

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **MACKEREL COBIA COMMITTEE**

**Town & Country Inn  
Charleston, South Carolina**

**September 19, 2019**

### **Summary Minutes**

#### **Mackerel Cobia Committee Members**

Steve Poland, Chair  
Anna Beckwith  
Mel Bell  
Dr. Roy Crabtree  
Jessica McCawley  
Dewey Hemilright

Spud Woodward, Vice Chair  
Dr. Carolyn Belcher  
Chester Brewer  
Tim Griner  
Art Sapp  
Tony DiLernia

#### **Council Members**

Dr. Kyle Christiansen  
LCDR Jeremy Montes

Chris Conklin  
David Whitaker

#### **Council Staff**

Gregg Waugh  
Dr. Brian Chevront  
Julia Byrd  
Cierra Graham  
John Hadley  
Kelly Klasnick  
Cameron Rhodes  
BeBe Harrison

John Carmichael  
Myra Brouwer  
Dr. Chip Collier  
Dr. Mike Errigo  
Kim Iverson  
Roger Pugliese  
Christina Weigand  
Allie Iberle

#### **Other Observers and Participants**

Pat O'Shaughnessy  
Dr. Wilson Laney  
Susan Boggs  
Monica Smit-Brunello  
Rick DeVictor  
Frank Helies  
Jocef Santiago

Duane Smith  
Erika Burgess  
CLT James Bruce  
Dr. Erik Williams  
Dr. Jack McGovern  
Dr. Marcel Reichert

Other observers and participants attached.



The Mackerel Cobia Committee of the South Atlantic Fishery Management Council convened at the Town & Country Inn, Charleston, South Carolina, on Thursday, September 19, 2019, and was called to order by Chairman Steve Poland.

MR. POLAND: I will call to order the Mackerel Cobia Committee. It's been convened, and just to run through the membership real quick, because there has been some changes, and so Doug Haymans is no longer with us on the council, and so I have moved up as Chair. As Jessica just announced, we have appointed Spud as the Vice Chair. The remainder of the committee members include Bob Beal from ASMFC, Anna Beckwith, Mel Bell, Roy Crabtree, Tim Griner, Jessica McCawley, Spud Woodward as Vice Chair, Chester Brewer, Art Sapp, Rob O'Reilly as the Mid-Atlantic liaison, even though I believe he has recently retired, and so that might need to be something that we discuss, not necessarily at this meeting, but at some point if we want to fill that seat, and Dewey Hemilright and Tony DiLernia, and so is everyone clear who is on the committee? All right.

The first order of business is Approval of the Agenda. Are there any modifications or any discussion? Any opposition to approval? Seeing none, the agenda stands approved. Next is Approval of the June 2019 Committee Minutes. I am sure that everyone read through them. Does anybody have any changes or any comments or any suggested edits? Any opposition to approving the June 2019 committee meeting minutes? Seeing none, the minutes stand approved. Now we're going to throw it over to Rick DeVictor to provide us a status of commercial catches versus the ACLs.

MR. DEVICTOR: Thank you, Mr. Chairman. Okay. I will go through king mackerel and Spanish mackerel landings, and I will touch upon Atlantic cobia, and so, of course, king mackerel and Spanish mackerel, we have two seasons, the Northern Zone and Southern Zone, and so you can see it on the screen here. The Northern Zone, we're at 11.2 percent, and, with the Southern Zone, Season 1, that's 73.9.

Moving down to Spanish mackerel, we're at 87.2 percent, and the Southern Zone is at 21.4. Let me point out that these are just reported landings right now, and so, of course, we have landings that occur in state waters, and they're not available to the Science Center until the next calendar year, and so this is reported landings and not expanded, because we have closed down Spanish mackerel in the Northern Zone.

MR. POLAND: Rick, I've got a quick question on that. Could you explain a little bit why those landings aren't available to the Science Center until the next year?

MR. DEVICTOR: I know we were asked this before, through Atlantic cobia, and I think I have to look into this and ask the Science Center. I think some of it is when it gets to ACCSP, and the states have more time to report it, state landings, and there's a delay, and they told us that they don't get it until the next calendar year.

DR. BELCHER: Some of that falls to how the states -- Like, for us, I can tell you that we would not tell you that data is ready until three months past, and, even then, it's not finalized until well into the next year for commercial landings. Thanks.

MR. HEMILRIGHT: Why couldn't the data be given out and put the asterisk by it that it's all preliminary? Everybody does it all the time, and what's the hold-back, especially when states have crucial landings, and some states don't have a whole bunch of landings, but some states do, and so why couldn't that be -- Because, when you go through a fishery, and you go to look at the websites and go to look at everything to try to come up with what the landings number are, wow, it's confusing. Not as far as believing, but just the caveats.

I have learned that it is not what it says, and you've got to learn all the caveats to figure out what's being landed, and why couldn't that just somehow do something different, because fishers look. You know, we monitor stuff by going on the webpages, if we can even find it, and going through the new NOAA website, or web thing, is the most confusing thing that I have ever seen in my life, even though it's new, and it would help if there was some way to update it and make it, in big letters, that it's all preliminary and don't go by it.

DR. BELCHER: Kind of putting it in the framework of Georgia, and Mel can probably talk to South Carolina, there is mandatory reporting, but there is not instantaneous automatic reporting, and so like our fishermen aren't found in arrears until ninety days of absentee reporting, and so you're waiting on that, to get everything up-to-date, but, meanwhile, things are still trickling in throughout the course of the year, and so, even if we were to tell you preliminary numbers, there would be like some potentially dramatic swings as you got six months away from that initial request.

You have got the issues with confidential data, and all of the states coming online is more difficult, because every state has different regulations, as to how their programs are done. Like, even for us, where folks are trying to ask about doing electronic reporting and what's your availability through the state to be able to implement something like that, and we can't just tap a one and everybody is doing electronic reporting, and the requirements shift in different -- There is just those issues with timeliness. We can't do everything on an instantaneous speed, but it's more instantaneous than wreckfish is or recreational fishing.

MR. HEMILRIGHT: I think that Rick would probably be able to attest to this, but they know which states produce the landings commercially in state waters or federal waters, and so maybe focus on the states that catch large amounts of fish as you're tracking the quota for that year. The states that don't account for a lot of landings, we probably can look historically and see what they produce, and it's not going to be some big hiccup, but it's definitely got to get some better way of tracking this stuff for the fishers to be able to look at something that's updated and know and have confidence in the landings, even though, like I said, learning the caveats is -- There's a lot to it, but we've got to have some way better. I mean, it just has to.

DR. BELCHER: Mel will probably share the same thing, but we currently don't have a mechanism for quota monitoring. That's the biggest part for us too, and I don't know how we would get to that point. I mean, that's something that we have acknowledged, and federal fisheries are probably more of that, but I think that would take a bigger discussion overall, for us to get to that point of being able to do an actual in-time quota monitor.

MR. GRINER: I guess I'm still a little confused, Rick. If I'm looking on the SERO website, and the Spanish mackerel Northern Zone is reporting 100.5 percent, and it closed on 8/24, and what is

the difference between that and that? Is this some projected numbers from the states, or how does that get from there to there?

MR. DEVICTOR: The 87.2 are the reported landings that have come in. The Science Center expands that for late reporting and state reports that come in later, and so we show on our website 100.5 percent. When we go through our snapper grouper landings, like we did this week, we show expanded, and so, in the future, maybe -- It depends on you and what kind of landings do you want to see. Do you want to see reported landings, or would you like us to report the expansion that goes on, as we do with snapper grouper, because we probably should be consistent between the two reports, and, since we show 100.5 on our website, that's maybe what we should present to you in the future.

MR. GRINER: I think the expanded is what we really need to know, because that's where the rubber is really meeting the road.

DR. CRABTREE: The expanded landings are what we are using to make our decisions on, and that's part of the trouble. We could say they're preliminary, but we're making the decision when to close based on what we have, because we can't wait until all is said and done, because we would be in the next fishing year by then, and what happens with expanded landings is people look at them and they get worked up, because there's a lot of expansion, but, as the fishery goes on, the amount of expansion comes down.

MR. BELL: Carolyn did a nice job of describing the challenges that we both face. I mean, the data is slower. It's a much slower process than electronic reporting on some things, and so it's just -- Then, also, related to -- Yes, you can tag the data as preliminary and asterisk it or whatever, but, when the numbers start floating around out in the world, the asterisk comes off, and, the next thing you know, people are building assumptions about data that aren't correct, perhaps, or incomplete, and so that's the danger in -- With any type of data, you just want to be careful of the numbers that you do put out, because folks can take them and run with them and come up with all kinds of things sometimes, but we do have the same delay and issue.

MR. POLAND: In North Carolina, we do too, and I certainly understand the QA/QC process, but it was just more that I wanted to have a little bit of discussion on the record, because, especially this year, with commercial Spanish mackerel, we received a lot of questions from stakeholders, and I just wanted to make sure that myself and all of us were pretty clear on how these landings are expanded, and I do like the suggestion of reporting expanded landings during these updates, because that is what decisions are based off of. Thanks. All right. Take it back, Rick.

MR. DEVICTOR: That concludes my landings report. I can move into status of amendments, if you would like.

MR. POLAND: Did you say anything about cobia? I might have missed it.

MR. DEVICTOR: We also had a question whether we should be reporting this to this committee in the future, if you would like to see it. You know we moved those regulations to the Atlantic Coastal Section of the regulations, and the council doesn't manage this species anymore, and do you still want to see this in your landings report?

MR. POLAND: From my perspective, if we don't manage it, I don't think we need to bog ourselves down in reviewing the landings. From my state's perspective, we're still very interested in it, but, now that we've got the ability to manage the species through ASMFC, I don't see the need to continue here. I mean, we certainly need to continue to get updates on that east coast of Florida and the broader Gulf landings, the migratory group, but I don't see any reason to.

MR. DEVICTOR: Okay. We have it on the screen, but I will remove that from future reports then. Are you ready for your status update of amendments?

MR. POLAND: Take it away.

MR. DEVICTOR: Okay. We have two to report on. CMP 6, that went into place on September 11, that increased trip limit, and then I know you're interested in the emergency rule, and we submitted that, and that's out of the region and in Headquarters under review, and so we did stress the importance of having those in place to Headquarters, and so hopefully that will move pretty quickly, but that's my update on that.

MR. POLAND: All right. Thank you, Rick. Any questions for Rick? Seeing none, we're going to throw it over to Christina to review CMP Framework Amendment 8, and I think, at this meeting, we're going to review the analysis and go ahead and select our preferreds and approve this to go out for public hearings.

MS. WIEGAND: That is what is on the schedule for you guys. I will start of -- I am not going to spend too much time on the background of this amendment. We all have been over it quite a number of times, but, just briefly, you all remember that you guys finished up Amendment 26, which went into place back in 2017, May of 2017, and, almost immediately, both stakeholders and your Mackerel Cobia AP started expressing some concerns, initially about Season 1 trip limits that they felt were too low, and you guys addressed that via Framework 6, which, as Rick said, just went into place and will be effective come March 1, the start of the new season.

Now we're looking at Season 2 trip limits, and this is what the emergency rule addressed. That emergency rule is going to bump the Season 2 trip limit for king mackerel in the Southern Zone up to seventy-five fish, but that emergency rule will expire a year after it goes into place, and so the intent of this amendment is to make a permanent change to the king mackerel commercial Season 2 trip limits.

Because things have shifted around with Framework 6, it's a little funky for Season 1 right now, and I'm going to focus solely on Season 2. Prior to the implementation of Amendment 26, there was -- South of the Volusia-Brevard line, you had a seventy-five-fish limit in October, and then, after October, there was no trip limit for commercial king mackerel in that area. Once you guys implemented Amendment 26, in Season 2, it became fifty fish from October to January 31. Then, in February, it remained fifty fish unless NMFS determined that less than 70 percent of the Season 2 quota had been landed. Then it would bump up to seventy-five fish.

Let me scroll down to a table I have in here, which is not going to be easy for you guys to read, because I forgot to make it expandable, but this shows the Season 1 landings, the Season 1 quota, the Season 2 landings, and then the Season 2 quota will the rollover that they received from Season 1 landings not being met for the 2017/2018 and 2018/2019 season, and, as you can see, the king

mackerel commercial landings have been nowhere near the ACL or the Southern Zone quota, and so there is a little bit of room for increased landings, which is why you guys sent that letter to NMFS requesting the emergency action.

That is a little bit of background. Like Steve said, we're looking for you guys to review the analysis and review some IPT recommendations and select your preferred alternative and then approve for public hearings. We would have public hearings in the fall, and then, in December, you guys would be able to review the draft document, make any modifications necessary, and approve for formal review, with the hope that we could get this implemented no later of September of 2020, so that, when that emergency rule expires, these new trip limits would be able to go into place.

Here are the draft purpose and need that you guys approved at the last meeting. The purpose is to modify the commercial trip limit for Atlantic king mackerel in the Atlantic Southern Zone during Season 2, which is October 1 to the end of February, and the need is to provide a commercial trip limit sufficient to support fishing activity and revenue opportunity while constraining harvest to the annual catch limits and providing for year-round access. The only note that I have here is that the IPT has recommended that we change the word "modify" to "increase", to really be clear about what the purpose of this amendment is, since we're not proposing lowering the trip limit in any way.

MR. POLAND: Any committee discussion?

MS. MCCAWLEY: Was this the presentation and now we're going to go through the amendment itself or what?

MS. WIEGAND: I can go through the actual amendment document if you would like. The information in the Story Map is the same as the information that's in the amendment document, and I just put together this Story Map as an easier way to go through the information, but, if you would prefer, I can go through the full Word document that we have.

MS. MCCAWLEY: We did have some comments, and I'm actually going to ask if Erika could come to the table and talk about something that she saw in the document.

MS. BURGESS: Thank you for the opportunity to talk. In reading the discussion document and the draft amendment, I noticed that, in several places in Chapter 3 and Chapter 4 and in the regulatory impact review, it says that there was no trip limit for the fishery off of this part of Florida from November 1 through March 31 prior to Amendment 26, and we believe that's a misrepresentation of what was actually occurring, because while -- Before Amendment 26, that area during that time of the year was part of the Gulf stock, and fishermen who were fishing on the Gulf stock still had a trip limit that was fifty fish with a step-up to seventy-five fish, and so it's really misleading to say that there was no trip limit here before the council put in a trip limit through Amendment 26, and that part of the history needs to be corrected, in our opinion.

MR. POLAND: Is that enough direction, Christina?

MS. WIEGAND: Yes, and staff can go back and look through and make sure that the language is clear, based on where the Gulf stock was at the time and those regulations versus the Atlantic stock and those regulations.

MR. POLAND: Okay. Are you going to walk us through now on the -- What is this called?

MS. WIEGAND: The Story Map.

MR. POLAND: The Story Map, yes.

MS. WIEGAND: I would need just some discussion or, if you guys are comfortable with the proposed IPT edits, a motion to change that.

MS. MCCAWLEY: I think we're fine with those edits. Do you need a motion to that effect? **I move that we accept the IPT's edits to Framework Amendment 8, to the purpose and need.** I see a draft motion on the board. **I am suggesting to accept the IPT's recommended changes to the purpose and need statement.** Is there any chance you could put that on the board, because I can't find where these are, and so I can't seem to look at it myself, actually.

MS. WIEGAND: That document was just one that I put together to make it easier to do some of the motions, but I can pull up the full document.

MR. POLAND: Are you happy with your motion, Jessica?

MS. MCCAWLEY: Yes.

MR. POLAND: All right, and we had a second. Any more discussion? **Any opposition? The motion stands approved.**

MS. WIEGAND: Moving into the actions and alternatives, like I said, currently, in Season 2, it's fifty fish from October 1 to January 31, with a step-up in February if less than 70 percent of the Season 2 quota has been landed. Alternative 2 proposes increasing the trip limit to seventy-five fish from October to January, with a step-up to 100 fish if 70 percent of the Season 2 quota hasn't been landed. For Alternative 3, it would bump up to 100 fish from October to January, with a step-up to 150 fish, and then Alternative 4 would be 150 fish from October 1 to January 31, with a step-up to 175 fish.

The IPT did have a recommendation for this, before I get into the analysis. Right now, these alternatives include language that references Season 1, and the IPT is recommending that we just get rid of that language, and so not functionally change what the alternatives are intending to do, but just get rid of that Season 1 language, so that what these actions are actually -- What the alternatives are proposing is clear and we don't have any of the funky sort of what's in place versus what will be in place when Framework 6 gets approved, which has now been approved, but wasn't at the time, but it just makes things a little messy, and so, for clarity's sake, get rid of any reference to Season 1 and just focus on the proposed changes to Season 2.

MS. MCCAWLEY: **I move that we accept the IPT's recommended changes to the action/alternative language that removes "Season 1".**

MR. POLAND: Spud seconds. Any further discussion? **Any opposition to the motion on the board? The motion stands approved.**

MS. WIEGAND: I wanted to talk a little bit about the analysis that was done for this amendment, and there were two methods that were used to look at the possible increase in landings with an increasing trip limit. The first method, we'll call it the low method, and it assumes that trips that harvested anywhere between twenty-five to seventy-five king mackerel will now catch the new proposed trip limits of seventy-five, 100, or 150 fish.

The high estimate assumes that any trip that landed king mackerel, from one to seventy-five king mackerel, will now catch the new proposed trip limit, and so, with that analysis, we've got this table that shows you, with the no action alternative there, that 70 percent of the Season 2 quota would not be met before February 1, and there would be no in-season closure. For Alternative 2, which is an increase to seventy-five fish, under the low method, again, you would still see a step-up to 100 fish, and there would be no closure. Under the high method, you would not see a step-up, and the season would be projected to close on February 22.

For Alternative 3, which is 100 fish, under the low method, you won't see the Season 2 quota met before February 1, and so there would be a step-up and no in-season closure. Under the high method, no step-up, and you would see an in-season closure on January 23, and, for Alternative 4, which is 150 fish, you see no step-up under the low method and a closure on February 7<sup>th</sup>. Under the high method, no step-up and a closure on December 23<sup>rd</sup>.

We will go over some of the AP comments that you've gotten on this, and there's a switch between people referring to the trip limits in number of fish versus the poundage they would like, and so I put together this table for you that shows that, for fifty fish, we are estimating it to be at about 369 pounds whole weight, and seventy-five fish is approximately 553.5 pounds whole weight, and 100 fish is 738 pounds whole weight, and then 150 fish is about 1,100 pounds, and this is based on Trip Intercept Program data that estimated the average king mackerel weight during this time period to be about 7.38 pounds whole weight.

In terms of the bio effects, since Alternative 1 won't increase the trip limit, it can be expected to have the greatest biological benefit. However, things like annual catch limits are still in place to prevent any overharvesting, and accountability measures are in place to take action if the ACLs are exceeded, and so this action is not expected to have a big effect on the biological stock.

For the economic effects, trip limits are always a double-edged sword, and it really depends on how fishermen are affected by higher trip limits in a shorter season or lower trip limits in a longer season. The more fish they are allowed to land, feasibly the more dockside revenue you are going to receive, but, of course, those positive economic effects may be mitigated if ex-vessel and subsequent supply chain prices of king mackerel then drop due to the increase in landings.

For social effects, higher trip limits, obviously, increase efficiency, and they also provide for more job opportunities for crew, in addition to having more king mackerel supply to the market for fish houses in the area, which could have positive effects for communities, and so we've dealt with the IPT recommendations.

Your Mackerel Cobia Advisory Panel did talk about this at their April 2019 meeting, and they did, again, mention how important the king mackerel fishery is to this area of Florida and that increasing the commercial trip limit as soon as possible would be important, and that it's well

tracked and there's not much danger in going over the annual catch limit, and they encouraged you guys to continue to consider all of the different comments that had been made prior to development of this amendment, which is why we have all of these different actions in here.

A couple of different trip limits have been thrown around. One that was mentioned at the AP meeting was a trip limit of 100 fish, or 1,250 pounds, and that 1,250 pounds would make it consistent with the trip limit in the Keys. Right now, I would just note that the trip limit would help smaller fish, that, if you're catching five-pound fish, you're going to be taking less to the dock with a 100-fish trip limit. Then a reminder that any unused quota for Season 1 is going to roll over into Season 2. With that, I will leave it up to you guys to discuss where you would like to set your preferred alternative.

MR. POLAND: Thank you, Christina. It's a committee discussion. What preferred alternatives do we want to select, and are we ready to select preferreds?

MR. GRINER: It seems like we ought to hear from some of these fishermen from the public hearings before we pick a preferred, because it's really going to come down to how they really want to prosecute the fishery. You look at it, and the goal is to not leave these fish in the water, but, at the same time, if there is going to be a big difference between 150 fish and 100 fish, as far as putting too many fish on the market, is it okay to close one week early, or would you rather put the fish on the market faster and close three weeks early? I kind of think we need to hear from some of these guys and kind of see what -- Get a consensus from them what really is going to work best for them before we pick a preferred.

MS. MCCAWLEY: **I would like to add an alternative for 100 pounds with no step-up at the end.** This was brought up by the AP, and then maybe select that as the preferred. I mean, I agree with Tim's suggestion, but I would be selecting it as the preferred, so they could give us feedback on it.

MR. GRINER: Did you say 100 pounds?

MS. MCCAWLEY: **100 fish.**

MR. POLAND: Jessica, is that a motion?

MS. MCCAWLEY: Yes.

MR. POLAND: The motion is on the board. Is there a second? Art seconds. Is there discussion?

MS. MCCAWLEY: Can we also see some analysis about the rollover of quota before this goes out to the public?

MS. WIEGAND: Absolutely, and so the quota system has only been in place for two fishing seasons now, I guess coming up on three that we'll have data for soon, and so there will be limited analysis that we can provide, just given the short time series, but, yes, we can present information on that, and it might be helpful if you could give what sort of analysis you're looking to see with that.

MS. MCCAWLEY: I am going to ask Erika to come back to the table.

MS. BURGESS: What we were thinking would be helpful for the commercial fishermen to be able to give comment on is how the increase in trip limits might affect potential closures and step-ups at the end of the season, when they move to February, because February is very important for these fishermen. Right now, the analysis is suggesting that some of the alternatives, if the council selected them, would cause closures. However, it doesn't include any potential poundage that might be added to the Season 2 quota, and so those closures might not occur, and the step-ups might not occur.

MS. WIEGAND: Perfect. Thank you.

MR. POLAND: Any further discussion? **Seeing none, any opposition to this motion?** This is selecting a preferred. **Seeing none, the motion stands approved.**

MS. WIEGAND: Next, we did have, up on this, consideration for approval for public hearings. I have heard, I guess from Jessica, that you would like to wait to take this out to public hearings until we can get a little more analysis on how rollover may affect those closures. I guess my one question would be to NMFS. When does this amendment need to be approved for it to be in place by the next season?

DR. MCGOVERN: Probably March would give us enough time. We need to have it in place by October, right? We're having problems with things getting through Headquarters quickly, but I am thinking that, if we got it approved in March, that ought to give us enough time.

MS. MCCAWLEY: Can you remind me of the timeline again? I can't seem to find it in the documents. When we were suggesting for it going out and all that?

MS. WIEGAND: We had originally intended for this amendment to be approved for public hearings at this meeting, and we would take it out to public hearings via webinar in the fall and then consider it for formal review in December, but, given what Jack is saying, that March would be enough time, we could push this timeline back and bring this back to you with a bit more analysis in December.

MS. SMIT-BRUNELLO: Does the AP meet? They meet soon, don't they, and so they can give you some feedback?

MR. POLAND: The AP meets I think the second week of October.

MS. MCCAWLEY: I don't need to see the analysis before it goes out to the public, and so I feel like the analysis is fairly straightforward, and so, if you still think you can make it in the fall and add some of that analysis, I'm good with that.

MS. WIEGAND: It would depend -- I am assuming you want the new analysis with the rollover to go out for public hearings, and that's going to depend on how quickly we can get the data analysts to run that analysis and if we can get it in time to get the material to then do public hearings, and so it's possible, but I'm thinking, with perhaps some of the workload at the Regional

Office and the Science Center, it might be challenging. I'm just not sure how quickly they will be able to turn around that analysis in time for us to take it out to public hearings before December.

MS. MCCAWLEY: I am fine with whatever new timeline is suggested, as long as, I guess, it gets finalized by March.

MR. POLAND: All right. What else do you need from us, Christina? That got us all the way through the document, didn't it?

MS. WIEGAND: That was all I needed for this amendment, at the time, and I will talk to the data analyst who is working on this amendment and see where we think we can get analysis, but, if we can't get it for public hearings by this fall, then we would be looking at perhaps bringing it back to you guys in December to see the new analysis, if you wanted to see it, but then taking it out to public hearings before March and then bringing it back to you for final action in March.

MR. POLAND: I think, if you have it done, we might as well look at it. All right. Good. That gets us through.

DR. MCGOVERN: I don't think it's going to be a complicated analysis, and so I think we would try our best to get that done.

MR. POLAND: Are you good, Christina?

MS. WIEGAND: I am.

MR. POLAND: All right. That gets us done with Framework Amendment 8. With it being right up against lunch, I am going to go ahead and suggest that we break for lunch and come back at 1:30 and continue the committee meeting.

(Whereupon, a recess was taken.)

MR. POLAND: Welcome back after lunch. We are going to reconvene the Mackerel Cobia Committee. I think we finished up the third agenda item, going through the Framework Amendment 8, and I think I'm going to turn it over now to Christina to walk through the Spanish mackerel white paper that we asked staff to prepare at the last meeting.

MS. WIEGAND: I wanted to start out with just a little bit of background on this fishery. If you will remember, Spanish mackerel, like king mackerel, are jointly managed by the South Atlantic Fishery Management Council and the Gulf of Mexico Fishery Management Council, and the Gulf management unit extends throughout the Gulf's range all the way up to the Miami-Dade/Monroe County line. Atlantic cobia then extends north through the Mid-Atlantic Council's jurisdiction.

We have the Atlantic stock broken up into two different zones, and you've got the Northern Zone, which is north of the North Carolina/South Carolina border, and then the Southern Zone, which is south of that border, to the Miami-Dade/Monroe County line.

Here are the current regulations that are in place for commercial Spanish mackerel, and you've got the total commercial allocation is 55 percent and 45 percent to the recreational sector, and I'll talk

a little bit more about how those allocations were calculated a little bit later. Then, of that total commercial allocation, the Northern Zone is allocated 20 percent and the Southern Zone is allocated 80 percent, and, again, I will get into how those percentages were determined in a little bit. Given that, here's your total commercial ACL at 3.3 million pounds, and that leaves the Northern Zone with a little less than 663,000 pounds, and the Southern Zone is a little less than 2.6 million pounds.

The season runs from March 1 to the end of February. In the Northern Zone, you've got a flat trip limit of 3,500 pounds year-round, and the Southern Zone has an adjusted quota system that was set up where 250,000 pounds are held off, and, from March 1 until 75 percent of that adjusted quota is reached, the trip limit is 3,500 pounds. From 75 percent until 100 percent of the adjusted quota is met, that trip limit drops to 1,500 pounds. Then, once 100 percent of the adjusted quota is met, until the full quota is reached, the trip limit is 500 pounds. Then there is a minimum size limit of twelve inches fork length.

Also, keep in mind that the Atlantic States Marine Fisheries Commission began managing Spanish mackerel back in 1990, and then, in 2011, they did an omnibus amendment that also included spotted seatrout as well as Spanish mackerel that included a process that allows their South Atlantic Board to review and respond to changes in federal regulations, to try to allow complementary management in state waters throughout the range of Atlantic Spanish mackerel.

I won't spend too much time on current concerns, and I think you guys are well aware of why we're bringing this paper to you, based on public comment you received last night as well as past meetings, but, recently, there have been a number of closures in the Spanish mackerel fishery, and, most recently, this season, the Northern Zone was closed to commercial harvest on August 24, 2019. The Division of Marine Fisheries did request a quota transfer. If you will remember, 100,000 pounds of quota is allowed to be transferred between the Northern and Southern Zone. However, Florida FWC denied that request, because the Southern Zone is also projected to close early, as they did last year.

This issue of increased effort in the commercial Spanish mackerel fishery and the potential for closures and now actually occurring closures has been brought up at a couple of different Mackerel AP meetings. Way back in April of 2018, the AP, at the time, talked about how the commercial Spanish mackerel fishery was growing and the commercial ACL was coming very close to being caught, and they felt a limited entry system would address the issue before it became a real serious problem, the idea being that, when there are a limited number of fish, there should be a limited number of fishermen.

It was also noted by an AP member that the Gulf is not experiencing the same issues with Spanish mackerel, and I will get into that and why that's important a little bit later, and so, at the time, they passed a motion requesting that the council consider a limited-entry system for Atlantic Spanish mackerel.

This issue was again brought up at the April 2019 AP meeting, and so this year, and, again, commercial Spanish mackerel fishing is increasing substantially. They expressed concerns about the free-for-all nature and that it might start causing some user group conflicts. There was a request to consider a limited-access program for the gillnet fishery in the Atlantic Southern Zone, and so South Carolina down through Florida to the Miami-Dade/Monroe line, and one of the concerns

here is that that Spanish mackerel gillnet fishery does take place in federal waters, because gillnets are not an allowable gear in Florida state waters, and so that's a federal-waters fishery, and it's an area that is subject to Atlantic Large Whale Take Reduction Plan regulations, and so the AP members felt that it was important that professional fishermen who knew what they were doing and understood those regulations were the ones participating in that mackerel gillnet fishery.

There was also a note that, in North Carolina, the commercial Spanish mackerel fishery does occur primarily in state waters and that there were concerns that, with loss of access to some of the other fisheries, like summer flounder, more people were going to be getting into the Spanish mackerel fishery. Additionally, effort is increasing in some of the northern states, like Virginia and Maryland, as this species moves.

MR. POLAND: Christina, I just had an editorial change. A lot of that concern is centered around southern flounder and state management of southern flounder and not the summer flounder fishery.

MS. WIEGAND: Southern flounder.

MR. POLAND: Thanks.

MS. POLAND: At the time, the AP passed two motions, again another one recommending that the council look into a limited-entry system for the commercial Spanish mackerel fishery and continue to work with the states, given the amount of harvest that does occur in state waters. The AP also passed a motion recommending that the council consider a gillnet endorsement for the Southern Zone, with some sort of qualifying criteria.

You guys reviewed those concerns at your last meeting, and you passed two motions, one for staff to develop this white paper and the second to set a control date for the Spanish mackerel commercial permits, since there was going to be talk of limited entry, and that was set to the Mackerel Cobia Committee meeting date of the March meeting, because that was the first time that limited entry had been brought up to you guys for discussion.

I put the full Spanish mackerel management history in here, and I don't want to go over every amendment, but I do want to go over just a few key amendments. The first one is going to be Amendment 2, and this was implemented back in 1987, and it recognized the two migratory groups and then established the commercial and recreational allocations, and this was based on the average ratio of catch from 1979 to 1985, and it resulted in 76 percent of the TAC going to the commercial sector and 24 percent going to the recreational sector.

Then, through Amendment 4, there was a reallocation of Atlantic migratory group Spanish mackerel equally between the commercial and recreational sectors, and so 50/50, and I will get into a little bit more of why that decision was made later, but one of the big thoughts was that, given that both sectors, at the time, were able to harvest the full ACL, the council felt that the most equitable allocation was 50/50.

Amendment 6 was the first amendment that set up commercial Spanish mackerel possession limits, and so it was a 3,500-pound possession limit in the Northern Zone, which, at the time, I believe was the Georgia/Florida line north, and then, for the Southern Zone, it set up a trip limit system that varied based on the day vessels were fishing.

In 1999, there was a framework action that was implemented, and this, again, reallocated the Atlantic Spanish mackerel commercial and recreational allocation. At the time, the commercial sector was regularly exceeding their ACL, whereas the recreational sector was not coming anywhere close to their ACL, and so the council reallocated to 55 percent commercial and 45 percent recreational, and that is where the allocations currently stand.

Jumping into the future, to Amendment 20B, this was the amendment that established firmly the Northern Zones and Southern Zones as we know them today, and it also gave separate commercial quotas for each zone, and I will get into how those were calculated a little bit later. Then, last but not least, Framework Amendment 2 that was just implemented in 2015, that's the one that modified the trip limit system in the Southern Zone and set up that adjusted quota system that I talked about earlier.

Moving into commercial landings, I've got this table here, but I am going to focus on the figure, and so, as you can see, for a while, in the mid to late 2000s, commercial Spanish mackerel was regularly exceeding its ACL, and it's been brought back down under the ACL, but it has been slowly increasing since about 2015, and these are total commercial landings for both zones and state waters. If you look at the table, you can see that, since about the 2009/2010 season, the commercial sector has met, or come very close to meeting, the commercial ACL.

Here are the recreational landings, and they did not have an ACL set up until 2012, and, since then, they have not exceeded their ACL. They came closest during the 2013 season, at 62 percent, and the most recent season that we have confirmed landings for, 2017/2018, was the lowest, at 28 percent of their ACL. Here is a chart that illustrates that with the ACL and recreational landings. Does anyone have any questions about overall landings before I move into zones?

MR. HEMILRIGHT: I was curious with the recreational landings, and are these the new MRIP data numbers, or when did they start coming into effect, and when would they be used, and what are they? I am kind of confused.

MS. WIEGAND: The numbers that I have here are not the new numbers. I am going to look at Mike here, because he put this together for me, but the new numbers back-calculated to match with the ACL. I was hoping he would nod or tell me that I'm wrong. Sorry, Mike. I didn't mean to put you on the spot.

DR. ERRIGO: They are not back-calculated. Those are the old numbers.

MS. WIEGAND: All right. Then these are the old numbers, but I do have a chart, if you guys would like to see it, that shows the old MRIP numbers and the new MRIP numbers.

MR. HEMILRIGHT: I'm just kind of curious. What are we bound by? You've got two sets of numbers, and which one do you use? Do you pick and choose which one you want to use? I mean, when does one come into effect and when is one out of effect? Does that make sense, what I'm asking the question about? You've got two sets of numbers here.

MS. SMIT-BRUNELLO: You should use the best scientific information available, and has the Fisheries Service declared that that's what the new numbers are?

DR. CRABTREE: Yes, I think the new numbers, the FES numbers, are the best available science. Your SSC has said that. The problem is that things have to be, and need to be, in the same currency, so to speak, and so what we need to do is update the ACLs and get them into the new currency, and then we'll use the numbers. We're using the new numbers now, but it's just that we're converting them with a calibration to make them more comparable to the old numbers, but that is a temporary situation until we update all of these ACLs, which we're going to need to do for pretty much every species we manage, and so it's a process, and it will take a little time.

MR. WOODWARD: So the answer to the question is the blue line is the ACL based on the old Coastal Household Telephone Survey numbers, and the line below it is based on the old Coastal Household Telephone Survey, and so neither of these lines are the new FES numbers, and is that right?

MS. WIEGAND: I am going to look at John, but I'm correct in saying that we'll start revising the ABC and ACL once we get through to the Spanish mackerel assessment.

MR. CARMICHAEL: What was that?

MS. WIEGAND: That we will move to the FES numbers as part of going through the Spanish mackerel assessment, and that's when we'll get a revised ABC and ACL.

MR. POLAND: For the record, John and Mike agreed, yes. Tony, did you have your hand up?

MR. DILERNIA: I was just reacting to Spud was saying. I don't think what he was describing was correct. It is?

MR. POLAND: That is correct, and so we haven't done a revised or an updated assessment yet on Spanish mackerel, and so the new recreational landings have not run through an assessment, and so we're still having to track landings against the old ACL, and so the new FES numbers are back-calculated to the CHTS methodology, and so this is the ACL and landings back-calibrated to CHTS. Is that clear? All right.

DR. CRABTREE: One thing we ought to give some thought to is we've got a lot of work that needs to be done on allocations, and it's going to affect all of our recreational and commercial allocations and things, and we've got a lot of big decisions to be made, and we need to start devoting time to that, to get that done.

MR. POLAND: That's right, Roy. I just heard in all of that that we need to bump all of these assessments up.

MR. GRINER: Regardless of what calibration or what survey, the trend for the recreational is that the trend is going down and the spread between their ACL and what they're catching is not approaching 50 percent, and, in fact, it's going the opposite way, and would that be accurate to say?

MS. WIEGAND: Using the old numbers, yes, that's what it looks like. The peak of their landings, once the ACL was in place, was 62 percent of the ACL. Most recently, it was 28 percent of the

ACL, and I did pull up -- Mike Errigo was also nice enough to pull together for me, back in February of this year, a look at changes based on the new FES numbers, and so these are the original landings in the old Coastal Household Telephone Survey and these are the revised recreational landings, and then, in this green box, you've got the commercial landings.

MR. GRINER: So, even with the revised FES, the trend is the same, and the result is the same, and is that correct?

MR. SAPP: We were asked, in public comment quite a bit yesterday, to attempt to get some of these fish from the recreational sector and maybe move them over there, where they're utilized, and, due to this -- In an answer to the fellas, I would love to support them in that, but how do we do it? Right, Dewey? How do we help them?

MR. HEMILRIGHT: What I was missing is you've got two sets of numbers. This has got to go into the assessment. The new numbers have got to go in there, and it's going to spit something out. Until both of these go into something, it's going to -- I am fine with what it is now, but I just wasn't understanding. I thought you had to use the new numbers now, but the new numbers isn't until an updated stock assessment or went into like a stock assessment that's going to show -- I understand it now for myself, but I don't know how to explain it.

MR. DILERNIA: Going back to something that I described a few days ago, with summer flounder, what happened was, when we got the new recreational numbers, that went back into the assessment, and the assessment then gave us a much higher number, which ended up giving the commercial sector a larger total poundage allocation.

Forget about the percentage division, but what ended up happening was the commercial sector ended up getting an increase this year as a result of the recalibration of the recreational catch, because the recreational catch -- Our SSC, the assessment folks, said, well, the recreational catch is that high, and then the stock must have been much larger, which means the assessment came in much higher, and, as a result, the net effect to the commercial sector was an increase in their total pounds that they were allocated, if that makes any sense.

DR. CRABTREE: I guess a question for John. The current Spanish mackerel ABC, was it directly produced by the stock assessment, or was it more based on some average landing concept? I think you told me something, but I can't remember exactly what.

MR. CARMICHAEL: I looked back at what the SSC had done when they looked at that last assessment, and there was some back-and-forth between them and the council at the time, and then, in October of 2013 or something, they made a recommendation to set the ABC at the equilibrium MSY value, and it's like six-something-million pounds, and it was based on the council gave them a motion or guidance to consider that, and it considered the size of the stock, and it was 2.2 times MSST, and so a very big stock, a long ways from being overfished, and the fisheries had been staying below the limits for quite a while, and so the council was like, well, we're comfortable with setting the ABC at that level, at that equilibrium level, for a consistent way, because we know this is the best estimate of the stock's productivity, and we're comfortable with the risk associated with that, and so it was out of the assessment, and so it wasn't just an average of landings. I think what they were thinking of in the public comment was, prior to that assessment, I believe it was set on an average landings situation.

MR. POLAND: All right, and so, to keep this moving along, I'm going to ask Christina to continue to review the document, and all of this is good discussion, but I want to make sure that we can get through this document, and then we can circle back and really dive into this issue.

MS. WIEGAND: Then, jumping back into it, I also wanted to go over the Atlantic landings by zone, given that the Northern Zone and the Southern Zone do have some different characteristics, and so here are the Northern Zone landings versus that Northern Zone quota, and you can see that there was a peak back during the 2008 season that sort of leveled out and decreased back to normal, and then they've been slowly increasing since resulting in the closures that you see here as they have exceeded the Northern Zone quota. Here is the Southern Zone, which, again, also saw a peak around 2008, but it has remained relatively stable, but, recently, they too have been exceeding their quota.

Here are the landings by gear type, and I want to make one note here. These are landings by gear type for federally-permitted vessels, and so this does not include fishermen who are fishing only in state waters and do not have a federal permit, and landings that aren't accounted for by these federal permits holders accounts for about 34 percent of landings that are by individuals who don't have a federal permit.

As you can see, gillnet landings have decreased since the early 2000s, whereas handline landings have been slowly increasing. Otherwise, there is a little bit of a decrease in landings by troll, but, in general, things have remained relatively stable, and you do see a jump in cast net landings come the 2014 season.

MR. POLAND: Just so I'm clear, Christina, these are commercial landings for the entire Atlantic Spanish mackerel group, Northern and Southern combined?

MS. WIEGAND: Yes, Northern and Southern combined for federally-permitted vessels.

MR. POLAND: Okay. Then, since it's been brought up a couple of times, I wanted to show the number of trips that are occurring in waters during times when the Atlantic Large Whale Take Reduction Plan regulations are in place, and so what you will see in this map are the different zones that are set up by the Large Whale Take Reduction Plan and the time periods in which those regulations are in place, and then this is just a heat map on the total number of Spanish mackerel gillnet trips that have occurred during those months from 2014 to 2018.

You do see some high landings up here off of North Carolina, and then you do see some -- Not high landings, but high number of trips, and then you also see a high number of trips in the Southeast U.S. Restricted Area off of Florida, around the Cape.

Participation in the fishery, here are the number of permits in the Spanish mackerel fishery as of August 25<sup>th</sup>, when I pulled these numbers. The total is a little bit shy of 2,000 permits, and you will notice that the majority of those permits are from individuals who list their homeport as being in the Atlantic Zone, and so, in the Gulf, they've got about 785 permits, versus here in the Atlantic, where we've got 1,126 permits, and the majority of those permits are off of the Florida east coast, at 718, and North Carolina, at 300 permits.

Here, you will see the number of vessels participating and the average pounds per trip for federally-permitted vessels, and so, here again, we're only talking about those individuals that have a federal commercial Spanish mackerel permit, and, as you can see, the number of vessels participating has been relatively steady since 2000. The average pounds per trip did decrease between 2009 and 2013, but it has been slowly increasing since, and, if you look back up at this table, it also includes the number of trips that are being taken by federally-permitted vessels, and those increased slightly around 2009 to 2014, but it has stayed between 3,000 and 4,000 trips over the time period.

Then I wanted to look at the seasonality of the fishery. If you look at average monthly landings throughout both the Northern and Southern Zone, you see a pretty consistent trend, with high landings in the winter months, but, if you separate those out by zone, you can see the different seasons that the Northern Zone and Southern Zone experience, and so, for the Northern Zone, their harvest typically begins in May and runs all the way through October, whereas, in the Southern Zone, things start picking up between October and November and continue through March.

Last, but of course not least, I wanted to look at the economics of the commercial Atlantic fishery, and so, on this chart, you will see a map of landings versus the inflation-adjusted ex-vessel price. It sort of shows the relationship. As landings increase, you do see a little bit of a drop in price, and, again, this is for the entire coast and not just the Northern Zone or not just the Southern Zone. Again, here, we've got the landings against the adjusted total ex-vessel value, and you can see that ex-vessel value has peaked recently, a little above four-million, and it was at its lowest back in 2000, around 2.5 million.

The fisheries performance report, this was put together by the Mackerel Cobia AP back in April of 2018, and I do want to make a note about how we do these fishery performance reports. These are put together based on advisory panel comments at the time, and so the information that's reflected here is based on what advisory panels told us, and so it can depend on what kind of representation or who is on the advisory panel and their personal experiences at the time, and we don't do any sort of thematic analysis on any of this.

We just look through the meeting minutes and summarize what we see, and so, if you ever have any questions about what's in these fishery performance reports, feel free to ask me or whoever the staff lead is for that species. The meeting minutes are also on our website as of 2018, and so, from 2018 forward, those meeting minutes are on there, and so you can go back and see specifically what was said, and, as staff, we've been working on the best way to put these together and utilize these performance reports, talking to the SEP as well as the I&E AP, and we'll keep working on how to put them together, and, of course, we welcome any recommendations on how to make them most useful for you.

When we put this together in 2018, the advisory panel members felt that both the commercial and the recreational sectors were experiencing a shift towards Spanish mackerel and that, in North Carolina, prices for Spanish mackerel were averaging around \$1.50 to \$2.00 for a medium-sized mackerel. Fishermen off of Florida noted that the gillnet ban really affected commercial fishing effort, and they saw a shift towards Spanish mackerel, because it was readily available and could be caught using a cast net. They also noted that fishermen who operate in the Gulf of Mexico will sometimes travel up to the Vero Beach area to target Spanish mackerel during certain times of the year and that the price can fluctuate throughout the season.

Last, I sort of summarized a variety of different options for you guys to move forward, and you had specifically requested, based on AP input, some information on limited entry for gillnets and for the commercial Spanish mackerel permit, and so one thing to note is that there is one commercial Spanish mackerel permit that covers both Gulf migratory fish and Atlantic migratory fish, and so, in order to do limited entry for that permit, it would either, one, be to get to Gulf Council onboard with moving toward limited entry, and they are not experiencing the same problems with Spanish mackerel that we are. Their landings have been, as you can see here, well below the ACL, and, as of 2014, they have a stock ACL for Spanish mackerel and not a commercial and recreational allocation.

Given that the Gulf Council may or may not be onboard, one option you could consider is further separating the CMP FMP and the permits, and this has been considered a number of different times. The South Atlantic Council was interested back in 2013, but the Gulf Council wasn't interested. The Gulf Council was then interested in 2015, but the South Atlantic Council wasn't interested, but, any time that argument has come up, the general logic has been that, when developing joint actions, it's become clear that the Gulf Council and the South Atlantic Council tend to see increasing disagreement on what should be done.

There has also been a lot done to further separate. Now, the framework procedure does allow our council to take action on our migratory groups without Gulf Council approval, and the same for them, with the exception of non-framework-able actions, which would then have to be approved by both councils, and so that's been the general argument for considering splitting the FMP, or, if not splitting the FMP, simply splitting the permits, and so there is a little bit of information here on what was considered in Amendment 28, which was the last amendment to address the potential splitting of the FMP.

I am not going to get into that too much now, but, if this is something that you guys are interested in pursuing, we can come back and talk in a little bit more detail about what was being considered in that amendment at the time.

MR. GRINER: Are there two separate stocks, a Gulf stock and an Atlantic stock?

MS. WIEGAND: Yes, there are two separate stocks.

MS. SMIT-BRUNELLO: I just wanted to make clear that I don't think that to split the Spanish mackerel permit into two separate -- Let's say you had an Atlantic Spanish mackerel and a Gulf Spanish mackerel, and you wouldn't need to also split the FMP. You could keep the same FMP, and you would need the Gulf's concurrence that, yes, we're going to split this permit, and, if you wanted to make yours limited access, that's one thing, and so you don't need -- It's not a whole thing where you have to have two separate FMPs in order to do limited access for the Atlantic Spanish mackerel.

DR. CRABTREE: You may recall that the Gulf went to limited entry on the king mackerel charter boat permit, and we didn't, and so we've done that before.

MR. WOODWARD: Just a question about a statement that was in the fisheries performance report that was questioned by one of our commenters, and that is there is no local demand for Spanish

mackerel, and has that situation changed since this report was written? It sounded like he was pretty emphatic that there was local demand and that affects that economics of the fishery.

MS. WIEGAND: You put ten fishermen in a room, and you're going to get ten different opinions. I have heard from other fishermen that there is in fact plenty of demand for Spanish mackerel up in the Northern Zone, and in North Carolina, particularly the fresh market, obviously, but I am not going to say who is right and who is wrong.

MS. BOGGS: I just wanted to correct that -- It's the limited entry on the commercial king mackerel in the Gulf and not charter.

MR. POLAND: Back to Spud's point. One thing we did hear from the commenters --

DR. CRABTREE: The limited entry in the Gulf is on the king mackerel charter boat permit. Commercial king mackerel is limited entry on both, coastal migratory pelagics, which is king mackerel.

MR. POLAND: Back to Spud's point. We heard some commenters last night, and we received substantial public comment through the online submission, about issues with the fishery performance report, and what we've heard from staff is a lot of that is because it's just what the fishermen are saying that are on the AP, and it was pretty obvious that there wasn't vocal representation on the AP from commercial fishermen from the Northern Zone, and so certainly I feel like that's something that we need to discuss and figure out if we need to potentially add some seats or just something to get some better representation across the whole range of the fishery, and so I'm just putting that out there for discussion. Let's let Christina finish, and then we'll circle back to a couple of these issues that we've identified.

MS. WIEGAND: I promise that we're almost to the end of this white paper. The other option that you guys had heard comment on from the AP was considering limited entry for the commercial gillnet, or creating a limited-entry commercial gillnet endorsement for the Southern Zone, and, currently, automatic reel, bandit gear, handline, rod-and-reel, cast net, runaround gillnet, and stab net are what is authorized for the commercial harvest of Atlantic Spanish mackerel. Again, a reminder that gillnets are not an allowed gear in Florida state waters, and this is completely a federal-waters fishery.

There are examples of other gear endorsements that we have in the Gulf and South Atlantic. Here, we've got the golden tilefish longline endorsement, and we've got the snapper grouper black sea bass pot endorsement. In the Gulf, they've got a king mackerel gillnet endorsement for their Southern Zone, but one thing to note is that all of those above endorsements are on limited-access commercial permits, and so it's a limited-access commercial permit with a limited-access gear endorsement on top of it.

It could be possible to put a limited-access endorsement on an open-access permit, but it's likely going to be a bit more of a complex situation and something that would need to be discussed in further detail, but, again, the Gulf does have a gillnet endorsement, limited-access gillnet endorsement, for their king mackerel fishery in the Southern Zone that would be of a similar idea to what has been proposed by the AP.

The other thing you asked us to look into was collaboration with states and, through that, the Atlantic States Marine Fisheries Commission, and so, again, just a note that they do manage -- The commission manages through state waters and working collaboratively with them in the states is likely to become increasingly important, given the both quantitative and anecdotal evidence of increased landings in the northern states, and a significant portion of the landings do occur in state waters. Then I also just included here, for your reference, a table of current state regulations.

Then last, last, last, but certainly not least, other management options you could consider, you could consider establishing trip limits. Again, that's a double-edged sword. It just depends on how fishermen are affected by larger trip limits and a shorter season and smaller trip limits and a longer season. You could consider modifications to the commercial and recreational allocations or the zone allocations, and I went over how those commercial and recreational allocations were established earlier, and the Northern/Southern Zone allocations were established in Amendment 20B, and those were based on the average proportion of landings in each zone from the 2002/2003 fishing season through the 2011/2012 fishing season, and that was all I had for you.

MR. POLAND: Thank you, Christina. That was a lot of information to pull together since the last meeting, and so I certainly appreciate that.

MS. SMIT-BRUNELLO: This was a great -- I think it's really informative, and so I thought you did a great job, and so I have a question. On page 23, it talks about, under the Atlantic States Marine Fisheries Commission, that, in 2018, review of the commission's interstate FMP found that the current regulations established in each state were in compliance with the interstate FMP, and then, yesterday, we heard a number of fishermen talk about Florida continuing to allow 500 pounds, a 500-pound trip limit, when I'm assuming federal waters are closed, but I'm a little confused, because, in the Southern Zone, you manage to, in large part, an adjusted quota, which is adjusted down from the total ACL, and, when that adjusted quota is caught in federal waters, we allow a 500-pound trip limit until the entire quota is caught, and so I don't know if anybody -- Maybe, Jessica, you can answer this, but I'm not sure whether what I was hearing yesterday was information from the fishermen about when the adjusted quota is caught that Florida allows 500 pounds, which would make sense, because the feds do too, or is it after 100 percent of the quota is caught? I am just confused.

MS. MCCAWLEY: I would actually like to call up Erika to talk about it a little bit, and then I can explain it further, but I will let her start.

MS. BURGESS: I heard a few different questions in there, Monica, and I'm going to answer the one that I think you ended with last, and the question was whether, after the adjusted quota, the non-adjusted quota, is met, does Florida state waters stay open, and the answer is yes, and I think, earlier, you asked about whether that was in compliance -- Fishermen brought up whether it was a compliance issue with ASMFC.

In the ASMFC Amendment 11, which was an amendment to the Spanish Mackerel Fishery Management Plan, which was passed in 2011, the compliance requirements for states fall under Sections 4.1, 4.2, and 4.3, and, for Florida, and for the other states, the compliance requirements are, for the commercial fishery, and I am reading directly from the amendment, prohibited purse seines, drift gillnets south of Cape Lookout, North Carolina; a twelve-inch fork length, or fourteen-inch total length, minimum size limit; a season of March 1 to the end of February; trip limits for

North Carolina to Georgia of 3,500 pounds; in Florida, a trip limit of 3,500 pounds from March 1 through November and 3,500 pounds on Monday through Friday and 1,500 pounds on Saturday and Sunday from December 1 until 75 percent of the adjusted quota is taken, 1,500 pounds when 75 percent of the adjusted quota is taken, until 100 percent of the adjusted quota is taken, 500 pounds after 100 percent of the adjusted quota is taken. The adjusted quota compensates for estimated catches of 500 pounds per vessel per day to the end of the season. Commercial quota is decreased the following year if the total ACL is exceeded and the stock is overfished. I spoke with Toni Kerns from the Atlantic States Marine Fisheries Commission this morning, and she confirmed what we believe, that Florida is in full compliance with the ASMFC plan.

DR. CRABTREE: One more question though with respect to Florida, and so we closed the Southern Zone on February 5, 2019. Did Florida allow fishing to continue after that in state waters?

MS. MCCAWLEY: Yes, and so, first, yes. I would have to look at the exact deadline, and so we did these drops by Executive Order, and then we came back and did a permanent rule, but, yes, we continue to allow fishing in state waters at the 500-pound level.

DR. CRABTREE: We would have closed federal waters then, because the total quota was caught.

MS. BECKWITH: Just so I understand, that 500 pounds after we've closed, because the commercial sector total allocation has been met, those 500 pounds, are they being paid back the following year? They're not, and so they're, theoretically, coming out of the recreational quota, because it's coming from the total ACL, but the commercial sector has met their complete quota, because, when you guys close, you're closing -- You've got the 500 pounds, and you're done with the adjusted quota, and then that 500 pounds -- I am reading through the information, and that 500 pounds should be from when you're done with the adjusted quota to the total of the commercial sector, but you continue once the commercial sector has reached their total quota, and so there's no other place for those fish to come from except the total ACL, which includes the recreational.

Let me backtrack. I know what we codified in our South Atlantic amendment is different than what ended up in Atlantic States, but what we codified in our Framework Amendment 2 says that, when 100 percent of the adjusted Southern Zone quota is met, or projected to be met, the trip limit is reduced to 500 pounds until the end of the fishing season or until the Southern Zone commercial quota is met, or projected to be met, at which time the commercial sector of the Southern Zone would close to harvest of Spanish mackerel.

That makes sense, and that's logical, because that is saying that you have that 500 pounds between the adjusted and the total commercial quota, but, when the commercial quota is done, the commercial industry is done, but what I am hearing you guys say is that you are continuing that 500 pounds even though the commercial sector has reached 100 percent of their sector allocation until the end of the season, and so that has to come from the total ACL, and so we're dipping into the recreational component of that ACL, in practicality.

MS. WIEGAND: I was just going to note -- You mentioned a payback earlier, and our current accountability measures for Spanish mackerel do not require payback unless the total ACL is exceeded and the stock is overfished, and so there would be no payback.

MS. BECKWITH: I agree with that, but I basing that comment on what Erika read from the Atlantic States plan, which mentioned, if you went over, then there would be some payback, and that came from what I just heard Erika say, and so I understand, and what I'm saying is that what we codified in our Framework Amendment 2 is different from what you guys implemented in the Atlantic States interjurisdictional plan for Florida.

MR. POLAND: I will let Erika speak to that.

MS. BURGESS: I feel like I'm in a difficult place, because I'm an FWC staff member, and we're sitting here at the South Atlantic Council discussing an Atlantic States Marine Fisheries Commission plan, and I don't know if I can satisfactorily speak for either group, but I can say, going back in time, back to the 1980s, when this complicated arrangement of trip limit step-downs was agreed upon for state waters and federal waters in the Southern Zone, there was never a rule that would close state waters of Florida if federal waters closed, and so this goes back decades in time.

With the split of the Southern and Northern Zone, a federal closure has only occurred once, if I'm correct. Typically, this complicated system of step-downs has been successful, and the stock is not overfished, and it's not undergoing overfishing. Florida's fishery operates in three separate components, and these three separate components, the cast net fishery, the food fishery that is hook-and-line, and the bait fishery that is hook-and-line, happen at three separate times. The hook-and-line bait fishery happens last, and a federal closure, or a closure of state waters, for this third group of people would have extreme negative economic impacts to them, and our commission has decided that, based on the current status of the fishery and how successful management has been in the past, they want to maintain this current structure that is allowed by ASMFC.

MS. BECKWITH: I am fine with all of that, and so my point is I don't care about any of that. I care about the mechanics of what is actually happening. I don't care about the history, and I don't care about the reasons why Florida is doing it. That stuff is fine, and I don't even fault you guys for doing it. I don't have a problem with it. I need to understand the mechanics, because, quite frankly, North Carolina wants to pile on, and so, again, back it up, and this isn't a he-said-and-she-said. This is North Carolina trying to figure out the mechanics, because it is a potential path forward.

You guys are talking about stuff that happened in the 1980s, and we codified Framework Amendment 2 in August of 2015, and so whatever happened before then is inconsequential. What we codified in Framework Amendment 2 says that when the trip limit is reduced to 500 pounds, until the end of the fishing season, or until the Southern Zone commercial quota is met or projected to be met, at which time the commercial sector in the Southern Zone would be closed to harvest of Spanish mackerel. That is what is codified in the text as of August 2015.

The rest of the history, I get it, and it's fine, but that's not what I'm trying to get to. I'm trying to get to the mechanics of, when the Southern Zone reaches their commercial allocation, you guys are maintaining a 500-pound trip limit through the end of the season, irregardless that the Southern commercial quota has been met, and so that is coming from somewhere, and there is no other place for it to come from except the total ACL, which means the commercial has completely utilized their allocation, and they continue to have a 500-pound trip limit, and so, when that occurs, you guys are bumping into the total ACL.

I just want a confirmation that that is the reality of what is happening, because that's not what is codified in our text, and I'm not real clear on how Atlantic States has okayed that, but, if that is what is happening, then we probably need to change our accountability measure at this council to reflect that the Spanish mackerel fishery would not close until the entire ACL is being met, but that a step-down of 500 pounds occurs when the sector allocation is met, and that would, in all practicality, codify what your current practice already is and allow North Carolina to move forward with a similar practice, and so, again, I'm not doing a he-said-she-said. I'm looking for a solution to the problem.

MR. POLAND: I have got a queue built up, and, Jessica, I will let you respond to that. The question on the table was compliance, compliance with Florida and the interstate plan, and, from North Carolina, that was a question that Roy and Monica raised, but, to speak to what Anna was saying, from the North Carolina perspective, we feel disadvantaged, because we felt like we were compelled to comply with the federal closure under the current interstate plan.

If we can figure out, today, that we can mirror what Florida is doing and there is the ability within this plan, because the interstate plan complements the council plan. I don't know if it was the council's intent to make sure that states closed in state waters when the commercial ACL is met, and I tend to think that probably was the case, but, if it's not black-and-white stated that compliance is not required -- That's where I want to get to. If there is a way that we can figure out here, today, from North Carolina's perspective, that we can mirror, more or less, what Florida is doing, to avoid this early closure issue in the future, let's talk.

MS. SMIT-BRUNELLO: I guess I should have made this more clear, that the commission, the Atlantic States Commission, finding that all the states were in compliance was in 2018, and then this closure in the Southern Zone happened in 2019, February of this year, albeit it was only closed for about three weeks before the season opened back up on March 1, but I'm not sure whether the commission is going to find, for 2019, that everybody was in compliance if Florida stayed open, and I was just confused about what fishermen were saying, in terms of Florida allowing 500 pounds, when it looks to me like we allow 500 pounds until the entire quota is caught, and so, anyway, just to make that more clear.

MR. POLAND: Let me go back to the queue and work through some of these people.

MR. DILERNIA: I like coming here, because I often learn things, and so I have a question. I know, in the Mid, if federal waters are closed, then, if a boat wishes to fish under the state rules, they have to give up their federal permit. They have to go by the more restrictive. If you have a federal permit, you have to go by the more restrictive regulations, and so, even if you have a state permit, if federal waters are closed, you cannot fish in state waters unless you give up your federal permit. Now, in the open-access fisheries in the Mid, that's not a problem, but, in the limited-access fisheries, that is a problem, and so could someone help me understand? Is this fishery an open-access fishery? Okay. So then they do have to give up their federal permits at that point.

MR. POLAND: Let Jessica speak to that.

MS. MCCAWLEY: That's not true for Spanish mackerel. The federal rule is not written that way, and I can tell you that the state rule in Florida -- I can't fully speak to the North Carolina rule,

but we don't necessarily require that people have to have that federal permit, and so the Spanish mackerel rule is written differently, on purpose, and so that rule you're talking about doesn't apply.

DR. CRABTREE: I believe, Christina, you said that about 30 percent of the landings is from non-federally-permitted vessels, and I don't know what state that's in. The other thing that's not clear to me, and I don't think we're going to figure this out today, is I don't know if the ASMFC plan explicitly requires that, when the quota is caught and closure occurs, the states have to close, in order to be in compliance. That's an issue that would have to be taken up by the Atlantic States Commission, in order to be able to find states out of compliance and enforce those.

Then, to Anna's point about where do the fish come from, we have a quota of a Southern Zone, and we close when it's met, but, if you look at 2019, we went over that quota by -- I think we caught a-hundred-and-twenty-something percent of the quota. That may be partly because fishing continued in state waters, and it doesn't really come out of anywhere, but it just shows up that we went over, but we don't balance the books at the end of the day on it, although, ultimately, when the stock assessment is done, to the extent that we've gone over these quotas, it would presumably affect the status of the stock.

If the issue here is the desire to have compatible closures occur in all the states, then I think that's something that you folks who are here as state reps would need to go back to ASMFC and take it up and look at the interstate management plan, because we as a council don't have any ability to require closures in state waters.

MS. MCCAWLEY: I guess I just want to make sure that I'm being responsive to Anna's questions. It seems like a bunch of them were answered, and I guess I wasn't understanding, when you were saying what process did we use, did you mean like FWC Commission rulemaking, and I wasn't understanding what question you were asking me.

MS. BECKWITH: I think I understand that you guys are -- That is just your -- I assume that FWC closes state waters when it needs to be closed, or how do you guys like -- When there's a federal closure and you guys are actually going to comply and be compatible, then who makes that call?

MS. MCCAWLEY: The commission sets those rules. Our FWC Commissioners set those rules, and so, for a number of federal fisheries on the commercial side, the rules state that, when federal waters close, that state waters close, but it's not listed that way for Spanish mackerel, and a lot of that has to do with we don't necessarily require the federal permit, because there are all these fishermen that are fishing in state waters with the state permit, and so things are a little bit different for Spanish mackerel than they are for other species, and so there is not a rule that says, when federal waters close, that automatically we close state waters for Spanish mackerel. It was not in place, and so we changed regulations, but a lot of those changes -- Yes, we did this 500-pound thing at the end of the season, but a lot of what we did was also putting the step-downs back in place, because we didn't have the proper step-downs, and so we had some step-downs, but they didn't match the federal step-downs.

We also do something different than what is happening in federal waters, and we have these different trip limits on the weekends versus the weekdays, and so we had regulations different for our waters, on purpose, for a number of these different fisheries that she is talking about, and so

we actually made it more consistent the last time that we changed regulations, but, yes, things are different for Spanish mackerel than they are for other species.

MR. WOODWARD: I was sitting here looking at the omnibus amendment, and it says that Florida -- The last part of the Florida section of the required regulations is, in parentheses, the adjusted quota compensates for the estimated catches of 500 pounds per vessel per day to the end of the season, which I guess was the logic behind the adjusted quota to start off with, was to build in a buffer that would compensate for the continuation of the state-waters fishery until the end of the season, and I think that was what was the driving factor of the commission decision-making, is to allow those state waters to stay open as long as possible in the Southern Zone, to maximize catching the quota and the socioeconomic benefits thereof.

MR. GRINER: Just so I understand, regardless of what the Atlantic States has done, we have the ability to change our accountability measure to prevent an in-season closure until the total ACL is met and use a reduced trip limit, and is that accurate? I just wanted to make sure that I understood that, because I think that's what we need to do.

DR. MCGOVERN: I just want to point out that the omnibus amendment from the Atlantic States Commission was done in 2011, and it reflect the federal regulations with the way they used to be, and these regulations that you're talking about here were put into place in 2015, and is that right? Really, the commission could do an addendum to make it match these regulations, but they're old, and it's just how it used to be, and so that's what Florida is doing.

MS. BECKWITH: Moving past what is happening to how we move forward, I think there's a couple of different ways that we can handle this. I don't know that I want to tackle reallocation right at this moment, but I think we definitely have to begin a discussion on potential reallocation, and I think we have to begin a discussion on limited entry and the gillnet endorsement for the Southern Zone. To me, a potential path forward would be to alter our accountability measure. Christina, can you type something up on the --

MS. WIEGAND: Absolutely. As a motion or just --

MS. BECKWITH: I am not going to throw this out as a motion yet. I'm going to throw it out for discussion, to see if this would be something that the committee would like to move forward with. I would suggest that we revise our accountability measure so that the Spanish mackerel fishery will close when the total ACL is met, or projected to be met, but, when the commercial sector ACL is met, a step-down of 500 pounds will occur. I will walk through that and explain my logic there. The Spanish mackerel fishery will close when the total ACL is met or projected to be met. When the commercial sector ACL is met, a step-down of 500 pounds will occur.

What this does, in practicality, is codify what Florida is already doing. It doesn't impact any of their adjusted quota or any of their step-downs, and this would be after the commercial sector ACL is met, and this would theoretically get them through the end of the season. This would, of course, in practicality, be coming out of the total ACL.

From a Northern Zone perspective, if we were going to move forward with something like this, I would also want to follow-up with an adjustment to the overall trip limit for our Northern Zone, because, if we're going to be bumping up against this, I think it's worth a discussion on a reduced

trip limit for 3,500 for the Northern Zone, but this would apply to both, and, again, it puts into practice what Florida is already doing, and it would allow the -- It would not impact any of the adjusted quotas or step-down that Florida currently has, and then, if we wanted to do something in addition to this for the Northern Zone, we can take that up in an additional motion, but, again, this is not a motion, and this is up for discussion.

DR. CRABTREE: The commercial sector ACL, you're saying then not be Northern or Southern Zone, but you're essentially lumping them together at that point?

MS. BECKWITH: That's a valid point. When the commercial sector allocation in each zone is met.

DR. CRABTREE: So, effectively, what you're doing then is managing the commercial and recreational under a common ACL.

MS. BECKWITH: With the in-season step-down.

DR. CRABTREE: The problem I see with this has to do with the recreational AMs, and they are complicated, but what they essentially say is, if the recreational fishery exceeds the ACL, the following year, we reduce the bag limit to achieve the ACT, and then, if the recreational and commercial landings are over the ACL, and you're overfished, you reduce the recreational ACT by the amount of the overage, and the recreational landings are a multiyear average, which I don't really know what that means, because it's not in regulations.

It seems, to me, if you want to do this though, you're going to have to go in and adjust the recreational AM to reflect if the overall ACL is caught, everybody shuts down. Otherwise, I'm afraid what you're doing is basically you're not having any accountability measure that I can see that is operating.

Now, we do have fisheries, more in the Gulf -- For example, Gulf of Mexico vermilion snapper has one ACL, and there aren't any sector allocations. If the ACL is hit, everybody gets closed down. It's never been hit, and it hasn't happened. We do have fisheries, and I think Gulf yellowtail is that way, and so we do have fisheries that are managed under a single ACL, and that's fine, but I think, to do this, you would have to come in and firm-up the recreational AM.

MS. BECKWITH: Actually, that was my intent, to revise the Spanish mackerel accountability measures so that the Spanish mackerel fishery, and not the commercial fishery, so that the Spanish mackerel fishery closes when the total ACL is met or projected to be met, period. When the commercial sector ACL in each zone is met, a step-down of 500 pounds will occur, and so this, in essence, revises both the recreational and the commercial accountability measure. This does not, again, impact the Southern Zone's adjusted quotas or step-downs, but this is just -- It turns, basically, the Spanish mackerel fishery into one overarching ACL that will close when it's met, or projected to be met, and we add a step-down when the commercial sector quota for each zone is met, and you have that step-down.

MR. WOODWARD: I am going to play devil's advocate here, because, as I understand how this would work, it could be perceived as a backdoor reallocation, and then you've got what Roy described, which is the other multitude of unintended consequences, and so, to me, if the root

problem here is an ACL for the commercial sector that is too small, then we need to just bite the bullet and deal with reallocating and get past it and get to what is necessary to keep that, because, if you do this and you've got an open-access fishery, then you have got the potential to grow the commercial sector withdrawals at an unregulated rate, and then that could end up creating what Roy has described, situations where the recreational sector, who, granted, is far -- It's harvesting far below what they're allowed, but they could find themselves in a situation where they have an in-season closure, even when they have harvested a small amount of fish, right? Is that not possible? I mean, that is a possible scenario.

MR. POLAND: That's a good point, Spud, but maybe that 500-pound trip limit, once it's reached, might would address some of that, but that's also up for discussion, too.

MS. MCCAWLEY: I am going to make a couple of points, and then I have another question for the North Carolina folks. First, I don't think that you should have edited that discussion item there on the board. I would make it when the commercial sector quota is reached and forget the "in each zone", but I will come back to that.

To me, this discussion that we're having is very similar to the yellowtail snapper discussion, because we had these exact same debates about we really need to reallocate the fishery, and, well, wait, we have a stock assessment coming and let's do this thing where we let the commercial sector fish on some of the recreational quota, and wasn't that a de facto reallocation? Well, kind of yes.

I mean, I just feel like we're having these same exact discussions all over again, and we do have a stock assessment coming up on Spanish mackerel, and I don't have the assessment schedule memorized, to see if we could move it up, but we said -- The council, as a whole, said, for yellowtail, don't do any of those things, like sector reallocation, until after the stock assessment, and so the stock assessment for yellowtail was underway, and so we stopped working on all of those different items, one of which was combining the ACL, like we're talking about here, so that there was not a recreational and a commercial ACL and there was just one overall ACL, and that was one of the things on the table, but you guys said, no, let's wait until the stock assessment.

One thing we could do here is see if the Spanish mackerel stock assessment could be moved up in the list here, and then make some of these bigger-picture changes, like what Spud is talking about, following that, but, with all that said, I do feel like there's a more immediate problem happening that maybe we can work on right now, and I feel like what Anna is putting on the board here is something that maybe could help right now, in the near-term. These other bigger-picture things that we're talking about, we told the yellowtail folks that we are not going to talk about those things or try to figure that out for the long-term until the assessment is completed.

I just want the council to remember that, we put all that off, everything from combining the recreational and commercial into one ACL and reallocating to one sector and a whole bunch of these other exact same discussions, and we put that off until the assessment, and I'm fine doing something like this in the short-term to help, which brings me to my question.

I guess I am not understanding how North Carolina can do their regulations. Do you guys have to have something in place from the council and then you guys just have to adopt it? You can't go out on your own and say, okay, for state waters, we're going to do X and Y, because we think that's the best -- In other words, the council would have to take an action, and then you guys would

say the council took an action, or is in the process of taking an action, and then you could do it? Okay. I just wanted to understand.

MR. POLAND: Exactly, and the issue -- Well, it's not an issue, but we have a state rule that requires us to comply with federal and interstate management plans, and so that's what compels us to close when there is a closure.

MS. BECKWITH: Jessica made some of my points. This is sort of a short-term fix for me. I don't think -- Because I was one of the proponents of -- I don't like one ACL for recreational and commercial. I think, if we're going to do a reallocation, then we need to go through the reallocation, but we need to maintain a separate recreational and commercial.

The reason I am only allowing that 500-pound step-down is to protect too much of that de facto reallocation from happening while we begin an amendment to talk about reallocation and limited entry and all the other parts, and so, to me, this is a short-term -- We try to put this in to solve the immediate problem, but we begin work -- Because the reallocation discussions are going to be -- I mean, maybe not super complicated, but complicated enough, because we may also need to reconsider the allocation between the Northern and Southern Zone, because we have a lot more fish coming out of states that weren't fishing on them when we set this in place, and so we've got fish coming out of Virginia and Maryland, and I think we're going to have to take that into consideration, and so it's going to be more than just commercial versus recreational. It's going to be Northern and Southern.

I am a little timid to take that on as a short-term solution, but I think, if we move something like this along, we need to begin the discussion on limited entry and reallocation, to fix the problem in this fishery, and, by the time we do that, then I think we'll have a long-term -- To me, this is short-term.

DR. CRABTREE: I guess one question would be to John Carmichael. When is the Spanish mackerel assessment?

MR. POLAND: I believe it starts in 2021, but we can let John --

MR. CARMICHAEL: Right now, Spanish does not have a hard start date yet. It is on the schedule to follow the tilefish assessment in the South Atlantic, which will end in September of 2020, and that's where tilefish stands now, and so it's red pogy is underway and then tilefish and then Spanish in that slot and then amberjack and then followed by gag and something else there, and so Spanish is really going to start probably in early 2021, perhaps, or maybe late 2020, but I think the biggest bottleneck is going to be can the Science Center fill in another data delivery deadline. Right now, the data delivery deadlines are fully filled through I think probably at least the third quarter of 2020.

DR. CRABTREE: All right. That's good, and so I think that's one difference with yellowtail though. I think we were looking at the assessment delivery much closer to where we were. The other thing I would point out is, given what's in the North Carolina rule, there's really nothing we can do to affect this year's season, because you can't effect a change in the AMs without going through a regulatory amendment, and so you won't be able to get any change in place until sometime in the spring of next year, and so that won't affect it, but you do have options to make

some changes to these things before a closure would come along in the following year, and Jack pointed out to me that one of the species in the Gulf that is managed under a common ACL is in fact Spanish mackerel, commercially.

MR. POLAND: I had a question for John Carmichael, who left the table, but what type of assessment, and Erik might be able to answer. Is it operational, or is it a research track? What is going to be the turnaround on it?

DR. WILLIAMS: Operational.

MR. POLAND: Fantastic.

MS. MCCAWLEY: I guess I would just hope, to go back to what we're debating here about the short-term, I would hope that, if the council were to pass some motions and that something was underway, that, cross your fingers, hopefully that North Carolina could go along with it, because it was underway, and I would just throw that out there.

MS. BECKWITH: Jessica, I've got a question for you. By taking that "in each zone" out, does that mean that -- Are we, by de facto, making the commercial ACL one again?

MS. MCCAWLEY: Kind of. Basically, the way I read it is you could be fishing on the Southern Zone's quota until that quota is met, which would mean the overall quota for commercial is met, and so you're kind of, yes, reallocating to yourself a little bit.

MS. SMIT-BRUNELLO: To that, I would think that, if one does make this kind of motion, staff is going to have to come back with some sort of document to you, and we'll have to look at the NEPA aspect, and there might be a variety of alternatives in there that are reasonable for you to consider. I am not quite sure how we chunk up this kind of thing with the Northern Zone and the Southern Zone and all that, but I'm sure staff could work it up.

MR. POLAND: That brings me to my next question. If somebody makes this motion and the motion is approved, what type of action are we looking at, and what kind of timeline are we looking at?

MS. WIEGAND: If you guys were to make a motion today to begin -- I believe, since it's an accountability measure just for Atlantic Spanish mackerel, it could be done via a framework amendment, and so, if you gave staff direction to begin work on a framework amendment to address this, we could bring you back an options paper that would sort of flesh out some of the stuff that Monica was talking about and put some actions and alternatives together for you to look at.

Once you have approved those, say in December, we could then do some analysis and bring that back to you to select preferreds, public hearings, and we could possibly move it along faster, and I guess I would ask NMFS to get this in place before a closure could possibly occur. When would the council need to take final action on it, and then staff could sort of base a rough timeline off of that?

DR. CRABTREE: Very, very quickly, because I believe, come next summer, there will be nothing going to the Federal Register, and it will be very, very difficult to make any regulatory changes in the second-half of next year, and so would want to come in at the December meeting with this thing ready to roll and ready to vote it up, because I'm afraid, if you wait until March, you are really pushing it.

MS. WIEGAND: Okay, and so my thought is, if you would like this ready to take final action on in December, that's going to be a little tough, and this will require -- This type of system will require a little bit of fleshing out on staff's part, but it would give -- If we also took it out for scoping/public hearings, that would give individuals time to talk about it, and the AP is meeting in October, and so they could talk about it as well, and so it would be a big push, but I think it might be possible to develop something, especially if staff talks a little bit and gets something a little more fleshed out maybe for you to review in Full Council, so we have a better idea on stuff to -- Because we will have to -- Sorry, and I'm thinking this through as I'm speaking out loud, but we'll have to do analysis between now and December, if you want to take final action in December.

DR. CRABTREE: My worry is, if we wait until the March meeting, and then we come back and start going through proposed and final rules that late, we're going to start running up through some risk with it. We might be okay, if it was March, but I can't promise you.

**MS. MCCAWLEY: I would like to make what's on the board in the form of a motion. The motion is to revise the Spanish mackerel accountability measure so that the Spanish mackerel fishery will close when the total ACL is met, or projected to be met. When the commercial sector quota is met, a step-down to 500 pounds will occur.**

MR. POLAND: Do we have a second? Anna seconds. Is there discussion?

MS. BECKWITH: Jessica, if we're de facto turning this back into one commercial quota for the time being, does that mean we need to specify a step-down at 75 percent for everybody, because, technically, the Northern Zone doesn't have a step-down at 75 percent, and so I'm just trying to - - Recognizing what this is doing, I am also trying to protect you all a little bit.

MS. MCCAWLEY: I don't think so. I'm kind of thinking about this more while this is happening, and I don't think so, is my answer.

DR. MCGOVERN: I assume you would allow the IPT to come up with a range of alternatives and not just have this one alternative, because, looking at just this one alternative, as Gregg pointed out to me, it could be somewhat problematic. This allows you to exceed the ACL, and so the IPT might want to consider some others for you to get a look at.

DR. CRABTREE: Nonetheless, you will have to have a reasonable range of alternatives.

MR. CONKLIN: I am not on this committee, and so I appreciate you letting me speak, and I'm just wondering why we wouldn't just do this for the Northern Zone, since this is the issue that is going on, and the Southern Zone has already got a loophole to get this done, and why wouldn't you just do it for the Northern Zone? We drew this line and separated things out back in 2015, and everything was supposed to be great, and now we're seeing the repercussions of what doing

that -- Evidently we didn't do it right, or we have too many open-access permits, and I don't know, but it seems like you would just do this for the Northern Zone.

MS. MCCAWLEY: Going to the various alternatives, and I'm still thinking about what Chris was suggesting about only the Northern Zone, but, going to having to have alternatives, and so 500 pounds for Florida is a significant step-down, and so it's almost like closing the fishery down, because a lot of the boats stop fishing, and I guess, since you're fishing with gillnets in North Carolina, I am wondering if 500 pounds -- Is that really a step-down? It is a big jump for Florida, and so it is a significant -- It's almost like closing the fishery, and it's barely trickling in when it's at 500 pounds, but I'm not sure, in North Carolina, if, at 500 pounds, that's just a trickle, or is it just maintaining the fishery as it was or what?

MR. POLAND: I will let somebody from North Carolina speak to that.

MR. GRINER: That would be a big step-down. I mean, we have a 3,500-pound trip limit, and so that's a huge step-down, but, even at that big of a step-down, it does allow us to help reduce some bycatch that these guys are going to experience when fishing in state waters without that 500 pounds, and so even the 500 pounds is worth it for us.

MS. SMIT-BRUNELLO: Two points. One is to Chris's point. I think the staff, if you allow them flexibility, is necessarily going to have to look at something like that, just because of the way the AM is written, and it might be reasonable for you all to consider. The second is this definitely has to be, I think, a short-term fix, until you decide what to do, because, in the National Standard Guidelines, if the catch exceeds the ACL for a given stock or stock complex more than once in the last four years, the system of ACLs and AMs should be reevaluated and modified, if necessary, to improve its performance and effectiveness, and so you would want to really view this as a short-term kind of solution.

MR. GRINER: I was just going to make that point. Even though it's a huge step-down for us, it keeps us fishing, but, not only that, it allows us to stop throwing back 500 pounds of Spanish mackerel while we're out there blue fishing and spot fishing and trying to keep going and have some semblance of a Christmas.

MR. CONKLIN: I'm not on this committee, but I appreciate you letting me speak. It seems like we heard some public comment yesterday that, in September and October, it's people's primary source of income in North Carolina that gillnet, and then I also heard comment that they are discarding sometimes as much as 2,000 pounds a day in the gillnet fishery, and so I want us to be cognizant of that, and that 500 pounds -- I mean, we're still going to be wasting the resource. If we're going to do something, it needs to be catered to the fishery and not just to what looks good, and so maybe that's not the right number, and I would encourage you all to come up with a range of reasonable alternatives.

MR. POLAND: Maybe that can be part of the analysis of alternatives.

MS. BECKWITH: I would really argue against that, because, right now, what we're doing is we are allowing the commercial sector to take their quota, and so this extra 500 pounds that we would be permitting is after the commercial sector has completely utilized their quota, and so, if we were going to deal with larger trip limits, that needs to be done through a real discussion of reallocation

and limited entry and all those other aspects, because, otherwise, then it really legitimately becomes a free-for-all against the recreational portion of the ACL, and that needs to happen in a methodical discussion and not in a pseudo reallocation of this method.

To Jessica's point earlier, I would be fine doing this for just the Northern Zone. The only benefit to doing this this way is that it then codifies what you guys are already doing, which is technically not completely in the spirit of what was in Framework Amendment 2, because you guys should not be fishing past the commercial quota, and so, if you guys want to move forward with just the Northern Zone, I am fine with it, but, if we do it this way, then what you're basically doing in practice then would be codified.

MS. MCCAWLEY: If you're going to call us out, I'm going to call out North Carolina. You guys aren't supposed to be using gillnets past a certain line in the state, and you are, and so I'm just saying.

MR. WOODWARD: Tim said something that I think we need to think ahead and to be captured in the purpose and need, and that is that I think it would lessen some of the suspicion of folks about this being a back-door reallocation if you speak to the fact that this is producing discard waste, and I think that's a very important thing that needs to be communicated in this, is that fish are being encountered anyway, and this will reduce that waste and turn it into something that's being used beneficially.

MR. GRINER: I just wanted to say that, to Chris's point, these guys are really good at what they do, and a lot of people don't believe it, but gillnets can be selective, and it's based on mesh size, and so they can reduce somewhat of what they encounter by adjusting mesh sizes, and so they can get away from a big situation where they've got a big set and they've got too many fish in it by just adjusting some mesh sizes and keep the bigger Spanish mackerel, but 500 pounds would go a long way.

MS. WIEGAND: I just want to try to, for staff's benefit, for my benefit, to summarize what I am hearing around the table. If you guys want to take final action on this in December, staff is going to have to develop actions and alternatives and analyze them, so you can see this, and so what I'm hearing from discussion around the table is that you would like -- If this motion passes, you would like to see this, and we're going to have to do a reasonable range of alternatives for NEPA anyway, and so perhaps a few different options to consider for this 500-pound trip limit, as well as perhaps different alternatives that looks at doing this overall and doing it for the Northern Zone.

MS. BECKWITH: I do not want to see anything over 500 pounds. Everything else has to be discussed through an allocation discussion, a reallocation discussion, and I think that would be the fair way of doing it. Again, this is a stop-gap measure to reduce discards, but, as a reasonable alternative, yes, I think for just the whole thing versus just the Northern Zone would be reasonable alternatives.

MR. POLAND: Real quick, to clarify what Jessica was talking about, the gillnet issue in North Carolina, in the interstate plan, it says that purse seines and drift gillnets south of Cape Lookout are prohibited, but there are other areas in that plan where it doesn't specify the type of gillnet, and so it is an issue in wording and terminology in the interstate plan that needs to be addressed at their commission.

DR. CRABTREE: Just to come back, and I think Jessica had said something about, if we pass this motion, maybe that would give North Carolina -- Well, if North Carolina law says they have to comply with the plan, nothing you're doing today changes the plan, and North Carolina would still have to remain closed, if that's what North Carolina law says, which I don't know what North Carolina law says, but, just because we pass a motion, it doesn't change the plan, and it won't be changed until a final rule publishes in the Federal Register. I don't think what we do at this meeting, or even at the December meeting, changes the situation we're in.

MR. POLAND: To that, Roy, it's a rule and not a law.

MS. MCCAWLEY: Can we take a break?

MR. POLAND: Jessica would like to take a break, and I agree. We've been at it for an hour-and-a-half. Let's take a break.

(Whereupon, a recess was taken.)

MR. POLAND: Welcome back. I hope everyone got cookies and coffee. Where we left it, we had a motion on the board, and it was seconded, and it belongs to the committee, and we had a little bit of discussion. Do we want any more discussion on this motion?

MS. MCCAWLEY: After I had some more sugar, now I think we need to amend this motion to only apply to the Northern Zone, but, since this motion belongs to the committee, I don't know how you would like for me to do that, Mr. Chairman.

MR. POLAND: Well, luckily, I took parliamentary training earlier this week, but I do not have my little green card. I would suggest a motion to amend, and that would require a second, and then there would be some discussion, and that would have to be voted up or down.

MS. MCCAWLEY: Okay. **I am going to make a motion to amend.**

MR. POLAND: Anna seconds. Is there discussion? What was your motion to amend?

MS. MCCAWLEY: **Copy and paste that motion and make it only apply to the Northern Zone.**

MR. POLAND: So the committee is clear and everyone out there on the worldwide web is clear, the motion to amend was adding "Northern Zone", and so this action would only apply to the Northern Zone. We had a second. Is there any discussion?

MS. MCCAWLEY: Anna, is this the correct motion? Is the "Northern Zone" word in the right place?

MR. POLAND: All right.

MS. SMIT-BRUNELLO: Just so I can understand this, we are still talking about the total ACL for the Northern and Southern Zone, or do you want to split this out to have -- Such that it's the

Northern Zone commercial and recreational combined ACL, which there isn't one, but we can figure out what to do there, and so I'm just a little confused if you mean the entire Spanish mackerel total ACL or just the amount that has been apportioned for the recreational and commercial sector in the Northern Zone.

MR. POLAND: I will let Anna speak to that.

MS. BECKWITH: I think the cleanest and easiest way of doing this would be to maintain the overall recreational ACL, the total ACL, but to have the step-down happen when the Northern Zone commercial quota is met, and does that make sense, Jessica? What we were discussing is that our Spanish mackerel fishery -- If we turn the Northern and Southern Zone commercial quota back into one quota, North Carolina has access to those fish first, and so we could, potentially, do some harm to the Southern Zone's access to those fish, because our folks, fishing at 3,500 pounds all the way through, could actually shorten Florida's season, which is one of the reasons that we did this split to start with.

While trying to sort of fix our problem short term, but not do damage to the Florida fishermen, we were thinking that, if we just kept it to the Northern Zone commercial limit, when their sector -- When the commercial sector in the Northern Zone reaches their quota, they would step down to that 500 pounds, but they would close when the total ACL is met, because we only have one recreational ACL, and splitting that out I think would -- That would overcomplicate the situation.

MR. WOODWARD: I am trying to -- I know what you're trying to do here, but I'm not sure this motion -- If I was reading it, not knowing what you're trying to do, that I would get from it what you're trying to do, because, if I read this -- Obviously, the first thing it says is Northern Zone Spanish mackerel fishery, and so it's implied that there is only a Northern Zone commercial fishery, but one could read that, well, then there's no Spanish mackerel fishing in the Northern Zone, if you didn't understand that, because there is no zones for recreational fishing, but, at the minimum, you ought to insert "commercial" behind "Northern Zone", just to make sure that's clear.

It's going to close, but then the next sentence says, when it's met, you can keep fishing at 500 pounds, and so the word "close" is kind of misleading. It's like you're closing it, but it's open, and so it's really not closed, and it's sort of half-closed. If you read that first sentence as it stands alone, it's closed. It says that the Northern Zone commercial will close when the total ACL is met, or projected to be met, and so that's it. When it's met, there is no more fishing in the Northern Zone, period. As long as that's what it really is supposed to mean.

MR. POLAND: That would mean that there is no more fishing, period, throughout the region, because it's the total ACL, and so, when the total ACL is met, not sector ACL, but the total ACL, in federal waters.

MR. WOODWARD: Well, maybe reordering it so that it says accountability measures so that, when the Northern Zone commercial sector quota is met, a step-down to 500 pounds will occur, and then the Northern Zone commercial Spanish mackerel fishery will close when the federal ACL is met or projected to be met, and so that says like, okay, we're fishing with a step-down and then it ends. Does that make more sense?

MR. POLAND: Let's make sure we get the wording.

MS. WIEGAND: Give me a second to read this.

MS. BECKWITH: Jessica, what this is saying is that our commercial fishery would have that 500-pound step-down until the recreational ACL, everything, was closed.

DR. CRABTREE: I don't think this works. You can do the step-down when the Northern Zone quota is met, but the next sentence needs to say that the Spanish mackerel fishery will close when the total ACL is met. We're going to close everybody, North, South, and recreational.

MR. POLAND: The Spanish mackerel fishery will close when the total ACL is met, or projected to be met.

MS. BECKWITH: What this is saying is our previous example was we were going to combine everything, and the commercial ACL was going to be combined, and then we were going to close when the total ACL closed. Right now, what this is saying is that our Northern Zone commercial folks will keep that 500 pounds until the entire ACL is closed, and so we would have a slightly different accountability measure than what you guys would be following, but I think it, in practicality, ends up being about the same, but our commercial guys would have 500 pounds until the entire ACL closes.

MR. POLAND: I think we're all clear.

MR. BREWER: I don't like either one of these, because what you're doing is you're slipping around reallocation without calling it reallocation.

MS. BECKWITH: No.

MR. BREWER: Yes, you are, because what happens is, when the commercial sector has met its quota, you're going to go to a step-down, and I don't care whether that step-down is 500 pounds or 50,000 pounds. You're going to be fishing on the recreational quota, and you're going to have commercial guys fishing on the recreational quota. If you're going to do that, or try to have essentially a reallocation, you should go through the proper steps for reallocation, and, for that reason -- I don't think I'm on this committee, but, when it gets to Full Council, I am not going to support either one of these.

MR. POLAND: For the record, Chester, you are on the committee.

MR. BREWER: Good. I won't support it now then.

MS. SMIT-BRUNELLO: If you could pull the motion back up, Christina. Two things. one, when you say when the total ACL is met, in total ACL, maybe you could add some parentheses to just say what do you mean by the total ACL. Do you mean combined recreational and commercial ACL? That is what I am assuming, but this is just kind of confusing, and so what does this do to the Southern Zone? Does it give them additional fish too somehow, because, right now, you close the commercial sector when the commercial ACL is reached, but, for the Southern Zone, you've got -- I am just trying to think about unintended consequences.

MS. WIEGAND: The way I am understanding it, the way it's written now, it's going to set up a situation where it's possible that the Southern Zone would hit their commercial quota and federal waters would close. Now, in Florida state waters, they have got that 500-pound limit. My understanding is that South Carolina, at least, and maybe Georgia, typically follow federal closures in state waters, and so their state waters will close, whereas, in the Northern Zone, those guys, when they hit their quota, are not going to close. They are going to drop down to this 500-pound trip limit until the total commercial and recreational combined ACL is met, and so it does result in a situation where fishermen, and I know South Carolina and Georgia aren't big Spanish mackerel -- They don't have a lot of landings, but it would result in a situation where they would have to close state waters when the Southern Zone quota has been met, assuming they are following federal regulations.

MR. BELL: Ours is fairly simple, and we have one code section which basically says we will adopt federal laws under Magnuson as the law of the State of South Carolina unless we say otherwise, and we only say otherwise with black sea bass, and we don't want to go down that road, and it doesn't specify which piece of the -- I mean, it would -- If it closes, then it would be closed off South Carolina, and it would be closed in South Carolina, and that's the way I would -- We're part of the Southern Zone, and so I guess that's the way that would work for us. I know we've never had to deal with that before, but it simply just says, whatever the federal law is, that is the law of the State of South Carolina, related to closures and everything else, and so we are in the Southern Zone.

DR. CRABTREE: Well, I am interpreting this a little differently. To me, what happens here is no one closes unless the total ACL is projected to be met. Southern or Northern, nobody closes. If we project the total ACL to be met, everybody closes, recreational and commercial zones, and then the only thing the Northern and Southern Zones do anymore is have different step-down timing, and so that's how I'm reading it, but I will say that I sort of agree with Chester. The real issue here is the allocation, and, to me, what you really need to do is shift the allocation, but, if you want to do that -- This is how I'm reading it, is nobody closes unless the total ACL, recreational and commercial, is reached, and then everybody closes.

MR. POLAND: Let it be noted that twice this meeting that Roy and Chester have agreed.

MS. WIEGAND: I just want to make sure that I am understanding what you're saying. The way you're reading this is, even if the Southern Zone has reached their quota, they will remain open until the total ACL has been reached, and that's the way you're reading the language here.

DR. CRABTREE: That is my understanding of the intent of what we were doing, and so, if I'm wrong about that, you guys need to say so, but that's what I thought we were doing.

MS. BECKWITH: I am actually reading it like Roy is. The only difference from what we were doing before is that our fishermen will not be impacting the Southern Zone's access by reducing their commercial trip limit faster, or causing their step-downs to occur faster. To Chester's point, when I previously brought this up -- I agree with you 100 percent that we have to have a reallocation discussion, and we have to move towards limited entry for the Spanish mackerel fishery, and I am 100 percent in agreement with you.

What we are doing with this is a short-term fix that brings into parity North Carolina with what Florida is already doing, because Florida maintains a 500-pound trip limit in state waters when the commercial sector has reached their zone ACL, and so I agree with you 100 percent that we have to initiate discussion on reallocation and limited entry, but we also want to make sure that our fishermen are being unnecessarily disadvantaged, and we want to make sure that we don't have excessive discards in our fishery that are unnecessary, and so we are on the same page, I think. If you want to vote against this, I totally understand it, but I want to be very clear on the record that I actually agree with your points, and I do think we have to have the reallocation discussion.

MR. WOODWARD: Everybody is going to cringe, but should we put a date certain that this is in effect, because if we don't put a -- I mean, it would only be effective through a certain period of time, or is this effective through whatever -- Because, otherwise, it's easy to kick the reallocation can down the road. If you fix this little problem, then you don't have to really deal with the root cause, and so, at the minimum, I offer that as a suggestion for -- As a motion accountability measure.

MS. MCCAWLEY: I mean, I like the thought. I just think that there's so many things that could happen, rules not getting published on time or whatever, and, since this is for North Carolina, and they have to have something in place in order to go consistent with it, what if it were to come off the books and there is a gap in between there, and I'm just -- I mean, if you were going to do something like that, maybe, instead of a date certain, maybe you say until sector reallocation can be considered or until sector reallocation is finalized or -- I am trying to do the same thing, but without putting a number in there, or maybe we just say another sentence that says that is our intent that, following the next stock assessment, we will consider sector reallocation, which is what the council's position was at the last meeting when we finalized the allocation plan. I feel that's already on the books, and it's already on the list, and we really need to look at allocation following that stock assessment, which we were going to do anyway.

MR. WOODWARD: But what I heard from John is we don't have a date for the next assessment, and is that right, or have we set a date?

MR. CARMICHAEL: You don't have exact dates, because it hasn't been scheduled yet, but it's possible that it could start with data in very late 2020, maybe through mid-2021, depending on how it gets scheduled, and so I would say, in all likelihood, it could possibly go to the SSC either October of 2021 or April of 2022, based on what's now on the schedule.

MR. WOODWARD: So we would be looking at taking action to change this to something else in 2023 or 2024, and so we're talking about five years from now, and I'm just trying to deal with the fact that, like I said at the beginning, when I was playing devil's advocate, that this is going to appear to be a back-door reallocation, and we all know ourselves that the recreational sector is unlikely to suffer a consequence, but allocation is a very sensitive subject and one where perception is reality, and, if we don't do something -- I mean, something could possibly push Spanish mackerel on down the line, and then we would be sitting in a situation where we're six years or seven years on down the line and we haven't dealt with it, and so that's just my concern. I am just getting it on the record that this gives me some angst.

MR. POLAND: I am going to throw it over to Christina real quick.

MS. WIEGAND: I just wanted to make a tentative suggestion, after talking with Steve. Next on the agenda, you guys do have the topic to discuss port meetings, and I am making some assumptions here, but, presumably, you would want to get some input on these future allocation and limited-entry discussions from the public port meetings, and we'll get into it when we talk about that, but it will be a lengthy process, if that's something you guys decide you have time to pursue.

You could start that process to start gathering information from the public on allocation and limited entry, and, given that that process could take a year or two or three, depending on how you want to format it, we would be running up then against the time where the assessment would be finishing up, and so that's just a potential timeline to think about, and I know you will discuss workload during Executive Finance, and so I'll leave it at that.

MR. POLAND: All right. I'm going to go back to the queue, because I've got a few people in it.

DR. CRABTREE: Well, one, I think, if you want to state your intent in the amendment somewhere, that's fine, but I would urge you not to put a hard sunset in there. It's your decision. All you have to do, if you want to change the allocation, is do it, and so I just wouldn't put a hard thing in there, but you can certainly express your intent, and the other thing about parity that Anna -- Remember that parity is fine, but, if the overall total ACL is caught, there is no assurance that some state won't leave state waters open and some other one may close it, and so, if you're really out to get compliance and parity, et cetera, you've got to go to the ASMFC to get to that. We can't assure that here.

MS. SMIT-BRUNELLO: Just to speak to the sunset idea, I understand what Spud is talking about. I think that sunsets, in this sense, are kind of difficult, because, when this would sunset out, what takes its place? The Act requires catch limits and measures to ensure that those catch limits can be -- That you can hold fast to them, in a sense, accountability measures, and so you would have to set up something, I think, that, if you wanted a hard sunset in the regulations, then something else has to take their place, I think, to meet the requirements of the Act, and it gets pretty complicated. I think I agree with Roy. Stating your intent, pure and simple, putting it in your newsletters and doing whatever else you do to get the word out, is the way I would suggest you go.

MS. BECKWITH: To Spud's point, I agree with you, and I think, while we may not be able to tackle allocation until the stock assessment, I think we can tackle limited entry on this fishery, and, just so you know what my next intent is -- If this were to pass, my next motion would be to re-adjust the trip limit for the Northern Zone commercial. I think, if we're going to allow this to happen, a 3,500-pound trip limit is not reasonable, and I would move forward to reduce that and analyze 2,000 and 2,500 and 3,000, with the intent of probably thinking that a 2,500-pound trip limit would be equitable, and so that's my master plan, and so I certainly am sensitive to that as well, given that I have been one of the more vocal people on the council against one ACL for yellowtail, for all those reasons.

MS. MCCAWLEY: Just remember that, the poor yellowtail guys, and here we are helping Spanish mackerel, and I'm just saying.

MR. POLAND: You are acknowledged, Jessica. All right. I feel like we've had a pretty good discussion on this, and so we've got a motion on the board to amend, and so we need to take care of this motion. If it passes, then it's the main motion, and then we have to vote again, so everybody is clear, and, before we do any voting, since we've had a good amount of discussion, I'm just going to run back through who is on the committee. It's myself, Bob Beal, who is not in attendance, Anna, Mel, Roy Crabtree, Tim Griner, Jessica, Spud, Chester, Art, Rob O'Reilly, Dewey, and Tony and Carolyn.

Is everyone ready to vote? All right. **All in favor, a show of hands, nine; all opposed, one; any abstentions. The motion carries.** The motion to amend becomes the main motion. Are we ready to vote again? Any more discussion on anything, and are we all clear on what we're voting on now? This is the main motion. All right. **All those in favor, a show of hands, six; all opposed, four; any abstentions. The motion carries.** If you all remember, we have an agenda. Is there any more discussion?

MS. BECKWITH: **I would move that we analyze trip limits for the Northern Zone commercial sector of 1,500, 2,000, and 2,500.**

MR. POLAND: Is there a second? Jessica seconds. Is there discussion?

DR. CRABTREE: This is to go in the same amendment as the accountability measure?

MS. BECKWITH: Well, it's not an accountability measure, but, yes, it's just to change the commercial trip limit. Right now, it's 3,500 pounds.

DR. CRABTREE: But it's to go in the same framework amendment as the previous motion?

MS. BECKWITH: That would be the intent, if it's possible.

MR. POLAND: Any more discussion?

MR. WOODWARD: Maybe just to perfect the motion, to move to analyze and develop alternatives for trip limits, because, right now, it just says analyze, and it doesn't really say to turn them into an actionable item, and so just something that's maybe just a perfection of that.

MR. POLAND: I guess that's a friendly amendment.

MR. CONKLIN: Just from a staff perspective, is this going to hold up the ability to get this thing out in October, in a couple of weeks, to the AP and then is it going to hold up us seeing it again in December? Anything added to this, while I don't disagree that some of these things might be worth looking at, anything to hold up the possibility of the guys up there not having any kind of take next year, then I wouldn't be for it, and I know I'm not on the committee, but I am on the Full Council, and so I can kick this back tomorrow.

MS. WIEGAND: I will say, one, a couple of things. The briefing book for the Mackerel Cobia AP has to be posted Monday. What I will have for them to see is the committee report with these actions, or these motions in it, and the IPT will, obviously, not have had time to go through and

develop detailed actions and alternatives for them to review by the AP meeting. That's not possible.

I am not saying it's impossible for the IPT to -- Trip limit alternatives are fairly easy to analyze, but it is possible for staff to get something to you guys by the December meeting, but having fleshed-out the actions and alternatives analysis for the AP to see and for public hearings is probably not possible, not until the December meeting, at the very earliest.

MR. CONKLIN: But what we see in December, we won't be able to -- Will we be able to change it?

MS. WIEGAND: No.

MR. CONKLIN: We won't be able to change it, and so, if it's not what we want, then we just have to take it out, and so I'm just trying to figure out why we wouldn't just do a comprehensive like let's fix the Spanish mackerel fishery after we revisit the allocation and everything, instead of starting to jimmy around with everybody's livelihood a little bit more.

MS. WIEGAND: What staff will do is develop actions and alternatives and try to get analysis done by the December meeting. I am going to look at Monica to confirm that what I am saying is right, but, if you guys were, at the December meeting, to make changes to those actions and alternatives that were developed and analyzed by staff that weren't in the range of the analysis we've already done, then, no, you would not be able to take final action, because we would need to go back and analyze any changes you made that weren't already within the range. If you don't make any changes outside of the range of what we've already analyzed, you should be able to take final action and have public comment at the December meeting.

MR. POLAND: Monica, would you like to comment?

MS. SMIT-BRUNELLO: Spoken like a lawyer. Very good. I think that's right. If you wanted to make changes that were within the ranges that were analyzed, that's okay, because you would have already seen the analysis, but, if it's outside the range, then, yes, you're going to have to have it come back to another meeting.

MS. BECKWITH: I think that's a reasonable range. I mean, I guess, if you guys want to drop the 1,500 and analyze 3,000, to make sure we have a range, but I think 2,500 is probably where our guys need to end up, especially if we're going to allow them to dip into that 500 pounds after their sector ACL has been met, and so I'm just being sensitive to the recreational component on this, and so sort of having your cake and eating it too, and I'm okay with that range, but my intent is to pick that 2,500 pounds. If anyone else at this table from North Carolina thinks that 2,500 pounds is not the right number, then we need to make that adjustment now, but that is my intent.

MR. GRINER: Just so I understand how this affects what I thought we were going to do, is a simple framework just to kind of get over a quick problem here, but so, if we don't add this motion now, and we just begin the framework, can we not add this to the framework later?

MS. WIEGAND: Not if you want to take final action in December, no.

MR. GRINER: Thank you.

MR. POLAND: Any more discussion?

MR. GRINER: But, in order for this to be in play for October, we don't have to take final action until March, and is that correct?

MS. WIEGAND: I am going to look over to my NMFS counterparts, but the impression I got from them was that, if you want to be assured that it will be in place, you would need to take final action in December.

DR. CRABTREE: Well, to maximize the likelihood, and I think what you're shooting to is to vote this up for final action in December, and so what you want to do with your APs and hearings and all that I leave to you, and I think the only thing you're really required is you could come in at the December meeting and take public comment on it there and be done with it, but there won't be a whole lot of analysis for it if you've got a briefing book due I think you said next week, and there's not going to be anything much ready for that.

MS. WIEGAND: For the AP meeting, they will be seeing -- I am going to compile the motions that you guys have made and explain to them the direction that you're going for them to discuss, but there will be no analysis or actions and alternatives for the AP to review.

MR. GRINER: Well, then how much more analysis would it be to add a fourth one to add 3,000 pounds?

MS. WIEGAND: I am not the one that does trip limit analysis, but my understanding is that it's fairly simple to do, and I don't think that adding an additional 3,000 would significantly delay this amendment beyond what we've already got on the board.

MR. CONKLIN: The only thing that I get out of this is the guys are losing the whole year this year, right, and we make it to where they can open it up, and it seems like, in the following year, they may need more pounds, since they're not going to shut down, and constraining is going to hurt them in the long run, if it's not going to close down.

MS. BECKWITH: I am okay dropping 1,500 and adding 3,000. I think you guys don't need to analyze more than three options.

MR. POLAND: All right, and so the motion is on the table, and the committee owns it. If we want to change the motion, we can do another motion to amend.

MS. SMIT-BRUNELLO: Just a suggestion. Your no action alternative right now is 3,500 pounds, right, and so your analysis right now is going to go from 1,500 to 3,500, because you will necessarily have to analyze the no action alternative, and so you may want to leave that 1,500 in there just in case, at the December meeting, you said, no, really what we should have done is go a little bit lower, with the 1,500, and so you'll have the range, and it will be from 1,500 to 3,500, and so that probably gives you better coverage for your December decisions.

MR. POLAND: Thank you, Monica. Any more discussion? All right. Let's take this to a vote. **All those in favor, a show of hands, nine; all opposed, one; abstentions, one. The motion carries.** Is there any more discussion on the Spanish mackerel white paper?

MR. HEMILRIGHT: It is possible to have the committee draft a letter to the State of North Carolina, sending these motions that have been approved here today? Does that need a --

MR. POLAND: I would think that would need a motion, Dewey.

MR. HEMILRIGHT: **I will make a motion that these that have been approved here today, these two motions, to send a letter to the Division of Marine Fisheries in North Carolina with these motions.** I also believe that, in the future, our states could be having discussions with the fishermen about the different things, options or whatever, and they need to know this. Thank you.

MR. POLAND: All right. There's a motion on the board. Is there a second? Second by Anna. Is there discussion?

MS. BECKWITH: Dewey, you sort of read my mind, and I was going to pick it up at Full Council, but I had intended to also suggest sending a letter informing North Carolina DMF that we had initiated an amendment to reconsider the accountability measure and the trip limit and to include the motions and that we would be working to have this in place prior to this time next year. My reason for doing this, as yours, I'm sure, is this would allow Director Murphey to approach the Atlantic States Fisheries Commission and the Secretary of the Department of Environmental Quality to consider what, if any, options would be available to mitigate the last thirty days of the 2019 season.

MR. POLAND: All right. Is there any more discussion on the motion?

DR. CRABTREE: This would be a letter from the council, and that's assuming these motions pass at Full Council, and this letter would say nothing more than the council passed these motions and is going to consider changes at the December meeting, because I've got to tell you that I have a lot of heartburn with us writing a letter that the implication is we're trying to get a state to not follow compatible regulations with what we already have, and my worry is that's kind of what -- I hope that's not what this is, but I think we need to be very careful that the letter doesn't say anything beyond just we passed a motion, because the changes won't be implemented until well beyond and well into next year.

MS. BECKWITH: Roy, I agree with you 100 percent, and the intent of the letter would just be to inform North Carolina that we have initiated this abbreviated framework amendment and showing the two motions and the timing part of whatever it is that we're doing, that we're going to look at it in December, and that is it. There is nothing outside of the facts of what is occurring.

MR. GRINER: I was going to say the same thing. That's my understanding, that this is just to acknowledge what we've done here, but not anything further than that, and the timing of it.

DR. CRABTREE: You don't feel that the fact that Mr. Poland, an employee of the Division of Marine Fisheries and the Chairman of the Mackerel Committee, who has sat here through all of this, is going to go back and tell the commission that this happened, or the division, and so I still

can't get around that the only reason I see you want to send this letter is you're hoping that somehow this will then be used for North Carolina to reopen the fishery and not follow our regulations that we spent all of this time trying to put regulations in place, and then we're going to come in and try to undermine our very own regulations, and I think that is just a terrible practice, and I would urge you not to go down this path.

MR. POLAND: Well, as a division employee, I can speak that, if a letter is sent from the council to the State of North Carolina, and it's not specified in the motion who, and just the Division of Marine Fisheries, and I would assume Director Steve Murphey, stating as such, I can't -- I don't see that he would receive that letter with any implied intentions, and I can't speak to the intentions of the North Carolina delegation who made the motion.

DR. CRABTREE: I guess that's my question. What is the purpose of this? Clearly Steve will make sure that Mr. Murphey is aware of what's going on, and so why do we need to send a letter? We don't send letters to the other states like this, and I don't know that we've ever done anything like this, and so there's got to be some unspoken purpose behind doing this.

MR. HEMILRIGHT: One of my purposes in sending the letter to the division is for it to get also to be sent -- I will be making a comment to the North Carolina Fisheries Association, but just what we've done here, to hopefully, in the future, there's something that can be done to keep us fishing, so we're not reducing the discards, and so that's my reason for this motion.

MR. POLAND: Is there any more discussion from the committee on this motion that's on the board? All right. Let's take it to a vote. All those in favor, with a show of hands, three; all opposed, four; abstentions, three. The motion fails.

MS. WIEGAND: We've got a calculation error.

MR. POLAND: Who didn't vote?

MR. BELL: You've got three abstentions.

MR. POLAND: Three abstentions. We need to vote again. Make sure your hands are high and visible. **All those in favor of this motion, a show of hands, three; all those opposed, four; abstentions, three. The motion fails.**

Moving on, is there any more discussion on the Spanish mackerel white paper? All right. We are going to move on to Christina will give us an update on port meetings for the king and Spanish mackerel fisheries.

MS. WIEGAND: All right. Here we go. Port meetings, to be cognizant of what time it is, I am going to try to run through this quickly and give you all some stuff to mull over and think about, because this is a pretty lengthy document. This originally came from your Mackerel Cobia Advisory Panel. They passed a motion requesting that the council set up a series of port meetings to gather more information on both the commercial and recreational mackerel fisheries. You asked that staff put together some information for you to consider for how that process might work in September.

Here we are, and this was originally done for snapper grouper, and it was done as a visioning process, and so perhaps different than what you guys are intending for port meetings, and I will get into a little bit that process, so you guys understand what happened with visioning and how you might take that and modify it for mackerel port meetings, but one of the purposes for snapper grouper was to review the objectives in the FMP.

Like snapper grouper, CMP also has a series of objectives, and those objectives were last modified in Amendment 6 to the CMP FMP, which was approved in 1992, and, in the early amendments, those objectives were specifically tied to problems in the fishery, and these problems in the fishery were last updated in Amendment 9 to the CMP FMP, which was 1998. What this sort of decision document is intended to help you do is to get you started thinking about what you would like port meetings to look like for the mackerel fishery, and so sort of the who, what, when, where, why, and how of port meetings.

Just to start off brainstorming, we would like the council to discuss a little bit on why would you like to conduct port meetings for the mackerel fishery, and, based on conversations that you guys had at the June meeting and in the past, some ideas that I put here was that the South Atlantic Council would like to gain a comprehensive view of the commercial and recreational king and Spanish mackerel fisheries, and, again, the objectives haven't been revised since the late 1990s, and recent amendments to the CMP FMP have been reactionary in nature, and so it might indicate a better need to understand the dynamics of the fisheries. Then, with species moving northward in response to climate change, this could impact future management of mackerels.

Then just something you guys should be keeping in mind is we've talked about this word "comprehensive", and so you will need to consider whether doing port meetings should focus just on Atlantic migratory groups or whether you guys want to consider partnering with the Gulf on this, understanding that they may have different priorities, to look at mackerel fisheries as a whole.

When we talk about objectives, keep in mind that the objectives for the CMP FMP are for the FMP, and so Gulf and South Atlantic, and so, if you're going to look at revising the objectives, once you get to the amendment point, that's going to require Gulf approval, and there might be a little bit of heartburn revising the CMP objectives off of a process that only involved Atlantic fishermen, and so that's just something to keep in mind.

MS. MCCAWLEY: I would love to have a discussion about whether or not we should even have port meetings, because I don't want to have port meetings. I am just going to throw that out there. I just don't think that now is the time. I think we should wait until after the stock assessment. I think this is premature in going out and talking to the stakeholders before we have that stock assessment, because maybe the assessment indicates that the fishery is in trouble, or maybe the assessment says everything is fine and the quota can be increased, plus you've got to incorporate the new MRIP numbers.

I just think this is premature, and I feel that if states, like North Carolina or Florida, want to go ahead and start meeting with stakeholders, especially now that people, especially North Carolina, are engaged and wanting to talk about this, I think that would be a great idea, but, for the council staff to go out and start doing these port meetings right now, it just -- We don't have the assessment done, and I'm just concerned. I just don't really want to do it right now.

MR. CONKLIN: I'm not on the committee, but I will be at the next meeting. I kind of feel the same. We have a real engaged group of commercial stakeholders that show up and participate in a lot of our meetings and offer up solutions, and we now have the North Carolina folks that are showing up and participating. Kari went around and studied the fishery for us, as far as commercial goes, and she gave us a great report on that a couple of years ago.

I think that we get enough participation, and we know a lot about this fishery. I mean, the recreational side, maybe not, but, if we want to go try and vision for that, look at what we did with the snapper grouper recreational visioning. I mean, we're still trying to see what we didn't want to see, but I would hold off, at least.

MR. POLAND: Thank you, Chris.

MR. BELL: Kind of with what Chris and Jessica have already said, I don't really see a compelling need to spend a lot of staff time and effort and money, and I am one of the states that doesn't have as big of an interest as North Carolina and Florida. If North Carolina and Florida can engage their folks, through FWC or DMF or whatever, that's good too, and the stock assessment, and so, I mean, I don't see a compelling need to move on this right now. I mean, we've got enough stuff on our plate, and it's not that we don't care, but it's just that there's a lot going on, and it's probably not necessarily the best time right now to take this on.

MS. MCCAWLEY: One other point, and I brought this up at the last meeting, when Martha was the Gulf Council rep. Of the people that we have talked to in the Gulf, it just doesn't feel like they want to get involved in this right now, and, I mean, it's just another reason why I think we should not embark on this right at this minute, and so I'm not saying don't talk to stakeholders. Like I said, I think that we've got a lot of people engaged right now, and I'm really excited about that, but let the states go out and meet with folks right now as we wait for this assessment.

We don't know what it's going to show, and so I feel like fishermen could act in a more educated way and have more educated recommendations for us once we know the results of that stock assessment, which I am hoping is going to be excellent results, but we don't really know that, and I'm afraid that we would do a lot of work right now, and they would give recommendations assuming that the stock is in really great shape, but we don't know it, and so then it seems like we would then have to double-back to those folks, and so I'm just trying to be cognizant of let's do this at the right time, if we're going to do it.

MR. GRINER: I agree as well, and I think, without the stock assessment, it really just -- The timing is all wrong. What do we need to postpone this, a motion?

MR. POLAND: I think all we're looking for is guidance or direction to staff. Were you going to make a motion, Tim?

MR. GRINER: I would be prepared to direct staff to put this aside until after the stock assessment.

MR. POLAND: Is there a second to the motion on the board? Jessica seconds.

MS. MCCAWLEY: Just a point of order. It's not really -- It's not a motion, and so I'm just --

MR. POLAND: Sorry. All right. We will direct staff to postpone work on port meetings until after the Spanish mackerel stock assessment. I still have two people in the queue.

MR. WOODWARD: I think it's pretty much all been said, but I just want to tell Christina that I appreciate the work you did putting this together, and just put it over in the box for a while, until it's time for us to revisit it.

MR. POLAND: File it away.

MR. CONKLIN: I just wanted to sum up what I was saying a minute ago. In the snapper grouper visioning, we got some ideas for commercial that we were able to get an amendment through, because a lot of those people didn't ever come up offering solutions, and you know what I mean. The commercial fishermen in the mackerel fishery, they come to our meetings, and they bring solutions to the table, and we're able to act on them, and it's nearly the expense that we had for our band-aid that got done in the commercial snapper grouper fishery, but thanks for all your hard work, and we'll put this in the boatyard.

MR. POLAND: All right. Thanks, Christina. I don't see any need to go through the rest of the document. We will move on to the next agenda item. Is Ryan Rindone still with us?

MS. WIEGAND: Yes.

MR. POLAND: All right, and so Ryan is going to go over the Gulf Council Framework Action to Modify the Federal For-Hire Trip Limits.

MR. RINDONE: Christina, this presentation has animations in it to move the bullet points one at a time, and so if you just want to click on through it. This is a framework action that the Gulf Council is working on to modify the for-hire multiday trip possession limits. Right now, on Gulf for-hire trips, anglers can possess up to two daily bag limits, and the second bag limit can't be possessed until after twenty-four hours have passed.

Any trip that is twenty-four-hours-and-one-minute and longer, the second bag limit can be possessed after that. For captains, there must be two captains onboard that for-hire vessel, and that's a Coast Guard requirement, and passengers must have a receipt in their possession that notes the trip duration, and they have to keep that on them at all times. This excludes cobia, because cobia is regulated under a separate possession limit of two daily per person, regardless of trip duration, and then warsaw grouper and speckled hind are both under vessel limits.

In the South Atlantic, for for-hire trips that are greater than twenty-four hours in duration, the regulations are the same in the Gulf, and, for the South Atlantic, for-hire trips greater than forty-eight hours, anglers can possess up to three daily bag limits, with that third limit not able to be possessed until after forty-eight hours have passed, and all the other Coast Guard regulations and requirements are the same.

The important difference is the max possession limit in the Gulf is two daily bag limits, regardless of trip duration beyond twenty-four hours, and so why are we here? Well, pre-1996, regulations didn't expressly state when that second daily bag limit could be possessed on those for-hire trips longer than twenty-four hours, and, in 1996, they consolidated the regulations under the CFR, and,

in doing so, they combined, under this umbrella, the Gulf reef fish, South Atlantic snapper grouper, and Gulf --

(Part of Mr. Rindone's presentation is not audible on the recording.)

MR. POLAND: Ryan, we're having a hard time hearing you. Staff is suggesting that you call in. We've got one more agenda item that we can wrap up fairly quickly, and so, if you want to use your phone and call in, we can come back. Thank you, Ryan.

MS. WIEGAND: Switching gears, I am going to pull up the draft Mackerel Cobia AP agenda items and tell you what I had tentatively planned for them and a couple of things that we've added to this since this was posted. I was going to give them an update -- You will notice that this is fairly similar to your agenda, given the short timeline. Again, briefing book items have to be up Monday for the AP, and so please keep that in mind when making suggestions on what to put in front of them.

I was going to give them an update on Framework 6 and the king mackerel emergency action request, since I've gotten a number of questions from fishermen about that, and I was going to have them go over Framework 8, and I was going to go over the white paper with them, and now, additionally, those motions that you guys have passed based on the white paper.

I was going to have them talk about port meetings, which I can take off the agenda, given the discussion that you guys just had, and we were also going to have them, as Myra talked about for the Snapper Grouper AP, go over the FISHstory project and do a demo of the Zooniverse platform, and they will also be -- You guys have talked a little bit about the Florida Keys National Marine Sanctuary DEIS, and remember that mackerel in the Keys is a Gulf migratory group stock, and so weren't planning on having the mackerel guys talk about it at this meeting, but we are going to have them as part of that webinar that Brian has talked about scheduling, and so, any of the guys that are in Florida, if they would like to, will have the opportunity to listen to that presentation and comment as well before the December meeting, when you guys see that presentation. There is still some room to add stuff to this agenda. They are meeting for half a day on October 7<sup>th</sup> and half a day on October 8<sup>th</sup>.

MR. POLAND: All right. Does the committee have any discussion on the Mackerel AP's agenda for three weeks? Christina, under Agenda Item 3, Spanish mackerel white paper, is that where we include just the actions that we started today?

MS. WIEGAND: Yes, and my thought was that I would go ahead and review the full white paper with them, like I did with you all, and then I would go into the motions that you guys have passed at this meeting.

MR. POLAND: Okay. Any more discussion from the committee? Do you need an action on this, Christina?

MS. WIEGAND: Just if there's anything else that you guys would like to see on their agenda, and this is an in-person meeting. It's essentially a full day split over two days, and so, if there's anything else you want on this agenda -- Right now, we've just got the two things to discuss with them.

MR. POLAND: We are paying for an in-person meeting, and this is a fairly light agenda, and so, if there's anything in addition that we want them to talk about.

MS. BECKWITH: It seems like we should be talking about limited entry for the Spanish mackerel and how to go about that. I mean, we are talking about the AP agenda, right? Okay. I would certainly add the discussion on limited entry for the Spanish mackerel and maybe an endorsement for the Southern Zone gillnet, just to sort of get the ideas introduced, but, also, based on the public comment, do we also not need a motion to add two AP seats to cover the northern section? When you're ready for that motion, I am happy to make it.

MR. POLAND: I am ready for a motion.

MS. BECKWITH: I move that we add two additional advisory panel seats to add additional representation from the Northern Zone. That presumes that --

MR. POLAND: Let me stop you right there, Anna. It might be better, if the intent is to add two seats to the Mackerel AP, to take care of this in Executive Finance.

MS. MCCAWLEY: Also, I was just informed that I guess that some of the people that are recreational folks on the AP are a little tired of talking only about commercial, and they would like the opportunity to talk about the recreational portion of the Spanish mackerel fishery, and so maybe we want to make that an item, how is that doing, and let them talk about that.

MR. POLAND: All right. Good suggestion. Anything else that we want to throw in here?

MS. MCCAWLEY: We heard, in public comment last night, and I believe this is where the people talked about the fishery performance report, that maybe there were some errors, and that maybe it needed some work, and so I don't know if we want to ask them -- I feel like that thing was recently completed, but I don't know if we want to ask them to just run back through that again.

MS. WIEGAND: We haven't really talked about a process yet for updating these fishery performance reports, one of the reasons being that Snapper Grouper has a ton of species for them to get through, but, for some of these smaller FMPs, dolphin wahoo and CMP, where we've only got a few species to go through, it is feasible to sort of set up a process for them to update these fishery performance reports, so that then you've got a timeline of information, as well as getting new perspectives as AP members switch on and off the AP, and so I'm not entirely sure how that would work, but, if you wanted to sign the mackerel guys up to let them sort of try out what updating a fishery performance report would look like, I think that's something that we could do at this meeting, and that would also get at the desire to talk about the recreational fishery as well.

MR. WOODWARD: I agree with that. I think, given the dynamic nature of a lot of what's going on in the fishing world, where it is feasible, I would like for them to be doing an annual update, and you don't have to rewrite the whole thing, but, if there is things that have changed, but at least it gives us a mechanism to capture it and document it, so that we can have it available to us for background information and discussion.

MS. WIEGAND: I have a question, to make sure I understand the committee's intent. Would you like us to update the fishery performance reports for all of the CMP species, which right now would include king, Spanish mackerel, and Florida east coast cobia?

MR. POLAND: If they've got it open, they've got it open, and we might as well talk about it all. All right. Anything else? This looks like we'll get our money's worth. Thank you, committee, for the suggestions. All right. I think we're going to try to move back to Ryan.

DR. BELCHER: Just a quick question. If cobia is on there, does that circle into ASMFC?

MS. WIEGAND: All I've got on there listed right now is Florida east coast cobia, and so my intention was not to update the Atlantic cobia FMP, so we no longer manage Atlantic cobia, and to only update the Florida east coast cobia FPR, because we do still manage Gulf cobia along with Florida east coast.

MR. POLAND: All right, and so I guess we're going to go back to Ryan. Ryan, I would suggest to just start over from the beginning.

MR. RINDONE: Just a little background on where we are with this framework action for making some changes to the Gulf for-hire multiday possession limit. Right now, on the Gulf for-hire trip, and this is headboats and charter vessels, when those trips are longer than twenty-four hours, anglers can possess up to two daily bag limits each, and that second limit cannot be possessed until after twenty-four hours have passed.

There is some Coast Guard regulations that are also involved with these regulations. For trips longer than twenty-four hours, there must be two captains onboard with sleeping bunks, and the passengers must have a receipt with the trip duration clearly noted on that receipt in their possession at all times, and so, if they are boarded by law enforcement, they have to be able to produce that on the spot.

The ability to possess two daily bag limits excludes cobia, which is currently regulated under its own possession limit of two fish per person per day, regardless of the trip duration, and then warsaw grouper and speckled hind are managed by a vessel limit of one fish per vessel, and so, for the sake of trips longer than twenty-four hours, for warsaw grouper and speckled hind, if a trip is longer than twenty-four hours, then that vessel limit would be two fish per vessel.

The South Atlantic has the same regulations as the Gulf for trips longer than twenty-four hours, and, in the South Atlantic, for trips longer than forty-eight hours, anglers can possess up to three daily bag limits each, and that third limit cannot be possessed until after forty-eight hours have passed, and then all the other regulations are the same as they are in the Gulf. The big difference here though is that the maximum possession in the Gulf is two daily bag limits, regardless of trip duration longer than twenty-four hours, and so, if you're on a trip in the Gulf that is sixty-nine hours long, you're still limited to the possession of two daily bag limits.

Why are we actually here looking at all of this? Before 1996, the codified federal regulations didn't expressly state when that second daily bag limit could be possessed on for-trips longer than twenty-four hours, and so that meant that, essentially, it could be possessed at any time, as long as

the vessel didn't return to the dock until after twenty-four hours had passed, and that was the way that the for-hire fleet had been operating.

In 1996, NMFS consolidated regulations into one CFR part, and this included the Gulf Reef Fish, South Atlantic Snapper Grouper, and Gulf and South Atlantic Coastal Migratory Pelagic FMPs, and, when this was done, NMFS added language to the bag and possession limit section that expressly stated that the second bag limit could not be possessed until after twenty-four hours had elapsed on that for-hire trip, and we had received a couple of questions about this expressly, and I was not able to find any Fishery Bulletin or other notice that detailed this change when the regulations were consolidated, and so there really wasn't any way for the fishermen to know that this had happened, besides going in and reading the CFRs.

In 2013, the regulations were reorganized, and the language about this was moved to the general provisions section, which means that it applies to all possession limits for all FMPs, unless explicitly specified otherwise.

Some Gulf for-hire operators are seeking additional flexibility when it comes to retention of these possession limits, and being able to possess that second bag limit at any point gives them more flexibility in their operations and helps them be a little bit more efficient, and there aren't any anticipated negative biological effects, because we're expecting them to retain that second bag limit per angler if the opportunity presents itself anyway, and so this would just allow these for-hire operators to target one species at a time in areas and during times of year when they are able to do that, so they can make their trips a little more focused.

The Gulf Council also wants participating vessels to fish for just a qualitatively more meaningful amount of time if they're going to be offered the privilege of keeping that or possessing that second bag limit, and the Gulf Council thought that twenty-four hours wasn't really long enough to merit possessing that second limit and that a longer trip requirement than just one day, or twenty-four hours, may be more appropriate.

There is only one action in this framework, and it's to look at making this modification for Gulf reef fish and coastal migratory pelagic species, and so, of course, that includes kingfish, Spanish mackerel, and cobia, and the Gulf currently prefers Alternative 2, which says that the possession limit for Gulf federal for-hire trips exceeding the given trip duration, which is shown there in the options, will be two daily bag limits per angler, or vessel, for speckled hind and warsaw grouper, and that the second daily bag limit could be retained at any time during that trip, and the Gulf currently prefers Option 2b, and so, to be able to possess those two daily bag limits, you would have to be on a for-hire trip with a duration greater than thirty hours. That's what we have. Do you guys have any questions?

MR. POLAND: Thanks, Ryan.

MS. MCCAWLEY: Thanks for the presentation, Ryan. Just to clarify, I thought that part of the issue was really when on that trip that's going to be -- In this case, the preferred alternative is thirty hours, but when on that trip you could possess that second bag, and I thought that the Gulf Council discussed that, basically, even within the first hour of the thirty-hour trip, as long as it qualified with the sleeping berths and the receipts and all that, that even within that first hour that that's when you could start taking those two-days bag limits, and so you wouldn't have to pass the

twenty-four time clock, or the calendar day clock, in order to get the second bag, and that you could have the second bag right after the trip started, and is that correct?

MR. RINDONE: Yes, ma'am. That's the intent behind the change. On the way out, and I actually went on one of these trips recently, and, on the way out, they will troll for kingfish and whatever else they might hit, and they will stop at the mangrove snapper spots, and so, if they really get into the fish, they prefer being able just to hit those spots that are hot when they are hot, as opposed to having to stop fishing and go around and try and do something else until that twenty-four-hour mark passes and then going back and trying to target those fish again. As soon as they leave the dock, they can possess those fish, if they caught them. That's what this change would, in effect, make happen.

MS. BOGGS: Ryan, one of the captains that came before the council in June was not clear on that you could not have a second possession until after the first twenty-four hours, and so that is kind of the premise behind this, because he thought you could have possession anytime during that trip, but you can't. You had to be greater than twenty-four hours before you could have possession of that second bag limit.

MS. MCCAWLEY: I feel like that, originally, when the rule was originally put in place, that it was more about at-the-dock enforcement. Now, at least in some states, like in Florida, we have on-the-water enforcement, and so I think that the captains came forward to the Gulf because there were people being stopped by FWC Law Enforcement, and they were say in the second hour of a twenty-five-hour trip, and they had two days' worth of bag limit onboard the boat, and there was a debate between the fishermen and law enforcement about how do you even read the rule.

The way that FWC Law Enforcement was reading it was that you had to pass the calendar day, and so some people were leaving late in the afternoon, and so you're basically into say the sixth hour of your trip and then you pass to the next calendar day, and then they were suggesting that that's when you could have your second bag limit, and so I'm glad that you guys are discussing it, so we can all make a clarification and get all on the same page here, because I just feel like the fishermen and law enforcement and others are like, well, I don't really know when you can take that second bag limit, and so it needs to get figured out.

I do think it's interesting that, in the Gulf and the South Atlantic, it doesn't match up now. You know, it's two days bag limit in the Gulf, and it's three days bag limit in the Atlantic. I can tell you that we talked to the people that would be affected by the three-day bag limit, and they are pretty adamant that the South Atlantic keep it at three days, because there are still some trips in Florida that are going out for three days and want that three days bag limit.

DR. CRABTREE: The regulations in the Gulf are actually pretty clear that, if you go on a two-day trip, you can keep two bag limits, but you can't keep the second bag limit until the second twenty-four hours, and so that was there.

The trouble was this regulation was put in place in 1990, in Amendment, and, when you look back at the administrative record back then, it wasn't clear that the council really intended this, and you couldn't really tell, and it wasn't in the regulations until I think it was 1995, when the regulations were all consolidated, and then the language popped up in the regulations, and it's been there ever since, and there really wasn't a good reason as to why to do this, and fishermen were complaining,

and so the Gulf Council changed it, so that, provided you're on a two-day trip, meaning it has to be more than thirty hours, you can keep your two bag limits, but you can keep the two bag limits anytime. Like you could catch it all during the first hour, but you can't come back in until thirty hours are up. It doesn't affect the South Atlantic. Jessica is right that there are some inconsistencies there, but we aren't going to resolve those today.

MS. MCCAWLEY: I guess I am just looking to Christina to understand what our action is today. Are we just -- Because I know this needs to come through Snapper Grouper also, and are we just saying, okay, Gulf Council, thanks for bringing this to our attention, and we agree with your preferred for you guys? I don't really understand what the action is.

MS. WIEGAND: My understanding, and, Ryan, you can correct me if I'm wrong, was to just make this council aware that the Gulf was going through these changes. I believe, if these changes are done specifically for Gulf migratory group species, then, as far as the CMP FMP is concerned, it wouldn't need this council's approval, but just to make you guys aware that this amendment is going through the Gulf Council right now, and it could create additional inconsistencies between the Snapper Grouper FMP and within the CMP FMP, and so, if maintaining consistency, or I guess creating consistency, is important to the council, you guys would need to start an amendment to go through this process as well, but that is certainly not required. It's just to make you guys aware that the Gulf Council will be considering these changes.

MR. RINDONE: Christina is right that this is more informative, especially because of how it will possibly impact for-hire operators in the Keys, but, as it relates to CMP species in our jointly-managed plan, in Amendment 20B, we established framework procedures that basically allow each council to make modifications when it's only going to affect that particular council's jurisdictional area, and that's the case with this, and so, in the area that the Gulf manages, the applicable species in the CMP FMP, if the Gulf Council ultimately takes final action on this in October, this would be the new rule in those areas for those species, but what the South Atlantic does in its jurisdictional area for these species would still be the South Atlantic Council's prerogative.

MR. POLAND: Thanks, Ryan.

MS. MCCAWLEY: I guess, to me, it's not so much a change as it is a clarification about when that bag limit can be kept, because I don't think it's the South Atlantic Council's intention to take the three-day limit down to two, a two-day limit, and so I think that the council wants to maintain the three-day limit, and so I'm just not sure what we need to do. Maybe, if we have an amendment moving both in CMP and Reef Fish, we might want to clarify when you could take that second or third bag limit.

MR. POLAND: Do we have an amendment, a full amendment, going on right now in CMP? I mean, I think everything is framework right now, correct?

MS. WIEGAND: Right now, everything for CMP is framework. I believe, right now, everything for Snapper Grouper is framework as well, and there are certainly no joint amendment between the two.

MR. POLAND: It certainly sounds like we'll have an allocation discussion in the near future for CMP species, and I am surprised that we don't have a full amendment, or a regular amendment,

going on right now in Snapper Grouper, and I'm sure that will change. Wreckfish is coming. Any more discussion? Any more questions for Ryan on this action, their action? All right. Thanks for calling in, Ryan, and thanks for sticking around.

MR. RINDONE: Thank you.

MR. POLAND: All right. I believe we are finally done, unless there is any other business to come before the Mackerel Committee. Seeing none, we stand adjourned.

(Whereupon, the meeting adjourned on September 19, 2019.)

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Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

Transcribed By:  
Amanda Thomas  
October 8, 2019

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