

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 MACKEREL MANAGEMENT COMMITTEE

4
5 Hilton Galveston Island Resort Galveston, Texas

6
7 October 5, 2015

8
9 **VOTING MEMBERS**

- 10 Pamela Dana.....Florida
- 11 Martha Bademan (designee for Nick Wiley).....Florida
- 12 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- 13 Myron Fischer (designee for Randy Pausina).....Louisiana
- 14 Robin Riechers.....Texas
- 15 John Sanchez.....Florida
- 16 David Walker.....Alabama

17
18 **NON-VOTING MEMBERS**

- 19 Kevin Anson.....Alabama
- 20 Leann Bosarge.....Mississippi
- 21 Doug Boyd.....Texas
- 22 Jason Brand.....USCG
- 23 Dale Diaz.....Mississippi
- 24 Dave Donaldson.....GSMFC
- 25 John Greene.....Alabama
- 26 Kelly Lucas (designee for Jamie Miller).....Mississippi
- 27 Campo Matens.....Louisiana
- 28 Greg Stunz.....Texas
- 29 Ed Swindell.....Louisiana
- 30 Roy Williams.....Florida

31
32 **STAFF**

- 33 Steven Atran.....Senior Fishery Biologist
- 34 Assane Diagne.....Economist
- 35 John Froeschke.....Fishery Biologist/Statistician
- 36 Doug Gregory.....Executive Director
- 37 Ava Lasseter.....Anthropologist
- 38 Mara Levy.....NOAA General Counsel
- 39 Charlene Ponce.....Public Information Officer
- 40 Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- 41 Claire Roberts.....Essential Fish Habitat Specialist
- 42 Bernadine Roy.....Office Manager
- 43 Charlotte Schiaffo.....Research & Human Resource Librarian
- 44 Carrie Simmons.....Deputy Director

45
46 **OTHER PARTICIPANTS**

- 47 Pam Anderson.....Panama City, FL
- 48 Steve Branstetter.....NMFS

1 Eric Brazer.....Gulf of Mexico Reef Fish Shareholder's Alliance
2 Bubba Cochrane.....Galveston, TX
3 Chris Conklin.....SAFMC
4 Michael Drexler.....Ocean Conservancy, St. Petersburg, FL
5 Traci Floyd.....MDMR, MS
6 Benny Gallaway.....LGL, TX
7 Brad Gorst.....Palm Harbor, FL
8 Marcie Jones.....EDF, Austin, TX
9 Bill Kelly.....FKCFA, FL
10 Rich Malinowski.....NMFS
11 Kristen McConnell.....EDF
12 Bart Niquet.....Lynn Haven, FL
13 Bonnie Ponwith.....SEFSC
14 Clarence Seymour.....Biloxi, MS

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16
17 The Mackerel Management Committee of the Gulf of Mexico Fishery
18 Management Council convened at the Hilton Galveston Island
19 Resort, Galveston, Texas, Monday morning, October 5, 2015, and
20 was called to order at 10:15 a.m. by Chairman Pamela Dana.

21
22 **ADOPTION OF AGENDA**
23 **APPROVAL OF MINUTES**
24 **ACTION GUIDE AND NEXT STEPS**
25

26 **CHAIRMAN PAMELA DANA:** I would like to call to order the
27 Mackerel Management Committee and I would like to verify that we
28 do have a quorum.

29
30 **MR. RYAN RINDONE:** Yes, you do.

31
32 **CHAIRMAN DANA:** Yes, we do. Okay. Everyone has a copy of the
33 agenda and do I have any requests to amend the agenda? Seeing
34 none, is there a motion to adopt the agenda? Is there a second?
35 Okay. We have approved the agenda.

36
37 Has everyone had an opportunity to review the minutes? If so,
38 are there any changes? If not, I would like to ask for approval
39 of the minutes.

40
41 **MS. MARTHA BADEMAN:** So moved.

42
43 **CHAIRMAN DANA:** Do I have a second? Okay. We're going to move
44 forward with approval of the minutes. Thank you, Roy, for
45 seconding it. Ryan, can you go over anything on the action
46 guide and next steps and then go into the public hearing draft
47 for Coastal Migratory Pelagics Amendment 26, which is changes in
48 allocation, stock boundaries, and sale provisions for Gulf of

1 Mexico and Atlantic migratory groups of king mackerel. It's
2 found in Tab C, Number 4.

3
4 **PUBLIC HEARING DRAFT FOR CMP AMENDMENT 26: CHANGES IN**
5 **ALLOCATION, STOCK BOUNDARIES, AND SALE PROVISIONS FOR GULF OF**
6 **MEXICO AND ATLANTIC MIGRATORY GROUPS OF KING MACKEREL**
7 **CMP 26 DECISION DOCUMENT**
8

9 **MR. RINDONE:** Thank you, Madam Chair. We have two big things to
10 talk about. Amendment 26, we're bringing a public hearing draft
11 to you guys and we have a couple of edits to bring up that the
12 South Atlantic made and one that we're proposing for the Gulf.
13 Then we have Amendment 28, which talks about splitting the
14 permits, that we've been talking about for a little while now.

15
16 With you all's pleasure, I will just go right into Tab C, Number
17 4. I have an abbreviated version of this document, since it's a
18 couple hundred pages long in its full form. It's at Tab C-4(a)
19 and this version just has the actions and the alternatives and
20 any pertinent tables and figures, if you guys would be more
21 comfortable going through that and we can just do that.

22
23 That might be a little faster to scroll through and I will make
24 sure to hit all the highlights for you, but since we are trying
25 to go out to public hearings, we will have to go through each of
26 the actions individually.

27
28 Seeing no mutiny, we will go with Tab C-4(a). The first action
29 is discussing adjusting the management boundary for Gulf and
30 Atlantic migratory groups of kingfish and our status quo is
31 shown right there in the figure and we have shifting management
32 boundaries based on a summer and a winter fishing season and so
33 from April to October, the southern zone in the Gulf is just a
34 thin sliver covering Collier County and the southern zone in the
35 Atlantic extends all the way through the Keys. The eastern zone
36 and the western zone in the Gulf stay the same size the whole
37 time.

38
39 In the wintertime, the southern subzone in the Gulf extends all
40 the way around in the Keys and up the east coast of Florida and
41 we have given management authority in that east coast subzone,
42 that hashed area right there, to the South Atlantic.

43
44 Now, the last stock assessment that we did on kingfish, which
45 was SEDAR-38, said that the mixing zone was actually much, much
46 smaller. It occurred around the same time, but it only occurred
47 south of the Florida Keys, basically from the council
48 jurisdictional boundary in the west to the Dade/Monroe County

1 line in the east, and so that Florida east coast zone, for the
2 purposes of Gulf management, isn't really necessary for us
3 anymore. It's not part of our stock anymore and our ACL doesn't
4 get apportioned there and we don't have to account for any
5 effort there. It's purely a South Atlantic issue.

6
7 If we scroll on down to Alternative 2, Alternative 2 would
8 establish a single year-round boundary for separating management
9 of Gulf and Atlantic groups of kingfish at the regulatory
10 boundary between the Gulf and South Atlantic Councils and it
11 would designate the South Atlantic Council as being the
12 responsible management body for management measures in the
13 mixing zone, which that hashed area I just talked about is just
14 south of the Keys.

15
16 Alternative 3 does the exact same thing, except the Gulf Council
17 would be responsible for management and the boundary would be at
18 the Dade/Monroe County line. This is preferred right now by
19 both the Gulf and the South Atlantic APs. Any questions so far?

20

21 **CHAIRMAN DANA:** Okay. Continue on.

22
23 **MR. RINDONE:** So the implications of Action 1 are largely more
24 social and economic and administrative actions than they are
25 biological. The fish are going to be caught wherever they are,
26 since they're a migratory species, but the change in the
27 management boundaries isn't likely to have any major
28 implications on any of those fronts. We have shifting
29 management boundaries now and so, from an administrative
30 standpoint, we would have to notice the fishermen of new
31 management boundaries that still aren't going to fundamentally
32 change the way that they fish.

33
34 **CHAIRMAN DANA:** So a point of order. Do we as a committee need
35 to do anything on this action? Do we need to establish a
36 preferred?

37
38 **MR. RINDONE:** You guys can if you're comfortable doing that at
39 this point.

40
41 **CHAIRMAN DANA:** Or we can just continue on through the document
42 or what's -- We still haven't gone out to public hearings, which
43 will happen later, I guess in February or so, but where is the
44 South Atlantic on this particular amendment?

45
46 **MR. RINDONE:** They will have to also approve it for public
47 hearings in December, if that's what they elect to do. The
48 intent, based on our timeline, was for you guys to review this

1 document here and, if it's appropriate, you guys would approve
2 it to go out to public hearings here and they would approve it
3 to go out in December and we would hold those public hearings in
4 January in the South Atlantic and February in the Gulf and then
5 in March and April, at our respective council meetings, you guys
6 would be presented with a final draft. Then if it was
7 appropriate to do so, you guys would recommend it to be
8 forwarded to the Secretary at that time.

9
10 **CHAIRMAN DANA:** Okay. So we could, before making any
11 recommendations on actions or preferred recommendations, we can
12 wait until after the public hearing is what you're saying.

13
14 **MR. RINDONE:** If you elect to or if it seems pretty obvious what
15 you guys' choice is going to be, then you could select that now,
16 because the analyses are presented in the document and I am
17 going to hit the highlights of those as we move through.

18
19 **CHAIRMAN DANA:** Okay. As a committee, if any of you want to go
20 forward with a preferred, please do so. Otherwise, Ryan is
21 going to continue on with the document and with the intent of
22 bringing it to public hearings in February. Martha.

23
24 **MS. BADEMAN:** I would like a motion to choose a preferred. I
25 **move that we choose Alternative 3 in Action 1 as the preferred**
26 **alternative.**

27
28 **CHAIRMAN DANA:** Okay. Martha makes a motion to have Action 1,
29 Alternative 3 the preferred. We have a second by Myron. Is
30 there any discussion on the motion? Martha, do you have
31 discussion?

32
33 **MS. BADEMAN:** This is laid out, I think, pretty well in the full
34 amendment version, but both of the APs are agreeing on this and
35 I think this does make it simpler for management of the gillnet
36 fishery, which is a Gulf fishery. There is no gillnet allowance
37 in the South Atlantic. So hopefully this will make things a
38 little bit easier.

39
40 **CHAIRMAN DANA:** The motion would be in Action 1, which is to
41 adjust the management boundary for Gulf and Atlantic migratory
42 groups of king mackerel, that Alternative 3 be the preferred.
43 Alternative 3 reads: To establish a single year-round boundary
44 for separating the Gulf and Atlantic migratory groups of king
45 mackerel at the Miami-Dade/Monroe County line, which is Figure
46 2.1.3. The Gulf Council would be responsible for management
47 measures in the mixing zone.

1 **MR. RINDONE:** Just as another clarifying note, right now the
2 Gulf Council manages Spanish mackerel to that Dade/Monroe line
3 and the migratory stock of cobia for the Gulf stock goes all the
4 way to the Florida/Georgia line, but we've designated the South
5 Atlantic Council as the management body from that Dade/Monroe
6 County line to the Florida/Georgia line.

7
8 For the purposes of the three main species that are in the Gulf
9 CMP FMP, we would be managing to the same place, which makes
10 things a little bit easier for the fishermen. Like Martha was
11 saying, for the gillnetters that commercially fish off the west
12 coast of Florida, just north of the Keys, this makes it a little
13 bit easier for them in their fishing practices, since gillnets
14 are not allowed in the South Atlantic for taking king mackerel.
15 This would protect their fishery as it currently is.

16
17 **CHAIRMAN DANA:** Now we have the correct alternative on the
18 board. Martha started discussion and is there any further
19 discussion on this motion? **Seeing none, all those in favor of**
20 **making Action 1, Alternative 3 the preferred alternative signify**
21 **by saying aye; opposed. The motion passes.** Okay, Ryan.

22
23 **MR. RINDONE:** Thank you, Madam Chair. We will move on down to
24 Action 2, which is to update the reference points and revise the
25 ACL and recreational ACT for Atlantic migratory group kingfish.
26 The South Atlantic Council's SSC took a look at the SEDAR-38
27 stock assessment and they approved it as the best science.

28
29 The current MSY that they are operating under is from SEDAR-16
30 and it's at 10.4 million pounds, but this doesn't account for
31 that Florida east coast zone being considered part of the
32 Atlantic migratory group, like the SEDAR-38 stock assessment has
33 indicated that it is.

34
35 Table 2.2.1 shows the recommendations from that South Atlantic
36 SSC meeting for Atlantic kingfish and, again, Atlantic and Gulf
37 kingfish are neither overfished, nor experiencing overfishing.
38 They are in good shape. You can see those metrics shown there
39 for the Atlantic population.

40
41 If we go down to Table 2.2.2, you can see the recommendations
42 for the overfishing limit for the specified fishing years for
43 Atlantic kingfish that came out of that SSC meeting. Now, these
44 are markedly higher than the old MSY value of 10.4 million
45 pounds, but, again, the thing to remember is they are picking up
46 the Florida east coast zone as part of their migratory group and
47 their stock is healthy and so its biomass is above what it needs
48 to be to replace itself with the presence of fishing pressure

1 taken into consideration.

2
3 Action 2 is broken up into a couple of parts. The first part is
4 to revise the ABC for Atlantic migratory group kingfish and
5 Alternative 1 would retain the current ABC at 10.46 million
6 pounds. Obviously there is a contradiction here between keeping
7 this and considering SEDAR-38 as the best science, which
8 suggests quite a large increase.

9
10 Alternative 2, which is recommended by the South Atlantic AP,
11 would revise the ABC for Atlantic kingfish for the specified
12 time series based on the ABC levels recommended by their SSC for
13 the acceptable biological catch under a high recruitment
14 scenario.

15
16 Now, this was one of the issues that came up on the Atlantic
17 side, is recruitment is down for the last several years on the
18 Atlantic side and so three different scenarios were presented to
19 the SSC, a scenario which showcases this low recruitment and
20 takes it into consideration, a scenario which presents moderate
21 recruitment, which is more of a long-term average beyond the
22 recent dip, and then a high recruitment time series, which
23 postulates that recruitment is trending up and it's going to
24 keep going up and this recent dip that's being shown in the
25 stock assessment is not as much of a concern.

26
27 Obviously the lower recruitment estimate is going to be more
28 conservative than the higher recruitment estimate and so
29 Alternative 2, which is preferred by the South Atlantic AP, says
30 that they want to move forward with revising the ABC, under the
31 assumption that the high recruitment scenario is the most likely
32 to be true.

33
34 Alternative 3 is the same thing, except it uses the medium
35 recruitment scenario, and Alternative 4 is the same thing again,
36 except with the low recruitment scenario, or the most
37 conservative of the three that are proposed.

38
39 This table shows you the difference in the ABCs based on the
40 high, medium, and low recruitment scenarios, using a P* value of
41 32.5 for the fishing years from 2016/2017 to 2019/2020. Again,
42 these are trending down, because the stock is thought to be
43 healthy right now and so you are fishing down that surplus
44 biomass down to MSY.

45
46 Then the buffers between ABC and OFL, based on the South
47 Atlantic Council's ABC control rule, are shown on the far right
48 side of that graph. If you guys have any recommendations or --

1
2 **CHAIRMAN DANA:** Why isn't the Gulf AP making recommendations?
3 Have they not met yet on these?
4
5 **MR. RINDONE:** The last time the Gulf AP saw this was when we
6 were in the options phase. They will see it again when we meet
7 in November, before it goes out to public hearing, so that we
8 include the AP's comments in the public hearing draft, but the
9 AP had said for the majority of the South Atlantic options to
10 let the South Atlantic do what it is that they feel is most
11 appropriate.
12
13 The only one that they weighed in on really was the one about
14 the bycatch in the shark gillnet fishery in the Atlantic and we
15 will talk about that one in a little bit.
16
17 **CHAIRMAN DANA:** Okay and so for the committee members, we have
18 the option of either holding off on establishing a preferred for
19 the alternative at this point until after the AP meets in
20 November, so we could revisit this in January, or, if you guys
21 feel strongly, we can do a preferred at this point and so what's
22 the pleasure? Martha.
23
24 **MS. BADEMAN:** I think it's okay to wait. This is a South
25 Atlantic action and the South Atlantic hasn't even chosen a
26 preferred yet and so I think let them start the conversation.
27
28 **CHAIRMAN DANA:** If I don't see anyone else's hands up, let's go
29 ahead and move on and wait until we hear back from the Gulf AP
30 in November. We will hear their results in January. Ryan.
31
32 **MR. RINDONE:** Thank you, Madam Chair. Moving on down to Action
33 2.2, which would revise the ACLs, commercial quotas, and
34 recreational ACT for Atlantic kingfish, Alternative 1 would keep
35 the status quo, which, like we mentioned, is contrary to what
36 the stock assessment is recommending.
37
38 Alternative 2 would revise the ACL and recreational ACT for
39 Atlantic kingfish based on the ABC level selected under Action
40 2.1 and so what happens in 2.1 affects what comes out in 2.2.
41
42 Under Alternative 2 though, the ACL would be equal to optimum
43 yield, which would be equal to the ABC, and the recreational ACT
44 would be equal to the ACL times 0.5, or one minus the percent
45 standard error, whichever is greater. This is what the South
46 Atlantic AP is recommending.
47
48 They're only considering these two alternatives because the

1 stock is healthy and so they're not seeing a reason to have
2 additional alternatives to consider further depressing the stock
3 in terms of landings, especially since Action 2.1 gives them the
4 opportunity to be a little bit more conservative if they think
5 that it's necessary, based on those recruitment trends.

6
7 If we scroll down just a bit, there are several tables in here
8 that show how all this shakes out for the different recruitment
9 scenarios, but based on you guys' previous comment with Action
10 2.1, do you have any -- Mara.

11
12 **MS. MARA LEVY:** Just talking about the alternatives, in the
13 document there is an Alternative 3 and an Alternative 4 and an
14 Alternative 5. I thought you said they were only considering
15 two alternatives.

16
17 **MR. RINDONE:** I misspoke.

18
19 **CHAIRMAN DANA:** Any discussion from committee members? Go
20 ahead, Ryan.

21
22 **MR. RINDONE:** Alternative 3 would set the ACL equal to OY using
23 a deterministic equilibrium yield at 30 percent SPR for the time
24 series. This is what is recommended by the SSC, the South
25 Atlantic's SSC, and so this is going to be a little bit more
26 conservative than what the AP had recommended.

27
28 You can see the ACL breakdowns for the commercial and
29 recreational ACLs there and then the recreational ACT is just
30 set a little bit lower, based on the percent standard error
31 method that they used for setting a buffer.

32
33 From Amendment 20B, I believe it's 20B, the South Atlantic had
34 split their management area into a northern and southern zone
35 for king mackerel management purposes. That's how those quotas
36 are apportioned there and so Alternative 4 would set the ACL
37 equal to optimum yield, which would be equal to the
38 deterministic equilibrium yield at 75 percent of F 30 percent
39 SPR, which is a little bit more conservative still for the same
40 time series. So it's the same values as were shown in
41 Alternative 3 are shown again in Alternative 4, albeit just a
42 little bit lower, to account for that little bit more
43 conservative approach.

44
45 We'll scroll down just a bit more and Alternative 5 would set
46 the ACL equal to optimum yield, which would be set equal to 90
47 percent of the ABC, based on whatever ABC levels are selected
48 under Action 2.1. Again, that accounts for that level of

1 recruitment and so you have the high, medium, and low scenarios,
2 which are shown in Table 2.2.2.2. Then the ACL and the ACT for
3 the recreational sector are shown on the right-hand side.

4
5 In the South Atlantic, the commercial sector, similar to the
6 Gulf, is also landing at or close to their ACL, while the
7 recreational sector is not landing up to its ACL, just to give
8 you an idea of what the landings trends have been over there.

9
10 **CHAIRMAN DANA:** Any questions of Ryan on Action 2.2? Seeing
11 none, we'll continue on with Action 3, Ryan.

12
13 **MR. RINDONE:** All right. Action 3 discusses the incidental
14 catch of Atlantic king mackerel caught in the shark drift
15 gillnet fishery. This is a small fishery that historically had
16 been able to sell king mackerel that were caught as bycatch in
17 their gillnets, so long as the federal season for the commercial
18 fishery were open, but in Amendment 20A, the sale of bycatch
19 king mackerel in the South Atlantic was prohibited.

20
21 These fishermen are requesting that they again be allowed to
22 sell these fish and so Alternative 1 would maintain what was put
23 forth in Amendment 20A and would maintain that prohibition on
24 selling that bycatch.

25
26 Alternative 2 would allow the retention and sale of Atlantic
27 kingfish caught with drift gillnets as incidental catch in the
28 gillnet portion of the commercial shark fishery for any vessel
29 with a valid shark directed commercial permit and a valid
30 federal king mackerel commercial permit. Those kingfish that
31 are caught as bycatch have to be sold to a federally-licensed
32 seafood dealer with a Southeast federal dealer permit.

33
34 For shark trips in the EEZ off of Florida, no more than two
35 kingfish per crew member can be onboard and no more than two
36 kingfish per crew member can be sold from the trip and for shark
37 gillnet trips in the EEZ north of the Georgia/Florida line, no
38 more than three kingfish per crew member can be onboard and no
39 more than three kingfish per crew member can be sold.

40
41 This difference between the EEZ off of Florida and the EEZ north
42 of Florida, and you will see it again in Alternative 3, is to
43 try to pair up as close as possible to the recreational bag
44 limits for king mackerel.

45
46 Alternative 3 again would allow the retention and sale of
47 Atlantic kingfish caught in the drift gillnet fishery as
48 incidental catch for any vessel with a valid shark commercial

1 permit and a federal kingfish permit and those kingfish, again,
2 would still have to be sold to a Southeast federal dealer.

3
4 For shark gillnet trips in the southern zone, again, no more
5 than two king mackerel per crew member can be onboard and no
6 more than two per crew member can be sold and for those gillnet
7 trips in the northern zone, that limit is increased to three.

8
9 If we scroll down to Table 2.3.1, you can see the number of
10 gillnet trips by the shark fishermen by year from 2010 through
11 2014 and the number of gillnet trips for shark and king mackerel
12 combined there in the next tab and so there aren't very many
13 fishermen that are usually on these boats. It doesn't seem to
14 be more than five, usually, and the total amount of king
15 mackerel landed for that entire year is roughly a couple
16 thousand pounds in the two most recent years. The average
17 number of king mackerel landed per trip is shown on the far
18 right there and so an average of about sixty pounds. Go ahead,
19 Mara.

20
21 **MS. LEVY:** I just had a question about the alternatives. So
22 Alternative 2 divides the difference and the number that can be
23 retained between the EEZ off of Florida and then anything north
24 and then the other one is the southern and the northern zone and
25 where does the southern zone end and did you say that it was
26 because it was supposed to align with the bag limits in those
27 different regions? How does that line up with where these lines
28 would be versus EEZ off of Florida and the EEZ off the southern
29 zone?

30
31 **MR. RINDONE:** The southern zone is from the North Carolina/South
32 Carolina line south to the Dade/Monroe County line and the
33 northern zone is from the South Carolina/North Carolina line
34 north all the way up to Connecticut, for management purposes,
35 and the South Atlantic has management authority over the king
36 mackerel north of North Carolina through an agreement with the
37 Mid-Atlantic Fishery Management Council.

38
39 The difference in the alternatives is that for Alternative 2
40 it's constraining the two king mackerel per crew member limit
41 just to off of Florida and under Alternative 3 that two-fish per
42 crew member limit would be enforced for Georgia and South
43 Carolina also.

44
45 **MS. LEVY:** So what's the reason for that? I guess I am just
46 curious what's the basis for saying three here and two here, but
47 then that line switching, depending on what alternative you
48 pick?

1
2 **MR. CHRIS CONKLIN:** I think it's to be consistent with the state
3 bag limits.

4
5 **MS. LEVY:** So I guess that's my question, but the line is
6 changing and so what is the state bag limit? Is it off Florida
7 two and everywhere else three or is it two off of Georgia,
8 because the line, depending on which alternative you pick, is
9 different and I heard the explanation about the state bag limit,
10 but then it seems to me that that's not really what's happening.

11
12 **MR. CHRIS CONKLIN:** We had a discussion on this and this fishery
13 primarily takes place off the east coast of Florida, just in
14 very small areas. I believe they are trying to accommodate
15 those guys, but I will have to get back to you on the other.

16
17 **MR. RINDONE:** That is where the intent was coming from. I just
18 wanted to give the opportunity for Chris to say something about
19 it. It's similar in scope to what we're considering for the
20 yellowtail circle hook change that we had talked about at the
21 last meeting, where it's something that affects a small number
22 of fishermen in a pretty well constrained area.

23
24 I mean there is a small amount of coastal shark gillnet fishing
25 that does occur north of Florida, but the large majority of it
26 is off of Florida and so this gives the South Atlantic Council
27 the option of constraining the majority of that effort to a
28 lower bag limit if they think that that's the most appropriate
29 course of action.

30
31 For the large part, the fish that are getting caught in these
32 drift gillnets, which have a mesh size of I think it's five-and-
33 three-quarter inches -- It's somewhere in that neighborhood and
34 it's a pretty decent mesh size and they are large fish and by
35 the time these nets get picked up, these fish are more than
36 likely dead and, of course, we can all surmise what discard
37 mortality is from a gillnet.

38
39 Their argument is that they would like to keep these. The South
40 Atlantic would also not like to see a fishery develop as an
41 aside to allowing this bycatch to be sold and by keeping the
42 limits that the commercial fishermen are allowed to sell at a
43 lower level, then it reduces the profitability, if you will, of
44 being able to sell those fish as a more directed fishery.

45
46 **CHAIRMAN DANA:** Steve Branstetter.

47
48 **DR. STEVE BRANSTETTER:** To get back to Mara's question, the

1 recreational bag limit line is at the Florida/Georgia border.
2 It's two fish in Florida and three fish north of there. That's
3 what Alternative 2 mimics, but the commercial zone is shifted
4 north to the North Carolina/South Carolina boundary, which is
5 what Alternative 3 gets you.

6
7 In other words, the recreational bag limit off of Georgia is
8 going to be two and these guys would be allowed to have either
9 two or three, depending on where you draw that line.

10
11 **CHAIRMAN DANA:** Thank you, Steve. Any other questions?

12
13 **MR. RINDONE:** Just one more comment about what the Gulf AP had
14 said. The AP was inclined to let the South Atlantic do whatever
15 it is that they had thought was most appropriate with this, but
16 their thoughts were that they shouldn't be throwing dead fish
17 back in the water if there is a market for them to be sold and
18 that was pretty much the extent of what their sentiments were.

19
20 **CHAIRMAN DANA:** Okay. Do you want to move into Action 4?

21
22 **MR. RINDONE:** Sure. Action 4 has been split by the South
23 Atlantic into what is being presented as Actions 4 and 5 and we
24 have gone ahead and plugged their language into this document
25 and into the main document as well and this has to do with how
26 they are going to manage the Atlantic migratory group of king
27 mackerel in the southern zone.

28
29 Action 4 initially was looking at commercial split seasons and
30 the establishment of the Florida east coast zone as a management
31 subzone of the Atlantic southern zone and they thought that it
32 would go a little bit more smoothly if they broke that large
33 action up into two separate ones for the purposes of trying to
34 fine tune things exactly how they thought it would best operate.

35
36 I will go through Actions 4 and 5 and if you guys are okay with
37 it, we would need a motion to go ahead and accept the South
38 Atlantic's language changes for old Action 4 being split into
39 the new Actions 4 and 5.

40
41 For Action 4, it would establish commercial split seasons for
42 Atlantic migratory group kingfish in the southern zone and,
43 right now, that commercial fishing year in the Atlantic is from
44 March 1 to the end of February and the southern zone quota is
45 allocated throughout the entire fishing year.

46
47 Alternative 2, which is preferred by the South Atlantic AP,
48 would allocate the southern zone quota for Atlantic kingfish

1 into two quotas based on which part of the year you're in, like
2 a season one and a season two, with season one from March 1 to
3 September 30, getting 60 percent of the southern zone quota and
4 the season two, being from October 1 through the end of
5 February, getting 40 percent of the southern zone quota.

6
7 Any remaining quota from season one, which opens first, would
8 transfer automatically to season two and any remaining quota
9 from season two would not be carried forward. When the southern
10 zone quota for the season is met or expected to be met, the
11 commercial harvest of king mackerel in the southern zone would
12 be prohibited for the remainder of the fishing season.

13
14 The idea behind doing it this way is that it helps to guarantee
15 that fishing opportunity is available throughout the year, as
16 opposed to there being a big rush earlier on during the year and
17 the quota being met and then there being a few months to several
18 months where fishing isn't allowed because the ACL has been met.

19
20 If we scroll down to Alternative 3, Alternative 3 would allocate
21 the southern zone quota for Atlantic kingfish, again into two
22 quotas, a season one and season two, with 60 percent of the
23 quota going in season one, between March 1 and October 1, and 40
24 percent going to season two, between November 1 and the end of
25 February.

26
27 Any remaining quota from season one would transfer to season two
28 and, again, any leftover from season two wouldn't be carried
29 forward and it would be closed when the quota was met or
30 expected to be met.

31
32 Alternative 4 would allocate the southern zone quota for
33 Atlantic kingfish again into a two-season structure, but
34 splitting it 50/50 between a season from March 1 to October 1
35 and 50 percent from November 1 to the end of February.
36 Effectively, what you would have there is from October 2 to
37 October 31 is the fishery would be closed.

38
39 Alternatives 3 and 4 were added by the South Atlantic Council in
40 September and you guys are seeing now and that's why they say
41 "new" in front of them.

42
43 If we scroll down a little bit, you will see Figure 2.4.1, which
44 shows the king mackerel commercial landings in the southern zone
45 by month for the fishing years from 1998 and 1999 through 2013
46 and 2014.

47
48 You can see there is kind of a dip from September through

1 November for most of the years presented and so you effectively
2 do have two seasons here and another thing to consider though is
3 that where this dip occurs is also about the time that the Gulf
4 migratory group starts showing up in the northeastern Gulf of
5 Mexico.

6
7 Some of the fishermen that might historically be fishing off the
8 Atlantic might be traveling over and fishing in the Gulf and
9 that's a possibility to explain some of that depression and it
10 also might have to do with where the fish are. You know
11 fishermen obviously don't try to go fishing where there are no
12 fish.

13
14 Table 2.4.1 shows examples of the possible split seasons for the
15 southern zone with the 60/40 allocations shown in Alternatives 2
16 and 3 and then Table 2.4.2 shows the same for the 50/50
17 allocation in Alternative 4. Then Table 2.4.3 shows the total
18 king mackerel commercial landings from the southern zone and the
19 percentages of the total landings under the potential split
20 seasons.

21
22 **CHAIRMAN DANA:** Any questions on Action 4?

23
24 **MR. RINDONE:** I know Action 4 is kind of a lot.

25
26 **CHAIRMAN DANA:** Leann.

27
28 **MS. LEANN BOSARGE:** Thanks. I was trying to remember in the
29 Gulf -- We had a lot of discussion, especially in the western
30 Gulf, where we had some fishermen and I think Myron had some in
31 Louisiana and we had some in Mississippi that had a good amount
32 of input on when they would like that opening date to be for
33 that season.

34
35 I was looking specifically at this Alternative 3 and what
36 implications is this going to have in the Gulf as far as our
37 fishermen and traveling fishermen when they split this season?
38 I like the out-of-the-box thinking by the South Atlantic to
39 maybe have two opening dates, essentially, for their season and
40 maybe that's something we can look at here, but can you talk a
41 little more about when our season opens and this split season
42 and what that may imply?

43
44 **MR. RINDONE:** The northern zone in the Gulf of Mexico now opens
45 on October 1 and the part of thinking behind having a closure
46 occur from the -- The fishery in the South Atlantic being closed
47 from October 2 through the end of October has to do with
48 accounting for some of their fishermen traveling over to the

1 Gulf and trying to fish that northern zone allocation.

2
3 Now, that's twofold. One, it provides an opportunity for those
4 traveling fishermen to come over and try to catch the fish, but
5 it also, from an economic standpoint, limits the amount of
6 places from where the fish are being sold and so it serves as
7 something of a price control, or at least that's the way that
8 it's being presented.

9
10 By both not being open at the same time, it helps keep the price
11 in check a little bit and helps afford a little bit better price
12 per pound to the guys that are selling fish and so the Gulf
13 decided to change the opening date of the northern zone to
14 October 1 so that the guys that were up there would have a
15 better chance of being able to actually go out and fish.

16
17 A lot of those boats that are in the northern zone are dually-
18 permitted, to some degree, and the charter season more or less
19 is wrapping up by the end of September or the beginning of
20 October and sometimes the fish are there early and sometimes
21 they're not, but they are usually around the beginning of
22 October.

23
24 So by changing our season start date for the northern zone to
25 that time, that affords the Gulf fishermen the opportunity to go
26 out and catch fish and so it's a bit of a balancing act between
27 them trying to ensure a good economic condition while also
28 affording opportunity to still be able to go over and catch
29 fish.

30
31 **CHAIRMAN DANA:** Kevin Anson.

32
33 **MR. KEVIN ANSON:** Just I guess relative to transferring any
34 unused quota from season one to season two, and it might be
35 because of the species, but I am wondering if Dr. Crabtree or
36 someone from the Science Center could explain how that would be
37 a viable option, whereas we've disused it in the past for red
38 snapper and that isn't a viable option of transferring unused
39 quota, because it would upset the balance of the ABC
40 determination and such. I am just wondering if that could be
41 applied here.

42
43 **MS. LEVY:** I think this is within the same year and so you have
44 a fishing year and then you're having two seasons, but they're
45 not allowed to then transfer it to the next year and so you're
46 not going to exceed your ABC for that next year.

47
48 **MR. ANSON:** All right. Thank you.

1
2 **MR. RINDONE:** Yes, that's correct. Anything left over from
3 season one rolls over to season two, but anything left at the
4 end of season two, that's it and it doesn't roll over.
5

6 **CHAIRMAN DANA:** Ryan, does the committee need to act at this
7 point to accept or not accept the changed language as provided
8 by the South Atlantic or do you want to wait until after Action
9 5?
10

11 **MR. RINDONE:** I should probably go through Action 5, just so
12 that you guys have seen both of them, since Action 4 was split
13 into these two. That way, if you guys feel it's appropriate to
14 do so, you can accept the language and then we can move forward
15 from there.
16

17 **CHAIRMAN DANA:** Okay. Go ahead with Action 5 then.
18

19 **MR. RINDONE:** Okay. Action 5 is another one of those multipart
20 actions. 5.1 is looking to establish boundaries for the Florida
21 east coast management zone for Atlantic kingfish and so under
22 SEDAR-38, that winter mixing zone was contracted to be just
23 south of the Keys, so that Florida east coast zone that we now
24 have as part of the Gulf migratory group, that is no more. That
25 is considered part of the Atlantic migratory group.
26

27 In Action 1, you guys had recommended Alternative 3 as
28 preferred, which takes that into account. That's in line with
29 what the stock assessment suggested and so the South Atlantic
30 still sees utility though in having this Florida east coast zone
31 as a management tool for managing the ACL and the effort in that
32 area, because there is a lot of effort concentrated in that
33 area.
34

35 Alternative 2 would establish the Florida east coast management
36 zone that exists year-round, with boundaries at one of the three
37 following options: at the Flagler/Volusia County line down to
38 the Dade/Monroe line; from the Volusia/Brevard line, which is a
39 little further south, to the Dade/Monroe County line; and from
40 the Volusia/Brevard County line down to the council
41 jurisdictional boundary, as designated in Action 1.
42

43 So if Action 1, Alternative 3 is selected as preferred, which is
44 that Dade/Monroe County line, then that would make Alternative
45 2b and 2c essentially the same thing for kingfish management
46 purposes.
47

48 Alternative 3 would establish a Florida east coast management

1 zone that exists only for season one, as designated in Action 4,
2 and so, depending on what is selected in Alternatives 2, 3, or 4
3 in Action 4 for what time period season one is going to occupy,
4 the Florida east coast zone would only exist during that time
5 period, with boundaries at one of those three options, which are
6 the same as were presented in Alternative 2. The South Atlantic
7 AP is in favor of Alternative 3, Option 3b here.

8
9 Now, Alternative 4 proposes the same thing, but for season two.
10 The AP, the South Atlantic AP, recommends Option 4a here, which
11 would be from the Flagler/Volusia County line down to the
12 Dade/Monroe County line, for season two, which is during the
13 wintertime.

14
15 What this essentially means, from the AP's recommendations, is
16 that they are recommending a little bit smaller Florida east
17 coast zone during the summertime, during season one, and then a
18 little bit larger Florida east coast zone during the wintertime,
19 or during season two.

20
21 If you scroll on down, you will see some figures here which will
22 illustrate this a little bit better for you guys. Figure 2.5.1
23 shows the boundaries from the Florida east coast zone under
24 Options 2a, 3a, and 4a, or at the Flagler/Volusia County line
25 down to the Dade/Monroe County line.

26
27 This is the larger of the three options that are presented and
28 so the South Atlantic AP is recommending this for season two,
29 which is that winter season.

30
31 If you scroll down to the next figure, this shows the boundaries
32 for the Florida east coast zone under 2b, 3b, and 4b, or also
33 for 2c, 3c, and 4c, if Alternative 3 in Action 1 is selected,
34 which you guys selected earlier. This is a little bit more
35 contracted Florida east coast management zone for the
36 summertime. Does everybody follow that?

37
38 From an impacts standpoint, again, the fish are going to be
39 caught, from a commercial perspective, no matter what and so I
40 skipped this one, because of what you guys had picked as
41 preferred, but this shows the boundaries for the Florida east
42 coast management zone under 2c, 3, 4c if the South Atlantic is
43 designated as the management authority for the mixing zone
44 through the Keys year-round and so it extends that Florida east
45 coast zone through the Keys.

46
47 From a biological standpoint, these fish are going to be caught
48 and so where the boundaries actually are doesn't really have a

1 real impact on the stock. The ACL is expected to be caught or
2 close to caught and if the ACL is met, then it will be closed.
3 That's the accountability measure for that. From a recreational
4 standpoint, there is no impact, because this is only focused on
5 commercial fishing pressure.

6
7 **CHAIRMAN DANA:** Is Action 5.2 still part of this?

8
9 **MR. RINDONE:** Yes, it's all part of the Florida east coast zone
10 setup, if you will.

11
12 **CHAIRMAN DANA:** All right and so you're going to go through that
13 now?

14
15 **MR. RINDONE:** Yes, I'm going to go through there next. Any
16 questions though on 5.1? Okay. 5.2 would establish a trip
17 limit system for the Florida east coast management zone and
18 Alternative 1 would not establish such a commercial trip limit
19 and the trip limit would remain. In the area between the
20 Flagler/Volusia County line and Volusia/Brevard County line, it
21 would be 3,500 pounds from April 1 to the end of October. From
22 Volusia/Brevard to the Miami-Dade/Monroe County line, the trip
23 limit would be seventy-five fish per vessel and from the winter
24 mixing season, from November 1 through the end of March, there
25 would be no trip limit in place for Atlantic king mackerel.

26
27 Alternative 2 would establish a year-round trip limit in the
28 Florida east coast management zone of seventy-five fish per
29 vessel, however that Florida east coast management zone is
30 designated in 5.1.

31
32 Alternative 3 would establish a trip limit of seventy-five fish
33 per vessel and would have options for reducing that trip limit
34 as presented below. Option 3a would reduce the trip limit to
35 fifty fish for the month of May and Option 3b would reduce the
36 trip limit to fifty fish per vessel from May until the end of
37 August and Option 3c would reduce the trip limit to fifty fish
38 per vessel from April 15 to May 15 and these step-downs were
39 recommended to reduce harvest during the spawning season.

40
41 Alternative 4 would establish a fifty fish per vessel trip limit
42 for Atlantic kingfish in the Florida east coast management zone,
43 however it's designated, for season two. Alternative 3 is for
44 season one and Alternative 4 is for season two, with three
45 options here as well.

46
47 Option 4a states that, beginning on February 1 and continuing
48 until the end of February, if 70 percent or more of the season

1 two quota has been taken that the trip limit would be fifty fish
2 per vessel. If less than 70 percent of the season two quota has
3 been taken, the trip limit would be seventy-five fish per
4 vessel.

5
6 Option 4b states that beginning on January 1 and continuing
7 through the end of February, and so that's for two months, if 70
8 percent or more of the season two quota has been taken, the trip
9 limit would be fifty fish per vessel and if less than 70 percent
10 has been taken, the trip limit would still be seventy-five fish.

11
12 Then Option 4c states that beginning on February 1 and
13 continuing through the end of February, if 80 percent or more of
14 the season two quota has been taken, then the trip limit would
15 be fifty fish per vessel and if less than 80 percent is taken
16 during season two, then the trip limit would be seventy-five
17 fish per vessel and so this just provides some harvest control
18 to try to slow down the pace of harvest and try to make sure
19 that the season lasts for as long as possible.

20
21 Again, from a biological standpoint, it's very likely that these
22 fish are going to be caught and so the main benefits of trying
23 to extend the season are going to be social and economic and
24 providing opportunity to continue to fish and continuing to be
25 able to sell fish and bring fish to the market.

26
27 **CHAIRMAN DANA:** Myron.

28
29 **MR. MYRON FISCHER:** Two questions. What's the timeframe between
30 70 and 80 percent? Does anyone have any indication?

31
32 **MR. RINDONE:** Not off the top of my head. I mean it depends.

33
34 **MR. FISCHER:** I mean is it enough time that the data could be
35 compiled, the trip tickets could be compiled, before there is an
36 overharvest?

37
38 **DR. BRANSTETTER:** What's your fractions again, Myron?

39
40 **MR. FISCHER:** If we go from 70 percent to 80 percent, and I
41 guess it's really not how long between 70 and 80 percent, but
42 how long between 80 percent and 100 percent, to prevent an
43 overharvest? Are we getting too close to overharvest at 80
44 percent is the simple question.

45
46 **DR. BRANSTETTER:** It's a complicated answer. The mackerel
47 fishery, just in general, tends to start off slow and
48 accelerate. The catches go up just geometrically and so when

1 you're at 65 percent, you've been at 45, 50, 57, 65 and you go
2 from 65 to 80 and you go from 80 to 105. It happens that fast,
3 if you're into fish.

4

5 **MR. FISCHER:** My next question, Ryan, was did the South Atlantic
6 AP have any -- They didn't have a preferred on this?

7

8 **MR. RINDONE:** No, they did not.

9

10 **CHAIRMAN DANA:** So on Action 4 and 5, we are, as a committee,
11 asked to either accept this language provided by the South
12 Atlantic or not accept it, I guess, or could we move not to
13 accept it and then allow the AP, our Gulf AP, to review it or if
14 we don't accept it, it just kind of doesn't appear any longer?

15

16 **MR. RINDONE:** If you guys don't accept it, then we have to talk
17 with the South Atlantic about what we would do as far as
18 rewriting the document. The document has been presented to you
19 guys with the new Actions 4 and 5 as being accepted, so that you
20 would have the opportunity to review them and see the associated
21 analyses and then, if you felt it was appropriate, include that
22 language and take it out to public hearing and see what folks
23 think.

24

25 If you didn't, then we would go back to the old Action 4, which
26 was a three-part action. It was a little bit confusing and it
27 didn't do a good job of describing what the South Atlantic
28 wanted to do with respect to breaking up their commercial split
29 season idea and how they wanted to manage the Florida east coast
30 zone.

31

32 The split season has an impact on the boundaries for the Florida
33 east coast zone and how it would be established in Action 5.1
34 and then 5.2 establishes the trip limit system, which, again,
35 relies on those split seasons to determine when certain trip
36 limits are going to be in place. It provides them with the most
37 flexibility for managing that Florida east coast zone, as they
38 have presented it.

39

40 **CHAIRMAN DANA:** Okay and so, by and large, these two actions, as
41 split, are South Atlantic actions and they don't, for the most
42 part, impact the Gulf fishery.

43

44 **MR. RINDONE:** They are largely South Atlantic actions. The
45 opportunity for impacts to the Gulf fishery has to do with
46 Action 4 and how the split season structure would be set up and
47 so under Alternative 2, the fishery would remain open year-
48 round. I am back in Action 4 right now and trying to answer

1 Pam's question.

2
3 Alternative 2, the commercial fishery in the South Atlantic
4 would remain open year-round and so if folks wanted to travel
5 from the South Atlantic to the Gulf to fish at any point during
6 the year, as long as that Gulf zone is open, they can still do
7 that.

8
9 Alternatives 3 and 4 would provide for a closed season in the
10 Atlantic, if you will, from October 2 to October 31, which
11 coincides with the opening date of the Gulf northern zone, which
12 is an area that does get a fair amount of fishing pressure,
13 along with the western zone, from traveling fishermen.

14
15 If you look, again, back at Figure 2.4.1, you can see that dip
16 in the landings of Atlantic king mackerel in the southern zone
17 from basically September to November. It's kind of depressed
18 and, again, that might be a function of fishermen traveling over
19 to the western zone and then heading east to the northern zone
20 as the fish move and to fish those Gulf migratory group kingfish
21 and it might also be in combination with other environmental
22 variables which move fish around.

23
24 Action 4 is most likely to have some sort of impact, if you
25 will, on the Gulf. Now, the South Atlantic Mackerel AP's
26 recommended alternative is Alternative 2, which would keep the
27 fishery open year-round and it wouldn't provide for any sort of
28 closed season and so it would -- For the guys that don't travel,
29 Alternative 2 is best for them, because they can keep fishing
30 the Atlantic side and it's not going to close on them and those
31 opportunities persist over there.

32
33 For the guys that travel, they probably would have some interest
34 anyway in Alternative 3 or 4, because it gives them an
35 opportunity to go over to the Gulf side and fish over there and
36 having that closed season helps with prices, like we had
37 mentioned earlier.

38
39 It's a bit of a balancing act. It's like what's more important?
40 Is year-round access in your own pond the most important thing
41 or do you travel, but you want the value of the fish to not go
42 down quite so quickly and you want to boost it up just a little
43 bit?

44
45 **CHAIRMAN DANA:** Okay and so what's the pleasure of the
46 committee? Do we accept the language provided by the South
47 Atlantic to be considered by our AP, Gulf AP, and then, if we
48 choose to take this out to public hearings, do we choose not to

1 accept this language or these new actions, split actions, which
2 are somewhat confusing? Anyone from the committee? Myron.
3
4 **MR. FISCHER:** After the AP looks at it, we get one more look
5 before it goes to public hearings?
6
7 **CHAIRMAN DANA:** What I heard from Ryan is that if we choose not
8 to accept this language that we revert back to Action 4, which
9 has three alternatives. Maybe I am wrong. Dr. Crabtree.
10
11 **DR. CRABTREE:** I will make a motion to accept the South
12 Atlantic's modified language for 4 and 5.
13
14 **CHAIRMAN DANA:** We've got a motion on the board to accept the
15 South Atlantic's modified language in Actions 4 and 5. Is there
16 a second? We have a second by Martha Bademan. Any discussion?
17 I see the South Atlantic has --
18
19 **MR. CONKLIN:** Thanks for letting me speak. So this range of
20 options is pretty much -- I mean we had to come up with a bunch
21 of different stuff so that we can have a good range of sensible
22 alternatives and you know some of these pretty much mirror
23 what's currently going on in the fishery and trying to
24 accommodate where there's not a ton of change, but this
25 obviously has to be done, since we're changing the line. We
26 sure would like to move forward with it.
27
28 **CHAIRMAN DANA:** I think probably there is some sensitivity on
29 the Gulf Council to the traveling fishermen, at least in the
30 western zone. That's probably why you've got some ambivalence
31 here. Any other discussion? We've got a motion on the board in
32 Actions 4 and 5 to accept the South Atlantic modified language.
33 **All those in favor say aye; against say nay. The motion passes.**
34 Ryan.
35
36 **MR. RINDONE:** Myron.
37
38 **MR. FISCHER:** Motion to accept the language to go to public
39 hearings.
40
41 **MR. RINDONE:** So you guys can make a motion to go to public
42 hearings, if you would like, once we get through the rest of it,
43 but --
44
45 **MR. FISCHER:** I just wanted to remind or make certain that it's
46 on the record that we're not accepting their language in any
47 final document. We're accepting it at this stage to go to
48 public hearings.

1
2 **CHAIRMAN DANA:** Right and the intent to accept the language is
3 so that the AP, the Gulf AP, and the public can consider the
4 merits of it. However, as in all cases, we could move it later
5 into the considered but rejected category. Ryan.

6
7 **MR. RINDONE:** Thank you, Madam Chair. So we're finally into the
8 Gulf stuff.

9
10 **UNIDENTIFIED:** Can we do that after lunch?

11
12 **MR. RINDONE:** It's you guys' pleasure. I would leave it up to
13 you, Mr. Chair.

14
15 **MR. ANSON:** Dr. Dana, it's about 11:30 and that was our normal
16 break time and is this a good point to stop and we can reconvene
17 after lunch?

18
19 **CHAIRMAN DANA:** Ryan, I am going to ask you, if we were to go
20 through the remainder of this amendment, because I think that
21 Action 8 is probably the -- The IPT recommendations is going to
22 be -- What do you think the remaining time is to finish up this
23 amendment?

24
25 **MR. RINDONE:** More than thirty minutes.

26
27 **CHAIRMAN DANA:** Okay. I would suggest we go to lunch and take
28 it up when we come back.

29
30 **MR. ANSON:** All right. That's good. Then we will go ahead and
31 recess until 1:00 P.M. and reconvene at that time. Thank you.

32
33 (Whereupon, the meeting recessed at 11:30 a.m., October 5,
34 2015.)

35
36 - - -

37
38 October 5, 2015

39
40 MONDAY AFTERNOON SESSION

41
42 - - -

43
44 The Mackerel Management Committee of the Gulf of Mexico Fishery
45 Management Council reconvened at the Hilton Galveston Island
46 Resort, Galveston, Texas, Monday afternoon, October 6, 2015, and
47 was called to order at 1:00 p.m. by Chairman Pamela Dana.

1 **CHAIRMAN DANA:** We are going to reconvene the Mackerel Committee
2 meeting and while we just wrapped up on Action 6, we need to go
3 back, unfortunately, to Action 4, because we have learned that
4 the South Atlantic Council in fact had a different -- There was
5 a different wording than what they forwarded over to us.

6
7 The wording that we have is what we received from the South
8 Atlantic Council. However, we were informed over the lunch
9 break that they in fact meant to change that language and so I
10 am going to ask, before I have Ryan take over, I am going to ask
11 Chris Conklin if he can explain.

12
13 **MR. CONKLIN:** Thank you, Madam Chair. Under Action 4, new
14 Alternative 3 and Alternative 4, I know there was some concern.
15 The wording creates about a one-month closed season on king
16 mackerel. That certainly wasn't our council's intent. I do
17 know that we all read over it and everyone is to blame and no
18 one caught it.

19
20 With a healthy fishery that we have, it certainly wouldn't be
21 the intent to close it for a month for no reason, especially to
22 come travel over to the Gulf and catch all your fish. With that
23 in mind, I would like to ask somebody on the committee to
24 consider making a motion to amend the wording in Alternative 3
25 and Alternative 4 under Action 4 of this document to change the
26 date in each one to March 1 to October 31, whereas it's
27 currently worded to October 1. That would eliminate the closed
28 season, the thirty days or whatever it would be, so we wouldn't
29 be coming over and having to go fish on your fish.

30
31 **MR. RINDONE:** Right and so the effects that I was describing to
32 you before were based on the language that we had been provided,
33 what the potential effects could be for that closed season, and
34 so under the edits that the South Atlantic is requesting, then
35 that obviously changes and they wouldn't have a closure over
36 there and so there wouldn't be a strong impetus to have
37 fishermen travel, as the way it's currently worded. Bernie, if
38 you wouldn't mind throwing what Chris has requested up there on
39 the board and then if somebody on the committee wants to --

40
41 **CHAIRMAN DANA:** First of all, does everyone understand the
42 changes outlined by the South Atlantic? Okay. So we did have a
43 motion that we voted on before and I am told that's fine, but we
44 need an additional motion, which would be to amend Alternatives
45 3 and 4 in Action 4, such that the end of season one is October
46 31 instead of October 1. Martha Bademan.

47
48 **MS. BADEMAN:** So moved.

1
2 **CHAIRMAN DANA:** Okay. Martha Bademan moves and Roy seconds the
3 motion. Is there any discussion on the motion? **Seeing none,**
4 **all those in favor of this motion signify by saying aye;**
5 **opposed. The motion carries.** Thank you. Ryan, I guess we're
6 going into Action 6.

7
8 **MR. RINDONE:** Thank you, Madam Chair. We will move on to Action
9 6, Bernie. All right. Now we're in the meat of the Gulf stuff.
10 Action 6 would modify the annual catch limit for Gulf group
11 kingfish and so Alternative 1 would ignore what came out of the
12 stock assessment, which stated that the Gulf migratory group of
13 kingfish is not overfished and it's not undergoing overfishing
14 and it's actually very healthy.

15
16 The current ACL is 10.8 million pounds, but the thing to
17 remember, as we talked about last time, is that 10.8 million
18 pounds includes the Florida east coast, which the stock
19 assessment told us was not in fact part of the Gulf migratory
20 group.

21
22 When we remove that Florida east coast zone, that area, we are
23 removing a certain poundage of fish, but we're also removing
24 effort and the amount of effort that's being removed
25 proportionally is actually greater than the amount of fish
26 that's being removed and so, in the end, even though the
27 proposed ABCs that you see in Alternative 2 are lower than what
28 we have now, the number of people at the table to share the pie
29 is fewer than it was before.

30
31 Alternative 2 would set the Gulf migratory group kingfish ACL
32 equal to the ABC recommended by the Gulf's SSC for the fishing
33 years from 2015 to 2019 and the ABC is going to be in millions
34 of pounds whole weight. Right now, it's just millions of pounds
35 landed weight and so whether the fish is missing a head or it's
36 gutted or it's whole, however it shows up at the dock.

37
38 The stock assessment this time determined everything in whole
39 weight and so we have a declining stream right now, where it's
40 at 9.62 million pounds in 2015 and it trends down towards about
41 eight-and-a-half million pounds in 2019 and the reason for this
42 is because of the stock's health. There is a surplus of fish
43 and so the model is saying that this surplus can be caught in
44 the early years, as you trend down towards fishing at MSY.

45
46 You have an abundance of extra fish and now, if these fish
47 aren't caught, then the next time we do an update, again, you
48 would still have that spike and that declining trend down.

1 Alternative 3 would establish a constant catch scenario for Gulf
2 group kingfish and this would be for one of the following time
3 periods, either a three-year period or a five-year period, and
4 the ACL during this time period could not exceed the ABC
5 recommended by the Gulf SSC for any year during that time
6 period.

7
8 Now, the problem with this is that constant catch scenarios
9 require an allocation in order to be determined and we have our
10 current allocation of 68 percent to the recreational and 32
11 percent to the commercial guys, but we are considering changing
12 that allocation in Action 8 and there are multiple different
13 options being considered for adjusting that allocation.

14
15 Some of them are on an annual basis and some of them have
16 triggers built in, where they revert back if the recreational
17 sector meets some predetermined threshold. All of that would
18 require a different constant catch scenario for each one and
19 whatever constant catch ACL was determined would have to be
20 changed back to something else in the event that one of those
21 recreational triggers was hit or in the case of where we're
22 adding, or proposing adding, 2 to 5 percent to the commercial
23 ACL every year, up until a certain point.

24
25 You would need a new constant catch scenario to be determined
26 each time and so a constant catch scenario is extremely
27 complicated and may pose problems for managing king mackerel
28 under what we're currently talking about. Roy, you raised your
29 hand?

30
31 **DR. CRABTREE:** Yes and I guess I'm having a hard time
32 understanding why that's a problem with the constant catch, but
33 not a problem in Alternative 2.

34
35 **MR. RINDONE:** Alternative 2, if we go back up, would set the ACL
36 equal to the ABC and so under Alternative 2, you're not having
37 to modify -- I wish Bonnie were here to talk more about why they
38 need to know what the allocation is, but you're not having to
39 modify the ACL based on what the allocation is going to be and
40 so it's a hard set and it's not something that you have to
41 account for and maintaining some sort of buffer underneath the
42 ABC so that the ACL doesn't exceed the ABC in any given year,
43 because it can't be set higher than. It can be set equal to.

44
45 **MR. SANCHEZ:** I am kind of at a loss. We see a healthy fishery
46 like king mackerel and then we look at 2015 and then over time
47 one would think you have a healthy fishery and it's managed and
48 we're not catching -- We're not harvesting to the level that we

1 could be, yet, over time, the ABC just continues to decrease,
2 decrease, decrease. That seems to be happening in not just
3 mackerel, but in other fisheries that we look at.

4
5 Is there something innately uniquely questionable in our
6 modeling for these assessments that causes this to happen,
7 because it defies logic. It doesn't make sense.

8
9 **MR. RINDONE:** As far as the model is concerned, I am not an
10 expert in SS and so I don't think it's appropriate for me to
11 talk about SS explicitly like that, but, from a perspective of
12 where king mackerel is as a stock, the stock is healthy and we
13 have been underfishing king mackerel for over a decade and so
14 you have a large amount of fish that have been left in the water
15 that presumably anyway have been able to reproduce and
16 contribute to the population and so you're left with more than
17 you need to replace what is removed from fishing.

18
19 What the model is suggesting here is that you can catch that
20 surplus, that glut, that's above what you need to replace what's
21 normally taken from fishing, and you are fishing down to a
22 sustainable level that can be maintained for a long period of
23 time.

24
25 **DR. CRABTREE:** But I think the reality will be, unless we
26 reallocate somehow, that we will continue not to catch the ABC
27 and so we won't fish the stock down and it will remain at a
28 higher level, because I think those declining yields assume we
29 catch all of it.

30
31 **MR. RINDONE:** That is correct and the Gulf Mackerel AP had
32 recommended that the Science Center take another look at the
33 landings for king mackerel every year and update the OFL and ABC
34 recommendations every year, so long as we are underfishing, to
35 make sure that the maximum fishing opportunity is being afforded
36 to both the recreational and the commercial fishermen. That's
37 not something that we're addressing in this document explicitly,
38 but it's something that the council certainly could consider
39 requesting of the Center if they chose to.

40
41 **CHAIRMAN DANA:** Okay. Ryan, you've gone through Action 6 and do
42 we need to do something here?

43
44 **MR. RINDONE:** Well, so the short of it is Alternative 3 is --
45 It's not completely unworkable, but it's going to create a lot
46 of complications for determining that constant catch scenario
47 and you would be, by establishing a constant catch scenario, you
48 wouldn't be given the opportunity to fish that surplus, if

1 that's what you wanted to do, and so you would basically be
2 choosing between having the opportunity to fish that extra
3 poundage that's available to you now or establishing continuity
4 in the fishing seasons.

5
6 Now, for the recreational side, there is not much of an impact,
7 because the recreational sector isn't landing their ACL now.
8 It's a 365-day-a-year fishery and so either way it's not likely
9 to impact them at all.

10
11 From a commercial standpoint, if you're setting a constant catch
12 scenario, presumably they would be able to fish less under
13 Alternative 3 in the early years than they could under
14 Alternative 2, but more in the later years than they could under
15 Alternative 2, but, again, that constant catch scenario is going
16 to be largely dependent on what allocation option is chosen in
17 Action 8 and so Alternative 3 in Action 6 is largely dependent
18 on what you guys select in Action 8 and that's why we don't have
19 any actual numbers for that scenario built out yet, because of
20 all the different options that are possible.

21
22 **CHAIRMAN DANA:** So I go back to my question. In that there is
23 some uncertainties as we go a little bit further into this
24 document, namely Action 8, wouldn't we be best served to not do
25 anything at this point with Action 6 and see how we land on
26 Action 8?

27
28 **MR. RINDONE:** If that's what you guys want to do and so I guess
29 with Action 6 if you wanted to pick a preferred, you would be
30 picking it based on principle more than the actual numbers. If
31 you want to be able to have the opportunity to harvest as much
32 as is available in any given year, then you would want
33 Alternative 2. If you think continuity in season length might
34 be more important, and we've seen that at least for the
35 commercial side. That season length varies by where the fish
36 are when and the amount of people that actually travel over and
37 the people that fish the western zone and the northern zone when
38 those fish show up.

39
40 That commercial season length is variable as it is and so
41 establishing continuity in season length is still kind of a
42 stretch, based on the history of when the seasons have closed
43 for each zone. That's basically what you're looking at. Do you
44 want to try to give some idea of continuity in Alternative 3 for
45 the commercial guys for season length or do you want to allow
46 the maximum possible harvest from the stock assessment, as
47 outlined from the SSC in Alternative 2? If you wanted to pick a
48 preferred, you would be making it based on that information.

1
2 **CHAIRMAN DANA:** Okay. Committee members, as Ryan just said, if
3 we establish a preferred alternative today, it would be based on
4 principle and it's not yet encompassing our discussions on
5 Action 8 and what's the pleasure of the committee? We have no -
6 - Our committee has nothing to say at this moment.
7
8 **MR. SANCHEZ:** Let's move forward.
9
10 **CHAIRMAN DANA:** Move forward? David Walker.
11
12 **MR. DAVID WALKER:** We can move forward or Alternative 2. I mean
13 I like Alternative 2 and I could make it the preferred. We
14 could always change it or the AP is going to meet again.
15
16 **CHAIRMAN DANA:** Is that a motion?
17
18 **MR. WALKER:** Yes, I would make that my motion.
19
20 **CHAIRMAN DANA:** Okay. We have got a motion to make in Action 6
21 Alternative 2 the preferred, which is to set the Gulf migratory
22 group king mackerel ACL equal to the ABC recommended by the Gulf
23 Scientific and Statistical Committee for 2015 through 2019. ABC
24 values are in millions of pounds whole weight and there is a
25 grid associated with that. Do I have a second? Myron Fischer
26 seconds it. Is there any discussion? David, why don't you
27 discuss your motion?
28
29 **MR. WALKER:** I mean it's what the SSC -- That's what they
30 recommended and so I would like to stick with their
31 recommendation on this and we can maximize and then when we
32 revisit it from year to year, we may take advantage of getting
33 those fish now. I mean if we've underfished it for a decade,
34 maybe the stock is rebuilding faster than we expected.
35
36 **CHAIRMAN DANA:** Any other discussion? Our Gulf AP will have an
37 opportunity to look at this as well in November. Okay. We have
38 a motion on the board. **All those in favor of making in Action 6**
39 **Alternative 2 the preferred alternative signify by saying aye;**
40 **all those opposed. The motion passes.** Ryan.
41
42 **MR. RINDONE:** Everybody is so excited to have come back from
43 lunch.
44
45 **CHAIRMAN DANA:** So excited.
46
47 **MR. RINDONE:** All right. We are going to move on to Action 7
48 now. This is changing the commercial zone quotas. Now, in the

1 SEDAR-38 stock assessment, and we've hit on this a few times
2 now, that the Florida east coast zone is part of the Atlantic
3 now. That Florida east coast zone was initially thought to be
4 Gulf fish and part of the Gulf commercial zone allocation went
5 to that zone and it was managed by the South Atlantic Council
6 and it was approximately 31.91 percent of the Gulf's commercial
7 ACL.

8
9 When we remove the Florida east coast zone from Gulf management,
10 that leaves a void in the commercial ACL of 31.91 percent and so
11 if we add up all of our zones, it doesn't equal 100 and so
12 that's what we're trying to address with Action 7.

13
14 Alternative 1 would maintain the status quo, which, based on you
15 guys' motion in Action 1, is not -- It would not be preferred
16 and does not follow the advice of the stock assessment. The
17 current zone quotas, just so you guys can bear them in mind, are
18 31 percent for the western zone, 5.17 percent for the northern
19 zone, and the southern zone hand line and gillnet both have
20 15.96 percent.

21
22 Alternative 2 would revise the commercial zone quotas for Gulf
23 kingfish by dividing the Florida east coast zone's quota, that
24 31.91 percent, into four equal parts, and it's like 7.96 percent
25 each or something in that neighborhood, to be added to each of
26 the remaining Gulf commercial zones.

27
28 Now, for the sake of this action, we are considering the
29 southern zone hand line and the southern zone gillnet components
30 as being separate and so this particular pie would be divided
31 into four slices.

32
33 Alternative 3 would revise the commercial zone quotas for Gulf
34 kingfish by dividing each individual zone's quota percentage by
35 the sum of the quota percentages for all of Gulf commercial
36 zones except the Florida east coast zone. This is what we're
37 calling our proportional reallocation.

38
39 For instance, the western zone has 31 percent and so to
40 determine what portion of the pie the western zone would get
41 under Alternative 3, you would take 31 percent and divide it by
42 68 percent and then the result of that is forty-something
43 percent and so that would be the western zone's new commercial
44 zone allocation for Gulf kingfish and then you would do the same
45 for the other remaining zones also.

46
47 Alternative 4 would revise the commercial zone quotas for Gulf
48 kingfish as follows. 40 percent for the western zone, 18

1 percent for the northern zone, and 21 percent each for the
2 southern zone hand line and gillnet components. This is what
3 was proposed and recommended by the Gulf AP.

4
5 So if we move on down to Table 2.7.1, you can see what we
6 currently have and then 2.7.2 shows what the resultant
7 allocations would be based on each alternative and, right now,
8 we're looking at 32 percent of the total ACL going to the
9 commercial sector, which we're going to talk a little bit more
10 about possibly changing that in Action 8.

11
12 The actual poundages that might result from these different
13 alternatives will depend on what you guys choose in Action 8,
14 but this is what you're looking at for the options for
15 redistributing the commercial zone allocations in the Gulf.

16
17 **CHAIRMAN DANA:** Dr. Crabtree.

18
19 **DR. CRABTREE:** Ryan, can you explain to us what the basis for
20 the numbers in Alternative 4 was?

21
22 **MR. RINDONE:** Sure. The AP was talking about the fishing
23 opportunities in the northern zone and, of course, in 20B we
24 changed the start of the fishing season in the northern zone to
25 open on October 1 and continue through the end of September,
26 which was timewise supposed to give those guys the opportunity
27 to try to catch those fish.

28
29 Now, having 5.17 percent of the total commercial quota, the guys
30 in the northern zone felt like they were at a disadvantage, from
31 an allocation standpoint, as far as being able to access the
32 fish. They thought they were still going to have a short window
33 in which to fish and so they were arguing for more poundage.

34
35 Now, all of the alternatives, 2, 3, and 4, add pounds to each
36 zone and it just depends to what degree. If we look at 2.7.2
37 again, Alternative 2 gives the northern zone guys about an -- It
38 gives everybody about an 8 percent boost and that's the equal
39 reallocation one.

40
41 Alternative 3 gives the biggest boost to the western zone,
42 because they already catch the majority of the fish, based on
43 the remaining allocation, but the northern zone -- I mean the
44 northern zone's ACL would go up about 50 percent and so it's
45 still a sizeable amount, but they were lobbying for a little bit
46 more of an increase than that. I think there are roughly two-
47 hundred-and-some-odd permit holders that use their area as their
48 hailing port. It's in that number and it changes based on who

1 renews and who doesn't and who sells.

2
3 Then the southern zone hand line and gillnet components are
4 keeping about the same amount of increase, regardless of the
5 option. They get the most out of Alternative 2, but Alternative
6 3 and 4 are not too, too much less. I mean Alternative 4 is
7 about 10 percent less than Alternative 2.

8
9 Alternative 4 though provides a very large boost for the
10 northern zone and the AP considers it more or less guarantees
11 them additional fishing opportunities, because of such a large
12 increase in ACL, over 200 percent, and so that's why they had
13 proposed that, because everybody would still get a bump, but the
14 northern zone would definitely have an increase in potential
15 fishing opportunity by all those extra pounds being added to
16 their zone. I know that's kind of a long answer, but that's
17 about how the discussion shook out.

18
19 **CHAIRMAN DANA:** At that meeting, the AP was fairly unanimous in
20 supporting that.

21
22 **MR. RINDONE:** I can look up the vote, but I remember it being
23 heavily weighted towards being in favor of Alternative 4.

24
25 **CHAIRMAN DANA:** John Sanchez.

26
27 **MR. SANCHEZ:** Yes, but if you recall, at that time there was
28 really, with the exception of maybe Tom Marvel, almost no
29 representation from the king mackerel fishermen in the southern
30 zone. With the recent reappointments or new appointments, that
31 may change for subsequent AP meetings, but obviously it favored
32 the northern Gulf far more than the southern.

33
34 **CHAIRMAN DANA:** Myron Fischer.

35
36 **MR. FISCHER:** Thank you, Madam Chair. I am just bringing
37 something up for discussion and I think I'm going to need John
38 to jump in. He was not on any council at this time, but he was
39 representing mackerel fishermen, but wasn't this northern zone
40 created to give those fishermen a window when the fish were
41 passing and they were content with that percentage, because that
42 percentage was given by other zones to give these fishermen a
43 percentage.

44
45 Now that they've got their percentage given to them, it sounds
46 to me like now suddenly they want a much larger percent at the
47 sake of the other zones. It was a compromise and even some of
48 these fish might have come from the east coast. I would let

1 John --

2
3 **MR. SANCHEZ:** Yes, I would agree with that historically and I
4 think, getting back to the history, we're all for sharing and
5 giving some, but let's do it a little more proportional to
6 historical participation and if everybody gets a bump, let's
7 everybody get a bump, but not disproportionately.

8
9 **MR. FISCHER:** I would like just to clarify and so, on
10 Alternative 3, it would be proportional increases. Like we're
11 eliminating a zone and taking those fish and would be
12 proportionally giving them to the other zones, based on the
13 historical catch, Ryan?

14
15 **MR. RINDONE:** 2 is equal and 3 is proportional, but it's
16 proportional based on what their current zone allocation is and
17 so to determine what the western zone's allocation would be
18 under Alternative 3, you would take that 31 percent and divide
19 it by 68 and you get 68.09 really, because that's the amount of
20 the commercial ACL that's left when you remove the Florida east
21 coast zone, which is what we're trying to divide.

22
23 You take that 31 and you divide it by 68 percent and you get
24 45.53 percent and so that 45.53 percent is what the western
25 zone's allocation would be out of the total Gulf commercial king
26 mackerel ACL. The northern zone would be 7.61 percent and then
27 the southern zone hand line and gillnet components would both be
28 23.43 percent each and that total sums up to 100 percent.

29
30 **MR. FISCHER:** Okay. I am not certain of how your math got
31 there, but just so I'm clear, you take the Florida east coast
32 31.9 and whatever percent is listed above it, it's allocated to
33 each zone more or less based on those percents. I admit it
34 doesn't add up to 100 percent, but based on that percentage or
35 that --

36
37 **MR. RINDONE:** The amount that's being voided by the Florida east
38 coast zone being considered part of the Atlantic group would sum
39 up to the increases that are being added to each commercial zone
40 in Alternative 3. Like if you take the difference between
41 Alternative 1 and Alternative 3 and you add those differences
42 up, you get 31.91.

43
44 **CHAIRMAN DANA:** Martha Bademan and then Dr. Crabtree.

45
46 **MS. BADEMAN:** I was just going to say I think one thing that I
47 think we need to keep in mind as we're having this discussion is
48 kind of what's been going on in the northern zone.

1
2 I think we've had a situation, and maybe this is going to change
3 now that we've shifted the start of their fishing season to
4 October, but I think we've had a situation where we've had guys
5 with permits that are ready to go fishing, but, by the time the
6 fish come through their area, the season is already shut down
7 because the quota has been met. I don't think there's been
8 enough to go around there and I guess we'll see how this season
9 shakes out with October, but it's just something to keep in mind
10 there.

11
12 **CHAIRMAN DANA:** Dr. Crabtree.

13
14 **DR. CRABTREE:** I guess what I am having trouble with is, okay, I
15 get that the northern zone may have been under allocated, I
16 guess, at one point and I assume these allocations were done a
17 long time ago, based on ancient history of landings and things.
18 It does seem to me more straightforward if you want to give the
19 northern zone some more fish -- Alternative 2 does that and at
20 least then I can understand how you divvied up the more fish.
21 Everybody gets equal amounts.

22
23 I get with Alternative 4 that they wanted to give the northern
24 zone more fish, but it's not clear to me exactly how they came
25 up with how many more fish to give them and so my concern is
26 there may not be that good of a rational explanation for how
27 they came up with those specific numbers in Alternative 4.

28
29 Alternative 2 is pretty close to Alternative 4 in terms of the
30 outcome, except the northern Gulf gets some of a bump in
31 Alternative 2, but not as much of a bump as they would get with
32 Alternative 4, but at least I can understand where that one came
33 from and so I am more inclined to go with -- If you want to give
34 some more fish to the northern Gulf, it seems the case for
35 Alternative 2 is a little more solid than 4 and I haven't read
36 the AP report and I wasn't there and perhaps it gives an elegant
37 rationale for how it came up with those numbers, but my worry is
38 that it was just sort of a compromise, but I don't really know.

39
40 **MR. RINDONE:** The AP's rationale behind Alternative 4 was that
41 it gives a boost to the western zone and a boost to the southern
42 hand line and gillnet components, but it also affords a large
43 increase for the northern zone, so that, accompanied with the
44 change in the fishing season start date for that zone, they
45 should have the opportunity to go and catch fish.

46
47 They had based it -- There was one AP member in particular who
48 came up with it, but he had based it on looking at what

1 Alternative 2 was going to produce, but also considering the
2 proportions. I mean it was somewhat arbitrary, but --

3

4 **CHAIRMAN DANA:** It was an eleven-to-two vote.

5

6 **MR. RINDONE:** Yes, it was an eleven-to-two vote for adding and
7 preferring Alternative 4 by the AP.

8

9 **CHAIRMAN DANA:** David Walker and then Doug Gregory.

10

11 **MR. WALKER:** I just was wondering about the -- You know you hear
12 about the traveling fishermen going to the west and I never hear
13 about the western -- You know people complain about the western
14 fishery traveling to the south and I just wondered how that was
15 factored in with the apportionment of traveling fishermen and so
16 forth, as far as I think in allocations in the western zone for
17 people traveling there, when I really don't know if many people
18 from the western zone are traveling to other zones. Maybe the
19 northern zone a little.

20

21 **MR. RINDONE:** The traveling fishermen coming into the western
22 zone are primarily from the east coast of Florida and that's
23 based largely on what the fishermen tell us as far as where
24 these guys come from. It doesn't seem as if there are a lot of
25 Gulf-based guys that travel from one part of the Gulf to the
26 other and that may be one reason anyway why there's been some
27 support in the Gulf in the past for that whole declare your zone
28 initiative that had come up during the early parts of when we
29 were developing the different components of Amendment 20, but
30 ultimately you guys didn't want to go forward with that.

31

32 As far as trying to account for those fishermen coming from the
33 east coast of Florida into the western zone to fish, by adding
34 additional allocation to the western zone, all other things
35 being equal, it should extend that fishing season. One possible
36 outcome is that by increasing the western zone's quota that it
37 might attract more traveling fishermen to come there and it
38 might do the exact same for the northern zone and the southern
39 zone, being that the stock is healthy.

40

41 If the stock is healthy and the ACL increases, then that
42 increases fishing opportunities for all of those who are
43 permitted to fish in a particular area, but under any of
44 Alternatives 2 through 4, all things being equal, everybody's
45 season should be extended, to some degree.

46

47 **CHAIRMAN DANA:** Martha had a question to the point and then I am
48 going to go to Doug Gregory.

1
2 **MS. BADEMAN:** Yes, just a quick question. How old are these
3 allocations? When were they set? Does anybody remember? Long
4 enough that nobody remembers and so -- Okay.

5
6 **CHAIRMAN DANA:** Doug Gregory.

7
8 **EXECUTIVE DIRECTOR DOUG GREGORY:** It was set in the early 1990s
9 or I guess during the middle 1990s. I know, because John
10 Sanchez started work in 1993 and quit in 1999 and it was during
11 that time. It was at a meeting in Destin and I think probably
12 1997 or something, but I recall, like Myron does, is I think
13 what had happened is in the early days of the king mackerel
14 fishery, the fishery was largely off the Florida Keys and
15 Louisiana and then, immediately it was determined to be
16 overfished and very stringent restrictions were put on the
17 entire fishery, in the 1980s, in the early 1980s.

18
19 By the mid-1990s, the northern Gulf fishery developed. I don't
20 think it existed, to any large extent, in the original fishery
21 and so it was a growing fishery and the people in the other
22 regions, particularly the southern region, wanted to curtail the
23 growth of that fishery because it was filling the quota up
24 before the fish migrated south to south Florida and they were
25 all part of the same zone.

26
27 That fixed that problem, by creating a northern zone, and I
28 think what you might have been alluding to is something that
29 Martin Fisher has told me, is that after that was done, then the
30 people off of Tampa Bay were squeezed out because the northern
31 Gulf was filling the quota before then. He did say he thinks
32 the new season might change that, but that's the history as I
33 remember and it was very much like Myron. It was done -- It was
34 a heated meeting. There's no doubt about that. It was done to
35 put a cap on the northern Gulf, which was perceived as a new
36 fishery.

37
38 **CHAIRMAN DANA:** Thank you, Doug. Dr. Crabtree.

39
40 **DR. CRABTREE:** Yes and I've heard complaints for years from
41 people in the Tampa Bay area that they don't get to participate
42 in the fishery because by the time the fish get to us the
43 northern quota is already gone.

44
45 **CHAIRMAN DANA:** The northern quota is gone because the traveling
46 fishermen fish it out. Leann.

47
48 **MS. BOSARGE:** I was just running some numbers and maybe I am not

1 following this the right way. So essentially that 31.91 percent
2 is going to come out and go -- That comes out of our Gulf quota,
3 right? The Gulf quota overall, before we start dividing it up,
4 is going to be reduced by that 31.91 percent? No?

5
6 **MR. RINDONE:** That's just the allocation. The Gulf isn't losing
7 31.91 percent of its fish. The Gulf's fish -- Where we perceive
8 the Gulf migratory group to exist has changed and just like we
9 can't expect fish to obey the lines we draw on maps, we can't
10 expect them to obey the allocations that we set either, as far
11 as being available in a certain area and a certain amount. It's
12 just a harvest allowance and it doesn't necessarily reference
13 losing or gaining fish from the South Atlantic and so it's just
14 an apportionment.

15
16 **MS. BOSARGE:** Okay and so I work in numbers and so if we had,
17 just for ease of numbers, if it used to be a million pounds and
18 so now this Florida east coast, that is 31.91 percent of the
19 million pounds and say that was last year. Now what we're
20 trying to do is 31.91 percent of a million is 319,100 pounds,
21 right? That's going to move out and we've got now 689,900 and
22 we're figuring out what are the new percentages going to be to
23 divide that up between our zones that we have left here, right?

24
25 **MR. RINDONE:** Not exactly and that's because we're not diving
26 pounds as much as we are just the apportionment. We have a
27 commercial ACL and that has to sum up to 100 percent.
28 Otherwise, we're ignoring fishing at OY.

29
30 Our sum of our allocations to the western zone, the northern
31 zone, and the two southern zone components has to sum to 100
32 percent. When we remove the Florida east coast zone from the
33 equation, because it's not considered part of the Gulf anymore,
34 our sum no longer equals 100 percent and so the difference we
35 have to reallocate to the remaining zones.

36
37 Under Alternative 2, we take that difference and we just divide
38 it by four. Under Alternative 3, it's done proportionally based
39 on the current allocations that exist divided by the sum of
40 those remaining allocations and so, again, for the western zone,
41 it would be 31 divided by roughly 68.

42
43 Then Alternative 4 is the AP's individual recommendation and so
44 I would encourage you guys not to think of it as much in terms
45 of pounds, because the amount of pounds that it's going to shake
46 out to is going to depend on both Actions 6 and 8, 6 being if
47 you guys set the ACL equal to the ABC or if you try to do some
48 constant catch scenario and then whatever the recreational and

1 commercial allocation structure shakes out to in Action 8.

2
3 **MS. BOSARGE:** One last follow-up, Pam, if you will indulge me.
4 That's what I was trying to do in my mind and figure out what's
5 fair and equitable, but, like I said, I work in real numbers and
6 if you run the numbers, say all else is equal and everything
7 stayed the same and you had a million pounds and now we take the
8 319,000 out of that million, and so we've got 680,000.

9
10 If you look at Alternative 1, and I just ran the first line,
11 which is the western Gulf, last year they would have gotten
12 310,000 pounds. Under Alternative 2, it looks like they get
13 more, but, all things equal, they don't. They would get two-
14 hundred-and-sixty-five-thousand-and-change pounds under that
15 same stock assessment, let's say, that gave you that million,
16 once you shift those other fish out, that thirty-one-point-
17 something percent.

18
19 Alternative 3 puts them at about 310,000 pounds, because that's
20 the one that's the proportional one. It does keep them at about
21 the same level and Alternative 4 puts them at about 272,000.
22 Even though there's a bump, if it's not done under the
23 proportional alternative, all else equal and no reallocation and
24 no change in the stock assessment and everything stays the same,
25 there are kinds of winners and losers to it.

26
27 **MR. RINDONE:** That's not correct and I am going to put something
28 together on an Excel sheet and I am going to show you why. I
29 understand where you're coming from and why it seems like that,
30 but the way that I've tried to explain it is using pie. You
31 know we might have fewer pie slices, but there are even fewer
32 people eating off it and so everyone gets more.

33
34 The million pounds that you are dividing, it's not such that
35 that million pounds is -- Like you're losing that 319,000 pounds
36 like that and you're only dividing up that remaining 68 percent.
37 Because of the ACL increase, everyone is getting more fish than
38 that 68 percent from the days of old would suggest and so, Madam
39 Chair, if you guys want to give me just a second, I can put
40 something together and illustrate it, if that would help.

41
42 **CHAIRMAN DANA:** Dr. Crabtree.

43
44 **DR. CRABTREE:** When I look at it, Leann, the status quo TAC was
45 10.8, if you go back to that earlier action, and so 31 percent
46 of that is what the western would have gotten and that's 3.3
47 million pounds, roughly. If you went with Alternative 2 and the
48 new TAC is 9.62 million pounds, and if you gave them 38.98

1 percent of that, that's 3.7 and so they still come out with
2 close to 400,000 pounds more under that one and that's the
3 lowest of their allocation and so it does appear to me they get
4 more fish under any scenario.

5
6 **CHAIRMAN DANA:** Steve Branstetter.

7
8 **DR. BRANSTETTER:** To answer a couple of folks' questions here,
9 to put some of this in perspective in history, Doug, I looked it
10 up, because this was the first action I did as a young plan
11 coordinator for NMFS. It was Amendment 9 and the final rule
12 published in early 2000.

13
14 You are correct that there were concerns of an increasing
15 commercial harvest in the Panhandle in the mid to late 1990s.
16 What had been a very small fishery -- All of a sudden a lot of
17 charter boats that had commercial king mackerel permits began to
18 fish after their recreational season was over, about September
19 or October, when the fish really begin to come through there.

20
21 The year before the northern zone was established, the northern
22 zone was landing 180,000 pounds a week in October, when they had
23 historically landed very small amounts. As Doug said, it was a
24 highly contentious issue. There was a lot of concern over it,
25 much the same as we've had discussions of how do you allocate
26 red snapper. It was how do you allocate king mackerel and the
27 decision was made to go with a more historical record for the
28 northern zone than it was for the more recent record, at that
29 point, with a smaller allocation, than, as Dr. Crabtree pointed
30 out, many people along the central Florida coast have basically
31 been shut out of the fishery since then.

32
33 **CHAIRMAN DANA:** Ryan is feverishly typing something here, but,
34 again, as a committee, we do not need to establish a preferred
35 and we can, if we get too bogged down, Chairman Anson, we can
36 allow Ryan to give us some clarifying language or information
37 and take it up in full council, too. Dr. Crabtree.

38
39 **DR. CRABTREE:** Yes and if you look on page 124 of the public
40 hearing document, Table 4.6.3.1 gives the actual poundages that
41 all the zones would get under any of these allocations. That's
42 page 124 in the public hearing draft and not the decision
43 document.

44
45 **CHAIRMAN DANA:** One moment, please.

46
47 **DR. CRABTREE:** It's PDF page 126, or page 124 in the document
48 page. That's Attachment C-4.

1
2 **CHAIRMAN DANA:** Is that what you were looking at, Dr. Crabtree?

3
4 **MR. RINDONE:** This table is also breaking it up based on the
5 total recreational and commercial allocations and dividing it as
6 such and so this particular action is only addressing the
7 commercial ACL and so this table would need to be revised and so
8 let me finish churning out what I'm churning out. I swear it
9 will just take me a minute and I can show you guys what it would
10 be, based on the recommended -- I am going to use the 32 percent
11 of the 9.62 million pounds that's recommended by the SSC for if
12 we set ABC equal to ACL.

13
14 **MR. ANSON:** I don't know, Leann, if you might want to see it or
15 other members of the committee, but I know it may take just a
16 short while, but still, if we want to proceed and just bring it
17 back at full council.

18
19 **CHAIRMAN DANA:** That would be my preference, Chairman Anson, and
20 that would give everyone the opportunity as this committee ends
21 to review it and talk to colleagues about it if they so choose.
22 Anyway, I am just going to ask that we move past Action 7 and
23 move into Action 8, Ryan, and you will provide everyone your
24 little cheat-sheet grid before full council. Thanks.

25
26 **MR. RINDONE:** Thank you, Madam Chair. I guess we will just move
27 into Action 8. In Action 8, we're talking about revising the
28 commercial and recreational allocations for Gulf kingfish and
29 when we were talking about this or when we've talked about this
30 action in the past couple of meetings, the way that we've been
31 talking about it is such that if a certain percentage of the
32 allocation was transferred from the recreational to the
33 commercial allocation that it would change to the tune of 5, 10,
34 or 20 percent, in most cases.

35
36 The recreational and commercial allocations would change and if
37 you shifted 5 percent, the recreational allocation would become
38 63 percent and the commercial allocation would become 37
39 percent. However, because of the way that the alternatives are
40 written, the council's intent doesn't seem to be illustrated
41 appropriately.

42
43 If you look at Alternative 2, where it says to revise the
44 recreational and commercial allocations for Gulf kingfish by
45 transferring a percentage of the recreational allocation to the
46 commercial sector, 10 percent of the recreational allocation is
47 6.8 percent and not 10 percent.

1 You would be increasing the commercial sector to 38.8 percent
2 instead of 42 percent. The latter, from the discussions that
3 we've had, was the intent and so what we've done is we have
4 generated Tab C, Number 4(b).

5
6 Tab C, Number 4(b) rewrites the alternatives to better
7 demonstrate the intent that you guys expressed and it also
8 provides updates to most of Chapters 2 and 4. I went ahead and
9 included that in there, but, by and large, everything stays the
10 same and it's just fixing the language a little bit.

11
12 What the IPT is asking is if you guys' intent truly is to
13 increase the commercial ACL in increments of say adding 5
14 percent of the total ACL to the commercial ACL or 10 percent or
15 20 percent, the way that I was just describing, then the IPT
16 would request that you consider accepting the language that's
17 proposed in Tab C, Number 4(b) and, of course, give us editorial
18 license to clean up all of the edges and stuff and make it look
19 nice, just so that it follows your intent, based on the
20 discussions that we've had. I don't know if you want to do this
21 first or if you want me to walk through the whole action first.
22 What is your preference?

23
24 **CHAIRMAN DANA:** If we want to do what first?

25
26 **MR. RINDONE:** If we want to consider updating the language and
27 then moving through or move through and then consider the
28 language change.

29
30 **CHAIRMAN DANA:** Ryan is saying that the IPT had suggested some
31 changes, I think, and that as a committee we can give staff
32 editorial license to clean up the language in this particular
33 action or we can hear him review each of the alternatives under
34 the action and we can discuss them if you want and then we can
35 either give them editorial license or not.

36
37 **MR. RINDONE:** All the analyses have been done based on the
38 intent that you guys have expressed, but it's just a clean-up of
39 the language, just to make sure that everything matches up, so
40 that it can't be construed but one way, whereas right now, it's
41 kind of fuzzy.

42
43 **CHAIRMAN DANA:** So essentially staff is trying to rectify the
44 IPT suggestions. In the interest of time, if we're giving staff
45 the -- If we want to give staff the editorial license to rectify
46 the language in this particular action to reflect our intent, we
47 should probably just do that upfront, rather than going through
48 the action. If anyone disagrees, speak now. I need a motion to

1 accept the IPT's recommendations and give staff editorial
2 license to update Action 8 to reflect the council's intent. Do
3 I have a motion for that?

4

5 **MS. BADEMAN:** If I could turn my microphone on, I would.

6

7 **CHAIRMAN DANA:** Martha Bademan moves and David Walker seconds.
8 Any discussion? **Seeing none, the motion passes.** Okay, Ryan.

9

10 **MR. RINDONE:** Thank you, Madam Chair. So just for Action 8,
11 we're going to operate off of Tab C, Number 4(b) and then we
12 will get back to the other one.

13

14 Again, it's the same thing and we're talking and revising
15 recreational and commercial allocations for Gulf kingfish.
16 Alternative 1, which was recommended by the Gulf AP, would
17 maintain the current allocation of 68 percent to the
18 recreational sector and 32 percent to the commercial sector.
19 This dates all the way back to Amendment 1 to the FMP.

20

21 Alternative 2 would revise the recreational and commercial
22 allocations for Gulf kingfish by dividing the stock ACL using
23 one of the options below. 63 percent to the recreational sector
24 and 37 percent to the commercial sector, and that reflects a 5
25 percent shift of the stock ACL to the commercial sector.

26

27 Option b, which is 58 percent to the recreational sector and 42
28 percent to the commercial sector, or a 10 percent shift or
29 transfer, and then Option c is 48 percent to the recreational
30 sector and 52 percent to the commercial sector, for a 20 percent
31 shift.

32

33 Alternative 3 would revise the recreational and commercial
34 allocations for Gulf kingfish by transferring a percentage of
35 the stock ACL to the commercial allocation annually, until such
36 a time that the recreational sector lands 80 percent of its
37 revised allocation, after which no additional allocation will be
38 transferred from the stock ACL to the commercial allocation.
39 You have options for transferring 2 percent or 5 percent of the
40 stock annually to the commercial allocation.

41

42 What this means is that every year you would add either 2 or 5
43 percent from the stock ACL to the commercial allocation and once
44 the recreational sector landed 80 percent of its revised
45 allocation -- Let's say you pick 2 percent and this carries on
46 for five years. Then at year five, the commercial allocation is
47 going to be 42 percent and the recreational is going to be 58
48 percent. If the recreational sector lands 80 percent of its

1 allocation, of its 58 percent, then you wouldn't transfer any
2 more allocation to the commercial sector from the stock ACL
3 after that point. Does everybody follow that? I am seeing no
4 shaking no's and so we'll say yes.

5
6 Alternative 4 would conditionally transfer a certain percentage,
7 based on Options a through c, of the stock ACL to the commercial
8 sector until such a time that the recreational landings reach a
9 predetermined threshold, based on Options d through f. If this
10 threshold is met, then the recreational and commercial
11 allocations would revert back to 68 percent for the recreational
12 sector and 32 percent for the commercial sector, or our current
13 status quo.

14
15 Now, for Alternative 4, you have to choose one of the -- If you
16 choose Alternative 4 as being the preferred, you have to choose
17 one of Alternatives a through c and one of Alternatives d
18 through f.

19
20 For Options a through c, Option a would transfer 5 percent of
21 the stock ACL to the commercial sector and Option b is 10
22 percent and Option c is 20 percent. The resultant allocations
23 for Options a through c in Alternative 4 are similar to Options
24 a through c in Alternative 2. They are identical, actually.

25
26 The difference is that you're adding that recreational ACL
27 threshold in Options d through f and so you would revert back to
28 the status quo sector allocation in Option d if 80 percent of
29 the adjusted recreational sector ACL is landed. Option e is if
30 90 percent of the adjusted recreational sector ACL is landed and
31 Option f is if all of the adjusted recreational sector ACL is
32 landed. Is everybody onboard? Okay.

33
34 Alternative 5 is essentially a sunset provision on any change to
35 the recreational and commercial allocations for Gulf kingfish
36 and after a predetermined time period, any change in those
37 allocations would revert back to those in the current FMP of 68
38 percent for the recreational sector and 32 percent for the
39 commercial sector. We have options for a sunset of any change
40 in sector allocations after a five, ten, or fifteen-year period.

41
42 Now, as far as the effects of doing any of these, it's presumed
43 that, because of the capacity for effort, that the commercial
44 sector is likely to land whatever allocation it's given and so
45 those fish would be expected to be harvested.

46
47 Any additional harvest of fish -- You know it does remove fish
48 from the population and so there's always an effect to that,

1 but, because we've been underfishing for so long and because the
2 stock is not overfished or undergoing overfishing, there aren't
3 any anticipated negative biological effects as a result of
4 allowing an increase in harvest, as long as the stock ABC or ACL
5 isn't exceeded. Myron.

6
7 **MR. FISCHER:** Ryan, when you back up to Action 6, we're able to
8 go to this higher ABC based on the uncaught recreational fish
9 and if we are allowing more of these fish to now be caught by
10 the commercial sector, with time, wouldn't that reduce --
11 Because now we're fishing that reserve pile of fish and wouldn't
12 that reduce and eventually you would have to reduce these ABC
13 ranges?

14
15 **MR. RINDONE:** You would be fishing down a surplus that you have
16 now and so the resultant poundages available to the recreational
17 and the commercial sector would change year to year based on
18 what you select for your ACL. I am trying to make sure I
19 capture all of your comment.

20
21 **MR. FISCHER:** With time, you will have a reduced ACL.

22
23 **MR. RINDONE:** It would go down over time, but you're going down
24 to the level at which you can fish in perpetuity and so you're
25 fishing down the surplus that you're being given now. If you
26 continue to underharvest and we update the ABC recommendations
27 every so often, every year, as recommended by the AP, or every
28 so often, if you guys decide on another time interval, then any
29 fish that haven't been caught, any glut that's being pushed
30 forward in the population, you might still be afforded the
31 opportunity to harvest those fish in the future. You would just
32 need revised ABC values in order to do that. Does that make
33 sense? Does that answer your question or address your question?

34
35 **MR. FISCHER:** It addresses it.

36
37 **MR. RINDONE:** Doug.

38
39 **EXECUTIVE DIRECTOR GREGORY:** I am not sure how that's going to
40 work out in the long run. The last stock assessment that was
41 done in 2008 actually recommended higher quotas than we've got
42 now and it's almost like the population is just varying with the
43 environment and we're not fishing at MSY and so there might be
44 less to catch sustainably on an ongoing basis, if you try to
45 keep the population at the same size it is now.

46
47 It's hard to say, but you know we've been -- It's been seven
48 years and the last stock assessment and this stock assessment

1 came to the same conclusion, except the last stock assessment
2 had an ABC range much higher, under the same ACL paradigm, that
3 we have now and so that's surprising, because you would expect
4 that this population would be bigger now than it was then, given
5 the continued underfishing.

6
7 **MR. RINDONE:** Okay. Is everybody up to speed on this now? So
8 you guys have a lot of options here for choosing how you would
9 want to reallocate and the reason why we're pursuing all of this
10 in the first place is because the commercial sector has
11 historically been landing at their ACL and the recreational
12 sector has been landing under their ACL.

13
14 You can see our total ACL over the previous dozen or so fishing
15 years and how it's broken up between the commercial ACL and the
16 commercial landings. The commercial landings are very close to,
17 if not right on top of, their ACL, while the recreational
18 landings are under their ACL, sometimes by a considerable
19 percentage, and then our total ACL landed, shown in the green
20 column on the far right-hand side, has been under 60 percent of
21 what we can catch for the last four fishing seasons or so.
22 That's why you guys decided to take this up, was to consider
23 making sure that we're fishing at OY.

24
25 In the next action, we consider raising the recreational bag
26 limit to afford additional fishing opportunities for the
27 recreational sector as well.

28
29 Under these different reallocation scenarios, depending on what
30 you guys decide to go with -- This better illustrates I think
31 what I'm trying to get at. If we go down to the next figure,
32 this illustrates what has been happening in a more figurative
33 way.

34
35 The blue line at the top is the total stock ACL and the green
36 line is the recreational ACL and the salmon-colored line is the
37 commercial ACL. The commercial landings are in that mustard
38 color there and the recreational landings are in the turquoise
39 color and then that purple color is the total landings.

40
41 We are still considerably under what we could be catching and,
42 by reallocating, the idea is that more of the fish are going to
43 be removed and, as a total, the stock will be harvested closer
44 to OY, depending on which option you guys choose.

45
46 You can always add in those safeguards that you have examined
47 for other stocks in the past, like having a threshold for the
48 recreational landings or having a sunset provision or whatever

1 it is that you guys might choose. If you guys feel it's
2 appropriate to pick a preferred, you can do that prior to going
3 out to public hearing or whatever your pleasure.

4
5 **CHAIRMAN DANA:** Doug Boyd.

6
7 **MR. DOUG BOYD:** Thank you and I'm not on your committee, but
8 just a question. Are there any buffers in place in either the
9 recreational or the commercial allocation?

10
11 **MR. RINDONE:** Not at this time, because of our history of under
12 harvesting. The stock ACL isn't close to being met and so, from
13 a biological standpoint and trying to prevent negative
14 biological effects, there has not been a risk, because of our
15 effort capacity.

16
17 **MR. BOYD:** Okay, but the commercial have been going over their
18 quota and we didn't put in any kind of a buffer there to keep
19 them from doing that and is that correct?

20
21 **MR. RINDONE:** The commercial sector is closed when the National
22 Marine Fisheries Service issues their closure notice and in some
23 of those years that closure notice hasn't come in fast enough to
24 close the fishery down and so when the landings have come in,
25 there has been an overage, but for most years it's either been
26 right at and there are some years that have been over and some
27 years that have been just under, but because the stock ACL was
28 nowhere close to being met, there isn't an accountability
29 measure unless the stock ACL were exceeded.

30
31 **MR. BOYD:** Thank you.

32
33 **CHAIRMAN DANA:** Dale Diaz.

34
35 **MR. DIAZ:** On Alternative 4, where you've got a, b, and c with
36 the 5, 10, and the 20, whenever I was looking at your chart,
37 Number 2.8.1, you know I kept thinking 15 percent might not have
38 been a bad option to have in there and did you all have any
39 discussions about adding 15 percent?

40
41 **MR. RINDONE:** We didn't, but because it's between 10 and 20
42 percent, it's within the realm of things that have been
43 considered and so if 15 percent is something that you guys think
44 is going to be more appropriate than the options presented, then
45 you could certainly add that in.

46
47 **CHAIRMAN DANA:** Any other discussion? Myron Fischer.

48

1 **MR. FISCHER:** Looking at the chart on the screen right now, in
2 the last dozen or more years, the ACL has just realistically not
3 increased. We are not overharvesting and we're not overfished
4 and we're not increasing the ACL and yet, when you look at the
5 column in green on the far right, we are not even near landing
6 the ACL.

7
8 You would think that our ACL should have exploded to twenty-
9 million pounds and it's not. I think it's something we have to
10 proceed with caution and it concerns me, because we're not
11 landing what we have as a TAC, as an ACL, and yet we're not
12 increasing our ACL. All I want to do is -- I just feel we have
13 to proceed very cautiously on this.

14
15 **CHAIRMAN DANA:** Thank you, Myron. Any other discussion from the
16 committee or others? Okay. I don't think we need to take any
17 action today. There is a lot to absorb in the information
18 between Action 7 and 8 and we do have the AP coming back
19 together in November and is it okay if we move forward into
20 Action 9 without making any recommendations right now as a
21 committee?

22
23 **MR. RINDONE:** If that's what you guys want to do.

24
25 **CHAIRMAN DANA:** Yes, let's go ahead and do that.

26
27 **MR. RINDONE:** Thank you, Madam Chair. We will go back to 4(a)
28 and we'll go down to Action 9. Action 9 would modify the
29 recreational bag limit for Gulf group kingfish. Alternative 1
30 would maintain the current recreational bag limit of two fish
31 per person per day. Alternative 2, which was recommended by the
32 Gulf AP, would increase that bag limit to three fish per person
33 per day and Alternative 3 would increase that bag limit to four
34 fish per person per day.

35
36 We had asked the Southeast Regional Office to run a bag limit
37 analysis for us, which is presented in Appendix C. We used two
38 different methods to determine the additional landings that
39 would be possible based on how much you guys elected to increase
40 the bag limit.

41
42 The Cliff Notes version of it is under either method, even if
43 you increased it to four fish per person per day and you
44 increased the commercial ACL 20 percent from the stock ACL, it
45 is still very unlikely that you would exceed the ACL, based on
46 the number of people that keep two kingfish. That was one of
47 the things that was taken into consideration, is the proportion
48 of recreational anglers that retain two kingfish and assuming

1 that they would also be interested in retaining three or four
2 kingfish.

3
4 Even if you chose -- Basically what it's saying is even if you
5 chose four and everybody that keeps two now would keep four, and
6 you increase the commercial ACL, you would still be safe. You
7 will still be good.

8
9 **CHAIRMAN DANA:** Thank you, Ryan. Any questions on Action 9?
10 Does any of the committee members want to make a motion for a
11 preferred alternative, noting that the Gulf AP recommended
12 Alternative 2, increase the bag limit to three fish per person
13 per day? We have no one saying anything. Myron Fischer.

14
15 **MR. FISCHER:** So moved.

16
17 **CHAIRMAN DANA:** We have got a motion on Action 9 for Alternative
18 2 to be the preferred alternative, to increase the bag limit to
19 three fish per day. Is there a second to that motion? John
20 Sanchez. Any discussion on the motion? **All those in favor say**
21 **aye; opposed. The motion passes.**

22
23 Okay. Unless there is any comments, that wraps up Amendment 26.
24 We are going to at full council discuss whether we want to take
25 this to public hearings, et cetera. Now we move into the
26 Options Paper, which is under Amendment 28, which is separating
27 permits for the Gulf of Mexico and Atlantic migratory groups of
28 king mackerel and Spanish mackerel. It's found in Tab C, Number
29 5.

30
31 Ryan will tell you in a minute, but we're at loggerheads with
32 the South Atlantic on this. Essentially we need to, as Ryan put
33 it, either dial back and not push this or we need to have an
34 amicable divorce.

35
36 **OPTIONS PAPER FOR CMP AMENDMENT 28: SEPARATING PERMITS FOR GULF**
37 **OF MEXICO AND ATLANTIC MIGRATORY GROUPS OF KING MACKEREL AND**
38 **SPANISH MACKEREL**

39
40 **MR. RINDONE:** That's close. Where we are with this document is
41 in June the South Atlantic had said they don't want to go
42 forward with this and so the Gulf said, well, staff, bring some
43 stuff to us and we'll see if we like it and we'll bounce it
44 around and see if something good can happen from it.

45
46 In August, we brought you guys what you have in front of you and
47 it is very largely unchanged from you saw in August and I will
48 explain why.

1
2 In September, this was brought to the South Atlantic Council,
3 but they did not go over it and they haven't tasked any staff
4 with helping to contribute to the document, because, as it is
5 right now, they are not interested in moving forward with it.

6
7 Because this is a joint fishery management plan, we can't put
8 something through and have management measures changed without
9 them being onboard with it and so that presents a problem for
10 Amendment 28, because when we're talking about splitting
11 permits, you have to determine who is going to get what permit.
12 Everybody can get the permit or only certain people based on
13 certain things or however you want to shake it out, but, one way
14 or another, that has to be determined.

15
16 Because we don't have their participation in it, it's kind of
17 hard to just guess what it is that they would want to do and so,
18 from an IPT perspective, there appear to be a couple of options
19 here.

20
21 Either you could change how the permits are currently being
22 recommended for division such that you would have separate
23 permits, but everyone's access would remain the same, because
24 the access issue is the sticking point, for the most part, for
25 the South Atlantic Council. They don't want their fishermen to
26 be precluded from fishing in the Gulf.

27
28 Or perhaps you consider waiting to move forward with this until
29 such a time as they are ready and able to contribute more to it,
30 because, like I said, there is very little from a staff point of
31 view that we can do besides just continually propose different
32 things if we don't have any input from the South Atlantic staff
33 and half of this fishery management plan is the South Atlantic's
34 to consider and so they have to weigh in at some point. We are
35 stalled.

36
37 **CHAIRMAN DANA:** So if this committee has no interest or the
38 council has no interest in moving this forward at this time, we
39 don't want to have the staff spinning their wheels, essentially.
40 Right, Ryan?

41
42 **MR. RINDONE:** Yes.

43
44 **CHAIRMAN DANA:** Okay and so any discussion? All right. If we
45 have no discussion, I would assume -- Dr. Crabtree.

46
47 **DR. CRABTREE:** My preference would be for us not to move forward
48 with this document at this time and to move on.

1
2 **CHAIRMAN DANA:** Would you motion --
3
4 **DR. CRABTREE:** I will make a motion for the sake of discussion.
5 **I will move that we discontinue the development of Amendment 28.**
6
7 **CHAIRMAN DANA:** Dr. Crabtree makes a motion to discontinue the
8 development of Amendment 28. Martha Bademan seconds. I am
9 calling for discussion, but I have a question of Dr. Crabtree.
10 Would your motion be for the discontinuance forever or just
11 until such a time that somebody wants to bring it up again?
12
13 **DR. CRABTREE:** Well, forever is a long time. I guess my motion
14 would be that we discontinue work on it until someone comes to
15 another council meeting and makes a motion to begin again.
16
17 **CHAIRMAN DANA:** Would that be to table the development?
18
19 **DR. CRABTREE:** I never table. My motion is just that we stop
20 working on it.
21
22 **CHAIRMAN DANA:** Any discussion on the motion? John Sanchez.
23
24 **MR. SANCHEZ:** You know how I feel about the divorce. I guess
25 let's hold off and talk amongst ourselves and see what we do.
26
27 **CHAIRMAN DANA:** Any further discussion? All right. **All in**
28 **favor of the motion to discontinue development of CMP Amendment**
29 **28 signify by saying aye; opposed. The motion passes.** Okay.
30 That pretty much wraps up -- We have no Other Business.
31
32 **DR. CRABTREE:** Pam, I've got a question. On Amendment 26, we're
33 going to go to public hearings between now and the -- What is
34 our schedule to try and take final action on Amendment 26,
35 approximately?
36
37 **MR. RINDONE:** The idea was that we would bring the public
38 hearing document to you guys now and you guys consider the
39 changes and if you approve them, recommend to go to public
40 hearing. The South Atlantic Council gets it in December and
41 they okay all of the changes and they recommend it go to public
42 hearing.
43
44 They go to public hearings in January and we go to public
45 hearings in February and then the councils get a final draft of
46 the document, including public hearing comments and the AP's
47 recommendations from the AP meeting, which we plan to have in
48 November, at the end of November or the beginning of December,

1 in March and April. Then at those respective Gulf and South
2 Atlantic Council meetings, if you guys thought it was
3 appropriate, you would recommend that final draft go forward for
4 implementation.

5
6 **CHAIRMAN DANA:** Because Ryan was going to provide full council
7 some additional information, clarifying information, we are
8 going to wait until full council to decide whether to bring it
9 out to public hearings and then establish where those locations
10 would be. Bonnie, you had a question?

11
12 **DR. BONNIE PONWITH:** No, Madam Chair, it's not a question, but
13 actually just an update on king and Spanish mackerel, when we've
14 put this one --

15
16 **CHAIRMAN DANA:** A point of order, Chairman Anson, in that I
17 called for additional items for the agenda early on and can we
18 add something still?

19
20 **MR. ANSON:** You are ahead of schedule and if you want to take
21 them now, go ahead.

22
23 **CHAIRMAN DANA:** Bonnie, if you can keep us on time.

24
25 **OTHER BUSINESS**

26
27 **DR. PONWITH:** Thank you, Madam Chair. It's very short and there
28 will be more information on this as time goes on, but I just
29 wanted to bring it to your attention, because we did raise it at
30 the SEDAR Steering Committee meeting.

31
32 I am involved in a program called the Gulf of Mexico Large
33 Marine Ecosystem Program. It's a collaboration between the
34 United States and the Mexican federal governments, in
35 collaboration with state governments and NGOs.

36
37 We are putting together a proposal for implementation funding
38 that will be submitted for consideration probably sometime the
39 end of November and will be decided upon sometime over the
40 course of the winter.

41
42 What's relevant to you in that is that, in collaboration with
43 the federal Mexican counterpart for NOAA fisheries, we have
44 included in there collaborating and pulling together data on at
45 least one species and using data, shared data, from both
46 countries in a stock assessment.

47
48 The two candidate species right now are king mackerel or Spanish

1 mackerel. Our stock assessment scientists have brought this up
2 every single time they do an assessment, is that it's an unknown
3 what the removals and what the fishery looks like down there and
4 what the age composition of those removals look like and it's
5 always shown up as a problem in the assessment.

6
7 If this goes through and the program is funded, it will enable,
8 for the very first time, an assessment that uses joint data from
9 both the United States and from Mexico. I take this as a very
10 exciting development. I should know by sometime in February or
11 early March whether the program got funded or not and I will be
12 ready to give you an update then. Thank you, Madam Chair.

13
14 **CHAIRMAN DANA:** Thank you, Dr. Ponwith. Okay. If there are no
15 other items, this concludes the committee.

16
17 (Whereupon, the meeting adjourned at 2:30 p.m., October 5,
18 2015.)

19
20
21

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6 PAGE 23: Motion in Actions 4 and 5 to accept the South Atlantic
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9 PAGE 25: Motion to amend Alternatives 3 and 4 in Action 4, such
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