

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COMMITTEE

**Charleston Marriott Hotel
Charleston, SC**

September 15, 2009

SUMMARY MINUTES

Mackerel Committee Members:

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Ben Hartig
Charlie Phillips
Tom Swatzel

David Cupka
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Rita Merritt
Mark Robson

Council Members:

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Lt. Brian Sullivan, USCG

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Kate Quigley
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Observers/Participants

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Dr. Mike Denson
Karen Raine
Rusty Hudson
Nick Farmer
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Bob Gill, GMFMC
Phil Steele
Monica Smit-Brunello
Nik Mehta
Dr. Jack McGovern
Mel Bell
Hal Robbins

The Mackerel Committee of the South Atlantic Fishery Management Council convened in the Charleston Marriott Hotel, Charleston, SC, Tuesday morning 8:30 a.m. by Chairman George Geiger.

George Geiger: Pick up with the Mackerel Committee. Welcome to two new members, Ben Hartig and Charlie Phillips, both new Mackerel Committee members, voting members. The remainder of the committee is present with the exception of Mr. Currin. And we'll call the committee to order.

First order of business is approval of the agenda. Are there any additions or exceptions to the agenda? I know I had a request from one for other business at the completion. Seeing none, the agenda's approved.

We received an audio file from June 2009 meeting. Are there any corrections/additions to the audio file minutes? Any objection to the approval of those minutes? Seeing none, those minutes are approved.

And I guess our first order of business, Gregg, is the status of the status of the Gulf Council scoping and you – you will review and overview in timing, and that's in Attachment 1.

Gregg Waugh: Correct. In looking at the overview, this is joint Mackerel Amendment 18. And as I mentioned, during spiny lobster, the Gulf has taken the administrative lead on this. We did our scoping as part of the comprehensive annual catch limit amendment in January/February. The Gulf scoping meetings, again, they're doing spiny lobster, mackerel, and another item together. I will be attending the Key West and the marathon meetings next week.

We have an interdisciplinary team that's been established. The timing – the Gulf Council was still working on the specifics of this timing. But, again, similar to spiny lobster at your December meeting, we would bring back the results of that copying and then hopefully have a better idea of what are specific timing is going to be. That's it for overview and timing.

George Geiger: Any questions? Okay. Sorry, Ben.

Ben Hartig: No problem. Gregg. The only thing I had was in Page 2 of the document, 3.0 potential actions for scoping, there's a sentence there, "The Gulf Council will set aside ACLs for Gulf grouper,

king mackerel, and the South Atlantic council will set ACLs for Atlantic grouper king mackerel. However, the South Atlantic Council will continue to set management measures for king mackerel in the east coast sub zone to help ensure that the overall Gulf group, ACL, is not exceeded.”

That is kind of – what does that mean? Does that mean that if you guys think that the Gulf ACL looks like it’s gonna be exceeded in the Gulf that you’re gonna come and make – and reduce the regulations on fishermen in the South Atlantic?

Gregg Waugh: No. What that captures is to reaffirm what’s currently in place where the Gulf Council sets the tact for Gulf king mackerel. And then a portion of that is allocated to the northern zone. And then that northern zone, we set the management regulations to make sure that portion of the tack is not exceeded. The intent is that continues under this new vernacular where we’re calling it an annual catch limit.

So the council will set the annual catch limit for Gulf king mackerel. We haven’t heard any interest in changing the percent that’s allocated to the northern zone. So that portion of the ACL will be allocated to the northern zone and then it would be up to the South Atlantic to figure out how we limit fishermen to that portion of the ACL.

It’s just to reaffirm that the intention is to carry that forward into the future.

Ben Hartig: Oh, that’s great. I just – I read something in there that wasn’t there. Thank you.

George Geiger: Rusty?

Gregg Waugh: You gotta come to a mic.

George Geiger: Mike.

Rusty Hudson: Oh, okay. Sorry. Rusty Hudson, director of sustainable fisheries. With regards to the December 2011 date that you have on that timeline, can you elaborate on that, please?

Gregg Waugh: That was just laying out. The interpretation that we have received thus far is that the – in order to meet the 2011 deadline because neither king or Spanish are undergoing over-fishing, so they come

under the 2011 deadline. As long as we get implemented during the 2011 fishing year, then we would be meeting that deadline. So it's an intent to indicated that we really need to get that done by September or December to – September's probably a better time to the agency sufficient time to implement that before the end of the 2011-2012 fishing year.

Rusty Hudson: I just wanted to make sure it wasn't _____. (*Laugh*)

George Geiger: Are there any other questions? Okay. Thanks, Gregg. Next item on the agenda is under Attachment 2. It's the decision document for Amendment 18. Oh, I'm sorry, overview of –

Gregg Waugh: Yeah. And I don't know that I need to go into this in detail. It's not as simple spiny lobster was. Ben already asked a question about the Attachment 1, which is the scoping document. I've got the table of contents up here and it has all the issues that we have talked about, joint issues, and their potential Gulf issues, and our potential South Atlantic Council issues. So all of the issues are being scoped. We don't need to take any action on this. We've already approved their scoping document at our last met. So that's here. And, certainly if someone, has any questions, I'd be glad to try to answer them.

George Geiger: Any questions? And I'm back on the correct agenda. I'm working off of three different agendas. (*Laugh*) Okay. The next order of business is the presentation on cobia, and it's form South Carolina.

[*Beginning of MackCmteCobiaRptMinSep09*]

George Geiger: – recognize Robert, who wanted to set the stage, I believe.

Robert Boyles: Thank you, Mr. Chairman. I'm not on your committee, and I appreciate the opportunity for our staff to visit with you and spend a little time today to talk about cobia, particularly with respect to updating the coastal migratory pelagics, FMP.

The genesis of this discussion came to us several years ago when we had a number of constituents in South Carolina approach the agency and say they were concerned about directed fishing pressure on some aggregations of cobia in certain high _____. Excuse me – yeah. _____ estuaries in the south per of the state.

Some of these constituents had approved our local elected officials

in South Carolina seeking some management changes to cobia, most notably a designation of cobia as a game fish. Part of the reason we'd like to come and present some information to you all is we have Dr. Mike Denson of our staff who's gonna give you a little bit of background on the fishery here in South Carolina. The reason we have some – these constituents that are concerned and really seeking the council's guidance and advice on what kinda management measures may be appropriate for the long-term sustainability as fisheries. So I appreciate the opportunity for our staff to spend a little time with you today.

George Geiger: And the Mackerel AP did have an opportunity to receive this presentation at the AP meeting just a month or so ago I guess. It was in August. So with that, we'll turn it over to –

Mike Denson: Thank you, Mr. Chairman. I appreciate the opportunity to come and speak to you about some the research that we're doing on cobia in South Carolina. I'd like to first recognize that we have about 10 or 12 folks that are working on various cobia research projects in South Carolina. I'm gonna give you a sort of overview on what we've found so far. I'd like to recognize Wallace Jenkins and Dr. Tonya Darden who are sort of co-investigators in this work.

As you well know, cobia are a pelagic migratory species and is widely known of commercial and recreational importance. In South Carolina, basically, the harvests have been somewhat steady since 1996. But as Robert mentioned, with recreational pressure increasing along the coast and some evidence that in-shore aggregations of fish are occurring in some estuaries, there's this concern/worry about over-fishing potential. Currently, it's managed as a single stock; however, we may have some evidence that would be important to consider in terms of how it's currently managed.

Again, when the occurrence or primary catch of cobia occurs in South Carolina is in April, May, June, and even in July. Where in South Carolina is along the southern coast. That's the majority or the highest percentage of total catch, and it's made up of really two estuaries, the Saint Helena Sound, and the Port Royal Sound.

Cobia research – a little background – cobia research in South Carolina began essentially because we knew cobia were coming into these estuaries. The proximity to the Wadmalaw Culture Center was very close, and there was some interest in evaluating

cobia in the United States because it's a very attractive aquaculture species, very high growth rates, excellent flesh quality. And in addition to that, South Carolina has made a real effort in applying the technology of using an aquacultured animal to answer fisheries' related questions.

For example, the best tags that could be used are better tested in tanks or in ponds, in situations where you have high numbers of similar size fish so that you get adequate sample size. In addition, some tagging and releasing of fish allows us to get better movement information than counting on incidental catches of wild fish.

In addition to that, we've worked on development of genetic tags. Should there be an interest in stock enhancement or the application of stock enhancement in South Carolina, we have in place internally a responsible approach methodology which involves recognizing all fish released into the wild as well as understanding the genetic diversity or structure of the wild population. In addition to some of this work, closing the life cycle of cobia in the laboratory allows us to understand a lot more information about spawning and spawning behavior.

As Robert mentioned, from a fishery's perspective, the recreational fishermen charter boat captains and some conservation groups in the southern part of the state had growing concerns about over-fishing. They knew and have known for many years that the cobia aggregate in the estuary in very narrow regions. Most everybody knows where they are, where they can be caught, how they can be caught. And so there was further need for an understanding of what was going on with their life history.

I won't spend any time on aquaculture and the potential. But, again, we've received a significant amount of extramural funding to evaluate cobia from the National Marine Aquaculture Initiative, and have conducted a number of studies looking at growth and aquaculture potential and generally tolerance limits which have some application to fishery's management.

Tagging fish and releasing them in the estuary, we noticed that year and year, we would see site fidelity,. Fish would return to estuary where they were released. Recently collected brood stock from the estuary voluntarily spawned in tanks naturally, which suggests that they're definitely in spawning condition and ready to spawn. In addition to that, we were, again, fortunate to be able to

develop some genetic tags and use them successfully to identify fish from their parents, parent stock.

So the general research questions that we wanted to address were, “What was the age structure of the population?” General fishery statistics, basic mortality and survival estimates, evaluate sex ratio, feeding habits, spawning behavior through standard histological evaluations and then also with plankton sampling.

The genetic questions we were interested in were, again, were there some genetic structure in the population. Could we identify that it was associated with migration, and, again estrene fidelity? The role of these seasonal in-shore aggregations needed to be evaluated. Well, we have significant challenges, of course, with the coastal migratory species like cobia, and that it’s relatively little is known.

And even though it’s encountered through the Gulf, the southeast United States, in most oceans, other than the western part of the – or the eastern part of the Pacific, very little is known or recorded about in-shore spawning aggregations. So with also potential long-distance migrations, high distribution, pelagic oceanic nature, acquiring appropriate sample sizes, is always a challenge.

Today, I’m gonna talk basically about three issues. This concept of spawning aggregation s age-growth information that may apply to that, and then some of our initial population genetics work.

Our sample collection involves simple fisheries dependent freezer programs, strong relationships with charter boat captains that provide large numbers of samples for us, recreational anglers who are very interested in participating in evaluating and research with the fishery, as well as tournaments. In South Carolina, there’s roughly nine tournaments during April, May, and June, when the fish congregate in these areas.

In addition to that, we have a fishery’s independent effort with DNR anglers as well as some plankton surveys. We collect the basic data, total _____ length, total weight, site, and time of capture. Site and time of capture, I’ll come back to a couple times because it’s very important in considering the genetic structure of the population. In addition, we collected gonads, fin clips for the genetic analysis, sagittal otulus, as well as stomach contents.

One of my students, Lindsey LeFarve, is currently finishing her

masters thesis. In her thesis, is answering this question, “Are fish spawning in these estuaries?” She removed about 149 gonads from female fish collected in these estuaries during April, May, and June. She processed them through standard histological techniques of staining and evaluation, evaluating the ovarian development and developing actual staging process. You can see here the O sites that are in the ovary, ready to be ovulated as well as follicles that are post-spawning. So we were able to designate what condition the fish are in that are coming into the estuary.

Her data shows that for the most part that the majority of fish in their late developing stage. There are gravid females that are just about ready to ovulate, and then some fish that are post-ovulatory.

What we found from some of our research with aquaculture is that keeping fish in tanks and during the spawning season, they begin to cut down on feedings. So it just makes some sense that you’d get a lot less fish that were in the gravid condition. They’d begin feeding around this point again. So the majority of the fish appear to be in spawning condition and ready to spawn. However, that’s not the smoking gun.

What we also needed to do was conduct plankton surveys to evaluate with anchored nets during flood tides two times per week in both of these estuaries, Port Royal Sound, and Saint Helena Sound, as to whether there were young eggs that had been recently spawned, as well as potentially larvae.

These are locations in the Port Royal Sound. The red circles here where known collection points for the adult book stock or the adult spawning fish, as well as in Saint Helena Sound. We set plankton nets anchored upstream as well as downstream of these sites so that we could potential eggs and larvae. I will mentioned, these are, again, high _____ estuaries, with very little fresh water flow out of them, so we wanted to make sure that it wasn’t eggs and larvae that we’re driving into the estuary on different tides.

The results of this show that during every sample week, we found early stage eggs, late stage eggs, or larvae in the plankton samples. In addition, she reared cultured eggs in tanks at certain temperatures and was able to make comparisons based on egg stage at the temperature that they were found in the wild to determine exactly how old they were. For the most part, everything – the early stage eggs were in the two-hours stage. So we knew that they had been recently spawned, and that, indeed

they were using the estuary as a spawning aggregation.

In addition to the histological work, we wanted to estimate survival and mortality. We conducted some age validation studies in the lab with tagged fish, with oxytetracycline marking as well as tagged fish recovered from the wild that allowed us to determine that these rings were indeed annuli. We used the basic age composition and catch frequencies to evaluate some estimates of annual survival and annual mortality. We started collecting animals in 2005 through 2009 and you can see relatively high survival rates from the animals that were collected in the estuaries. However, in addition to that, we were able to determine that they were very strong recruitment year classes that could be identified in the population.

You can see here the component of the 2007 year class is primarily three-year-old fish that recruited to the fishery. So 82 percent or so of the fish collected were three-year-old fish. And you saw that again in the following year, and then again in the third year, in 2009, suggesting that the fish are not immediately harvested to a point where they're not available in the subsequent years.

And we have some cohort catch curves here that just show the magnitude and the differences of these year classes, this being the 2004 year class, which is identified as a very strong year class with 73 percent survival and just a 27-percent mortality rate. This does beg the question even though we understand that these survival rates may be high with in-shore aggregations in known areas in high fishing pressure, South Carolina Department of Natural Resources as well as lot of the stakeholder groups are worried about what could be this hyperstability concept and that the fish are – there's a possibility that they could be over-fished and we wouldn't detect it.

So at that point, we would want to identify what is the appropriate management unit for this species. Currently, they're managed as if it's one large stock rather than any in-shore aggregations. We know that they have this high movement in the Southeast US and into the Gulf of Mexico. But based on off-shore aggregations, there's some suggestion of perhaps a distinct population segment that utilized different estuaries along the coast.

Now we initially focused our research in simply the two estuaries in South Carolina. Though as we've conferred with various colleagues around the United States, in Virginia, North Carolina,

and even Florida, that they also had detected some movement of fish into estuaries in the early parts of the year.

With this preliminary indication of estering fidelity, the distinct population segment is considered separately as a localized in-shore fishing population – in-shore population that could succumb to high fishing pressure.

The next component that I'd like to talk about is this genetic component, fisheries science has moved in an interesting direction with the use of microsatellite tools and genetic tools that are available to us. Tanya Darden, who is our geneticist at South Carolina DNR, has developed multiplex groups of a number of loci that were developed in John Gold's lab and it was published in *The Renshaw* at all Paper in 2005. We know that these markers are inherited in Mendelian fashion and they meet Hardy-Weinberg equilibrium. There's no relationship between the markers. And we have confidence that we can identify a fish at a very, very high probability; 9.7×10^{-12} is the chance that you would mistake one wild fish for another wild fish.

We partitioned our data to look at offshore areas. These are offshore reefs about eight and a half nautical miles offshore, to these in-shore spawning aggregations. We collected samples within the same three-month time range because if you're going to look at an individual in-shore group that is widely dispersed around the ocean, you're not gonna determine that there's any differences or any structure with the population.

So this is the temporal component that I was talking about and that you need to evaluate fish in their in-shore spawning aggregations simultaneously with an offshore aggregation, or where they're collected off-shore.

So we counted on cooperating anglers and DNR staff and collected samples April through May. We genotyped all our field samples. We aged them by otolith so that we'd have some information on age structure as well. And in just in 2008, we collected samples from the Virginia, off of Florida, off of North Carolina, and then in-shore/offshore South Carolina. And what we found was genetic differences between the South Carolina in-shore and off-shore populations, suggesting that this is a distinct spawning aggregation and has a distinct genetic component to it.

What we have found that there is little isolation – obviously with a

coastal pelagic species that's widely dispersed, you would expect no structure. However, there was structure, but little isolation, suggesting there's some gene flow among the populations or segments of the population ;however, they're not completely isolated.

Now we compared Florida, South Carolina, and North Carolina, and the offshore groups were not distinct. They were all fairly similar genetically. We compared Florida and North Carolina, but the samples that we collected in – I'm sorry, Virginia and North Carolina, but the samples we collected Virginia were not within the temporal phase that we wouldn't potentially distinguish them from the North Carolina group. And what I mean when I say that is if the fish come in for three finite months and spawn and then leave and mix with the offshore groups, then you're not gonna notice that there's any genetic structure or distinctness to the population.

Now this is 2008 is sample year; 2009, we have just being to process all of our genetics. We should have some into soon. But what this might suggest is that this in-shore aggregation is serving a spawning function. It has genetic structure. We see fidelity. We see plankton samples and histological evidence that verify that it is, indeed, a population, and it may be under a specific fishing pressure targeted on a spawning group. Again, we have to verify and evaluate over the next couple years what the temporal influences are in terms of mixing of the population.

So we have some challenges cobia management. With this limited knowledge on the life history and migration patterns along the entire southeast coast and limited accessibility as we all know, a sampling offshore and even near-shore has gotten very expensive. Getting adequate sample size has become somewhat problematic and it's something that we're endeavoring to work with private groups, commercial fishermen to increase our sample sizes.

If the primary fishing pressure occurs in-shore where the aggregations are present, it could imply the potential for over-fishing of a specific reproductive pool to – while the fish are on spawning grounds and highly vulnerable. If it occurs offshore where aggregations are not present, then the effect would be less over the population as there would be a significant amount of mixing occurring.

Ultimately, the data for cobia are poor in that there's a limit

amount of information because of sort of incidental catches. Berns _____ thought marine lab did a significant amount of work over a large geographic area to evaluate the cobia population; however, they had very small sample sizes. And, again, there was no temporal component to it.

Erik Williams did an asset of cobia in the Gulf of Mexico in 2001. And he put together a lot of the available information that was around at the time. The information of the time suggested they were not genetically distinct groups; however, with these new high-powered microsatellite markers that allow a tremendous amount of resolution. We get more information about the subtleties of the population.

He also found that they rarely gather in large numbers. Based on the available information at the time, that was case. However, we know now that they're available to fishing pressure when they make these in-shore aggregations.

His final conclusions with his assessment was that there was a great deal of uncertainty associate with it. And, again, it's due to the limitation of the data. Ultimately, South Carolina will move forward in collecting additional information to get better values for growth and survival, mortality, morphometrics, age at maturity, sex ratios, the fecundity estimates, the longevity of the population, and continuing our genetic work to identify some of these nuances about the populations along the coast. And with that, I'll take any questions. Thank you.

George Geiger: Any questions? Thank you for a very thorough and complete – Margot . Margot , you're gonna have raise your hand real high 'cause not only am I deaf, but I'm going blind.

Margot Stiles: Thanks for your presentation. I was just curious if you could speak a little bit more. I'm not sure I understood the difference between the Virginia and North Carolina sample sort of populations.

Mike Denson: Sure. I'd be glad to. Let me go back. Sort of my point with this, the Virginia and North Carolina populations was the timing when the samples were collected. We've known for some time and we worked with some folks up in Virginia, Mike Austerling and others, and have known that cobia enter the Chesapeake in the May, June, July timeframe.

We also know that they move into some of the areas of North

Carolina at the inlets. And it's been suggested that similar to us that they're spawning. However, when the samples were collected in North Carolina, it was late in the season and chances are that the Virginia fish were already moving out of the estuary on part of the migration so we could have intercepted fish from Virginia mixed in with the North Carolina fish which wouldn't allow us to determine that there were any differences.

Margot Stiles: Thank you.

Mike Denson: You're welcome.

George Geiger: Wilson?

Dr. Wilson Laney: Thank you, Mr. Chairman. I'm not on your committee, but I'll ask a question anyway. Michael, you said that there was evidence of fidelity which I presume's coming from tag returns, right?

Mike Denson: Yes.

Dr. Wilson Laney: Have you all looked at – done any otolith microchemistry work to see if there's any chemical evidence for fidelity of the certain estuaries similar to what Cynthia Jones has been doing with wheat fish up at ODU, I guess?

Mike Denson: No, sir. We haven't done that. We actually were working with a group that was interested in looking otolith microchemistry, and cobia came to mind as a really good species for that purpose. We just haven't got that far yet.

George Geiger: Red.

Red Munden: How many fish were sampled in Virginia and North Carolina?

Mike Denson: Virginia, 36; North Carolina, 84.

George Geiger: Is that it, Red? Ben.

Ben Hartig: Yeah. One gee whiz question. Is there any lunar component to the spawning?

Mike Denson: Excuse me, sir?

Ben Hartig: A lunar component to the spawning as far as new or full moon? Have you looked into that?

- Mike Denson:* We haven't looked into it. Although, we've definitely been told that there may be some component to it. The first thing that somebody who looked at this presentation yesterday as was, "Was there a full moon when you got all those eggs and larvae in the estuary?" we hadn't had a chance to look into it.
- Mike Denson:* The other thing we see is that although those areas are certainly areas where they do aggregate and spawning does take place, all up and down the entire South Atlantic coast. We see it in Florida at the same timeframe that you're looking at. We see hydrated eggs and cobia at that time. It's an interesting – it's very interesting that _____ fidelity you've got.
- George Geiger:* As I said earlier, a presentation – not this presentation, but a different presentation was made to the AP, and there were some requests made in that presentation, and we have, Robert, I believe you're concerned on both the recreational and the commercial component. Would you put up the motion that were made at the AP? Give everybody a chance just to take a look at those motions that were made.
- [Background Talk]*
- George Geiger:* Yeah, and No. 15 16 were the only two that really wound up to be approved. And I guess then my follow-on question, Robert, to you and your staff would be, "What is it you're really looking for us to consider for you guys, if anything?"
- Robert Boyles:* Thank you, Mr. Chairman. First of all, I appreciate the opportunity, again, for us to make this presentation, not only here to the advisory panel.
- I think from South Carolina's perspective the fishery appears to be somewhat unique. I think our data suggests the commercial fishery is rather limited in South Carolina, on the order of 5,000 to 6,000 pounds reported landing annually. The real concern we've got is the growth in the fishing pressure these estuaries are receiving in the May/June timeframe, and folks have spoken loud and clear. So from our perspective, what we're looking for is an opportunity for us to perhaps control that fishing pressure during that time that these fish appear to be aggregating in a way that we can protect these things long-term.

George Geiger: Now so the aggregations you're looking to protect occur in state waters. Why would your DNR not have the authority to close or make whatever management decisions were necessary to protect those stocks?

Robert Boyles: Thank you, Mr. Chairman. I'm gonna look to David Cupka for some help here. In the past, the state has gone on its own with respect to the dolphin fishery. This is before the adventure of the Dolphin Wahoo Fishery Management Plan. The state acted unilaterally in acting I believe it was trip limits, both recreational as well as commercial limits, as well as the commercial quota. Circuit court in South Carolina found that the state did not have jurisdiction over a fish that was managed under the MSA. So we're kinda hamstrung. And I'm gonna look to David for at least an affirmation that it's kinda the quandary we find ourselves in.

George Geiger: David.

David Cupka: Yeah. That's true. I remember having to testify on that and we were kinda disappointed that we lost that. But we did get some legislation through that we call our federal consistency legislation where the state of South Carolina automatically tracks federal regulations that are posed with thorough the Magens Act or the Atlantic Tuna Act. So I guess one way that we could approach this was this – if the council were to take some action then it would be upheld within that state orders. But I don't know if the council wants to move in that direction 'cause it's kind of a limited situation. And it's this one area we're really concerned about. And it is primarily in state waters. But I think – I don't know whether a state's really nothing be able to deal with it – for this body to take some kind of action that would apply within our state waters.

George Geiger: Mel?

Mel Bell: Thank you, Mr. Chairman. One other thing to keep in mind as we use the term in-shore and offshore _____ offshore, but that three-mile line. Keep in mind these fish are coming from somewhere, there fish don't recognize that jurisdictional boundary. We have artificial reefs and buoys and other things that – fish on that are just on the other side of that three-mile line. So what – if the council were to take action on this, David mentioned, one thing, it would automatically become state law . The other thing is it would provide equal protection for these fish as they transition across that three-mile line, back and forth.

And the state has an interest in the artificial reefs that are just on the other side of that three-mile line where the fish are targeted. So it's not as – legally, there's a distinction, but they don't clearly necessarily stick to that exact three-mile line. So what this would do is provide an integrated state, federal approach to this, recognizing the overarching management authority of the council and allow for us to provide protection for those – an additional degree of protection for those fish while they're there performing that very necessary function of spawning.

George Geiger: Yeah, and Brian, I have your hand up. If I could, let me defer to Gregg and have him bring up our decision document to see what we have in the document on cobia. It might answer your question, or take it from there.

Gregg Waugh: Thank you. This Attachment 2 from Mackerel, and I've got the Atlantic cobia. This is PDF Page 26. What we have to do for cobia is set on some either manage it as one group with the Gulf or separate it into two migratory groups. And what we've got laid out is options for us to consider, or a couple of alternatives that offer two different boundaries, one at the Dade-Monroe County boundary line, the other at the Council boundary line.

Then we will have to set the MSY,OY,OFL,ABC,ACL which we've called tax in the past, allocate it, and then set the annual catch targets for Atlantic migratory group cobia, assuming that we do split it. Then we have to set accountability measures to make sure that those limits are not exceeded. And then we have to set our management regulations to address – to ensure that those annual catch targets are not exceeded.

And Option one show what's in place now, a 33-inch fork-length, a minimum size limit 2 cobia per person bag limit, and that applies to recreational and commercial. Florida state regulations only allow one per person. There's a one-day possession limit. They have to be landed with heads and fins in tact. Charter and head boats require a permit to fish for coastal migratory pelagics. And then we've got our AP recommendations folded in where what they have recommended we look at is just for South Carolina –

And let me just back up a second because I think it was instructed to hear them talk about this at least at that stage after hearing just the South Carolina presentation, that they weren't interested in looking at region-wide changes, but they did agree that, yes, we

have a separate situation in South Carolina where there are more vulnerable. So they approved a motion looking for South Carolina during the period April 15 to June 15, just for the recreational fishery to consider either a one-fish bag limit, a two-fish bag limit with a 39-inch size limit, or one fish and a 39-inch size limit. And they also approved no sale of recreationally caught cobia.

So that's what we have from our AP right now. And we've got other alternatives in there that look at reducing the bag limit. Spawning season closure. This should be spawning season areas, and establishing a boat limit. And we have farther into our decision document, the issue of addressing the sale of cobia.

George Geiger: Brian?

Dr. Brian Chevront: Thank you, Mr. Chairman, as I understand it, South Carolina's question is they're concerned because of the problems that they ran into with dolphin management barrier. And I thought what they're proposing here is something that's more restrictive than what is currently in place under federal management. And I thought states could do that in state waters and didn't necessarily have to go back to the federal plan for that. I guess I kinda see the dolphin issue as being something different than this.

George Geiger: Robert.

Robert Boyles: Thank you, Mr. Chairman . I'm not on the committee, and I'm not an attorney. So y'all bear with me. David, again – I did not stay at a Holiday Inn Express last night, either. My understanding of the whole issue that the dolphin issue hinged on the fact of primary jurisdiction, and also a barrier to inner-state trade, and unequal protection. Monica, I don't know what the term is, but there three elements to that suit. It was brought by the complainant in the dolphin case that based on our read may apply if we acted unilaterally with here with cobia as well.

David, is that your recollection?

David Cupka: Yeah. Correct.

George Geiger: No, Robert, do the actions who we've got up on here on the screen satisfy your –?

Robert Boyles: Yes. I think that's a good suite of options that we would be very interested in seeing.

Male: What's the _____ 16 _____? Is that it?

George Geiger: Is there more that you want?

Robert Boyles: I think this is – if we could get this out and scope it, I think it would be very helpful.

George Geiger: Dr. Crabtree.

Dr. Crabtree: I would like to ask that Monica dig up that judge's decision and let's have her take a look at it. My recollection was that some of that involved a trip limit on commercial vessels that was to be applied even if they caught the fish in the EEZ. So that's one situation. But it's hard for me to imagine a situation where the state couldn't come in and say, "We're gonna have a lower bag limit and stay in state waters in this area." So I'd like to understand the legal implications of the judge's decision a little bit better.

George Geiger: And, Monica, to that point.

Monica Smit-Brunello: I'd already spoken with Robert off the record that I was going to talk with the DNR or attorney general, however that's structured, attorneys in South Carolina and see if we could work through some of the potential problems and solutions. 'Cause I agree with Roy, it would make sense that you ought to be able to set a bag limit, or even close certain areas within state waters.

George Geiger: Go ahead.

Robert Boyles: Keep in mind, we legislate everything in South Carolina. It's just the way we're structured. As I've said before, there's no imperative that our law be constitutional –

[Laughter]

Robert Boyles: – unless until they are adjudicated. That's, of course, what that third branch of government does. So think that's what – granted, this is a rather unique situation. But we're looking for a path forward on this one, and this I believe will get us there.

If there are some ways that we can move to deal with our issue by going back and doing things in South Carolina, believe me, I think we could do that. And I think our elected officials have expressed

interest in doing that as well. But at our request and at our urging, they have held off on that. Again, under our impression that this was the body that needed to act.

George Geiger: Mel, did you have something to add?

Mel Bell: Yes, sir. Just one more point from a practical standpoint for law enforcement. Again, the fishery itself kind of moving across that state and federal line and into state waters, the consistency of the law, federal to state, makes it much, much easier for law enforcement. They beg us any time we can to have that consistency in place that we try to achieve it because if you don't then they run into problems when tickets go to court and people wanna challenge it and you can't prove which side of the law they actually – line they actually caught that fish on. So there is a practical component to this for law enforcement.

George Geiger: Thank you. Gregg.

Gregg Waugh: Yeah. Just to remind people, there's two components to looking at changes in management measures. One, we've got the identification of an issue where we have an aggregation for spawning that makes these fish very vulnerable. But separate from that, we're gonna have to set these new requirements. And if you think back to the SSC's presentation on their control rule where you don't have assistant and have high uncertainty, you're likely to have an ABC something on the order of 60 percent of average recent landings.

So then we have to allocate that and then we will be looking at, "Well, does our existing management measures, are they sufficient to keep us below that?" So it's not just looking at changing management measures because South Carolina's identified and issue. We have to look at that anyway. Just wanted to make sure that was clear.

George Geiger: Okay. So I then I see this, there's no requirement for us to take any action at this meeting on this particular issue. It will give Monica an opportunity to research the legalities of it. Robert, you've addressed the issue to the council. We're all cognizant now of a problem within South Carolina identified by both user groups. And we can take it up next meeting, I guess. Ben.

Ben Hartig: I would just like to add one thing.

George Geiger: Yes, sir.

Ben Hartig: South Carolina's problem with cobia is significantly different than what you dealt _____. I'm sorry. The problem is significantly different with cobia than what you dealt in dolphin in Wahoo. Dolphin in Wahoo was a federally – all your fishery occurred in federal waters. In South Carolina with the cobia issue, it is all within state water, with the exception of what Mel's talking about where you have fish – your fish are caught offshore. Florida makes different rules. We'll take an example of amberjack. And amberjack federal closure is April.

In Florida, it's March, April, and May. Yeah. It's three months. So if I'm fishing in federal waters and I have – in months other than April and I have an amberjack trip limit that I'm coming in with, I can't stop in state waters and fish. I have to continually go to the dock with my catch and unload it and then come back offshore. So any of those rules you could make could be enforceable in that area. I mean, if you went to a one-fish bag limit it would be enforceable in that area if you had the provision that you couldn't – you had to continuously move from federal waters – you could not fish in the state waters. So it is – the state has made cases.

They have made cases on amberjack fish, and that is occurred in state waters. So that is an option for South Carolina. And – as this was such an interesting presentation to see the fidelity sites and the Chesapeake and in your area. And this council, I don't know if you've had a presentation on Riley's Hump in the past, but Riley's Hump is a really exciting example of what can be accomplished with a site-specific spawning season – spawning management closure-type deal.

It's phenomenal what's occurred there, and the council needs to be updated on that. I mean, you've got a suite of species now using that area to spawn so these – when you can tie it down specifically to these regions and not have the region-wide reductions, it's so much easier for the public to deal with.

George Geiger: Robert?

Robert Boyles: Hey, Ben, thank you for that. I just – what I – just to be clear, what I've told people, there's no lesson in the second kick of a mule. We had to sign off – I had to do a check request to pay the attorney's fees in the midst of the first budget crisis when we lost

the dolphin case. And so you understand my being a little shell-shocked and wanting to move the correct way. So I appreciate y'all's decision in letting us bring this information to you. And, again, we are interested in moving forward the correct way, whatever it turns out to be. Thanks.

George Geiger: And I think we'll have an opportunity to do that as we move through this amendment. Robert, we've heard loud and clear your request. Anything else on this issue? Okay. That brings us down –

[Beginning of MackCmteCobiaRptMinSep09]

George Geiger: – document, Gregg, I believe.

Gregg Waugh: Yes, and what we've done here is fold in all of our AP motions under the relevant items. And, again, this is a joint amendment with the Gulf. The Gulf is starting their scoping process next week. Some of our fishermen will certainly be commenting during that scoping process. So I don't know that we want to go ahead and take any action here at this time.

Similar to spiny lobster, at our December meeting, we'll have the results of scoping process. I think that's a more appropriate time to start giving some guidance on these alternatives.

George Geiger: Yeah, I think that's sage advice. Is there anybody have any objections to taking that course of action? Seeing none, I think we'll move ahead and capture that as under our motions per moving timing and task. Thank you, sorry. Okay, that bring us down to other business, I believe.

Male: Yes.

George Geiger: And the first issue we have on the agenda, Ben, if I may, we have a listed agenda item under other business. It was the gear buoy type or buoy gear request that came in from the fishermen in North Carolina.

Gregg Waugh: And this is Attachment 5, and I know this was discussed by our law enforcement advisory panel. And I think Bob is going to give some information on what the law enforcement AP considered. That information is also included, and I'll pull it up here in a

minute, under Attachment 1, under your law enforcement committee materials.

George Geiger: I assume everybody's had an opportunity to read the letter from – that was addressed to the council. Bob, you wanna tell us about the law enforcement AP recommendation concerning this? Does anybody any questions concerning the letter or type of gear that's used? Apparently Mac Currin has researched in North Carolina in an attempt to find out how many people are currently using that type of gear. Brian.

Dr. Brian Chevront: Yeah, I was working with our port agents and law enforcement folks to find out about how many folks are on this and there was – Mac was included in the e-mails on this, where we specifically asked about endangered species encounters with this gear and how many people are actually using the gear. It's really probably no more than a handful of people. And according to our law enforcement captain who's in charge of that district down there, as well as our commercial port agent for that area, they have seen no reports of any endangered species interactions with gear, 'cause it's such a small handful of folks doing it.

George Geiger: Yeah. And currently in the amendment, it specifies what types of gear are, in fact, authorized. This specific gear that the gentleman is requesting is not listed as approved gear.

Dr. Brian Chevront: Yeah. And related to that, sort of oddly enough that in North Carolina if you're fishing above Cape Hatteras, I believe, the rules state what you cannot use. But south of Hatteras, it says what gears you can use. So this one has to be listed as an allowable gear if we're going to allow folks to do this.

George Geiger: Bob.

Bob Mahood: Yeah, that was one of those regulations that was worked on late into the night, I think. Gregg and I put our heads together and tried to figure out why we did that, and I think it was relative to south of Cape Lookout Light, the use of gill nets in Florida in particular, is why that was written. But bottom line is what we do in these regulations is we specify allowable gear. And north of Cape Lookout Light all gears is allowable except the gill nets that are listed.

And I think, Brian, the reason was them like that also is north of Cape Lookout Light, they use more a set net for king mackerel as I

recall, I can't – what do they call it a stab net or what it was back then. And the council felt that legitimate gear that been used in the fishery. South of that line, its specified specific gear that was allowed. Now Mr. Hickman, unfortunately fishes south of Cape Lookout Light and so the buoy gear, which also I provided copies of the different definitions in the regulations, and it's very clearly to me its buoy gear.

And I've talked to Mr. Hickman. He originally – I think the query started some young coast guard guy stopped him out there and said, "I don't think you have legal gear," and then it kind of went on from that. And we then did some research. The Law Enforcement Advisory Panel talked about it and felt, yes, looking at the regulations that was buoy gear and not legal south of Cape Lookout Light.

Now the question is there any problem with making that allowable gear. And if the council determines to go ahead and make it allowable gear, what would be the most expedient way do that. And I think that's a decision the council will have to make.

Now Mr. Hickman claims there's like 35 people that use that gear, and he's been doing it for 35 years, I think he said, so 35 is the magic number. But I asked him about interactions. I said, "Please tell me you've never caught a sea turtle on one of these," and he said, "Oh, no. I've never caught a turtle."

Anyway, I guess it's up to the council how to deal this. I don't remember and Gregg does not remember, and I'm not sure if David or anybody else – if Susan was here, she maybe remembers, but I don't believe we knew about this gear at that point in time, or we may or may not have addressed it.

George Geiger: All right, I've Duane, Brian, and Rita – or do you have something to that point?

George Geiger: Okay, do you mind Duane?

Duane Harris: No, 'cause Bob asked my question.

George Geiger: Okay.

Dr. Brian Chevront: And to add to the confusion, one of the allowable gears south of Lookout is hand line. And, unfortunately, that is the term that the locals use to describe this gear. They call it a hand line. So when

they saw that in the regulation, they thought that that was an allowable gear for them. When Mr. Hickman's crew was stopped by the Coast Guard guy which brought this whole thing up, he was actually in state waters. And state waters don't prohibit the possession of that gear. And so that was part of Mr. Hickman's confusion. But I also if I'm not mistaken isn't that an allowable gear in the Gulf for king mackerel? Does somebody know that?

Bob Mahood: I believe it is, Brian. I believe it's the rights and regulations that they occasionally abuse that gear. Bob, you may know more than that. But it's evidently not used predominantly anywhere in either the Gulf or the South Atlantic.

George Geiger: Rita then Rick.

Rita Merritt: Thank you, Mr. Chairman. I'd been out of town, and when I finally got this information, I made a few phone calls and Mr. Hickman is closer to our general area of the king mackerel fishing. And none of the fishermen that I contacted had ever even heard of this being used in our area.

Another thing that came up was questioning the design of it, hand line versus buoy gear, and the fact that this an anchor attached. And it's not attached the boat, best as I can tell. And I'm wondering does that really fit the same description of the gear of buoy gear that's used elsewhere, because I think that they don't have an anchor and I think they are attached. I'm not sure.

George Geiger: They do have an anchor.

Rita Merritt: – questioning.

George Geiger: Yeah, this is the gears as is described.

Rita Merritt: This one has anchor.

George Geiger: Yeah.

Rita Merritt: Yes. Not hand line.

George Geiger: And I think in his letter he describes that they have 15 pieces of this apparatuses on board. And each one of them were deployed in the manner that's shown here in this picture.

Rita Merritt: Mm-mhmm.

George Geiger: Not connected. Independent.

Dr. Brian Chevront: His confusion was that it's hand line gear because the retrieve the gear by hand.

George Geiger: Red.

Red Munden: Thank you Mr. Chairman. When Brian first sent me an e-mail asking if I was familiar with this gear, I responded that I never heard of it and was not aware any fishermen that was using this gear. This is the first time I've seen this sketch. And putting on my Atlantic large whale tag reduction team hat, this gear would of concern to the tag reduction team. I believe it would require a weak link between the buoy and the line that go down to the anchor. The tag reduction does require weak links and pots, pot buoys, line, gill nets.

And the idea of a week link is that the anchor has to strong enough – and I think for gill nets is 22 pound _____ anchor – so if a whale becomes entangled in the gear it can break free. And in this case, this would just be more that would be trailed by a whale. You're looking at Northern white whale habitat, and so this would be of concern from a tag reduction team standpoint. And, also, the focus of the most recent tag reduction team meeting, which was in April this year, is to remove vertical line from the water. And they're trying to look like allowing crab pots to be set, or pots in the southeast area where you put several pots on that are attached together. The northern for that is a trawl. But you set several traps on a trawl with one buoy line going up instead of individual lines.

So just wanted to make everyone aware this would be a concern from a protective resources standpoint. All right.

George Geiger: Alright. We've had a lot of discussions on this and we've got three options. Number one, is we can have the framework action and adopt – include this action via framework into our amendment. We can include in the amendment – Amendment 18, is that right, Gregg? And the other option is to deny Mr. Hickman the use of this type of equipment for all the reasons that we've heard and discussed around the table this morning. And it's up to you. What is the pleasure of the committee. Duane, and then Ben.

Duane Harris. Thank you, Mr. Chairman. I'm not inclined to at this point in time approve any more buoyed gear that's going to cause problems and

interactions with protected species. I just – I don't see that right now. So I would recommend that I would move that we not – the council not – **the committee not recommend to the council the approval or amendment to the plan that would approve this gear that's been requested by Mr. Hickman.**

David Cupka: Second.

George Geiger: Okay. We have a motion on the floor to not approve this gear and, a second by Mr. Cupka. Is there any discussion? Ben.

Ben Hartig: Yeah. I agree with the rationale. I would to question Mr. Hickman if the time of the year when he uses this gear – is it a time when whales are in the area? That would be a consideration. The gear to me, from a commercial standpoint doesn't look very effective in catching king mackerel. (*Laugh*) However this man has used it for 35 years.

George Geiger: Brian.

Dr. Brian Chevront: Yeah, I can answer that question. They actually use it mostly October and into November. That's when they're fishing it. And he was asking me about this saying that he would like for the council to make a decision because they need to start getting their gear ready.

George Geiger: David.

David Cupka: Yeah. That's what I was going to point out. It was my understanding this was kinda of a fall, late fall type gear, which is about the time those whales are moving through and starting to head down to the calving grounds in Florida. I think there's a lot of potential there for interaction, is another reason why I supported not approving it.

George Geiger: Any further discussion? Is there any opposition to the motion? We have one opposed. **Motion carries.** And I guess we'll direct staff to write an appropriate letter to Mr. Hickman that his application for gear modification to our mackerel amendment was considered, discussed, and denied. Yes, sir, Mr. Chevront

Dr. Brian Chevront: I would – in the letter I would also like for them to say why it was denied, and that if they modified the gear to include some kind of a breakaway line on that anchor or something, it might be a possibly allowed gear or be reconsidered or something. If I'm not

mistaken, that was reason folks were saying that it's was the entanglement issue. And if there was a way that the potential for entanglement could be reduced, then that might remove that impediment that allow this gear to be used in future.

George Geiger: Yeah. I think that clears it up and I assume that we would explain the rationale why we had disapproved that. Certainly Mr. Hickman is free at anytime to come any apply for application for use of a specific type of gear. And if it has the weak link it, it might be different. Duane.

Duane Harris: Well to that point, there's a lot of gear out there right now, entanglement gear that has weak links. And just because there's a weak link doesn't mean that a marine mammal's not going to be entangled in that gear. So I wouldn't necessarily agree that if he got – I wouldn't want to lead him down the path if that if he proposes a gear with a weak link as part of it, that the council would reconsider and approve it. I just have a problem with that kind of gear being in the water when the whales are moving through.

George Geiger: Yeah, and that's a good point. There would be no intent here to try and lead him down the path to believing it would be approved. David.

David Cupka: I agree with Duane, I mean, just the fact it has a weak link doesn't mean it works. Some of that gear out there, I think, has a weak link because it's required to have weak link. But if there's not enough tension on that, if the anchor isn't big enough, whatever; a weak link isn't going to work.

And some of those crab pots out there, I doubt the weight of the crab pot and the way it's anchored is enough to cause a weak link to break. You have people using them because the law requires them to. But I suspect the same thing in this, it just wouldn't work; a weak link wouldn't work.

George Geiger: Bob.

Bob Mahood: Yeah, we're getting mixed signals now. We get – we don't want to put in a letter that if adjusts the gear to put in a weak link and then comes back to council, he may have an opportunity. I think we need to decide one way or another what we tell him. I hate to lead him on thinking that he can develop the gear to have some

sort of a weak link as specified by Protective Resources, and then come back to the council and told him no that won't – that's not going to do it. We can get little more definite direction on what we should put in the letter.

George Geiger: Charlie.

Charlie Phillips: Would it matter if the gears constantly tended or not so – I don't know. I'm just throwing this out because I think if a whale hits in that treble hook catches the whale before the wink link, it's going to be there.

George Geiger: Bob.

Bob Mahood: Yeah. They don't tend them, Charlie. They put out about 15 of these rigs, as I understand. And then go between them with the boat. I don't know how far apart they put the rigs, whether they're in close proximity to each other not. But they put them out. It's kind of like if you've ever fished for catfish with a jug in a lake. I mean you put out, let the catfish bite and go back and get him later.

George Geiger: Based on what I hear then, we need to write the gentleman a letter, explaining to him the fact that his gear request was reviewed, discussed, and disapproved, and that the rationale for doing it, and just leave it at. Any objection to doing that? Does that give you clear enough guidance, Bob? And I know your velvet knife will take care of it.

Bob Mahood: That's going to be tough because Mr. Hickman and I have become telephone buddies and so – I mean, he's sincerely – he's a sincere fisherman. He's trying to use his gear. And I don't know many people really use it, or how long he's been using it, but –

George Geiger: I would suggest seeing how you talk to him often enough, you might want to direct him to Ben Hartig and that might be able to give him a better methodology to king mackerel.

Bob Mahood: I'd be happy to talk to Mr. Hickman.

George Geiger: Any other business? Ben you had an item. *(Laugh)*

Ben Hartig: Yeah, there's been a problems come up in the Spanish mackerel gill net fishery that curves off the cape in the early fall. It just

came to my attention the week before I came to the meeting. One of our fishermen – well I tell you what happens, is they have two nets on board. they go out, they guy sets the nets. They put the nets on board. If the nets happen to have more than the allowable catch that they can have on board, the net is cut. Another boat picks the net up, puts it on his boat.

And according to the law enforcement, there was a violation because he had three nets on board with a piece of the other guys net. The net on board had the other mark guy's markings on it from the other vessel. He was written up for this. It's a common practice; it's done a lot. What it does do, it decreases tremendously the amount of bi-catch in this fishery because the nets on the other boats won't have to be put overboard. So you won't have by – you reduce bi-catch by actually going up and grabbing someone else's net. So that's –

George Geiger: So when those fish are landed, the net that belong to the other boat, the fish are counted to the person who accepted the net on board the boat.

Ben Hartig: Yes. Yes, that –

George Geiger: And it constitutes part of his trip –

Ben Hartig: It's his trip limit for that day.

George Geiger: Trip limit for that day.

Ben Hartig: It could be, if this not allowed, a situation where a fishermen cuts his net, goes back to port, leaves a ghost net in the water, comes back out to retrieve that net later. That's a problem that could develop which we certainly don't want to see happen. I'm just looking for some way to rectify this problem by allowance of having a partial person of net with other vessel markings on it on board a vessel, in addition to the two nets that they're already allowed.

I know, it's gets cumbersome and it's problematic, but this is a common practice, that has been done in the gill neat fishery ever since trip limits was put in the gill net fishery. And they do it in the Keys with king mackerel now, also. But that's a Gulf consideration.

George Geiger: Yes sir.

Dr. Brian Chevront: Well I'm not on the committee it sounds like the tripling that's partly are creating this problem. Do we really these trip limits or would review the trip limits while we're at this?

Ben Hartig: The problem with the trip limits is the fish houses don't want any more fish than what the trip limits allow now. That's the problem you run into with the trip limits. You bump against what – the mackerel fishery has over time has become a fresh-market fish, so if you put more fish on the market, you're going to create the glut, at a lower price. The fish houses have been actually in the last few years – last year with the economy, the actually said you can only catch so much a day which was lower than trip limit that the council had.

So that's being taken care of. The fishermen get into another problem where you can only bring in 1,500 pounds instead of 3,500, so then you have to even take that into consideration. It is a problem, and I think it does need to be addressed 'cause this fishery – it has been part of our mackerel fishery and an important part of our production for that time of the year since the net ban went into effect. And even before then, the cape was an area where they had fished these mackerel.

George Geiger: Duane

Duane Harris: I guess the only problem I would have with crafting a new rule that allows this is the potential for fraudulent labeling of a net that's owned by another person. Is there a way that a label could be crafted that could not be reproduced in such a way – or would be so difficult to reproduce that nobody would do that? I don't want to see somebody putting three nets on board their boat and having someone else's name on one of the nets just because it allows them to have three nets on the board the boat. So I guess the question I would have is, is there way to do that so that couldn't be done.

George Geiger: Well – no, go ahead, please.

Dr. Brian Chevront: No I'm not family with marking requirements on the nets, I don't how specific it is to the vessel. The vessel names on there, the –

George Geiger: And that very well may be. We could possibly give directions to staff to look at this between now and the next meeting. Certainly

we'd like an opportunity for law enforcement. I know this is catching you blind – and have them have an opportunity to review your recommendation, Ben.

Ben Hartig: That's fine; I appreciate that.

Gregg Waugh: In the decision document, again, which is Amendment 2, PDF, Page 22, we've got management –potential management changes for Atlantic migratory group Spanish mackerel. Now within that, we have actions that look at look at trip limits. We've got the AP has suggested some changes there. We can look at that within the context of looking at how we change our Spanish mackerel regulations to comply with a new annual catch limits.

George Geiger: Ben how often does it occur, do you know? I mean does this like – there a half dozen – I can visualize a half a dozen boats fishing. The first boat sets on big bunch of fish. They cut their net in half; give it to boat number two. Boat number two then has a partial trip limit so he deploys a net. He winds up over trip limit. He cuts that net and give it boat number three. Till you get to last boat who really can't accept any more fish because he already caught a trip limit. Then what do we do?

Ben Hartig: No that's a good point. George. But the fish are not balled up in like they are in South Florida later in the winter. They're scattered **out**. They're in the bait. It's not like the directed fishery that it used to be. It's a straight net fishery. It's not a runaround fishery. It's completely different than the way they used target 'em, which I wish it was targeted fishery, to be honest with you.

George Geiger: Certainly none of us want directed bi-catch.

Ben Hartig: No. and it is a way to reduce bi-catch in the fishery for sure. It's not that big of a problem when you say how many boats do it. It does occur – actually, it happens when porpoise interacts with a net – I mean, or a group of porpoise actually are chasing the fish and more fish hit than normal. That's a lot times when they have problem.

George Geiger: Alright. So is it acceptable to everybody that we give staff direction to look at this and address it at the next meeting? Okay? Okay with you, Ben?

Ben Hartig: Thank you, George. One more thing. Gregg, do we have the gill net endorsement in this amendment or not.

Gregg Waugh: It's listed as an item for our consideration. If you remember we've sort of agreed that we're going to, in Amendment 18 itself, not get into some of these more specific items like that.

Ben Hartig: As long as it's an 18, that's all I need to know

Gregg Waugh: Yeah. It's in there now.

Ben Hartig: Okay great.

George Geiger: All right thank you. Any other business? All right it brings us down to timing a task motion, Gregg.

[Beginning of MackCmteTimeTaskMinSep09]

Gregg Waugh: And what I have – the one motion we did approve was send a letter Mr. Hickman with your rationale for not recommending that go forward. The other was you are okay with the AP – adding the AP actions in the decision document. We will bring the decision document and all the scoping comments to you at our December meeting. We will also look at options to address this Spanish mackerel gill net issue that was just discussed. That's what I have as direction and timing to –

George Geiger: Two other staff actions. Number one would be for law enforcement, Otha. Perhaps could you independently begin looking at this particular issue and how it applies to law enforcement in terms of complexity or confusing the issue and be prepared to talk to Gregg about that for the next meeting? And the other issue is Monica was going to research the South Carolina dolphin versus cobia, and how South Carolina manages those fish. Right, Monica? Is she over there? No. Alright, we got it. Any others that anybody remembers? Okay. any other business? Seeing none, that concludes our business, Mr. Chairman.

(Whereupon, the meeting adjourned at 12:30 p.m., September 15, 2009)

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SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COMMITTEE

Charleston Marriott Hotel

Charleston, SC

September 15, 2009

TABLE OF MOTIONS

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