

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COMMITTEE

**Charleston Marriott Hotel
Charleston, SC**

September 18, 2013

SUMMARY MINUTES

Mackerel Committee:

Ben Hartig, Chairman
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Jessica McCawley
Anna Beckwith
Charlie Phillips

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Chris Conklin
David Cupka
Doug Haymans

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Observers/Participants:

Monica Smit-Brunello
Dr. Bonnie Ponwith
Doug Boyd
Dr. Marcel Reichert

Dr. Jack McGovern
Phil Steele
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Additional Observers Attached

*Appointed but non-voting or sworn-in until October 25, 2013

The Mackerel Committee of the South Atlantic Fishery Management Council convened in the Blue Topaz Room of the Charleston Marriott Hotel, Charleston, South Carolina, September 18, 2013, and was called to order at 11:40 o'clock a.m. by Chairman Ben Hartig.

MR. HARTIG: All right, we're going to bring the Mackerel Committee to order. The first agenda item is approval of the agenda. Are there any changes or additions to the agenda? Seeing none; the agenda is approved. The next agenda item is approval of the June 2013 South Atlantic Mackerel Committee Minutes. Are there any changes to the minutes? Seeing none; the minutes are approved. That brings us to Jack, status of commercial and recreational catches versus ACLs for Atlantic Group King Mackerel, Spanish Mackerel and Cobia.

DR. McGOVERN: The commercial landings are found under Tab 6, Attachment 1. What is presented here is an update of that provided by Sue Gerhart. This first table is for king mackerel. It shows the cumulative landings for the fishing years up through 2011/2012 and 2012/2013 fishing years. The landings are presented monthly.

So far in 2013 we have met about 18 percent of the quota. At the bottom here we see the landings through August. In 2012 it was about 1.1 million, and the landings through August 2013 are about 698,000 pounds. Moving down to Spanish mackerel, so far in the 2013 fishing year, we have met about 27 percent of the quota, and we see that the total through August of 2013 is less than the total through August of 2012.

We've caught about 821,000 through August of 2013. Moving down to cobia, last year a hundred percent of the quota was met. So far this year 69 percent and through August of 2012 about 99,000 pounds were caught and through of 2013, a little bit less, about 85,000. I can move down to recreational if you want, Mr. Chairman.

MR. HARTIG: That would be great.

DR. McGOVERN: As I mentioned yesterday, the MRIP data just have been posted on the website, and we're going to get the recreational landings from the Science Center early next week probably and post that to our website. What we can see here is where we were with respect to the recreational ACL last year. In 2012 we met about 70 percent of the cobia recreational ACL; 24 percent of king mackerel; and about 51 percent of Spanish.

MR. HARTIG: Are there any questions of Jack? All right, I have had a request to go to lunch early. We took care of those first few agenda items before we get into the amendments. If you would like to, we can go to lunch. The Mackerel Committee is in recess until 1:30.

MR. HARTIG: All right, we're ready to bring the Mackerel Committee back to order. The item on our agenda is Amendment 19. We will go into a discussion of the public hearing comments or overview of the comments from Kari.

DR. MacLAUCHLIN: Going through the public comments, I'm not going to go through the documents that I have put together. These also have gone into the draft amendment as one of the appendices. You do have Attachment 3B. This is Mackerel 19, which will now be called 20A. I

just wanted to kind of give you guys the gist; because when we go through the decision document for each action, I'm going to review the public comments.

I'm not going to do that twice, but I just wanted to give you guys an idea of the public comments that we got during our hearings. I have a summary. We had 14 individuals that spoke and then provided written comments. The main actions for 19 that they commented on were the bag limit sales. Of course, these are divided. Some people support prohibiting bag limit sales and some people don't.

Then there were some specific issues about tournament sales, which I can talk to you about when we get to that in the decision document. Another one that there was a lot of interest in and feedback was the elimination of inactive king mackerel commercial permits. I will also really go through these when we get there, but this was something that most people that spoke opposed eliminating the king mackerel permits under Alternative 2.

The passive reductions under Alternative 3 are the two for one. Some people were kind of supportive of – and there were a few people that were really supportive of the two for one. The ones that were spoke about the corporate permits and how those are effective in a two for one. Then we just had a few comments about the income requirements. Some people think that you should keep them and some think that they should be removed. We will really dig into those, but I just wanted to give you kind of a snapshot of the input that we got during public hearings.

MR. HARTIG: Any questions about the public hearing comments? Seeing none, going right to Action 1, sale of king and Spanish mackerel overview from Kari.

MS. MacLAUHLIN: Okay, I want to first remind everybody that we've figured out an error in the numbering for these amendments because of some of the generic amendments and CE-BA amendments; and so when this got numbered 19, we figured out there already was an Amendment 19, so it will need to be renamed 20A.

After this meeting, you will see it as 20A and when it is finalized. That's why see Amendment 19 (20A) everywhere, and we still will probably call it Amendment 19. I just want to make it clear Amendment 19 and Amendment 20A; that is the same thing and just will be renamed. Okay, we will dig right into the Action 1, sale of king and Spanish mackerel.

This is Attachment 3D. Then you guys got also in your second briefing book a revised document. That's because after the first briefing book went out, the Gulf met and they made some changes, and so I sent out revised documents to reflect – that is the only thing that changed in those. We can talk about some of their changes in their preferred alternatives. For this one, we have the four alternatives.

You have a no action alternative that would continue to allow bag limit sales. We have Alternative 2 that prohibits bag limit sales except for for-hire vessels on for-hire trips that have that federal commercial permit. Basically, dually permitted vessels can continue to sell king and Spanish caught on the for-hire trips. This was one that the Gulf changed a couple of weeks ago and selected it as their preferred alternative for the Gulf Council's jurisdiction.

Alternative 3 prohibits all bag limit sales, and this includes those caught on for-hire trips even if it is a dually permitted vessel. If it is a for-hire trip as defined in the federal regulations, they cannot sell those king and Spanish mackerel. Alternative 4 prohibits all bag limit sales but puts in an exemption for tournament sales for states that have a permit system, such as North Carolina. Then under each one we have options for each council's jurisdiction.

The Gulf Council has had two meetings since our June meeting, so there have been some changes, and in some cases they changed it at the Gulf's June meeting and then another change at their August meeting. I'm going to kind of go through these. The last time you saw this in June the Gulf Council had selected a preferred for the Gulf jurisdiction to prohibit all bag limit sales including sales from for-hire trips; and tournament sales, they did not want tournament sales, so just across-the-board bag limit sales.

The South Atlantic Council selected for the South Atlantic jurisdiction to prohibit all bag limit sales, including from for-hire trips, but put in that tournament exemption. Then at the August meeting for the Gulf, they changed their preferred alternative for the Gulf's jurisdiction to Alternative 2.

They want to allow the for-hire sale of king and Spanish mackerel caught on for-hire trips for dually permitted vessels. They also wanted to put in the tournament provision as well, so they selected Alternative 4 for the Gulf Council's jurisdiction. Here we have kind of an interesting situation where we need you guys to be very clear about what you want in the South Atlantic, because we're going to have to I think tweak the language a little bit to reflect that.

I just need you guys to be really clear on exactly what you want in the South Atlantic and then whether or not you want to support the Gulf's preferred for their jurisdiction. Let me run through the public input really quickly while you guys digest that. I went over the Gulf Council actions. Right now their preferreds mean that king and Spanish caught on the for-hire trips could be sold from dually permitted vessels, but no other bag limit sales would be allowed, and they would allow tournament sales on the Gulf side.

And then a little bit about the public comments; we had eight public commenters that wanted to prohibit bag limit sales mostly because they felt recreationally caught fish should not be sold, and it should be consistent with dolphin, wahoo and snapper grouper. We had five commenters that supported no action and one commenter that supported allowing the for-hire vessels with the commercial permits to sell the fish.

Then we had some comments on tournament sales. Five commenters supported the tournament sales because they contribute to the community and to local charities. Three commenters did not support allowing tournament sales. They felt that they should only be able to donate the fish directly for consumption and not sold and then the money being donated somewhere. Then two commenters, including one of the Mid-Atlantic Council members, noted that allowing tournament sales was allowing bag limit sales; and if the South Atlantic Council wants to prohibit bag limit sales, this conflicts with that.

One commenter felt that there should be more specifications for the states if you want to let them allow and monitor the tournament sales; so something actually in the document and on the record of how the states should allow the tournament sales. Then one commenter felt there was inconsistency with allowing the cobia bag limit sales but prohibiting king mackerel and Spanish mackerel bag limit sales.

The Gulf also got some similar comments. The ones that were in support of allowing the bag limit sales felt that this was extra income and that it would reduce waste and that the double-counting issue could be remedied by some kind of change in your reporting. Then they also had some commenters that supported the prohibition on bag limit sales.

You have seen these before, but I also have in here the AP recommendations from both APs. The South Atlantic Mackerel AP recommended Alternative 1, no action, for the preferred. The Gulf AP recommended Alternative 3, Option B, as a preferred, and that is prohibiting all bag limit sales in the Gulf.

Then we had a few AP recommendations from February about having consistent regulations for both the South Atlantic and the Gulf and then quality control of those fish caught in tournaments. The Socio-Economic Panel of the SSC had recommended allowing bag limit sales to mitigate the negative effects – I’m sorry – to utilize other methods to avoid those negative effects of bag limit sales, such as double counting or quality control issues. I do have a couple of committee actions. I think that maybe we have motion brewing over here, so I will pass it back to you.

MR. HARTIG: What is the pleasure of the committee? Jessica.

MS. McCAWLEY: **I would like to make a motion that we change the South Atlantic Council’s preferred from Alternative 3B to Alternative 2A.** If I can get a second, then I’ll talk about that a little bit more.

MR. HARTIG: Motion by Jessica; seconded by David. Jessica.

MS. McCAWLEY: As we go through these, I’m going to be leaning on modifying the South Atlantic Council to make it as similar as possible to the Gulf preferred, because that would be best for Florida anglers and fishermen. Also on this particular option, I think that we should allow for-hire sales. I have spoken about this at other meetings in the past.

I think that we can still count these fish. I think the way that the fishery is set up right now, it is an important part of the income for these fishermen. I think in the past people had been hesitant to want to allow this because of counting issues and also because of the fact that we have other fisheries that we don’t allow sale on. I don’t think it matters that we have some that we allow sale on and some that we don’t.

MR. CUPKA: Since this is a joint plan and we both have to agree on alternatives and all and the fact that because of the timing, normally we kind of have blanket approval of actions that impact the Gulf because it is up to them to decide how they want to manage in the Gulf. That is what happened in this.

Our preferred on this Option B, Alternative 3, was because at the time we looking at it, that was the Gulf's preferred, and we were going along for consistency's sake of what the Gulf wanted to do. Since that time they have changed it. This was our preferred at the time to try and go along with the Gulf, but they have changed their preferred, so it does need to be changed. I don't have a problem with that, but it is more a matter of timing. When we looked at it relative to them is why this happened to be a preferred at the time. It really was trying to go along with what the Gulf wanted to do.

MR. HARTIG: Well, David, to your point, I think in this instance we could have a different preferred in the South Atlantic Council's jurisdiction. Go ahead.

MR. CUPKA: Well, we could, but our preferred deals with Gulf area of jurisdiction. Yes, we could, but I'm just saying that at the time that was our preferred because it was consistent with the Gulf's position at the time, but they have changed their position. If we're going to stay consistent with them, we need to change our position. That's all I'm saying.

MR. BELL: I'm not going to say anything I haven't said before, but I just think this whole concept of sale of recreational catch is the wrong direction to go in. I think we were going in the right direction with snapper grouper where if you're dually permitted and you're dually equipped or whatever, you can be one or you can be the other, but you can't be both at the same time.

In Magnuson the two sectors are set up. They're two different business models. I think it is just unfair to allow one sector to influence the markets or influence the arena of the other sector in kind of an unfair playing field. I mean, things like just the requirements that commercial fishing boats have to have in terms of their safety equipment and stuff that a charterboat or private boat doesn't have to have; it sets an unfair competition between the sectors.

I think we're going in the wrong direction. We have talked about consistency and consistency, and I know we now have a consistency issue with the Gulf thing going on so that further complicates this. I just don't think it is a good idea to do that. I think we were going in the right direction with snapper grouper, and I think that model works.

You can be both but you've got to be one at a time. As soon as you start allowing product to come into a market from the other sector, that influences things. I understand the importance of people then making money off of this, and it is important to kind of how they're set up right now, but they're taking a piece of a market that belongs to the actual commercial fishing side of the house.

If there is a lot of product going – regardless of the species, if there is product coming into the seafood side of things from the other sector, that is product that can't go into the market from the traditional sector. That is the only way the traditional commercial fisherman makes money is by selling product into that market. I'm not so much worried about the counting thing, and counting is a bit of problem, but it is more of the – to me it is more of an unfair competition between the two sectors that have been clearly established in Magnuson. It doesn't matter what species we're talking about.

DR. DUVAL: I am not going to support this motion. I echo a lot of the things that Mel has said. I do feel that the commercial quota should be for the bona fide commercial fisherman. To me, changing this to be our preferred alternative is sort of like one sector saying, "Well, I want my cake but I also want to take bite of yours, too."

I guess in terms of the counting thing, I don't know, Bonnie, if you can shed any light on the extent I guess of double counting that occurs right now due to bag limit sales. The states can alter paper trip tickets fairly easily. I know for us it would be more of a data base issue because we are having some significant issues with IT at this point. I didn't know if you could shed any light on that.

DR. PONWITH: Well, anything you do that requires customizing procedures is going to be an increase. I would have to consult with my folks to find out is there a coding fix where this could all be automated or does this have to be manually accounted for. I can find that out. How prevalent an issue it would be is something else I would have to look into.

If it can be handled in way where you modify the code once and it is done in way that is automated, the load of that would be manageable. If it is something that has to be manually looked for or the data comes in ways that are unexpected that require kind of chronic fixes, then kind of the overhead costs of that change goes up.

MR. HARTIG: Jessica, in Florida on our trip tickets, don't we have a place you can check if it was a charter sale? I think there is, if I'm not mistaken.

MS. McCAWLEY: I think so, too.

MR. COX: In kind of to Mel's point, looking at the other side of this, is something I want you guys to think about a little bit when you're talking about how fish come off a certain sector and so forth. Right now we've got commercial boats bringing in several hundred pounds of triggerfish and things off of the recreational sector because we have a provision there that allows them to – supposedly, if they have their recreational license, they can also harvest the recreational catches in lieu commercial catches.

It presents a little bit of a situation for law enforcement that I have talked to. To me you're either commercial or you're recreational. Anyway, with that said, it seems like it should be just one or the other if we're looking at this, and we also ought to look at this at the same time.

MR. HARTIG: Jack and I talked about that and I know you were going to chime right in. They're allowed to keep the bag limit, but they're not allowed to sell the bag limit if they have the commercial permit. Jack, when we first closed triggerfish, he sent me an e-mail and he said can these guys sell this bag limit they're bringing in, this recreational bag limit, and I said no. I mean, you can reiterate it, Roy, but I think that's the case.

DR. CRABTREE: Amendment 15B prohibited the sale of snapper grouper caught under the bag limit. If they're catching triggerfish under the bag limit, they shouldn't be allowed to sell them.

MR. COX: Yes, I hear what you're saying, but also it is a very few times. I'm wondering if those fish are getting counted.

MS. McCAWLEY: I want to try to address some of the points that are brought up. First I'd like to say that this is something that the Fish and Wildlife Conservation Commission feels strongly about allowing these sales. I don't think we've really gone over the ACL. I feel comfortable as long as these fish are getting counted.

I think that Mel made some points about these two separate businesses here. I think that this is an opportunity to kind of think outside the box with the business model that these particular fishermen have set up so that they adjust the price of their trips accordingly knowing that they might be selling these.

I think there are many other ways that lines are blurred. In Florida we even have commercial fishermen in some parts of the state now that are charging people to go out for the experience of riding a commercial boat. Those people are paying to get on the boat and they're harvesting the commercial product, so we have got lines blurred all over the place. It is not just in this instance.

MS. BECKWITH: I agree with some of Jessica's points, but in my mind some of the reasons we're not reaching the ACL for king mackerel is the stock may or may not be having some current issues. A lot of the points you make I would want to reiterate to defend bag limit sales of dolphin in a different conversation, but I won't be supporting this particular motion. I would for all those points that you suggested look forward to the opportunity to re-explore that for dolphin bag limit sales.

MR. HAYMANS: When I first heard the motion, I thought I heard 3B to 2B, but you said to 2A; is that right?

MS. McCAWLEY: It actually technically needs to I believe both 2A and 2B.

MR. HAYMANS: Because we were moving from preferring a Gulf jurisdiction, and then 2A is actually moving to a South Atlantic jurisdiction.

MS. McCAWLEY: I actually think that we need both. I think it needs to be both the South Atlantic Council's jurisdiction and the Gulf Council's jurisdiction.

MR. HAYMANS: Okay, my followup, then, is, of course, how does that interact with Alternative 4? Right now our preferred in 4 is Option A.

MS. McCAWLEY: I think we can have both.

MR. HARTIG: It is confusing, Doug. If you read Alternative 4 the way I read it, it does what we want it to do. We prohibit all recreational sales but allowed an exception for tournament sales. Now, the Gulf has interpreted it that it allows tournament sales in addition to what they allowed previously for the charter and headboat, for the for-hire sector. We have been talking

around and around at lunch here about this. That's why Kari said if we select that as what we want it to do, we be very clear on what we're actually wanting out of Alternative 4. Zack.

MR. BOWEN: Mr. Chairman, just a couple of points. Everybody here knows I'm the newest one. I have been here three days. A word that I've heard consistently over the last three days is the council being consistent. It would seem to me that we would want to be more consistent within our group, within our region than we would another council.

We have no sale of snapper grouper, so I'm of the opinion that we should be consistent with no sale of king and Spanish mackerel. The second point that I would like to make is I'm a charter for-hire business owner. I don't sell any fish because I feel like I get paid for my fish before I leave the dock. I think if you sell your fish when under for-hire, you're double-dipping, so to speak. That's a couple of points I wanted to make. Thank you.

DR. CRABTREE: Well, I'm not the committee but if you do change your preferred and you allow charterboat sale, then whose quota – I think you need to be clear which quota they're to be counted against because these things are in the definition section of the Magnuson Act. Commercial fishing is by definition when fish enter trade through sale or barter.

If you sell the fish, that is commercial. Recreational fishing is defined as fishing for sport or pleasure, and charter fishing is defined as taking passengers out to go recreational fishing. If you allow the charterboats to sell, then it seems to me they're engaging in commercial fishing. Is it then your intent that should be counted against the commercial quota?

Aside from the logistic problems of I'm not sure how we would ever tease them out, and I think the most likely situation is they will be double-counted. If you could sort out the data side of it, whose quota would it be your intent that they do come out of. I don't think the Gulf Council ever really addressed that issue, but I think the amendment ought to specify it.

DR. DUVAL: To Roy's point, this was why probably, I don't know, a year ago when we started talking about this, I had asked for the analysis that the staff conducted regarding permitted versus unpermitted sales. In North Carolina there is no other way to count those fish except via the trip ticket program. If they are sold, they are counted through the trip ticket program.

That is how we track our tournament-caught fish is through our commercial trip ticket program. I think we might be the only of the three states that actually does track the tournament sales of those fish. That was why I had asked for that analysis. I think we went around the horn on trying to establish a tournament ACL, sub-ACL; and also suggestions for if we were going to eliminate bag limit sales in recognition of the fact that those sales have contributed to the existing commercial sector allocation, that we would need to reconsider that sector allocation while we do have a Comprehensive Allocation Amendment coming up. We've had those conversations. I don't know; it seems like if you were going to do that, you would have to have a separate for-hire sector sale allocation and where would that come from?

MR. HARTIG: All right, any other discussion? Mel.

MR. BELL: I was just going to say I kind of beat over the head every once in a while over the concept of why can't we grow our commercial fisheries, where is the growth potential in our commercial fisheries and all? Maybe there is not a lot of growth potential; but when you allow another sector to put product on the market that is product that should be brought to the Hill by the commercial fishermen, that is potential that they can't bring to the Hill, so they're not going to grow. They're going to shrink. Again, the competitive disadvantage is they can sometimes sell this product a lot cheaper.

There is maybe direct sale to the restaurants. I don't know how it works out. It can't work that way in South Carolina legally, but they can undercut. They can undercut the legitimate commercial fisherman that has to deal with that market. In my mind that's just the real unfair part of this. It doesn't make sense.

MR. HARTIG: Jessica, last word.

MS. McCAWLEY: A couple of points. First, I can understand wanting to be consistent throughout this particular council with previous actions, but for Florida inconsistency between the two councils ultimately hurts Florida fishermen and makes the enforcement of the regulations in the state very difficult, and it is very confusing. Also, I believe that on the Gulf side there was an allocation shift years ago for mackerel to account for these recreational sales. I'm not sure if that was done with the Atlantic quota, though.

MR. HARTIG: We never did that on the Atlantic side, but you're right. Okay, anymore discussion? Michelle.

DR. DUVAL: Doug is going to probably hate me, but perhaps if we had state-by-state allocations for mackerel, Florida would be able to manage it the way it preferred and allow for these alternate business models.

MR. HARTIG: Are you ready to vote? Doug.

MR. HAYMANS: Jessica had mentioned and it probably should be 2A and 2B, so I was just wanting to know if she wanted to address that first.

MS. McCAWLEY: Aren't we supposed to be matching up the preferreds for the Gulf exactly so we're not just picking South Atlantic Council jurisdiction; we're picking South Atlantic Council jurisdiction and Gulf jurisdiction, because that appears to be what the Gulf side. For example, if you look at Alternative 4, they've picked both jurisdictions as preferreds. With that, I would change this to Alternative 2A and 2B.

MR. HARTIG: David, that is all right with you, seconder of the motion? Okay, we've got concurrence on that. **The motion is to change the South Atlantic preferred from Alternative 3B to Alternative 2A and 2B. All those in favor raise their right hand, 2; all those opposed, 5 opposed. The motion fails.** Next motion.

MR. CUPKA: One of the issues that we need to deal with is Alternative 4 because the Gulf changed their preferred, so we would have to select Option B, also, as a preferred to be consistent with them. **I would move that in addition to Alternative 4A as the preferred for the South Atlantic, that we also have Alternative 4, Option B, as the South Atlantic preferred.**

MR. HARTIG: All right, motion by David; seconded by Charlie. Discussion? Michelle.

DR. DUVAL: Two things; first, I think we are going to need another motion to select Alternative 2B as a preferred because that is the Gulf's preferred option for the Gulf's jurisdiction. That is just one point that maybe we can take care of with another motion after this. But then in terms of Alternative 4, I was just curious if the other states could maybe discuss a little bit how they might plan to track tournament sales.

MR. HAYMANS: I don't see within that anywhere where I have got to track tournament sales. All it says is that I need to have a state-issued permit. The sales wind up coming in through the dealer, I assume, the dealer who is buying the fish.

DR. DUVAL: Well, how do you plan to track the total pounds?

MR. HAYMANS: Again, I don't see that as a requirement within Alternative 4. I mean if it is, we will – it is a fairly straightforward thing. I've got five tournaments in my state. I know the tournament directors for each one. It is an easy enough thing for us to get those pounds, but it is not a requirement here.

DR. DUVAL: I'm just concerned that I think there were some good points brought up during public comment about sort of the responsibility of being able to determine how many fish are being sold through tournaments or at least some pounds. I realize there is not a requirement within this motion, but I think it would be responsible on the part of the states to do so.

MR. HAYMANS: It is enough I guess in my simple permit, which we will probably copy it after North Carolina's, to require each of the tournaments to report back to us what those tournament landings were. The tournament itself has the poundage based on the weigh-in. There are probably 30 or 40 percent more fish that bypass the scales and go straight to the truck. Then I've got to go to the dealer and I guess ask the dealer what they took in from that tournament. But then what do I do with that information afterwards?

DR. DUVAL: And I'm not suggesting that you should be required to submit that. I think that is valuable information that we would want to have.

DR. CRABTREE: And you've got the same question here; which quota? I assume that the state permits the tournament and then the state will require the tournament to report how many fish they sold. Which quota, though, are they then to be counted against? They're commercial in the sense they're being sold; is that the quota you want them counted against or do you want them counted against the recreational?

MR. HAYMANS: One of the things that came up I guess March of last year that we put aside was the request from the SKA to transfer some recreational quota over to the commercial quota to take care of that. That request was 500,000 pounds, which I thought was a bit ridiculous considering they're somewhere in probably the 150,000 pound range. That is something that perhaps we could do is look at reallocating in this next amendment, moving some of those over to the commercial side and letting them go against the commercial quota.

DR. CRABTREE: That is something you could do in future amendment, but I still think you need to specify here that until you do something like that, which quota do you want these counted against. Kari, in the discussion here, does it specify that the states need to collect the data on the volume of sales and report it somehow to us?

DR. MacLAUCHLIN: Well, we have this right after the alternatives. It says transfer and reporting requirement. I was reading over them again, but it is more reporting requirements I think for the dealer who accepts the tournament fish to sell to donate the money somewhere. We do have the fish are reported through normal reporting procedures by the dealer and must be identified as tournament catch.

MR. BELL: We've have dealt with this thing a couple of years ago at our state level, and our Marine Advisory Committee and our Board; we're comfortable with us – I mean, basically you can't do this in accordance with South Carolina law. It crosses too many – it breaks too many laws.

We dealt with a lot of these same issues we have talked about here; how do you count, how do you do this, health issues. Again, now you're talking about a situation where depending on the tournament, there could be a thousand, two thousand pounds of product coming into the market, which is a market that belongs to the commercial sector.

Anyway, we as a state, we don't allow it. As far as I know, unless tells me differently, we don't have any intention to allow it. That is where we are. But it is in direct violation of our state law right now the way we are set up in terms of defining commercial fishing and recreational fishing and all.

MR. CONKLIN: As far whose quota it should come out of, if the people are fishing in a tournament and they have recreational boats and they don't have the same requirements as a commercial fisherman, they should count against their quota whether the fish are sold or not if they're harvested on a recreational vessel. When somebody enters a king mackerel tournament, if they're not signing up to be a commercial fisherman, then I support it coming off of the recreational quota.

MR. CUPKA: Well, just a point on my motion, what I wanted to do was to add Option B as a South Atlantic preferred; but the way it is worded up there now, if it were to pass, then our preferred would change. It would no longer be Option A; it would Option B. The intent is for it to be both, so should be as "a South Atlantic preferred" and not "the South Atlantic preferred".

MR. HARTIG: Imagine that, something complicated in mackerel. This is our first action and we have got three amendments. The other ones should go a bit quicker, and this is important to get it right. Zack.

MR. BOWEN: To Chris' point, if these fish are getting caught off of recreational boats, I'm under the opinion that they should go to the recreational allocation. I'm speaking from memory, but I think we're at 48 percent of the ACL right now. I don't even think it is close to being exceeded by any means, so I think the recreational sector has room for those fish to go to that quota.

DR. CRABTREE: So I think we're requiring that the boats have to have commercial king mackerel permits, so these are dually permitted vessels, right, in the tournament prohibition?

MS. SMIT-BRUNELLO: No.

MR. HARTIG: The vessels participating in the tournament, some of them probably will have a permit if they're for-hire vessels participating in a tournament, but a number of them will not have any permits at all that are recreational vessels. Monica.

MS. SMIT-BRUNELLO: I think Alternative 4 is confusing. I think it is confusing because it tries to capture a lot of different things, and it says it in kind of different ways. I think what the writers were originally intending is that each alternative, 1, 2, 3 and 4, would stand on its own. It would state what would be allowed and what wouldn't be allowed.

What has happened is that different alternatives allow and prohibit different things; so when difference alternatives are chosen, if there is – the Gulf has now chosen two different alternatives, so we're trying to read them together. That's got its own complications although it can be done, no problem.

Alternative 4 discusses tournaments, but the first sentence says you can sell your bag limit of king and Spanish mackerel if it is caught in a state-permitted tournament. The last sentence says, I guess, the bag limit of fish caught under a tournament may be donated to a dealer. I was trying to figure out does it mean you can sell your bag limit only in a way that you're donating it to a dealer. Anyway, it is rather confusing so we've worked up some language that should make it less confusing.

My question then goes to committee members when you're talking about allowing the sale of bag limit harvested fish from a state-permitted tournament, are you talking about only the last sentence of the alternative, which says king or Spanish mackerel caught during a tournament may be donated to a dealer in exchange for a charitable contribution; or, are you talking about I'm in the Roy Crabtree Mackerel Tournament and I've caught my bag limit of fish, an I'm going to go sell it to whatever restaurant or whatever dealer I want to. It is not entirely clear to me what you mean by this alternative.

MR. HAYMANS: The intent has always been the donation of the fish from the angler through the tournament to a dealer and the proceeds, when that dealer sells the fish, goes to some

community charity, but it has never been that the tournament participant sells the fish or given the fish.

MS. SMIT-BRUNELLO: And to that point; that is what I was thinking you all meant; so when we come back to Full Council, I think we can have that much more clear and it will be clear for the Gulf, too, because I'm assuming that is what they meant, but I can't exactly tell from reading all the pieces of this alternative together.

MR. HAYMANS: So could that alternative simply be a tournament exemption alternative and get rid of all of the beginning, prohibit the sale, blah, blah, blah, and so number four winds up being the tournament exemption and make it a lot easier when you rewrite that?

MS. SMIT-BRUNELLO: I think you could do that, but I think then you have to have another alternative that – excuse me, this gets complicated. When you get a commercial permit, it allows you to exceed the bag limit. That is what the regulations say right now. It doesn't say exceed the bag limit and sell. I think that if you're going to prohibit – except for state-run tournaments and those sorts of things, if you're going to prohibit the sale of bag limit harvested fish, somewhere you ought to say, which I think was put into each one of these alternatives, for a person to sell king or Spanish mackerel from the EEZ, those must be harvested from a commercial trip aboard a vessel with a commercial federal permit to sell king or Spanish mackerel.

That is why I think each one of these alternatives has that requirement in there about you need a commercial permit to be able to sell these fish, but it has gotten a little confusing as it has gone through all the different council meetings.

DR. CRABTREE: And that is what is confusing me, because Alternative 4 has that language in there that says to sell king or Spanish mackerel you have to have been harvested on a commercial trip with a commercial vessel permit endorsement, which would appear to prohibit recreational sale. I read Alternative 4 and it is not at all clear to me exactly what we're doing with it.

MR. HARTIG: Let Kari comment on that.

DR. MacLAUHLIN: To remind everybody, the last time you saw this, the Gulf Council had gone a completely different route they were going. They wanted to prohibit all bag limit sales including tournament sales. In March I think when the South Atlantic Council expressed interest in putting in the exemption to allow tournament sales, we created Alternative 4, which basically was Alternative 3, prohibit all bag limit sales across the board, but here is the exemption for the tournaments.

That is how I think you guys understand that alternative, or you did in June, but then at the Gulf meeting I think they interpreted it differently, and so right now it is kind of conflicting in that – I think that's why we want to be really clear on what you guys want, which I think is to prohibit all bag limit sales in the South Atlantic, including from for-hire trips, except for the tournament sales as you put in there in March. That is what we're trying to get at, but that is why I think it is

confusing is because the Gulf Council interpreted that differently and they have a different intention.

MR. HARTIG: Well, I will tell the committee that we tried to get this straightened out before the committee meeting, and we weren't able to. What is your please; do you want to bring this portion back at Full Council? Michelle.

DR. DUVAL: Yes, I understand what Kari is saying, and it is like there was – when the Gulf Council had their last couple of meetings, it seems like from their perspective there was a missing alternative that just said allow sale from tournaments. We were trying to craft an alternative for ourselves with Alternative 4 that says do not allow any bag limit sales except for this exemption from tournaments, as Kari described it. I think it meets our needs, but it is not really meeting the needs of what the Gulf would like to do in their jurisdiction right now; and so that is why they have chosen two preferred alternatives.

MR. PHILLIPS: It is a little fuzzy down in the transfer and reporting requirements. It says tournaments should arrange for the donation of funds. I would think that would be tournaments “will arrange for the donation of funds”. Then it goes on and says if any money comes back to the tournament, the exchange would constitute a sale. There shouldn't be any money coming back to the tournament. You're going to give them the fish and part of the money is donated to the charity and some comes back to the tournament; I don't think that was our intent. I think all the money went to the charity. I just want to make sure I'm clear because it looks a little fuzzy to me.

MS. McCAWLEY: I was waiting earlier because I thought that David was going to explain what had happened at the Gulf. Anyway, to my point, I was responding to something that somebody asked at the very beginning about what could states track. I just wanted to say in Florida that we have the ability on the trip ticket to track these tournament sales.

MR. HARTIG: So where are we; do we want to come back to Full Council with this one reworded? David.

MR. CUPKA: I still think we could approve this motion because we're going to have to do that to be consistent with what the Gulf wants to do. The thing that really complicated it was at the Gulf Council meeting not only all of a sudden were they interested in tournament sales, but they also changed their position in regard to for-hire vessels. Originally they didn't want to allow any sales, so it has gotten confusing. Again, some of this is just a matter of timing when they meet and vice-versa and trying to accommodate each other.

MR. HARTIG: All right, that's a good move. Let's dispense with this motion. **The motion is to select Alternative 4, Option B, as a South Atlantic preferred. Is there any objection to this motion? The motion passes with one objection.** Michelle.

DR. DUVAL: **Mr. Chairman, I do think you're going to need another motion to select Alternative 2, Option B, as a preferred as well to reflect the Gulf Council's desire to allow for bag limit sales within their jurisdiction. I make that in the form of a motion.**

MR. HARTIG: Motion by Michelle; seconded by David. Have you got a comment, David?

MR. CUPKA: I was just going to say that would be good. Then that leaves us with the one issue; what does the South Atlantic want to do in terms of sales? We have taken care of the Gulf.

MR. HARTIG: Thank you; that will help tremendously. Doug.

MR. HAYMANS: Michelle, you said 2B?

DR. DUVAL: Yes, because that is the Gulf's preferred option in the Gulf Council's jurisdiction.

MR. HAYMANS: Go back up to our first motion we made.

DR. DUVAL: Which failed.

MR. HAYMANS: Oh, it failed; I knew that.

MR. HARTIG: Is there anymore discussion? **Is there any objection to that motion? Seeing none; that motion is approved. All right, we will bring 4 back at Full Council.** Monica.

MS. SMIT-BRUNELLO: Did you take care of Alternative 3, Option B? Right now Alternative 3 prohibits the sale of bag limit fish, and the South Atlantic's preferred, which apparently was the Gulf's preferred but is no longer the Gulf's preferred, is Option B in the Gulf Council's jurisdiction. Since that is not the Gulf's preferred and it is in the Gulf Council's jurisdiction; do you want to unselect Alternative 3, Option B, as the South Atlantic's preferred?

MR. HARTIG: That's a good question. Procedurally David is shaking his head, yes, we should do that. David, do you want to make that as a motion?

MR. CUPKA: So move that we deselect Alternative 3, Option B, as our preferred.

MR. HARTIG: Motion by David; second by Charlie. **The motion is to deselect Alternative 3, Option B, as a South Atlantic preferred. Anymore discussion?** Mel.

MR. BELL: I would just say that probably was the motion that would make the most sense to my argument, but I ain't going to win that one.

MR. HARTIG: **All right, any objection? Seeing none; that motion passes.** Monica.

MS. SMIT-BRUNELLO: Did you vote on – I have heard a lot of discussion today about whether to allow bag limit sales or not allow them. Did I lose track; did you vote as to whether Alternative 3, Option A, was the South Atlantic preferred or not?

MR. HARTIG: To me, we need to do that, Monica. It got confusing with Alternative 4, which actually to me took in Alternative 3 and prohibited all bag limit sales with the exception for

tournaments; but since that has got so convoluted with the Gulf, I think what we should do is someone should make a motion for Alternative 3, Option A, in the South Atlantic's jurisdiction.

MR. PHILLIPS: Mr. Chairman, I make the motion that Alternative 2, Option A, be a preferred.

MR. HARTIG: How about Alternative 3, Option A?

MR. PHILLIPS: 3; yes.

MR. HARTIG: Motion by Charlie; second by Chris. Discussion? Anna.

MS. BECKWITH: I'm not comfortable voting on this until we get the information for Alternative 4 because I can't support Alternative 3, Option A, until I know that we can take a tournament exemption. To me they're tied.

MR. HARTIG: Fair enough. Okay, do you want to withdraw your motion, Charlie?

MR. PHILLIPS: **I would like to withdraw my motion**, Mr. Chairman.

MR. HARTIG: Thank you. Did the seconder agree with withdrawal of the motion? Chris agreed.

DR. MacLAUCHLIN: Okay, one more thing that we want the committee to talk about is in Alternative 4, with the tournament sales, when you talk about charity, the Policy Branch would like some discussion on what constitutes a charity. Is it a 501(c)3; just something on the record that they can be a little clearer in the regulations.

MR. HARTIG: Yes, for those of you who have done that in the past; Doug and Michelle, I don't know if they know how that is done and what the designation of the charity is. It would be helpful to get that on the record. Michelle.

DR. DUVAL: I can just read you directly from our statute, which is what dictates how this operates: "Proceeds from the sale of fish may be used only for charitable, religious, educational, civic or conservation purposes and shall not be used to pay tournament expenses."

MR. HAYMANS: And I don't have any language in our rule or statute that says anything near that. I will say that I've got a tournament that is a 501(c)3. The proceeds from that tournament's fish are going to come back to the tournament, but then they have – as a matter of policy, they give their proceeds back to the community for four or five different charities every year. It is going to come back to them as a charity and then go to other charities.

MR. BELL: I will just say that is one of the things we struggled with when we were looking at this a few years ago was that our law enforcement and our legal staff didn't – we didn't want to get in the business to determine what was an appropriate charity. Yes, you have 501(c)3 that gives you some cover, but then we were dealing with groups like, for instance, an artificial reef

club or group out of North Carolina that wanted to have a tournament to raise money to do artificial reef construction in North Carolina. The spectrum is out there.

I know with the law enforcement – I was at a meeting with the law enforcement guys and this came up. They were concerned about, well, what is a charity? If me and my brother decide to set something up and call it a charity or say we're doing this to support a charity, we're out there basically being commercial fishermen, in essence, raising money – we just didn't want – it was too complicated to get involved with. We even looked at North Carolina's system or whatever and we just made the determination we couldn't go down that road and didn't want to go down that road, but that was us.

MR. HARTIG: Does that help?

MS. CLEMENS: This is Anik Clemens from NMFS. That is all very helpful. I just wanted to let you know we will need to probably define charity in the regulations if this management measure passes. I think we have some ideas, but we will probably have to have a clear definition in the regulations.

MR. HARTIG: Does North Carolina's definition give you enough as far as what they've done. It is broad but it is a definition.

MS. CLEMENS: Yes; and if that is agreeable, then that could work.

MR. HARTIG: All right, that would work for you, Doug, North Carolina's?

MR. HAYMANS: I really don't know. I think right now that my commissioner has the ability – with recent rule changes, my commissioner has the ability to develop a permit, a free permit. We're not going to charge for this thing. I just don't know whether I can say 501(c)3 or just say charity. I don't know yet.

MR. HARTIG: Well, Michelle doesn't define it as 501(c)3. It is just a general description of what charities can be used for that money. It was pretty broad but it covered a lot of basis.

MR. CONKLIN: I think if we're going to move forward and allow the sale to keep occurring and whatnot, if the resource is coming out of the water, the money that is earned from it or the revenue that's generated should go back into the water. If there is a way to identify if we could donate to like a state – since it is a state-permitted tournament, the money gets the money to replenish oyster beds or do a reef or something like that. That way there is no discretion; it is not a wide range. I mean, tournaments could be giving money to groups that do all kinds of bogus stuff with it. You never know.

MR. HARTIG: Yes, and Doug had mentioned that one in particular gives to four different groups.

MR. HAYMANS: The Boys and Girls Club benefits; the Glynn County Public Library benefited. It is a variety of community-based groups that benefit from that.

DR. DUVAL: And I guess when we issue a license for a tournament, that license is issued to a person or to the tournament organizer. They are required to fill out a form within 30 days after the last day of the tournament, a recreational fishing tournament disposition of proceeds from the sale of fish and submit that to us. There are two ways to track that.

If Jack buys a fish from – if he accepts a fish from a tournament and then sells the fish and then cuts the check and sends that back to the charity that sponsored the tournament, then they have to fill out this form and submit that to us as well so that we know they're not doing anything funny with the money and used it all for charitable purposes. It is a combination of statute and rule for us. The statute is specific to the license and the ways in which the money can be used and then the rule deals with how you report about that, how the tournament actually reports on that.

MR. HARTIG: All right, was that helpful?

MS. CLEMENS: Yes, thank you.

MR. HARTIG: Okay, anything else on Action 1? Michelle.

DR. DUVAL: It is actually more in the document, and I had given Kari a little bit of a heads-up about this, but on PDF Page 36, Table 3.1.1.7, it lists out state requirements to land and sell quantities of coastal migratory pelagics above the bag limits, and the information in there for North Carolina is not accurate. It indicates that they're – and even in the text above the table it says none of the other states requires a federal permit to land and sell quantities above the bag limits, and that is incorrect for North Carolina. We have rules that do not allow sale of king mackerel specifically above the bag limits without a federal king mackerel vessel permit. I will get that information to Kari and Sue, but just to correct that information in the document.

MR. HARTIG: All right, Action 2, elimination of inactive king mackerel permits; Kari.

DR. MacLAUHLIN: All right, one action per hour. We're going to be here a while. We have four alternatives under this elimination of inactive king mackerel permits. The first is no action, and that is the Gulf Council preferred alternative. We have Alternative 2 that is an inactive reduction of permits, and so it would designate a permit as inactive and eliminate it.

We have the four options that have the different qualifying poundages and periods. Then under Alternative 3, this is a passive type of reduction in which under the same options with the poundage and the qualifying periods if the permit was designated as inactive and did not meet those qualifiers, it would not be transferable except between a vessel owned by the same entity or family members.

Then that way over time, as those participants exited, the permit would also be retired. Then we have Alternative 4, which is the South Atlantic's current preferred alternative, which would put in a two-for-one permit reduction in the king mackerel commercial fishery similar to the snapper grouper two-for-one requirement for the unlimited permits.

We have the tables in here that tell you under each option for Alternatives 2 and 3, how many of the permits we estimate that would qualify as active or as inactive. Then there is a percentage of the permits that would be eliminated under Alternative 2 or just restricted and made non-transferable under Alternative 3.

You also have Table 2, the state-level estimated number of permits that would qualify as active or inactive. You have seen these before. The Gulf Council, at their June meeting, which was the week after our June meeting, selected Alternative 1, no action, as the preferred alternative. Then in August when they discussed this, they decided to keep the same preferred alternative.

This was one of the actions that had probably the most interest at the public hearings. We had six commenters oppose the elimination of inactive permits because they're part of a fishing portfolio; so just because people have them, they're keeping them as an option so they can move around fisheries if they need to; and then also that the council should not be in the business of taking away permits.

One commenter suggested that there should be some kind of way to grandfather in permits if you guys decide to eliminate inactive permits under Alternative 2. We did have two commenters that supported eliminating the inactive permits, and they supported Option A, one of the qualifiers. There were two commenters that supported making those non-transferable under Alternative 3, and then they also recommended a qualifying period under Option C.

We had seven commenters that supported the two-for-one requirement and also one commenter that discussed on the record, talking about the corporate permit transfers and concerns about that. Three commenters opposed the two-for-one requirements because they would impact the new entrants, and the requirement would devalue the permits for the permit holders now.

Then we also had one member of the Mid-Atlantic Council comment in opposition to the two-for-one requirement and recommended that the councils define a specific outcome before removing in active permits. What he means is a target number of permits that would be for the king mackerel permits before you decide how you want to do a reduction.

We also had another commenter that brought that up about some kind of threshold and a minimum number of permits. One commenter noted there was a conflict between eliminating inactive permits and eliminating income requirements; so if you want to remove latent effort and keep the fishermen in who are consistently fishing, eliminating the income requirements in Action 3 seems like it would latent effort in the fishery.

At the Gulf public hearings most commenters opposed elimination of the permits, but two commenters supported the two-for-one requirement and two felt that there was just a need for some kind of reduction. Both APs recommended no action as the preferred alternatives.

Then you also had some recommendations from last year's SEP meeting through the SSC about eliminating the latent mackerel permits and some of the social and economic impacts that can come from that without knowing how it would affect the biological status of the stock. I think in

this one right now the councils have two different preferred alternatives; so if you want this to move forward, you would need to remedy that. They will be discussing this again in October.

MS. BECKWITH: I know we went round and round last time on the corporate permits and didn't know if our legal folks have been able to clarify for us the corporate loophole discussions that we had last time and how to avoid those if we went to a two-for-one king mackerel permit.

MS. SMIT-BRUNELLO: Some call it a loophole; some call it the American way. If you're a corporation and you own a vessel, if that corporation sold, then the vessel technically hasn't been transferred because the corporation continues to own the vessel. I'm not quite sure how to change that requirement other than perhaps getting a list of the officers of the corporation, and that might not even help you out. So, no, I don't have an answer for you right now at this particular time in order to remedy what you see as a loophole.

MR. HARTIG: Well, let me ask you this, Monica; with the 225-pound permit, that can't be transferred under corporate because it can't be transferred at all; is that the –

MS. SMIT-BRUNELLO: Yes, I think that's right. I think that is the way you all set it up way back when, and those permits eventually will all disappear.

MS. McCAWLEY: I was going to make a motion to make the South Atlantic Council preferred Alternative 1, no action, to match the Gulf Council preferred.

MR. CONKLIN: I'll second that.

MR. HARTIG: A motion by Jessica; seconded by Chris. Discussion? Doug, I had you next.

MR. HAYMANS: Jessica stole my motion, but I was basically going to say based on our science advisors from the SSC and the public comment received, that I was going to do the same thing and recommend a switch in our South Atlantic preferred – and the AP, yes.

DR. DUVAL: This is a difficult one and I have struggled with it. I asked the question the last time and I think that I would want some response from the SEP like what methods they recommend or how to deal with I guess the impact of latent permits. I think this action is pretty inextricably tied to the next action with regard to income requirements. I would think that if what you're doing is selecting Alternative 1 as the preferred, then we may want to reconsider our preferred for the income requirements if you want these to be for commercial fishermen.

MR. BELL: Kind of following that whole thread there – and I was in agreement with 1 as well – our fishermen in our region right here aren't directed all the time king mackerel fishermen. They're basically using this permit to kind of supplement their other – primarily snapper grouper stuff, so you won't find a lot of landings in South Carolina, but it is important for them to help fill out a trip and all. Anything other than 1, we started losing a lot of people out of that.

The other thing is at the same time if I was going to support a number of our guys falling out of the fishery at the same time the council might be moving towards allowing other king mackerel

to enter the market, that didn't seem right either. For all those reasons, I agree with 1 as the preferred alternative.

MR. CUPKA: During the public hearings, Ben, I think you will recall we did receive some comment that some of the fishermen wanted to kind of wait and see how things shook out when some of these other things went into effect before considering any type of reduction in the permits. We heard that a couple of times at least, I believe.

MS. BECKWITH: We have 1,400 permits and we always have to go back to the original reasons why we put these things into place and start these discussions. Kari kept bringing up a good point when we began these discussions. If we have 1,400 permits that become active, can our stocks handle that additional effort?

I think the answer is likely no, so I support doing something. No action is maybe not the right direction. We may not be able to agree on what the right direction is at this point, but we've also had plenty of discussions with Roy on how those income requirements are not anything but fluff. If we're not going to be able to use those income requirements as something that we can enforce, then I don't see us – you know, it is a lot of effort for naught over the last couple of meetings when having these conversations.

I don't know what the right answer is. If we can't do two for one, I semi-supported the idea of the Alternative 3 Option and letting some of those kind of naturally go the way of the 225-permits for snapper grouper. As I said yesterday, that is just my humble opinion.

MR. HARTIG: It's tough, but I think Jack had some comments on about how in the world do you do a two for one on the South Atlantic side and not the Gulf when you have one permit. What I think really, if we're serious about doing something about effort in the king mackerel fishery, I think we really need to first separate the permits on each side, so how to do that.

If you have landings in the South Atlantic, you get a South Atlantic permit. If you have landings in the Gulf, you get a Gulf permit. If you have landings in both jurisdictions, you get both permits. You would have them separate, but you would take into consideration where people are fishing so they wouldn't get eliminated from their business plans to be able to fish on both sides. If we do that – and this was the way it was done a while back; they were separated – I think as we go down the path of an assessment for Atlantic Group King Mackerel and the possibilities of that coming back very good are not good, there is going to be more interest in doing something to eliminate permits and to get down to the core group of fishermen somehow. To me you can't do it unless you separate the permits. Monica.

MS. SMIT-BRUNELLO: I think unless you can get both councils to agree to the same thing, you're right, the only way you can do this is to separate the permit. What eligibility criteria you would choose, I don't know. You mentioned one way to do it. You would also, though, probably need the Gulf Council to agree that you need to separate those permits. Obviously, you can't do it in this amendment; but if you want to get to some of those latent issues that you were talking about and the Gulf did not want to, then, yes, you would need to I think separate the permits.

MR. HARTIG: So would it be appropriate to have a motion from this committee saying that is the direction that we want to do and take that to the council to see if they concur?

MS. SMIT-BRUNELLO: I guess I would get through these amendments and then –

MR. HARTIG: And then get that under other business?

MS. SMIT-BRUNELLO: Yes, and discuss whether that is something you want to do at the end.

DR. DUVAL: I was just going to say I would support that for a whole host of reasons. I think these meetings are painful for everyone, especially you having to lead us through the discussion and trying to figure out – you know, trying to merge the wishes of two different jurisdictions in now to manage their fisheries. Florida presents a really unique case and I don't envy Jessica the challenge of that at all. I completely understand where she is coming from in trying to align these two things. I would hope that this would be one of those South Florida Workgroup issues.

MR. HARTIG: Okay, so we've got a motion. We've had a bunch of discussion. Are you ready to vote? **Okay, those in favor of selecting Alternative 1 as a South Atlantic preferred, raise your hand, 6 in favor; all those opposed, 2 opposed. The motion carries with 2 opposed.** Okay, the next action item and the last one in this amendment, modify or eliminate income requirements for Gulf and South Atlantic Commercial Coastal Migratory Pelagics. Jessica, do you want to jump in on that one?

MS. McCAWLEY: I'm good to go; the preferreds match up.

MR. HARTIG: All right, our preferreds match. Unless you want to change anything, we don't need to do anything. Any motions to change preferreds; I don't see any. Let's move on to actually – are you good, Kari?

DR. MacLAUHLIN: Yes, that's fine. I'm thinking that you want to wait to take final action until Full Council so we can work out –

MR. HARTIG: Yes, the secretarial review will have to wait until Full Council and deem the codified text at that time as well. That's it for Amendment 20A. Let's take a five-minute break.

MR. HARTIG: The next agenda item is Amendment 20B. It used to be Amendment 20. I will turn it over to Kari.

DR. MacLAUHLIN: It is officially 20B. It has been renumbered, also. The decision document, you have also got a revised version of that to update for some of the Gulf Council actions that happened after the first briefing book went out. The first action would modify the commercial hook-and-line trip limits for Gulf Migratory Group King Mackerel.

We have in this highlighted area here a new Alternative 2. The Gulf Council had changed the poundage in Alternative 2 to 2,000 pounds, and then they also had changed their preferred to Option C to set that 2,000 pound limit when the step-down in the Eastern Zone, Southern

Subzone. Then they had changed their preferred under Alternative 3, which is a 3,000 pound trip limit when the step-down, at their August meeting a couple of weeks ago.

Then they have 1,250 pounds with no reduction for the Eastern Zone, Northern Subzone. They basically, without selecting anything, they have selected no action for the Western Zone, so that one would just stay the same. We have to, in order to get in line with the Gulf, deselect some of these preferreds and then also discuss if you want to change that Alternative 2 to 2,000 pounds and then if you want to select the preferreds or track the Gulf's preferreds.

Let me go over the public comments a little bit because this is the Southern Subzone of the Gulf Group. That Eastern Zone, Southern Zone, that's the Florida Keys. We did have some comments from our folks that fish in South Florida. We do have some people that do travel around the Gulf so they're affected by these.

One commenter supported Alternative 4 for all of them, which is the 1,250 pounds with no step-down. We had two commenters supporting no action; two commenters supporting a 3,000 pound trip limit; and also that this could affect the number of inactive permits, inactive king mackerel permits. Maybe right we have latent permits; but if there are some changes in the trip limit, that may make trips more efficient, then maybe you will have some more people fishing; and then one commenter with specific Alternative 3C and 4B.

In the Gulf, of course, we had some comments mostly about the 3,000 pound trip limit for the Eastern Zone, Southern Subzone. We had some commenters around Naples felt that it would shorten the season to increase the trip limit. It is 1,250 pounds. Then in Key West, there were a lot of commenters and they were divided on this.

The Key West fishermen favored that increase to 3,000 pounds because the 1,250 pound trip limit was too low to make those trips economically feasible. The Naples fishermen argued that keeping the trip limit at 1,250 pounds would keep them from having shortened seasons and lower prices for the landed fish.

We also have the AP recommendations. The South Atlantic AP said to track any Gulf Council preferreds; and then the Gulf AP recommended no action, just to keep all the trip limits and all the step-downs. One thing that we need you guys to talk about is about changing this preferred alternative for the Eastern Zone, Southern Subzone from 3,000 pounds to 2,000 pounds.

That is going to require motions to revise Alternative 2 to make it 2,000 pounds and then to select a new preferred if you want to do that. These are some tables that are actually in the draft amendment and that show when the closure dates occurred in each year for each of the zones and subzones; and then also this one, Table 2, which is in the draft amendment that you can see as Table 2.1.3.

This one shows under these alternatives the predicted closure dates, so you can see how it would extend the season or shorten the season. Right now we have this Alternative 2 with 2,500 pounds, but this is the new Alternative 2, which is 2,000 pounds; and then the Gulf preferred for the Southern Subzone.

I also have in here Table 3. This is also something that is in the draft amendment that you can look into. I think it is in the appendix, actually, where they did this analysis that kind of shows you – this is just for 2011/2012 season, but we looked at some years back, and it is kind of like this. This season starts in July and then that boundary changes November through March, and that is when the Keys guys are fishing on that Gulf king mackerel.

You can see that it doesn't really kick in until December but mostly January and February. In most years it has been shut down in February or at least by March they have hit their quota and they have shut down that Southern Subzone. But then on March 1st the boundary shifts, and then those guys are fishing on the Atlantic king mackerel ACL.

The point is that most of that quota is caught in January or February of the year. If you want to see the full analysis for that 2,000 pound trip limit, it is in Appendix E of the draft amendment. When the Gulf made that change, we already had that analysis and the alternatives that were included in the range of alternatives, so we were able to go ahead and start that analysis for the effects' analysis. A couple of things again; would you want to revise Alternative 2; we would need a motion for that. Then we can talk about preferred alternatives.

DR. DUVAL: Just a quick question of Kari; so it just looks like from the projections that are in Table 2 as to what the new Gulf preferred for the Southern Subzone would be, that would sort of result in basically like a two-week closure of the fishery before things start up again on March 1st; is that correct?

DR. MacLAUHLIN: Well, it doesn't restart the fishing year. It is just when the boundary shifts and the Keys guys are fishing on the Atlantic stock, on the Atlantic ACL. Then their trip limit goes back down to 1,250, whatever comes out of this. On April 1st, when the boundary shifts, it goes all the way to the Collier County Line, so it is going to encompass all of the Florida Keys; not that they don't move around.

Those guys starting April 1st will be back on the 1,250 trip limit because that's what our trip limit is for when they're fishing on Atlantic stock. They would only have the opportunity to fish that trip limit, whatever you guys decide it would be, only November 1st through March 31st.

DR. DUVAL: And, again, so I understand, it is not like a new fishing year that is resetting. It is just a shifting of the boundary line as to which stock they would be fishing on. I guess my question is still it seems like there would be – according to this projection, new Alternative 2 of 2,000 pounds, predicts a closure date of February 15th or that would be when that Southern Zone – East Coast Southern Subzone quota would be met; correct?

DR. MacLAUHLIN: Yes.

MR. HARTIG: But the kicker on that is the boundaries don't change until April 1, so it is –

DR. DUVAL: Right, so it actually ends up being like six weeks.

MR. HARTIG: – a little bit longer closer, yes. I had some concerns when the Gulf did this, and I just wanted to make sure that the 1,250 pounds stayed when our jurisdiction came into effect on April 1, because I thought it would have sent a bad message to be increasing the trip limit on a stock that is not going in the right direction currently. We're good. So, a motion first probably to select Alternative 2 or to approve the language of Alternative 2, the new Alternative 2.

MS. McCAWLEY: So moved, Mr. Chairman.

MR. HARTIG: Okay, we have got a motion; seconded by Michelle. Discussion? **The motion is to accept the language change in Alternative 2. Is there any objection to that motion? Seeing none; that motion is approved.** All right, now we need to choose a preferred. If we follow what the Gulf did, it would be 2C. Jessica.

MS. McCAWLEY: I have a question first. So Alternative 2, Option C, it seems like that is what the Gulf is wanting to choose for the Eastern Zone, Southern Subzone, but then if you look down to Alternative 3, Option C, that is also listed as a Gulf preferred for the Southern Subzone. I think that second one, Alternative 3, Option C, is wrong?

DR. MacLAUHLIN: That is a typo. I'm sorry, I meant to let you guys know to scratch that out on your copy. That Alternative 3, Option C, is no longer a Gulf preferred alternative.

MS. McCAWLEY: So that being said, I would like to make the South Atlantic preferred the same as the Gulf Alternative 2, Option C, for the Eastern Zone, Southern Subzone.

MR. HARTIG: Second by Anna. Is there any objection? **The motion is select Alternative 2, Option C, as the South Atlantic preferred. Motion is approved without objection.** All right, do we have to deselect some of these, Kari?

DR. MacLAUHLIN: Yes.

MR. HARTIG: And we have to approve the other Northern Subzone trip limit as well.

MS. McCAWLEY: So I think that we want to deselect – this is a motion for deselecting Alternative 3, Option C, as the South Atlantic preferred for the Eastern Zone, Southern Subzone.

MR. HARTIG: Seconded by David. Discussion? Is there any objection? **The motion is to deselect Alternative 3, Option C, as the South Atlantic preferred. Motion passes without objection.** Right, Alternative 4, we don't need to make a motion on that because we both have the same preferreds, correct?

DR. MacLAUHLIN: I can't remember why we did this. I think it was something that the Gulf Council had a preferred alternative and the South Atlantic was tracking, but somewhere along the way the Gulf ended up not having that Alternative 3, Option A, as a preferred alternative. We need that just to be on the record for South Atlantic to deselect that one as well.

MR. HARTIG: Are you clear?

MS. McCAWLEY: Correct me if I'm wrong; so then there would be nothing selected for the Western Zone, so then it default back to no action; is that right?

DR. MacLAUCHLIN: Well, actually, Alternative 3, Option A, would set a 3,000 pound with no step-down for the Western Zone, which is what it is right now. I think what happened was that they had listed the options under each one and somewhere along the way we selected a preferred.

MR. HARTIG: So just to be safe, we should deselect Alternative 3, Option A, as our South Atlantic preferred option?

DR. MacLAUCHLIN: If you want to track the Gulf, yes. Jessica.

MS. McCAWLEY: Okay, so moved; I want to deselect the Alternative 3, Option A, as a preferred for the South Atlantic.

MR. HARTIG: Motion by Jessica; seconded by David. David.

MR. CUPKA: I thought the Western Zone, they didn't change it, that they left it at 3,000, so I don't know why it is not shown as a Gulf preferred. If that isn't a Gulf preferred, then what is the Gulf preferred?

DR. MacLAUCHLIN: No action, but no action and that alternative are the same.

MR. CUPKA: Okay, but we're not showing no action as the Gulf preferred, but that would be it because they didn't want to reduce the Western Zone. They wanted to leave it at 3,000 pounds; right?

MR. HARTIG: Correct.

MR. BOYD: Ben, a question; are we still on Action 1?

MR. HARTIG: I've got to go back up and look.

DR. DUVAL: Yes, we are.

MR. BOYD: Well, just to complicate things, my notes from the Gulf Council staff say that in Action 1, Alternative 3, that the South Atlantic and the Gulf preferred Option B. Did that confuse you?

MR. HARTIG: Yes, because in Alternative 4, Doug, we have got the preferreds from you and us for Option B for the Eastern Zone, Northern Subzone, of 1,250 pounds with no reduction.

MR. BOYD: Well, let me tell you what my staff notes say, "In Alternative 3, to set the commercial hook-and-line trip limit at 3,000 pounds with no reduction, South Atlantic and Gulf preferred Option B for the Eastern Subzone, Southern Subzone." Then in Alternative 4, South Atlantic and Gulf preferred Option A is what I'm showing is for both.

MR. HARTIG: Yes, but the problem is in Alternative 3, Option B, is for the Eastern Zone, Northern Subzone; so if you choose that, that is the problem. Kari.

DR. MacLAUCHLIN: Okay, I have the virtual help here. There was probably – within the two Gulf meetings that we've had, there were some NEPA concerns about Alternative 1 because it had options in there. It was the no action and it has options, and there were some concerns from our NEPA coordinators about you can't have that in the no action.

They had reworded that Alternative 1, which I will need you to approve that, and then they set that up and they selected Alternative 2, Option C, as the preferred; Alternative 3, Option A; and Alternative 4, Option B. The Gulf Council's preferreds would be 2,000 pounds with no reduction for the Eastern Zone, Southern Subzone; 3,000 pounds with no reduction for Western Zone, which is the same as no action. However, because there were some NEPA issues with the way that no action alternative worded, this was what they came up with to like make – and it is fine. At the end of the day it is the same thing. Does that make sense?

MR. HARTIG: No.

DR. MacLAUCHLIN: And then they 1,250 pounds with no step-down for the Eastern Zone, Northern Subzone.

MR. HARTIG: Right; that's the way I looked at it.

MR. CUPKA: So what we're saying is Alternative 3, Option A, should show that as the preferred for the Gulf because they did not change. They moved it from Action 1 down to 3, which your notes don't indicate it is still their preferred, but it is.

MS. McCAWLEY: Point of order; don't we have a motion on the table to deselect Alternative 3, Option A, for the Western Zone, and I think we need to withdraw that motion, actually.

DR. MacLAUCHLIN: Yes.

MR. HARTIG: So you're withdrawing it?

MS. McCAWLEY: **I'm withdrawing the motion.**

MR. HARTIG: Is that all right with the seconder? Okay. Mel.

MR. BELL: I'm lost. I think some of the terminology with these subzones is killing me without a map or something up there. The title of this action is dealing with Gulf Migratory Group King Mackerel; and then we're talking about a northern and a southern subzone, but that is not in the Gulf. The Gulf is east and west, right?

MR. CUPKA: No, in the Gulf there is an Eastern Subzone and a Western Subzone, somewhere along the Mississippi. And then the Eastern Subzone in the Gulf is further subdivided into a

Northern Subzone and a Southern Subzone on the Eastern Subzone. It is confusing, but you have got three different zones in the Gulf.

MR. HARTIG: It is confusing but it does work to move some fish around to the areas that need them. Mel, Kari is going to bring up a map.

DR. MacLAUHLIN: This is in the document, your Draft Amendment 20B, Attachment 4A. Okay, this plot here is the Southern Subzone that we're talking about. November 1st through March 31st the Keys guys are fishing on that. This is assuming they're staying right there. They're fishing here; so during that time they would be fishing on your preferred right now, a 2,000 pound trip limit, if this goes through.

Starting April 1st, if the season is open, which it hasn't been – for the past few years it has shut down in February or March – it goes to that little sliver, which is why you have a transit provision in this amendment as well, because there is that little, tiny sliver. That is a closed area most of the time by April 1st and the guys that are fishing here in Atlantic down in the Keys can't get across to land if they need to.

So, if for some reason it is not closed, that Southern Subzone ACL hasn't been met by April 1st, then there still will be that 2,000 pound trip limit in that little sliver. It just hasn't been open in a really long time that late in the season. The current preferred alternatives would be in this Northern Subzone – this is the Gulf Eastern Zone, Northern Subzone – it would be 1,250 with no step-down. Down here in the Southern Subzone it would be 2,000 pounds with no step-down; and then over on the Western Zone, which is past the Florida/Alabama State Line, would be 3,000 pounds with no step-down.

MR. HARTIG: That brings us to Alternative 4. We have the same preferred so we're good on that; correct?

DR. MacLAUHLIN: Yes.

MR. HARTIG: And are you good with this action?

DR. MacLAUHLIN: I do need one more thing just for the record; because after the Gulf meeting and after we kind of got through these issues with the no action alternative and got it in the correct format, it is a little different from the last time you have seen it, so we would like a motion that you accept the IPT changes for Action 1.

MS. McCRAWLEY: So moved.

DR. DUVAL: Second.

MR. HARTIG: Seconded by Michelle. Discussion? **The motion is accept the IPT's suggestions for Alternative 1. Is there any objection to that motion? Seeing none; that motion is approved.** Doug.

MR. HAYMANS: Mr. Chairman, I apologize; will you just one more time tell me what our preferreds are for this action so I can note it here?

MR. HARTIG: The preferreds are for this action? Okay, the preferreds are Alternative 2, Option C; under Alternative 3 would be Option A – we left that as a preferred for the Western Zone – and then Option C for both preferreds for the Eastern Zone, Southern Subzone –

DR. MacLAUCHLIN: No, no, you've just removed Option 3C.

MR. HARTIG: Okay, we removed Option 3C; and then Alternative 4, our preferred is Option B for Eastern Zone, Northern Subzone of 1,250 pounds. What do you think there, Doug, you okay? It is just confusing.

DR. MacLAUCHLIN: Okay, Action 2; this would change the fishing season for Gulf king mackerel for the Eastern Zone and Western Zone. Right now the fishing season remains July 1st through June 30th. We just need to clean this up. The Gulf has selected for the Western Zone, so that is west of the Florida/Alabama Line in the Gulf, to change it to start September 1st; and then the Gulf selected a preferred for the Eastern Zone, and this includes the Northern and Southern Subzones, but not the Florida East Coast Subzone, to start at October 1st to September 30th.

So we had a couple of commenters that supported no action. They said that the changes in the fishing years will hurt the Atlantic fishermen's market. One commenter supported Alternative 2, changing the season to September 1st. We do have fishermen from the Atlantic that go around and fish on the Gulf side, so these are some of these folks.

At the Gulf hearings, most fishermen from the Florida East Coast opposed changing the season date opening for the Western Zone while the Gulf fishermen at Grand Isle in Louisiana hearing were more divided on the issue. Fishermen at the Panama City hearing favored an October 1st opening for the Eastern Zone, Northern Subzone. That is the Panhandle Zone for the Gulf. Most fishermen in Key West favored keeping that season opening July 1st.

Then your AP recommended no action and the Gulf AP recommended no action for the Western Zone; the Eastern Zone, Southern Subzone; and Alternative 3, Option B, for the Northern Subzone. We do need just for consistency with the regulation's language to get the committee to approve changing "fishing season" to "fishing year". Then we need you to kind of – if you want to track the Gulf preferreds, to clean those up and select the options that they have selected.

MR. HARTIG: Okay, the first motion we need is to select the wording change from "fishing season" to "fishing year". Doug.

MR. HAYMANS: Mr. Chairman, I so move.

MR. HARTIG: Second, Charlie. Discussion? **The motion is to approve the language change from "fishing season" to "fishing year". Is there any objection to that motion? Seeing none; that motion is approved.** Doug.

MR. HAYMANS: Mr. Chairman, I make a motion that we select Alternative 2A as our preferred.

MR. HARTIG: Motion by Doug; second by Charlie. Discussion? Is there any objection to that motion? Seeing none; that motion is approved. Doug.

MR. HAYMANS: Mr. Chairman, I make a motion that we select Alternative 3B as our preferred.

MR. HARTIG: Motion by Doug; second by Charlie. Discussion? Is there any objection? Seeing none; that motion is approved.

DR. MacLAUCHLIN: I think I need some quick clarification. Because we have a South Atlantic Preferred Alternative 2, I just want to be clear that you – and I think I just need this on the record that your preferred alternative is only Option A and not Option B; correct?

MR. HAYMANS: That was the motion, yes, for just the Western Zone.

DR. MacLAUCHLIN: Okay, the next one is to establish transit provisions for travel through areas that are closed to king mackerel fishing. You have lined up Preferred Alternative 4, which establishes the provision that would allow transit through areas closed to king mackerel fishing for vessels possessing king mackerel that were legally harvested in the EEZ off areas open to king mackerel fishing.

We have some specific conditions for this alternative that the vessels be in direct and continuous transit with gear stowed, and the fishermen have to hold a federal commercial king mackerel permit. At the August meeting the Gulf Council moved Alternative 3 to the considered but rejected appendix.

All of the public comments that we received supported setting up this transit provision. Both APs supported setting up a transit provision, but the Gulf AP thought only for vessels with VMS. To line up with the Gulf actions, we need to discuss if you want to move Alternative 3 to the considered but rejected appendix.

MR. HAYMANS: Mr. Chairman, I would move that we move Alternative 3 to the considered but rejected appendix.

MR. HARTIG: Second by David. Any discussion? Monica.

MS. SMIT-BRUNELLO: Kari, does that mean that if this motion passes, that the alternatives get renumbered, then, because there will be no Alternative 3?

DR. MacLAUCHLIN: Yes; is that okay? I mean, I feel like we've done that before where we have had a preferred, but we knew what preferred it was even when we changed the numbers. In the mackerel amendments it happens all the time, so we got to renumber many times.

MR. HARTIG: **Anymore discussion? Any objection? Seeing none; that motion is approved.** We have the same preferreds in Alternative 4. Unless there is any wish to change that, we will leave that as is. Our preferreds line up for Alternative 4. Unless someone wants to make a motion to change it, there is where we will stay. Seeing no interest in doing that; Kari.

DR. MacLAUCHLIN: Okay, this is the one that we need you guys – that we don't have any preferreds on. It sets up the regional ACLs for the Atlantic Migratory Group King Mackerel. That is 4.1 and 4.2 would do that for Spanish mackerel. We have the no action alternative. Then we have Alternative 2, and this would establish a separate commercial ACL for Atlantic king mackerel for North Carolina.

Options A through D are the different landings' history periods that would be used to calculate the percentage of the ACL that would go to the North Carolina ACL. Then Options E, F and G are different ways that the landings would be monitored and then how the EEZ would close or if North Carolina would prohibit landings and sale in the state.

If Alternative 2 is where the committee wants to go, then we would need you to select one of the options between A through D and then one of the options in E, F or G. Alternative 3 creates northern zone and southern zones for Atlantic king mackerel and then each zone would get the ACL. This would take North Carolina north and give them their own ACLs, so it would put the Mid-Atlantic with North Carolina, and then South Carolina, Georgia and the east coast of Florida would be in the Southern Zone.

We used the same landings' histories to give the options for the proportion of landings that would go to each of the ACLs. Then Alternative 4 would allow for transfer of quotas between the regions, and North Carolina and Florida would be designated as the coordinating states for the transfer request and consultation with other states.

We talked about this a lot. The committee talked about this at the June meeting, and we came up with language that you guys approved and everything, so that's in here. We have some of the tables in here that show under each option – for Alternative 2 how much North Carolina would get for the ACL based on those different landings' histories; and then under the general king mackerel commercial ACL, which is what under Alternative 2 we're calling everybody else's ACL. And then here in Table 4 you can see just the breakdown of – wait, I have the wrong table in there. Where is it?

MR. HARTIG: Probably in the document.

DR. MacLAUCHLIN: It's gone. I apparently removed it. Okay, I am going to have to use the tables here in the big document. This is Alternative 2 for king mackerel, and I shows the comparison of the proportion of the quota that would go to North Carolina and then to the General Atlantic Group King Mackerel under each of the options.

And then this is for Alternative 3 that sets up the Northern Zone and the Southern Zone and gives each one a portion of the king mackerel ACL. They are actually I think almost identical because

North Carolina makes up so much of the landings for North Carolina and the Mid-Atlantic when you put them together, so they're basically the same.

It is just that the Mid-Atlantic would be able to fish on – they would share that ACL with North Carolina. You can also see the different proportions for Spanish mackerel for both of those, also. We did have one commenter, who was actually our Advisory Panel Chair, supported Alternative 2, Option D, so just to give North Carolina the quota they have been requesting. We had just two commenters supported no action.

Then our AP, when they met in April, recommended Option D under the alternative to give North Carolina a quota and then supported a transfer provision, also. The Gulf AP did the same. At that time, when they reviewed this, these were together and they also did not – we just put in the Northern and Southern Zones alternatives, so they're just speaking about the North Carolina, specifically, ACL, but there was not an alternative on the table to just separate them into Northern Zone and Southern Zone for the AP meeting.

MR. CUPKA: Mr. Chairman, I just wanted to say the indication I got at the August Gulf Council meeting was that they were waiting on us to select a preferred. They want to concur; but since we hadn't selected a preferred, then they didn't select one. I think once we do that, that they'll go along with it and we will be in line on that. Is that a fair statement, Mr. Chairman?

MR. HAYMANS: Mr. Chairman, would you like a motion to discuss?

MR. HARTIG: A motion would be great.

MR. HAYMANS: Mr. Chairman, I make a motion that we select Alternative 3C as our preferred.

MR. HARTIG: Motion by Doug; second by – I don't see anybody jumping up to second that one. Seconded by Mel. Discussion? Michelle.

DR. DUVAL: My preferred would be Alternative 2, Option B, which would be a North Carolina ACL; and based on the average proportion of landings for the past ten years. I don't like the Option C. That is basically weighting 50 percent of the catch on like the last three years. I don't think it is fair because it doesn't take into account the boom-and-bust years of king mackerel equally. It places far more emphasis on the bust years.

I am not in favor of Option C as the option. I would prefer Alternative 2, a North Carolina ACL. I understand concerns that folks have about establishing a separate state quota allocation for North Carolina. We could live with a Northern Zone and Southern Zone, but Option C is not an option. **I would offer a substitute motion for Alternative 3, Option B.**

MR. HARTIG: Motion by Michelle; second by Anna; a substitute motion. Doug.

MR. HAYMANS: So my use of Boyles' Law as it is printed there; we have used it for an awful long time for an awful lot of different allocation issues. I understand the hesitancy; but if I look

at where it falls out there, it really falls in the middle of the high and the low. I thought that was a reasonable usage of it. However, I can support 3B if that is the direction we go in. I just felt like Boyles was the more centric or the more average between the high and the low that was there.

DR. DUVAL: I appreciate that comment, Doug. I think we have used – I hate to call it Boyles’ Law. We have used that particular formula for sector allocations. We haven’t used it for quota allocations. In the Mid-Atlantic Region where they have set up state-by-state quota shares, it is usually a time period of landings and it is an average taken over that time period. That would be my preference. I understand your comments of having something that would be more centric. I am just explaining my reasons for why I prefer just an average over a time period.

MR. HARTIG: Yes, and I think I’m kind of sensitive to the change in stock status and how that would affect North Carolina; and maybe they switched earlier to other fisheries so they didn’t have the effort that Florida would have. We don’t have that much to switch to. We’re still grinding away on king mackerel and maybe their fishermen aren’t so much to that point. That’s why I saw that maybe disadvantaging North Carolina to some degree. Michelle.

DR. DUVAL: And I think it is more because the fish have not shown up for the last few years. We are at the more northern end of the range.

MR. HARTIG: Okay, we have got a substitute motion. Is there anymore discussion? Is there any objection? Seeing none; that motion becomes the main motion. Is there anymore discussion? Is there any objection to the main motion? Seeing none; the main motion is approved. Michelle.

DR. DUVAL: Yes, and then as Kari indicated, we also need to choose a preferred alternative from Options E, F or G in terms of the monitoring of the landings. I know we had some discussion about this at the last committee meeting, and there was some concern about North Carolina monitoring landings. Never mind, I guess we don’t need – because there are no other alternatives.

MR. HAYMANS: Mr. Chairman, I was just going to mention doesn’t NMFS monitor the Gulf northern and southern zones or does Florida do that?

DR. MacLAUHLIN: For the one that sets up the Northern Zone and Southern Zone and ACLs, then it would automatically go to NMFS. The reason why we had those for Alternative 2 was because there were some different ways that people wanted to look at how the North Carolina ACL would be monitored and then how it would close. That is why we had those but just under the one that gave North Carolina their own ACL.

MR. HARTIG: One thing we do need to do is Alternative 4. Michelle.

DR. DUVAL: I apologize, Doug, I didn’t mean to confuse things. I would also put forward a motion that we select Alternative 4 as a preferred under this action.

MR. HARTIG: Second by Anna. Discussion? Is there any objection? Doug.

MR. HAYMANS: The Florida state representative isn't in the room, and I think we ought to have her at least be part of the discussion before we vote on that. We can move on and come back to it.

MR. HARTIG: Where we are is under the transfer provision is to select Alternative 4 as the preferred.

MS. McCAWLEY: Even though it is already selected as the preferred.

MR. HARTIG: It's not yet. That one wasn't yet.

DR. DUVAL: It would allow for transfer of quota between the Northern Zone and the Southern Zone with North Carolina and Florida being the coordinating states for such a transfer in consultation with the other states. I had put forward a motion to select that as a preferred, but obviously you need to be in the room for that vote.

MR. HARTIG: For Atlantic king mackerel.

MS. McCAWLEY: I'm good with that.

MR. HARTIG: **Anymore discussion? Is there any objection? That motion is approved.** The next action is Action 4.2, establish regional annual catch limits for Atlantic Migratory Group Spanish Mackerel.

MS. BECKWITH: I move we make Alternative 3, Option B, our preferred.

MR. HARTIG: Motion by Anna; second by Michelle. Discussion? Michelle.

DR. DUVAL: I obviously would probably prefer a North Carolina specific quota, but I appreciate the willingness of the committee to look a northern region and a southern region for this. I hope that this is something that can be successful in terms of management for both species.

MR. HARTIG: **All right, is there anymore discussion? Is there any objection to this motion? Seeing none; that motion is approved.**

DR. DUVAL: We need the same motion for transfer, so I move that we select Alternative 4 as a preferred as well.

MR. HARTIG: Second by Anna. **Is there any discussion on that motion? Is there any objection to that motion? Seeing none; that motion is approved.**

DR. MacLAUCHLIN: Okay, Action 5 modifies the framework procedure. There are three preferred alternatives selected by both South Atlantic and Gulf Councils. They are Alternative 2,

and this is just going to modify the framework procedure to add in some of the language changes with ABC and ACLs; Alternative 4, which designates responsibility to each council for setting regulations for the migratory groups of each species; and then Preferred Alternative 5 that allows them to make editorial changes through the framework procedure to reflect the changes of the names and the council advisory committee. This is just changing some of the language. Everything lines up. It is just if you have any changes to preferreds or alternatives.

MR. HARTIG: I don't think I will see any willingness to change our preferreds. We have three; they all line up. I see heads shaking so moving on.

DR. MacLAUHLIN: The last action in the amendment would modify the Gulf and Atlantic Group Cobia ACLs and ACTs. We have the South Atlantic and Gulf Preferred Alternative 3 that sets the ACL based on the SSC's ABCs; and then also allocates a portion of the Gulf ACL to the Florida East Coast Zone ACL, which is the Florida/Georgia Border to the Gulf and Atlantic jurisdictional boundary.

That is because when they did the stock assessment, the biological boundary between the two stocks was the Georgia/Florida Line; and so what that did was that this Atlantic Migratory Group Cobia they considered to be Georgia through the Mid-Atlantic; and then the whole state of Florida was fishing on the Gulf Group Cobia. The Gulf got that ABC and then they allocated part of it – it will be under Preferred Option D, allocating part of it to the Florida East Coast Zone. Option D uses the longest period, the 15-year period, to decide that.

MR. HARTIG: So all the planets are aligned?

DR. MacLAUHLIN: Yes.

MR. HARTIG: Does anyone want to offer any changes? Seeing none; that brings us to approval for secretarial review. I would entertain a motion to approve the amendment for secretarial review. Michelle.

DR. DUVAL: Mr. Chairman, I move that we approve the Joint Coastal Migratory Pelagic Amendment 20B for formal secretarial review and deem the codified text as necessary and appropriate. Give staff editorial license to make any necessary editorial changes to the document and codified text; and give the council chair authority to approve the revisions and redeem the codified text.

MR. HARTIG: **Seconded by Anna. Discussion? Objection? Seeing none; that motion is approved.** Thank you. That takes us to the Framework Actions and they're behind Tab 5C.

DR. MacLAUHLIN: Okay, this is South Atlantic Framework Action. It has the two actions in it. The first one is to modify restrictions on transfer at sea and gill net allowances for Atlantic Migratory Group Spanish Mackerel. This is the action that would put in the very specific provisions that would allow vessels harvesting Spanish mackerel with gill nets to transfer a portion of the net with the fish in it when there is an overage on one set.

The Mid-Atlantic Council had an amendment about ten years ago that did the exact same thing. It was for scup and otter trawls. It is the same situation. Sometimes there is one set and they exceed the trip limit, and so they set this up so that they didn't have to discard those fish. They were able to transfer them to another vessel and land them without exceeding the trip limit between the two vessels.

We used language from that Mid-Atlantic Amendment in here and set up these very specific conditions under Alternative 2 about how a transfer would occur and that there would be no more than three gill nets on board. Right now they can only have two gill nets on board. And then how the transfer would occur, and then a call-in is required for both vessels engaged in a transfer.

We do have in the document a number provided by NOAA OLE that the vessels can call and that will go in the regulations. They either speak with someone or they leave a message so there is a record that this transfer is going to occur. We have a really specific description about how this is. It is a very long alternative and there are only two alternatives, but it is a very specific condition and situation, and so we wanted to make it really clear about when this could – make it very narrow when it could occur.

We had a few public comments on this. One commenter felt there was no need for the call-in requirement because the Mid-Atlantic provision for scup did not have this requirement, and they did not think it was necessary. Three commenters, including the advisory panel chair, supported Alternative 2. The AP Chair felt like it was necessary and would not be abused.

At the AP meeting in April, when the AP discussed it, they recommended no action because they felt like it would be something that would be abused, but the AP Chair at the public hearing said he had spoken with some of the fishermen that were supportive of this and felt like it would help them reduce discards. In a situation like that, they would have a little bit of flexibility. He made a comment specifically to make it clear that he was supportive of Alternative 2.

We have a few things that we need just on the record – some additional discussion on the record about alternative ways to reduce the overages. The root of the problem is that in a set, without knowing, the set can exceed the trip limit, and are there other ways that you could deal with this. Some of them that come up are removing the trip limit or raising the trip limit so they don't exceed it; and then also maybe some changes to the gear.

There are certain sizes for the gill nets and other ways to avoid having an overage where a transfer would have to occur. We also quickly just discussed some logbook reporting when a transfer occurs on the record – and then select a preferred alternative.

DR. DUVAL: Kari, is there any information in the Mid-Atlantic's procedures regarding logbook reporting when something like this occurs?

DR. MacLAUHLIN: No, and I guess I should expand on that number two in the committee actions that we just added. We get Science Center comments on the documents and we address

those. There was one specifically about how the logbook reporting, when a transfer occurs how they should report on their logbooks.

The Science Center comment was that instead of each vessel reporting what they land in the end, after the transfer that they need to report what they caught even though they exceeded that trip limit because it will go into the CPUE calculations. If one vessel catches – so let's say the trip limit is a thousand pounds. One vessel on that last set hits 800 pounds.

The provision is set up, they do all their requirements, they do the call-in. The other vessel comes and it has 200 pounds, transfer 300 pounds; they both have 500 pounds at this point; and collectively they're not exceeding their trip limit. Let's say the trip limit is 500 pounds – did I say that; yes – so collectively they have a thousand pound trip limit.

However, one caught 800 and one caught 200 pounds, but the Science Center is concerned that if they both go back and they both say we caught 500 pounds, that when it goes into the CPUE calculations, it will be incorrect. They wanted a little discussion here, and, of course, this is a little bit outside the boundary of what the council can do.

Basically, your intention that if they report that in their logbook, they won't get in trouble, also, because it is going to be a record that they exceeded their trip limit in their logbook, but it is important that they know that they're not going to get in trouble for doing that if this provision goes through because there is a record of the call-in that they are going to engage in the transfer, so that the data, you know, it is a matter of quality for the data.

MR. BELL: I just had a question. So you said for the call-in there is a 24/7 number they can call and then leave a message or whatever; and is there a Plan B if they can't get a connection. Can they notify the Coast Guard? It seems like it is important for them to document this somehow, but I don't know how cell phone coverage is where all this works or how they would do that; marine operator or a radio. But right now there is a phone number; that's what we have?

MR. HARTIG: Yes, that's what we have right now.

MR. BELL: And that will work?

MR. HARTIG: I think so. I'm not sure about the cell phone coverage either, but I can find out. The thing about the CPUE, there would be extreme reticence on the fish houses to fill out trip tickets in excess of the trip limit. I can tell you that right now.

DR. MacLAUHLIN: No, not the trip ticket.

MR. HARTIG: So you're talking about the logbook. A number of fish houses fill out logbooks for their fishermen so that may or may not be a problem. I don't know that this actually happens enough to really alter the CPUE, and do we really use gill net CPUE as an index in the Spanish mackerel assessment? I can't remember if we did or not. I don't think we did, Bonnie. I'm not sure, but I can't remember if we did. Those things I can find out. That's a tough one.

The other two things that Kari mentioned that she wanted comment on were could the gear be altered in a way that was more aligned with the trip limit? Well, currently the fish houses – the landings have morphed into – or the fish house demand has morphed into a 3,500 pound trip limit. They don't want anymore than 3,500 pounds normally even in the unlimited season.

The gear is capable of catching that on one set, but under normal operations they do not. What happens is they will be setting this net a couple times, maybe three times in a day, and maybe on the third set they go over. If you had gear modifications, you would be hampering them to reach their level of harvest for that day if you shortened the length of the gill net.

This is a rare enough occurrence that I don't think that it happening is going to – if you reduce the gear, like I said, you would be hampering their ability to catch their trip limit on a regular basis. That would be a problem. The rarity of the event speaks to not altering the gear because of that. The other one was – what was the first one you had said?

DR. MacLAUHLIN: Removing the trip limit or raising the trip limit.

MR. HARTIG: Yes, altering the trip limit; well, I spoke to that as well in the beginning and was talking about what the fish house actually wants from that fishery is the trip limit. They don't want anymore than what the current trip limit is. If you made the trip limit higher, you would be making that level of harvest more than what the market can bear right now in a fresh market, and you would be altering the price structure that the fishermen try and get.

The market tries to match the catch to what the market can hold in any given week, so that would alter that structure and would make that economic return to the fishermen less than what they're getting now. That is one reason why you wouldn't want to do that; economic reasons. Michelle, from a North Carolina perspective; do you have any thoughts on your gill net fishery about – you have a 3,500 pound trip limit and have for a number of years, and it has been what has worked for your fishermen and what has worked for you.

DR. DUVAL: I would have to go back and look at the trips to see like how frequently anybody – how frequently we're hitting that 3,500 pound limit. My sense is not really. The majority of our catches within state waters; most of it is coming from Pamlico Sound.

There is some chunk of it from pound nets versus gill nets. I would have to look at the numbers. I have not done that, but my sense is not that there has been – I haven't had people complaining that they're exceeding that 3,500 pound trip limit in the gill net fishery.

MR. HARTIG: And for yours it is a mixed fishery, if I'm not mistaken. Don't you catch Spanish and kings at the same time they're migrating through in the fall?

DR. DUVAL: But you can't use gill nets south of Cape Lookout for king mackerel, so it is mostly going to be Spanish.

MR. HARTIG: We've had discussion on the items you wanted. Monica, does that help you at all? I guess they were within office concerns; maybe not you. Okay. That brings us to a motion

for Action 1 of the framework. We would entertain a motion under Action 1 for a preferred; Alternative 2? Michelle.

DR. DUVAL: I'll move that we select Alternative 2 under Action 1 as our preferred.

MR. HARTIG: Motion by Michelle; second by Mel. Discussion? Is there any objection to that motion? Seeing none; that motion is approved. We have the last item in the framework.

DR. MacLAUHLIN: All right, Action 2 modifies the king mackerel commercial trip limit in the East Coast Florida Subzone, so this is just November 1st through March 31st. Currently under the no action alternative, there is a step-up to 75 fish if less than 75 percent of the Florida East Coast Subzone quota has been taken by February 1st.

We have a couple of alternatives. One would make the trip limit 50 fish for the entire season, November 1st through March 31st. Alternative 3 would make it 75 throughout the season. Preferred Alternative 4, which was kind of crafted with input from fishermen, would make it 50 fish until the end of February and then that last month if less than 70 percent of the quota has been met, then there will be a step-up to 75 fish.

It is kind of a compromise between the two where it is just the last month that there is possible a step-up, so that will keep supply a little more consistent for the fish houses. But, if less than 70 percent of the ACL has been met, it will allow those fishermen hopefully to go ahead and hit that quota. Here, unless you want to change the preferred alternative, you don't really need to do anything.

MR. HAYMANS: I have some nomenclature questions. When did we get an East Coast Florida Subzone? I see an Atlantic Group; I see a Gulf Group; and Eastern and a Western Gulf Group; now we have a Northern Atlantic; but when did we get the East Coast Florida Subzone?

MR. HARTIG: It has been a long time, Doug. It is the mixing zone – northern end of the mixing zone on the east coast of Florida.

MR. HAYMANS: So I'm looking for it in the maps and I don't see it depicted on any of them. What map is that?

MS. McCRAWLEY: I have a map that the FWC has created that might shed some light on this. I can send it to Mike and then he can send it around.

MR. HARTIG: That would be great.

DR. MacLAUHLIN: This is the one that I showed you before. It is in the Draft Amendment 20. I don't know if it is in the framework or not. It is in the framework; these figures, 1.4.2, and these are the same figures that I showed you from Amendment 20B.

MS. SMIT-BRUNELLO: Doesn't Figure 2.1, Doug, right after Action 2, Figure A and 2.1 has the East Coast Subzone in there – in the Framework Figure 2.1, the East Coast Subzone. I have a hard copy.

DR. MacLAUHLIN: It is Page 23; you're right.

MR. HARTIG: I see you are contemplating over there, Doug, are you –

MR. HAYMANS: I'm sorry, Mr. Chairman, this is confusing. I'm trying to make sure that I understand.

MR. HARTIG: And I with you; I'm there. I want you to fully understand exactly what we're doing and where this is occurring. I want you to be comfortable with it because it is very important for everybody to try and understand this complicated mackerel. I have no problem with that.

MR. HAYMANS: This is the Gulf Group that we're – November through March; that is the Gulf Group?

DR. MacLAUHLIN: Yes. In this figure, Figure A is the November through March season and that is when there is an East Coast Subzone. This action is only for that period of time when the Florida East Coast Subzone exists and they're fishing on Gulf king.

MR. HARTIG: Well, 50 percent of them are considered Atlantic in the assessment. We have got a preferred; and unless we have a willingness to change it, we're good. Since I don't see any of that and since we're not going to change that, we will move on to for submission for secretarial review and to deem the codified text as necessary and appropriate. We have got a motion on the board. Monica.

MS. SMIT-BRUNELLO: I have a couple of questions. I'm sorry I didn't ask this under Action 1 on the transferring of the nets. Is it the council's intent that the transfer be limited to one per vessel per day or how many transfers do you all see happening? I think the regulations that you have in front of you contemplate one transfer per vessel per day, but I don't know that it is discussed in the document.

MR. HARTIG: And that would be fine; that would be one transfer per vessel per day. We haven't had a discussion on that, but that is what in the codified text now?

MS. SMIT-BRUNELLO: Well, I understood that was what was before you, but I think you need some discussion on what you want.

MR. HARTIG: Well, that is a good question. Kari says that it is a daily trip limit so it couldn't happen more than once a day or not?

MS. SMIT-BRUNELLO: Let me think about that. Anik just handed me the draft codified text, and it is only once such transfer is allowed per vessel per trip in case I guess a vessel's trip lasts more than a day?

MR. HARTIG: Typically none of these – at least in our area none of the trips last more than a day. They are all daily trip limits. We don't have people that make multiple day trips for Spanish because the gear and icing and the quality of the fish is such that they have to be returned to the dock on that day.

MS. SMIT-BRUNELLO: If you all agree, then that helps.

MR. HARTIG: I see heads nodding. Zack.

MR. BOWEN: It was under the AP's impression that it was just once a day as well.

MR. HARTIG: We're back to secretarial review and deeming of the codified text. We will have a motion on the floor and Jessica was about to make that, I think.

MS. McCAWLEY: I make a motion to approve the South Atlantic Council Coastal Migratory Pelagic Framework Action 2013 for formal secretarial review and deem the codified text as necessary and appropriate. Give staff editorial license to make any necessary editorial changes to the document/codified text; and give the council chair authority to approve the revisions and redeem the codified text.

MR. HARTIG: Second by Charlie. Is there any discussion? Is there any objection to that motion? Seeing none; that motion is approved. That brings down to other business, I believe.

MS. SMIT-BRUNELLO: I'm sorry I didn't bring this up with 20B, but I just want to be clear. On Action 6 where the preferred for both councils is to set up a Florida East Coast Subzone ACL for cobia, right? All right, there is a sentence in the document right under that that management measures set by the South Atlantic Council for the Atlantic Migratory Group would also apply to the Gulf Migratory Group Florida East Coast Subzone. Based on that, you have separated into sectors, a certain amount for the commercial, a certain amount for the recreational.

My question gets to the accountability measures, which I assume are management measures, also, for this council that will apply to that zone, but I guess that zone then will close separately, potentially, than the zone north of it, correct, in the Atlantic Cobia Zone?

MR. HARTIG: Yes, they will be monitored separately and have separate closures if appropriate.

MS. SMIT-BRUNELLO: Okay, I just wanted to make certain that is what you all thought would occur.

DR. MacLAUCHLIN: The last thing on the agenda – and this is just to kind of get the discussions started about Joint Mackerel Amendment 24, allocations. The Gulf Council is

interested. They were calling it 21 and we figured out the numbering thing; so since it doesn't exist yet, we got in there and renamed it 24.

We are going to do any changes in the Atlantic Group recreational/commercial allocations in this joint amendment not in the Generic Allocations Amendment with Dolphin Wahoo and Snapper Grouper because it would have to be a joint amendment, anyway. It will make this a little easier for these joint kinds of amendments. You will be going through this with the Gulf Council.

They I know want to review the recreational/commercial allocations for Gulf king mackerel, and then we've talked about reviewing the recreational/commercial allocations for Atlantic Spanish. We can put together kind of an options paper and move along with this for December, and then we can scope in January and kind of go on that schedule.

I want to kind of get some feedback from the committee about is Atlantic Spanish the only one that you want to look at; do you want to look at all three stocks? If you guys want to talk about this, if this something that we need to review or not; just some guidance to staff so we can put together an options paper.

MR. HARTIG: Any comments from the committee? Basically, I have looked at some numbers for kings through Boyles' Law and through some other things and it comes out about within a percent. To me it's probably not worth looking at on king mackerel; but Spanish mackerel, there is a significant difference that occurs between the recreational harvest and the commercial harvest allocations. Spanish is one that I would like to look at with your concurrence. I see some heads nodding with Spanish.

DR. MacLAUHLIN: So you guys got the new, revised, updated, big ACL/AMs excel file? Mike sent it out I think with the second briefing book. For the new folks, at each meeting we try to get you this excel file that has all the ACLs, AMs, allocations, management measures; so that when we look it up, we can just look it up and put it together. It is called the "South Atlantic AMs, ACLs and File". You also get current permits; so if you want to see the current permits across the states, you also get that at every meeting. We can take a look here.

MR. BOWEN: When do we get that?

DR. MacLAUHLIN: It came with I think the e-mail with the second briefing book.

MR. BOWEN: Okay, I'll look. It was an e-mail so not a memory stick or whatever?

DR. MacLAUHLIN: I think it was an e-mail.

MR. HARTIG: Kari said she would forward it, Zack, so you can have access to it.

DR. MacLAUHLIN: Anyway, we do have the current commercial and recreational allocation right now for Atlantic king. Atlantic Spanish is 55/45 and Atlantic Group Cobia is 8 percent commercial and 92 recreational. I guess my question would be are there things in this options paper or issues paper for December that you want to see?

MR. HARTIG: Anyone wish to look at cobia? I don't know how the allocation is going to change with the two-fish bag limit on both sectors over time. Okay, I see a no, no, no there at least from one person. Really, I guess in the South Atlantic just Spanish.

DR. MacLAUHLIN: Okay, that's fine. You will also be getting hopefully the new numbers for Atlantic Spanish ABC. It should be coming in December, also, so that may help craft that a little bit.

MR. HARTIG: Which also may precipitate some other management if they come to a different conclusion than what I was hoping, but we'll see what happens.

DR. MacLAUHLIN: That's it, really.

MR. HARTIG: What about the timing and task stuff; are we going to do that at Full Council?

DR. MacLAUHLIN: Full Council.

MR. HARTIG: Okay, timing and task is going to occur in Full Council. Other business; the one thing that I brought up earlier that we may ask is – and I don't know how to word it – the South Atlantic Council would like to see permits separated by jurisdictions.

DR. DUVAL: Can we make that in the form of a motion? You need a motion to indicate that the South Atlantic Council would like to separate the king mackerel permits into Gulf and South Atlantic jurisdictions. Okay, I just made it.

DR. MacLAUHLIN: Just king?

DR. DUVAL: Well, do you want it for both species?

MR. HARTIG: Well, probably.

DR. DUVAL: Well, then the motion would be the South Atlantic Council would like to separate permits for king and Spanish mackerel – we don't have a cobia permit – into separate jurisdictions, Gulf and South Atlantic.

MR. HARTIG: Spanish is still open access for whatever reason I have no idea; but maybe when we get the numbers back from the SSC, we can address that then, and I think that is appropriate. You don't have to have the Spanish permit in state waters; you do in federal. A lot of our guys get the permit, anyway. I think it would be prudent to do both. I think it would help. It would set the stage for what we needed in the future if we had to address that, so I think that would be good. Any consternation, Roy, or concerns?

DR. CRABTREE: I think it just all comes down to rationale why do we need to do this.

MR. HARTIG: The rationale for the king mackerel is that the Gulf has a significantly smaller number of permits than the east coast of Florida. Their permits may align better with their

fishery as it is prosecuted today. Ours do not. We have way too many permits based on the allocation of fish that we have for the east coast.

In order to reduce permits on our side only and not impact the Gulf, we would need to separate the permits out by jurisdiction if we want to impact the number of permits home-ported on the east coast of Florida.

DR. CRABTREE: So would you in this amendment re-establish different qualifiers and go ahead and reduce the number of permits?

MR. HARTIG: No, this is in another amendment where we do this, I guess. This isn't going to be in this amendment.

DR. CRABTREE: Why? If it needs to be done; why wouldn't you do it here?

MR. HARTIG: Well, what about going out to public hearings and things of that nature? Do you have any concerns about that? That one action; you could have another public hearing at the council level for this one action.

DR. CRABTREE: It just seems to me for the public to fully contemplate what is going on, they need to understand what you're contemplating doing with the Gulf permits in the Atlantic and why you're actually doing this. If the purpose for doing this is to reduce the number of permits, it seems to me that ought to be all done in one amendment so that the public can comment on the whole suite.

It seems it would be better done at once rather than just splitting the permits and then maybe at some point down the road you go to limited entry on Spanish or you reduce the number of permits. My worry is and my experience has been we almost never reduce the number of permits. In fact, I'm having a hard time thinking of when we've ever reduced numbers of permits.

Once you issue them, you're generally stuck with them. What you're talking about here, it seems to me, is creating a whole new permit. The current king mackerel permit is going to go away and you're going to replace it with a new permit; a South Atlantic king mackerel permit and a Gulf king mackerel permit.

If you want to make changes as to how many permits you have, it seems to me that's the time to do is when you initially issue them. I sure haven't seen much in past experience where councils come in and revoke people's permits once they have them.

MR. HARTIG: Well, the one thing, Roy, in particular is all of our fishermen thought that the two for one would be of value. We could do the two for one on the east coast if we had separate permits.

DR. CRABTREE: Well, you could; and if that is what you want to do, then I would split the permit and do an amendment that splits the permits and puts in place the two for one in the South Atlantic at the same time.

MR. HARTIG: Well, that would be great; I didn't think we could do that.

DR. CRABTREE: I don't see any reason you couldn't.

MR. HARTIG: Well, would like us to bring that back to Full Council with the wording fleshed out and everything, with a substitute motion, possibly, for what we have already?

DR. CRABTREE: Well, I'm not looking to make a motion on it. I'm just giving you some of my concerns about it. It is going to be bureaucratically more cumbersome. You're going to have all kinds of issues of who qualifies for what permit. I think you need to have a really good reason to do this. I don't think because we might want to do something at some time in the future is a very strong rationale for it.

MR. HARTIG: Well, I don't it is "might". I think we want to go ahead with it.

DR. CRABTREE: Anything that you don't do in this amendment is a "might". Well, I mean think about it. It will be potentially new council members and everything else. Those are just my initial thoughts, and I haven't given this a lot of thought, honestly. It just seems to me that makes more sense to do it all in a single amendment.

MR. HARTIG: Monica, any thoughts on that?

MS. SMIT-BRUNELLO: I think it is up to you all what you want to do. You could handle it any number of ways.

MS. BECKWITH: Well, if we're going to issue a new permit, then I guess it would give us an opportunity to better explore the 225 version of the king mackerel permit. If it is a fresh permit and we're not dealing with the corporate permits anymore, so it would give us kind of a fresh slate to say, well, if you haven't had X amount of effort in ten years, then here is a king mackerel version of the snapper grouper 225 that goes away at some point. You wouldn't necessarily be the two for one. It would give us some new opportunities to explore.

MR. HARTIG: Yes, and it gives the Gulf the opportunity that they have kind of been looking for through this whole thing and trying to stop the bleeding of the east coast fishermen coming to their side. Once you issue those permits and if you use landings as of some date, you choose that date, then only those fishermen will get a Gulf permit, and you won't have this any more people coming into the Gulf.

DR. CRABTREE: My point is if you just split the permit, then I guess everybody who has one is going to get one; so everybody is going to have both permits. Now, if you want to do something, you've got to then come in and revoke a bunch of those people's permits, and it is very hard to revoke permits once folks have them. It seems if you want to do this, before you

issue these permits think real hard about who should have them, what the qualifiers are and issue the appropriate number of permits right off the get-go so you don't then have to turn around and come back in and take permits away from people.

MR. HARTIG: Okay, I see what you're saying, but we're not going to be able to do that this week. That's what I'm saying; that's –

DR. CRABTREE: This week!

MR. HARTIG: Well, in this amendment.

DR. CRABTREE: Oh! No, I wasn't anticipating we would do it this week.

MR. HARTIG: But what I need to get back at is what you want to see in that limited access discussion that we had before where we had the latent permits, where both councils concurred that no action should be taken in that, and where the two for one – and that is where the two for one is. Where do you put the discussion on where the council is thinking about going about separating out the permits? Monica.

MS. SMIT-BRUNELLO: So you don't envision – you envision one amendment to separate the permits and then another amendment to get more at some sort of permit reduction?

MR. HARTIG: Well, I think along Roy's thinking is that we can do it in one amendment now. I'm thinking that if the Gulf and the South Atlantic got together and talked about if they wanted to have some kind of qualifier to get a permit in the Gulf or the South Atlantic, you could actually reduce the permits then.

I think Roy has hit on something that would be attractive from the fishermen's perspective on our side is a way maybe to cut some of this latent effort out of the fishery. By having some minimal qualifier, you will still eliminate permits. If you want to be more conservative, you can by using a higher qualifier. I'm not ready to do that today.

DR. CRABTREE: No, and I'm not either and I have no idea what the qualifier ought to be or any of those things. I think this would take a lot of work and a lot of thought.

MR. CONKLIN: Maybe this isn't the time to comment on that, but our guys in South Carolina, we haven't really caught a lot of king mackerel in probably ten years, but at the same time we have maintained our permits. We don't show a lot of landings because the fish haven't swam by. They're not, per se, latent.

I remember growing up, king mackerel was a huge fishery and maybe they're getting kind of bottlenecked at different areas on their way up, but it is not going to be fair to guys in the Carolinas and Georgia to put a qualifier on a permit because it is not worth us driving down to Daytona on our slow boats to go fish for seventy cents a pound when we can catch snapper grouper.

I just don't see how taking away somebody's right to fish and saying, well, if you haven't caught this much or setting a qualifier, income or anything for people who have had permits. If you look at the chart that we saw earlier, 51 percent of the permits catch less than – don't even meet the thousand pound qualifier. Half of the permits right there aren't even catching that much, so is there really a need. I could see if more permits were catching more fish; but if half of them aren't even doing that, there is not really a reason to reduce the permits if the effort is not there.

MR. HARTIG: I see your point. I really don't want to get into the discussion now. We had in this amendment ways for fishermen to stay in the fishery with very low landings. I don't know whether we had a qualifier. If you had some level of landings, you could stay – over a ten-year period, you would be able to stay in the fishery with a non-transferable permit, where you would be able to get the economic value of your catch through – but that permit would retire over time, but you'd still be able to get the economics of it.

The problem in the fishery is that the dynamic nature of the permit swaps, when we have a big year class in the fishery, specifically pretty much where I am, makes it so that so many people enter the fishery, that we have a biological impact by taking out a year class – a big year class in a short amount of time, which is evidenced in this last go-round with the Atlantic stock.

It is a case history of showing how we had a fairly limited number of permits, the stock rebounded, a lot of people jumped in, a lot of fish were caught, and now we're looking at a year class that is significantly diminished, which wouldn't have been had you had the number of permits at a stable level. I think we can accommodate your concerns going forward. I think we can do that. We have thought about that in the past and I think we can do that. Doug.

MR. HAYMANS: Just to verify that we're talking about Amendment 20A, yes, the elimination of permits? There are already some criteria in there. Is there any pressing reason why this has to be voted through now? I mean, like Roy is saying we use that vehicle and we hold off for ever how long it takes to add that criteria in Action 2. That is where I thought I understood, Roy, when you were talking about an amendment; that is 20A that we're talking about, right?

DR. MacLAUCHLIN: I thought you were talking about just putting these actions in one amendment, which would be like Amendment 26 or something.

MR. HAYMANS: Is there anything pressing us to push through 20A?

DR. MacLAUCHLIN: No, it has just been around for a long time. This is scheduled for final action but –

DR. DUVAL: That's definitely a logical question on Doug's part. I think my hesitancy is that we just went through this whole rigmarole with trying to match up Gulf preferred and South Atlantic preferred throughout this amendment. I would personally not want to go back through that again because they're going to have to approve anything. I realize that they would have to approve it, anyway, for us to separate the permits, but I think it would be cleaner to do this in a different amendment. That is just my personal opinion.

MR. HAYMANS: It is a three-action amendment and they're going to have to agree. I mean we're going to be going back to them, anyway.

MR. HARTIG: Yes, but a lot of those are Gulf actions. Go ahead.

DR. MacLAUCHLIN: On behalf of the staff that would work on this, we would really like to separate from any bag limit action ever, because that is the one that you get caught up on and it needs to be – from a staff perspective, it would be great to just have its own amendment and everything and let this one go through and eliminate the income requirements.

I know that is something that the Gulf was interested in getting through quickly and then get the bag limit – you know, however you guys want to have bag limit sales or not or tournaments and everything like that. I think it would be cleaner from a staff perspective to let this one go and put it in a new one.

MR. PHILLIPS: I'm inclined to agree with Michelle, let's go with what we've got. I've got a question for Monica. Monica, if we have a split permit and people are going to apply for a new permit, what happens if everybody just applies for a corporate permit? I don't think you can say they can't apply for a corporate permit, can you?

MS. SMIT-BRUNELLO: So we're talking about king mackerel specifically, right?

MR. HARTIG: King and Spanish.

MS. SMIT-BRUNELLO: And Spanish, so Spanish is open access. I can go get one tomorrow if I can meet whatever the qualifying criteria is in terms of the vessel and all that sort of thing. King mackerel is already under a limited access permit. I think that you can sell those permits to someone who could put it in a corporation. These are all things to think about when you're looking at that kind of reduction in permits or some sort of – whatever your eligibility criteria is, it all plays into that sort of thing. If you're asking me can you say there will be no corporate permits, I don't know that you can do that.

MR. PHILLIPS: Well, that was one of the problems I think we're going to have and we're going to have to work through that. I don't think we will be able to tell people they can't get corporate permits. If we make a new Atlantic permit or an east coast permit and we get a new permit, I would see everybody wanting to just put their stuff in a corporate permit and then a two for one is not going to do you any good.

MR. HARTIG: Well, what I think we can do and what is attractive to me from what Roy said is that we can probably accomplish whatever effort limitation we try and do through the new permit process and not even have to worry about the two for one, possibly. Jack.

MR. COX: I'm not on your committee, but I would just like, Charlie, to say that I've got a corporation with a permit in it, and it is not something everybody wants to do because of the expense of it. The filing fees for the Secretary of State alone are \$200 a year; and then you have got CPA work. It is expensive just to keep those things every year.

MR. HARTIG: And not only expense to keep them every year; there is an expense going in if you're not on the ball. If you want to hire someone to actually incorporate, that cuts in significantly into your value of your king mackerel permit, which isn't worth that much now. That's why I thought the two for one had the possibility of working for us because I didn't think that many people would take the opportunity to incorporate just for that. You almost lose money doing it. Roy.

DR. CRABTREE: And to quote Mitt Romney, corporations are people, too. If you look in the Magnuson Act, the term "person" is defined in the definition section. It says, "Any individual, any corporation, partnership, association or other entity;" and so if you start treating one, quote, person different than another, quote, person, it is going to be difficult.

MR. HARTIG: We have got a motion by Michelle and we didn't get a second. We have had a lot of discussion even though we didn't get a second. Is there someone who wants to second this motion? Second by Doug. Roy.

DR. CRABTREE: It would probably be good to be a little more specific as to what that motion does. It says you would like to, but are you instructing someone to do something here?

MR. HARTIG: Well, that is why said the terminology; I didn't want to get – I mean, demand that you separate the permits.

DR. CRABTREE: Are you asking staff to start developing a white paper, an options paper or –

MR. HARTIG: **The motion by Michelle is to direct staff to develop an options paper for separating permits for king and Spanish mackerel into separate jurisdictions.** Second by Doug. Is that good with you, Doug? Okay, anymore discussion? Roy, does that give you enough clarification on what we're moving forward with?

DR. CRABTREE: It is a fine motion, but I'm not on your committee so I can't vote.

MR. HARTIG: **Is there anymore discussion? Is there any objection? Seeing none; that motion is approved.** Is there anything else under other business for the Mackerel Committee? Seeing none, Mr. Chairman, the Mackerel Committee stands adjourned.

(Whereupon, the meeting was adjourned at 4:59 o'clock p.m., September 18, 2013.)

Certified By: _____ Date: _____

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October 17, 2013

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Mackerel Committee

Wednesday, September 18, 2013

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78	Bonura, Vincent	sailraiser25c@aol.com	563 min
70	smith, bruce	bsmith@ap.org	2 min
68	Mehta, Nikhil	nikhil.mehta@noaa.gov	252 min
67	MERRIFIELD, MIKE	mikem@wildoceanmarket.com...	42 min
61	Swatzel, Tom	tom@swatzel.com	180 min
61	MacLauchlin, Bill	billmac@charter.net	126 min
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53	conklin, chris	conklincc@gmail.com	206 min
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42	holiman, stephen	stephen.holiman@noaa.gov	408 min
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37	holland, jack	jack.holland@ncdenr.gov	147 min
36	DeVictor, rick	rick.devictor@noaa.gov	510 min
36	Bresnen, Anthony	anthony.bresnen@myfwc.com...	511 min
35	michie, kate	kate.michie@noaa.gov	447 min
35	Sedberry, George	george.sedberry@noaa.gov	183 min
32	jenkins, wallace	jenkinsw@dnr.sc.gov	52 min
31	E, A	annemarie.eich@noaa.gov	553 min
31	c, m	mec181@yahoo.com	683 min
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30	Package-Ward, Chri...	christina.package-ward@no...	29 min
30	Smart, Tracey	smartt@dnr.sc.gov	455 min

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29	raine, karen	karen.raine@noaa.gov	495 min
28	Stump, Ken	magpiewdc@gmail.com	280 min
28	Meyers, Steve	steve.meyers@noaa.gov	492 min
27	sandorf, scott	scott.sandorf@noaa.gov	502 min
27	Helies, Frank	fchelies@verizon.net	484 min
26	pugliese, roger	roger.pugliese@safmc.net	279 min
26	Farmer, Nick	nick.farmer@noaa.gov	248 min
26	McCoy, Sherri	sherrim@wildoceanmarket.c...	298 min
26	Package-Ward, Chri...	christina.package-ward!@n...	44 min
25	burton, michael	michael.burton@noaa.gov	337 min
25	Knowlton, Kathy	kathy.knowlton@gadnr.org	300 min
24	Davis, Julie	julie.davis@scseagrant.or...	150 min
23	Rindone, Ryan	ryan.rindone@gulfcouncil....	68 min
23	levy, mara	mara.levy@noaa.gov	163 min
23	ellis, john	john_ellis@fws.gov	170 min
22	Baker, Scott	bakers@uncw.edu	64 min
21	Crosson, Scott	scott.crosson@noaa.gov	32 min
21	Webster, Robert	websterp@dnr.sc.gov	62 min