion to recommend that the council look into ways to manage effort in the commercial Spanish mackerel fishery, including limited entry and working with the states. That motion was passed eight in favor and two opposed. We also made a motion to recommend that the council consider a gillnet endorsement for the Southern Zone with qualifying criteria, and that motion was approved with eight in favor and one opposed.

MS. MCCAWLEY: Ira, just so I understand here, we're talking about the request is really two different limited-entry programs, one very specifically a gillnet endorsement just for that Southern Zone and then one overall for the whole fishery, and is that right, or am I not understanding how you voted?

MR. LAKS: That's correct. The fishermen were very concerned about all facets of the fishery having an expansion in it, and so they were looking for that. We then got into the Coastal Migratory Pelagics Framework Amendment 7, which is the Gulf group cobia that's managed by the South Atlantic Fishery Management Council, and there were some concerns, and there were some suggestions, like maybe this council should be consistent with Florida's regulations, but, all in all, we thought, at this point, since there's either an assessment, I believe, getting ready to start, or it has started, that -- We made a motion to recommend that the council wait until the stock assessment is done before we move ahead with anything on that.

After that, we had Julia Byrd come in and provide us with an overview of the process that will be used to update the research priority document for the citizen science, and I believe she even got some volunteers from our AP to help her out with that.

We then moved on to Other Business. In Other Business, we talked about that there needs to be a comprehensive look at the mackerel fishery. It's a very important fishery, and I know that, oftentimes, issues come up, and they come up quickly, and we just never seem to have enough time to resolve them, and they just seem to piggyback on each other, and so, maybe if we can be a little proactive in the future, we can resolve some of this.

The king and Spanish mackerel fisheries are some of the most important fisheries in the South Atlantic, and king mackerel is the most valuable commercial finfish fishery, and Spanish mackerel is the third-most valuable. In the recreational sector, Spanish mackerel and king mackerel have the second-highest and third-highest directed trips, and, because of these reasons, the king and Spanish mackerel fisheries are the backbone of other fisheries in these areas right here, and we couldn't survive without king mackerel or Spanish mackerel, especially in this area, and I presume up and down the coast.

It's extremely important that the council prioritize time for a full discussion of the future of the king and Spanish mackerel fisheries, and we would love to see some sort of port meetings up and down the coast in different places to discuss where this fishery needs to go. We haven't discussed recreational trip limits, and we need to continue to discuss commercial trip limits, and we need to have just more information and input from the public. Again, this is a very important fishery that seems to not always get the attention as the dreaded other fisheries, and we would appreciate the council looking into doing something more comprehensive to look into the mackerel fishery, something along the lines of what you did with the vision process with snapper grouper.

MS. MCCAWLEY: Another question for Ira. Help me understand here. It sounds like you're suggesting a visioning process along the Atlantic coast, in the South Atlantic Council's jurisdiction, but it just seems odd to me to embark on this process without talking to the Gulf about both king and Spanish mackerel, and I'm just not sure that the Gulf is going to be in the same place as where we are on the Atlantic, and I just have some concerns about this. I'm afraid that some of the things that we want over here on the Atlantic aren't going to be supported in the Gulf, and I don't want people to get all excited about what we want over here, and then they're disappointed when they hear what the Gulf folks want, and I just -- Did you all discuss the fact that there is this Gulf component to these fisheries and how that would play in here?

MR. LAKS: Well, we were slightly limited on time, but we did have some discussion that we wanted to, in future AP meetings -- I know we have liaisons from the Mid-Atlantic in our mackerel, and especially since it's a joint plan with the Gulf, that we feel that either we need to send someone to their AP, advisory panel, when they have a meeting, and they need to send someone to ours, to have a better dialogue between the two groups.

It's to our understanding too that some of these issues, such as recreational bag limits and commercial trip limits, aren't really dependent on the Gulf, that these stocks are managed by us, and that we could set trip limits, and we can set bag limits on our own, because it doesn't affect their ACL, but I could be wrong on that. That's just the understanding that I had.

MS. GUYAS: I think a lot of the actions that the South Atlantic takes, if you take actions on some of the stocks that are -- I mean, it's a joint management plan, right, and so -- I think there are some things now, Jack, that the South Atlantic Council can do independent of the Gulf, and is that right? If it's like an actual amendment, it's got to go through both councils, and we've had significant hurdles with that in the past, let's just say, with some of the requests that you guys have had with the Gulf, especially with king mackerel and the traveling fishermen issue.

MR. HAYMANS: I don't want to take up a ton of time on this part, because we've got three actions and about forty-five minutes to go through them.

MR. SAPP: I am going to be real quick, I promise, but I was confused as to -- Is the AP asking to look at -- I mean, in the recreational sector, we're at two fish per person right now. Are we looking to put a cap, like a boat cap, bag limit? Is that what we're asking, two fish per person with a cap of ten, whichever is less?

MR. LAKS: We're not really asking for anything specific, but we just have never really addressed any of these issues and reached out to the public to see what they want, and we just feel it's time that you do something comprehensive to reach out into different areas, just to get a feel of the public of how they would like to have the fishery.

MR. SAPP: Thank you.

MR. POLAND: I've got some further comments on this, but, since we're talking about port meetings and stuff, I mean, from the Northern Zone, I feel like we would definitely be interested in maybe conducting a few port meetings in North Carolina and north, just to get some more information of what's going on, specific to our Spanish mackerel issue, but I am sensitive to Jessica's point and also that we've got the Atlantic States Marine Fisheries Commission to consider too, and so, I mean, there are a lot of players in this management.

MR. BELL: I listened to the whole meeting and all, and I think -- I understand what Ira is saying, and we spent an awful lot of time, as a council, visioning snapper grouper and all, and that's very important to us, but these are important fisheries as well, and just whether it's a -- It doesn't necessarily have to be a formal visioning process, and I understand that we don't want expectations to necessarily be raised too high, but certainly some sort of just strategic thinking, through port meetings of whatever, and I think they're kind of wanting to feel some of the same love and focus, and they are important fisheries, and you're right, and so however we do that, and I get what you're wanting to accomplish, I think.

MR. WOODWARD: I agree, and I think it's time that we do something, and it doesn't have to be anything as labor-intensive as the snapper grouper visioning process, but I think -- I know our meetings are very full, but we move our meetings up and down the coast, and devoting some block of time, evening or part of the day or whatever, to invite the people who have the concerns to come in and share those concerns.

I just know, from a recreational standpoint, king mackerel fishing has changed a lot, in terms of what people expect. I mean, you've got a lot of folks now that go king mackerel fishing just for the thrill of the catch, and they don't even bring the fish in anymore, and so it's a different world than it was when a lot of this was developed and implemented, and so I think it would be well

worth our time to invest some effort in getting a direction on where to go, instead of sort of piecemealing things and fixing each little problem as it arises, if we can do something strategic, and I think it would be well worth our time.

MR. HAYMANS: I think it's probably worthwhile to make it a direction to staff or something, so that, at our next Mackerel Committee meeting, it becomes a topic of discussion. I don't think we're going to be able to plan a visioning process right now, and it's duly noted that the AP wants to see that happen, and maybe we can devote a block of time to how much of that, and I think it's important that we perhaps meet with the Gulf to actually find out what the Gulf does want, so that we're not guessing all the time, but Martha can tell us what the Gulf does want.

MS. GUYAS: Well, yes. I mean, it depends on what fishery we're talking about here, right, and so king mackerel versus Spanish mackerel. I mean, we have -- Similar to the issue that you guys have between Florida and North Carolina, we have different things happening in different parts of the Gulf and different feelings about what's happening in different parts of the Gulf, depending on where you're sitting, and so I think it's probably a good idea that the councils work together.

At what point we start working together on this, I don't know. It might be better for you guys to figure out exactly what you want, and I don't know what that looks like, if it's like a giant AP meeting or if it's a dual council meeting, and we've had those before, to -- I don't know what level of success I would describe them as, because I feel like we agreed on nothing, but I feel like we need to start working together before we get to that point, at least, so that we at least understand where each other are coming from.

MR. HAYMANS: Okay. Thank you, Martha.

MR. WOODWARD: Do you need something formal for staff direction? Do you need something formal?

MR. HAYMANS: That's all we need.

MR. WOODWARD: Okay.

MR. LAKS: I don't think we were exactly asking for a visioning process, but a good look anyway, and so the other last motion we made had to do with the bag limit sales, and the AP recommended that the council does not consider for-hire bag sales for any managed species. They did, however, say, if for-hire sales are allowed for one species, they should be allowed for all the species, and that motion was approved ten in favor and one abstained. That concludes the report.

MR. HAYMANS: I have asked Ira to stay up here as we go through these next three things, if there's questions, and he's here, and Art is from south Florida as well, which most of this is central and south Florida. All right. We have three things we're going to look at. There's an emergency action, Framework 8, and then a Spanish mackerel update and kind of where do we go from there. I will turn it over to Christina to lead us through an emergency action request.

MS. WIEGAND: I won't belabor the point too much of why we're considering emergency action for the king mackerel trip limit in the Southern Zone. I think public comment last night made it pretty clear, as well as Ira's discussion of the AP report. What I really want to go over is the

criteria for an emergency action, so that these are the things you guys can be thinking about while you're discussing whether or not you would like to request emergency action.

For the purposes of the Magnuson-Stevens Act, defining an emergency requires, first, it to result from recent, unforeseen events, or recently discovered circumstances, and it must present a serious conservation or management problem in the fishery, and it can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice.

Then, in addition to meeting all those criteria, there also has to be justification for the emergency action, and it has to be justified under one or more of the following situations, and the first is ecological, which doesn't necessarily apply to this situation, and you have economic, and so to prevent significant, direct economic loss or to preserve a significant economic opportunity that otherwise might be foregone, or social, to prevent significant community impacts or conflict between user groups, and then public health, which, again, does not necessarily apply here.

Then I've got just a couple of things for you to consider. This side pane right here is what the king mackerel trip limits will be upon final approval of CMP Framework 6, which the proposed rule has published, but the final rule hasn't published yet, and so these Season 1 trip limits aren't in place yet, but, once they are in place, this will be the current situation. For Season 2, which is what this emergency rule would address, right now, south of the Flagler/Volusia County line, you've got a fifty-fish trip limit from October 1 to January 1, and then, in February, if less than 70 percent of the quota has been caught, that bumps up to seventy-five fish, and so that's where things stand in Season 2 currently.

You also might want to consider your National Standard Guidelines, National Standard 5 for efficiency, and you've got cost-risk benefits and also impacts to communities, and then you will want to consider where the commercial king mackerel quota has been, and it hasn't been met in recent years, and landings have increased a little bit, post-Amendment 26, but, like Ira said, fishermen are indicating that they're not making enough profit. They can cover the cost of a trip, but they are not making any profit after that.

Here are your landings for the last few years, and, as you can see here, they have been a little below 50 percent, or right at 50 percent, of the quota, and, given that the commercial king mackerel landings haven't been met in recent years, it's unlikely that a seventy-five-fish trip limit is going to cause them to have a shorter season, and, regardless, accountability measures are still in place that would prevent any overfishing from occurring.

Then, just to put some perspective on how much money we're talking about here, I did a real quick and dirty analysis, and I took the average ex-vessel price for king mackerel in the Atlantic Southern Zone from the 2000/2001 season through the 2015/2016 season and just averaged it, to get an average price per pound, and multiplied that by the amount of quota that's been left on the table the last few seasons, and that's been, on average, about \$3.8 million left on the table. That's where things currently stand in the king mackerel fishery, and I will open it up for discussion of possible emergency action.

MR. HAYMANS: I am going to give it back to Ira for just a -- I asked him for the elevator speech for exactly why this is being asked for.

MR. LAKS: When Amendment 26 was passed, the fishery actually went through a stock change. We actually had Atlantic fish, and the Gulf was given more fish, and we were given different fish, and were actually fishing on now the Atlantic stock, but we used to be fishing on the Gulf stock, and I don't want to get all into that, but it was hard to predict market forces and where this would all flesh out.

There is more fish hitting the market at the time we're fishing that. Therefore, the price per fish went down, and so the fifty fish no longer allows us to make a profitable trip, and that was just hard to anticipate, when you have -- If we could anticipate the market, we would all be rich, and so it was just hard to do at the time.

MR. HAYMANS: Thank you. What this emergency action is requesting is going from fifty fish to seventy-five fish, or roughly an additional 240 or 250 pounds, during Season 2.

MR. LAKS: Yes, and that all depends on the size of the fish. Our fish in the winter can average anywhere from five to ten pounds. On a five-pound trip, it's 125 pounds.

MR. HAYMANS: All of this is based on 9.8 pounds, I think, or nine-point-something, but okay.

MR. BELL: That's assuming that the market conditions stay the same. If you've got that much more product, than you can turn a profit, I guess, is how you came up with that.

MR. LAKS: Yes, and I allow -- With expenses going up and more fish hitting the market at that time, which they hadn't before, and getting a little less money, it allows you to make a profitable trip.

MR. SAPP: We were spoke to by a very large quantity of folks here yesterday, and they were unanimous in their wish and desires, and is there any chance that we can possibly -- I feel like there is -- I am very willing to support these fellas, and I feel like most of the folks I've talked to have said can we potentially hustle this along.

MR. HAYMANS: That's the very point of the emergency action.

MR. SAPP: I mean, like even right now.

MR. HAYMANS: When we say that this is what we want to do, and we kick it straight over to NMFS. It's an emergency action, and we'll try to get it in place by October, Season 2.

MR. WOODWARD: Mr. Chairman, I have a motion for us to consider, if you will accept it, and hopefully I can get a second.

MS. WIEGAND: I have a draft for you, if it would help.

MR. WOODWARD: Okay. I have one, too. **I move that we request emergency action for Atlantic king mackerel to raise the current fifty-fish trip limit to a seventy-five-fish trip limit south of the Flagler/Volusia County line for Season 2, October 1 through the end of February.**

MR. HAYMANS: If you will finish. You didn't read it all.

MR. WOODWARD: **For the 2019/2020 season.**

MR. HAYMANS: Thank you. Mel is the seconder.

MS. SMIT-BRUNELLO: First of all, I thought Christina did just a fantastic job telling you what the NMFS policy is for emergency rules, the emergency criteria and the justification and all that, and so I don't have to go over any of that, which I was prepared to do. To do an emergency action, which the Magnuson Act allows, for real specific emergency kinds of situations, because you have to have a record to justify it, because it limits the public participation in it, and you normally don't have a comment period or anything like that.

I think, when you look at particularly Table 1 in Framework 8, it shows you that, since Amendment 26 was effective, and I think that final rule was effective May 11 of 2017, you've had two fishing seasons in which the Amendment 26 process was set up, where you have Season 1 and Season 2 for this southern portion, and, if the Season 1 quota isn't caught, it rolls over into Season 2, and you can see, in Table 2, for two years, since Amendment 26 was put into place, they certainly haven't caught the quota, and this fifty fish is limiting them, and you've also heard the discussion about the economics, and Christina just talked to you about the amount of money left on the table, so to speak, but the economic justification for this rule I think is there too, and so I think, under the Magnuson Act, as well as the Fisheries Service policy, you have got a pretty good record, I think, to justify an emergency rule.

MR. HAYMANS: I greatly appreciate you clarifying that record for us. That was wonderful. Do you think there is the need for any additional clarification or justification?

MS. SMIT-BRUNELLO: Well, certainly if anybody wants to talk, and I am certainly not going to chill anybody's conversation on this or support of it, but I think you've developed a pretty good record, and you've had public testimony for a least a couple of days, off and on, about the need for it and the support of it by the fishermen.

MR. HAYMANS: Okay. Is there any other justification or any other discussion? **Seeing none, any opposition, reserving the right to -- We're not in Full Council. All right. The motion passes with one objection, understanding why, to reserve your right. Okay.** All right. That takes care of the emergency action, and now let's move over to Framework 8 and Christina.

MS. WIEGAND: All right, and so Framework 8 is the amendment that is going to look at permanently adjusting the Season 2 trip limits, and, again, I'm not going to go over all of the reason that we're moving through this amendment, as I think it's been pretty well said, and so here are the regulations currently. These are the regulations that were put in place under Amendment 26, and you've got a 3,500-pound trip limit year-round north of Flagler/Volusia and then fifty fish in March, seventy-five fish with a step-down April to September, fifty fish October to January 31, with a step-up in February.

Prior to Amendment 26, and this is sort of key part, in Season 2, which the way Season 2 is written now is October through the end of February. Prior to CMP 26, it was November 1 to March 31,

and there was no trip limit in Season 2, effectively, for these guys prior to implementation of Amendment 26.

You all will remember Framework 6, and this is the amendment that you had worked on previously, and you passed this amendment, and it's currently undergoing rulemaking, and this amendment only addresses trip limits in Season 1. What it did was it bumped up the March trip limit to seventy-five fish south of Flagler/Volusia and then, off of Volusia County only, it brought them up to 3,500 pounds from April 1 to September 30, and so essentially back to what it used to be prior to Amendment 26. This amendment, Framework 8, will only look at Season 2.

There is only one action in this meeting, and so what we need for you guys to do is review the alternatives that we have in here, and staff designed them based on public input that you all received, as well as input from the AP, and then approve them for analysis. This is the possible amendment timing, and this is the fastest it could move, and I put this in here just to illustrate why emergency action was needed, and there's no way to get this framework amendment through by October of this year. The soonest we can get it into place is January of 2020, but, given the emergency action decision you all have made, there is not quite as much pressure to rush it, as long as we can get it into place by October of next year.

I will start with the purpose and need statement. You will see that this looks familiar, and it's very similar to what was in Framework Amendment 6. The purpose is to modify the commercial trip limit for Atlantic king mackerel in the Atlantic Southern Zone during Season 2, October 1 to the end of February, and the need is to provide a commercial trip limit sufficient to support fishing activity and revenue opportunity while constraining harvest to the annual catch limit and providing for year-round access.

MR. HAYMANS: You all heard that, and this is identical to what was in Framework 6, and so is there any need to change or edit or amend the purpose and need? Everybody is okay? Okay. Do we have a motion to approve?

MS. MCCAWLEY: **So moved.**

MR. HAYMANS: Motion by Jessica and a second by Steve. Any additional discussion? **Any opposition? It's approved.** Let's move into the actions.

MS. WIEGAND: All right, and so here is your no action, and it looks a little funny right now, because Framework 6 hasn't been implemented. Once Framework 6 has been implemented, we'll adjust those so that they show the effective trip limits, and so just focus on Season 2, because that's what we're changing with this amendment.

Again, no action would be fifty fish October to January 31 with a step-up to seventy-five fish if less than 70 percent of the Season 2 quota is landed. For Alternative 2, we would change the trip limit from October 1 to January 31 from fifty fish to seventy-five fish with a step-up to 100 fish in February. For Alternative 3, it would be 100 fish October 1 to January 31, with a step-up to 150 fish. Then, under Alternative 4, it would be 150 fish October to January, and then, in February, a step-up to 175 fish.

Just a few things to consider. Again, the king mackerel catch limit has not been met in recent years. They have averaged right around 50 percent, and, to give you guys a little bit -- There has been some discussion about the poundage limit, like it is elsewhere in the Atlantic and in the Gulf, versus a per-fish trip limit, and so, to give you guys sort of an idea of what these number of fish trip limits were equating to in pounds, we looked at the Trip Intercept Program, and, looking at Season 1 and Season 2 average weights, we came up with an average weight per fish of about 8.9 pounds, and that's a rough average, and so I've got a table here that shows you what poundage you're at at fifty fish, seventy-five fish, 100 fish, et cetera, so you can line up those poundages with the alternatives.

It's also possible that you might want to consider changing the step-up. Right now, in February, if it's less than 75 percent, it bumps up, and you could consider changing that to a step-down instead, if that was something the committee was interested in doing, and you've heard all of the advisory panel recommendations, and so what I need you to do is review the suggested actions and alternatives and approve them for inclusion in this amendment, if there are any modifications.

MR. HAYMANS: I was a bit dyslexic earlier, and I said 9.8, and it's 8.9. I am going to throw something out, and I heard a few fishermen say it, and Ira and I talked a little bit about it. It's 3,500 pounds above Flagler, and then we drop to fish, to number of fish, rather than pounds. We've got a conversion table there, and you could roughly approximate some of these, and is anybody opposed if we change that to -- Instead of fifty fish, it's 500 pounds of fish, and seventy-five would be 700 pounds, and 100 is 900, and 125 would be 1,100, and 150 would be 1,300, and 175 would be 1,500, and would anybody be opposed if we changed those?

MR. SAPP: The concern is, if you happen across a group of bigger fish, you can get shut down way before that seventy-five fish deal, and it's just a good fortune moment.

MR. HAYMANS: So the exact same argument is made on the other side, that you have a whole lot of small fish that count for the number, and then you wind up throwing small fish back when you wind up with big fish, and so which side do you go on? I mean, I have been told that you're not counting a whole lot of fish. When the fish get to the fish house is when they are eventually weighed-out. Any other?

MR. LAKS: The only thing I could say is I don't know, and I would probably trust some of my fellow fishermen in the audience, but I would say that fifty-fish number and average weight, that's a year-round average and not a Season 2 average. I would say that the fish are probably smaller in Season 2, and I think you're reading a year-round average of the fish, and our Season 1 average is much higher, and so that's something to consider in this.

MR. HAYMANS: If the fish are smaller in Season 2, wouldn't it behoove you to have a higher weight then, rather than fifty small fish?

MR. LAKS: I think that's something the fishermen are going to have to flesh out, because, if you start catching a lot of small heads and a higher weight limit, there's concerns about that, but I think that's something that the AP and king fishermen are going to have to meet and decide where they want that number, ultimately, in Season 2.

MR. CONKLIN: In snapper grouper, we are on a lot of poundage trip limits, and so it's regulatorily burdensome to have to try and guess how many -- I mean, it takes a little time, and my guys still aren't perfect at it, and no one else in the fishery is either. I mean, without being able to count fish, it puts more of a burden and risk of somebody getting in trouble, and so, with counting the fish, there's no messing up. In trying to guess pounds, there is.

MR. HAYMANS: That argument would hold water if we didn't have a 3,500-pound trip limit in the other zones, right?

MR. CONKLIN: Well, fifty fish isn't 3,500 pounds. It's probably harder to guesstimate 3,500 than fifty fish, but it doesn't sound like it's what the fishermen want. Thanks, and I'm not on your committee, but I just foresee it getting people in trouble.

MR. HAYMANS: That's fine. I just heard a comment, even at the March meeting, about going to pounds rather than fish, but that's fine. We can keep it at that. Okay, and so we have four alternatives here, and, first of all, is everybody okay with the way the action is worded, to modify the commercial trip limit for Atlantic king mackerel in the Atlantic Southern Zone? Okay. Then we have four alternatives of no action, and we have a fifty-fish that -- Alternative 2 is seventy-five to 100 if it's less than 70 percent, and then it's 100 to 150, and then 150 to 175.

MR. BELL: I am totally uncomfortable with picking one, just given that this fishery seems to be very sensitive to market stuff.

MR. HAYMANS: Yes, and so we're not picking preferreds. This is going to September, and we're going to see it again.

MR. BELL: We're just suggesting, but what I would ask, while we've got people here, is, is there an alternative, or one of these, that is better suited for the market, to avoid what we just kind of went through previously, and is one of those better?

MR. LAKS: Again, I have heard from the fishermen and from the AP, and there is different opinions, and I wouldn't want to state one opinion over another right now. There needs to be a discussion of whether -- I have heard support for a poundage limit, since everywhere from Texas to North Carolina, except for this area, is on a poundage limit, and I have also heard support to keep it at a number limit, but I couldn't tell you what was preferred, and I don't think we're really had a thorough discussion on it.

MR. HAYMANS: How about the number?

MR. LAKS: The number of fish?

MR. HAYMANS: Fifty or seventy-five or 100 or 150?

MR. LAKS: I have heard anywhere from seventy-five to 1,250 pounds to -- You get different opinions from different fishermen, and, without having this come up where people can comment on it, I don't know if we're going to get a full range of opinions, and I don't want to just give my opinion.

MR. BELL: Right, and I wasn't trying to be premature in that, but it's just that, with the range of alternatives, we might hit it in there somewhere?

MR. LAKS: I think we have enough to get a good discussion going.

MR. HAYMANS: We go beyond the 1,200, which was the maximum we've heard, and so we've got a full range, and staff can give us a nice rundown on that when we get to September. No one has any desire to add anything else?

MR. GRINER: One more question for Ira. Did anybody have a sense of, if you had reached that upper limit in any of those alternatives, where you thought the market price would start dropping down?

MR. LAKS: Yes, there are people on the AP who are concerned with that, and I have heard that from other fishermen, and it's threading a needle. It's a fine line of where do you get diminished returns. It's something that the fishermen need to have more of a conversation with this council about.

MR. GRINER: Do you think we have those ranges covered, or should there be another alternative that is even bumped up a little higher, so that that discussion and those alternatives can be fleshed out?

MR. LAKS: I think we have the high end covered.

MR. GRINER: Thank you.

MR. CONKLIN: I am not on the committee, but thank you, and I do remember, in the past, where we had the trip limit too high, and the fellas came back and wanted us to step it down, because it was diluting the market or something like that, and so we do need to be careful.

MR. HAYMANS: Very good. Okay, and so there's no additional alternatives, and we need a motion for this, right?

MS. WIEGAND: We do.

MR. HAYMANS: All right, and so is there a motion to accept the actions and alternatives and to move this forward? There is the draft motion, if someone would care.

MR. BELL: I would be glad to. **I move the approve the inclusion of Action 1, Alternatives 1 through 4, in CMP Framework Amendment 8.**

MR. HAYMANS: Thank you, Mel, and we have a second by Spud. Any additional discussion? **Is there any objection? Seeing none, the motion carries.** All right. The final agenda item is a Spanish mackerel update and Christina.

MS. WIEGAND: All right, and so, at the last meeting, you guys had asked for an update on CMP Amendment 24, which is something you had discussed back in 2014, and I wanted to -- Very, very briefly, I included this history, mostly so you guys could read it as you were going over it, and it's

been a while since we've dealt with anything related to Spanish mackerel, and so I wanted to give you the very, very sort of bare-bones history of Spanish mackerel management and why we are where we are.

Management started back in the 1980s, and the original CMP FMP was done in 1983, and the big thing that happened here was Spanish mackerel was eventually divided into the Gulf and Atlantic migratory groups, and this is where the first allocation came into place, and, at the time, it was based on a series of landings between 1979 and 1980 something, and I don't remember the exact dates off the top of my head, but they were done based on ratio of catch in that time period.

Then, in the 1990s, this is when we extended our management jurisdiction up through the Mid-Atlantic, and there were some changes in qualifying criteria for the commercial Spanish mackerel permit, and then, in 1998, the allocations for Spanish mackerel were revised to a 50/50 split. I'm sorry. The 50/50 split was back in the 1980s, and it was revised to a 50/50 split because there was some qualitative information that recreational catch had been affected by increasing commercial effort and that Spanish mackerel had been overfished at that time, and that had also had a negative impact on the recreational effort, and it was decided, at the time, that, since both the commercial and the recreational sector had the capacity to harvest the entire ACL, that the most equitable way to do allocations was to do it as a blank 50/50 split.

Then, in 1998, May of 1998, through regulatory action, it was revised, because commercial effort had been increasing, while the recreational sector hadn't been catching their quota, and so it was revised to a 55/45 split, which is where it currently is today, and just a note that back in the 1990s and early 2000s was when the council was still doing seasonal framework adjustments, and so trip limits and catch limits were regularly changed throughout this time period.

Then, in 2000, that's where you really saw commercial Spanish mackerel harvest take off, and the fishing season was modified from March 1 to the end of February, and then, in 2010, that's when we got into the annual catch limits and accountability measures. This is also when we started managing Spanish mackerel as separate Northern and Southern Zones and started the adjusted trip limits that we have in place in the Southern Zone now, where, as a certain amount of the quota gets caught, the trip limit steps down and steps down until the entire quota has been caught.

Back in 2014 is when the council began work on Amendment 24, and this was, again, meant to address this issue where commercial harvest was increasing and regularly exceeding their ACL, whereas the recreational sector was continuing to land less and less, lower proportions, of their ACL, and several management measures were considered. There was talk of permanent reallocation, through a plan amendment, and there was also discussion of an in-season ACL shift, where the shift would occur through a closed framework procedure, and so a notice would just be published by the Regional Administrator, similar to the way we do in-season actions now, and then, at the end of the fishing year, the ACL would revert back to the permanent allocations that are in place, in this case 55 commercial and 45 recreational.

Pre-season ACL shifts were also considered, and this would be done through a modification to the framework procedure that would allow the shift to occur via the open framework process, and so staff would do the biological, social, and economic analysis, and then a notice would be published with the revised recreational and commercial ACLs before the season, and they would then revert back to the permanent allocations, unless another amendment was pushed through by the council,

and so this is what was being considered at the time, and work on this amendment was delayed in 2014, because of other priorities, namely the visioning process, and it was thought that we would get through visioning before considering picking back up these issues in the Spanish mackerel fishery.

This is where you guys stood back in 2014, and you've heard the recommendations from the advisory panel and what they would like to see. Just a few quick things to consider are the commercial Spanish mackerel landings have exceeded their ACL in six of the last ten years, and this is a joint plan with the Gulf Council, as you guys have already talked about, and so any changes to permits would require the Gulf approval, and it's also important to keep in mind that, right now, the commercial Spanish mackerel permit is just one permit that covers both the Gulf and the South Atlantic, and they don't have separate permits right now. This graph just shows the Northern and Southern Zone landings, and so you can see that both the Northern Zone and the Southern Zone have come close to meeting or exceeding their ACL in recent years.

MR. HAYMANS: I have a question for General Counsel, to start with. We really got into this in March, and can we go back to March, to have a control date in March, or do we have to set it today, or can you go back even further, because I think, as we move into this discussion of what could wind up being limited entry, we need to have a recent control date in place.

MS. SMIT-BRUNELLO: That's a good one to spring on me. Control dates are a date in time that you tell the public that, going forward in the future, from this date forward, the Fisheries Service and the council might set up some sort of requirement that you couldn't -- That might exclude you from future participation in a fishery, right, and so what would be your rationale for setting it up in March? Let's talk about that.

MS. BECKWITH: Well, if we use some recent history, when we discussed the limited entry for the charter, we first discussed it at one meeting, and we tabled that discussion and brought it up at the next meeting, and so, if memory serves, I think we set the control date for that previous meeting, to avoid speculation, but I am seeing you --

MR. HAYMANS: That was actually my motion, and it was that current meeting that we set it at, because we talked about it in March, but we set it for June, but, learning from that -- That was part of the question that I had. This issue was first opened, at least in recent history, at the March meeting, with regard to limited entry and/or a gillnet endorsement, and so that's why I was thinking maybe if we could -- There was a suggestion, somewhere I read, to go back five years, and I know that can't fly, but I didn't know if March could or not.

MS. SMIT-BRUNELLO: Well, this is just June, and so I think you probably could use March as your date. You would want to give justification for why that's so, and you may never use that date, and that's the other thing. It's just kind of a yellow flag or a whatever to let people know that there's date out there that you should be aware of before you get into the fishery as a new entrant, or you could set eligibility criteria that could even go back farther than that, and so it's just kind of a notice up the flagpole to people to pay attention to this particular fishery and these dates.

MR. HAYMANS: Thank you. Chris.

MR. CONKLIN: I am not on the committee, but I appreciate you letting me talk. Is there like maybe an easier way to get to what we want to accomplish without -- I do agree with setting a control date, but, a lot of times, that will make a lot of people go out and get the open-access permit, and we would have to work with the Gulf, I would assume, on this as well, and it could be different, and I heard some other fishermen maybe came up with some different ideas that might get us where we need to be without doing this.

MR. HAYMANS: Where we're going on this is we don't have enough time today, or at this meeting, to begin this discussion, and so the thought is to ask you guys what you felt about having staff develop a white paper or something along that line, but, now that the box is opened, we sort of need to set a control date, and, if you guys want to set it for today, that's fine, but, if we go beyond today, we very well may have a lot of people jumping in.

MR. CONKLIN: Since it's a dual-region permit, then will we need to agree on a control date with the Gulf?

MR. HAYMANS: Again, I think that control date is -- We're looking at those folks that are in the Atlantic who are buying a permit, although it is a permit for both sides, and it still will be, unless we change that in the future.

MS. MCCAWLEY: I guess I'm -- We're setting a control date for what? Are we setting it for a limited entry on the gillnet fishery or a limited entry on Spanish mackerel? I feel like we're putting the cart before the horse, because you're right that we haven't had this discussion, and I'm just a little concerned.

MR. HAYMANS: The complicating factor is the fact that it's a joint permit, right, and so it may wind up being that it's a control date for a gillnet endorsement, which I guess is not there right now, right, in the federal waters. I looked at it more along the lines that it was a control date for a Spanish mackerel permit, if we go limited entry, but Christina would like to clarify.

MS. WIEGAND: Just as we're having this discussion between limited entry for the full commercial Spanish mackerel permit and a possible gillnet endorsement, for the full, if we wanted to do limited entry or limited access for the full commercial Spanish mackerel permit, that requires Gulf approval, because that also involves -- Then that permit covers their fishermen as well. For the gillnet endorsement, it would still require the Gulf's approval, because it would be a full plan amendment, but I believe, and Monica can correct me if I'm wrong, we can have a gillnet endorsement just for the Southern Zone. I believe the Gulf has a limited-access gillnet permit for their Southern Zone for king mackerel, and so we could do that just for our fishermen, and it would still require Gulf approval, but it wouldn't affect their fishermen.

MR. HAYMANS: That's what I heard, at least last night and in March, was that it was the gillnets that is the issue.

MS. MCCAWLEY: I am not convinced that I want to put a control date in place to suggest that we're going to start limited entry in the entire Spanish mackerel fishery. I'm not there yet. I could possibly get onboard with a control date for a limited entry gillnet endorsement for that zone, and I just wanted to put my opinion out there. By no means am I suggesting that we're starting limited

entry. You know my stance, at least in some sectors, of limited entry, but, because this discussion has begun, I think it's important that we have that there.

MR. CONKLIN: The talks of a gillnet gear endorsement, what would be the criteria? I am just thinking, and would it just be the State of Florida, like if you had the gillnet license and the Spanish mackerel permit?

MR. HAYMANS: I think we're way too early to even begin to address that.

MR. CONKLIN: That was just to help my way of thinking, and that's something I would need to know, because, if we're talking about the whole Southern Zone, that's a couple other states affected, and you understand what I'm saying.

MS. WIEGAND: The way the motion is written is the Southern Zone, which is South Carolina, Georgia, and Florida, but my understanding, from comment from the AP, as well as public comment last night, is that the big concern is off of Florida, and how a gillnet endorsement would work is something that staff can work out and bring something to you guys to look at, if you're interested in looking at that direction.

MS. BECKWITH: I agree that we have to set a control date, and it's not that we need to use it, and we certainly have the power to change it later to a future date, but the fact that we have said those two magical words of "limited entry" requires us to set a control date, in order to avoid speculation of those open-access permits, and so I think it's -- I can be persuaded to set the control date for this meeting, and I would probably do it for the March meeting, when we first started to discuss it, but I certainly see that one is necessary, and, if we want to change it later, we certainly can update it, but I think we need to put a line in the sand, now that we have said those two words.

DR. MCGOVERN: I had a question for Martha. I was wondering if, in the Gulf, they had discussed having a limited-entry permit at all for Spanish.

MS. GUYAS: I think this did come up a couple of years ago, and I believe the South Atlantic has already sent a letter to the Gulf about this, maybe like two years ago or something, and I don't remember the exact discussion, but I don't think that it really went anywhere, because here we are again.

MR. CONKLIN: The reason why I was asking about the gillnet endorsement or whatever is that, if we're not setting a control date on the Spanish mackerel permit, if you have one or not, then what are you setting a control date on? Then it would need to be if you had the State of Florida gillnet license and the -- Which I don't even know if you have a gillnet license, but do you understand what I'm saying? Otherwise, we don't have anything to set a control date on. You can't set a control date on something that's not in place, can you?

MS. MCCAWLEY: We do not have a State of Florida gillnet license, and let me also say that -- A couple of things. I feel like this discussion is a little bit premature. I mean, we're talking about a control date, but we haven't actually agreed that we want to continue a discussion about this at a future meeting. Maybe we should back up and start there. I do agree that, yes, if we want to go there, we need to set a control date, and then, if we agree that we're going there, I am fine backing

it up to March, but I don't know that this committee has agreed that this is where we're stepping forward.

MR. HAYMANS: We will ask that question in just a moment.

MR. WOODWARD: I think I gleaned out of this somewhat convoluted discussion that's going on that we're interested in what it would take to implement a gear endorsement and what the criteria would be, and so has staff been given direction to prepare us a white paper or an options paper? If not, I will be glad to request that.

MR. HAYMANS: That's the next step, and I have breached the control date discussion, and perhaps it was a bit premature, but, to me, they go hand-in-hand, but, Spud, if you have a motion.

MR. WOODWARD: I would move that we -- I guess "implement" is perhaps not the right word, because I'm not ready to implement, but to request that staff prepare us a white paper on a gillnet endorsement in the Spanish mackerel fishery, commercial Spanish mackerel fishery, in the Southern Zone and possible qualifying criteria for discussion at the next meeting of the Mackerel Committee.

MR. HAYMANS: Anything about the permit itself?

MR. WOODWARD: I think that's sort of embedded into the discussion of the gillnet endorsement, of how does all that merge together.

MR. HAYMANS: I think staff would prefer -- I don't want to put words in their mouths, but, if we're going to consider limited entry on a Spanish mackerel permit, that that's in the motion, if you want that as part of the white paper.

MR. WOODWARD: Sure, and I will add that to the motion, to investigate a gillnet endorsement pursuant to further consideration of limited entry, or limited access, in the commercial Spanish mackerel fishery.

MS. WIEGAND: Are you looking to have a white paper that looks at limited entry for the full commercial Spanish mackerel fishery and for the gillnet endorsement?

MR. WOODWARD: I am hesitant to do that. I mean, I think the gillnet endorsement is the thing we want to look at, and it be examined as a necessary precursor to a further discussion of controlled access in the fishery.

MS. WIEGAND: Are we good with this as written for the white paper?

MR. HAYMANS: There is some discussion that you can't -- Say that again?

MR. LAKS: There was discussion, I believe a couple of years ago, at the AP that you needed to make the permit limited entry in order to have an endorsement on it, and I'm not sure if that's true, and I don't remember how the discussion turned out, but that was brought up, and my memory doesn't serve me -- Someone mentioned the fact that you can't put an endorsement on an open-access permit.

MS. WIEGAND: I will have to look at Monica for that. Can we put a limited-access endorsement on an open-access permit?

MS. SMIT-BRUNELLO: Then it wouldn't be an open-access kind of situation anymore, and it would be limited access. You could create something called, for example, a Spanish mackerel gillnet permit that was of a limited nature. I mean, there's a variety of things you can do. When you talk about an endorsement, you're usually endorsing something, which is a permit, and I guess you could have an open access, which is what you have now, of the gillnet fishery, but it's just not specific to the gillnet fishery, and it's just an open-access Spanish mackerel permit, and some people use gillnets.

MS. BECKWITH: I just wanted clarification, so I don't get any calls from any of our charter people, and I know it is implied, but can you please add in "commercial Spanish mackerel fishery"? **Just put in the "commercial"**. Thank you.

MR. HAYMANS: Okay. Have you got that, Spud?

MR. WOODWARD: Now I am rethinking the whole thing. **Now I am just thinking maybe that the request of staff is to investigate the various options for controlling effort in the commercial Spanish mackerel gillnet fishery, because that's really what we're talking about, is what's the best mechanism.** If you feel like there is -- We have heard comments about this, that there is increasing capacity and overcapacity in that fishery. I would just leave it wide open to look at all possible options that are out there, so that we have those before us to consider.

MR. HAYMANS: Are you good with that, Spud, that motion as-is? Would you read it, please?

MR. WOODWARD: **Direct staff to prepare a white paper on controlling effort in the commercial Spanish mackerel fishery.**

MR. HAYMANS: Okay. Is there a second from a committee member? Mel. Thank you. Okay. Is there additional discussion?

MR. GRINER: I am not sure that I understand exactly what you mean by a white paper on controlling effort. To me, what you're asking for is a white paper possibly showing commercial landings by state, by month, by gear type, and is that what you're asking for? I mean, that's the only place you could possibly start.

MR. HAYMANS: What I can see staff doing is taking the AP's request and all of the public comments that we've had about lots of people jumping into this fishery recently and addressing those assertions. Is there truth to the fact that there is lots more boats in it, and do we see lots more increased landings from gillnets? Then, if that is proven, what are the options that we can address? Is it limiting the permit, or is it creating an endorsement? What are the things that we can look at? Then we can decide whether we want to move forward or not. That is the way I see that.

MR. GRINER: To that point, then that's exactly it, and I just wanted to clarify that a little bit more, maybe for Christina, that that's what we need to see then, is all zones broken down by the zones, by months, total catches, numbers of permits in those zones, and what gear they are using.

MR. HAYMANS: Okay. Jessica, did you have something?

MS. MCCAWLEY: Yes, and so I really feel like, tied up in this whole problem, is the state regulations. I don't know if that's going to get analyzed as part of this, and let me just throw out there that I have looked at confidential landings on this, and I don't know if I can support this motion.

MR. HAYMANS: I think state absolutely has to be part of that, and Christina is going to speak to that.

MS. WIEGAND: I would say, if the committee's intent is -- I have got a list going here of some of the ideas that you've discussed, and you mentioned the AP motions, and part of the AP's motion was to look at ways the council could collaborate with the states or work with the states on Spanish mackerel management, and so something that could be included in this white paper is information on what's currently going on in the State of North Carolina and the State of Florida to help with this particular problem, so that you guys have all of that information in front of you when you're discussing this next time.

DR. MCGOVERN: With regard to the states being involved, there is complementary management with the Atlantic States Commission and the South Atlantic Board, and they have an omnibus amendment that includes Spanish mackerel, along with spot and speckled trout, and so that's a player in all of this.

MR. CONKLIN: Just from outside looking in, and I've talked to these fishermen this week, and they have said that it seems the majority of the fishery takes place within state waters, but they are fishermen that hold federal permits, and so they have to report their catch on federal reporting either way, and do you understand?

Maybe a way, if FWC could wrap its head around how to handle the Florida problem, the gillnet effort, is wrap it around and they issue however many people they want to let go gillnetting with the federal permit, and then we don't have to do a joint amendment with the Gulf. I know it's completely against your legislation, and just listen for one second now, all right? Then we wouldn't have to have a joint amendment with the Gulf or anything else, and central Florida can fix this problem on its own, and we don't have to do anything. We don't have to do anything.

MR. HAYMANS: I can't say that I disagree.

MS. MCCAWLEY: Can I please respond to that? I don't know -- Let me just try to just state the basic thing. The gillnets are occurring in federal waters. Since there is a federal fishery management plan, FWC cannot affect gillnets in federal waters.

MR. CONKLIN: The federal fishery is occurring there, but a lot of those nets are floating in your state waters.

MS. MCCAWLEY: They are not gillnetting in state waters. It is illegal.

MR. HAYMANS: Okay. Thus, the reason that --

MR. CONKLIN: Hey, I tried.

MR. HAYMANS: Thus, the reason we need the white paper, to inform the entire committee on what all the facts are. We have a motion to direct staff to prepare a white paper on controlling effort in the commercial Spanish mackerel fishery, and I think you've got a list of things to include, right?

MS. WIEGAND: I do.

MR. HAYMANS: All right. Steve, last word before we take a vote on the motion.

MR. POLAND: Thanks, Doug, and I doubt this will be the last word on this, but so I want to make sure, in this white paper, that there is a breakdown, especially in the Northern Zone, of landings from state and federal waters and landings that come from permitted trips and state-licensed, non-permitted trips, to get that breakdown.

MR. HAYMANS: Jessica, I'll give you the last word. I am just kidding.

MS. MCCAWLEY: It's just not clear to me -- This is presuming that there is a problem with effort in this fishery, and so I'm not -- Is this paper going to look to determine if that's even a problem, because I'm not convinced that it's even a problem, and this is presuming that there is a problem.

MR. HAYMANS: I'm the Chair, and I can't offer a friendly amendment. Let's see. To the motion maker, can you fix it?

MR. WOODWARD: **I will change my motion to say to direct staff to prepare a white paper on the necessity of controlling effort in the commercial Spanish mackerel fishery, especially the gillnet fishery, if that helps the comfort level and focused the staff effort in a direction that will yield a positive result.**

MR. HAYMANS: Is that okay with the seconder, although it's the committee's motion? Mel, are you good with that?

MR. BELL: (Mr. Bell's comment is not audible on the recording.)

MR. HAYMANS: Okay.

MR. GRINER: I would rather see it say something like "analyzing effort", instead of "necessity of controlling effort". I mean, what we really need to do is just like she said. We need to analyze this and see if there's even a need to even look at effort.

MR. HAYMANS: That's sort of saying whether there is a necessity for controlling it or not, and that's saying the same thing, and so we're trying to get a little crafty here, and I'm trying to be responsive to our time. I think that we have a good understanding of what -- You have a good understanding of what you need in this paper, right?

MS. WIEGAND: Yes.

MR. HAYMANS: Okay. Unless there is an absolutely burning new statement that we haven't heard yet, and Chris has got one.

MR. CONKLIN: To that, if we have a sector of the region that is closing down early on the commercial side, then there is an effort issue, and you have an open-access permit, and it can't stand any more fishermen, and this will shake out whether it can or it cannot. For the record, I want to stand corrected that the fishermen that I talked to from Florida were not floating gillnets in the water. They were hook-and-line fishermen in state waters, but they still had to report federally, and that was my misconception.

MR. HAYMANS: Very well. Okay. To reiterate, Steve, Anna, Mel, Jack, Tim, Jessica, Spud, Dewey, and Tony. **All those in favor of the motion, seven; all those opposed. The motion carries seven in favor with two abstentions.**

MR. BELL: It's implied in there, but, I mean, basically what we're asking for is a characterization of the fishery, a snapshot of the fishery, and examining if you might need to do that, and that's it.

MR. HAYMANS: Very good. Everybody just take a deep breath. There was no other business mentioned at the beginning of this, and so, with that, that concludes the business of the Mackerel Cobia Committee. I wish you had said that before --

MS. MCCAWLEY: Back to the Mackerel Committee.

MR. HAYMANS: That was me starting this meeting with a control date, and does anybody else feel like there needs to be a control date, as we've started this discussion?

MS. BECKWITH: Yes, I think there should be a control date, and so it's just a matter of if we want to set it for now or for March. **I will make a motion to move to make the control date the date of the Mackerel Committee meeting from our last meeting, and so March whatever.**

MR. HAYMANS: Okay, and so, basically, we're looking back to the March meeting in Jekyll, the date that this was first brought up. Is there a second to that? Second by Mel. Any additional discussion? **Any opposition? Seeing none, that motion is approved.** Is there anything else that I have missed? That concludes our business.

(Whereupon, the meeting adjourned on June 13, 2019.)

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Certified By: _____ Date: _____

Transcribed By:
Amanda Thomas
July 22, 2019

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