

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COMMITTEE

**Hilton Wilmington Riverside Hotel
Wilmington, NC**

December 5, 2013

SUMMARY MINUTES

Mackerel Committee:

Ben Hartig, Chairman
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Jessica McCawley
Doug Haymans
Anna Beckwith

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Jack Cox
Dr. Michelle Duval
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Zack Bowen
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Observers/Participants:

Monica Smit-Brunello
Dr. Bonnie Ponwith
Phil Steele
Otha Easley

Dr. Jack McGovern
Dir. Bruce Buckson
Dr. Luiz Barbieri
Doug Boyd

Additional Observers Attached

The Mackerel Committee of the South Atlantic Fishery Management Council convened in the Cape Fear Ballroom of the Hilton Wilmington Riverside Hotel, Wilmington, North Carolina, December 5, 2013, and was called to order at 10:15 o'clock a.m. by Chairman Ben Hartig.

MR. HARTIG: I want to bring the Mackerel Committee to order. The first order of business is to approve the agenda. Are there any changes to the agenda? Seeing no changes; the agenda is approved. The next item of business is approval of the minutes, September 2013 South Atlantic Mackerel Committee Minutes.

Are there any changes, deletions or corrections to the minutes? Is there any objection to approving the minutes? Seeing none; the minutes are approved. That brings to the status of commercial – and we already did the recreational catches earlier, so it's just commercial, Jack, that we will have to do; status of catches for the commercial fishery.

DR. McGOVERN: The commercial landings for mackerel are in Tab 8, Attachment 1. Those show landings through November 5th. We got an update from the science center last week. This shows landings through November 25th that were put together by Sue Gerhart. The table shows the cumulative landings for the 2008 fishing year through the 2011 fishing year.

Then for the 2012 and 2013 fishing year we have landings that are monthly and also the cumulative landings. For king mackerel, through November of this year we're at about 981,000 pounds; and last year at this time – and that's about 25 percent of the quota – last year we were at about 1.6 million pounds. Both last year and this year's landings are a lot less than previous years.

For Spanish mackerel the landings are set the way. Through November we are about 1.6 million pounds; and last year at this time we were about 2 million pounds; and we're at about 51 percent of the quota; and 104 percent of the quota was met last year. Moving down to cobia, currently we're at about 80 percent of the quota, and we were right at a hundred percent of the quota by the end of the year last year.

MR. HARTIG: Are there any questions of Jack? I just had a comment. I like the way that table is set up and appreciate that. You get the last two years without the cumulative so you can see the changes per month; and I really appreciate that. The next item is to discuss the amendments under formal review.

DR. McGOVERN: There are two amendments that we're going to discuss. The first one is Amendment 20A. This addresses the prohibition and sales of bag limit caught fish as well as some permitting issues. The South Atlantic Council approved Amendment 20A at their September meeting and the Gulf Council approved it at their October meeting. The amendment was submitted for secretarial review on November 26th; and the proposed rule package is under review in the Region.

The other amendment is the South Atlantic Framework Action, which considers modifications on the restriction of transfer of fish at sea for Atlantic Group Spanish Mackerel; restriction on the

number of gill nets allowed for each Spanish mackerel vessel; and changes in the commercial trip limit for king mackerel in the Florida East Coast Subzone.

The South Atlantic Council approved the Framework Amendment in September and the Gulf Council approved it in October. There are some final reviews undergoing for this amendment, and we expect it to be submitted very soon.

MR. HARTIG: Are there any questions to Jack about the status of our amendments? Seeing none; thanks, Jacks, I appreciate that update. That takes us to our next item which is Joint Amendment 20B; Kari.

DR. MacLAUHLIN: Okay, in your briefing there is a decision document that I'm going to use to walk through. This amendment, the South Atlantic Council took final action in September; and then when it went to the Gulf in October, they made a change to one of the preferred alternatives under Action 1.

The South Atlantic Council needs to review that change by the Gulf and then decide to also select the same preferred alternative and then you will have to take final action again. The one that the Gulf Council changed was to modify the commercial hook-and-line trip limits for Gulf group king mackerel. It's Action 1.

Right now the South Atlantic has the preferred for the Eastern Zone Southern Subzone that is different than the Gulf preferred. We have the South Atlantic preferred at 2,000 pounds with no step-down under Alternative 2, Option B. The Gulf for the Eastern Zone Southern Subzone has Alternative 4, Option C, which set the hook-and-line trip limit at 1,250 pounds with no step-down.

I have a table in here under those lists of alternatives – under this action that says “preferred alternatives”, and it is a little table that shows in the Western Zone 3,000 pounds, no reduction; in the Eastern Zone Northern Subzone, 1,250 pounds, no reduction; and then in the Southern Subzone it shows the two different preferred alternatives; 2,000 pounds for the South Atlantic preferred and 1,250 pounds for the Gulf preferred.

Then under that they have the Gulf actions. They removed Alternative 2, Option C, as the preferred and selected Alternative 4, Option C, as the preferred. That is what the South Atlantic Council would have to do to line up those preferreds if that's what you choose to do.

MR. HARTIG: We've had some public comment on this issue. I have received some e-mails from fishermen in the Keys. I've an e-mail from Bill Kelly stating that they would like to stay at the 2,000 pound trip level. I can't help but offer a little bit of explanation. This happened about three years ago when we had a joint – four years, probably, Bill, I can't remember; but in the Keys we had a joint meeting with the Gulf Council. We had a lot of fishermen show up at that meeting; and they almost unanimously wanted to go to a higher 3,000 pound trip limit.

At that time they were citing fuel prices, traveling distance, distances to the fish as restrictions that were keeping them from participating in the fishery. My appraisal at that time was that we

weren't catching the quota because these fishermen had these economic restrictions on them. Subsequent to that, I actually got in and started looking at the data, and the quota is being caught almost every year and it is being caught some time usually in March.

Really, the way the fishery has evolved over the past 18 years – we've had this trip limit in place for 18 years – fishermen have evolved into that 1,250 pound trip limit; and their business plans over these years, really it is king mackerel and snapper grouper species for most of the people who catch those king mackerel currently.

Now, we have the other group of fishermen from the Keys, most of them are primarily lobster and stone crab fishermen; some of them are fin fishermen as well; but they used to be the players in the fishery – there isn't any doubt about that – as well as some of the people who are still participating in it now.

But, having gone back and looked at where the fishery is, when the quota is taken, and the fact that we couldn't do a better job of trying to extend the season and not create a derby fishery, I think the 1,250 pound trip limit does a good job on that. The second thing is normally we don't get into the Gulf's business – and this is a Gulf specific action – normally we don't; but having said that, we're going to do that in the next action; and I'll talk about that then. In my opinion I think we need to approve the Gulf's recommendations when they went back to the 1,250 pounds.

MS. McCAWLEY: I'm in agreement. Of course, Martha was at the Gulf Council meeting and heard a lot of the comments. We took a lot of phone calls and a lot of e-mails about this; about this increase in the trip limit would ultimately shorten the season; and that people have evolved their business to this particular lower trip limit, this 1,250 trip limit. If you're ready, I'll make a motion that we select the Gulf Council preferred for the Eastern Zone Southern Subzone, which is Alternative 4 – I would like to choose that as the South Atlantic preferred.

MR. HARTIG: There is a motion from Jessica; second by Charlie. Discussion? Michelle.

DR. DUVAL: Would we also have to then deselect Alternative 2, Option C, at some point once this motion is approved, assuming it is?

MS. McCAWLEY: Do you want me to add that to my motion that we also deselect Alternative 2, Option 3, under Action 1 as the South Atlantic's preferred.

MR. HARTIG: Thank you, Jessica. Charlie, that's all right with the seconder? **We have the motion to select Alternative 4, Option C, as the preferred and deselect Alternative 2, Option C, as the South Atlantic preferred. Okay, anymore discussion? Is there any objection to this motion? Seeing none; that motion is approved.**

That's it for that action because both of the preferreds line up now and we're good. Action 2, which was the change of fishing seasons for the Gulf king mackerel for the Eastern and Western Zone. The Gulf at their last meeting changed the season to September 1 – well, actually they didn't. Didn't they have that as a preferred before? We went ahead and approved their

preferred; and subsequent to that time there has been a lot of e-mails and public comments on this action.

We received 41 petitions, 32 of which were Florida East Coast fishermen that do not fish in the Gulf. Their concerns are that if you move the season to September 1st, there will still be Gulf production at the time when the mixing zone season starts to capture fish, and there will be substantial economic considerations due to market share for both areas competing for the same market.

There were five Florida East Coast fishermen that travel to the Gulf who sent those petitions. Those catches represented about 10 percent of the Gulf landings. We had one Gulf fisherman who is in opposition to the season change; and his average landings are 4 percent of the Gulf. One fisherman from North Carolina stated his objections based on the fact that season will open right when North Carolina is producing their fish, and that would severely disadvantage them economically.

We had one dealer on the Florida East Coast that has objections to that because of the price competition predominantly. I was contacted by a Gulf dealer that handles a significant portion of the Western Gulf landings; and his business plan would be substantially impacted by the season change. It is kind of a lot of stuff came after the Gulf finally approved that season change.

The petition that they sent cited some following concerns; safety at sea, potential economic harm, dealer concerns and assessment challenges with a season change without a compelling reason to do so. I sent out a letter and I think a number of you have seen it. I sent it to the Gulf Council as well highlighting my concerns, which are similar to those that were in the e-mail.

I went into a little bit more detail than some of those. I mentioned biological concerns; I mentioned the schooling behavior change of what happens. As you get farther and farther into the fall and into the early wintertime period, the fish actually change their schooling behavior. They come to specific areas during that wintertime, densely packed schools.

The other thing is part of that stock moves on and supplies the fishery in the Keys in that mixing zone; and another part of the stock actually stays in Louisiana, and those are predominantly a bit larger fish, and some of them are significantly bigger. The biological concern was that if the fishery starts to switch with a season change to a much larger animal, then you're going to be removing some of those larger presumably older fish out of the population that have possible impacts on recruitment.

Those are some of the concerns they had. The economics; I went through that in detail about how each season as it is set up now is pretty much isolated from every other season. Each area is able to get the most economics because they aren't competing with other sectors during the time when they have the fish. It is amazing how it has worked over the years.

It was never designed to be that way; it is just happenstance, and that's how that has worked. The economic considerations are substantial especially given on our side that the Atlantic stock

isn't doing that good. If North Carolina had to compete with smaller landings with the Gulf, it would really, really have a major impact on them. That is my explanation. Jessica.

MS. McCRAWLEY: I agree with that. We also heard from a lot of folks. We took phone calls and e-mails on the topic. I've read the information that you've provided, which you just reiterated. **I would make a motion to change the South Atlantic preferred from the Western Zone to Alternative 1, no action, with the fishing season starting July 1, and then deselect Alternative 2 as the South Atlantic preferred.**

DR. DUVAL: I was going to second the motion and then ask for some discussion.

MR. HARTIG: You can ask for some discussion.

DR. DUVAL: I also received several e-mails from our fishermen fishing up in the northern part of the state, because that is really – you know, that fall part of the year, mid-October through the beginning of December is really when their season gets started. I actually received some phone calls from Florida fishermen expressing their concerns as well. I am supportive of this motion.

MR. COX: I would also like to add to that. I do support it as well. This past fall, starting in September, we handled quite a few fish for a lot of the guys and we were able to really give some nice returns. To see these fishermen getting prices in the excess of \$3.50 a pound for king mackerel and not having to compete with the Gulf during that time would be great.

MS. McCRAWLEY: And just to reiterate, our Florida folks said the exact same thing that we are hearing from the North Carolina folks.

MR. HARTIG: Yes, and that was my main – I wasn't real sure about when you guys started catching your fish. I thought it was usually in September when that production started and into October at times. I know you have weather concerns. If a manor front comes through, it changes the dynamics of that whole fishery; but if it's in September, that would be major. All right, we've got a motion which is to change the South Atlantic preferred to Alternative 1 and deselect Alternative 2A as the preferred. Is there anymore discussion? Monica.

MS. SMIT-BRUNELLO: Just so I understand, what does that do to Alternative 3B? Right now you're discussing the Western Zone; correct? Okay, so maybe we could have a little discussion as to when you select – Alternative 1 is no action, right?

MR. HARTIG: Yes.

MS. SMIT-BRUNELLO: And so we need to figure out what happens with Alternative 3 and the Eastern Zone.

DR. MacLAUCHLIN: Could it be that we would not select Alternative 1; we would just deselect 2A. What that would do is make the Western Zone – keep that fishing year start on July 1st; but then change the Eastern Zone to October 1st.

MS. SMIT-BRUNELLO: I agree; I think that is what you want to do.

MS. McCAWLEY: Then I would like to modify my motion accordingly, just to deselect under Action, Alternative 2A for the South Atlantic preferred for the Western Zone.

MR. HARTIG: Is that all right with the seconder?

DR. DUVAL: Yes.

MR. HARTIG: That is concurrent with the seconder and we're good. Monica.

MS. SMIT-BRUNELLO: And just for the record; so what that means is for the Western Zone the fishing season remains July 1 through June 30th; and then because you have selected 3B, Option B, the fishing season for the Eastern Zone would be October 1 through September 30th.

MR. HARTIG: Okay, we're clear on that? Is there anymore discussion? Any objection to the motion? Seeing none; that motion is approved. Roy.

DR. CRABTREE: Kari, I'm looking through Amendment 20B now; and somewhere in the amendment the footer changes from 20B to 20A. I'm in Section 4. When you get to Section 4, the footer that had been 20B turns into 20A; and it confused me for a minute so could we fix that.

MR. HARTIG: We'll make those changes; thank you, Roy. Well, what that does now is the rest of the amendment, we have the same preferreds for Action 3, Action 4.1, 4.02, 5 and 6. Then what we would need to do since we have made the changes is we would need to approve for secretarial review, and I would entertain a motion from the committee to approve the amendment for submission for secretarial review.

MS. McCAWLEY: So moved, Mr. Chairman.

MR. HARTIG: Motion by Jessica; second by Michelle. Is there any discussion? Is there any objection? Seeing none; that motion is approved.

DR. CRABTREE: I strongly suggest that whoever the council liaison is at the upcoming Gulf Council meeting be well prepared to give a very clear explanation of the public comment we got and the effect on the South Atlantic fishermen and why we came to this decision. I guess if the Gulf Council disagrees, at that point then I think what we need to talk about is a joint committee meeting to resolve.

MR. HARTIG: If we don't have the same preferreds; doesn't it just fall out?

DR. CRABTREE: Well, we couldn't submit the amendment; so we would either need to come to an agreement or I guess we could remove this action and not deal with it. I'm not sure how we'd want to handle it that way. Hopefully, when we make a good case and explanation, we can come to an agreement at the February Gulf Council Meeting.

MR. HARTIG: Roy, I plan on coming to that meeting and trying to do just that.

DR. CRABTREE: And I guess, Bob, you will be in contact with Mr. Gregory, and Doug Boyd obviously is here, and let them know where we are on this.

MR. HARTIG: We have one more thing under this one is to – well, we need a motion from the committee to deem the codified text as necessary and appropriate.

DR. MacLAUCHLIN: The codified text that you have received in your briefing book was written assuming just that change in Action 1 and not this change. The regulation writers know that they would need to send some revised codified, so we will have that for full council. Right now the codified text that you have does not have these changes in them.

MR. HARTIG: So we don't need a motion to do that; we'll do that during full council. That takes care of this action; so next we go to the Joint Gulf and South Atlantic Mackerel Framework. Luiz, don't we need a presentation from you before we discuss the framework action?

DR. BARBIERI: Yes, Mr. Chairman, if you're referring to an action that would involve catch level recommendations for OFL and ABC for mackerel, I think that it would be better to have the SSC's revised recommendations that we discussed at this last meeting presented first.

This brief presentation will actually discuss some of the revised catch level recommendations and some of the actions that the SSC took at this last meeting in discussions regarding Spanish mackerel OFL and ABC catch level recommendations in response this committee's request that we reconsider the recommendations that we made the last time. I will walk you through that process.

Just to refresh your memory regarding the Spanish Mackerel Stock Assessment, the assessment had a very, very positive outcome and actually showed the stock not to be overfished nor undergoing overfishing. To refresh your memory, I plotted here the exploitation trajectory, you know, the fishing mortality rate estimated by the assessment relative to the fishing mortality rate at MSY over a very long time series.

You can see that with the exception of this little blip here, the stock has never been – is estimated not to have been under overfishing; and then in terms of the biomass status, the stock has actually never been overfished. It has been always above – this green line here is the SSB_{msy} and the purple line is the MSST and you can see that the biomass of the stock has never dropped below MSST throughout the entire time period.

The SSC then applied, according to the way that the assessment was conducted, the quality of the data and the characterization of uncertainty in the assessment and all the attributes of Spanish mackerel live history and population dynamics. We applied the ABC Control Rule and we determined that a P-star of 40 percent would be recommended for setting the ABC recommendation.

Now, the recommendations that came out of the original projections, prepared right after the assessment, actually showed a more pessimistic projection going forward in terms of yield estimates basically because estimates of the short-term recruitment variability over the next few years would show some decrease that would reflect in lower yield levels for the fishery.

Considering the fact that the stock has for all practical purposes never been overfished or never been undergoing overfishing over a long time period, this committee requested – and I think the full council approved that request – that we revisit our catch level recommendations and base the OFL and ABC on equilibrium projections of MSY; so we can make a recommendation that still follows National Standard Guidelines and allows us to be at a sustainable harvest level but it doesn't really impact in the short term the yield that the fishery will be able to be harvesting.

The SSC considered this request and felt that it really had merit. The committee discussed the facts as I mentioned and not just the stock is meeting but greatly exceeding the benchmarks for both biomass and exploitation, the stock is well above the spawning stock biomass at MSY; so not just MSST, but biomass at MSY and the F is well below the MFMT.

This positive outcome of the assessment was consistent in all the sensitivity runs that were evaluated by the assessment and the review panel; so, really, there is very little risk, a very small probability that this outcome is not true, and there is a very small risk of overfishing the stock or the stock becoming overfished within the timeframe that we are proposing for this revised catch level recommendation.

The bottom line is that the SSC supports the council's request and is providing a new yield stream for OFL and ABC recommendations for this period of 2014 through 2016 with the understanding that there will be an update of the assessment recommended for 2017. Of course, that schedule; the timing is being discussed in more detail as part of that comprehensive assessment scheduling plan that council staff has put together.

The committee felt comfortable making those catch level recommendations for that time period. This next slide really outlines the revised catch level recommendations that address your concerns and we set the OFL – and you can see here the figures for 2014 through '16 for OFL and for ABC and all the metrics here in terms of landed poundage and numbers and discards in pounds and numbers.

Just for clarification, the OFL recommendations were set at the yield at F_{msy} with a probability of overfishing of 50 percent, as it is standard for setting OFL, and the ABC was set as the equilibrium MSY over this time period. I think, Mr. Chairman, this concludes my presentation; and I'll be glad to address any questions you might have.

MR. HARTIG: That was a good presentation. I was there and I appreciated the SSC looking at this. I appreciate the SSC getting out of the box in some of this stuff to be able to look at – I mean, when you have a fishery that is in somewhat different circumstances than many of our others, that you guys took the extra time to look at our request. Are there any questions for Luiz? Well, it seemed like you did a pretty good job. Thank you for being here all week. We

appreciate you being able to come and give us the SSC report in detail when we need you throughout these committee meetings.

DR. BARBIERI: Seriously, I really enjoy attending these meetings. I think having SSC representation at council meetings is beneficial both ways; for us to familiarize ourselves in more detail with the council process and the discussions and be able to hear your requests directly is really productive. I have to say regarding your comment about how we revised and our response to your request for a revised OFL and ABC recommendations, I have to say that I think this is really the gold standard of council/SSC interactions. I think that in this case it was beneficial for us as well.

As a body of scientific advisors, I think we make our recommendations sometimes based on standard procedures and we doubt really being able to take into account how those recommendations really impact the way that you want to manage the fishery. I think this was one of those iterative processes that helped us both generate catch level recommendations that are better for the way we manage the fishery. We appreciate it and we learned some from this, and we're going to try to apply these same principles going forward.

MR. HARTIG: It sounds like a plan to me; thank you. All right, that will bring us to the actual framework actions; and those are behind Attachment 4D. This a joint framework at this time, but I think once we get through framework, if I'm not mistaken, Jack, that each council will be able to do separate frameworks for the appropriate changes in their framework actions? He is nodding his head, yes. We will probably see this again after the Gulf makes their decisions on Spanish, but we will take action today.

DR. MacLAUHLIN: I wanted to first kind of explain why we are doing joint framework actions. Usually with mackerel there are South Atlantic Framework and Gulf Framework. Before with the framework procedure, each council could do framework actions and adjustment for their migratory group, for the fish, and the other council did not have to approve it.

After Amendment 18 went through, there was in that framework procedure update in Amendment 18 it was – that was kind of removed from the procedure not quite on purpose. In Amendment 20B, which you just approved again for submission, it will change that back to where each council can do their own framework actions.

But for now whenever there is a framework action, the other council has to approve it, also. We just did our South Atlantic Framework Actions for the transfer-at-sea provision and the trip limit for king mackerel. You approved that in September and then it went to the Gulf and they had to actually approve it.

When both SSCs for each council gave their recommendations for the ABC for Spanish mackerel based on the most recent stock assessment, we figured out that both the documents would be moving at the exact same time and would have to get approved by both councils at the exact same time. We decided we would just put them together in this one document; so this is why it's a joint framework action for now.

It has one action for the South Atlantic and one action for the Gulf. Does that make sense to everybody why we're doing this? Okay, so the plan is that you review the action based on decisions about the alternatives that you want in there and then we'll do public hearings in January while we're on the road for scoping and everything, anyway.

The Gulf will do their public hearing probably maybe at their February or their April meeting and then it will come back to the South Atlantic. In March you will take final action – review the public comments and take final action and then the Gulf will approve it in April and then we will submit it together. First of all, we have in the document a purpose and need. We would like to get the committee to review this and make sure that it is – that if you want to revise it and then approve the purpose and need.

DR. DUVAL: Mr. Chairman, I move that we approve the purpose and need as stated.

MS. McCRAWLEY: Second.

MR. HARTIG: Motion by Michelle and seconded by Jessica. Discussion? Is there any objection? Seeing none; that motion is approved. That takes us to Action in the framework, modify annual catch limit for Atlantic Migratory Group Spanish Mackerel. Kari.

DR. MacLAUHLIN: Under this, what I would like the committee to do is just look at these alternatives. There are three. These are just suggested alternatives. I want to make sure that the language captures what you want; that you have alternatives, options, et cetera, that you want in there; and then you will approve the language in the action and alternatives.

First, though, I want to just run through them. Alternative 1 is no action, and that's retain the ACL, OY, and ACT for Atlantic Migratory Group Spanish Mackerel. Then you have that information under there, the current ABC, the sector allocations and then the recreational ACT. Alternative 2 revises the ACL, OY and ACT for 2014 and 2015 based on the ABC recommended by the SSC. This is just sets the ACL equal to OY equal to ABC; and then updates it based on that new ABC.

We also have another alternative in there – and again these are suggested alternatives and you can pick and choose which ones you want – Alternative 3, which revised the ACL but bases it on a percentage of the ABC; so we just have two options in there, 90 percent of the ABC and 80 percent of the ABC in case you want a buffer in there for you to consider.

MR. HARTIG: So basically we would need a motion to approve the wording or not?

DR. MacLAUHLIN: Well, I think that I would like the committee to talk about maybe what alternatives they would like to keep and if they want to add any and if they would not like to have a certain alternative.

MR. HARTIG: I will lead us into that. We've talked about this, and there is precedent for just having two alternatives, the no action and Alternative 2 if we approve Alternative 2 as preferred.

Basically we have done this with a number of species. We have done it with vermilion. I'll just run through a paragraph here:

“The National Marine Fisheries Service acknowledges that there are two alternatives for this action. Section 1501.14(a) of the National Environmental Policy Act, NEPA, states that agencies shall rigorously explore and objectively evaluate all reasonable alternatives. Two reasonable alternatives for this action, including the no action alternative, have been identified by NMFS and the South Atlantic Council. Preferred Alternative 2, ACL equals OY equals ABC represents the accepted formula used for specifying ACLs for the majority of assessed species that are not overfished nor undergoing overfishing.” Really, we wanted to limit it to two alternatives. Do you have any thoughts on how we looked at this?

MS. SMIT-BRUNELLO: So what you've just said is that in similar actions under the Snapper Grouper FMP, when the council received information from the SSC based on new stock assessments and their recommendations for ABC, the Fisheries Service and particularly the NEPA folks and our office thought that was fine and it was reasonable to only have two alternatives; no action and then the new action as recommended by the SSC. What you're asking here is as to whether that is also appropriate in this specific situation so that Alternative 3 perhaps would not be needed under Action 1; correct?

MR. HARTIG: Correct.

MS. SMIT-BRUNELLO: That could be fine. I am wondering though whether the council – maybe we should have some discussion as to why you would like to stay with Alternative 2, which I think is a similar kind of formula that you have from the no action which is basically ACL equals OY equals ABC or ABC equals whatever. We can flip it; it is the same thing.

Your ABC and ACL equal each other as do your OY; and so you'd like to retain that current kind of – okay, so you don't want an additional buffer necessarily and maybe you could just have a little discussion as to why that's not needed although maybe Luiz' presentation covered most of that. What you think, Mr. Chairman.

MR. HARTIG: I think Luiz did an excellent job in the SSC review and showing why in this specific case for Spanish. Given where we are in our benchmarks from the assessment, we're way above the Bmsy and we're not anywhere near MSST. For this particular species, we would certainly like to do that; ACL equals OY equals ABC.

DR. DUVAL: And I would also add that our F over Fmsy isn't anywhere at half the maximum fishing mortality threshold.

MS. SMIT-BRUNELLO: Then if you all want to go with the two-alternative approach, it sounds like that you probably have a pretty good rationale for the record if that is the way you would want to proceed.

DR. DUVAL: So given that, would be appropriate to have a motion to remove Alternative 3 from Action 1 and place it in the considered but rejected appendix or would we just remove it. I

guess I'm unclear; we would just remove it, perhaps. I don't know about considered but rejected.

MS. SMIT-BRUNELLO: I think it might be better to put in a considered but rejected type of appendix.

DR. MacLAUHLIN: This is the first time that the committee and council are seeing these; so at this time is language and the alternatives are just suggestions from the IPT. Really, you can just make a motion to approve the language and Alternative 1 and 2 – the language in Alternative 1 and 2 under Action 1, and those would be the only ones that we include in there and we just – we can talk about why there is not any additional alternatives. We don't have to have them because this is the first time you've seen them so you haven't actually put them in the amendment yet.

DR. DUVAL: All right, then I make a motion that we approve the language for Alternatives 1 and 2 and include those as our only alternatives under Action 1.

MS. McCAWLEY: Second.

MR. HARTIG: Seconded by Jessica. **Is there anymore discussion? Is there any objection? Seeing none; that motion is approved.**

DR. DUVAL: Mr. Chairman, I would like to make a motion that we select Alternative 2 under Action 1 as our preferred.

MR. HARTIG: **Seconded by Doug. Discussion? Is there any objection? Seeing none; that motion is approved.** Now we would need to approve it for public hearings or not?

DR. MacLAUHLIN: Well, I think this is the next question; so the next action is for the Gulf Spanish Mackerel ABC and ACL. The Gulf staff wrote this in their style so it's a little different from the way ours is; but really I would just like a motion from the committee to approve the language in Action 2. Then it will go back and they can adjust it however they need to.

DR. DUVAL: Mr. Chairman, I move that we approve the language for the alternatives under Action 2.

MR. HARTIG: **Seconded by Doug. Discussion? Is there any objection to that motion? Seeing none; that motion is approved.** The last action the committee needs to take would be approve the amendment for public hearings. Anna.

MS. BECKWITH: I would be happy to make that motion and get it all on there.

MR. HARTIG: A motion by Anna to approve the amendment for public hearings; seconded by Doug. Discussion? Is there any objection? Seeing none; that motion is approved. We do need to have a little bit of discussion for the Mid-Atlantic hearing options.

DR. MacLAUHLIN: Well, Monica and I spoke about that; and because this would affect the Atlantic Group ACL, they do have a council meeting coming up, but we were talking that we could just make that decision among staff about how to make sure that they have information and the opportunity to provide comment, and we'll make sure that happens.

MS. SMIT-BRUNELLO: And I agree with that. I would like to just for the record, Attorney McGovern reminded me that under Action 1, Alternative 3 has already been analyzed in an EIS in Amendment 18; so you have already dealt with that and decided on your path forward. I just wanted to put that in the record.

MR. HARTIG: All right, that takes to Item 7, Joint Amendment 24, allocations; and that is Attachment 5. Kari.

DR. MacLAUHLIN: Okay, this is just an options paper draft scoping document. Basically the IPT and the staff put our heads together and kind of came up with some things. Since you will be approving this for scoping in January, we just want to get some input on anything else that you would like to see in the scoping document; questions that you want us to ask the public about and input you want that is not already in this document; so if you have any suggestions. Then you are just going to approve for scoping, really.

We just wanted to kind of show you what we had put together. The other thing is that the Gulf Council discussed this but they didn't pass a motion to start development of this. After we scope and we get more information, then at their February meeting we will bring that to them and then we'll proceed with developing this joint amendment.

This has just come up. It is looking at the sector allocations for Gulf king mackerel and Atlantic Spanish mackerel; so those are the only two items in there at this time. There are tables in here, so let me explain these tables. Table 1, this is Gulf king mackerel. What it shows is you have the past 11 years or so. The next column is the TAC or the ACL.

Then you have the landings; and these are the actual landings' histories from commercial and recreational. Then the next column is percentage of sector ACL landed; and you will see that there is a percentage under the commercial and recreational. What this is, is basically using this kind of as justification for even looking at the sector allocations for these.

You can see for the Gulf king mackerel that the commercial – and what they were allocated in the commercial ACL. They landed 90 percent, 80 percent. In more recent years they have exceeded the commercial ACL, just the sector ACL; and then the recreational ACL is in the past few years 32 percent, 48 percent; so not getting very close to hitting or even exceeding their ACL.

The next column, which is percentage of total ACL landed – and on the screen I added an additional column that just adds those two up. What I was trying to show in percentage of total ACL landed is if you add those together in your heads – you can look at them separately – how much of the total TAC or ACL was landed so that you can see that even if they were exceeding

or not even hitting part of their sector ACL, that the total ACL, which is usually in later years the ABC – they're not really getting that close to that either.

So biologically this hopefully would be okay to kind of move these around. This is just going to be an economic or social kind of thing of moving them around to be able to maximize how much of the ACL you have used. That's for the Gulf king. And then Table 2 is Atlantic Spanish; so you can see in the past few years, in the 2009/2010 season and on, the commercial sector has exceeded the ACL, their commercial quota; but the recreational has not.

The AM put into place is that there is not a payback unless the total ACL is exceeded, so they're doing okay; they haven't exceeded the total ACL, but they have been exceeding that commercial ACL. It is just something that you may want to consider. Ben also asked me to put together – and we'll have this in the scoping document just so folks can see it. This you don't have, but we'll have this in there.

I put it together here at the meeting where you can see the percentage of total landings. What you would use this for is that when you start thinking about if you want to make some changes to those; would you use – you can look at the percentage of total landings, to maybe use that as a new allocation formula or something like that.

But I think at the beginning here we would want to talk about why you're even considering it; and that is because the total ACL is not being met even though the commercial ACL is being bumped up against or exceeded. We just want some input. If you guys have anymore input about this; is there anything that is missing kind of that you would want to see scoped or you would want to ask the public for their opinion and their opinion on.

We have in here the history if where the allocations came from. Atlantic Spanish mackerel, the last time it was put in as 55 percent commercial and 45 percent recreational. That was actually put in a framework adjustment in 1998; so you haven't looked at those really in several years. Then the Gulf king mackerel, that allocation was set in Amendment 1; so it is something that maybe they would want to look at more recent landings or some other factors in there.

We also have some possible reallocation methods. This is something that can kind of go along with the Generic Allocation Amendment where we're just looking at if you decide that you want to do this, then what are some ways that you would want to look at it. Then we have just other ways to use any excess recreational quota such as a research set-aside or setting it up as a tournament allocation.

These are just ideas that we can throw out to the public and they can maybe think about those and think about if that's something that they want to talk about when we're talking reallocation. The last thing is that we have two stocks that are not at this time included in there that I wanted to ask the committee do you want to also consider looking at the sector allocations for Atlantic king mackerel and Atlantic cobia. That's it, really.

MS. BECKWITH: I don't see a reason to reconsider cobia at this time.

DR. MacLAUHLIN: Cobia just got an ACL in the 2010/2011 season. On the screen we tried to put these together for Atlantic cobia also; and they did not have a TAC or an ACL until just a few years ago. All we can really look at is like percentage of total landings and the percentage of – and it is currently 8 percent and 92 percent. That may just be something that you want to wait and see how putting an ACL in place affects them.

MR. WAUGH: I think it would be helpful for us to be able to clarify to the public is the expectation now that we want to kill the ACL. Generally when you do an allocation to recreational and commercial; the commercial sector, that is landed and consumed. The recreational sector, that is for playing with and bringing some back to consume.

If you leave them in the water, you get a higher biomass on the recreational side; and fishermen who aren't as good, like me, can then have a greater chance of success. I think we need to be clear when we're asking the public to comment, are we saying now we want the full ACL landed versus just allocating and then let each sector sort of determine how much of that they want to land.

MR. HARTIG: That is a good point. I was going to tell Kari that we should frame this in trying to achieve OY in our purpose and need. I think that from my perspective is what I think is our charge. Basically that's the council's charge is to try and get OY out of your stock. Zack.

MR. BOWEN: I'm a recreational representative, but what I do not want to see is boats tied to the dock. If we have fish left in the water but yet we're closing the commercial king mackerel season because they've reached their ACL and recreational still has ACL to be caught but we're not even in recent years coming close, it seems like we may want to not keep those boats tied to the dock if we don't have to.

MS. BECKWITH: This is to Zack's point. It is a fine line because certainly we've had economic issues in the past many years where recreational fishermen haven't been targeting. As soon as you give up an allocation, it is not so easy to get it back for the recreational fishermen; so I think there are certain species that as Gregg has pointed out – and this has been brought up in public numerous times – those fish are there to catch and to release.

Some people value optimal yield and some people value having those fish in the water. There is a place for that in some of the species in the recreational fishery. It is a stock by stock, but certainly I'm not on board with necessarily reallocating recreational sector allocations to the commercial just because there is fish left on the table each time.

MR. PHILLIPS: And to both of their points of view, we don't want to leave of fish in the water, but I would suspect there would probably end up being some kind of compromise. There would be a buffer left in there for recreational in case they had a growth in that fishing effort of something. I would think that is why we would all want to come to the table and come to a compromise on what works best for everybody. I welcome to see this.

MS. BECKWITH: So a compromise we've been considering is our accountability measures where we're not requiring any paybacks on a lot of these species unless the stocks are overfished

and lessening the total ACL is taken. If the commercials do overrun their particular portion, they're not being asked to pay back in a lot of these species and that is an acceptable compromise I think to the recreational fishermen because it still allows for that percentage to be there in case economic drivers allow for additional fishing or stock biomass increases where people like Gregg can catch some fish.

MR. PHILLIPS: And to that point, as we get better at doing our logbooks and our dealer reporting, I would expect the commercial guys' sectors to be closer and closer to what they're supposed to catch and not have these overages. I don't think we'll be using it very much.

MR. BOWEN: And one more point; as far as the recreational fishermen go, most of us out there that go catch king mackerel, we look at how many fish per person more than we do total ACL. In my opinion if we can give some of our ACL to the commercial guys and still keep our three per person limit, I think most recreational fishermen would be okay with that.

MR. HARTIG: Well, one of the things is we've gotten specific about doing it with Spanish, but Spanish is numbers of fish as well in the recreational fishery. When Gregg brought up the point about leaving fish in the water, I used to believe that in my term in management on this council. I believed that we needed to leave more fish in the water because there was much more uncertainty in the assessments then.

Since that time and since the new assessment scientists have come in and they've done a much better job of getting us to our catch levels and they have constrained catches – they're more conservative mostly – now we're at levels of harvest that I think we can more approximate OY than we were before. I've evolved over this last two council stints in that I think we probably ought to be trying to get closer to OY.

Maybe we don't get all of it; and maybe there is another way to look at this as in some seasonal wave. You look at the recreational fishery and you have some assurance that you're going to go over your fishery, and then you transfer some of those landings back to the commercial fishery. That can go in here; that can be something we take to the public.

MR. BOWEN: But don't we have – and I don't know exactly what the number is – a buffer between OY and our ACL now or there is no buffer? Is our ACL equal to OY?

MR. HARTIG: Equal to ABC, yes. In Spanish especially and other species as well we're right up against it; but in the case of Spanish what Luiz showed us was we're in very good shape. The stock is in great shape so that's not a big deal. I would like to explore – and Anna was shaking her head when I was talking about some other way to shift some of these catches beyond allocation; and I think you could include it in this amendment as well as an alternative to the allocation decisions. You would still be shifting levels of harvest from one sector to the other.

DR. MacLAUHLIN: Do you mean in the framework procedure, make moving allocation a framework action, which it used to be but it currently isn't now.

MR. HARTIG: Yes, before we could move 10 percent in Spanish. Specifically Spanish and only Spanish you could move 10 percent back and forth; and that is something we could bring back to full council if we wanted to add that into the framework that we have that is going back to the Gulf now. Mel.

MR. BELL: Just to that point; we had it and now we don't. Why did that change occur?

MR. WAUGH: When we were working on Amendment 18, the way the wording of the proposed changes to the framework is currently worded in the final document, it can be interpreted in two ways. My read of it is in one way it removes our ability to do separate management actions, and that's why we're doing joint frameworks.

It could be viewed at removing things like that Spanish mackerel allocation. It could also be interpreted that it didn't make those changes. It was certainly my understanding as we worked on that, that we weren't changing those major options for the council just by a slight rewording of the framework wording. The official interpretation of how that is, is we no longer can do separate documents and we can no longer do those allocations.

MR. HARTIG: To me in Spanish I think there is enough room where you could fiddle with it a year and see what happens and do maybe 5 or 10 percent and then just go back – you know, in a framework you can change it relatively quickly back to where you were; and I don't have any problem with that if the recreational fishery gets to a point where they would need more fish.

I see this whole thing in the future in allocation. We revisit it more often, we're more fluid; we can take into consideration things that happened since 2008 when the recreational fishery declined. Our OYs declined for a number of important species. We may have things like that again; and the thing that I have always – and I will find this out in time, but what is going to be the new level of recreational getting back into the fishery with fuel prices, boat prices, the economics. We're not exactly on a fast track to get back to where we were. Monica.

MS. SMIT-BRUNELLO: I had a question. You decided not to go ahead with allocations right now for snapper grouper because of the visioning process. Is it this committee's thought because that visioning process is specific to the Snapper Grouper FMP that going ahead with allocations for the coastal migratory pelagics' fishery are not considered as controversial? I just would like a little bit of discussion as to it is fine to go ahead with allocations here; it is not fine to go ahead right now allocations with the other FMP.

MR. HARTIG: Well, basically the Gulf was going ahead with their king mackerel. At that time we looked at it and Spanish mackerel was one that had some distance between the recreational catches, what they're catching, and they weren't approximating their ACL and we thought there could be some changes with that.

But, you're right, it has been kind of tearing at me that in some ways that we're taking an allocation decision for one species and moving it ahead. The other thing I think, you know, we may just drop this if we can go back into the framework and have that reinstated as the 10 percent change in any one year that we had.

MS. SMIT-BRUNELLO: I'm not advocating that you not go ahead with this. I just wanted a little discussion on the record as to the differences.

MR. HARTIG: Yes; and I'm getting a sense from some of the committee maybe not do the full allocation portion and maybe look at this a little bit different and shift things somewhat and see how the fisheries adjust and then use your adaptive management approach to move forward with trying to get to OY in Spanish over a reasonable amount of time. Zack.

MR. BOWEN: Mr. Chairman, I can speak to that just from my experiences and my constituents in Georgia. We haven't had a closed king mackerel season. We haven't had a closed Spanish mackerel season. The sea bass and the red snapper are very controversial issues and we've had closed seasons where we've had fishermen not be able to harvest those species; whereas, we have not had that in the mackerel fishery.

MR. HARTIG: Yes, Zack, and in Spanish we had one year when the quota is met we have a set-aside where the fishery goes to 500 pounds. That happened in only year but we have had overages in the –

MR. BOWEN: And I was speaking strictly to recreational.

MR. PHILLIPS: Mr. Chairman, I see us moving into this slowly and we're taking stuff that is not so controversial. We're letting the public have some input, get a feel on how they want to see things going; and if it goes well with this, then it kind of gives us a little bit of direction on how we want to go with some of these other more controversial species. I like just working into it.

MR. HARTIG: Well, yes, I know, to me the easiest and most efficient way to deal with it, without getting into allocation before visioning, would maybe be the best way to go. That is just my perspective. Kari.

DR. MacLAUHLIN: Well, first of all, we have to wait until the Gulf really gets on board with this; so we're just scoping what do you guys think about looking at these allocations for mackerel. They have other stuff happening over there, red snapper allocations and stuff like that, that are going to take priority and may slow this one down.

It may slow down by itself just because it is a mackerel amendment and there are two councils involved; and that's okay. Then as far as like my opinion about the visioning and the difference here is that is very clear I think what the goal would be when you're looking at the allocations for the CMP species.

You can look at it and you see commercial is going over and recreational isn't; and we're talking about, well, you just want to achieve OY; and we know OY equals ACL. That is very clear; and if that is the goal, that is very easy to communicate to people this is what we're trying to do is hit the overall ACL for Atlantic cobia or Atlantic Spanish mackerel. Part of it is because it is restrained by that sector ACL for commercial or whatever – that is very easy to explain.

The snapper grouper allocations; that's a lot of times an equity issue because you are achieving OY; you're hitting the ACL; in a lot of cases going over; and that is more of an equity where you really need to have a very defined goal with the objectives of how you're going to reach that goal, which to me is why the visioning is important for the snapper grouper allocations, to be able to communicate that issue very clearly this is the goal that we're working towards and we're going to use allocations, which is a tool and not a goal.

We're going to use allocations to meet that. In this case we have a goal; it is to achieve OY, which is equal to ACL. We have that on paper; and we're going to use the allocations to do that; and we're going to shift them around a little bit. That is what I think is the difference between these two is that the goal – your management goals are different because in snapper grouper you usually are hitting your OY, which is equal to ACL.

MR. HARTIG: Thanks for that clarity; that brought it all together. I appreciate that. Michelle.

DR. DUVAL: Well, Kari just said what I was going to say but much better; and really it was more about we have such low ACLs in the snapper grouper fishery and they do tend to be achieved. I did see a pretty significant difference between the two. I don't have a problem with scoping this. As Kari said, it is really just at the very beginning. We may get some ideas about this that we could apply to snapper grouper, who knows.

DR. MacLAUCHLIN: What I would like from the committee is, one, do you want to include in the scoping document – just in the scoping document something about the Atlantic king and Atlantic cobia just to see what people think or if they say, no, we don't – that one doesn't seem to be a problem but we would prefer that you focus on those – or do you want to just go ahead and leave those out? You guys can just tell me and that is just direction to staff; but then I think I will need a motion to approve this for scoping.

MS. BECKWITH: Well, I think if we were going to try and work some flexibility back into the framework, it would be worth scoping the idea of being able to move a certain percentage for all CMP species as a tool that we could utilize. That would be my direction.

MR. BOYD: Mr. Chairman, I just have a comment. With Gregg's comment a while ago, it seemed to me he was saying that optimum yield is always the extraction of the fish from the resource. That's what I heard from him; and I don't think that is exactly what OY is. I think that OY is also opportunities and socio-economic and economic benefits to the nation. Sometimes leaving the fish there is achieving OY as opposed to always extracting the fish from the resources.

MR. HARTIG: Yes, I think Gregg argued to the point you were making that maybe OY should be maybe we leave some fish in the ocean to increase recreational people's ability to catch more fish.

MR. BOYD: Okay, I may have misunderstood that. I thought he was saying that OY was the extraction of the resource.

MR. HARTIG: No; he was right on board with you. Where are we? Michelle.

DR. DUVAL: Kari, are you looking for some direction – I mean from you said earlier in terms of timing, this has to go back to the Gulf Council, anyway, and they've got other stuff going on. Is it just direction to staff that, yes, we're interested in scoping this issue with some of the suggestions that Anna made with regard to looking at annual shifts within the framework as a tool for all coastal migratory pelagic species and take this back to the Gulf and then we would just see what they say at our March meeting; or, are you looking for something more specific, I guess is what I'm getting at?

Mr. Chairman, I move that we – I guess would it be approve this draft document for scoping, Amendment 24.

MR. HARTIG: **Second by Anna. Anymore discussion? Is there any objection to this motion? Seeing none; that motion is approved.** I want to get through our last item before lunch.

DR. MacLAUCHLIN: I've got two more things and they should go really fast. Okay, we have another one that we would like for you to consider approving for scoping in January. Again, this is just let's talk about ideas and get some input from the public if this is something to proceed with. At this time the Gulf Council also hasn't approved a motion or anything to proceed with this one, so they're kind of waiting on a little more information and rationale from the South Atlantic. Hopefully, we'll be able to provide that to them in February.

Ben will be going and he can speak to them about it. This is the amendment to consider separating those commercial king mackerel and Spanish mackerel permits into a Gulf and Atlantic. You would have a Gulf king mackerel and a Gulf Spanish mackerel and then the Atlantic king mackerel and Atlantic Spanish mackerel.

Those would be where you would be allowed to harvest at commercial levels in just those sides. If you've fished both sides, maybe you would have to have both. There are lots of different ways to do this. I would like a little more on the record about why you're interested in doing this and a little more discussion from the committee about how this would improve management and the benefits and the cost for the fishermen and the stock so that we can also take that back to the Gulf to be able to talk about and to the public to talk about a little more as we're on with scoping.

Again, you have a document that was the staff putting their heads together about all the different way that we can do this, if you decide to proceed with this, like how we would have to establish eligibility requirements and harvest requirements and restrictions; and could you have one or both; and then for Spanish mackerel, could you harvest in state waters.

Spanish mackerel currently is an open access permit; so we won't be able to kind of necessarily track the landings from those permits because they're just you apply for them every year; so if you would want to make that into a limited entry; and then maybe an endorsement for king mackerel in the East Coast Florida Subzone, which is an area where effort has increased in recent

years; so that basically would leave everybody else alone with that king mackerel permit, but restrict access to participating in the fishery in the East Coast Florida Subzone.

This one is still very much up in the air. There is a proposed timeline where we've just been thinking about scoping it, but it's really going to depend on if the Gulf gets on board with this and then the priorities for both councils about how this proceeds. This actually could be one that takes a long time; but since we're going on the road we can go ahead and chat with people about if they would be interested in this and the problems that could come up by doing this, but the benefits to people if they're interested in doing something like this.

There is lots of information that you guys don't have to answer right now. It is just going to be questions that you think about and the public would probably think about – about permits without landings, that we have a lot of inactive king mackerel permits – you looked at that in 20A – so what about those people that don't have landings and then is there a control date; do you want to reduce the number of permits; just all ideas about what could happen if were talking about changing that permit system; so just lots of questions.

Basically I would like for the committee to first of all talk about why you are interested in looking at this and getting some input on it from the public at scoping meetings; and then maybe if there is some specific information that you would want from the fishermen aside from does this sound like something that would be helpful or not; and then approve for scoping if that is what the committee wants to do at this time.

MR. HARTIG: Well, I think from my perspective why we're doing this and why we're trying to separate the permits was we just came out of a whole suite of amendments trying to pare down some numbers in the permits; and we couldn't do at least some of what we wanted to do. Like the two-for-one permit, we couldn't really do it because the Gulf has a relatively small level of permits based on what the Atlantic has so they didn't want to go in and do a two for one.

To me I think the two for one speaks to specific sides and specific areas; and the Gulf wouldn't have to do it. We could do it in our jurisdiction. Our fishermen have been clamoring for this to get some kind of reduction in the permits for well over 15 years trying to deal with it; and probably longer trying to deal with this. I think we need to go ahead. The other thing we need to talk about is Spanish.

We haven't had a limited access fishery in Spanish. We've got a new ACL of 3,330,000 pounds and that has been exceeded in seven of the past twelve seasons on the commercial side. In the past three seasons it has been exceeded by 923,000 pounds; and if you don't think we need a limited access fishery for Spanish, I'd like to know why.

Those are glaring problems in the Spanish fishery with the new ACL that we're going to have to deal with. Somehow we need to institute a limited access fishery in the Spanish as far as I'm concerned. But then having said that, I was just thinking about as we go to the regional changes, how do those impact – you know, when we separate these out by the different regions, how does that impact what North Carolina would want to do with their fish and Florida would want to do with theirs. But the permit is still one permit, which is a problem. I don't know if you've

thought about any of this going forward, but it was just stuff that has come to me as I was thinking about these different issues that we might have to tackle.

DR. DUVAL: I haven't thought about the one-permit issue with the regional allocation. I don't necessarily see a problem with having one permit and we have subdivided the ACLs into two regions. I don't necessarily see a problem with that right now; but maybe I just haven't thought about it enough or maybe I'm just too fried from snapper grouper. Where I see some potential issues is because 95 percent of our Spanish mackerel commercial landings are coming from state waters, and they're coming from Pamlico Sound. That is going to create a whole suite of stuff.

MR. HARTIG: And we have argued over the years – I mean, basically after the net ban, I gave this fishery ten years to get back to an equal level. Then I came back to the council and said, hey, we've got the different fisheries that are participating at different levels and now let's look at these and go to a limited access system.

Well, North Carolina has had a problem with that because they have some de minimis fisheries where they catch Spanish mackerel and their fishermen don't want to have the federal permit to catch Spanish in state waters. We do it in snapper grouper and we do it in king mackerel.

DR. DUVAL: So to that point, the state waters landings are not really always de minimis. You have got significant gill net landings; there are not as many pound net landings. I did an analysis for this for ASMFC, and I can pull that paper off and look at those percentages again by gear type, but I wouldn't say that they're – per trip level I would not say that they are like de minimis; at certain times of the year probably yes.

MR. HARTIG: All right, where in the world are we, Kari, after we got in the weeks on that one?

DR. MacLAUCHLIN: If the committee wants this scoped in a very broad, simple document; would you guys be interested in this to get input from the public. That is what I'm thinking is not get into the details so much and just talk to people about if that is something that would be beneficial for the fishermen and get some more ideas about where to go with this before we take it to the Gulf. Then a motion to scope in January.

DR. DUVAL: Mr. Chairman, I would make a motion that we scope this very broadly in January. I think we'll hear from the fishermen about any potential problems that they see. Certainly, there are going to be people who bring that up. I agree with you I think particularly for king mackerel that it would be very beneficial to see if there is a way that we could separate those permits so that we have a little bit more flexibility in managing the fishery on this side.

MR. HARTIG: **We have a motion from Michelle to approve Amendment 26 for scoping; seconded by Charlie.** Discussion? I agree; this is one more I would look through the scoping document and we ask a whole lot of questions for people to think about; and before we make any decisions, they could bring those back to us and give us some idea of how they might want to move forward.

I like this scoping; and Roy made some comments about we're getting real specific in some of our other scoping documents, so this one is a step back and I think it is the right direction. **Is there any objection to that motion? Seeing none; that motion is approved.**

We have one other item that was in the Gulf Council's report that we need to talk about. It has to deal with tournament sales. We had an option in the last amendment that was different than what we moved forward and I will Kari explain it.

DR. MacLAUCHLIN: Okay, when you were considering Amendment 20A and the bag limit sales, there was an action in there back in March that talked about tournament sales. Both councils passed a motion to remove tournament sales from that amendment and put them in a future amendment – in a separate amendment, which would have been Amendment 23.

But then in June and September you went back in and kind of tweaked that so that the tournament sales were addressed in Amendment 20A, which has now been approved and submitted for review. At the last Gulf meeting they approved a motion that would cease development of Amendment 23; and so we just need to get that on the record that the South Atlantic Council also approved a motion to stop development on Amendment 23.

MR. HARTIG: So we would need a motion to stop work on Amendment 23. David.

MR. CUPKA: Mr. Chairman, I would move that we cease work on Amendment 23.

MR. HARTIG: Motion by David; seconded by Mel. **Discussion? Is there any objection? Seeing none; that motion is approved.** Kari, are we going to do the scoping through webinar?

DR. MacLAUCHLIN: Kind of my understanding was that we're going to public hearings – basically that I would be on the road during that whole stuff in January, so we could scope it in person, anyway, but then we could have – it is not hard to do the webinar and we could set that up, also, to reach a bigger crowd if we need to do something like that. Is that something that we need to talk about as the committee or is that more like a staff –

MR. HARTIG: That is more of a staff decision. I think we can talk together and see how we might be able to do it. Since you're going out on the road, yes, we are going to have an in-person scoping. Should we do the webinar, also; probably, so we will talk about it.

DR. MacLAUCHLIN: We will get scoping comments and input from the public to you and the Gulf Council and however we have to do that.

MR. HARTIG: All right, that is all the items we have for the Mackerel Committee; so the Mackerel Committee is adjourned.

(Whereupon, the meeting was adjourned at 12:03 o'clock p.m., December 5, 2013.)

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2013 - 2014 Council Membership

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PLEASE SIGN IN

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

South Atlantic Fishery Management Council December 2013 Meeting

Mackerel Committee:
Thursday, December 5, 2013

<u>NAME & ORGANIZATION</u>	<u>AREA CODE & PHONE NUMBER</u>	<u>EMAIL ADDRESS</u>	<u>P.O. BOX/STREET CITY, STATE & ZIP</u>
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78	L, I	captaindrifter@bellsouth...	219 min
70	Lloyd, Vic	vic_lloyd@bellsouth.net	1 min
62	holiman, stephen	stephen.holiman@noaa.gov	221 min
61	collier, chip	chip.collier@ncdenr.gov	251 min
60	Mehta, Nikhil	nikhil.mehta@noaa.gov	229 min
55	Meadows, Sarah	sarahmeadows23@yahoo.com	77 min
51	Baker, Scott	bakers@uncw.edu	207 min
51	Takade-Heumacher, ...	htakade@edf.org	89 min
49	raine, karen	karen.raine@noaa.gov	249 min
45	meyers, steve	steve.meyers@noaa.gov	199 min
42	michie, kate	kate.michie@noaa.gov	244 min
40	Gerhart, Susan	susan.gerhart@noaa.gov	220 min
38	Byrd, Julia	julia.byrd@safmc.net	246 min
38	Martin, Gretchen	gmartin@edf.org	238 min
35	Eich, Anne	annemarie.eich@noaa.gov	14 min
34	sandorf, scott	scott.sandorf@noaa.gov	229 min
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33	Bademan, Martha	martha.bademan@myfwc.com	219 min
32	Rindone, ryan	ryan.rindone@gulfcouncil....	111 min
32	Clemens, Anik	anik.clemens@noaa.gov	173 min
31	Bresnen, Anthony	anthony.bresnen@myfwc.com...	208 min
29	Ballenger, Joseph	ballengerj@dnr.sc.gov	232 min
29	DeVictor, Rick	rick.devictor@noaa.gov	182 min
28	Package-Ward, Chri...	christina.package-ward@no...	189 min
27	gore, karla	karla.gore@noaa.gov	165 min
27	Helies, Frank	fchelies@verizon.net	199 min
26	Muir, Kirsten	kmuir2@emory.edu	63 min
26	Denit, Kelly	kelly.denit@noaa.gov	86 min

25	Crosson, Scott	scott.crosson@noaa.gov	58 min
25	burton, michael	michael.burton@noaa.gov	51 min
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22	Smart, Tracey	smartt@dnr.sc.gov	40 min
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70	L, I	captaindrifter@bellsouth.com	3 min
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38	sandorf, scott	scott.sandorf@noaa.gov	252 min
37	Takade-Heumacher, ...	htakade@edf.org	247 min
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35	DeVictor, Rick	rick.devictor@noaa.gov	142 min
33	Clemens, Anik	anik.clemens@noaa.gov	132 min
32	Helies, Frank	fchelies@verizon.net	167 min
32	Bademan, Martha	martha.bademan@myfwc.com	176 min
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29	Bresnen, Anthony	anthony.bresnen@myfwc.com	176 min
27	Eich, Anne	annemarie.eich@noaa.gov	141 min

