

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COMMITTEE

**Sheraton Atlantic Beach Oceanfront Hotel
Atlantic Beach, NC**

December 8, 2009

DRAFT MINUTES

Mackerel Committee:

George Geiger, Chair
Mac Currin
Duane Harris
Rita Merritt
Mark Robson

David Cupka, Vice-Chair
Dr. Brian Chevront
Ben Hartig
Charlie Phillips
Tom Swatzel

Council Members:

Robert Boyles
Dr. Roy Crabtree
Lt. Charlie Gris

Dr. Wilson Laney
Dr. Brian Chevront

Council Staff:

Bob Mahood
Roger Pugliese
Dale Theiling
Kim Iverson

Mike Collins
Anna Martin
Myra Brouwer
Kate Quigley

Observers/Participants:

Monica Smit-Brunello
Rod Dalton
Dr. Bonnie Ponwith
Dr. Jack McGovern
Dr. Nick Farmer
Jennifer Lee
Dr. Carolyn Belcher

Anik Clemens
Phil Steele
Otha Easley
Dr. Erik Williams
Dr. James Morris
Tom McIlwain

Additional Observers and Participants Attached

The Mackerel Committee of the South Atlantic Fishery Management Council convened in the Atlantic Beach Sheraton Oceanfront Hotel, Atlantic Beach, North Carolina, December 8, 2009, and was called to order at 1:30 o'clock p.m. by Chairman George Geiger.

MR. GEIGER: We'll convene the South Atlantic Fishery Management Council Mackerel Committee. All members of the committee are present with the exception of our Mid-Atlantic representatives. I'll ask for an approval or changes to the agenda if there are any. Are there any changes or objections to the agenda?

With the permission of the committee, I would like to add one addition under other business, and that would be a discussion of quota management. I had some questions that I posed to Gregg and he is going to discuss those. Is there any objection to doing that under other business? Without objection, that's added; and seeing no objection to the agenda, the agenda is approved. We have minutes from the previous meeting in September. Are there any changes or additions to the minutes? Monica.

MS. SMIT-BRUNELLO: I'm sorry, I didn't write down the page but maybe they could do a search and replace. There are a few places where in the minutes it is referred to as the Magens Act, and obviously that should be the Magnuson Act unless there is some new law here that I don't know about. I would just do a search and replace on that.

MR. GEIGER: Thank you.; that's the Magnuson-Stevens Act and not the Magnuson-Ferguson Act as we've heard some people refer to it. Any other changes to the minutes? Any objection to the approval of the minutes? Seeing none, the minutes are approved. Under the overview page we have four specific items that Gregg is going to cover, and we can take those in order, Gregg.

MR. WAUGH: Attachment 1 has the Gulf Scoping Document and it has all written comments and all the public hearing minutes. If you click on that item just below Attachment 1, that will get you to all the scoping minutes. I'm just going to touch on the Key West and Marathon public hearings and then touch on the written comments. The minutes from the other public hearings are included there.

At the Key West hearing on September 21 we had 43 members of the public present. Rice Barr, charterboat captain, stated that removing the sale of recreational king mackerel by charterboats would hurt his business. Approximately 15 percent of this total gross income comes from selling king mackerel. He said if the fish cannot be sold, they would just be discarded in the waste. He expressed frustration with the fishing laws changing so frequently and suggested creating a charterboat quota.

Craig Giovanni, another charterboat captain, felt that the major issue for charterboats is the sale of recreationally caught fish. Being able to sell those fish allows them to keep their prices lower because they're able to supplement their income. Daniel Pedron, commercial fisherman, would like to see an increase in the trip limit from 1,250 pounds to 1,500 pounds per day or more in the gill net and handline fishery.

He would like to see the 500 pound trip limit when the quota starts getting lower removed. It's not profitable for them to go out 40 miles or more to only be able to catch 500 pounds. Some of these comments apply to Gulf Group Kings in the Atlantic area, though. Richard Gomez, charterboat captain, there are so many rules he can't keep up with them. He has read the scientific data. He did not understand. He felt that their options are dismissed when the rules are made and reiterated that they need to be able to keep the fish that are caught so that they can sell them.

Bill Wickers, charterboat captain, who is also on our Mackerel AP, said there were two things left out of the scoping document. He discussed the provision that 2 percent of the TAC was transferred from recreational catch to commercial catch to cover the sale of recreationally caught fish sold by charterboat boats and so there shouldn't be an issue with double-counting. The second thing was that if you're a charterboat you have trip tickets and you can mark on there whether you're a charterboat or commercial so that you could keep track of the charterboat sales, and they wouldn't necessarily have to be counted towards the commercial quota.

George Niles, representing the Florida Keys Commercial Fishermen's Association, they want to see the quota for king mackerel – and this is Gulf king mackerel – increased to 13 million pounds, increase the daily limit on the commercial hook-and-line fishermen from 1,250 to 1,500 pounds to help offset the cost of fuel. He agreed the 500 pound trip limit should be removed because it is not economically feasible. He suggested a two- or three-day bag limit be introduced for hook-and-line fishermen fishing far offshore and requirements for vessel monitoring systems make that possible.

Bobby Pillar, Summerland Key, stated he supported the statements of George Niles and Daniel Pedron to increase the daily bag limit from 1,250 to 1,500 pounds. The king mackerel that are sold from the for-hire sector should be counted against the recreational sector quota. Peter Backel; the quota should be significantly increased. Charterboats should be able to sell their recreational catch. He agreed with the previous statements that their input is total meaningless when rules are being made.

Bill Wickers made another comment that he agreed that they're not listened to when they give public testimony and that the recreational needs to be able to sell their catch. Lee Starling, commercial diver and spear fisherman, a simplified version of the regulation's book that they can understand should be developed.

Then on the 22nd in Marathon we had 36 members of the public present. Hal Osborne, Florida's Keys Commercial Fishermen's Association, pointed out that the best available science recommends an increase in the quota. He felt that raising the trip limit by 250 pounds, from 1,250 to 1,500, would make each trip economically efficient. He stated that the drop in the trip limit to 500 pounds when the quota is reached is too little to justify a trip and it should be eliminated.

Richard Stiglitz, commercial fisherman, they would like to do away with all the latent permits. In order to put an ITQ together, the latent permits need to be eliminated as well as gill net endorsements on kingfish permits. Tim Daniels, commercial, there is a severe reduction in the

amount of boats catching kingfish. The fishermen were promised that when the stock rebounded they would get their quota raised and so far it hasn't happened.

The recreational sector is not using their allocation and some of that should be given to the commercial fishermen. Charterboats should be able to sell their kingfish and they should be given a portion of the recreational quota. It shouldn't be a part of the commercial quota. It's not economically feasible to switch from the trap fishery to a gill net to catch a quota of fish.

He recommended removing the permits that have not had landings for a certain period of time, such as five years. He believed that a portion of the quota should be given to those fishermen who have been fishing mackerel all along. He also supported raising the trip limit to 1,500 pounds and dropping the 500 pound trip limit. He favored a multi-day limit for those fishing far offshore.

MR. GEIGER: Any questions so far? I have a question, Gregg. You identified the fact that we had 36 people in attendance. You're only giving us a synopsis of those who spoke, so only a small number of the people who were in attendance spoke?

MR. WAUGH: That's correct. If you click on that other item there in the PDF File it takes you to the written comment. We had four letters received; one from Environmental Defense Fund for king mackerel. They believe the best approach is for the councils to jointly manage the king mackerel fishery under a LAP Program in both the commercial and for-hire sectors.

On the recreational side, bag and size limits can lead to legitimate overharvesting and regulatory mandated bycatch and discard mortality. With that knowledge, these controls cannot be seriously viewed as an accountability measure. Commercial input controls on the commercial side, trip limits, too, are not without their challenges, and they point out some of the shortcomings there.

The history of trip limits in the Gulf of Mexico is bleak, in their opinion. Season and area closures can be effective providing all fishing is terminated to both recreational and commercial. They point out support for the LAPP as the only logical option. They have a solid record of rebuilding fisheries throughout the world, consistent of stringent accountability measures both at sea and dockside, which have proven to foster regulatory obedience and high levels of voluntary compliance.

These are exactly the types of AMs needed to allow all sectors to continue fishing while the stock rebuild. Furthermore, with a LAPP commercial and for-hire fishers could buy, sell and trade their annual allocation between sectors to ensure higher profits and lower levels of regulatory intervention.

In light of today's new requirements for better AMs, the council should move forward and implement a vessel monitoring system as soon as possible. More importantly, the VMS is the only communication system currently used throughout the world which will support electronic logbooks, capture observer data and is capable of delivering real-time, transparent scientific data at a low cost.

We received a letter from the Directed Sustainable Fisheries, Inc. They propose that the Gulf Council choose to consider adding the management option that any quota underage, the hundred percent carried over to the following season. They would like to see the redistribution of the TAC between commercial and recreational sectors to be set at 50/50 each until the MRIP is able to discern the real recreational sector percentages.

As to the catch sector proposals, the South Atlantic Council region stakeholders do not currently trust the NMFS idea of limited access. There was talk about Dr. Crabtree stating that he wanted to see a king mackerel update within two to three years of the final report for SEDAR 16 published during late 2008. They're pointing out the need for the update to the Mackerel SEDAR.

Next we received a letter from Captain Kenneth Doxie. He pointed out that NMFS is required by the Magnuson-Stevens Reauthorization Act to implement Section 109-479 of the Act by January 2009. He points out the NMFS has failed to do this and felt that they intentionally didn't make an effort for the successful implementation of that section. I believe that has to do with the improvements to recreational data collection. He felt the current data used to determine TAC is severely flawed at best. He points out that NMFS must follow all laws as set out in the Magnuson-Stevens Reauthorization Act.

Then the final letter was from Doug Gregory, Florida Sea Grant Extension Agent. A review of the catch history of permit holders in the king mackerel fishery is warranted along with consideration of eliminating permits with no or minimal landings over the past five years. Not only would elimination of latent permits be precautionary and limiting the consequent potential fishing mortality increase that would come with an increase in the quota, it would also reward those fishermen who remained active in the fishery and thus obviously have financial dependence on the fishery. That was all the letters received, but I just touched on the two public hearings in our region, and there are other public hearings summary minutes in there.

MR. GEIGER: Any questions or comments? Seeing none, we'll move on to Gulf Council Scoping Action.

MR. WAUGH: This is under the overview. If you look at that document, the Gulf Council reviewed their scoping input and approved the following mackerel motions at their October 21-22 meeting. The first motion was to pull everything out of the joint scoping documents that relates to Amendment 18 and the remaining document will become Amendment 20.

So similar to what we've done with our decision document, everything to meet the new MSA requirements we're doing in Amendment 18, and there are lots of other issues that they want to address and that we want address, and that will be in a future amendment. We're consistent there.

Their second item was a motion to begin moving forward with a commercial LAP Program for their king mackerel fishery. They also approved establishing an ad hoc King Mackerel LAPP for the commercial industry. We need to have some discussion later this afternoon as to how we want to interface with that because they're talking about this for Gulf king mackerel, but it

affects fishermen on our Atlantic coast, so we need to talk about how we're going to either participate or not participate with them in that effort.

Then they voted to add blackfin tuna to the scoping document for Amendment 20, and I think we have that as an action for our future amendments as well. As far as Amendment 18, both councils are in agreement on what items should be addressed there. The one item that is new is certainly not within Amendment 18, but they beginning to look at LAPPs and want to know what our interest is.

MR. GEIGER: I guess we probably should take that up right now before we move on to anything else. We might as well have that discussion if there is any. Ben.

MR. HARTIG: Believe it or not, I did get some calls this last week about the mixing zone and the problems they're having. With the much shortened seasons they're seeing and with the new year classes that are fully recruited to the fishery now, the fishery had closed a month early three years ago; two months early last year; and they're looking at 20 days left now.

I had some calls that we've got to do something different. Unfortunately, the bulk of the fishermen aren't ready. There is a core group of fishermen of about fifteen who want to see a sector allocation for king mackerel where they can do their own LAPP; they can do their own ITQ to show the rest of the fleet that you can actually make money doing this.

They would be allocated their landings' history over the last few years. It wouldn't be any different than what they've been catching over time, and it would similar to a New England sector where they're able to get a piece of that king mackerel fishery and then fish it through the season and show the increased economic benefits of being able to stretch your harvest out through the entire season

MR. GEIGER: How would you propose doing that; based the allocation that they got or the quota that they receive for their LAP share based on their catch history?

MR. HARTIG: Yes.

MR. GEIGER: And averaged over a period of time?

MR. HARTIG: Averaged over a period of years; that would have to be determined. These are people who have been doing it for quite some time, for a long, long time, and they're catching what they're going to catch every year, anyway, so it wouldn't be any big stretch to give them an average catch to be able to fish on under that kind of a limited LAP situation.

MR. GEIGER: I probably should know this, and maybe you do, Ben – and, Phil, I apologize for not giving you a heads-up – do we know how many permits we have in the mackerel fishery right now.

MR. STEELE: I believe we have that in the Regional Administrator's Report. If not, I'll get it.

MR. HARTIG: Yes, we know that number. The problem is it's not separated out in the Gulf and Atlantic, so your permits you will get is the bulk number –

MR. GEIGER: Bulk number, okay.

MR. HARTIG: – for the entire Gulf and Atlantic, which can be problematic in trying to figure out how many people are fishing. I'm sure if we requested Florida to get how many people are landing king mackerel in that area during that time, we could get the number of boats. It would be interesting to look at that over time because it has probably been orders of magnitude difference in the number of people participating in that fishery over the last three years, since that stock has gotten to the point where it's very to catch.

Most people have got their 50-fish trip limit by ten o'clock in the morning and they're back at the dock by noon. It's really good to see, but unfortunately we haven't learned how to manage recovered fisheries yet, and there are problems created as these fisheries recover that we have to deal with.

One of the things I will add is these two fishermen in particular came to me and said, "You know, we want the ITQ management." "You know, there is an education problem." They said, "Yes, we like the ITQs but we hate LAPs". These are the people who support it. You know, there is a lot for education in that mackerel fishery. A number of these fishermen go to the west coast and fish mackerel in the summertime.

Some of them have talked to a few of the red snapper fishermen who don't like that plan over there, and they're convinced that we're going to get cut – our quota is going to get cut by doing this. The additions that will occur in red snapper in the Gulf will go a long way to quell some of that now that the quota is going to be increased and the commercial fishermen will actually get more fish on their end.

MR. GEIGER: I guess as we move forward they're not even going to get a LAPP; they're going to get a Catch Share Program.

MR. HARTIG: The semantics; it's problematic.

MR. GEIGER: You can tell them they can not like LAPPs and that's good because they won't get a LAPP; they're going to get a catch share.

MR. HARTIG: But I think the education could go a long way. A lot of them are seeing the writing on the wall. They're just scared to death that they're not going to get enough fish to support their operations. It's the same in any fishery we deal with in LAPPs; that they're not going to get enough fish.

Hopefully, some education can go – I mean, it's actually a pretty healthy fishery right now, and they're actually going to get a few more fish. If the Gulf increases their TAC, there will be a few more fish to go over that side; not a lot, 200 and something thousand I think by the time you look

at what the increase will be, by the time you split between recreational and commercial, depending on what number that they actually come up with, that the Gulf Council settles on.

MR. PHILLIPS: And it doesn't even have to be a sector. I was talking to Kate an hour ago, and they can opt out for a voluntary LAPP, and it can be individuals. Again, based on your history model, it's doable. I'm not a mackerel expert, but I am definitely seeing the need to look at it more so in vermilion and the snapper grouper species, and I'll bring that up again later. But, yes, this mackerel may work hand in hand, but it doesn't have to be a sector. It can be simplified to just opting in and out. It definitely should be doable and I think it definitely needs to be looked at.

MR. HARTIG: These fishermen I talked to, they're ready to go. They want to do it yesterday if it's legal to do it and it sounds like Kate has looked at some of that.

MR. CUPKA: I was going to ask Ben or maybe Roy or somebody that there seems to be a lot of concern about permits out there that aren't being used now. Do we have a feel – I guess we should have – for how many people that hold those permits also maybe have snapper grouper permits that may, you know, with the changes coming to snapper grouper, may want to go into mackerel fishing all of a sudden and activate some of those permits?

MR. HARTIG: Well, that's exactly what has happened in this fishery. We were trying to get a handle on it about four years ago and try and deal with then; and you guys were so stuck with snapper grouper issues that we couldn't do anything. Now it has blossomed; the latent permits have been sought out to people who are actually going to use them now, so you created that problem where the latent permits actually now are active.

We're back to people buying them the same as you've done in snapper grouper for a number of permits. It's a real problem. What was the question about? You're saying effort shifts now into king mackerel because of what we're doing in snapper grouper?

MR. CUPKA: Yes, I was just wondering how many of those latent permits would become active with some of these other changes going in place?

MR. HARTIG: That's really interesting. It's not only snapper grouper; it's sharks, where they postponed the season opening this year. There was one shark fisherman in particular who hadn't done anything else in his fishing career in the last 15 years, and this year he is king mackerel fishing. He had a king mackerel permit and now he's king mackerel fishing this year because he doesn't have any other option.

Yes, we are seeing that effort starting to shift into king mackerel now, even before snapper grouper – well, I guess by the time black sea bass is closed and grouper, we'll have a full-fledged group of people who don't have anything to do; and if they have mackerel permits certainly they could shift. It would be interesting to see – I know Kelly Schoolcraft is here; if he has seen any of that in the Carolinas.

I know that in the last four years we have got a number of gill net Spanish mackerel fishermen and a number of cast net Spanish mackerel fishermen who had king mackerel permits who are now king mackerel fishermen. It's a very easy fishery. If you can go out and catch your trip limit before ten o'clock – the trip limits are relatively large fish. We've got some up to 900 pounds on 50 fish. If you go to a certain place, the average is probably around 600. The low price is usually around a dollar fifty, so it's good money for just several hours of work.

MR. GEIGER: Monica, did you raise your hand to talk to a point that Ben was talking about?

MS. SMIT-BRUNELLO: Yes. Gregg, do you recall what the last control date is in this fishery? Didn't the council put one in within the last couple of years?

MR. GEIGER: While he is looking that up, I had Charlie, Rita, Duane. Charlie, cover both of yours at one time, would you?

MR. PHILLIPS: I want to make mine quick. Yes, most of the snapper grouper in my neck of the woods, they've got king mackerel permits. I don't know that I'd call them latent because they do use them, because when they catch them they catch them, but they don't target them, but they may have to target them if stuff finishes by the end of the week.

MS. MERRITT: I'm hearing some of the same things that Ben is hearing in Florida except it's more of a reverse. It seems to be more of a united front against doing a catch share or limited access program and then scatterings of people who are interested in having one. As far as effort shifting, while I don't know of any personally, there has been some talk about some effort shifting. There, again, maybe Kelly knows of some more since he is currently in the middle of it.

MR. GEIGER: Do we want to have something from Kelly? You need to come up to the table, Kelly. Please make your comments direct and to the point.

MR. SCHOOLCRAFT: My name is Kelly Schoolcraft from Hatteras, North Carolina. In particular to the question and answer about an effort shift, Rita is right, there has been a little shift, but it has been very minimal. North of Cape Lookout there is not really a bottom fishing, per se, fishery year around.

You've got fisherman that is basically in the area from the Southport and Wilmington area that has made the shift – and Morehead – that has made the shift. There, again, that's very minimal. These boats have had king mackerel permits for a long time and they have used them off and on, but it's not like it has been their targeted fishery, but it would be a local thing.

MR. HARRIS: I have a question and then a comment. The question is maybe in the form of comment that it's related to if the Gulf Council moves forward with a LAP Program for king mackerel in the Gulf of Mexico; do we have to move forward with a LAP Program in the South Atlantic? I'm not expecting an answer to that question right now, but my comment is I don't know how this council can take on anymore than we're taking on right now. Putting another LAP Program on top of everything else we're doing at this point in time, I just don't see it as being doable.

MR. GEIGER: And I certainly understand those concerns, Duane, from a perspective of how much money we have and how much work we have to do. In addition to that, the tenth of this month I'm informed that the Catch Shares Draft Policy is supposed to be released by NOAA Fisheries. There is going to be, I don't know, 120 days, I guess, of public comment period that will follow that. I think it will be interesting to read that policy and see where it goes before we rush into any LAP Program at this particular point, but that's certainly up to the committee as to where we want to go. Brian.

DR. CHEUVRONT: Well, Monica and Duane both touched on a couple of things that I was going to bring up. One was looking into the control date issue and the idea of can we really do a LAP Program at this time? In talking to different fishermen, one of the things that I've been hearing is that some of them would be willing to at least consider and maybe not necessarily endorse as an alternative to catch shares might be to invoke something like a control date and then put in realistic trip limits, and that would be an easier way to constrain some of the catch as well as to keep the season going longer.

It's not going to be the same thing as a catch share program of some sort, but it would it be the idea of that perhaps we can keep the people in the fishery who are currently active in the fishery as well as to try to keep the fishery going. So whether we need to invoke or adjust those sorts of things, that might be something we could consider.

MR. GEIGER: Ben, do you follow what he was talking about? Is that something you want to think about?

MR. HARTIG: Yes, certainly, it would be a bridge. It would be interesting to do it or explore it, anyway. I'm more interested in what Duane said about the legality of what we might have to do considering what is going to happen to our fishermen in the mixing zone in the wintertime off of Florida if the Gulf goes ahead with a LAPP. That's a very interesting question. It doesn't have to be answered today, but it's something to put on the legal side of the equation to see if that's what we would have to do.

MR. CURRIN: Ben, it sounds like what you're talking about is essentially a pilot program, and Duane mentioned the complexity and the time involved in it. I guess that would be really related to how much you got into it. When you initially spoke, it sounded like really what you were asking for is just an individual allocation for the 15 or so guys that you know that are interested based on it's a simple decision to decide the timeframe over which to decide what percentage those individuals thought and go with it, if that's what you're talking about. If you want to get into a more intricate or detailed LAPP development for that number of individuals, then the time constraints become more real, I guess.

The other thing that I think becomes perhaps problematic is that if we are allowed to and can set up something, a pilot program, for a limited number of individuals, I don't know what the implications are for the future unless that has a sunset clause on it of some type or if you have a statement in the development of that thing, such that if the fishery does develop a full LAPP in the future, then those initial allocations don't have any bearing on what happens in the future.

Do you know what I mean? If you guys get some set allocation right now, if that's carried forward into the future, you could benefit or it could hurt you in the future if there is some full LAP Program or Catch Shares Program or whatever developed. That's all I had to say.

MR. HARTIG: To that point, Mr. Chairman, you're exactly right, it's very simplified, about 12 to 15 fishermen who see it as a bridge to get the rest of the fleet on board. It wouldn't be they're locked in stone for the rest of the time; you know, ITQ. It could sunset when the rest of the fleet was ready to do it. I think it's a great way to show the fishermen that it can work and that you're going to a lot more money for your fish.

DR. CHEUVRONT: I don't disagree with any of that, and I don't have a problem with sort of setting a trial LAP Program, but there are some things that are involved in the LAPP more than just setting it up. It's ongoing; there is monitoring of it that would have to occur afterwards and making sure that the guys stay within their limits and all the other things to do this, and somebody has to evaluate the effectiveness of all.

So even if we set it up for just 12 or 15 guys, we're still going to make an investment of time beyond the initial starting of the program. I'm not ready to throw out any babies with any bath water right now, but I think we need to look at the full implication of the kind of a commitment that even a Pilot LAP Program in the mackerel fishery would cause for this council.

MR. GEIGER: Yes, and, again, the Catch Shares Policy is going to come out in two days, and I think that's going to be interesting to read and see where we have to go and what the requirements are or what the potential things that the council can do, et cetera. Any other comments? Gregg.

MR. WAUGH: The control date for Atlantic King Mackerel is June 15, 2004, and the Gulf Council has a control date that was approved for their permit moratorium of October 16, 1995. To address part of this question about the LAP Program that the Gulf is working on, that is for Gulf King Mackerel, so it's going to affect our fishermen on the Florida east coast. What they've asked is just what is our interest in working with them on it or not, so I don't know that it would involve a lot of our staff time, but if they're going ahead with it we would, I think, want to at least involve some of our fishermen in that process.

MR. GEIGER: All right, any other discussion? Ben.

MR. HARTIG: Just one more thing, and I don't want to come off feeling bad, but we've ignored mackerel for quite some time. Snapper grouper has taken center stage for the better part of about eight years. We have had the same TAC on king and Spanish mackerel for ten years. It's time to do something with these fisheries.

Any way we can squeeze in this limited LAPP situation for king mackerel, it would go a long way to show the fishermen that we haven't ignored them completely. That's the way I feel about mackerel. I've had several things on the burner for more than five years that haven't been taken up by this council, and it's very disappointing to be put aside a number of times on issues that

you could have taken action on only to have it come back and bite you in the butt with all the increased effort we've got in the fishery. I'll leave it at that. I'm not going to get too upset.

DR. CRABTREE: Just to follow up on Ben, we've had discussions about doing a Golden Crab LAP Program; and while that may be a good idea, it certainly seems to me that there is a pressing need probably for mackerel and doing that. I think it's something that we need to think carefully about.

MR. CURRIN: Well, I'll ask it directly, then; Monica, do you see any legal problems with trying to establish a simple pilot program where allocations are made to a limited number of fishermen based on some defined landings' history, removing that allocation from the total TAC and allowing these guys to harvest it as they see fit throughout the season?

MS. SMIT-BRUNELLO: That's a loaded question.

MR. CURRIN: Well, I mean, that's the bottom line, you know, if it's going to be considered.

MS. SMIT-BRUNELLO: No, I see a host of issues with it. I don't know if you'd call them problems or issues. Maybe I can call them issues at this point. I think that could be pretty involved. We have to lay it out and see what it would look like, see how it would fit within the Magnuson Act, within the FMP and all that. I think it's fairly involved.

MR. GEIGER: Gregg has a map up on the screen that shows the Gulf Group Fish that go up to the Volusia County Line. Now, if the Gulf Council is proceeding with a LAPP, correct me if I'm wrong, Gregg, it's going to include the fish on the entire east coast of Florida up to the Volusia Line; is that correct.

MR. WAUGH: Yes, that's my understanding. They manage that group of fish.

MR. GEIGER: So if the Gulf is going to embrace a LAP Program, that's automatically going to incorporate your 15 fishermen and anybody else. If they move forward with a LAPP or a Catch Share Program, like it or not, they going to be involved in it.

MR. WAUGH: Just one point, without knowing the details of what the Gulf is going to do, what they have allowed us to do is set the bag limits, the trip limits and so forth for that northern zone. I don't know if they are looking to include that northern zone of the Gulf Group in their LAP Program or not. If they choose to, then they would be making those decisions. Remember, they allocate a certain portion of their Gulf Group TAC to the northern zone that we manage as far as that quota, so I don't know what their views are on the LAPP, whether they're looking to include that northern zone in it or not.

MR. CUPKA: To Roy's comment about golden crab versus mackerel, I just want to point out that golden crab is something that we've already started down that path. We've pulled those guys together and started development of that. You've made somewhat of a commitment to do that and we need to keep that in mind.

MR. CURRIN: I just wanted to agree with Gregg, that certainly as the Gulf moves towards consideration of a LAPP over there and it involves our fishermen, I think we should, as Gregg pointed out, certainly be a part of that as fishermen participate and council members, whatever is required to make sure that something doesn't sneak up and bite us during that process.

MR. McILWAIN: I just say at this point in time the Gulf has expressed an interest in doing this, and at this time there are no decisions made. It's still an open slate as to what would be included and what is not included, but it certainly would include those fishermen on the east coast that fish in that zone that we, the Gulf, control. We just don't have any details at this point in time. We'll certainly involve you in that process as we move forward with it.

MR. CUPKA: The motions that they made, too, Tom, I think one of the motions was to establish sort of an ad hoc Mackerel AP that, you know, depending on how this develops, we'd certainly want to have some representation and some of our people on that ad hoc Mackerel LAPP AP. I think we need to see a little more about exactly how the Gulf is going with this, but certainly there is an opportunity there for us to participate and get some fishermen involved in the process.

MR. GEIGER: Well, I'm going as the liaison to the Gulf meeting in February, and I presume, Tom, that mackerel will be on your agenda.

MR. McILWAIN: As far as I know, yes. I haven't seen an agenda yet.

MR. GEIGER: I certainly will be able to bring back some information possibly from that meeting. Rita.

MS. MERRITT: I was going to suggest that we would want to have a Florida commercial representative of the council to perhaps be on that ad hoc committee, and I just wanted to suggest that we put Ben's name in hat for them to consider to add to their committee.

MR. HARTIG: I appreciate that, Rita, but I may not be the right person to put on there. People know where I stand, so I would have a bias going into that workgroup. I would much rather have someone – I don't fish in that fishery – someone from that fishery; maybe even neutral to go in and work on that workgroup. I think it would be better served to have that for the industry.

MS. MERRITT: To that point, as an alternate to perhaps have somebody from Florida who is on our Mackerel AP who is also – because this is directed towards having a commercial mackerel fisherman from our AP perhaps be a representative on that committee.

MR. GEIGER: And I understand our desire to move forward and push here, but the Gulf isn't going to do anything at least until February, and our meeting is in March. Why don't we just wait and see what transpires in February and then address it at the mackerel meeting in March when we know a little bit more of the details. We also have the Catch Share Policy; the 120 days will be up, we should have a firm Catch Share Policy; and everybody can move forward from there. Can we do that? Monica.

MS. SMIT-BRUNELLO: Between now and the March meeting, I'd be glad to get with Ben and we could list some of the ideas that he has got about a limited LAPP, and then I could look at what all would be involved at least under the Magnuson Act and other regulations that we have in place and report back to you in March to give you a better idea, including myself a better idea of what all would be involved.

MR. GEIGER: Okay, and certainly Shepherd is right down the hall and you two guys can talk about it as well, Shepherd Grimes. For all those interested – and I'm sure everybody is – there are 1,465 active mackerel permits and that includes Gulf and South Atlantic, I guess, Phil. It says total, so I presume that's total; king mackerel permits, 1,465. Okay, any other discussion about this? We're going to leave it until we see what happens at the Gulf Council meeting in February and discuss it again in March. Okay, moving right along, Monica, you're up next.

MS. SMIT-BRUNELLO: This is going to be Monica and Robert talking together and David. Although Robert and I have talked a bit about this off the record and I think we've got it even more honed in to some specific issues, perhaps, that South Carolina would like to see. I guess if we wanted to cut just to the bottom line, Robert, you could talk about whether the council would be interested in looking at protection for cobia for spawning aggregations. Right now in looking through the regulations, what we have in place for cobia is a size limit and a fairly restrictive bag limit, but the bag applies to recreational and commercial – it doesn't matter – in that it's two cobia per day in or from the Gulf, Mid-Atlantic or South Atlantic EEZ regardless of the number of trips or the duration of the trip. I believe that regulation has been in place for some time now, at least more than ten years. So kind of putting that as your background, I'll let Robert talk a little bit more.

MR. BOYLES: Mr. Chairman, for the record, I'm not on your committee, but Monica and I have had extensive discussions about this. Just to clarify, the state is not seeking the council's extraterritorial jurisdiction in state waters. The issue for us in South Carolina, as you all know, is one of the great gifts that David Cupka gave to the Department of Natural Resources before his retirement was working with the General Assembly in South Carolina to get basically a conforming law that basically any regulations or management measures that are passed under the authority of the Magnuson Act and Atlantic Tuna Act are adopted by reference as state law.

David, publicly I thank your for that. That prevents my staff and I having to go and work with the General Assembly everytime there is a change in the fishery management plan. We conform by and large with every regulation already. As a matter of policy, we conform with every regulation passed as result of the actions that this council takes or I guess NMFS, through HMS, would take as well.

The issue as we've described it – you heard from Mike Denson of our staff at the September meeting is that we have reason to be concerned about aggregations of cobia in state waters around the time of spawning in May and June and particularly down in Port Royal Sound. I guess the question that I have for the council, is the council interested in looking at protecting and affording some additional management measures on these spawning aggregations.

Certainly, we could move unilaterally in South Carolina via our process with our General Assembly. The concern I have is then we may end up with conflicting state and federal regulations which would certainly complicate the enforcement and prosecution of any violations. I think that the question we have that I'd like some guidance from the council is are we satisfied with the two-fish bag limit, with a 33-inch minimum size, or is there something more that we need to do particularly around the time of these spawning aggregations that Dr. Denson described for us back in September. David, have I captured things from your perspective?

I think the last thing we want from the administrative standpoint is a federal regulation and maybe a conflicting state regulation that we might contemplate in state waters to protect those spawning aggregations and then our enforcement guys being put on the spot in the field having to make a determination of where these fish came from.

My sense of things is that would cause more confusion among the angler as well as among enforcement. The question I think that we're asking is, is there any support for going forward with doing something to protect spawning aggregations of cobia?

MR. CUPKA: We do have a history of having problems when the state tried doing some things different like on dolphin, and that's what we're trying to avoid in this situation if we can.

MR. CURRIN: I may be wrong but it seems to me that in some instances states have been allowed or have implemented regulations regarding landing of fish during a discrete time period. I believe you're okay to prohibit landing of fish, which would include fish that were – you can't keep them from catching them and possessing them in the EEZ but if they come into state waters and land those fish, then I would think the state would be able to control that in some way during a discrete time period such as a spawning season closure or some different regulation that the state would want to implement.

MR. BOYLES: To that, Mac, from my perspective, this is what I've heard from our folks, I don't know that we'd contemplate a complete closure, but certainly something, maybe a reduced bag limit during that time; again, which is why we're here discussing this issue.

MR. SMIT-BRUNELLO: And to Mac's question or comment, I haven't read all the decisions that would affect this, but I believe if the federal law allows you to harvest something in federal waters, there are certain restrictions on your ability to land that the state can put, but I think that they have to give you the right to land legally harvested fish from federal waters and bring it in. I can't recall. Each state is a little different, but I can't recall all the nuances to that, but it's not quite as clear cut as what you would think.

MR. HARRIS: The state of Georgia prohibited the landing of gill net caught fish caught in federal waters. What we were doing was it was aimed at the shark drift gill net fishermen, and our General Assembly prohibited the landing of gill net caught fish. Since gill nets were not legal gear in Georgia for anything other than shad., we basically forced those boats to go down and land them in Florida.

MR. CUPKA: We've had a little bit of history with this and it does get complicated, and then there are impacts in the enforcement area. Some of you know that some time ago we – I still can't believe they did it, but John told me he was going to get it through and he did, but South Carolina does not allow bang stick caught fish landed in our state.

So, low and behold, our enforcement officers caught some guys landing fish. Unfortunately, they chose to try and make a case up around Little River, which is right on the North Carolina/South Carolina Line, and what happened was they immediately threw the case out of court because the guys said, "Well, we caught these off North Carolina and so we ought to be able to land them, because only South Carolina has the prohibition on bang-stick fish."

I think if they would have tried to make a case in the middle of the state it might have stuck. But, anyway, law enforcement, needless to say, when they get burned like that, they're very hesitant about trying to do it again. We've seen that happen, so, yes, we can do some things, Mac, and we can try and do some things, but sometime it is not as straightforward and simple as it sounds, and there other ramifications.

MR. CURRIN: I was looking back through there, Robert, because I thought I remembered seeing somewhere in the decision document an option for an action to consider a bag limit of one fish year around and not specifically a spawning season as a conservation measure. I just looked at some AP motions here and, of course, they considered that and rejected it, but then they offered one to reduce the bag limit during the spawning season, so I would be interested in – I guess it would have to go in Amendment 20 now because the ACL stuff is going to take up 18, but, yes, I'd be interested from North Carolina's perspective in looking at changing the bag limit for cobia.

MR. WAUGH: One thing we have to remember, for cobia – and we'll hear from the SSC – I don't think we're going to get any specific recommendations at this stage, but there was an assessment done for a portion of cobia. Right now cobia is one stock. NMFS did an assessment on what they called Gulf cobia, using the Miami-Dade/Monroe County Line south.

There is no assessment for our area, so what we will get in terms of an ABC recommendation from the SSC probably in April is going to be a relatively low number, so we will have to look to then specify MSY – well, one, we have to split the boundary and then figure out what our MSY, OY, OFL, ABC, ACL allocations and ACTs if you want to go that far for Atlantic Group Cobia. So our available yield on Atlantic cobia may be quite low, such that we have to look at fairly stringent management regulations in order to ensure that ACL or ACT isn't exceeded.

DR. CRABTREE: Yes, and it seems to me, Mac, that's the time to look at the bag limit adjustment.

MR. GEIGER: Let's get back to the origins here. We've got the user groups, both of them, who have come to the state and requested action during the spawning season closure. We've got the state who supports it and is coming to the council. The council, God knows, everytime we enact rules, fortunately in South Carolina they've had the judgment to allow their state legislature to enable them to adopt complementary rulemaking automatically.

Every other state or at least in Florida we have to hope and we go to the state and we have to ask them. This is a case where we're either going to support the state or not. In my case I hate to simplify it and, Monica, it's a legal question as to whether we can do or we can't. Am I missing something?

MS. SMIT-BRUNELLO: Well, maybe I'm missing something because it depends on the record you have as to whether you can do it. Can you lower the bag limit for cobia; yes. If you've got a reason to lower it and supported by the record, yes, you can lower it. Could you put restrictions on cobia when they spawn in the EEZ; yes. If they spawn in the EEZ and you want to put restrictions on them, certainly you could. If you're looking at those kinds of things, sure, that's within your authority to do. Am I missing something else?

MR. GEIGER: Yes, the question I guess is do we have the authority to put regulations in place on cobia spawning in state waters?

MS. SMIT-BRUNELLO: Well, I don't see how you do that.

MR. GEIGER: If we put spawning regulations in place on spawning cobia in the EEZ, then the state could develop complementary regulations in state waters?

MR. BOYLES: Mr. Chairman, I apologize for the confusion. Our suggestion to our constituents has been the council is the appropriate body because they manage cobia and we adopt by reference the management measures that are passed by the council and approved by the Secretary. The state can go forward with a South Carolina specific regulation to protect or additional management measures for whatever we deem is suitable. I'm not as comfortable with that because of the precedent that has been offered with the dolphin case and with the bang-stick case where there issues of interstate commerce, where there were issues of equal protection.

I'm not an attorney so I'm way out on a limb here, but our interest is seeing this council move to deal with protecting these spawning aggregations. The state would then adopt by reference those measures that were approved by the council and implemented by the Secretary. That's where we are on this.

DR. CRABTREE: So where you are, George, is the council can't just do it because South Carolina wants to do it. You're going to have to do it based on here is the science, here is the rationale, here is what the need is; and if you can develop that, you could do it. It's a different situation where South Carolina just automatically adopts what the council does. That can't work back the other way because the Magnuson Act just doesn't allow that to happen.

If you can build the rationale as to why this is needed for conservation and management, then you can do it. You've got to amend the plan or maybe we could do it through a framework action, I don't know, but the question then becomes where do you want to do it. It sort of seems like to me the place to do it is the Comprehensive ACL Amendment where we're going to set the ACLs for it and that is hopefully going to be done over the next year or so, but I guess you could do it through a framework, but you've got to go through that process and you've got to develop a rationale for why you're doing it.

MR. GEIGER: Well, I think we've already got cobia in Amendment 18, so 18 is where we would be doing it.

DR. CRABTREE: So the question is, is that soon enough to suit people's need or is this something that there is a more urgent need to address, and it seems to me that's the place to do it.

MR. BOYLES: I think 18 is the place to do it; I agree with Roy.

MR. GEIGER: All right, we're going out to get the SSC to hear what they have to tell us on their deliberations. The number 1,465 is in fact the total of South Atlantic and Gulf king mackerel permits, active.

MR. CURRIN: I'm confused, but I need some clarification and maybe the source of my confusion is the motion that the Gulf Council passed to remove everything from 18, as I understood it, except for implementation of the ACL; is that just on the Gulf side or did I misinterpret that or what; and that everything else was going into – all the other mackerel measures, and I would assume that would include cobia were going into Amendment 20. Is that the way we're going.

MR. GEIGER: Yes.

MR. CURRIN: But what we're talking about now, then, is retaining possibly an action on cobia in Amendment 18?

MR. GEIGER: Eighteen, yes.

MR. CURRIN: But that would be the only one so far that we are talking about retaining?

MR. GEIGER: Yes.

MR. CURRIN: That doesn't put us crossways with the Gulf in any way and everything?

MR. GEIGER: No, because we've already gone to scoping with 18.

MR. WAUGH: Yes, we keep cobia in 18. The Gulf is keeping cobia in 18, too, because they have to do all the requirements for Magnuson for their cobia stock as well. The other items that were moved to a future amendment deal with adding species to the management unit and other things. Both councils have now agreed to address all the SFA items for king, Spanish and cobia, and that will include ACLs and accountability measures.

DR. BELCHER: I am going to give you our consensus statements relative to our recommendations on king mackerel, Spanish mackerel and cobia. We were tasked with basically giving you the reference points for OFL and ABCs. Under king mackerel the SSC could recommend an OFL from the options as reported in the Mackerel Decision Document.

However, because additional projections are necessary to develop ABC recommendations in accordance with our new control rule, which was developed after the mackerel assessment was approved, the SSC prefers that these projections also provide the information to help support the annual OFL value. In order to determine an appropriate annual OFL and ABC, the SSC needs the following.

We've provided a list of things that included updated landings; so rather than using the projected landings for the past couple of years, we could have the updated landings for 2008 and 2009 if possible. Measure of recruitment, whether it comes from an index or from an actual recruitment relationship; updated projections, again taking into the account for the current year's landing.

The production of both constant catch and constant F scenarios; currently there are constant F scenarios, I believe, so we asking for constant catch as well. Projections should provide the catch and the F associated with a 27.5 percent chance of overfishing occurring over the projection period, so this is our suggested P-star level.

Recommend multiple projections be generated for a variety of time horizons beginning with a single-year projection; one through 2013; and also and seven- and ten-year periods. This is just as the management goes on so that you have that ability to see the dynamics as we cast out on the longer time series; the implications the farther away you get. We're hoping to have these values submitted to us on or before March 15th. One caveat I need to throw in with this is that we had a discussion that we wanted to review these with our April meeting and give you numbers in April.

As we get into Spanish mackerel and cobia, because of the issues of assessment and what is available to us for data, we're actually going to have to fill in that gap that we currently have with what to do with a landing stream of data. We're not going to be able to have an assessment that is going to give us the measures of OFL that fit into the ABC control rule the way it currently is based on assessment, so we're going to have to use a landing stream, which we have not come up with a procedure yet in terms of what dynamic are you looking at; is it going to be average landings with some amount of discount applied; what the length of time series is.

We have to put that in the context of what is considered to be an overfishing level. We haven't discussed how to do that yet. At the national meeting we were hoping to get some guidance on that, and right now that's still kind of up in the air as to how people are dealing with that throughout all of the regions and not just ours.

We need the time to do that. We had hoped to do that today, but we've had a lot of discussion on 17A and 17B for snapper grouper, so that has not come up as of yet. John and I are going to pose to the group that we have hopefully an interim meeting at which we can work this out, so that particular part of the ABC control rule based on landings can be put to bed. That way we can hopefully address a lot of these other species that are coming up that have this similar problem at hand.

With that, segueing into Spanish mackerel, as the most recent assessment could not express OFL in biomass, the SSC cannot provide guidance based on the assessment. In this instance the SSC

would need to default to the use of landings' data as a means of determining an OFL; however, at this time the SSC has not determined the best way to derive this value from the landings.

Again, as it currently written, the SSC intends to discuss this further under the ACL topic on Tuesday, which obviously we're not going to have the time to delve into today, and we will use Spanish mackerel as a catch to work through the development of ABC in such cases. This is one that will be put to the front, and, again, the hope is that we will be able to give these numbers in April.

Relative to cobia, we're kind of in that same quandary with data may exist to assess for cobia, and the stock is scheduled to be assessed in 2012, but currently we have to fall back to looking at landing streams for this species as well. The SSC will provide ABC recommendations for cobia at the April 2010 meeting based on information at hand at the time; one that addresses ABCs for all of the remaining stocks.

The less information the SSC has the greater the uncertainty to be considered. The SSC will address the default control rule for unassessed stocks at this meeting – and again I apologize that we obviously are not going to have the time to have an answer for that today – and develop additional data requests for unassessed stocks to provide this information necessary to apply to the control rule in April.

Again, the hope is that we will have that tool in place on how best to deal with the landing stream in a comprehensive way and consistent way so that we'll be able to handle more than just these species, but those numbers we hope to have in hand in April. Those are our consensus statements relative to those three species.

DR. CRABTREE: Carolyn, for I think it was king mackerel, what was the P-star value that you were recommending, the SSC was recommending?

DR. BELCHER: It was 27.5.

DR. CRABTREE: And that's the risk of overfishing?

DR. BELCHER: Yes.

DR. CRABTREE: Now how are we handling that – and maybe this is for Gregg. We're going to have to have alternative P-stars evaluated or alternative control rule, but somehow we're going to have to go through alternatives for that. Have you thought about how we're going to handle that in terms of the documents? Is this going to be a series of different ABC control rule alternatives or are we going to do this species by species?

MR. WAUGH: The Gulf has administrative lead for this. I haven't had any discussions with Rick yet. I imagine it would be similar to what we would do for snapper grouper; that there will be the control rule that the SSC has come up with and then we'll have to decide how many additional alternatives we need to examine.

MR. CUPKA: Carolyn, I know you all had some discussion the other day when I was in there about this April meeting, but I don't know if you've had a chance to discuss it anymore, but obviously that's a very critical meeting, and that's going to be it. If we don't start getting values for that, we won't have them in place in time.

Is there any concern about generating the amount of numbers that are going to have to be done during that meeting? Obviously, it's not going to be a one-day meeting, I wouldn't think, because there is a lot species. Once you set the control rule for basing it on landing streams, there are a lot of species that fall in that category. I didn't know if you had discussed that meeting anymore than what you did the other day or whether that's something you all just haven't gotten to yet. That's a critical meeting and that's going to be it.

DR. BELCHER: And the SSC recognizes that. Again, our hope was that we wouldn't have – I don't mean this in a negative sounding way, but we got mired down in 17B and B because of the criticalness of getting through those and making sure that we gave the best possible review and advice relative to those two documents. The hope was we would get the ACL Comprehensive Plan so we could revisit this in the ABC control rule.

As we've worked now to get consensus statements for 17A and 17B, I really don't want to push us at – you know, by the time I get back in and we're looking at three o'clock, if they put consensus statements to bed, I don't want to see us try to rush through something. John and I had discussed talking with the group as we got through consensus to actually – we want to have interim meetings because April is – that's it – we need to hit the ground running and get numbers for those species.

Again, we're basing it on what data we have at hand; and if we cannot do with an assessment and don't have it, we're going to have to default back to landings, so there will be an over-blanketing approach that applies some discount rate to a landing stream and it's going to be – again, whether the time series is going to be specie dependent or not, the question will be whether or not that discount factor is going to be held constant across all species, which I think is kind of what we had an idea. It's just going to be again looking at it and trying to determine how we can best apply a rule to it.

There may be other things out there. There are other models that people are aware of with some of these depletion-corrected estimates that Alex McCall and such have been working on, so there is people with information about those, but the rest of us have not been brought up to speed on them yet, so we don't know how to compare and contrast these methodologies, so we need another meeting in the meantime and we will push to have that other meeting so that those things are worked out.

MR. CUPKA: Mr. Chairman, if I may, obviously, there is a lot groundwork I guess that needs to be done before that because you can't wait until that April meeting to get there and start looking at these landing streams. All that has got to be put together ahead of time for you to meet your deadline; correct?

DR. BELCHER: Correct. Again, my hope is that this afternoon that will be the focus of our conversation is outlining how to get this meeting done between now and April that will get that methodology in line, making sure that whatever that meeting is – is if it's midpoint between now and April, that we can get the request drafted today that needs to go up of exactly what we need, so that way, again, it's clear of what our needs are and we have that in hand to be at that meeting to evaluate that method. Then, like I said, hopefully, we'll get into 2012 – our April 2012 meeting and those numbers will be the focus of what comes out of that meeting, because all the legwork has been done prior to it.

MR. GEIGER: And, Dr. Ponwith, you're cognizant of these requests from the SSC in terms of the requirements needed by March 15th, I believe.

DR. BELCHER: We haven't put that together.

MR. GEIGER: You haven't put it all formally together yet in the form of a request?

DR. BELCHER: It's very similar to other requests that we've put through before, but it will be more formalized.

MR. GEIGER: Have you spoken informally to anyone like Erik to see if that's doable by March?

DR. BELCHER: Relative to what we asked for king mackerel, our understanding is that is doable.

MR. GEIGER: Okay, and I guess the other question is I noticed you didn't ask for any information concerning cobia. Is there any need for additional data on cobia?

DR. BELCHER: Basically, because we have no assessment in hand, we're going to have to fall to landings for cobia.

MR. WAUGH: We'll be getting a written report from the SSC, and will we have that at this meeting so that, then, the council can approve sending that request to NMFS, because the request to NMFS for data should come from the council and not from the SSC.

DR. BELCHER: Correct.

MR. WAUGH: So we will have that that delineates what you need for every species?

DR. BELCHER: Yes, I would assume we could easily have that put together. I mean, again, that's the focus of the next few hours once those consensus statements are written for 17A and 17B, that can easily be the focus to make sure that clear for those species. Because, again, we haven't even – the group as a whole has not discussed this intermediate meeting. It needs to be done; it will be done; it's just a matter of finding out who all – maybe just like it was last March where we had a subset of folks available. It wasn't the full SSC.

MR. GEIGER: Okay, any other questions for Carolyn? Gregg, is there anything we can do in regard to the decision document or talking about the decision document? We're kind of at an impasse here in terms of the decisions we wanted to make at this meeting.

MR. WAUGH: Yes, and I guess maybe just a little bit of discussion about what you want us to work on for king mackerel; if it's worthwhile pursuing this or should we wait until we get the OFL and ABC recommendations. We had put together – and Attachment 3 in your Mackerel Tab has our decision document.

We had drafted this material and given it to the SSC to use where we pulled out yield at various fishing mortality rates and projections that were done and came up with some preliminary ABCs, if you will, so that we could start looking at ACL alternatives, but as you just heard the SSC didn't even use this for king mackerel where we have those numbers.

Spanish mackerel, you can find these numbers in the assessment. The review group did not accept them, but we went through and pulled them out to use here to start talking about it. I just don't know if it serves any utility to have a Mackerel Committee in March and look at options before we get the recommendations from the SSC or should we just focus on trying to finish up snapper grouper and get that done; so some general guidance from the committee as to what to do between now and the March meeting.

MR. GEIGER: I'm inclined to focus on snapper grouper, but I would like to have short mackerel meeting certainly to discuss what we find out at the Gulf Council in February and be able to convey that information. Now, maybe we can convey that in written form in the briefing book, but we still should have a meeting to talk about it and see if there are any questions and have a brief discussion. It may only take an hour, so let's just have the meeting. Not only that, but we can possibly get an update as to where we are in regards to collecting the information the SSC needs. David.

MR. CUPKA: Just a question for Gregg; Gregg, one of the issues that was in this document concerns the boundary issue in regards to cobia. We need to go ahead and make that decision, I believe, because that's going to impact the data stream they put together to come up with an estimate of OFL and ABC for cobia. Do we not need to deal with that beforehand?

MR. WAUGH: Well, as you recall, at any SEDAR generally it is the scientists that lay out what information we have for stock separation, and I'm projecting the alternatives that we had put together for the boundary. The question I asked the SSC is are they going to provide recommendations on where that split should occur, how are they going to request that the landings be compiled, and they didn't really have an answer.

What I've got up here are the alternatives right now it is managed as one group. As I indicated, NMFS has done an assessment for the Gulf portion of that using Option 2, which is the separation at the Miami-Dade/Monroe County Line where we have a separation already for Spanish. The other alternative is to use it at the South Atlantic/Gulf boundary.

Our intent was to pull together all the information that supports these various alternatives. We would have to include these and any other potential alternatives in the amendment as potential changes, but if we have some guidance from the committee as to which of these you would prefer to see or any additional ones you want to analyze, it would be good to hear that.

MR. CUPKA: So what you're saying is you've got to do it both ways, anyway, for the analysis, so that the SSC should have that data both ways, then, when they look at it?

MR. WAUGH: Yes, I think in order to satisfy the views for NEPA we would have to analyze all of these. We couldn't just go with two alternatives.

MR. CURRIN: Those alternatives make perfectly good sense to me, Gregg. I have no other suggestions for additions.

MS. MERRITT: Gregg, does it make any sense rather from a biological perspective or administrative perspective to put another option to have a boundary at the Volusia/Flagler Line, to make it consistent with the mackerel?

MR. WAUGH: Well, I don't think the stock separation is clear for cobia such that you could pick any one over the other, but remember that Volusia Line is a floating line that moves from the upper Florida east coast to the lower Florida southwest coast; whereas, if it's at the Miami-Dade, it is consistent, a fixed line with Spanish.

MR. GEIGER: All right, is everybody satisfied with the options that we have identified? All right, I guess that's it for the decision document. Mac.

MR. CURRIN: Just one thing; one Page 34 there is a option there or a request to add an option that prohibits, as it's stated now, the sale of recreationally caught coastal migratory pelagics. I would prefer that be changed to bag limit cost or some reference to bag limit sales rather than recreationally caught, to make it be more accurate.

MR. GEIGER: Yes, that would be consistent with what we've done in snapper grouper.

MR. WAUGH: Bag limit.

MR. HARTIG: That would be okay except in the case of cobia commercially we're selling bag limits, so we can't really do that wording if we're going to allow the commercial sale of cobia, unfortunately. It was a good idea, though.

MR. CURRIN: Well, then perhaps the wording should be something like – you see the problem I'm having it. I mean, it's the same problem we had when we were talking about prohibiting it in the snapper grouper species, any way we can clean that up to make that distinction clear.

DR. CRABTREE: If the problem is you're wanting to put a limit on how many cobia commercial fishermen can have on board, don't call it a bag limit or a recreational bag limit; restrict them to a commercial trip limit and set it equal to the recreational bag limit. I think you

can easily work around that, and it could be a trip limit of X fish per person, if that's how you wanted to do it or per vessel, somehow.

MR. GEIGER: If all these issues were so easily solved. Okay, Gregg, anything else? Anything else on this decision document? All right, that takes us to other business.

MR. WAUGH: Just to make you aware that the Atlantic States Marine Fisheries Commission has a public information document. That's Attachment 4. They may be holding public hearings in our state. The two reasons for developing an amendment – and this amendment addresses Spanish mackerel, spot and spotted seatrout, but it provides for the implementation of mandatory measures and to provide consistency with commission standards and procedures for interstate FMPs.

In addition, for Spanish they're going to come into compliance with the measures that we put forward in Mackerel Amendment 18. I just wanted people to know if you hear of Spanish mackerel public hearings in our state, ASMFC is doing those to come into compliance with our actions.

MR. GEIGER: And the other issue was the quota management. There were some questions about the differences between the reported quota percentages and up-to-date numbers that are in fact where we are in terms of landings and the difference, and I asked Gregg to look at that.

MR. WAUGH: The region worked with us and they got an updated quota report on their quota website, which we appreciate. But what we're finding is as more of these quotas are being met, fishermen are looking to see how much quota is left. At the time that we got the memo for this meeting, some of the mackerel numbers were pretty outdated, and it was just concern that we have a mechanism to keep all of our quota figures as up to date as possible.

Again, as more of these quotas are filled, fishermen are calling and asking us the status of quotas and we go to the website and we need to have a mechanism, and I know work is ongoing to address this, but at times when we've got the data for some of these fisheries, it's a month or two behind and it's hard to give fishermen accurate information.

MR. GEIGER: Any questions? Anything else under other business? Ben.

MR. HARTIG: George, do you want to address that gill net portion we talked about the other day in mackerel or do you want to wait until full council to do that?

MR. GEIGER: Well, we could talk about it now; we've got a few minutes.

MR. HARTIG: If I may, we and Monica got together yesterday and we talked a little bit about what we may or may not do. I've got a list here and I actually added one last night. I just say the current regulations allow two nets, and I think they're 800 yards each, and each net has to be of a dissimilar mesh size by a quarter inch; only one of those nets of which may be fished in the water at any time.

Now, the problem was that – and we’ve discussed this – that there are fishermen that catch more than their trip limit in one set, cut the gear and then transfer the net to another vessel. One of the ways you could solve that is to allow three nets on vessels. Right now you’re only allowed two; you could allow three nets.

Another one that I thought of last night is there are marking requirements required for all of this gear. You could have two nets with your identification number and then the other net would have to be of someone else’s identification. That’s one way you could make sure that any one vessel doesn’t have three nets that he may be able to use to catch more fish.

That’s not the problem now. The problem is we’re under fish house trip limits most of the time now which are a lot less than the management trip limits that we’re fishing under. The number of nets is not a issue at this time. It may become one in the future. The transferability requirement, Monica brought up that we may just word it differently.

Instead of approaching it from a transferability; we may just allow specific wording to say that you can allow a mackerel fishing vessel with nets to pick up a third net during that trip. That’s another way you could approach it. Otha may have some more; I’m not sure. Monica may want to follow up on what I’ve said.

MS. SMIT-BRUNELLO: Just a little bit on the transferability issue; I think that Otha found the regulations currently say fish that are subject to a trip limit are not allowed to be transferred at sea; and so the idea here was that if the council wanted to, you would need to make some sort of exception for allowing mackerel in this manner to be transferred at sea.

I guess the idea is – and Ben can speak to this better than I can – a fisherman has his net closed and he can see that he has got fish that are going to be – too many fish and he is going to exceed the trip limit, and he would call another fisherman over, who didn’t have his trip limit, and say you can cut part of this net and take the fish that I’m giving you on board your boat.

The problem is right now, one, you’re not really allowed to do that because – not really; you’re not allowed to do because you’re transferring fish at sea, so that is one issue. And, two, as Ben brought up, right now the regulations allow you to have I think two nets, and they have to be of differing size; so if you were allowed to – not if you were allowed; if you in the scenario I just gave you went and got someone else’s – a portion of their net with their fish in it, then you would also have three nets on board so there are two issues here.

Ben brought a good point yesterday in discussions that this could go to bycatch as well. The council may want to look at it from that point of view; that if you allow this – under this scenario you would allow the second fisherman to come and take a portion of another fisherman’s catch, then you would also potentially be eliminating some bycatch if that fisherman – the first fisherman said, “I have too many fish and I’m dumping them back because I can’t take more than my trip limit.” Those are some of the issues we talked about yesterday.

MR. GEIGER: Okay, what it sounds to me is there are potential solutions to this issue, and there are alternatives on how you can resolve it. What I propose is we look at including this in Amendment 20 and give direction to staff to begin developing the alternatives. Monica.

MS. SMIT-BRUNELLO: And to that point, I think it would be good if we could go back and look at the original problems that existed as to why the no transfer at sea and the two net restrictions were put in so that the council could be made aware of that as well when they're considering it.

MR. GEIGER: Yes, I'm confident Gregg will do his routine complete job in briefing us on this material.

MR. CURRIN: Just a question for Ben; Ben, is this a routinely common problem; and when it occurs, do guys periodically adjust the size of their nets which would reduce their catch? I guess one thing that that occurred to me during the discussion was it is conceivable that even if you cut a net in half, one or the other half of it might have more than whatever the fish houses were buying at that time or on that particular day. Is that a concern that you have or does that happen as well?

MR. HARTIG: Yes, there are times that nets are cut into three pieces and distributed to two other boats. That does happen. It's hard to explain why it happens. There are a number of people that fish that fishery in a very conservative way with less gear and better quality fish, and the whole yards, but there are others who don't, frankly, and that's one of the problems that we have.

The other problem that we have is the significant increase in the gill net fishery that has occurred in the last four years. One of the things I tried to get Tony to do, and I think I had mentioned to Roy, was we were going to do a gill net endorsement four years ago in mackerel, and we never did it so that fishery now has increased probably about four times what it was then.

But, to be fair about that, the cast net fisheries has changed in the same timeframe. The fish have changed their migratory pattern and they have moved much farther to the north in that timeframe. The cast net fishery has been eliminated – not eliminated but it has been very much reduced, so it was those same fishermen who were in the cast net fishery that went gill net fishing, so at least it gave them an opportunity to still participate in the fishery.

I've been trying to get them to switch over to hook and line, but it's not as easy as I had anticipated. I've made some inroads and got some of them to be able to do it, but, frankly – you know, I was born with a fishing rod in my hand and they were born with a net, and it's not the same after now 12, almost 15 years of trying to help them along. I see the problems involved, but, yes, it is a real problem now with the amount of vessels in the fishery. If we could address it and rectify it in some way, it would help those fishermen, and it would reduce bycatch in the long term, something that we are mandated to do, anyway.

MR. GEIGER: All right, we're going to address it in Amendment 20. Okay, any other business under other business? Seeing none, we stand adjourned.

(Whereupon, the meeting was adjourned at 3:06 o'clock p.m., December 8, 2009.)

Certified By: _____ Date: _____

Transcribed By:
Graham Transcriptions, Inc.
January 20, 2010

South Atlantic Fishery Management Council 2009 – 2010 Committees

ADVISORY PANEL SELECTION

Mark Robson, Chair
Robert Boyles
Brian Chevront
Roy Crabtree
Ben Hartig
Spud Woodward
Staff contact: Kim Iverson

DOLPHIN WAHOO

Tom Swatzel, Chair
Robert Boyles
Roy Crabtree
Ben Hartig
Wilson Laney
Rita Merritt
Charlie Phillips
Red Munden Mid-Atlantic Council
New England Council Rep
Staff contact: Gregg Waugh

ECOSYSTEM-BASED MANAGEMENT

Brian Chevront, Chair
Spud Woodward, Vice-Chair
Roy Crabtree
David Cupka
Mac Currin
George Geiger
Ben Hartig
Wilson Laney
Rita Merritt
Charlie Phillips
Mark Robson
Staff contact: Roger Pugliese- FEP
Myra Brouwer- Comp. Ecosystem-
based Amendment

EXECUTIVE

Duane Harris, Chair
David Cupka, Vice-Chair
Mac Currin
George Geiger
Robert Boyles
Staff contact: Bob Mahood

FINANCE

David Cupka, Chair
Mark Robson, Vice-Chair
Brian Chevront
Duane Harris
Mac Currin
Staff contact: Bob Mahood

GOLDEN CRAB

David Cupka, Chair
Mac Currin
Wilson Laney
Charlie Phillips
Tom Swatzel
Staff contact: Gregg Waugh

HABITAT & ENVIRON. PROTECTION

Mark Robson, Chair
Robert Boyles
Wilson Laney
Rita Merritt
Vince O'Shea
Charlie Phillips
Staff contact: Roger Pugliese
Myra Brouwer- Coral

HIGHLY MIGRATORY SPECIES

David Cupka, Chair
Rita Merritt, Vice-Chair
Roy Crabtree
Mac Currin
George Geiger
Duane Harris
Brian Sullivan
Staff contact: Gregg Waugh

INFORMATION & EDUCATION

Robert Boyles, Chair
Mac Currin, Vice-Chair
Duane Harris
Mark Robson
Brian Sullivan
Tom Swatzel
Staff contact: Kim Iverson

KING & SPANISH MACKEREL

George Geiger, Chair
David Cupka, Vice-Chair
Mac Currin
Brian Chevront
Duane Harris
Ben Hartig
Rita Merritt
Charlie Phillips
Mark Robson
Tom Swatzel
Ron Smith, Mid-Atlantic
Representative
Jack Travelstead, Mid-Atlantic
Representative
Staff contact: Gregg Waugh

LAW ENFORCEMENT

George Geiger, Chair
Mac Currin, Vice-Chair
Robert Boyles
Duane Harris
Ben Hartig
Brian Sullivan
Staff contact: Gregg Waugh

CATCH SHARES

Rita Merritt, Chair
Robert Boyles
David Cupka
George Geiger
Vince O'Shea
Charlie Phillips
Spud Woodward
Tom Swatzel
Staff contact: Kate Quigley

PERSONNEL

Robert Boyles, Chair
David Cupka
George Geiger
Duane Harris
Spud Woodward
Staff contact: Bob Mahood

PROTECTED RESOURCES

David Cupka, Chair
Wilson Laney, Vice-Chair
Rita Merritt
Mark Robson
Spud Woodward
Staff contact: Myra Brouwer

SCI. & STAT. SELECTION

Roy Crabtree, Chair
Robert Boyles
Brian Chevront
Mark Robson
Spud Woodward
Staff contact: John Carmichael

SEDAR Committee

Duane Harris, Chair
George Geiger, Vice-Chair
Brian Chevront
David Cupka
Ben Hartig
Vince O'Shea
Mark Robson
Tom Swatzel
Staff contact: John Carmichael

South Atlantic Fishery Management Council 2009 - 2010 Council Membership

COUNCIL CHAIRMAN:

Charles Duane Harris
105 Demere Retreat Lane
St. Simons Island, GA 31522
912/638-9430 (ph)
seageorg@bellsouth.net

COUNCIL VICE-CHAIRMAN

David M. Cupka
P.O. Box 12753
Charleston, SC 29422
843/795-8591 (hm)
843/870-5495 (cell)
palmettobooks@bellsouth.net

Deirdre Warner-Kramer
Office of Marine Conservation
OES/OMC
2201 C Street, N.W.
Department of State, Room 5806
Washington, DC 20520
202/647-3228 (ph); 202/736-7350 (f)
Warner-KramerDM@state.gov

Robert H. Boyles, Jr.
S.C. Dept. of Natural Resources
Marine Resources Division
P.O. Box 12559
(217 Ft. Johnson Road)
Charleston, SC 29422-2559
843/953-9304 (ph)
843/953-9159 (fax)
boylesr@dnr.sc.gov

Dr. Wilson Laney
U.S. Fish and Wildlife Service
South Atlantic Fisheries Coordinator
P.O. Box 33683
Raleigh, NC 27695-7617
(110 Brooks Ave
237 David Clark Laboratories,
NCSU Campus
Raleigh, NC 27695-7617)
919/515-5019 (ph)
919/515-4415 (f)
Wilson_Laney@fws.gov

Dr. Brian Chevront
N.C. Division of Marine Fisheries
P.O. Box 769 (3441 Arendell St.)
Morehead City, NC 28557
252/726-7021 Ext. 8015 (ph)
252/726-6187
brian.chevront@ncdenr.gov

Dr. Roy Crabtree
Regional Administrator
NOAA Fisheries, Southeast Region
263 13th Avenue South
St. Petersburg, FL 33701
727/824-5301 (ph); 727/824-5320 (f)
roy.crabtree@noaa.gov

Benjamin M. "Mac" Currin
801 Westwood Drive
Raleigh, NC 27607
919/881-0049 (ph)
mcurrin1@bellsouth.net

George J. Geiger
566 Ponoka Street
Sebastian, FL 32958
772/388-3183 (ph)
georgejgeiger@bellsouth.net

Ben Hartig
9277 Sharon Street
Hobe Sound, FL 33455
772/546-1541 (ph)
bhartig@bellsouth.net

Rita G. Merritt
38 Pelican Drive
Wrightsville Beach, NC 28480
910/256-3197 (ph); 910/256-3689 (f)
miridon@ec.rr.com

John V. O'Shea
Executive Director
Atlantic States Marine Fisheries
Commission
1444 Eye Street, N.W., 6th Floor
Washington, D.C. 20005
202/289-6400 (ph); 202/289-6051 (f)
voshea@asmfc.org

JENNIFER LEG
ANIK CLEMENS
ROD DALTON
* KELLY SCHODLCRAFT

Charles Phillips
Phillips Seafood / Sapelo Sea Farms
1418 Sapelo Avenue, N.E.
Townsend, GA 31331
912/832-3149 (ph); 912/832-6228 (f)
Ga_capt@yahoo.com

Mark Robson
Director, Division of Marine Fisheries
Florida Fish and Wildlife
Conservation Commission
620 S. Meridian Street
Tallahassee, FL 32399
850/487-0554 (ph); 850/487-4847 (f)
mark.robson@myfwc.com

Spud Woodward
Director, Coastal Resources Division
GA Dept. of Natural Resources
One Conservation Way, Suite 300
Brunswick, GA 31520-8687
912/264-7218 (ph); 912/262-2318 (f)
Spud.woodward@dnr.state.ga.us

Lt. Brian Sullivan LT GRIS ✓
U.S. Coast Guard
Brickell Plaza Federal Building
909 S.E. First Avenue
Room 876/ DRE
Miami, FL 33131-3050
305/415-6781 (ph)
305/415-6791 (f)
Brian.A.Sullivan@uscg.mil

Tom Swatzel
P.O. Box 1311
Murrells Inlet, SC 29576
(C/O Capt. Dick's Marina
4123 Hwy 17 Business,
Murrells Inlet, SC 29576)
843/357-1673 (ph)
tom@captidicks.com

MONICA-SMIT BRUNELLO
JACK MCGOWAN
PHIL STEELE
BONNIE POWWITH
OTHA EASLEY
TOM MCELWAIN
* CAROLYN BELCHER

South Atlantic Fishery Management Council Staff

Executive Director

Robert K. Mahood
robert.mahood@safmc.net

Deputy Executive Director

Gregg T. Waugh
gregg.waugh@safmc.net

Public Information Officer

Kim Iverson
kim.iverson@safmc.net

Senior Fishery Biologist

Roger Pugliese
roger.pugliese@safmc.net

Staff Economist

Kathryn (Kate) Quigley
kate.quigley@safmc.net

Cultural Anthropologist

Open Position

Environmental Impact Scientist

Rick DeVictor
richard.devictor@safmc.net

Science and Statistics Program Manager

John Carmichael
john.carmichael@safmc.net

Public Information / Outreach Assistant

Anna Martin
anna.martin@safmc.net

Fishery Biologist

Kari Fenske
kari.fenske@safmc.net

SEDAR Coordinators

Julie Neer - julie.neer@safmc.net
Dale Theiling - dale.theiling@safmc.net

Coral Reef Biologist

Myra Brouwer
myra.brouwer@safmc.net

Administrative Officer

Mike Collins
mike.collins@safmc.net

Financial Secretary

Debra Buscher
deb.buscher@safmc.net

Admin. Secretary /Travel Coordinator

Cindy Chaya
cindy.chaya@safmc.net

Purchasing/Adm. Assistant

Julie O'Dell
julie.odell@safmc.net

SEDAR/ Staff Administrative Assistant

Rachael Lindsay
rachael.lindsay@safmc.net

PLEASE SIGN IN

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

MACKEREL COMMITTEE Atlantic Beach, NC Tuesday, December 8, 2009

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

KELLY SCHOOLCRAFT	252-995-4029	Box 242, FRISCO, NC 27936
DAVID HILTON	252-921-0142 UMFS-SERO	P.O. Box 1450 Ocracoke, NC 27960
Dave Bloekner	252-728-872	#6 River Island Rd BEAUFORT, NC
Michelle Owen		1996 Main St Suite 750 Salisbury, NC 27516 34234
Eileen Dougherty	919-521-2671	Charleston, SC
Rusty Hudson ASF	386-239-0948	PO Box 9351 Daytona Beach, FL 32120-9351
Lynn Perry	919 470-3414	5309 Greenleaf Dr Wilmington, NC 28403
Dick Bram	CCA	WILMINGTON, NC
Judy Jensen	813 286 8390	5401 W Kennedy, Jacksonville, FL 32217

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10

35809

PLEASE SIGN IN

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

MACKEREL COMMITTEE Atlantic Beach, NC Tuesday, December 8, 2009

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Mike D. Shutzok, Carteret County News-Times (252) 726-7081

Leda Danmore

Key Largo, FL

Libby Felhersten

OC-FL

Dave Allison Oceana

202-833-3900

1350 Connecticut Ave NW #500 Washington DC 20036

Larry O'Malley

843-457-7352

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10