SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COMMITTEE

Sawgrass Marriott Ponte Vedra Beach, Florida

June 12, 2014

SUMMARY MINUTES

Mackerel Committee:

Ben Hartig, Chairman Mel Bell Dr. Roy Crabtree Jessica McCawley Doug Haymans Anna Beckwith

Council Members:

Lt. Morgan Fowler John Jolley

Council Staff:

Bob Mahood Mike Collins Dr. Kari MacLauchlin Kim Iverson Julie O'Dell Roger Pugliese

Observers/Participants:

Monica Smit-Brunello Dr. Bonnie Ponwith Phil Steele Dr. Nick Farmer Karen Antrim Raine

Additional Observers Attached

David Cupka, Vice-Chair Jack Cox Dr. Michelle Duval Charlie Phillips Zack Bowen

Dr. Wilson Laney Chris Conklin

Gregg Waugh John Carmichael Amber Von Harten Dr. Mike Errigo Myra Brouwer Dr. Brian Cheuvront

Dr. Jack McGovern Leann Bosarge Tracy Dunn Dr. Andy Strelcheck The Mackerel Committee of the South Atlantic Fishery Management Council convened in the Sawgrass Marriott, Ponte Vedra Beach, Florida, June 12, 2014, and was called to order at 11:15 o'clock a.m. by Chairman Ben Hartig.

MR. HARTIG: We're going to bring the Mackerel Committee to order. The first item of business is welcome; the second item of business is approval of the agenda. Are there any changes to the agenda? Seeing none; the agenda is approved. The next order of business is approval of the minutes. Are there any changes, corrections, deletions to the minutes? Seeing none; the minutes are approved. That brings us to the next order of business; status of commercial and recreational catches for Atlantic group king mackerel, Spanish mackerel, and cobia.

DR. McGOVERN: Kari just sent around an update of the commercial landings and the recreational landings in an e-mail about 30 seconds ago, something like that, so you should be getting it right now. We've got updates on king mackerel and Spanish mackerel and cobia from Sue Gerhart that she got from the Science Center yesterday.

It shows landings through June 4. The way these are set up it shows cumulative landings for fishing years from 2009 through 2012/2013 fishing year. Then in the last fishing year, 2013/2014 and the current fishing year, it shows both monthly landings and the cumulative landings.

Comparing landings through May of this year, landings for king are about 390,000 pounds, which are about 90,000 pounds less than they were at this time last year. About 10 percent of the quota has been met and about 30 percent of the quota was met for the last fishing year. For Spanish, it is set up the same way. Through May about 415,000 pounds had been landed.

At this time last year about 545,000 pounds were landed. The quota was exceeded by 10 percent the last fishing year; and thus far through 2014/2015 fishing year, about 14 percent of the quota has been met. For cobia we show monthly and cumulative landings for 2012, 2013 and 2014. Through the end of May about 58,000 pounds have been landed compared to about 47,000 pounds last year. Landings are a little bit higher this year. About 85 percent of the quota was met last year and about 50 percent through May of this year.

MR. HARTIG: Any questions for Jack? Seeing none; I guess we'll go into the recreational component. Nick.

DR. FARMER: I want to really quick thank just Vivian Matter at the Science Center and Mike Larkin at the Regional Office for helping to put this presentation together and the snapper grouper presentation that I gave the other day. I spent a fair amount of time yesterday talking about the differences between the recreational landings on the MRIP Website and the Science Center's recreational landings that we provide on the ACL monitoring pages at SERO. I am not going to get into that unless anyone on the committee has specific questions.

If there is anyone in the back of the room that wasn't here yesterday that has any questions on the ACL monitoring landings, I will be sitting right over there if you want to come grab me afterwards. Also I talked a little bit about why we don't have the 2014 recreational landings yesterday. If you guys want me to reiterate that I can; otherwise, we'll skip right by it.

These are the 2012/2013 season landings and ACLs for cobia, king mackerel and Spanish mackerel. You can see that none of them were really anywhere near the ACL. Here is the 2013/2014 landings and ACLs, and not too much of a change in terms of the two seasons. Again, we were under on all those ACLs.

These are the South Atlantic king mackerel recreational landings by mode of fishing. You can see a few trends in here. Basically you just see some reductions through time in everything except for the charter mode in that 2012/2013 season. You had a bit of a spike there. This is a graphic similar to the graphics I showed yesterday. This is South Atlantic king mackerel.

Landings is on the left axis and effort in terms of angler trips is on the right axis. The lines on this graphic are the effort, and that effort is expressed in MRFSS angler trips, which is in red, and headboat angler trips, which is in orange. The ACLs are the black dots there over on the right-hand side.

You can see the landings broken out by mode in the bars. The modes there are blue, charter boat; red is headboat; green is private; purple is shore. You can see that we've been under the ACLs and you can also see that the bulk of the landings are coming from the private mode; although that has diminished in recent years.

Here is South Atlantic Spanish mackerel landings. I think the graphic is a bit easier to understand than the tables, so we'll go over to that. Again you've got your effort in the lines. You can see a slight decline in the MRFSS angler trips; a slight uptick in the headboat angler trips. You can see that the landings, which are the bars, are underneath the ACLs in the last two years.

You can see again that it looks like charter effort has been relatively stable; headboat is a very small component of these fisheries. You can see that the private mode and more so the shore mode than with king mackerel are responsible for the bulk of the recreational harvest. With that, I will take any questions.

MR. HARTIG: Are there any questions for Nick on the recreational harvest numbers? Those are really cool graphics. You can certainly see the decline in king mackerel landings evidently in that portrayal. All right, that brings us to the status of the amendments for formal review.

DR. McGOVERN: I'm going to talk about the status of four amendments. The first one is Mackerel Amendment 20A. This addresses the prohibition on sales of bag limit caught fish as well as other permit issues. The proposed rule for Mackerel 20A published on March 20; the comment period ended on May 5.

The Notice of Availability for the amendment published on March 3 and the comment period ended on May 2. The final rule package is in headquarters; and we expect the final rule to publish any day. Mackerel 20B considers a trip limit action for king mackerel. It has changes to the fishing year for Gulf king in the eastern zone, transit provision, regional quotas for king and Spanish in the Atlantic, and a modification to the framework procedure as well as ACLs for cobia.

The South Atlantic Council approved the amendment in March. The Gulf Council approved the amendment in April; and the amendment was submitted for secretarial review on May 22 and the proposed rule package is under review in the region. Mackerel Framework 2013 considers modifications to the restriction on transfer at sea of Atlantic group Spanish mackerel, restriction on the number of gillnets allowed for Spanish mackerel vessels, and changes to the commercial trip limit for king mackerel in the Florida East Coast Subzone.

The proposed rule published on March 19 and the comment period ended on April 18 and the final rule package is under review in the region. Mackerel Framework Amendment 1 increases the ACLs for Spanish mackerel in the South Atlantic and the Gulf based on recent assessments for both of those stocks indicating that they're healthy and the ACLs can be increased. The council submitted the amendment on May 30; and the proposed rule package is under review in the region.

MR. HARTIG: Are there any questions to Jack? Seeing none; I appreciate that. The next action item is the Mackerel AP report.

DR. MacLAUCHLIN: This is Attachment 3A; and I'm not going to read through the whole thing and just kind of point out some of the things. Then when we go through the decision documents, then we'll talk about those. The Mackerel AP met in April. We went through some of the recent amendments.

When I was talking about 20A, some of the AP members were expressing concerns about prohibiting bag limit sales. They approved a motion to recommend that the South Atlantic Council reconsider bag limit sales for duly permitted charter vessels; the same as the Gulf did in 20A. They received a report about the SEDAR 38 and the possible boundary change between the Gulf and Atlantic king mackerel stocks.

Then we reviewed the Amendment 24. It was a discussion document, but it was basically the scoping document that we used for the scoping in January. They got to see those scoping comments and the scoping documents and some other ideas the IPT had put together. I wanted them to review this and get their input for the options paper that you guys are going to go through today.

I got a little bit of information, but they expressed some concern about changing those allocations and looking at other ways to reach that recreational ACL; and concern about the MRIP data and other things that could be affecting the anglers. They passed a motion to recommend no action at the time because more information is needed.

We talked a little bit about that and then they had a discussion during a break. Then they came back and they provided some direction to staff about some alternatives and some timing; about an ACL shift that they would be interested in looking at and how an ACL shift would work. We have those in the options paper that you guys can look at. They did overall express that they were not opposed to an in-season ACL shift for Atlantic Spanish.

At the time they were not ready to make any recommendations. It was at the very beginning stage of development for this amendment and it was just a discussion document with ideas. We

were just trying to get some input from them at the beginning. We also went through Amendment 26, the same thing; I used the discussion document for them.

That was similar to the scoping document and included the scoping comments so they could see what people were talking about for the amendment to split the king and Spanish mackerel permits. They expressed some concern about the traveling fishermen and that professional fishermen need to go where the resource is and that everyone is entitled to access to the resource.

They did talk about some latent permits in the king mackerel fishery and dealing with that and increased effort in the mixing zone; but they approved a motion to not separate the permits in 26. We reviewed Framework Amendment 2; and we'll get into that a little bit more with their comments in that discussion document, but overall they recommended Alternative 5, which they had actually proposed a few years ago at an AP meeting.

For other business, Bob Pelosi, the chairman, raised an issue about cobia and sharks in Florida, where the anglers would chum the bull sharks and then hook the cobia, but then the sharks would get the cobia. It would take a few rounds to actually land a cobia, because the sharks were taking those.

He was talking about maybe there should be a rule against this type of practice, and they talked a little bit about if you can enforce something like that; but then also incorporating that information of that lost cobia into tracking an ACL. Then the AP members did discuss a little more about interactions with sharks and recommending that the council work with HMS. You guys will have that conversation during the HMS Committee.

MR. HARTIG: Thank you, Kari. Are there any questions about the AP report?

MR. BOWEN: Chairman Pelosi raised concerns; could you go into a little more detail? I couldn't understand or didn't hear you about chumming.

DR. MacLAUCHLIN: Okay, this is how I understand it – and you may have to clarify – the cobia follows the bull sharks. To get the cobia to come up – what kind of gear are they using?

MR. HARTIG: They are using hook-and-line gear. Essentially to make their fishery more productive, you hang a bonito, jack crevalle, barracuda or whatever you have over the side. You chum the bull sharks to your boat and then target the cobia that travel with the bull sharks. Now, you will chum a lot more sharks to your boat than you will sharks that have cobia on them.

When the fishery first started, really it has been an evolving process, because the bull sharks have gained large population abundance in our area over time; the last ten years in particular. The cobias are pretty specific about what bull shark they want to be on. Why that is; who knows? You will have as many as a dozen sharks at the boat and only one of them at certain times will have any cobias.

You go through this process; and in the beginning we would hook the cobias. The bull sharks, since the cobias have traveled with those animals for a long, long, long time; they really didn't identify it as a food source early on in the fishery; but over the time and evolution as this fishery

has progressed, the bull sharks now identify cobia as food. If you are chumming a number of bull sharks to the boat and you hook a cobia, there are some lost resources, there is no doubt.

There are ways to mitigate it, especially when we get a big fish on. I will free spool the fish because the sharks won't expend the extra energy it takes to chase an animal down that still has enough energy to swim away from it. But if you hook a fish and keep causing him to thrash, then the shark interaction is almost immediate.

There are ways to mitigate that problem, maybe some education along that line for anglers really to do it, have an anchor and ball, you hook a cobia; you undo that from your boat, you go chase him down, and you catch him. That has worked every time I've done it. I have not lost a cobia to a shark in that situation, but I have lost some fish to sharks of the smaller variety when I'm trying to horse them in and I hadn't been able to get it away from the animal.

Certainly from a recreational perspective, they are playing the fish more and then the fish is much more tired when it comes to the boat and then it is much more susceptible to predation by the sharks. There are some resources being lost; however, what we've seen in the cobia population is a tremendous increase in the number of animals in this population.

How that interaction with the bull sharks plays out, does it have any impact on the population; who knows? But it is a common practice now in Florida based on the population of bull sharks, and it occurs throughout the entire summer and sometimes even in the winter. But the main thrust of it is in April and May as the bulk of the fish are moving through our area.

It is an interesting deal and there are some fish being lost. I think an education program could go a long way to trying to get the recreational public in particular to be able to land some of these fish that they are losing.

MS. SMIT-BRUNELLO: Just to sum that up; the resource you are talking about being lost is the cobia that gets eaten by the shark?

MR. HARTIG: Yes.

MS. SMIT-BRUNELLO: Okay, so there is no shark harvest that is going along with this?

MR. HARTIG: No, there isn't. Sharks have been closed during that time. To be honest with you, bull shark meat is at such a low price that nobody really is targeting bull sharks. It is down to twenty-five cents a pound. The commercial fishery doesn't want to spend the time and energy it takes to catch that big animal for twenty-five cents and really not to kill the animal for that low of a price. The fin price isn't that high anymore.

The bull shark population continues to expand and there are a lot of bull sharks in South Florida. That will bring us to another whole issue of what is happening in king mackerel if we get to the HMS discussion later. Anything else?

MR. JOLLEY: I would love to see the bag limit on Spanish mackerel increase for recreational fishermen if there is room to do that. I see it was mentioned by the AP, and I guess we're not getting very close to our allocation.

MR. HARTIG: Yes; and we have done that in the past and when we took it from 10 to 15, there was no increase really in the recreational harvest when we increased it. Once you get to 20 animals, you are actually getting into almost commercial. If you have got three people on your boat and you can have 60 mackerel; it is almost getting to commercial quantities.

We actually had complaints from the for-hire industry telling us you should have left it at ten, because now I've got to clean all those extra mackerel, the extra five for each person. If you could really get something out of it, but so far we haven't been able to get any increased catches through increasing the bag limits. I don't know what the utility of that really is.

MR. JOLLEY: There are a small number of us on along the east coast that catch them and put them up for blue marlin baits. It is not a big number; but when we make the run to Stuart from down in Boynton Beach, it would be nice to be able to come back with a few more fish.

MR. HARTIG: Without any more questions from the AP report; that brings us to review of Coastal Migratory Pelagic Framework Amendment 2; Spanish and mackerel trip limits.

DR. MacLAUCHLIN: The decision document is Attachment 4B. A little background on this; this action was actually in another framework; I think the South Atlantic Framework Action. You guys took it out until after the Spanish mackerel stock assessment was finished. Then at the March, 2014 meeting you directed staff to put it back into an amendment and bring it back.

This one specifically is for the commercial trip limits for Atlantic Spanish in Florida waters. The way the trip limit system is set up, there are two management areas basically. One is north of the Georgia/Florida line and that is just 3,500 pounds year round. Then in Florida waters, which just goes to the Miami-Dade/Monroe County line, there is a trip limit system set up that really starts to kick in on December 1 where there is some step-downs and adjusted quota.

What this is looking at is are there some ways to tweak this system or modify this system, because it does have these unlimited weekdays for a period, in-season reductions and then use of an adjusted quota in there. When it was first put in place, there was a TAC of 3.87 million pounds, a commercial TAC. Right now it is 3.13 million pounds; and then when Framework Amendment 1 goes through, it will be 3.33 million pounds.

Then you also have those proposed zones in 20B with the northern and southern zones; so those Florida fishermen are going to be fishing on that southern zone quota. We have a couple things in here that we need to clarify how this would work. These trip limits are only applying to the Florida EEZ, but they are fishing on a quota that includes South Carolina and Georgia.

I tried to make sure we have the numbers in here so we can look back at what the ACL and the commercial ACLs were; the proposed ones that will be coming through with Framework Amendment 1; and then what the northern zone quota and southern zone quota for Atlantic Spanish will be. I have the map in there just for your reference. The boundary here is the one that is proposed in 20B.

MR. HARTIG: The first item of business is to solve the dilemma - it's not really a dilemma, just solve the question of what will be used to trigger. It says the clarification of the proposed

southern zone commercial quota will be used to trigger step-downs and seasonal AMs to calculate the adjusted quota. Do we need a motion for that? I would think so.

DR. MacLAUCHLIN: Let me go through a little bit more about it and then we'll get in there. Yes, but we will need the committee to specify in the language, and we're going to have to modify the language in the alternatives. We just pulled that from the old action, and that was before we had a new proposed ACL in the 20B zones.

We have a draft purpose and need that we would need you guys to look at. In the document that you had, we have that the need was to reduce complexity in the trip limit system; but Ben and I were talking about how some of these alternatives are still less complex than what we have right now. We may want to add some language to tailor that trip limit system in the Florida EEZ for current conditions and for these new ACLs and catch limits.

We can go back to that when we get through and you can see. I have in here the current trip limits. You can see how this works here for Florida. Starting on December 1 it is unlimited on the weekdays and then 1,500 pounds on the weekends until 75 percent of the adjusted quota has been landed, and then it goes to 1,500.

Then when 100 percent of the adjusted quota has been landed, it goes to 500 and then zero, of course, when the commercial ACL has been met. This was set up in 1992, a version of this, where it had these step-downs and the adjusted quota. Then it was tweaked a couple of times through the framework. Then the fishing year changed from April to March.

The current system, the way that it is working right now was set up in a framework in 2008. We've had some step-downs in recent years and even a step-down to that 500 pound trip limit. Then in the most current years from what I could find, there was only just that step-down to 1,500 pounds. The 500 pound trip limit was never kicked in.

These are kind of late in the season, because March 1 is the start of the fishing year. It usually happens in the last month or two. We have the draft language in here. We have, of course, the no action. We have an alternative to just establish 3,500 pounds for the whole year for Florida EEZ. Three would just do a step-down at 1,500 pounds when 75 percent of that – and hopefully this is I think what you guys are going to want to use is that would the trigger be 75 percent of the proposed southern zone commercial quota?

That is what Ben was talking about we're going to have to specify. Before it was just 75 percent of the commercial ACL; but now that you have these proposed zones in 20B, then it is going to be a little bit different about what is going to trigger it, what landings. We have something similar for Alternative 4, except that the step-down goes to 500 pounds when 75 percent of your quota is met.

Then Alternative 5 was an AP recommendation. They came up with this I think at their 2012 AP meeting; and then we reviewed it again at this past meeting and they still liked it. They still wanted to keep the system and keep the adjusted quota in there. It would be two step-downs that would still be in there. It would remove that unlimited weekday basically, Alternative 5.

We have a table in there to just kind of help simplify as much as possible what each of these alternatives would look like. I am using SZQ for southern zone quota; and then there is adjusted southern zone quota. I think the first thing that I would like the committee to do is to modify the language in the purpose and need and then approve that language.

We can start out with that. This is not in the one that you have; I added it in this document for now. I have the need with maybe some language if you did want to have something in there about tailoring the trip limit system for the Florida EEZ to current conditions and the new -I think we should put catch limits, because it is a quota and an ACL – while increasing social and economic benefits of the CMP fishery through sustainable and profitable harvest of Atlantic migratory group Spanish mackerel. Then the purpose is to modify the current trip limit system for commercial harvest of Atlantic migratory group Spanish mackerel in the Florida EEZ.

MS. SMIT-BRUNELLO: Just kind of a technical thing I guess; to my knowledge there is no such thing as a Florida EEZ; so wherever we're talking in the document; if we could just change it to the EEZ off Florida; that would be better.

MR. HARTIG: I know you have just seen this, but go ahead, Michelle.

DR. DUVAL: Mr. Chairman, I was prepared to make a motion to accept the modified purpose and need.

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

DR. MacLAUCHLIN: Now we have to talk about the language. For the trigger what you're looking for is when you hit 75 percent, which is what you have in the alternatives; mostly that will trigger a step-down. Is it that proposed southern zone quota and for Alternative 5, the adjusted southern zone quota; I have those numbers in there.

If that is what you are going to use is the southern zone quota, it would be 75 percent of that 2.67 million pounds and then the adjusted quota that would trigger that 500 pound step-down to about 2.4 million pounds. I just need to have that is what you want to use as the trigger for the Florida trip limits.

MR. HARTIG: Yes; and it makes sense to use that because that is what the allocation will be. I guess we need a motion to accept the proposed southern zone commercial allocation as proposed in those trip limits.

DR. DUVAL: I move we accept the proposed southern zone quota as the trigger mechanism. Just a quick question; how is the adjusted quota calculated again; like what proportion of the total southern zone quota is that?

DR. MacLAUCHLIN: It is the quota minus 250,000 pounds; about 10 percent if we're using the southern zone quota.

MR. HARTIG: Any other discussion? Seeing none; is there any objection to this motion? Seeing none; the motion is approved. I'm going to let you lead.

DR. MacLAUCHLIN: I just have a few things that I have to make sure that you guys talk about. We had some discussion among the IPT that we need you to clarify whether this trip limit system would still only apply to the EEZ off Florida or the entire southern zone, which would be South Carolina, Georgia, and Florida. It is just to clarify on the record.

DR. DUVAL: I certainly think that was the intent when we first discussed this over a year ago was that this would only apply to the EEZ off Florida. I certainly don't see that now that we will be having the proposed northern and southern zone quotas coming on board why we would want to change that. It is very much an issue that is specific to the EEZ off Florida.

MR. CUPKA: I was going to say that 90 percent of the landings are coming out of Florida anyway in that southern zone; so that makes sense.

DR. MacLAUCHLIN: Ben had some suggestions for tweaking some of the alternatives. I had put together some possible language for modified Alternative 3 based on our conversation. I will let Ben talk about that and what he was thinking about.

MR. HARTIG: Yes; do you have those or not, those new ones we talked about; modify three based on the date change, and then we needed one that had the adjusted quota at the end, which was number five. The changes we would make were in Alternative 2. The 3,500 pounds across the board isn't going to work for us; so we removed that to the considered but rejected alternatives. Have they been considered yet?

Have they been considered yet; I guess. Then in Alternative 3, the 3,500 pounds would only go through a specific date. That was done in the other trip limit in March 1 through November 30; 3,500 pounds would be the trip limit. December 1 the trip limit would become 1,500 pounds when 75 percent of that allocation is met.

DR. MacLAUCHLIN: You had adjusted.

MR. HARTIG: Okay, when 75 of the adjusted.

DR. MacLAUCHLIN: Does that make more?

MR. HARTIG: Yes, absolutely; that is what we just decided.

DR. DUVAL: Kari, I assume that you would need a motion to accept the revisions to Alternative 3 and/or a motion to eliminate Alternative 2.

DR. MacLAUCHLIN: Yes; and to move Alternative 2, maybe a little more discussion about why you removed that one.

MR. HARTIG: Monica, you've got a question?

MS. SMIT-BRUNELLO: I was going to ask you the same thing that Kari just asked you. If you made that motion, then what would be the rationale behind that?

DR. DUVAL: All right, to get the discussion going, I move that we move Alternative 2 to the considered but rejected appendix.

MR. HARTIG: Motion by Michelle; second by Charlie. The discussion of why we removed this to the considered but rejected is that based on the new allocations in the Spanish mackerel fishery, a 3,500 pound trip limit straight across the board could have some significant impacts on the length of the season.

The way the fishery operates now is that step-down and trip limits allows us to be able to fish throughout the entire season; and that is what is so important for South Florida because on any one day you might not catch a lot of fish. How we make our money in the mackerel fishery is to be able to put a number of days together within that season to be able to produce our needed income; so 3,500 across the board is too high a trip limit to allow the fishery to continue for the entire season.

DR. DUVAL: Just a question, Ben; you have never had a 3,500 pound trip limit off the Florida EEZ for the entire Florida EEZ, anyway, correct?

MR. HARTIG: Correct.

DR. CRABTREE: Is there a reason why we need to make this stuff specific to the Florida EEZ rather than to the southern zone; just to try and simplify things a little bit?

MR. HARTIG: I don't see any reason why we can't. I defer to Mel maybe or anybody in the other areas that would be concerned about the trip limits. The landings are relatively low. I don't see a reason why that could not be done and I think it probably would be cleaner. I think that is a great suggestion.

DR. DUVAL: We didn't make a motion but we clarified that we did just previously want this to imply only to the EEZ off of Florida, correct? That is also in a purpose and need statement, is it not, as we modified it? We would need to go back and change that; not that that is a big deal, just based on Roy's suggestion stating what we would need to do.

MR. HARTIG: Some of these carryover things, you get so much used to them; and then when you change these things, I think it was a good suggestion to try and be able to keep that consistent with that subzone, because that is the new subzone and those are the new regulations for that.

MS. SMIT-BRUNELLO: So I guess, Ben, I have a question on moving Alternative 2 to the considered but rejected. Michelle made the comment that there is never -I think the comment was that there hasn't been a 3,500 pound trip limit just off Florida so far to this point in the regulations. I'm wondering, why isn't it reasonable to leave it in there and get some comment from the public on it? Maybe we could have some discussion on that.

DR. DUVAL: I think in some of the discussions we've had earlier this week; if it is not our intent to go down that road, if that is not really a reasonable alternative given the purpose, then why would we keep it in there and lead the public into potentially thinking that is an alternative that we would select?

MR. BOWEN: To further comment on that; keeping it in there and it coming to fruition, the chance of the commercial sector exceeding the ACL is high, correct? Why would we want that alternative?

MR. HARTIG: I agree; I don't think it is within the realm of something we are willing to choose based on the past experience with this fishery. That was one of the reasons. I'm glad Michelle clarified it, because it really does bring it to something we probably would not do and why go to the public with it.

MS. SMIT-BRUNELLO: I appreciate Zack's additional rationale. I think that just strengthens the record as well.

MR. HARTIG: All right, where does that leave us? We have a motion? There was a motion to move Alternative 2 to the considered but rejected appendix. Motion by Michelle; seconded by Zack. Is there anymore discussion on this motion? Is there any objection to this motion? Seeing none; that motion is approved.

DR. MacLAUCHLIN: Okay, so up on the screen is kind of what you have now that I would need. This is the proposed modification that Ben was talking about for what was Alternative 3 that was just a step-down; and it uses an adjusted southern zone quota as the trigger. That step-down would only happen after December 1. Basically all that this one would do is remove the unlimited weekdays and use the southern zone quota instead of a commercial ACL.

DR. DUVAL: Given Roy's comment about having this apply to the southern zone as a whole, would we want to clarify that first? I guess I am just looking maybe for some other committee discussion as to whether or not we should go forward with that or if you would want to – I mean basically you could take Alternative 2, 3, and 4 and make them subalternatives under two different alternatives, one applying only to the EEZ off Florida and one to the entire subzone.

MR. HARTIG: I don't know that we need to get that in the weeds on it. Based on the comments; I didn't get them on the record, Mel, and that would be helpful.

MR. BOWEN: I'm not sure this is the right time to do it, but the old Alternative 5 is now the new Alternative 4, correct? Okay, so Alternative 5, if memory serves me correctly, Kari said that has never happened historically, correct, where it went to 500 pounds?

DR. MacLAUCHLIN: In like 1993 and '94 or something; it has been a while.

MR. BOWEN: Maybe Mr. Chairman can shed some light on that; is that something that we would want to put in the considered but rejected appendix as well?

MR. HARTIG: Well, the problem is we're still in the evolution of NMFS and the reporting requirements. The thing is —and maybe I'm off base here – there was one year after '95 that I was subjected to a 500 pound trip limit. I don't remember what year that was, it was rather early after '95, but there was one year when NMFS was able to get to the adjusted part of the quota, which is 250,000 pounds to be taken at 500 pound trip limits.

Now, there has been some reticence from at least the office to get rid of that because I guess there is some concern that they can't monitor that last 250,000 pounds of the quota close enough based on at least how the monitoring was going before. I would ask Roy the question with the weekly reporting and how that is evolving – I guess we'll just have to see over time how that is going to work out – how NMFS can monitor the Spanish mackerel fishery possibly better with weekly reporting for Spanish mackerel.

I don't know why the overages are occurring, what the problem is, if it is late dealer reports for the commercial dealers, probably a combination of things. The 250,000 pounds is not a small amount of fish to be able to be monitored at least compared to some of the other ACLs we monitor. I guess I would ask Roy in the future can we monitor that 250,000 pound portion of the adjusted quota? Jack.

DR. McGOVERN: Well, one thing that is going to be different with the Dealer Reporting Amendment is that there will be a requirement for mackerel dealers to have permits, which is going to be an improvement, in addition to weekly electronic reporting. I think it will be a little bit better.

MR. HARTIG: It is going to evolve over time and hopefully we'll be able to monitor that more closely, and I think we will. The dealer reports are certainly going to help. If you didn't have to have a dealer report before and we're selling Spanish mackerel; now that will be part of the universe that is sampled, so that is a good thing. Did that go to your question or not?

MR. BOWEN: It did. I have a follow-up if that's okay. Is it economically feasible for a commercial Spanish mackerel fisherman to step down just to 500 pounds?

MR. HARTIG: Yes; and as I said before, I tried to make the point that we're based on the number of days we can go. By the time we get to 500, it is getting closer to Lent, it is getting closer to where those prices are pretty darned high, and 500 pounds is economical for the way the fishery operates, especially the hook-and-line fishery and even the cast net fishery at 500 pounds at that price at that time.

Some of the fish towards that end – and whenever you decrease the level of harvest, that supply and demand; that changes. You have less fish on the market, so just by that you are going to get a better price. If that happens to occur during Lent, it even magnifies. I will tell you overall, Spanish mackerel has continued to increase in price over the years.

Where it was once a thirty or forty cent fishery, now it is a dollar something average price. Even at 500 pounds when it costs you less than 10 or 12 gallons of fuel to go fishing, it is still profitable. The grades are different, Zack. I'm talking about a dollar a pound for the mediums. There are three different grades, large and jumbo.

Large is about probably 40 percent more and then jumbo is probably another 40 to 50 percent more than large. You'll have a dollar difference between mediums and jumbos in the market. It depends what you put together how much the trip will be worth, but it could be substantial even at 500 pounds. Are we comfortable with what we have for the trip limits on the board?

DR. DUVAL: I guess my question still stands; do we want to modify the language in these alternatives to reflect that this would apply to the southern zone rather than just the EEZ off Florida? I guess that is what I would look for.

MR. HARTIG: Yes; and if you want to make that in the form of a motion, we'll find out right away.

DR. DUVAL: All right, then I move that the alternatives in Framework Action 1 apply to the Southern Zone EEZ.

MR. HARTIG: I have a motion, second by Charlie. Discussion? Is there any objection to this? Seeing no objections; the motion is approved. Another thing I had, Monica, in all of these we have to use the proposed language due to the fact that two amendments haven't been approved that will impact this.

MS. SMIT-BRUNELLO: You are absolutely right; you all are just cranking out amendments as fast as you can. These all presuppose that whatever amendments you submitted would be approved and implemented.

If you don't mind going down that road with the idea that if after public comment some of the actions weren't implemented; then you would have to come back and revisit these kinds of things. Some may have to be put in a holding pattern while other ones that have been submitted in advance that require more public comment period go through that process. It is going to be a good thing to keep track of.

MR. HARTIG: I think it does put the public on notice about how this is moving forward and why the wording is what it is; to explain to them why these are what they are and what the implications are if the other amendments aren't approved. I think that would be a good idea.

DR. DUVAL: Mr. Chairman; I move that we accept the alternatives as modified.

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

DR. MacLAUCHLIN: You may have to fix the purpose and need.

MR. HARTIG: We do need to go back to the purpose and need before we leave this portion and clarify the new language there and approve it.

DR. MacLAUCHLIN: Okay, I'm going to read it: "The purpose is to modify the current trip limit system for commercial harvest of Atlantic migratory group Spanish mackerel in the southern zone."

"Need is to tailor the trip limit system for the southern zone to current conditions in the fishery and the new catch limits while increasing social and economic benefits of the CMP fishery through sustainable and profitable harvest of Atlantic migratory group Spanish mackerel." Basically we just are going to replace where it said EEZ of Florida with just the southern zone. **DR. DUVAL:** I assume we would need a motion to accept the modifications to the purpose and need to reflect that they apply to the entire southern zone.

MR. HARTIG: We've got the motion; second by Jack. Is there any more discussion? Any objection? Seeing none; that motion is approved.

DR. MacLAUCHLIN: You can select a preferred alternative; and then when you talk about public hearings – I don't know if you're ready to select a preferred alternative – including the southern zone will require some more analysis because currently we just did the trip limit analysis for Florida.

MR. HARTIG: What I was disappointed in with this amendment was we haven't got a lot of input so far. I think I would really like to hear what the public had to say about the matter before choosing a preferred. I don't even have an idea of what the industry would choose as a preferred. There is a lot of disjunct thinking. Some people are happy with 1,500 pounds through December and some want 35; so a hundred at the beginning, some don't, so we'll see. We'll see what the public brings us.

DR. DUVAL: Then, Kari, would the revised analyses be completed in time for August public hearings; do you know?

DR. MacLAUCHLIN: I don't know. We hadn't really considered including the whole southern zone. I don't see my boss. I'm not really sure; we maybe could talk about that. But this also is to remind you that this is a framework so you can have a public hearing at the meeting that you approve it at, so it would be the September meeting. Of course, this is applying to the Florida guys, so we're on the road in August. I don't know; we may need to discuss that among staff and see how long that would take and get back.

MR. HARTIG: Well, let's do that; and when we come back to this during full council, we'll revisit that. We'll have an answer for you.

MR. BOWEN: We still can pick a preferred, right, or are you just not wanting to?

DR. DUVAL: I would prefer to see the analysis first before picking a preferred.

MR. BOWEN: The reason I ask that; it is obvious that we got rid of Alternative 2. It is obvious that Alternative 4, if we went that method, chances are the ACL won't even be met. That kind of throws that one out. Alternative 5; that has never happened historically. It just makes perfect sense for me personally that Alternative 3 would be my preferred.

MS. BECKWITH: I wouldn't mind waiting to see the analysis because since Spanish mackerel keeps shooting over their portion of the ACL; then that Alternative 4 might be a better choice as a way of constraining harvest to their ACL. It is one of the reasons we're going to be discussing the next amendment is because the Spanish mackerel commercial limit keeps being overshot. I'm not sure which direction I would be willing to go in.

MR. HARTIG: I understand your position; and I think it would be prudent to look at the analysis, absolutely, and then actually hear from the public about what they really want.

MS. SMIT-BRUNELLO: I may not have said this recently, but it is always better I think if you all have the analyses before you before you choose a preferred. I think that if you choose it before you have the analyses; then you are really telling the public that, well, we haven't seen what the effects of all this will be, but we think we're going to go down this road, anyway. I urge you to always have the analyses before you before you before you choose a preferred.

MR. BOWEN: I totally agree; I have no problem with that. I was just basing that opinion on historical landings. I have no problem with that at all.

MR. HARTIG: All right, that is the end of Framework Amendment 2. What is the pleasure of this committee; do you want to power through and get done with the Mackerel Committee or do you want to go ahead and go to lunch and come back and do that last item?

We'll go ahead and recess at lunch, and then come back at 1:30. All right, we will bring the Mackerel Committee back to order. I think the first item of business is to make sure we approve Framework Amendment 2 for public hearings.

DR. DUVAL: I move that we approve Framework Amendment 2 for August public hearings.

MR. HARTIG: Motion by Michelle and second by Doug. Is there any discussion on this motion? Is there any objection to this motion? Seeing none; that motion is approved. The next item of business is Coastal Migratory Pelagics Amendment 24; Allocations and ACL shifts.

DR. MacLAUCHLIN: Okay, this is an options paper; it is Attachment 5. This is a combination of scoping, discussion documents and then we've included the scoping comments and AP comments and the SEP comments about allocations. Then I have some draft actions and alternatives with examples of how they would work for three ways to make changes with the ACL like a permanent reallocation and in-season ACL shift or pre-season ACL shift.

Amendment 24, as we scoped it in January, is looking at the allocations for Atlantic Spanish mackerel. Gulf kings were in it when we scoped it, but the Gulf Council is waiting to take any action on that, because they are waiting for SEDAR 38 to finish up. We're just moving forward with Atlantic Spanish mackerel and looking at different ways to reach the total ACL.

Again, we have to consider the proposed changes in the ACL through Framework Amendment 1 for Atlantic Spanish and the southern and northern zone quotas that are proposed in 20B. I have a little side note to remember that those will make it a little trickier now that we're working with the zone quotas.

I have a couple tables in there that are just kind of background information; and we also included these in the scoping documents. You can see in Table 1, the middle column is the total percent of the ACL landed, so the entire ACL hasn't been landed in a while. If you look over here where you show the percentage of the commercial ACL and recreational ACL that has been landed; the past few years the commercial has exceeded their ACL but the recreational is usually around 55, 60 percent.

MS. BECKWITH: Just one quick comment; when you were discussing before you said the goal of this is to reach the total ACL. I just want to be sensitive that is not in the document, because that is not quite what our goal is. I was also going to suggest that we had a table in that I think is from the last assessment that kind of goes through how much effort from each gear type is included in the commercial landings.

In the FMP language, the management objectives, there is some discussion about deepwater runaround gillnet fishery being -a goal is to constrain the development of that a bit. I want to make clear to folks that are interested that these overages are not in fact due to effort from that deepwater runaround gillnet fishery, which would then again put us kind of contrary to our current management objectives from the FMP. Does that make sense?

DR. MacLAUCHLIN: Gregg, are we getting a presentation about Atlantic Spanish commercial overages?

MR. WAUGH: I believe it is.

DR. MacLAUCHLIN: When is that going to be presented?

MR. WAUGH: I thought it was going to be done when the landings stuff was done.

DR. MacLAUCHLIN: During this Mackerel Committee?

MR. WAUGH: Yes. I think Bonnie was going to give that.

MR. HARTIG: Okay, is that news to you, Bonnie?

DR. PONWITH: I didn't know that.

MR. HARTIG: I didn't see it, but I am aware of it now.

MR. WAUGH: It is in the presentations' folder in the second briefing book.

DR. PONWITH: If you go to the next slide; you see that the current calculated landings, which are the landings plus expansions, it is about 90,000 pounds over the quota. That is the equivalent to about 2.9 percent over the quota. You can see actually for this one that the reported landings were pretty darned close to the full amount of the quota.

They only had to expand for non-reporting for about 5 percent of the quota, which is heading in the right direction. The late reporting inhibited some of the ability to be more accurate than that. They had 400,000 pounds that reported late for February. As you can see, we had some of the information 22 days late.

Some of the information; about half of it was 22 days late, and the other half of it about 12 days later. That is what contributed to the expansion. There again if you you're missing the actuals, we use algorithms to do the expansions. The expansions have uncertainty associated with them and that would be the key cause for the 2.9 percent overage.

MR. HARTIG: Are there any questions for Bonnie? Charlie.

MR. PHILLIPS: Bonnie, I'm going to suppose that it is just standard to have some late reporting and it has probably been happening for a long time. Was it more late reporting than normal or is this just normal amount of late reporting? I'm just curious if there is some kind of spike in late reporting for some reason.

DR. PONWITH: What I would say is when you compare this report to the report that I gave earlier this week, this is very exciting. This is not very much late reporting. We're looking for perfection and we hope that the regulations going into effect could bring us even closer. Compared to the report that I gave earlier where we had reports; up to 67 percent of the reporting coming in late, this is good. Again, we would love to see us not have to expand by any amount, but having to use expansion factors for 5 percent of the reports is certainly getting there.

MR. HARTIG: Any other questions? Okay moving on.

DR. MacLAUCHLIN: Moving on; I just have tables in here, things that we used in the scoping documents and the discussion documents for people to have on hand and things that Ben asked me to include in there. I also have a proportion of the proposed sector ACLs in Framework Amendment 1 compared to the actual landings in 1986, '87 through the most recent years.

Those are in Tables 2 and 3, and that was something Ben had asked me to put together, and it has these last two columns on the right here. One is percent of the proposed recreational ACL, so the one in Framework Amendment 1 that would have been met by these landings; and then what would have been left over; just so you can take a look at using that new ACL that is coming in.

Okay, I am going to move on to the comments and recommendations that we have received. With scoping, I reviewed some of this at the last meeting, but there was some support for reallocating; concern about the recreational data; some support for some kind of in-season mechanism; consideration of the variation in the recreational and commercial landings in the different zones and subzones; and then the discussion of the value of leaving fish in the water instead of moving some recreational ACL to commercial ACL.

We brought this to the AP in April. Overall they were not opposed to moving allocation through an ACL shift, but they did not want to make any recommendations. They wanted some more information and rationale. Some AP members felt like there was not any reason to move any of that ACL around at all and that the council should look for other ways if they want the recreational sector to use more of its ACL, like increasing the bag limit.

Again, concern about the MRIP data; concerned about if the allocations change, they wouldn't be able to get it back in. They proposed a sunset clause maybe. There were also some recommendations to wait until total landings got a little closer to the total ACL before making any changes in the sector allocations.

Then they gave us some more specific direction to staff, which are included in the actions and alternative examples that we put together to let you guys take a look at. Then they have a couple more pieces of information that they specifically asked for that Mike Errigo put together for us; and that is at the end of the AP report.

Compare some of the Atlantic Spanish mackerel caught recreationally inshore and offshore; comparison of the recreational landings between North Carolina and Florida; and then comparison of recreational landings by wave; those are all at the end of the AP report. Then the SEP; we had a discussion of this amendment and then also just kind of a general discussion about allocations.

I've included their recommendations. They felt that the council needs to clarify the goal and the purpose for this amendment. However, increasing the harvest of the mackerel species is not necessarily the same as increasing the net economic benefits. For example, leaving fish in the water could provide value in terms of increasing encounters for catch-and-release anglers.

Reallocating fish from the recreational sector to commercial is not automatically a situation where one sector gains without any cost to the other sector. The SEP believes, however, that an in-season trigger that reallocate fish from the recreational sector could be a useful way to increase economic yield.

In terms of process, if neither sector is reaching its portion of the ACL, then the SEP supports first lessening non-biologically based regulations such as bag limits in order to increase economic benefits without cost before discussing potential changes in sector allocation. They also noted that reallocating "unused quota from one sector to the other" could affect the probability that fishermen will encounter the fish for harvest or for catch and release.

It is not automatically a costless decision even though the net economic benefits still may make a decision desirable. The SEP felt that the process would be improved by utilizing the SEP for peer review of allocation analysis in the way that the full SSC provides for stock assessments and support setting up the system.

Moving on; as part of the options paper, the IPT put together a couple ways to look at any kind of moving around of the ACL. The first one would be a permanent allocation. This would go through a plan amendment. I have the background information – it is currently 55 percent commercial/45 recreational – and then a little history of the sector allocations.

The current one was set through a framework adjustment in 1998; it was set to 55/45. Then we modified the framework procedure; and there was a way to move through framework 10 percent allocation shifts before the year, but we've removed that from the framework procedure. To do something like this would require a plan amendment.

We have some of the background information about different ways you could look at allocations and reallocations and a table that shows the proportion of landings. If you wanted to use a catch ratio to make any decision like that, you could see what the landings ratios were. That would just set new allocations in place.

The second one that we drafted some possible language and actions and alternatives, if you wanted to look at this, was an in-season ACL shift. The process would be set up through a plan amendment; but then when the actual shift occurred, it would just go through a Federal Register Notice. At the end of the year the sector allocations would go back to whatever your permanent allocations are. We have a draft action that looks at different ways to establish the trigger thresholds. When would it happen and what would be the performance threshold?

In the first one we did a recreational to commercial shift with just one trigger. In the subalternatives we looked at you have different times of the years and then different performance thresholds. These are all just numbers that we put in there to see basically how these actions and alternatives would look so that we could use them in an example.

In the subalternatives we have the different places in the year based on the MRIP waves; and then if the recreational landings are less than whatever percentage of their ACL, that would trigger it. Then we have Alternative 3 in there that is recreational to commercial with two triggers, so that would have to be less than a certain percentage of the recreational ACL landed and commercial landings would have to be over a certain place.

Then in Alternative 4 we put in a commercial to recreational just so if the council was considering being able to shift back and forth between setting up some way so in the future if the situation is reversed you can move some from commercial to recreational. Then in Alternative 5, we tried to write some ways that it could shift either way.

These are just ideas if the council would be interested in moving forward with some kind of inseason ACL. The second action for this an in-season ACL shift would be the amount. Basically we have the alternatives, recreational to commercial, how this would work. It would remain in place for the remainder of the fishing year and then go back after the next year.

The percentage shifted to the commercial sector would be split between the quotas for the northern and southern zone based on 21/79 percentage allocation for the 20B. Then we have some subalternatives. We just put some numbers in there, 5, 8, 10 percent; just things that you could consider.

Then we also have a 50 percent of the remaining proportion of the ACL, just so it could be tailored specifically. We tried to write this out a couple different ways so that if it was just set up to go recreational to commercial how it would work; and if it could go back and forth how it would work. Then I have an example of how this could work if the shift is actually triggered.

I'm just picking some of the subalternatives just so we can set it up and I can explain how it would work. For example, if this went through and you had selected Subalternative C, which would mean that there would be a recreational to commercial shift after the third MRIP wave of the fishing year, which is actually MRIP Wave 4, the recreational landings are less than 40 percent of their ACL.

Then you had selected Alternative 2C under Action 2 and it shifted 10 percent. We have our timing, our threshold, and then the percentage that would be shifted in there using the proposed ACLs. What would happen is in mid-October the MRIP would indicate that recreational landings were at totally, for example, 750,000 pounds.

The average wave for recreational landings were about 743,000 pounds; so I thought that was kind of close. They are at 750,000 pounds; well, the threshold is less than 40 percent and that is less than 40 percent, so the in-season ACL shift would be triggered under this scenario. NMFS would publish a notice that changes the recreational ACL to 2,454,300 pounds and the commercial ACL to 3,602,700 pounds; and then I have the northern zone/southern zone quota, how that would look.

For the remainder of the fishing year, accountability measures would be triggered by these modified sector ACLs; and at the start of the next year in March, it would all go back to recreational ACL of 2.727 million pounds and commercial 3.33 million pounds. That is how that would work under these example alternatives.

MS. BECKWITH: Based on what I'm seeing here, I would feel more comfortable with this if the history of the landings were treated a bit like when we lease a permit; that the history actually stays with the permit where the history of what is borrowed is maintained within the original owner, I guess. I don't know if that is possible.

I think that would be helpful in alleviating concerns that this would be kind of a pseudoreallocation where the next allocation conversation that comes up with for Spanish mackerel, that something like this would be used to argue more in favor of the reallocation. I don't know if I'm making myself clear.

DR. MacLAUCHLIN: I think what you're saying is that if you look at the history going back from now, you can see that landings' ratio; and if this is constantly triggered, the landings' ratio could shift to where it looked like the commercial. You would always want to maintain that history on there.

MR. HAYMANS: The shift would occur regardless of whether commercial needs it or not? What says in that scenario whether it needs it?

MR. HARTIG: It is a good point. I don't know that we have that in there, but we talked about it in our meeting. That was the first question I asked is we should define this by the amount of commercial overages and how much the commercial would need and then you don't shift any more than what the commercial needs, in my opinion.

MR. HAYMANS: I'm guessing that, say, five years in a row – we've had three years in a row where commercial has gone over. Let's say we did this shift for five years in a row; we'll probably be revisiting a permanent allocation shift of some amount down the road, wouldn't you suspect?

DR. MacLAUCHLIN: Just really quickly, so not in this example; there is only one trigger and that is a performance threshold for recreational. In this Action 1, Page 11 and 12, we tried to put in some that had two triggers that the recreational would have to be low enough and the commercial would have to be high enough; and both of those would have to be met.

If you wanted it to be where the recreational had a certain amount that you felt like that could be moved and the commercial needed it; you could put two triggers in. I just didn't use it in my example to try to keep it simple.

MR. HAYMANS: I personally would think that the first trigger would be that the commercial needed it; and then if it were available, you could make a transfer.

DR. DUVAL: Back to Anna's point; I understand exactly what she was trying to say; and I think we all do. I agree with Doug; I think it might be better to maybe restructure that Alternative 3. Yes, I think it would be better to probably restructure it looks like Alternatives 3

and 4 under Action 1; such that you're sort of separating those two triggers like Doug has suggested.

First there would be a commercial trigger that would indicate whether or not a shift would be needed from recreational to commercial; and I would say that I would apply that to both sectors. If we were in a situation where the recreational sector was in a position to overrun their ACL, you would want it to be structured similarly.

The other thing is really just an editorial thing. It is confusing to me when I read "after the first wave of the fishing year" and then in parentheses "MRIP Wave 2, March/April"; because when I read that, it sounds like the first wave is actually March/April when I know that it is not. That is how that reads to me is that the sentence says the first wave is MRIP Wave 2.

I know it says after the first wave of the fishing year. I'm just thinking it might be better to remove MRIP Wave 2 and just have it be in parentheses "i.e. in March" or something like that. I think if you're the public, reading this you might think that the first wave is actually March/April instead of January/February; that's all.

MR. PHILLIPS: To Anna's point; I would definitely at least have a sub-column on what got transferred and keep track of it instead of what a commercial guy caught of a borrowed quota going into a recreational, because that is going to skew those numbers as far as effort. You just need two more sub-columns.

The other thing I am thinking is if something gets transferred, go ahead and decide if it is 10 percent, 15 percent whatever, and it doesn't matter if we transfer more than we need, because we're going to transfer a whole lot less than the recreational is ever going to catch according to what we see the trend is. If the commercials don't catch it, then it doesn't matter; but trying to guess exactly what they need is going to be difficult. You might as well figure out what our boundary is, transfer that boundary and then just see what they use through the end of the year.

MS. SMIT-BRUNELLO: Not to further complicate things, but to further complicate things, it seems like this is going to also affect accountability measures that you have in place potentially when the quota is projected to be reached. Don't forget that you just approved and submitted an amendment that allows for shifts of fish between the northern zone and the southern zone.

It is almost like these cogs, right, that one turns and it turns other ones. You've got to keep in mind that you have those zone shifts, too. I'm not sure how that all works with all this; but I guess we'll see how it plays out if you keep this amendment going the same path.

DR. MacLAUCHLIN: I guess you should also keep in mind that with Framework Amendment 2 there would be step-downs and when would that be triggered?

MR. HAYMANS: Is there anything in here that gives us some sense of timing on the commercial catches? We're looking at Waves 2 through 4; but when are they tapping 80 percent or so, commercial?

DR. MacLAUCHLIN: I'm sorry that I don't have that in there, but I looked at it. This is probably part of the reason why there have been overages, like there hasn't been a closure in

place fast enough, is because it is like the pop at the end of the year. The last two or three months where it is kind of doo, de, doo, and then it goes up in December, January, February; so the last couple months of the season. It seems like if the commercial needed a little more ACL, it would be the last two or three months of the fishing year.

MS. BECKWITH: To Monica's point, maybe another option that we can explore in this options paper is to have kind of a 20 percent open access allocation where 10 percent would come from the commercial side and 10 percent would come from the recreational side. I'm not quite sure what the details to that would be, but functionally it is probably the same. For the short term, the commercial guys would probably fully utilize that 20 percent; but it would be accessible to both the recreational and the commercial equally. I don't know if that would facilitate some of this.

MR. BOWEN: Option 1, when you started giving this presentation, was to just actually go through a framework amendment and switch some allocation; is that right?

DR. MacLAUCHLIN: It would be a plan amendment, but it would be like a permanent allocation.

MR. BOWEN: It seems to me with all these questions being raised on the other options that you went over after that; the more simpler thing would be to do that permanent allocation change. I may get hit in the head by some recreational fishermen when I get back to Georgia, but wouldn't that be the easiest and simplest way to handle it?

MR. HARTIG: Well, I'll chime in before I go to Anna. Basically allocations are pretty substantial comments and different opinions on both sides. I think how we've evolved into this in-season or beginning of the season shift, which the beginning of the season shift would take care of the differences in the seasonality between North Carolina and Florida.

If you just do it in one part of the season, somebody is not going to be able to get the benefits of an in-season adjustment, probably. I mean we'd have to look at it in depth; but when those waves occur and when the fishery occurs in the different areas is going to have to be figured out before to see if the shifts would actually benefit one area over the other.

My intent would make sure that these shifts are equally shared or shared on the percentages that each commercial allocation is based on in the northern and southern zones. That adds another complexity part of this where I don't know that if we can use the in-season methodology for Spanish mackerel.

What that does is simplifies it quite a bit, Zack, where you can actually at the beginning of the season the council makes a conscious effort based on landings to shift a portion of that allocation to the commercial sector for that year. At the end of the year it goes back to the recreational sector.

Then you would have, like we did in years before in mackerel, every year you would have a framework; one of the quicker ones, the new framework procedure where you looked at Spanish mackerel, you set the catch limits based on the previous seasons; you take that into consideration and you would do that every year. That would be part of what you do in mackerel before the

season started. Those are things to think about. To me I don't know that we can get the equity available.

MS. BECKWITH: I was just going to point out that in '08/'09 and the '09/'10 seasons, we did reach our 75 percent. We all know all the debates that we've had about the impacts of the economy and the availability of these fish. There is still an opportunity for the recreational to grow back into their allocation. At least with this methodology, if we lend the 10 percent to the commercial one year and the recreational achieve their ACL, then we don't have to the next year. It is an annual decision so it doesn't box us in. I like that flexibility.

MR. HAYMANS: I was just going to ask Kari, just to make sure I understand, the fishing year is March 1, commercial, the same for recreational. If we were to use through Wave 4, which I kind of like that timing, go through half of the year and then look at it; are we actually starting with Wave 2 and so it is 2, 3, and 4 or are you picking up part of the previous fishing year?

Does that make sense, because Wave 1 is essentially in a prior fishing year? I was trying to figure out how I was going to finish that. I'm just interested in the timing of this, because I don't think we need to do any shift until it is obvious that it needs to happen.

DR. MacLAUCHLIN: In these example alternatives that is why we have first wave of the fishing year, which means MRIP Wave 2 for March/April, but it complicated the language, which is what Michelle was pointing out, but at the same time we wanted to make it clear that Wave 2, MRIP Wave 2 which is officially called Wave 2, is actually the first wave of that fishing year, that would include just that fishing year.

Anyway, what I wanted maybe to do with you guys is go through the preseason ACL shift example so you can look at that. Then we can go back and you can decide if you want to give direction to staff for actions and alternatives, if you are interested in even developing actions and alternatives for an in-season shift. Then we could get to like the timing that you want to look at. Is that okay?

MR. BOWEN: I apologize for some of my ignorance on this, but I don't feel like my question got answered a while ago.

MR. HARTIG: About the simplicity of how you wanted to move forward?

MR. BOWEN: With Option 1 that she presented to us. I don't feel like it got answered. I don't understand why we would continue down this in-season shift when it just makes more logical sense to me just to do a permanent reallocation. Then we wouldn't have to revisit this and come back and revisit it next year and the following year, as you were I think mentioning a while ago. Can somebody just try to explain that to me?

MR. HARTIG: Well, that certainly is an option. To me going down this allocation road – and when Kari brought up this in-season shift, which I think is really appropriate for species that maybe don't have a seasonal component; I'm not sure, I have to look at the dates and how they line up and if North Carolina can get access to a portion of that when they need it the most, which is November/December basically, November, for sure, October, November, and December. I think October is your big mackerel month. You could do the permanent shift; you

could go and look at when the recreational has never been caught, which there was only one year when they ever caught their allocation, and it was -

DR. MacLAUCHLIN: No, just to clarify; in those tables, Tables 2 and 3, it is comparing the actual landings to the new ACL. They maybe did hit their ACL. It depends on what the TAC was at the time.

MR. HARTIG: Okay; but based on our new allocation, how many times has the recreational fishery caught their allocation?

MS. BECKWITH: I don't know if that is a fair question, because if it is based on the new allocation, the allocation is higher.

MR. HARTIG: Okay, I understand what you're saying. Yes, I understand.

MR. HAYMANS: To Zack's point earlier; you said it yourself; you've got to go back and face your recreational constituents. The only reason I'm really looking at this is to avoid some of that. It is not like you're taking anything away from them, but you are allowing that fish that we've already allocated to the recreational to be used down the road without permanently moving it.

MR. BOWEN: We're not reaching it. We haven't reached it, and we have no intentions of reducing the daily bag limit. We have no intentions of decreasing the daily bag limit, so I can't see why they would really be that upset.

MR. PHILLIPS: Well, there is one thing that might happen under a lease that would not happen under a permanent shift; and you actually could potentially lease more fish to the other sector than your sector would be ready to potentially give the other sector. I mean, you theoretically could lease them 15 percent where you would only give them 10; so you need to keep that under consideration.

MR. HARTIG: All right, it's a lot of good discussion. This is a new concept and this is something that we wanted to talk about for a number of species.

MR. JOLLEY: As you know, I am not on your committee anymore. I think Zack has a pretty good idea; but I was thinking in terms of if you don't have to revisit this thing, this takes a little load off the staff, too, and we've got more stuff coming up. It is going to get more involved. If you can find a way to do some of these things without having to revisit them in some depth, that is appealing to me.

If things start to change, you can always come back and do another whole amendment and reallocate again. I think it is a little bit of smoke and mirrors when we talk about some of these other options here, quite frankly. I think there will be some recreational people that will look at it that way.

There are a lot of recreational people that really won't want to see, as we know, this reallocation thing. I think if you are coming up with these other options to do it, some of those people are

going to say it is smoke and mirrors. I think Zack has got a pretty good idea. If you are going to bite the thing, bite it off.

MR. HARTIG: Yes, there is that opinion. I just still think if you allow the floating allocation or a more fluid allocation, you never have to revisit it because you will be taking into consideration the recreational catches every year. You never get into a situation where they get close because of a percentage that we had shifted to the commercial sector. That is pretty appealing to me if we don't ever have to revisit it again.

It does put a little more administrative burden on the council by having to revisit it every year, but it is a framework amendment; and we used to do those commonly back in the days when we were rebuilding these stocks. It was done every year. We had assessments every year, imagine that. It was a different time and we only had a very few species that we could assess. It was based on the mackerel; but we rebuilt those species by having assessments every year.

MR. BOWEN: To that point; if we decided to go down the route of "permanent reallocation," we can look at the commercial catch history and see about where they were with a couple months, or like Doug mentioned a while ago, what time of the year when 80 percent of the ACL was met. It seems to me that the recreational is so far away from meeting their ACL that we could reallocate enough where we wouldn't have to worry about an in-season closure and revisiting every year. Does that make sense?

MS. BECKWITH: Twenty-three percent away from our ACL is not that far. When you look at the 2010/2011 numbers or the 2009/2010 numbers, then that is what you're looking at, so the capability is there. Yes; there are plenty of years where we were really, really far off; but there are some years that 20 percent is not that far.

If you are going to reallocate 15, 20 percent; then all of a sudden you are putting the recreational sector in a position where any level of rebuilding of the effort would start bouncing against the ACL. Once you formally reallocate, we all know everyone is kind of grabby; so it's going to be a double debate to turn around and be like just kidding guys, we gave you too much. Now we have to take it back because the recreational effort is increasing. I know how you and I habitually agree all the time; but this is one of those cases where I don't think you are going to have my support.

MR. HARTIG: All right, we've had a lot of discussion about that, so where are we? Phil.

MR. STEELE: We've got a couple of actions going on now with Spanish. We're increasing the ACLs in that new framework, and we're doing some action in 20B that is going to allow shifts in quota between zones. It seems logical to me that we might want to let these actions go forth before we muddy the waters anymore with this transfer of ACLs or transfer of quotas between sectors. It is just a thought; it may solve some of our problems.

DR. DUVAL: Yes; I see what Phil is saying. I still think this work could go on in the background, maybe looking at this in-season allocation shift. You could very well end up in a situation where at some point the recreational sector might need that. I know the focus has really been the commercial sector; and clearly with 20B we've allowed for transfer between the northern and southern zone commercial allocations.

I don't think you guys have any tables in there that look at the northern versus southern zone – that parse out the landings over the time series by northern zone versus southern zone, because I'm pretty willing to bet that each zone would be catching up all of its quota. That is just guess work at least probably over the last five years where we've seen some of these overages.

MR. HARTIG: Well, not only that; Phil, if you figure in the quota we have now based on the landings we've had in the past, most years the commercial fishery is over, in most of the years. That is why there is an attempt to address it now. Now you made a great point, let's let this stuff go in; this doesn't have to go on a fast track by any means.

We've got an options paper. We've had a number of discussions about adding some more things to look at, and I have some as well. I think at this point I think my suggestion would be to go ahead and get some further analysis done and then to bring this back to you at a later date. I won't even set that date. I don't have a problem with that, maybe September, maybe not, depending on the schedule.

DR. DUVAL: The Mackerel AP meets twice a year or once a year – once a year. I think it would be worth having the Mackerel AP take another look at this stuff as well. I don't know what the timeframe was within which you wanted to accomplish this or send it forward; but that might not be a bad idea just given some of the input that they had on this.

MR. HARTIG: They wanted to see the further analysis before they made any decisions; so I think it would be prudent to do that. SERO's point is good. It would give these two amendments to come in and at least a year for them to go through the process. I think it would accommodate your concerns, Phil, as well as the AP's. I think that is probably a direction we should take if the committee concurs. I see some heads shaking.

DR. DUVAL: I don't think Kari has had the opportunity to go through the preseason ACL shift yet, and we really should do that. That is an option that occurs in the Mid-Atlantic; and I know that in the past there has I think been some heartburn from some folks regarding either how that came about or how it works.

I can't think of a year when there hasn't been a preseason ACL shift on bluefish in the Mid-Atlantic. There are state-by-state commercial quotas for bluefish in the Mid-Atlantic. There are commercial transfers between the states that are allowed to cover overages. Just thinking back at least over the past half dozen or so years, I do believe that transfer has occurred from the recreational sector to the commercial sector ACL.

MS. BECKWITH: Just in terms of timing, I would suggest taking the next look at this in December, so we can look at it one more time before it goes to the Mackerel AP.

DR. MacLAUCHLIN: They usually meet in April; so you could give direction in December and we could show you something n March and then take it to them in April or something.

MR. PHILLIPS: Okay; so if we're going to send it, are we going to just send this or are we also going to ask them Zack's permanent share? We're going to take all of it to them, I suppose, and let them just talk about it, anyway.

MR. HARTIG: The whole suite of recommendations or ways to do this. Realistically, you could do a quota shift based on how much of the recreational fishery hasn't been caught. You could do it very conservatively; you could use their highest landings' number and then based on the actual what we have left; how many pounds would that be and shift that.

Then what you could do is use an in-season or a pre-season adjustment to shift a little more in any one year. There is a whole number of ways to do it, and I think we could lay some of that out in the document about how that could be done based on how the landings have been over the years. Do you have a question?

MR. BOWEN: I just feel with that permanent allocation, the commercial wins and the recreational sector does not lose with the permanent reallocation.

MR. HARTIG: Well, that is fine; we're not going to solve that here today, but stay tuned.

MR. STEELE: One more question. I know in the Gulf the council has an allocation policy that they get hammered upside the head pretty much with it. Do we have one and should we be looking at that and are we following it with this action?

MR. HARTIG: That is another option. In the Gulf, Spanish mackerel has one ACL for both commercial and recreational fisheries. For cobia they have the same, one ACL for commercial and recreational fisheries. I'm not sure if there are other species that they do that for or not. But that is another option where you would potentially be able to have one ACL for both stocks.

Now, having said that, I don't know about cobia, how close the commercial allocation comes to catching it; but for the Gulf, for Atlantic Spanish the commercial fishery has not been able to come close to their allocation. It is a little bit different in that there isn't that pressure that we have where our commercial fishery is hitting their allocation on our side.

I don't know; functionally the fishery, Phil, we can only produce what we can given the gear restrictions. We can't produce much more than what we're catching now after you include these small overages. About 4 million is really about all we can catch – a little over four, I think, Kari, is the most we've caught commercial since the net ban. That could allay some of the concerns unless something different happened. I don't know if you want to look at that option as well. It is a good suggestion and I appreciate it.

MR. STEELE: I was just wondering if we are following our own allocation policy in what we're proposing in this action here; do we have an allocation policy?

MR. HARTIG: I don't think we have a formal allocation – go ahead, Monica.

MS. SMIT-BRUNELLO: When the council dealt with allocation a number of years ago when the Bow Tie Formula came out; I think there was a sort of allocation policy that was developed then.

MR. HARTIG: That we want to revisit.

MS. SMIT-BRUNELLO: Yes, Mr. Chairman, you've mentioned that a few times.

MR. HARTIG: But, yes, there is a de facto – what we used in the Comprehensive ACL Amendment, which isn't used in each species. We talked about snowy grouper this week, which has a different allocation formula that is used; and we used it this week. I don't know.

MS. SMIT-BRUNELLO: Gregg just mentioned to me that the formula that was developed then was not used for mackerel. The mackerel allocations didn't change. Hasn't there been some discussion about taking up allocations in visioning? At least that is one of the topics; so maybe at that point you can think about a policy.

MR. HARTIG: Okay, but I think we can further develop this. Any suggestions you have, please bring forward, and I will work with Kari and see if we can't get maybe another option or so on there for you to look at. We do need to talk about the in-season.

DR. MacLAUCHLIN: Just really quickly; I want to review this and then I'll ask you some specific questions so I know what you want in December. The third one was a pre-season ACL shift; so you would set the mechanism up in a plan amendment, but then what you would do is this would go through either an abbreviated open framework procedure or a standard open framework procedure.

Framework Amendment 2 is on a standard open framework procedure, so it takes a couple of meetings to get that through. Abbreviated, though, you could tell staff to put it together and then we would do it and submit it in there. It would be a document that has the allocations and then the associated biological social/economic effects.

Then NMFS would publish the notice and it would have the recreational ACL, the commercial ACL, and then commercial quotas for the northern and southern zones. Then if you don't submit something new before the next fishing year, then whatever your permanent allocations it would just go back to.

The only way to keep a different one than your permanent allocation would be to do one of these every year. I have the example of the Mid-Atlantic bluefish from their regulations. What they have is if 17 percent of the total annual landings is less than 10.5 million pounds and the recreational fishery is not projected to land its harvest limit for the upcoming year; the commercial fishery may be allocated up to 10.5 million pounds as its quota provided that the combination of the projected recreational landings and the commercial quota doesn't exceed the TAL. Is that total annual landings; allowable landings, sorry.

Then they have a research quota in there. We drafted some language for an action; and it would actually have to go through modifying the framework procedure that we have in place. Alternative 2 would change up to some percentage – it used to be 10 percent is what it said in the framework procedure – up to the maximum amount of the annual ACL; allow changes up to the X percent to the amount of the annual ACL shift for Atlantic migratory group Spanish mackerel through the abbreviated open framework procedure.

Then we have the subalternatives of just 5, 8, 10 percent. We just were throwing some examples out there; it could be anything. Then allow changes up to X percent of the allocation through the standard open framework procedure with some subalternatives. Alternative 2 would be modifying the framework procedure to be able to do the in-season ACL shift.

Alternative 3 would be the preseason ACL shift; and Alternative 4 would be setting up the framework so you could do both of those. I have an example of how this would work on the last page. This would be how to set up the preseason ACL shift through abbreviated open framework.

At the September council meeting the council reviews the performance of the commercial and recreational sectors. If they decide to shift a percentage of the ACL not to exceed, for example, 10 percent from one sector to the other; they direct staff to prepare the document and they vote to recommend the shift.

In this example we'll assume that we have a 10 percent shift and it is going from recreational to commercial. What the council is saying that for this next fishing year starting in March, they want it to be 65 percent commercial/35 recreational. The Gulf Council would have to review this until 20B goes through, but eventually the Gulf Council would not have to review these.

Then upon approval by NMFS, they would publish a notice and it would say the recreational ACL for fishing year – whatever the fishing year is – is set at 2,122,050 pounds. The commercial ACL is set at 3.9 million pounds. Then it would say the northern zone quota, southern zone quota, and they would publish that before March 1.

Then unless the council takes action to specify sector ACLs again, other than 55 percent commercial/45 recreational; at the beginning of the next year it would just go back 55/45. That is how that would work.

It would give you some flexibility to plan, but it wouldn't be flexibility in-season. It would all depend on what happened over the last season and how you felt about the performance of both of those sectors and whether or not one sector needed some ACL and one sector you felt comfortable moving some.

MR. HARTIG: All right, any question about the in-season shifts? Since we're going to take some more time to look at this document, if you have any additions over the next few months, please send them to Kari and we'll incorporate them. That is the last agenda item we have.

DR. MacLAUCHLIN: I wrote things down and I can review the minutes also for things that you want to look at like an open access allocation. What I'm thinking is in September we'll have a meeting. You will actually be reviewing 26, I think, for that one. In December what I am going to do is bring back something kind of like this that the IPT has put together, some more actions and alternatives.

You can pull out anything that you don't want in there, maybe tweak it a little more and then we'll come back in March; and those will be the real actions and alternatives that we're going to present to the AP. We will want you to really figure out what you are very interested in so that we can start some analysis for the AP.

I think that will also help the AP give some better feedback, because they will know – this was I think a little too broad for them and they weren't really sure what direction you were going in. Now they will know what you are looking for specifically and then some analysis, too. We can get that going. Does that sound good to everybody?

MR. HARTIG: Is there any other business to come before the Mackerel Committee? Seeing none; the Mackerel Committee is adjourned.

(Whereupon, the meeting was adjourned at 2:40 o'clock p.m., June 12, 2014.)

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70	Harrison, Robert	tunaprowler1@embargmail.c	1 min
69	colby, barrett	bcolby3@cfl.rr.com	138 min
64	McCoy, Sherrie	susannemazza@yahoo.com	0 min
62	klostermann, joe	grkjfk@comcast.net	453 min
49	harrison, vicki	hhsfd@gmail.com	75 min
42	Hamer, Caitlin	caitlin.hamer@duke.edu	221 min
39	Hudson, Rusty	dsf2009@aol.com	480 min
39	., fisherynation.c	bhfisherynation@gmail.com	3 min
34	Stewart, David	dstewa11@uwyo.edu	469 min
32	Records, David	david.records@noaa.gov	433 min
31	holiman, stephen	stephen.holiman@noaa.gov	343 min
30	Mehta, Nikhil	nikhil.mehta@noaa.gov	456 min
29	grubbs, david	cappedoffcharters@gmail.c	433 min
29	steele, ian	isteele@tampabaytimesforu	1 min
27	Young, Erik	eyoung77@uw.edu	62 min
26	gore, karla	<u>karla.gore@noaa.gov</u>	521 min
26	Michie, Kate	kate.michie@noaa.gov	485 min
26	Eich, Anne	annemarie.eich@noaa.gov	509 min
25	Bademan, Martha	martha.bademan@myfwc.com	303 min
25	McCoy, Sherylanne	sherrim@wildoceanmarket.c	542 min
25	Takade-Heumacher,	. <u>htakade@edf.org</u>	379 min
24	blough, heather	heather.blough@noaa.gov	498 min
24	Dale, David	david.dale@noaa.gov	163 min
24	cox, jack	dayboat1965@gmail.com	216 min
23	Vara, Mary	mary.vara@noaa.gov	583 min
23	DeVictor, Rick	rick.devictor@noaa.gov	526 min
23	Baker, Scott	bakers@uncw.edu	368 min

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Bresnen, Anthony	anthony.bresnen@myfwc.com.	<u>. 489 min</u>
Sedberry, George	george.sedberry@noaa.go	113 min
sandorf, scott	scott.sandorf@noaa.gov	347 min
Clemens, Anik	anik.clemens@noaa.gov	331 min
Latanich, Katie	cal7@duke.edu	203 min
ortner, peter	portner@rsmas.miami.edu	252 min
Raine, Karen	karen.raine@noaa.gov	422 min
Byrd, Julia	julia.byrd@safmc.net	534 min
Amick, Steve	steveamicks@aol.com	0 min
L, I	captaindrifter@bellsouth	584 min
	Sedberry, George sandorf, scott Clemens, Anik Latanich, Katie ortner, peter Raine, Karen Byrd, Julia Amick, Steve	Sedberry, Georgegeorge.sedberry@noaa.gosandorf, scottscott.sandorf@noaa.govClemens, Anikanik.clemens@noaa.govLatanich, Katiecal7@duke.eduortner, peterportner@rsmas.miami.eduRaine, Karenkaren.raine@noaa.govByrd, Juliajulia.byrd@safmc.netAmick, Stevesteveamicks@aol.com

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