

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **JOINT GMFMC AND SAFMC MACKEREL COMMITTEES**

**The Westin  
Hilton Head, SC**

**September 18, 2006**

### **DRAFT MINUTES**

#### **SAFMC King & Spanish Mackerel Committee Members:**

George Geiger, Chairman	Dr. Louis Daniel, Vice Chairman
Dr. Roy Crabtree	Frank Gibson
Charles "Duane" Harris	Rita Merritt

#### **GMFMC King & Spanish Mackerel Committee Members:**

Vernon Minton, Vice-Chairman	DeGraaf Adams, III
Dr. Roy Crabtree	William Daughdrill
Philip Horn	Dr. Rick Lear
Robin Riechers	Bobbi Walker
Roy Williams	

#### **Council Members:**

Robert Boyles, Jr.	Columbus Brown
David Cupka	Benjamin "Mac" Currin
Anthony Iarocci	Mark Robson
Susan Shipman	John Wallace

#### **Council Staff:**

Bob Mahood	Gregg Waugh
Mike Collins	Rick DeVictor
Kate Quigley	Kim Iverson
Julie O'Dell	Rachael Lindsay

#### **Observers/Participants:**

Monica Smit-Brunello	Dr. Joe Kimmel
Dr. Jack McGovern	Ben Hartig
Tracy Dunn	Caroline Keicher
Richen "Dick" Brame	Dr. Steve Bransetter
Hal Robbins	Lt. Eric Johnson
Spud Woodward	Tom Jamir
Ken Hinman	

The Mackerel Committee of the South Atlantic Fishery Management Council and the Mackerel Committee of the Gulf of Mexico Fishery Management Council convened jointly in the Drayton Room of the Westin Hotel, Hilton Head, South Carolina, Monday afternoon, September 18, 2006, and was called to order at 1:30 o'clock p.m. by Chairman George Geiger.

Mr. Geiger: Before we get started, I would like to cordially welcome our esteemed neighbors from the Gulf, the Gulf Mackerel Committee, and we appreciate you coming to our meeting this week and taking time out of your busy schedules to consider these very important issues. You can tell it's extremely important, because we've got a very narrow room today. That's so we can focus our efforts and stay on target while we're working here.

Hopefully we're going to continue the great tradition that was started back in Key West when Bobbi and David chaired the last joint meeting, which was very amenable and I think we got a lot accomplished. Again, welcome to Low Country hospitality. Frank is in charge of all that this week and he's the guy who will be taking care of us.

Without any further ado, what I would like to do is -- If we could get a voice recognition, Phil, we'll start with you and we'll move around the table for the committees and we'll have on the record first the Gulf King Mackerel Committee.

Mr. Horn: Philip Horn, Gulf Council, Mississippi.

Mr. Williams: Roy Williams, Florida.

Mr. Riechers: Robin Riechers, Texas.

Ms. Walker: Bobbi Walker, Alabama.

Mr. Daughdrill: Bill Daughdrill, Florida.

Mr. Adams: Degraaf Adams, Texas.

Dr. Leard: Rick Leard, Gulf Council staff.

Mr. Minton: Vernon Minton, Alabama.

Mr. Geiger: George Geiger, Florida.

Mr. Waugh: Gregg Waugh, South Atlantic Council staff.

Mr. Harris: Duane Harris, Georgia.

Dr. Daniel: Louis Daniel, North Carolina.

Mr. Gibson: Frank Gibson, South Carolina.

Ms. Merritt: Rita Merritt, North Carolina.

Dr. Crabtree: Roy Crabtree, National Marine Fisheries Service.

Mr. Geiger: Thank you. What I think we're going to do is we'll start off by having the revolving approvals and we'll start off -- Can I get an approval of the agenda and the ability to change it as necessary as we move through?

Mr. Harris: So moved.

Dr. Daniel: Second.

Mr. Geiger: We've got an approval by Duane Harris and a second by Louis. Is there any objection? Without objection.

Mr. Minton: Can we get the same motion for the Gulf?

Ms. Walker: So moved, Mr. Chairman.

Mr. Minton: The motion is moved by Mr. Walker and seconded by Degraaf. Is there any opposition to the motion? Hearing none, so ordered.

Mr. Geiger: We'll get an approval of the minutes, please. We had a joint South Atlantic Management Council and Gulf of Mexico Fishery Management Council committee meeting on June 14 and 15 in Key West in 2004. Can I get a motion?

Mr. Harris: So moved they be approved, Mr. Chairman.

Dr. Daniel: Second.

Mr. Geiger: Second by Louis Daniel. Is there any opposition? Seeing none, so approved.

Mr. Minton: Can I get a similar motion for the Gulf?

Ms. Walker: Move to approve the minutes.

Mr. Minton: It's moved by Ms. Walker and seconded by Degraaf. Is there any opposition? Hearing none, so ordered.

Mr. Geiger: I guess the easiest way to move into this -- The most sensitive issue I think that we have to discuss here today is resolving separating the joint fishery management plan into separate

council plans and determining a boundary, if we can come to a determination, of the boundary. What I think we'll do, Gregg, is we'll start off with the decision document that we have.

I know that you all are in receipt of a decision document that includes both the Gulf and the South Atlantic actions and Section 1 in that document on page 4 is the boundary management unit issue.

Mr. Waugh: This is basically the same decision document we used in June of 2004. It has been updated to show our advisory panel actions in 2004 as well as our advisory panel actions from our June 2006 meeting that we just held. It has our South Atlantic Mackerel Committee actions from June and our council's actions from June and it has been modified to show your Gulf Council motion that you all approved at your last meeting.

For those of you with the South Atlantic CD, it's on page 23 of that document. That gets you to the page 4 of the decision document. At some point, we will get some guidance from Monica in terms of what legally we must do to separate the plans. This has been done before with our coral FMP and so there's certainly precedent to do that.

Moving on, the issues are laid out in terms of what needs to be done to separate these boundary management issues. Action 1 is dealing with the boundary issue and it starts on page 4 and then lays into issues for either Action 1A or 1B. 1A would be to develop separate FMPs and 1B would be to develop separate management programs.

The boundary issue starts being discussed on the bottom of page 5. Option 1 is no action. You get over onto the next page and it's where we lay out the current position. The South Atlantic Council motion that was approved in June of 2004 is to develop separate coastal migratory pelagic FMPs and establish a fixed boundary at the Dade/Monroe County line on the Florida east coast to correspond to the Spanish mackerel fixed boundary.

This boundary applies to all the species in the coastal migratory pelagics management unit and that was approved by our committee. Our AP wanted Option 3 deleted, but our council didn't go along with that. Our South Atlantic AP again recommended in June of 2006 to add another fixed boundary, but our committee did not take any formal action on that.

The Gulf motion that was approved at your last meeting was the Gulf Council begin a joint amendment to separate the coastal migratory pelagics FMP. If you continue over onto page 8, it's where the second part of this issue, the mixing zone, is discussed. By prior action, we deleted Options 2 and 3.

At our June of 2004 meeting, we wanted to add a Volusia/Brevard through Dade/Monroe line from November 1 through March 31. We also have an option in here, Option 5, to modify each of these to reflect the end of February to track our new fishing year. We also added a new option, Option 6, to delete the mixing zone, because if we go with the South Atlantic's Council

preferred alternative, we would set a fixed boundary and you wouldn't need to deal with the mixing zone again.

Item C, which begins at the top of page 10, gets into the percent composition. We have included here material from the May 2004 South Atlantic Council SSC where they rejected that, the 100 percent mixing, and recommended the 50/50. We've also included the joint subcommittee of the Gulf and South Atlantic Council's SSCs. They met and the executive summary is included here, as well as the full report and minutes from that meeting.

They recommended that we look at a range of 20 to 80 percent and do some modeling to try and partition the catches. Our South Atlantic Council SSC met in June. This is shown at the top of page 12 of the decision document. It's page 31 of your document on the council briefing book. They concurred with the findings of the joint ad hoc subcommittee.

They recommended, again, that 20 to 80 percent range. During the Joint Mackerel AP Committee, we had some discussions with Dr. Nancy Thompson. She was asked about the bootstrapping that was recommended by the joint SSC meeting and concurred by the South Atlantic SSC and her recommendation was that if you did that bootstrapping and started with 20/80 and 80/20 that you would end up with 50/50.

Finally, this issue was discussed by the SEDAR Steering Committee at their August 1 and 2 meeting in St. Thomas. The committee did not believe that the suggestion of conducting Monte Carlo simulations would result in a mixing assumption different than the 50/50, given the suggested simulation patterns.

The committee agreed that it's not necessary to forward this issue for further deliberations by the subcommittee, nor is it necessary to solicit an independent review of the mixing issue. The SEDAR Committee agreed that the two councils should meet and that's what we're here doing now, to work on a consensus.

We've got some other mixing rates that were under consideration before and we may want to consider in addition to the 50/50. We may want to have some discussions about including the ranges that the SSC have recommended, 80/20 and 20/80.

The next item is over on page 14, where then you would get into specifying your MSYs, ABCs, and TAC. The South Atlantic Council has already moved forward to do that for revising TACs and quotas for Atlantic king and Atlantic Spanish mackerel. We're doing that via framework.

Mr. Geiger: Gregg, if I may, maybe it's appropriate at this time, before we get too far into the framework action, if we go back and work from the decision document. I think the first couple of issues that we have in the decision document are hurdles that we've got to get over. Once we get over those hurdles, I think it will move along and we'll be able to talk about these other things much more quickly.

Does anybody have any questions about what Gregg went over briefly in the beginning? Does anybody have any problem with that suggestion? Do you want to hear the whole thing right out of the box or do you want to go with -- At this time, what I would like to do -- Vernon advised me that it would be a good time to hear from Monica and I agree. Monica, if you would, please - - You weren't here when we started off, at least I don't think so, when we talked about the first issue on the table, the fact that both councils had voted to separate the FMP and the fact that there was precedent to do that, but we certainly would want to hear a legal opinion from you in regard to how we do that.

Ms. Smit-Brunello: I think I've talked to the South Atlantic about this before and I'm assuming Mike may have talked with the Gulf Council before. I don't recall that it came up when I was advising the Gulf Council at some of the meetings, but, as you all are aware, I think this joint management of this FMP started back in 1983 or so.

The Magnuson Act, under Section 304(f), discusses fisheries under authority of more than one council. When you first have a fishery that could run across council boundaries, the Secretary has a few options, including designating one council to prepare the FMP or requesting that a joint FMP be managed by both councils and that's what was done in this case, is that both councils have authority for joint management.

I know that in the past, it's probably been more than ten years ago, you all split it out so that the Gulf can manage Gulf king and Gulf Spanish and the South Atlantic can manage Atlantic king and Atlantic Spanish without getting approval from each other's councils.

There is a section in 304(f) that states that no jointly prepared plan or amendment may be submitted to the Secretary unless it is approved by a majority of the voting members present and voting and I guess that's what has caused some of the discussion here in that you all want to manage your own fisheries without having the provision apply that you have to come back before each other's council.

In this case, there's a couple of ways to do it. Before I get into some of them, I know that this has been done with coral before. You both had a joint coral FMP and back in 1994 the Secretary split out the FMPs at the request of both councils. I think you were going along with one joint amendment and it split off into two amendments, which were both entitled Amendment 2.

Both amendments contained common issues, but then they contained a few different issues, some specific to the Gulf and some specific to the South Atlantic. Ultimately, the Secretary split the FMP into two FMPs so that, as you know, you no longer have to manage and get approval from the other council.

I pulled the proposed and final rules for approval of the coral FMP. I thought it was sort of interesting and it might be helpful for you all to build a record -- Think about this when you're building the record to split out the two FMPs. Obviously you'll note that coral doesn't move, or

at least not at the rate that mackerel does, and so some of what I'm going to read from is not going to be applicable.

From the proposed rule, it states: Both councils have agreed that management of coral, coral reefs, live rock, and any other part of the management unit in the FMP will be the responsibility of the council in whose jurisdiction it occurs. Under this arrangement, Amendment 2 proposes to eliminate the current requirement that both councils approve all measures in any FMP amendment submitted for agency review.

This requirement exists because the FMP was designated by NMFS as a joint management plan prepared by the two councils. Additionally, the South Atlantic has requested the designation of a separate FMP for the South Atlantic because it believes 1)the habitats in the Gulf and South Atlantic are different; 2)the resource does not move between the South Atlantic and the Gulf; 3)it should have authority to coordinate all habitat concerns and policies in the South Atlantic; 4)there are additional management needs in the South Atlantic; 5)the councils have different management philosophies; and 6)a separate FMP will improve timeliness of management adjustments and reduce constituent costs. The Gulf Council concurs in the South Atlantic's request.

Ultimately, the Secretary approved that and the joint plan was split into two and that's really the best way for you all to proceed. I think it's the cleanest way for you all to proceed, if you can agree on one amendment that then splits the FMP into two FMPs. At the same time, I don't think that you would want to --

The other option is to request withdrawal of this FMP by the Secretary, which you would need three-quarters of a majority vote to do so. How I envision it is that you have this joint FMP and then it can split off into two ways, if that's how you so choose, but what existed before the split would be just as applicable to the South Atlantic as it would to the Gulf.

You would have all that history and you wouldn't need to go through proposing a new FMP with all the attendant requirements, although we probably meet all those requirements anyway. I probably have confused a few of you and so if you have any questions, you can just ask me now.

Ms. Walker: Monica, do you foresee any problems with us splitting off into two separate amendments? Are you aware of any arguments that NOAA General Counsel would make not supporting that?

Ms. Smit-Brunello: Mike and I have discussed it in the office and I'm not aware of any. You all have some big issues to discuss here in terms of mixing zones and dividing lines and those sorts of things, if we need to get into those. To my knowledge, there isn't any, no. I would certainly tell you that if there was, because I wouldn't want you to go -- Our office would not want you to put all this work into it if we thought there was a major impediment.

Mr. Geiger: Dr. Crabtree, do you have anything you might add to that discussion?

Dr. Crabtree: No, just there are some issues you would need to think of if we do split the FMP, first and foremost of which would be what happens with the permits that we currently have issued, which is basically there's one king mackerel permit and one Spanish mackerel permit. Are you going to split the permits or are you going to recognize each other's permits and those types of things. Those are the types of issues that come to my mind immediately.

Ms. Walker: Roy, what I don't want to see us do -- You said those are some of the issues that you see coming to mind. Certainly you've given it some thought before coming here today and you can tell us if there are any other issues other than the permit that you would have a problem with.

Dr. Crabtree: I don't see anything to prevent this going forward. You're just going to have to build a record for why this will continue to allow you to manage the stocks and obviously you're going to have to come to some resolution as to where the break between the two stocks is and then how we're going to deal in the future with the fact that there is a mixing zone and mixing takes place.

I would gather whether we separate the FMPs or not, when the stocks assessments are done, there's still going to be a mixing zone that's involved and I don't know that that issue goes away under any circumstance and so I think there's going to have to be some resolution of those kinds of issues and that seems to be the biggest thing that we have to deal with. I don't see any legal hurdles or bureaucratic hurdles that prevent this from happening, but until I see more of a rationale laid out for a while, I can't make any commitments about what may or may not come up.

Mr. Geiger: Taking a stab at some of the rationale that would speak towards separating one plan into two would be certainly an efficiency in cost. We've had numerous, several, a few of these joint meetings before and quite frankly, they cost money to do that and in a lot of cases, they have not been productive and we've wound up with more serious problems than we had when the two councils met previously.

That hasn't been our recent history, but that has happened in the past and there's nothing to say we can't get there again, just by having a joint plan that we each have to work on. There's a cost and efficiency consideration.

One of the things that I would speak to on the South Atlantic's behalf is the fact that for streamlining purposes we're trying to move as quickly as we can towards ecosystem-based management and it's important for us to have mastery over mackerel to include it for coastal pelagics within our ecosystem-based management system.

It just doesn't allow us to be flexible enough having the requirement to have the Gulf work on issues that pertain to us and vice versa. The other issue is that -- There is not a difference in

philosophy, I would say, as much as how we manage the stocks, but we each have different things on our radar screens.

I'm very sensitive to the fact that the Gulf has a huge issue with red snapper. You've got reef fish issues that you're dealing with and quite frankly, mackerel are not on your radar and they probably shouldn't be, with all the other things that you have, but they are on our radar, because we have recovered our fishery in the South Atlantic and we believe it can be recovered even better and with the potential for effort shifting that we see potentially on the horizon, it's important for us to get a handle on this fishery to try and improve it so that we don't face closures just like you all are worried about facing closures in your fishery.

In our case, it's a matter of streamlining and efficiency and in fact, I'm pleased to hear we're not arguing or quibbling about whether there's one or two stocks, because there's quite a bit of information in the joint meeting of the SSCs that talks -- It's on four different pages that talks to the fact that they are two different stocks and if they were using best available data, they would probably have to admit that there's two stocks. I think we can move on from there, just as an opener.

Ms. Smit-Brunello: One other thing that came from the coral rule that I think is applicable here and I've heard you mention it before. It says in the response to comments for the final rule that the public may benefit for two separate plans and we're talking of coral, of course, due to decreased travel costs for attending council meetings.

Members of the public who use the resource under the jurisdiction of only one or the other council will only need to attend the meetings of one council and so that's also a cost, not just the council time.

Ms. Walker: I would like to add to what you said, Chairman Geiger, and that is timeliness. I think that most councils around the United States are all criticized because our fishery management plans take so long from the point of beginning and scoping to the end of the process.

Of course, then stocks have changed by the end of the process. I think by separating the stock and doing two separate fishery management plans, it would be not only better for the stock, but we could also handle it in a timely manner, both councils.

Dr. Leard: I just have one quick question for Roy or any of the NMFS staff folks. With Spanish mackerel, do you know how the Center does the stock assessments there, since the line is drawn at Dade/Monroe? Do they consider all the fish in Monroe County as Gulf and all the fish north of that as Atlantic group Spanish mackerel or how do they split that up?

Dr. Crabtree: I don't know, Rick. We could try to find out from the Center. I believe Dr. Berkson is supposed to be here. I don't know if he's here yet, but we can get someone from the Center to check on that for us.

Mr. Waugh: My understanding is all the landings north of that line are Spanish mackerel that are counted as Atlantic group and all those south of that line are Gulf group, even though it's recognized that there is mixing around there. We specified a fixed line and the stock assessments are done separately for those two groups.

Dr. Crabtree: That might work for king mackerel. We would just need to get some feedback from the science side of the house as to --

Mr. Geiger: We're going to get feedback from the science side, plus from the people, because this is in fact the document that we're going to take out for public hearing or scoping and we'll get feedback from the public as well on this and so it's an issue that we're just trying to develop in terms of a preferred and which way we think both councils would like to see this action resolved.

Mr. Waugh: Monica, when you were going through your recommendations, you mentioned that for coral there were two separate amendments done. That's still a viable way to deal with this, isn't it? I thought you recommended one joint amendment to split it, but if the councils wanted to, they could do two separate amendments, similar to what was done for coral, and wouldn't that still be a viable approach?

Ms. Smit-Brunello: Yes, I think that would be, as long as the Gulf Council approved the South Atlantic's and the South Atlantic approved the Gulf Council's amendment.

Ms. Walker: Monica, I have a question. What if both councils were to decide we definitely want separate plans and this is going to be the boundary line and I think Gregg said what's north is Atlantic and what's south is Gulf and then if both councils decided that, wouldn't that be the joint amendment where then that would go to the Secretary for approval and then we would handle our own FMPs?

Ms. Smit-Brunello: There's a couple of ways to do it. The way I thought was, in my simplistic mind here, thinking there's one amendment going through and it's got portions of what the Gulf wants and portions of what the South Atlantic wants and then it's got the commonalities of what you both want, including the splitting of the FMPs and those sorts of things.

That, to me, seems like a nice clean way to go. However, what Gregg says would probably also work. It's a little more confusing for the record though, because I think that's what was done with coral. There started out to be one amendment and it split into two, but when I went back to try to research it, it was a little difficult and it took some digging.

It just wasn't readily apparent as to how exactly it worked out, but ultimately, I was able to figure that out. I'm thinking for ease of the public. We should try to make it as less confusing to them as possible. Really, I think we're saying the same thing, in a way. You're splitting out --

Those things that are jointly done by both councils would have to be agreed by both councils to split that.

Mr. Riechers: Monica, as I understand what you're trying to say is -- In the joint amendment, if we both went forward and we both agreed on both the split and then the boundary and the mixing zone issues, that would be a part that we basically all agree to within the current document.

After that, the South Atlantic could carry on forward with the other elements of the document that they felt they needed to do at this time and I think it's, at least at this point, the Gulf Council's perspective that we don't have much in the way that we want to carry forward with right now, as compared to the items that they're carrying. We would basically just approve that portion of the document as well, but really with the understanding that the portion we're really concerned about is those first two items.

Ms. Smit-Brunello: Right. I just think we need to keep that clear to the public. There might be fishermen in the Keys or other ones in Florida who travel back and forth and I just want to try to keep it as clear for them as possible so they don't get confused about who is doing what.

Mr. Geiger: I'm not hearing any dissent about separate FMPs, but I think Dr. Crabtree brought up a good point about permits and how we would address the permit issue, whether we would have a single permit and reciprocity between the two council areas to allow people to fish in different areas, both the Gulf and the South Atlantic, on one permit. Does anybody have any ideas or concerns about that issue?

Mr. Williams: Every decade there tends to be more effort than there was the decade before that and at some point, there's going to have to be an effort management control in these fisheries and for that reason, I would suggest we do them separate. Otherwise, we're just going to compound the difficulty of separating them later on.

Mr. Harris: I would agree with that and as we move towards ecosystem-based management, it seems to me, with how we're trying address some of those issues of effort shifts and all that, that we would be better off with separate permits at this point in time.

Mr. Geiger: I'm seeing some other head nodding in the affirmative. Roy, what kind of a problem does that pose for you?

Dr. Crabtree: Dealing with it in the ecosystem plan?

Mr. Geiger: No, going with a separate permitting system for the Gulf and the South Atlantic?

Dr. Crabtree: I think the only thing -- If you go with a joint permit meaning one permit that allows you to fish in both areas, do you mean?

Mr. Geiger: No, it would be a separate permit. We would have a South Atlantic permit and a Gulf permit, as I understand it.

Dr. Crabtree: The issue is going to be in South Florida, wherever you draw the line. Just say, for sake of discussion, that you draw the line at Monroe/Dade County, like you've done with Spanish. You're going to have fishermen down there who fish on both sides of that line. If you're going to have separate permits, you're going to have to give them permits on both sides of it, I would think. They may have issues with now they've got to pay two permit fees where they used to pay one permit fee and so that's some additional administrative burden that this creates.

Mr. Minton: Roy, could you use Florida's trip ticket system to separate those people out to where they could be identified or not?

Mr. Williams: Yes, you should be able to. If they've been reporting accurately, it does ask where they were captured.

Mr. Minton: If they had landings in the mixing zone in both areas, they could get a joint permit. We're not talking about a handful of people or so.

Mr. Williams: It would be bigger than a handful.

Mr. Minton: It becomes a more manageable size, doesn't it, if we did something like that?

Mr. Williams: Sure, but it would be in the hundreds. Don't think it's just going to be a few. It's a bunch.

Mr. Geiger: While we're talking about that line, one of the other advantages that you could foresee for having this Dade/Monroe County line is that we would be able to capture MRFSS in the Keys, the recreational fishing statistics in the Keys, which have never been accurately gathered in the past.

Monroe County has always been a nebulous area that we've been told they haven't been able to separate out from Florida Bay and the Atlantic side and so MRFSS data has never been included in stock assessments, for example. By drawing that Dade/Monroe County line, you can actually even get a better handle on recreational fishing effort. Any other discussion? How about we focus a little bit on the boundary line.

There's two ways of dealing with the boundary issue, in fairness. We can go to two FMPs -- Correct me if I'm wrong here, Gregg, but we can go to two FMPs and you can have a distinct boundary where it's currently drawn on Spanish mackerel, at the Dade/Monroe County line, with the Gulf getting credit for Monroe County and the South Atlantic north of Dade.

We can also stick with the current means of identifying the ABC range and that's by utilizing a mixing zone and just coming to grips and grappling with what that mixing rate is so you don't

have a distinct geographical boundary line, but for future and ongoing stock assessments, you would still have consideration of a mixing zone and the scientists would have to apply some mixing rate to the fish in that zone, which will probably be somewhat contentious into the future.

Dr. Leard: I have just a question. Since both of the councils have voted to do separate FMPs and the question that Monica brought up -- You can either go forward with one joint and then it's split off or proceed with the development of separate FMPs and I kind of heard Gregg say -- I'm not trying to put words in his mouth, but I think you all would rather do separate FMPs. I think from the staff perspective on the Gulf, we would rather do separate FMPs.

Mr. Waugh: To me, it isn't a preference to do separate FMPs. I was under the impression that the Gulf -- There's a lot of issues in here that apply only to the Gulf and what I heard for the first time today is you all aren't interested in moving forward with that right now. You all just want to deal with the separation issue and that certainly simplifies it a lot.

Those common elements that deal with fixing the boundary and the mixing zone have to be in both documents. We were just concerned that we didn't want to take a hearing document up in North Carolina to have a bunch of Gulf issues. We've been criticized for that in the past and I'm sure you all have as well.

If all you all want in the joint document is to deal with the separation and the boundaries and everything, then it puts you all in the position of that same document will have some of our management actions in it, unless what our council wants to do is have an amendment that just deals with those major issues. Once that's approved, we could come back with a separate amendment and deal with all our other separate issues. That's another way to deal with it.

Mr. Geiger: The suggestion you made is even cleaner yet. The only problem with that is that it's another time delay that puts us further and further. I hate to sacrifice speed for accuracy, but if there's no problem in moving forward in that manner, Monica -- I'm talking about now just splitting the FMPs off. I think that would probably be the quickest and the cleanest way for us.

Ms. Smit-Brunello: When we're talking FMPs, like Rick mentioned, you mean amendments, correct?

Mr. Geiger: Yes.

Mr. Waugh: It would be a joint amendment to create two separate FMPs. Within that joint amendment, the only action items we would be dealing with is creating those separate FMPs, specifying the boundary, and how we're dealing with mixing.

Dr. Leard: That was exactly what I was thinking.

Mr. Geiger: This has gone incredibly quickly and amicably, as I thought it would, and I'm kind of lost, Gregg. What do we need?

Mr. Waugh: That gives the staff direction. What you all want to see is a joint amendment that just deals with the separation into the two FMPs. Within that, we have to pick a boundary and I think what -- I don't know whether you need a motion giving us the direction. It might be good to do that. What that is going to do is then we won't be taking our other management actions until this is reviewed and implemented.

I know we have some council members that were concerned about getting other mackerel regulations in place and so maybe it's better to deal with this as an issue now, that what exactly is going to be in the joint amendment?

Mr. Geiger: People may kick me here, but in the interest of full disclosure, I know there's been concern, from talking to the members of the Gulf and even your fishing community, that they talk about effort and effort going along with whatever fish come out of that division of biomass as it works out.

Gregg is prepared to talk about that and I want to make sure that we all understand how that's going to work and nobody is trying to steal fish from somebody else. We would just like to put all that to rest.

Mr. Waugh: You're talking about the framework now and how we deal with what's happening in the mixing zone now?

Mr. Geiger: Yes and then after -- For example, were we to draw a geographic line at Dade/Monroe County, what would happen in the future in regard to effort and the division of stock?

Mr. Waugh: The way our council has its motion set now is they want to see a separate FMP with a fixed boundary at the Dade/Monroe line, exactly how we have it for Spanish mackerel. That way, when the assessment is done, any landings north of that point, recreational and commercial, would count as Atlantic migratory group and south of that line is Gulf group. That would give you a new ABC. The council would set their TACs. Any catches north of that line count towards the Atlantic quota and south of that line count towards the Gulf quotas.

Mr. Geiger: The division of that group of fish, however many pounds it is, let's say two million pounds, would be determined by the Southeast Science Center based on the geographic boundary?

Mr. Waugh: If we go forward with that here, we would make a data request of the Center to recalculate the historical landings database using that fixed boundary and so to go back for all the landings that are in the assessment up through the most recent landings. They would separate based on that fixed boundary and that would give you a way of showing then in the scoping document what the impacts are of that fixed boundary. Everybody would know what landings

would be counted towards Gulf and what landings would be counted towards Atlantic at the scoping stage, before you even get to an amendment stage.

Dr. Leard: In setting a dividing line, if both councils agree on Dade/Monroe, one other issue that you've still got to deal with in the full amendment is the Florida east coast sub-zone, which is currently still designated as Gulf group fish, all the way up to Volusia/Flagler. That east coast sub-zone is given a sub-allocation of the Gulf group quota. We would have to -- If you draw that line, you're going to have to do away with the east coast sub-zone.

Like Gregg says, you can either look at it as -- Again, I don't know they do it with Spanish mackerel, but we may be able to find that out, but north of Monroe County at the Dade/Monroe County line up to wherever, Volusia/Flagler or whatnot, if you still want to assume some mixing, 50/50 or 25/75 -- There's probably still some fish that are Gulf, but whatever you all want to decide on. If you want to just assume it's 100 percent Atlantic up that way and then all of Monroe County is Gulf -- I'm just throwing those out as being options that you might want to look at.

Mr. Geiger: I understand and the way I would envision that -- Those fish that you talked about that were still Gulf zone fish up off of Volusia County, once we drew that geographical boundary, it would become South Atlantic fish and instead of those fish when they're caught being counted against the Gulf quota, it would become South Atlantic fish.

In effect, all that mixing area and all that stuff that goes on disappears. It goes away if you have the geographic boundary and it just makes it very, very clean and efficient to get a dividing line and count all the fish South Atlantic and all the others Gulf.

Ms. Walker: George, one of the problems, in my mind, has always been, when we looked at mixing zone and different percentages, is the different data tells us different things. Every year it could be different and so if we do a set percentage, it could be totally out of skew the next year and I think we need to get away from that and more towards drawing a boundary line and treating it like we do Spanish mackerel.

Mr. Williams: Maybe I'm hearing this wrong. Were we earlier not talking about a 50/50 split in the mixing zone and then 100 percent from Monroe County gulf-ward? I thought that's what we were talking about.

Mr. Geiger: I'll try and answer. When we talked about the geographic boundary at Dade/Monroe County, everything north of that line would be counted to South Atlantic fish and south would be Gulf fish and there would be no more mixing. The mixing issue goes away completely. Consideration of the mixing issue goes away completely.

Mr. Horn: How would that -- If you did away with the mixing completely, how is that going to affect your stock assessments? I was under the assumption that even in the stock assessment you still have to consider the migratory patterns of the fish and if for some reason that when Gulf

group kings are up on the east coast of Florida and for whatever reason there's an excessive harvest of those fish, they would be considered taken out of the Gulf group stock. Would that affect the Gulf group fishermen's quotas and allocations based on an assessment?

Mr. Geiger: Not with the geographical boundary at the Dade/Monroe County line, because everything landed north of that line would be counted against South Atlantic quota or TAC.

Mr. Waugh: You're right, George, but I just wanted to address Mr. Horn's comments. None of those boundaries are black and white. Spanish mackerel, it was acknowledged when that boundary was set, there's mixing north and south of there. Right now, when the Spanish mackerel assessment is done, counting fish south of Dade/Monroe as Gulf, some of those are Atlantic.

We've just chosen to ignore that when we're doing the stock assessment. We do the same for Gulf kings with the boundary when the stock moves into Mexico. We treat it as a separate stock for assessment purposes. We do the same thing with gag grouper. There are tags of gag from the Gulf going to the Atlantic and from the Atlantic going to the Gulf, but we feel there's sufficient separation to manage them separately.

We can calculate the mixing rates for bluefin tuna from the eastern Atlantic to the western Atlantic, but they're managed separately. This can be done, but if you buy into fixing that boundary, then all the swinging lines and seasons and sub-quotas north and south of those lines disappear and there's just one Atlantic group.

It leaves the Gulf Council with dealing with how you deal with the subdivisions within the Gulf, but you would no longer have to address that eastern zone Gulf group up on the Florida east coast, because that would now be Atlantic group and all the catches would count as Atlantic and the assessment would include them as Atlantic.

Mr. Geiger: If we're ready to move ahead, I think possibly this is a good time for a motion to see if we can get agreement. Is there any other discussion?

Dr. Daniel: I'm going to ask this question and I hope I don't regret it. When the assessment came back with 100 percent Gulf, it indicated that the South Atlantic quota would be in the five million pound range, right? When we do the 50/50 mixing, the South Atlantic quota went up to like seven something, the midpoint range of the quota went up to seven something. With a line at the Dade County --If we did this assessment with a Dade/Monroe border, do we know what the impact would be on the Gulf quota and the South Atlantic quota?

Mr. Waugh: We don't have it down to the level of specificity that you have here. We will not have it until the assessment is redone and that is 2010 I believe is when it's scheduled for. It should come out to be close to what you see for the 50/50 mixing.

Dr. Daniel: Just so we're all clear then, if we go with our assumption is that the fish that are caught in Monroe County being counted towards the Gulf and the fish being caught north of Dade County to the Volusia/Flagler line are essentially equal and result in an assessment -- That may change. Some years there may be more from Monroe County and some years there may be more from up north, but on average circumstance, it's going to be about 50/50 is our assumption, so that the 50/50 mixing rate assessment would be equal to the Dade/Monroe boundary assessment so that we wouldn't benefit -- The assumption is we wouldn't benefit from the 50/50 assessment and you all wouldn't benefit or be hurt by the 50/50 assessment and is that my understanding?

Mr. Geiger: I think that's an accurate --

Ms. Walker: Louis, let me ask you something. I want to make sure that I understood what you're suggesting. Only in the stock assessment, when they're doing the stock assessment, would they consider the 50/50 split of Gulf and Atlantic fish from Flagler/Volusia to Miami/Dade -- Explain it to me again.

Dr. Daniel: What I think we're doing is to try to eliminate the mixing rate issue completely, I think. As I understand it, that's what we're doing. We're doing away with the mixing rate issue and we're making the assumption that if we make the border the Dade/Monroe County line that half the fish occur in Monroe County and half the fish occur north. That's where the landings are going to -- They're going to be relatively equal. The assessment, whether you assume 50/50 mixing or a Dade/Monroe border, the assessments are essentially going to come out, over the long term, the same and so there is no difference.

Mr. Geiger: Let's take a break for fifteen or twenty minutes and we'll give you guys a chance to sit and talk and get your thoughts together and some additional questions and it will give us an opportunity to talk and we can cross talk on the break. We'll be in recess for twenty minutes.

**(Whereupon, a brief recess was taken.)**

Mr. Geiger: I think we're ready to get started again. We're back in session. We've had a chance to discuss this and should we continue the discussion? There's been some discussion on the break. Were there any questions or a continuation of the discussion we had prior to the break?

Mr. Williams: A lot of our discussion, I think, was that we think you need to have a third scoping option. Realistically, going to scoping, you've got to have more than two options, no action or the way you've chosen. What we talked about over the break was a no action alternative, the option that you guys talked about, which was a 50/50 split at the Dade/Monroe County line and everything in Monroe County would be Gulf and everything north of that would

be Atlantic, and then the third option being splitting the mixing area from Volusia County down through Dade County at 50/50 and looking at what the effects of that would be.

I think you find concurrence from us if you wanted to look at the last one as a third option for scoping. Somebody said you had yet another option at dividing at Palm Beach County and if you guys wanted to throw that in, we wouldn't care, but the logic of it is not readily apparent to us.

Mr. Geiger: Any discussion? Are you going to make a motion to do that?

Mr. Williams: Do you just want one motion for all three of those? **I would offer for purposes of scoping that we go to scoping hearing with three alternatives: 1)no action; 2)a division at Dade/Monroe County line treating 100 percent of Monroe County as Gulf fish and 100 percent of Dade northward as Atlantic fish; 3)to treat all of Monroe County as Gulf fish and to treat the mixing area between Volusia County and Dade County as 50/50.** That way we would get -- There would have to be an analysis of those alternatives and we could realistically try to figure out what the effect and the logic of them is, whether it makes sense.

Mr. Minton: Motion by Mr. Williams and is there a second?

Ms. Walker: Second.

Mr. Minton: Second by Ms. Walker. At this point, Gregg, do we have a discussion in the Gulf and then pass the motion to you all or how do we handle that? Is there discussion, Gulf members?

Mr. Horn: Do we want to include that fourth alternative that Roy mentioned about the other dividing line? My question was the South Atlantic AP had a different idea and you all's council decided against it and I didn't really study that hard to know why, but I would kind of like to hear why. They wanted it there and the council chose not to put that forward.

Mr. Waugh: This was a suggestion from Bob Pelosi to fix the boundary at the Martin/Palm Beach County line and his feeling was that was farther north on the east coast and so that would be a better split in that he felt more confident north of that line they were Atlantic fish.

Mr. Minton: What was his reasoning?

Mr. Waugh: Based on his extensive years of experience on the water. I don't want to put Ben Hartig on the spot, but he may be able to add to that.

Mr. Geiger: We do have our chairman of the South Atlantic Mackerel AP.

Mr. Horn: Gregg says this gentleman suggested that, but it was my understanding that the advisory panel had suggested it as a group. I may be incorrect, but that was my understanding.

Mr. Hartig: Bob made that motion and we allowed it to go out to hearing, but I don't think there's much sentiment on the advisory panel to pass that, to be honest with you. We were going to put it out to scoping to see what we got out of it, but that's my feeling on it.

Mr. Geiger: There was not a real strong discussion amongst the AP to carry it forward and we just didn't do it.

Mr. Minton: Is there further discussion on the motion? Are you ready to vote? **All in favor of the motion signify by saying aye; all opposed same sign. The motion carries.**

Mr. Geiger: A motion has been made and carried by the Gulf. Can I get a like motion from the South Atlantic, please?

Mr. Harris: **I would so move, on behalf of the South Atlantic Mackerel Committee, the same motion that the Gulf just adopted.**

Mr. Geiger: We've got a motion. We've got a second by Frank Gibson. Is there discussion?

Dr. Daniel: I guess more of a question. Gregg indicated and I don't think we have an update scheduled until 2010 for the Mackerel Assessment where we would be able to get a full assessment of the impacts, what it means in numbers for each of these three alternatives. We know Alternative 1 and that's about all we know. Mr. Chairman, how do we -- After we go out to scoping and we come back and we make a decision here, what are we going to base that decision on?

Mr. Minton: It's my understanding this would now go to the Southeast Center, where they would put together the best information that they have and then come back and we would look at it before we go to scoping. That was what I assumed, so that we would have information before it went out. Roy, can you comment on that? Isn't that where we're at?

Dr. Crabtree: That sounds reasonable to me.

Mr. Waugh: Then what we would do is we would make a request of the Southeast Fisheries Science Center that they rerun the assessment the way it was done in SEDAR-5 using the databases that result from Alternative 2 and Alternative 3 and then we would get that from them and put it in the scoping document. That's the intent of the two committees?

Mr. Minton: That way not only we, but the public, would know what would happen if we went with either one of these things before we have to do it.

Dr. Crabtree: What I don't know and what we can try to find out from Dr. Berkson, who is supposed to be here at some point, is how long that might take and how readily the model can be reconfigured to look at it that way.

Mr. Geiger: Any other discussion? **Is anyone in opposition to the motion? Seeing none, the motion carries.** I hate to go back again, but let's reconsider now and think about what we're doing. We're going to go forward with a joint amendment for two FMPs. Okay? Both councils are still in agreement.

Mr. Waugh: I think it would be good to make it very clear what is going to be in the joint amendment and I think it would be cleanest to do that by a motion and tell us what items you want addressed in the joint amendment.

Mr. Geiger: To that point, Gregg, I guess you would be alluding to the fact that we want a joint amendment to separate the fishery management plans for coastal migratory pelagics, which would state a fixed boundary --

Mr. Waugh: To me, what you've asked us to scope are these three alternatives for the boundary for Atlantic king mackerel. What our council would like to do is to have that fixed boundary apply for all the species in the coastal migratory pelagics FMP. That's one nuance, just to clarify.

The joint amendment would -- The charge would be to create two separate FMPs. Spanish mackerel already has a separate way of conducting that assessment. All assessments for other species we would want to see done fixed at that Dade/Monroe line on the Florida east coast where Spanish is and then the third is for separating the king mackerel stocks.

These are the three alternatives that would be used and that's all that we would be taking out to scoping and that's what would go into the amendment. Any additional management measures that either council wanted to take they would take in a subsequent amendment after the FMP was separated.

Mr. Horn: I would think we would have to take up the issue of permitting in this part as a joint issue, because you've got folks fishing both sides now. I would like to discuss that before we make a motion.

Mr. Riechers: Just from a logistical standpoint, I think what we're really saying is that we would create a joint amendment after the results of the scoping and after we learn what people say out there. When you added the other nuance, Gregg, of splitting all stocks there, I kind of want to come back to that, because that's certainly more than what we had on the table with this.

Certainly while this has been our most contentious effort through time and in the past and there may not be a lot of other issues if we do look at those, but I think we really have to -- If we're going to include those, I think we need to understand the difference in time it may take us to create a scoping document that deals with those issues versus the issues you're really trying to move on a faster track, because it may take some more time.

I don't know, but I just think we probably need a little feedback from staff and you on that. As we include more species and go to scoping, it just certainly makes more information that has to be included in that document. You or Rick or both can maybe try to help us out there a little bit.

Dr. Crabtree: I think, with respect to the permitting issue, if you go forward with an amendment that just separates them and nothing else, then I would think all of the permitting regulations and everything else would just stay on the books as they are now until you came in and amended your plan to specify some other permitting scheme. It's probably something you ought to have some discussion about, but the permitting regulations would stay there, as I understand it from talking to Monica, until they're changed.

Dr. Leard: To what Robin was talking about, the only other two species in the management unit are Spanish mackerel, which has been managed under this scheme, and cobia. As I mentioned, cobia, in 2002, we got a stock assessment, but it was just for the Gulf. I would have to get back with Erik Williams to see if he did use some type of boundary line, but I'm presuming that he used probably the same boundary line that we've used for Spanish mackerel and whatnot. We already have the information to indicate that there is a separate -- There's not enough mixing of cobia to manage them jointly. That's what he concluded in that stock assessment.

Mr. Riechers: By practice, if we just include the information regarding how we split Spanish mackerel in this document and then include the information on how the last Gulf cobia assessment was done, we may already be there de facto.

Dr. Leard: It shouldn't be a difficult task to put that in a scoping document.

Mr. Geiger: I guess the issue that Dr. Crabtree brought up regarding permitting is something that we need to flesh out a little more and discuss and make sure we all understand the nuances associated with that.

Mr. Harris: Mr. Chairman, for the purposes of taking this out to scoping, I think we should indicate, or it would be my preference to indicate, that we would establish separate permitting for Gulf group fish and Atlantic group fish. If you fished on both groups, you would have to have both permits in the future and I think we ought to take that out to scoping.

Ms. Walker: Duane, help me here. There's not that many choices as far as permitting is concerned. We either leave them together and they can fish the full range, we separate them into two separate permits, and what else is there?

Mr. Horn: My opinion is there's three options. You can leave it just like it is and one permit works on both sides, you can separate them and you have to have one for each side, and the third one would be you could grandfather anyone in who chooses to have a dual permit under the initial implementation of a plan such as this. It would only be good for that person until they're gone, after time which anyone who gets a permit would have to have each one.

If someone was to choose to fish both sides, which I'm quite sure there are folks that are doing that, grandfather those people in with a dual permit now and then once they're gone, those are gone and then you'll have an independent permit for each side. That would be my opinion as to how it would be done.

Dr. Crabtree: I would think in the document in the discussion of the implications of these different scenarios for separating the FMPs and all that that would have to be part of the discussion, that this could lead to separate permit requirements or something along the line Phil is talking about and the council hasn't decided -- It could lead to one side going limited entry on Spanish mackerel and the other side remaining open.

We already have charterboat permits in the Gulf that are limited, but they're open access in the South Atlantic and so that's something that could happen even under a joint plan and a lot of these things could happen planned together or separated, but that's what I would do, is discuss all that. That's something the fishermen are going to need to think about before they decide whether they want this or not.

Mr. Geiger: What's your pleasure? Is there any other discussion? I'm looking for a motion.

Mr. Horn: **I would move that we include in this scoping document under the permitting section to have three options: 1)status quo, no change and one permit would be good for both sections of the fisheries; 2)a permit would be required for each area, South Atlantic and Gulf, if you chose to fish there; 3)to grandfather anyone in who requested a dual permit once this plan would be approved and it would be a one-time issuance for that individual and would be good until they pass away or get out of the fishery and it would not be transferable.**

Mr. Minton: Is there a second?

Ms. Walker: I'll second.

Mr. Minton: Phil, when you say anyone who requests it, wouldn't you want someone who had a history there rather than just someone who requested it? Is that what you meant?

Mr. Horn: We don't care now. Why should we care then? It's only going to be good for the lifetime of that person. If I never fished in the South Atlantic, it would be foolish for me to request a dual permit, but if I did, so what? It's gone once I quit or once I'm through. You're going to have a limited number. It's only good on the outset and it's non-transferable and when you go away, it goes away. Like I say, we don't care now. People are fishing both sides now. I don't think anybody is going to change their fishing practices because of the permit.

Mr. Geiger: Phil, if you would, read the motion that's up on the board, which is a bit different than what you said. We added into that motion, I think.

Mr. Horn: Grandfather all who request a dual permit. Not everybody, but you have to ask for it to get one.

Mr. Waugh: Right now, we have king mackerel under a permit moratorium and it has been for quite a while and so I was just clarifying. You want to go beyond that and you want to let anybody get in?

Mr. Horn: No, the existing pool of participants now.

Mr. Williams: The only thing that occurs to me, Phil, is on that third one where we're grandfathering in anybody that wants a dual permit -- Someone who gets one is probably going to have a little avidity for this than those that don't and it would then just make them get out at the end.

It seems to me when it finally came time for you to transfer it than rather than just have the permit go away that it would be transferred to either one side or the other. That's what I was thinking about. The people that would get this now are the people that are fairly intense, I think. There are people that fish off southeast Florida in the Keys in the wintertime and go up to Louisiana and so on in the summertime. I know there are. If those are the people that are going to get this, it seems like when they transfer it that it be transferred to one or the other, that you just couldn't -- Its dual function would go away.

Mr. Horn: I have no problem with that. If you want to change that, I have no problem with that. It's just to satisfy everyone and allow someone now to not have to buy two permits, that's all.

Mr. Williams: Could we just say when transferred to another individual it would become either Gulf or Atlantic?

Mr. Horn: I have no problem with that.

Mr. Riechers: What's the cost on a permit now, Roy?

Dr. Crabtree: I think it's fifty bucks.

Mr. Riechers: The only issue I have here, Phil, is that certainly if someone wants to hedge their bets, they're going to sign up for both and it could lead to expansion either in the Gulf or the South Atlantic as you move through time, because people can then shift their effort and actually what might have been a permit not getting a lot of use in one side or the other could become a permit that has considerable use in one side or the other.

I'm not against scoping the item. I will just tell you I would have some concerns about that kind of shifting of effort that could go on. Because we're calling it a dual and we're not issuing one for each, I feel a little more comfortable about it, but that would still be the one thing that I would have some concerns about.

Dr. Crabtree: I would also point out with respect to permit fees that I think it's on October 1<sup>st</sup> they're going to be cut in half because the auto renewal provisions are going off the books and the permits will be renewed every year and the permit fees will be cut in half.

Ms. Walker: Would it help if you say grandfather in all existing permit holders who have historically landed in both areas and insert that into that motion and, Phil, would you object to that?

Mr. Minton: I think there was a question of whether they could pull that data or not, Bobbi.

Mr. Williams: Certainly in Florida you could, but there are people that end up fishing off Louisiana, but aren't logbooks required in this fishery? There's logbooks and so the answer is yes.

Ms. Walker: Who have historically landed in both areas. I guess, Mr. Chairman, that I need to make that as a motion to amend.

Mr. Horn: That's fine with me.

Dr. Daniel: I guess it would eliminate the folks like North Carolina and South Carolina and maybe Georgia vessels and so by doing what you're suggesting, Bobbi, you would pare it down some or a lot, really. Otherwise, you would have North Carolina vessels being able to fish in the Gulf and they've never been there before and so it does help, I think.

Mr. Horn: Keep in mind even if you don't do this that a man can buy two permits. He can fish where he wants to fish and so we're kind of whipping a sick horse here.

Mr. Williams: Louis, historically you did have North Carolina fishermen that fished southeast Florida in the wintertime clear into the Keys and so you may have some of those guys get dual permits.

Dr. Daniel: If they've historically done it, that's cool, but not everybody that hasn't fished there before would and I think that would be -- Does the Gulf have -- Our permits are \$2,500 to \$4,000 right now on the open market, because we have limited entry. Do you all have the same thing in the Gulf?

Mr. Williams: The king mackerel permit is not split by region, is it, Gregg? It's just a single permit now.

Mr. Waugh: Correct, it's just one permit.

Mr. Minton: Is there further discussion? Phil, would you read your motion again, please?

Mr. Horn: **The motion is to include in the scoping for permits to have three options: 1)no action, one permit for both council areas; 2)separate permit for Gulf and separate permit for the South Atlantic; 3)grandfather in all existing permit holders who have historically landed in both areas to get a dual permit. When transferred to another individual, it becomes either a Gulf or an Atlantic permit.**

Dr. Crabtree: Some of these motions clearly only apply to king mackerel, because Spanish mackerel is open access and so they're not even transferable. I think you need to be clear which part you're talking both permits and which you're talking just king or are you just talking king for all of it.

You've got two permits, Spanish mackerel and king. Spanish mackerel is open access and the permits are non-transferable and so obviously Number 3, I assume, only applies to king mackerel. Number 1 would apply both to king and Spanish, just to clarify that?

Mr. Horn: Either way you want it.

Dr. Crabtree: Staff is going to need to know what our intent is so they can develop this. That's the way I'm reading it, is 1 and 2 apply to king and Spanish mackerel permits and Number 3 just applies to king mackerel.

Mr. Minton: Good point, Dr. Crabtree. Are we ready to vote?

Mr. Waugh: Are we adding "just for king mackerel" to Number 3 or not?

Mr. Minton: Yes.

Ms. Walker: By consensus.

Mr. Minton: **For the Gulf, all in favor signify by saying aye; all opposed same sign. The motion carries.**

Mr. Geiger: The motion has been made by the Gulf Council. Do we have a similar motion? **Motion by Dr. Daniel and second by Mr. Harris. Is there any opposition? Is there any discussion or any opposition? Seeing none, it carried.** There's been a suggestion that -- We have the potential to amend the motion for consideration that we include Spanish and cobia and specify Spanish and cobia for the first two options.

Dr. Leard: I agree with what Gregg said before. I think we need a separate motion to include, in terms of the joint amendment, the species that we're dealing with. We're dealing with king mackerel, Spanish mackerel, and cobia. We're going to develop separate FMPs for those species that are currently under the management unit as well as the other species that are in the plans. When we do separate plans, those separate plans would include all the species.

Mr. Waugh: Our current position is that fixed Dade/Monroe boundary apply to all species in the coastal migratory pelagics FMP. Our intent would be when we did a separate plan that all those species would be dealt with at that boundary. We have the issue of a separate -- We approved taking out another option for king mackerel and so I guess that would be a nuance there that we would have to address and if ultimately we went with that third option under the mixing, then that would be a different way we managed king mackerel.

What's not clear is if that third alternative -- Roy, you may be able to clarify this. If we wanted to have the boundary between the two FMPs be Dade/Monroe, that could apply for all species, including king mackerel, but you could calculate your ABC based on this third alternative? Would that meet you all's intent? Okay.

Then what we need is to address the issue of creating separate FMPs with the Dade/Monroe boundary on the east coast as a separation between the two FMPs. We need discussion on that and a motion.

Ms. Walker: Your committee has already made that motion and approved it and so it seems to me now that our committee should make a motion that says the boundary applies to cero, cobia, king mackerel, Spanish mackerel, and little tunny as new species or added and they would be included with this fixed boundary.

Mr. Minton: I think we need a motion to concur.

Ms. Walker: **I move to concur.**

Mr. Minton: I have a motion to concur with the South Atlantic. Is there a second? Second by Mr. Horn.

Ms. Walker: Mr. Chairman, I don't believe concur was the right motion. The South Atlantic's motion said to establish a fixed boundary at the Dade/Monroe County line on the Florida east coast and we haven't made that decision yet. **I would like to leave my original motion on the board. This boundary applies to cero, cobia, king mackerel, Spanish mackerel, and little tunny as new species or added. They would be included with this fixed boundary.**

Mr. Minton: You're right. Do you concur with that, Mr. Horn? Thank you.

Ms. Smit-Brunello: Rick, isn't dolphin still in the management unit for the Gulf and isn't there another species that's also in there?

Dr. Leard: No, we found out that neither dolphin nor any of the others were ever in the management unit. It was only cobia, king, and Spanish. Then when the South Atlantic continued and completed their dolphin/wahoo FMP, the Gulf Council just didn't pursue dolphin anymore. If we wanted to in the future, this would certainly allow us to do it under a separate FMP.

Ms. Smit-Brunello: Who told you that they weren't in the management unit?

Dr. Leard: The original FMP and Amendment 1.

Ms. Smit-Brunello: You looked back through there and it never specified those? They're just in the plan, but they're not in the management unit?

Dr. Leard: They're in the plan for data collection purposes, but they're not in the management unit.

Mr. Minton: Is there further discussion?

Mr. Horn: It seems to me that we've sort of decided that the line is going to be Dade/Monroe, but the only thing we haven't decided is what mixing is going to take place.

Mr. Waugh: For king mackerel.

Mr. Horn: For king mackerel, correct. If we choose one or the other mixing, it's still going to be the Dade/Monroe County, it appears. All you're going to have then is how is the assessment going to come out. Is the assessment going to determine all the fish are one side and all the fish are the other or are 50 percent of the Atlantic Gulf fish and then that's going to be assessment problems, not a line problem. That's the way I see it.

Ms. Walker: **Phil, I think I can amend the motion to remove king mackerel out of this motion and does that solve the problem? If my seconder agrees, remove king mackerel.** Now we could include the Dade/Monroe County line.

Mr. Riechers: The previous motion basically dealt with the option of having Dade/Monroe County and then a mixing zone north of that and so by taking king mackerel out of this motion, it's basically now you can apply the Dade/Monroe County line for all those other species without having any confusion with the other motion.

Mr. Minton: Any other discussion? Let's vote on it and pass it, that we're concurring with them. **All in favor signify by saying aye; opposed same sign. The motion carries.**

Mr. Waugh: The question I asked is what is the boundary we are using for king mackerel and then that was dealt in the first motion where we had an option to have the Dade/Monroe as a fixed line or the third option was -- Okay, that's got us.

Ms. Walker: Mr. Chairman, should we take maybe a ten minute break and allow staff to talk with Monica and make sure that we've completed our task at hand?

Mr. Geiger: Good thinking, Bobbi. We'll do that. Let's take fifteen minutes.

**(Whereupon, a brief recess was taken.)**

Mr. Geiger: I guess where we are is before we went on break there was a request to see a recap of basically what we've done so far and Gregg has put those motions concisely up here on the board and the discussion we had on break was probably, Vernon, to facilitate the timing of this document is to just address the issues that we've addressed so far, the three items that we've discussed in motion form, and move forward with that in the form of a scoping document.

If you would, take a second here and read these. We've got the first item is the boundary mixing for king mackerel motion with the three alternatives that were discussed. Those motions were approved by both committees. Then the second item was the boundary for other species and the Gulf Committee made a motion to remove king mackerel from the South Atlantic motion. The third item was the one addressing permits and the three options that we identified for permits.

Are we all clear? Are we all in agreement in regard to where we are in this process? Are there any other questions? I think, based on a joint discussion between staff, they would prefer to see a motion to take the items that we've addressed in this joint committee meeting forward in a document for scoping. We would be scoping basically a joint amendment to create two separate coastal migratory pelagic FMPs based on the three actions with the alternatives outlined above.

There was a question of can we do this together because we've discussed it and worked them all out and can we just do it as one joint committee, but we were advised that we have to do it separately by each committee. I'll look for a motion from the South Atlantic Committee.

**Mr. Harris: I would move that we scope a joint amendment to create two separate coastal migratory pelagic FMPs based on the three actions with the alternatives outlined above that have been discussed and voted on previously today.**

Mr. Geiger: There was a second by Dr. Daniel. Is there any discussion from the South Atlantic Council? **Is there any objection to that motion? Seeing none, so moved.**

Mr. Minton: Gulf?

**Ms. Walker: I make a motion to concur with the South Atlantic Committee's motion.**

Mr. Minton: Is there a second? Second by the whole committee. **Is there any objection to the motion? Hearing none, so moved.**

Mr. Geiger: For those of you who have not had the benefit yet, we would like to welcome a new guy to the council table, Tom Jamir. Tom, why don't you stand up? Tom looks a lot like John Merriner and that's why he was selected for the job. He fits right in. He wears the same kind of Science Center shoes. Welcome, Tom.

Basically, what we need to do to make sure that you carry the message forward that we have actions that were discussed at this meeting -- I saw you writing notes feverishly while we were discussing them in regard to Science Center actions to support the development of data as identified in these motions. The next issue is the timing for scoping and we need to develop a timeline and I'm going to defer to staff to discuss that issue.

Mr. Waugh: I've heard from several people that they want to see the revised data included in the scoping document and we're going to request that the Center rerun the king mackerel assessment based on this new landings data, the same way it was done in SEDAR-5. We're not looking for any changes in methodology, updating any CPUE indices, or anything. We're just rerunning the assessment the way it was done under SEDAR-5 with the new landings data under those two new options.

We would want that included to go to scoping. Rick and I can work together to get the rest of the document ready fairly quickly to go out to scoping, but we're going to be dependent on getting a response back from the Center as to how fast they can prepare that information, the landings databases, to correspond with those two alternatives and then rerunning the analysis. Without that, it's going to be very hard for us to give you much of a timeline and Rick may want to add something to that.

Dr. Leard: The only thing I would say is that we'll contact the Center immediately and ask for Dr. Crabtree's help, if possible, and Tom and others to try and get this done as soon as possible in order that we can schedule those scoping meetings hopefully before the end of the year.

Mr. Geiger: On the break here, while we've been discussing these issues and how we're moving forward, both council staffs have gotten together and I think there's a sense of teamwork associated here with moving forward with this document and I think we're all working in good faith to move it forward and I think that's the best we can do in regard to a timeline, just make a commitment to try and get the data addressed as expeditiously as possible and based on discussions between both staffs, you'll have to develop a timeline based on what you hear from the Science Center in regard to being able to develop that documentation.

Mr. Waugh: We'll do that.

Dr. Crabtree: You're going to put the specific request for the assessments and reruns and how they're to break this down into writing and you're going to pass those on to the Center, Rick or Gregg?

Dr. Leard: My intent would be to work with Gregg on the wording of that request and then once we get that together, then we'll send it off and copy you.

Mr. Minton: Any other business or discussions from the Gulf side? We're going to leave you all here then.

Ms. Walker: I would like to thank the South Atlantic Council for having us. This has been a very pleasant meeting, as has every South Atlantic Council meeting I have ever attended and I just want to thank you for your hospitality.

Mr. Geiger: We're glad you're here, because I think Bob got special snacks because you're here. Again, I appreciate you all coming over here and moving through this stuff as expeditiously as we did.

We didn't quite know exactly where we were going to be and how long it was going to take, but certainly you all have lent a great deal of past history and knowledge and your process in the Gulf to our process and have helped move this whole process along and so I think it was great and thank you very much. I guess, Vernon, without any other comments or any other business, we're going to stand in recess and adjourn the Joint Gulf and South Atlantic King Mackerel Committee. Thank you, all.

(Whereupon, the meeting adjourned at 4:00 o'clock p.m., September 18, 2006.)

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

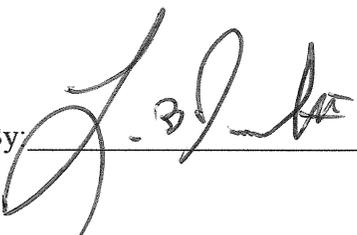
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October 5, 2006

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(Whereupon, the meeting adjourned at 4:00 o'clock p.m., September 18, 2006.)

Certified By:  Date: 12/7/06

Transcribed by:  
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October 5, 2006

**Staff Meeting Attendance**

Meeting Location: Hilton Head, SC

Date: September, 2006

Meeting: ST. SA + CM MACKEREL COMTES.

Staff:

Mahood

Waugh

Brouwer

Buscher

Carmichael

Chaya

Collins

DeVictor

Iverson

Lindsay

O'Dell

O'Malley

Quigley

Pugliese

# SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

## JOINT GMFMC AND SAFMC MACKEREL COMMITTEES

The Westin  
Hilton Head, SC

September 18-19, 2006

### DRAFT MINUTES

#### SAFMC King & Spanish Mackerel Committee Members:

✓ George Geiger, Chairman	✓ Dr. Louis Daniel, Vice Chairman
✓ Dr. Roy Crabtree	✓ Frank Gibson
✓ Charles "Duane" Harris	✓ Rita Merritt
John Vince O'Shea	Ren Smith, MAFMC
Jack Travelstead, MAFMC	

#### GMFMC King & Spanish Mackerel Committee Members:

✓ Vernon Minton, Vice-Chairman ✓	✓ DeGraaf Adams, III ✓
✓ Dr. Roy Crabtree	✓ William Doughdrill ✓
✓ <del>Karen Foote</del> BOBBI WALKER ✓	✓ Philip Horn ✓
✓ Roy Williams ✓	✓ <del>Bobbi Walker</del>
✓ Rick Leard	✓ Robin Riechers ✓

#### Council Members:

Robert Boyles, Jr.	Columbus Brown
David Cupka	Benjamin "Mac" Currin
Anthony Iarocci	Mark Robson
Susan Shipman	John Wallace

#### Council Staff:

Bob Mahood	Gregg Waugh
Rick DeVictor	Julie O'Dell
Rachael Lindsay	

#### Observers/Participants:

Monica Smit-Brunello	Dr. Joe Kimmel
Dr. Jack McGovern	John Graves
Dr. Theo Brainerd	Ben Hartig
Elizabeth Featherston	Tracy Dunn
Margot Stiles	Andy Herndon



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