GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

MACKEREL MANAGEMENT COMMITTEE

Astor Crowne Plaza New Orleans, Louisiana

February 1, 2017

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The Mackerel Management Committee of the Gulf of Mexico Fishery Management Council convened at the Astor Crowne Plaza, New Orleans, Louisiana, Wednesday morning, February 1, 2017, and was called to order by Vice Chairman Patrick Banks.

ADOPATION OF AGENDA

APPROVAL OF MINUTES

VICE CHAIRMAN PATRICK BANKS: If you will check on the agenda, under Tab C, Number 1, I will call this committee to order. Our first portion of the agenda is the Adoption of the Agenda, under Tab C, Number 1, and I would certainly welcome and entertain a motion to approve.

MR. JOHN SANCHEZ: So moved.

MS. MARTHA GUYAS: Second.

VICE CHAIRMAN BANKS: It’s so moved by Mr. Matens and seconded by Ms. Guyas. Any discussion? Any opposition? The agenda is adopted. The second agenda item is Approval of Minutes, under Tab C, Number 2, and I will welcome a motion to approve.

MR. DALE DIAZ: So moved, Mr. Chair.

VICE CHAIRMAN BANKS: It’s moved by Mr. Diaz to approve.

MR. SANCHEZ: Second.

VICE CHAIRMAN BANKS: It’s seconded by Mr. Sanchez. Any discussion? The minutes are adopted. The third item on our agenda is the Action Guide and Next Steps, Tab C, Number 3, and I will turn it over to Ryan, in case we want to go through those.

ACTION GUIDE AND NEXT STEPS

MR. RYAN RINDONE: Thank you, Mr. Chair. The action guide is just for your reference, and, just to give you a breakdown, we’re going to review the CMP Advisory Panel meeting summary and then go through Amendment 29. Then we’ll have a brief discussion of the updated king mackerel projections that the SSC reviewed at their last meeting.

VICE CHAIRMAN BANKS: Thank you, Ryan. Any discussion? Then we will move on to Agenda Item Number IV, Review of CMP Advisory Panel Meeting, and I will turn it back over to Ryan.
MR. RINDONE: Thank you, Mr. Chair. If the committee has questions about some of the things that happened at the advisory panel meeting, Mr. Martin Fischer, the Chairman of the CMP Advisory Panel, is also here.

Tab C, Number 4 is the meeting summary, and the main meat of the discussion at the advisory panel meeting was Amendment 29. I am not going to read through this verbatim, but I’m going to hit some highlights for you guys, so you have a good idea of what happened there.

For Amendment 29, the council is considering the allocation sharing idea that was originally tossed around with Amendment 26 and then was pushed back into its own amendment later on. The AP members noted their previous opposition to any reallocation efforts in CMP 26, and they also noted that the same amendment, CMP 26, is increasing the recreational bag limit for recreational anglers, and there was some discussion about uncertainty as to how that change in management might affect the recreational landings.

The current declining ABC levels were also discussed and questioned, and staff had reminded the AP that, when you have a declining yield stream like that in a fishery that is not having its stock ACL harvested every year, you end up with extra fish left over at the end of the year that are then biologically carried into the next year, and so the stock assessment is assuming though that you’re going to catch every single fish every year. If you don’t, then you’re going to have those leftovers. When the projections are run, that’s why you have that declining yield stream down to some lower asymptote, which is your equilibrium yield.

Some AP members said that they weren’t seeing as many large king mackerel in the fishery as in years past and didn’t think there might not be as much of a surplus in the fishery, and, conversely, other AP members contested this observation, saying that they had seen plenty of large fish, with one member noting that a tournament in south Florida caught I think it was a seventy-eight-pound kingfish, and so they were split on that.

The AP members also questioned what increasing the commercial ACL would do with respect to the traveling fishermen, which is a concern that was expressed in previous meetings, noting that the number of traveling fishermen coming from the east coast of Florida to fish in the Gulf has increased over the last several
years and they were curious as to what sort of effect a larger commercial ACL would have on that trend.

The AP made a motion that, for Action 1 in CMP 29, that they continue to prefer Alternative 1, which is no action. If there are any questions, just throw your hands up, and I will stop and you can ask.

MR. DAVID WALKER: I have a question. Maybe, at the end of your summary, we could invite Martin Fisher up to speak a little bit about the previous AP meetings on this.

MR. RINDONE: You guys can invite him up as soon as you want to.

MS. LEANN BOSARGE: Mr. Fisher, would you like to come to the podium?

MR. MARTIN FISHER: Thank you, and good morning, everybody. Thank you for providing the opportunities for Chairs to come and report out for the APs that you guys appoint to give you recommendations on the actions that you’re taking.

I guess it’s just important to point out that, in three different meetings, the last three meetings that the AP has had, it’s either been a unanimous or one dissenting vote to not go forward with any kind of sharing between the two sectors for kingfish, if that answers your question, David.

MR. WALKER: And some of the concerns that maybe was mentioned in the meetings. Could you go through some of that? I guess the size limits were some of the concerns on that too, as well, and people not seeing as many fish.

MR. FISHER: I think the main thing is that we don’t want to encourage further effort shifting from the east coast to the west coast, and, also, you know Mr. Maitland is very strong on letting the commercial sector have the opportunity to meet its OY, and so we’re just now, hopefully, with this new Amendment 26 that’s going to be sent for final rule, you have a three-fish bag limit for the recreational sector, and so that will be our first opportunity to test whether or not the recreational side is going to actually use those fish. If they do, they need all the quota they can have, but we would like to see each sector be able to utilize its quota to optimum yield.

VICE CHAIRMAN BANKS: Mr. Anson.

MR. KEVIN ANSON: Thanks for being here. This is a conditional
transfer. It’s not automatic, and so, if the recreational sector catches a certain percentage, or goes above that percentage, then there will be no transfer, and so this is or was an attempt to try to meet OY objectives, and I understand about encouraging more folks to come over from outside of the region, but it’s an attempt to try to achieve OY, and that’s why it was offered, I guess.

MR. FISHER: I think the AP appreciated the council’s and Ms. Bosarge’s idea. It’s great if we could all live in a world where we can help each other. That would be great, and so it’s not the intent of the AP to -- All I can do is reflect back what the AP intent was. Thank you.

VICE CHAIRMAN BANKS: Dr. Crabtree.

DR. ROY CRABTREE: Was there any discussion at the meeting of some of the changes that are coming to the recreational survey later this year and switching over to a mail effort survey and that the pilot studies indicate that results in much higher estimates of private sector recreational catch? Did that come up at all anywhere?

MR. FISHER: I don’t think that information was available to us, and, also, I think there’s some new information available from the SSC that effort really shifted or effort was really increased on the recreational side, but we didn’t have that information at the time of the meeting.

DR. CRABTREE: Okay. Thanks, Martin.

VICE CHAIRMAN BANKS: Mr. Sanchez and then Mr. Rindone.

MR. SANCHEZ: Thank you for coming. I just wanted to note that, as far as the AP composition goes, even though the Florida Keys fishermen have been historically large participants in king mackerel, and it goes back forever, there was only really one person vocal, George Niles, that was there.

While I appreciate their hard work and their comment as a group, I would note that he was standing by his lonesome in advocating for this, that they want it, for a myriad of reasons. I would also note that we had lengthy discussion in prior discussions regarding this issue, that there will be no impact in this exercise of sharing to the recreational industry, in terms of accountability measure impacts or anything.

All the safeguards were kind of put in to address that, and so
this is kind of like an attempt to try to address the
underutilized resource that one group has been begging for for
years, and the message, I guess, is that, for years, the
fishermen have seen more kingfish, and they have asked for more,
and they’re filling their quota.

Then one group is leaving a balance, and this provided a
safeguarded mechanism to be able to do some sharing that could
stop at any moment, if these threshold triggers were engaged.
The message that I don’t like that it’s sending is, if you
endure the lean years of management, to try to help foster the
rebuilding of a stock of fish, once you get there, and you’re
not even reaching your optimum yield, we never seem to give
anything back.

As a fisherman, you want them to be vested in their fishery, to
safeguard it, to police it, to protect it, but that’s a
disincentive to do that, and so I just wanted to mention all of
that.

MR. FISHER: If I may, the only thing I could add to that is,
with Amendment 26, everybody is getting a very large increase,
and with the change in the mixing zone, and so I’m not -- All I
can do is represent what the AP as a whole -- What the will of
the body was. We really appreciate the hard work on Amendment
29.

VICE CHAIRMAN BANKS: Mr. Rindone.

MR. RINDONE: Thank you, Mr. Chair. Just to Dr. Crabtree’s
point about the MRIP mail survey and the effects that that might
have on the recreational landings, the initial results of that
weren’t really passed around to us until after the AP meeting,
which was in early to mid-November, and it was after that that
word started coming out that the mail survey might be resulting
in increased recreational numbers.

There were also the landings from 2014 and 2015, which were the
ones that went up to four-and-a-half million pounds for the
recreational sector, and these are curious landings, in that the
previous year and the following year are both in the
neighborhood of three million pounds. For there to be such a
considerable spike for only one year is interesting, but we
trust that the stock assessment process, which is coming about
in 2018, will help tease that out.

VICE CHAIRMAN BANKS: Thank you, Mr. Rindone. Mr. Sanchez.
MR. SANCHEZ: I just wanted to comment that Amendment 26 might be in midnight-rule limbo, and so I don’t know. I would like to proceed with something, and I think we’ve discussed it at length in prior meetings.

VICE CHAIRMAN BANKS: Any additional discussion on this item? Mr. Gregory.

EXECUTIVE DIRECTOR DOUG GREGORY: Regarding Amendment 26, at the request of the South Atlantic Council, we have just sent a letter to National Marine Fisheries Service asking them to do whatever they can to expedite the implementation of Amendment 26.

VICE CHAIRMAN BANKS: Thank you, Mr. Gregory. Any further discussion? Mr. Rindone, do you want to continue your report?

MR. RINDONE: Sure. Thank you, Mr. Chair. We will move on to Action 2. This is discussion for the AP on Amendment 29, and Action 2 talks about the recreational accountability measure that’s being proposed. The AP entertained the idea, but they asked why a bag limit reduction wasn’t being considered instead of a delayed closure, as is currently being considered.

The staff explained that the bag limit has just been increased, or proposed to be increased, in Amendment 26, and the council decided not to propose a bag limit reduction immediately following proposing a bag limit increase. It seemed like it might have not been the right direction to take, or at least that was the sentiment of the council.

The AP expressed support for Action 2, but only if considered independent from Action 1. In Action 2, the AP preferred Alternative 3, which is also the council’s current preferred alternative. Again, I am just going to continue on unless you guys stop me.

We had a couple of items pop up under Other Business. The first was the king mackerel size limit. One AP member asked whether it would be a good idea to increase the size limit to a size at which all the fish would be sexually mature, thereby ensuring that each fish would have a chance to reproduce prior to entering the fishery, and the other AP members noted that the stock is healthy and that increasing the size limit would just increase discard mortality, and so they didn’t think that any change was necessary in the size limit.

For the southern zone hand-line trip limit, and this was asked
just to be included for discussion, an AP remarked that the commercial kingfish fishermen in the Keys have been trying to have the hand-line trip limit increased for some time and that changing the trip limit was proposed and not pushed forward in a previous amendment.

The fishermen that are lobbying for this are mostly those from south Florida, and, from that area, fishermen tend to be pretty split on this, and the AP ultimately made a motion to advise the council that the APs considered, but rejected, the idea of increasing the trip limit for king mackerel in the Gulf southern zone.

For management proposals under Other Business, an AP member thought that it might be possible to split the commercial quota throughout the year, resulting in more stable prices and consistent supply of fish to the market.

Other AP members were worried that the data collection system for tracking commercial landings wouldn’t be able to prevent the overages and, in response, they proposed increasing the number of port agents and seafood dealers and requiring seafood dealers to report landings to the port agents or through some other metric more frequently, and so they made a motion to recommend that the council require federally-permitted seafood dealers to report hand-line landings of king mackerel to NMFS port agents weekly once king mackerel landings reach or are projected to reach 80 percent of the ACL in that respective Gulf commercial zone.

Kind of in tandem with that, the AP discussed the Louisiana non-compliance with federal regulations for commercial harvest of kingfish last year, and they noted that Louisiana had made the decision to leave commercial landings in state waters open to harvest for kingfish through the end of 2016.

Staff noted that the commercial landings, state and federal, are counted against the commercial quota for the fishing year for the zone in which they are landed, and AP members were surprised to learn that there was nothing in place to prevent a state’s non-compliance on this issue, and there was concern about the considerable amount of fish that could have possibly been landed after the closure of the federal season.

The AP members proposed a payback provision to be considered for the commercial sector, thereby reducing any incentive for a state to open its waters to commercial harvest when the federal season was closed, but this was entirely predicated on getting
the increased data collection that they had made the motion for just previously.

The AP led with this motion, that, in the event that the council adopts a motion to improve commercial data timeliness, the port agent reporting, the AP then recommends to the council that, if commercial king mackerel hand-line landings exceed the ACL in a given zone, there should be a zone-specific payback provision in the following fishing year, and that motion carried unanimously.

The last Other Business item was a research request, where AP members revisited a previous discussion about kingfish research and expressed concern about the potential effects from Deepwater Horizon, and they made a motion to request that the council support comprehensive studies of Gulf king mackerel with respect to their habitat, life history, response to environmental cues, and the effects of the Deepwater Horizon spill. That concluded the meeting.

VICE CHAIRMAN BANKS: Thank you, Mr. Rindone. Any further discussion? Ms. Bosarge.

MS. BOSARGE: I just have a question. That seemed to be kind of a strange topic to come up, or maybe not strange, but, at this late date in time, that BP Deepwater Horizon oil spill. What was the conversation about why that was kind of coming up on the fishermen’s radar all of a sudden? Are they seeing something in the fish that worried them or not seeing fish in certain locations or what was it? Do you remember?

MR. RINDONE: Mr. Fisher can back me up on this, if I speak incorrectly, and it’s not just in the CMP AP, but I have seen this in the Reef Fish AP also, where fishermen still seem to be pretty well aware that this was a significant event that had unknown impacts, and there are still a lot of scientific questions that get posed at just about every stock assessment, and a lot of our AP members are kind enough and willing enough to participate in these stock assessments with us, and so they hear these questions come up from other people in the scientific community.

It’s still in the forefront of a lot of people’s minds, especially since there have been a lot of questions asked, and very few answers given, with respect to how things like the interaction between oil and dispersants can affect the fish, et cetera.

VICE CHAIRMAN BANKS: Mr. Walker.
MR. WALKER: Martin, do you have some comments?

MR. FISHER: Thank you. Ms. Bosarge, I think a lot of western king fishermen were speaking of seeing year classes that were absent, and that would -- In a commonsense mind, that would be directly related to the oil spill, and so that’s why we wanted to request for you guys to do a concerted, dedicated study just on that, but primarily because they were seeing year classes that were missing.

VICE CHAIRMAN BANKS: Mr. Walker.

MR. WALKER: I was just going to add a little bit. From some communication that I had with the commercial fishery who fish out of Louisiana, they were seeing a lot smaller fish during some years there after the oil spill, and it was a concern, smaller than they had ever noticed before, and there was concern. Maybe we could hear some more public testimony on that.

VICE CHAIRMAN BANKS: Thank you, Mr. Walker, and thank you, Mr. Fisher, for being here and providing that additional information. Any further discussion on this agenda item? Seeing none, we will move on to the next agenda item, and I will turn the gavel over to Madam Chair of this committee, Dr. Dana.

CHAIRMAN PAMELA DANA: Thank you, Patrick, for opening up the meeting. With the indulgence of the committee, and if there is no objection, I think it might make more sense if we do the Review of the SSC Discussion of Updated Gulf King Mackerel Projections with the SSC representative, Dr. Powers, perhaps. Then it might bring us better into the item on CMP Amendment 29. Does anyone object to that? Okay. Dr. Powers, thank you for being here.

REVIEW OF SSC DISCUSSION OF UPDATED GULF KING MACKEREL PROJECTIONS

DR. JOE POWERS: Thank you. The SSC was asked to review some analysis that was done by the Center scientists, and, basically, the Center was asked to do this by the council. Essentially, there were some misconceptions, I think, in terms of the SSC, and so there is a bit of back-and-forth that went on. This time, we got a very good explanation of what was going on.

Essentially, the request that was made was to update the time stream of OFLs and ABCs for the next few years, and there was a
perception that the catches that were used in the original assessment projections were lower than -- Let me word it this way. The actual catches that occurred in the out years of 2013 and 2014 were lower than that which was used in the assessment.

It created some misunderstanding, and probably, by my explanation of it, I am probably continuing that misunderstanding a little bit anyway, but this is a key point. The assessment, which is a benchmark assessment, was done in 2012. When you do those assessments, then you make a projection for the next few years, and so that’s the basis for defining OFL and ABC for those years.

That projection, when they originally do it, you have to make some sort of assumption about what the catches will be for, in this case, 2013 and 2014. What they originally did in that assessment was they assumed that they would be the same as in 2012. What actually happened was the catches in 2013 and 2014 were about 26 percent higher than 2012, and so that affects the projections of ABC.

Essentially, what we end up with is -- This is what it amounts to. The two columns on the left, the yellow table, is what we originally had, and this was the projections of what the OFL and ABC was following the rules of the control rules and that sort of thing, and so the two left-hand columns are what we originally had. The two right-hand columns are what the update projections were, based on the actual catches of 2013 and 2014, and so there is a difference.

Then it came back to the SSC as well of which columns should we be considering, and there was a lot of consternation about doing these updates, update projections, without having good information about the sizes of fish caught and who was doing the catches and so on and so forth, and so there was some reluctance to move away from those original projections of OFL and ABC.

Essentially, we wanted to make it clear that this wasn’t an update assessment that we’re doing. It was just basically an ancillary analysis and that the SSC wasn’t willing to modify its conclusions about the ABC and OFL, and so, essentially, what we decided to do is to reaffirm that the OFL and the ABC for 2017 through 2019 are what is given in the two left-hand columns, which are what we originally ended up with, which basically means no change. That is, more or less, where we stand. It was a very convoluted process, but it really comes down to a recommendation of no change.
CHAIRMAN DANA: Greg.

DR. GREG STUNZ: Thank you, Madam Chairwoman, for recognizing me. I am not on your committee, but, Joe, I am still trying to figure this out. So it’s less, even though the recreational is catching less, but then I read something, I thought that -- Is that because of just less uncertainty in these numbers? I couldn’t understand, from your report -- I am not getting how that could be.

DR. POWERS: All right. There was a lot of uncertainty about how you do these projections, based on what new information do you have, and you can do those with just the catches. It is saying, all right, now we know what the catches of 2013 was or now we know what the catches of 2014 were, and then go ahead like that, but there is other things that go into it, in terms of information about the sizes of fish caught.

That is kind of the definition between whether you are doing updates or benchmark assessments and that sort of thing, and so there -- In this particular case, there was a lot of uncertainty in that, and so that process of projection, the SSC, collectively, was not real comfortable with, because of this uncertainty, and so the indication was that we would accept the original, that there wasn’t enough information to move away from the original projections of OFL and ABC, which are the two left-hand columns.

CHAIRMAN DANA: Any further questions of Dr. Powers on this? Kevin.

MR. ANSON: I guess I’m a little perplexed too then. If this was supposed to be an update assessment --

DR. POWERS: No, it wasn’t.

MR. ANSON: It wasn’t? Okay.

DR. POWERS: No, this was a request of the council, to my understanding, to the SEFSC, and so the SEFSC provided that information, Dr. Schirripa.

CHAIRMAN DANA: Are there further questions? Bonnie, you look confused.

DR. BONNIE PONWITH: Just for clarification, what you’re saying is the typical update of a projection takes the assumed catch and substitutes the actual catch and then reruns those
projections. The assignment from the council was to simply update those projections with the actual landings, and that result is what is in yellow.

DR. POWERS: No, that result is what is in blue.

DR. PONWITH: In the blue. The yellow has incorporated additional changes into the new projections?

DR. POWERS: No, the yellow is what was originally done from the benchmark assessment some time ago.

CHAIRMAN DANA: Robin.

MR. ROBIN RIECHERS: I am not on the committee either, and I appreciate you recognizing me. Normally, when we do an update assessment, without the -- Sorry. When we do an update, and not a benchmark, but, basically, we’re bringing in those yield streams and looking at it like we would here, and is that -- I mean, obviously, there may be more factors than just the catches that we may bring in, but --

DR. POWERS: What you’re asking is the definition of an update assessment?

MR. RIECHERS: Well, I mean you all -- No. What you did here was you basically took yield streams and you adjusted your OFLs and ABCs based on those new yield streams, based on more knowledge about what the actual catch was, but yet -- I mean, I am not faulting any of the SSC members at all, but what you’re suggesting is that you’re still -- Because of uncertainties, you are wanting to stick with the originals, and so I’m trying to think about that in terms of how we often do this.

When we add those yield streams, we make those adjustments as we look forward, and obviously we’re always waiting on that next benchmark, but we do this kind of thing routinely, and I am just -- Normally, I would say that we would be looking at those updated columns, but, in this case, because of some uncertainty, we are looking at the original columns, and I am just trying to understand that a little bit.

DR. POWERS: Well, basically, collectively, the SSC felt like that uncertainty, including things like the MRIP issues, that wasn’t sufficient to move away from the original projections that were done.

CHAIRMAN DANA: I am going to ask Ryan to provide some
clarification and then Leann, please.

MR. RINDONE: Thank you, Madam Chair. Essentially, when we do an assessment, we get updated age and length composition data, recruitment, growth, landings, everything, the whole suite. With this, all we got were the updated landings, and so there wasn’t any new information about age and length composition data. There was no new growth or recruitment data that were added. It was all just fixed at the previous levels.

It doesn’t inform us near to the degree that an actual assessment would, and so, if this is your uncertainty with a stock assessment, an update or benchmark, and it doesn’t matter, this is your comparable uncertainty with the projections that we received.

Obviously there are a lot of questions around this, being that we have these leftovers. We had money left to spend from a previous year, and that should give us more money to spend in the next year, and we kind of got the inverse of that, and so it begged a lot of questions by the SSC to asking why that was the case, and, without knowing all the additional information about growth, recruitment, et cetera, none of those questions were asked and none of those data were rerun. There just isn’t a way to answer those questions right now.

CHAIRMAN DANA: Robin, do you have a follow-up? Then Leann and then Bonnie.

MR. RIECHERS: I appreciate you recognizing me. I won’t say another word after this, but what that basically tells is, all things being equal, Ryan, we would take the updated numbers. Everything else being equal, with the landings that we now know, we would take the updated numbers, as opposed to the original numbers, but the SSC is suggesting, with all that other uncertainty out there, they’re just not ready to move, but, if everything else is equal, you go to the updated numbers.

CHAIRMAN DANA: While Ryan thinks about that, Leann.

MS. BOSARGE: I listened into the webinar. I wasn’t at the SSC meeting, and I will grant you that I was multitasking as I listened to that webinar, and so please correct me if I’m wrong, but the dumbed-down version, you know Leann’s normal-person version of what I heard -- When I was listening to it, the biggest take-away, for me, and it was a misconception that we had around this table about what the projections were showing.
I think we always assumed that, in these king mackerel projections for the future, the model was assuming that, whatever the ACL was, that was going to be caught, in total, and the forward projections were based off of that, when actually, and I don’t know if it’s always this way, but, for this particular model, when they originally did it to get those original OFL and ABC numbers, they used the recent average catches and projected that forward.

Well, we know that the numbers they were using, the recreational sector was somewhere, on average, between about 35 or 40 percent. It’s upper-thirties, if I am ball-parking that average right, and so then, when we asked them to rerun it, they factored in that -- They had to. They factored in the latest data. That latest data was that one outlier year, where the recreational sector just about doubled their landings and went up to 63 percent of their landings.

Then the model is thinking that is what is going to continue for the future, and projecting that is like a 26 percent increase in your overall landings, and so, when that gets projected out forward, then you get these lower OFLs and ABCs, and I guess, if I was a scientist and I said, okay, yes, I am looking at hindsight and that is the trend, year-after-year, and I can see it, I can see it in the landings, but that wasn’t.

That was an outlier year, and things went right back down. If you have that information in front of you, to say that, yes, that truly is going to be the way that it’s going to stay, you can’t hardly really make that jump-up, and so -- But I think, if that explains why your numbers kind of went down, and, to me though, that was a good thing for us to know around this table.

Sometimes, maybe, we assume that the entire ACL will be caught, and that’s what the projections are run off of, but maybe sometimes it’s not. Maybe that’s a question we can ask as we look at certain stock assessment results and projections, to get a better feel for where our fisheries are.

CHAIRMAN DANA: Bonnie.

DR. PONWITH: The Chair’s explanation, the normal-person explanation, was quite excellent, actually, and so, putting all mackerel aside and talking about just generically what we do, a stock assessment is done and we generate projections and make a prediction about the future in those projections.

Then, as the first year of fishing happens, you substitute in
for your assumptions about what was going to be caught what was actually caught. That is a very common thing. That’s an update of the projections and not an update. It’s an update of the projections, and so it’s a very common thing. We do it all the time.

The caution that the Science Center puts is that, the older that assessment is, the more dangerous it is to simply update the landings data, because that makes assumptions about all the other things that go into making the status of that stock known, and it makes the assumption that they are static and the only thing that has changed is that known change in the landings. The closer you are to the assessment, the more legitimate it is to substitute the actual landings for the assumed landings.

The second thing that’s true is the most uncertain data point in any time series is the last one, and the last one is uncertain because it doesn’t have a companion on the other side of it. Every other data point has one before and one after that creates a trend. That last one is your most uncertain one, and it’s really uncertain if it’s very, very different from the ones that are before it, either very, very different high or very, very different low, because that begs the question of is that change the new norm is that just an unusual year, and there is really no way to know that.

If that’s the situation that is driving where we are here, it’s definitely a cause for concern. It is a common problem. Any time that last dot in the time series is different than all the other dots, it does create that uncertainty, and you have to act with reasonable caution in making assumptions about whether that’s the new norm or whether that’s a one-year thing, because you won’t know until the following year.

That, I think, if that is an accurate depiction of where we are and why these numbers are different, there is certainly justifiable concern in looking at these numbers, but I would also say that, just jumping back to the original projections and excluding those known, I think you have to be informed by what you learn from the actual landings in making a decision about how to move forward.

CHAIRMAN DANA: Ryan.

MR. RINDONE: Thank you, Madam Chair. Kind of building on what Bonnie was saying, the projections that the Science Center had put forward used landings through 2014 and 2015, which includes that recreational spike, but they did not include 2015 and 2016,
because, at the time the initial request was submitted, we didn’t have those finalized 2015/2016 numbers, which was last year.

Like Dr. Ponwith was saying, we don’t have a reference point included in this for the other side of that one year where we had that big spike in recreational landings, and so not only is that spike high, but it’s also the most uncertain, and so carrying forward with that was something that concerned the SSC.

To Mr. Riechers’s point about if, all things being equal and moving forward with what the updated landings show, when you have that kind of uncertainty and you don’t know what has happened in the population since then, and you’re talking about data that are from -- At this point, they’re four years old, five years old, and, again, it just increases that uncertainty.

When you’re looking at the projections that were generated from the original stock assessment, more information was put into those projections on a year-by-year basis than is being applied here, and so that’s another factor to consider.

CHAIRMAN DANA: Is there any further questions? Patrick.

VICE CHAIRMAN BANKS: Mr. Rindone, was there any analysis of that one data point, in terms of being a true statistical outlier?

MR. RINDONE: That is an interesting question, and, explicitly, the answer is no, but we have asked the Science Center and the analysts directly to spend some time investigating that, and that is something that will be included in our terms of reference for the king mackerel assessment that’s going to be in 2018, and so it’s to take a closer look at those 2014 and 2015 landings and see if they are what they say they are or did something happen or what happened.

CHAIRMAN DANA: Ed.

MR. ED SWINDELL: I’m looking at one of the graphs we have here since 2001, and I am looking at recreational landings that have never come anywhere reasonably close to meeting the catch limits that were there. The recreational ACL appears to be, according to the graph, about seven million pounds, I guess is what it is, and they’re catching less than four all the time.

It says, in the document, that this plan was started in 1983. I was probably around just prior to that time, and I do not
remember what the catch limits per recreational fisherman were. When this plan was developed, do we have an idea of what the catch limits, per the recreational fishermen, were? I mean, there is a large discrepancy in the catch limits and the two-fish per person that seems to be occurring here, and I just wonder, how does that play in this whole picture of things?

Looking at the whole data stream, it just doesn’t make any sense to me that we’re being this far different all of these years. I just don’t know. Does anybody have any idea to help me understand this a little better?

CHAIRMAN DANA: Mr. Gregory.

EXECUTIVE DIRECTOR GREGORY: To make a long history short, in the beginning, the recreational landings, the estimate of the landings, exceeded the ACL, year after year after year, throughout the 1980s. King mackerel was actually the most controversial and the biggest fishery this council was dealing with at that time, partly because red snapper was just getting started as being a controversy, and it was a smaller fishery.

In 1997 and 2000, the Marine Recreational Statistics Survey, MRFSS, decided to estimate charter boat landings effort by using a separate effort survey of the charter boat captains independent of the telephone survey. When they did that, the recreational landings went down to 50 to 40 percent of the ACL, but it kind of went unnoticed by most people, and it just stayed that way until -- We just now, recently, noticed it.

In the year 2000, and, if you go back to the history, that’s when you will see that the landings estimate went below the ACL, and dramatically below the ACL. In fact, throughout the 1980s, there was a large concern about the charter boats, because we allowed the charter boats to fish and sell their catch even after the commercial quota closed, and that was part of the problem of the recreational sector going over their ACL during the 1980s, but it all stopped in 1997, when they went to the new charter boat captain effort survey, and we’re just now starting to address it.

MR. SWINDELL: Okay. I thank you, because I am still having some second-thoughts about how to manage this thing to get even close to the OY in one way or the other. Thank you.

CHAIRMAN DANA: Any further questions or discussion items? Seeing none, thank you for the thoughtful discussion. Dr. Powers, thank you for the presentation, and we will now move.
into the Final Action of CMP Amendment 29, Allocation Sharing and Accountability Measures for Gulf King Mackerel, Tab C, Number 5. Ryan, can I have you open it up, and then we will look over the public hearing written comments?

FINAL ACTION - CMP AMENDMENT 29 - ALLOCATION SHARING AND ACCOUNTABILITY MEASURES FOR GULF KING MACKEREL

MR. RINDONE: Absolutely. Again, just a crash review. Action 1 would establish some measure of allocation sharing between the commercial and recreational sectors for Gulf mackerel. Your current preferred alternative is Alternative 2, which would conditionally transfer, right now, 10 percent of the stock allocation to the commercial sector for the following fishing year if the minimum recreational landings threshold of 75 percent of the recreational ACL is not met. If the commercial sector does not land at least 90 percent of its ACL, this transfer would not occur and landings data from two years prior would be used to determine allocation transfers. I am just covering what you guys currently prefer, since we’ve been through this a couple of times.

In Action 2, which would adjust the recreational accountability measure for Gulf kingfish, you guys currently prefer replacing the current in-season accountability measure with a post-season accountability measure. If both the recreational ACL and the stock ACL are exceeded in a fishing year, the length of the following recreational fishing season will be reduced by the amount necessary to ensure the landings do not exceed the recreational ACL.

Just a reminder that Action 2 builds off of the safeguards that are in Action 1, which is all part of trying to ensure a 365-day recreational season, which was a priority that was expressed by the council. I don’t know if you want to go into the public comments.

CHAIRMAN DANA: Yes, if I can ask Emily to review public comments and written input.

REVIEW OF PUBLIC HEARING AND WRITTEN COMMENTS

MS. EMILY MUEHLSTEIN: I would be happy to. Thank you, Madam Chair. If you guys refer to Tab C, Number 5(a), you will find a summary of both the public hearings, the in-person public hearings that we went to, and also the written comments that we got, and I will start by talking about what we heard at our meetings, and I think we will go -- Let’s start in Key West and
head over towards Texas.

In Key West, there was unanimous support expressed for the council’s current preferred alternatives. Some of the rationale provided was that the stock is healthy and that we should be managing to optimum yield rather than letting fish remain out there.

The current allocations are antiquated, according to the folks in Key West, and they would really like to see the council actually consider a hard allocation shift, if anything, and so there was support for the current preferred, but also some support given to thinking about doing this as a permanent hard shift rather than this idea of sharing.

It was also mentioned in Key West, just sort of as a side note by a number of people, that a lot of the guys down there would like to see a raise, or the Southern Zone hand-line trip limit to be raised, from the 1,250 that it is right now. I think I saw the number of 2,000 was suggested, but those guys are saying that basically, with their low trip limit, it’s hard to be profitable in that fishery.

Then let’s move on to Tampa, and so there was kind of tepid support for this amendment in Tampa. It was cautioned that the long-term effects of the three-fish bag limit in the recreational sector has not fully been vetted yet and that the council might want to consider seeing what that change that we have proposed would do before considering some sort of allocation shifting.

It was also said that Action 1, Alternative 3, places a great burden on the SSC, but it would provide for an important check on some sort of transfer amount, and so that was supported by the folks in Tampa. Then it was also pretty strongly mentioned that none of the accountability measures that are presented in the document are supported, because the recreational sector should not be held responsible for any overage that occurs as a result of this allocation shifting.

It was also mentioned, in Tampa, that the commercial trip limit reduction to 500 pounds that should occur when 75 percent of the quota is met should be enforced more promptly and more regularly than it is.

Moving on to Panama City, Florida, there was pretty unanimous support for no action up in Panama City. The rationale provided was that the stock needs to be healthier than it is. I think
there was some caution that maybe we’re not seeing something with how healthy the stock is. More in the northern and western parts of the Gulf we heard that than we did sort of down in the southern part. Then there was a suggestion that historical captains should be given some sort of allocation of their own in Panama City.

Moving on to Pascagoula, support for the no-action alternative in this amendment. Leaving fish in the water is acceptable, and fishermen cautioned that there was no reason for us to try and squeeze everything we could out of the stock.

Then on to Galveston, and the no-action alternatives were supported in Galveston. The gentlemen there cautioned that there seemed to be some limited data on landings in Texas, regarding king mackerel, and they were not supporting any sort of allocation shifting away from the recreational sector in Galveston.

Then, finally, we had a pretty robust crowd in Corpus Christi. In Corpus Christi, we found unanimous support for no action on this document. Some of the rationale provided was that the liability of sharing should absolutely not hurt the recreational sector, if those are the folks that are sharing their allocation.

Then, again, the recreational catch information is not good enough to make any sort of decision that would allow for such a manipulation of the allocations. It was interesting. It almost seemed, as we progressed from Key West over to Texas, that support for the document waned more and more.

We also got a pretty large number of online comments for this document, more than we typically get, and a vast majority of those comments that we heard did not support any sort of allocation shifting, and I could go through some of what we heard here.

The comments that we received on Action 1, some of them said that, in recent years, the king mackerel stock has become less prevalent in the northern Gulf, and, as a result, there has been less tournaments, and the recreational sector has been unable to harvest their allocation. That was some of the rationale for potentially why they haven’t been catching their portion of the annual catch limit, is because it’s been more difficult to do so.

Folks also said that recreational seasons are already short
enough. The population and the average size of king mackerel is in decline, and the commercial sector should not harvest the uncaught recreational allocation, and so, again, there seems to be a lot of concern that maybe there is something going on with the stock.

It was also said that it’s hard to find king mackerel off of southern Florida already and allowing the commercial sector to harvest the excess would make that problem even harder. Leftover fish should not be harvested, so that they can continue to spawn. High fuel prices, in recent years, have limited recreational fishermen from harvesting king mackerel to their full potential, which, again, is another explanation as to why maybe these guys have not been harvesting their quota.

Allowing the commercial industry to harvest the excess will deplete the stock and lower the overall quota in the long run. Allocation sharing sets the council up for a permanent allocation shift in favor of the commercial sector. Consider the leftover fish as added insurance for a healthy fishery future. Then, finally, fish harvested recreationally are more beneficial to the economy.

Comments that did support some sort of allocation sharing said that, if a quota isn’t met by one user group, then it should be transferred to the other group as long as the annual catch limit is not exceeded for that stock, and so this was sort of a blanket statement that was saying this for all of the stocks we manage and not just this one.

Also, the recreational sector should not be held accountable for going over the conditional allocation. This thought process seemed pretty unanimous across the Gulf, that the recreational sector should not be held liable if there is some sort of allocation shifting that occurs.

Then, regarding Action 2, the comments that we heard were that, if the conditional recreational annual catch limit is exceeded, the stock annual catch limit is exceeded, then post-season adjustments should occur to the commercial sector rather than to the recreational sector, who has shared their portion of the allocation.

Also, in these written comments, we got a number of different comments, or other comments, that didn’t quite fit into the amendment itself. The first one is that there is not adequate social and economic analysis to show how a soft allocation shift would affect the fishery. Commercial permit holders should have
to declare which zone they intend to fish in, so that fishermen can fish in their local areas.

Recreational anglers should have a mechanism to report their harvest. The recreational bag limit for king mackerel should be increased further. The Southern Zone commercial hook-and-line trip limit should be raised to 3,000 pounds. The Southern Zone commercial hook-and-line trip limit is fine as it is. If they were to raise the quota, the quota would be met too quickly.

Then the SSC should examine the models that provide for a declining yield stream. There was sort of some concern expressed about these declining yield streams that are happening and an idea that maybe the SSC should re-look into why these things are happening. That concludes the public comment that we got on Amendment 29.

CHAIRMAN DANA: Thank you, Emily. Do you have a rough idea of how many written comments came in?

MS. MUEHLSTEIN: At last count, I think there was about sixty-eight, and so that might have changed since last week, but that’s what we saw. There was a lot more written comments than we had public attendance at the meetings.

COMMITTEE RECOMMENDATIONS

CHAIRMAN DANA: Thank you. Yes, I was disappointed in the number of folks that did show up to the public hearings, because I know that there are a lot of opinions on this topic, but we sure didn’t see them in the public hearings, and I don’t know if it’s a matter of us not communicating well enough that the meetings are happening or what, but, anyway, that’s neither here nor there at this point, I guess.

Given the public hearing comments and the written comments, next on the agenda is to move into the codified text, but we heard an SSC report that gave us kind of some new things to think about, as well as AP input and public input, and so what’s the -- Ryan.

MR. RINDONE: There is one more thing that I need to cover with you guys with respect to the allocation sharing and how the math actually works, and this is something that was identified between our last meeting and this one.

I promise that this is just how I wrote it, because I thought this would be easier and, upon further IPT reflection, it was identified that this was an issue. The way that we currently
have it written in Action 1 is that, when we’re determining whether allocation sharing is going to happen, we are using whatever ACL is in place for a given year, regardless of whether allocation sharing happened for that year.

Now, the way to think about that is let’s say you’re shifting 10 percent, 10 percent of the stock ACL from the recreational to the commercial. Now your new sector allocations are 58/42 instead of 68/32. 75 percent of 58 percent is a smaller number than 75 percent of 68 percent, when you’re thinking about whether or not that recreational minimum landings threshold is going to be met. That means something, in terms of whether allocation sharing is going to happen or not.

The way that it’s written in the document right now, again, it’s whatever ACL is in place for a given year, regardless of whether allocation sharing is happening. I have spoken with a couple of you, between the last meeting and this meeting, just to try and gauge what you thought was actually happening, and it seems that what the council’s thought was is that it would be based on the original sector allocations of 68 percent recreational and 32 percent commercial.

I am not saying that there needs to be a motion on this, but if I could get some feedback from you guys as to what your intention was, so that we make sure that we capture your intent correctly in the document, we would really appreciate that.

CHAIRMAN DANA: David Walker.

MR. WALKER: I would just like to -- First of all, I listened to the public testimony with the AP’s preferred, and then I listened to the gentleman from the Keys, and there seems like there’s a lot of support for no action on the allocation sharing from the commercial industry, but I would like to hear some public testimony on it.

Then I also like what the guys in the Keys -- They’re interested in looking at a hard TAC, maybe some kind of a hard TAC, looking at shifting some allocation that way. I mean, the recreational fishery has been unrestricted in their ability to catch the fish, and they haven’t been catching the fish, and so maybe we should look at that, instead of allocation sharing.

I would just like to hear some testimony. Then the AP was heavily opposed to it, except for, like John said, the composition of the AP was in support of some type of allocation, and so maybe looking at a little small shift in hard allocation
shift, since the recreational, like I said, they’re unrestricted and they can catch the fish.

Of course, they have also had an increase in fish, to catch three fish, and so that’s just kind of something that I would like to add to the comment. Of course, I really want to hear what the industry has to say as a whole.

CHAIRMAN DANA: Mara.

MS. MARA LEVY: Just with respect to what Ryan pointed out, the codified text is written such that you’re always measuring against the original annual catch limits. If the thresholds, as measured against the original annual catch limits, are met, then the transfer would occur. That’s how we wrote the codified text, because that’s, frankly, how I read the amendment.

If that’s not what the council’s intent was, then we need to know that, but I would also ask why you would measure against the adjusted ACLs, because, if we’re saying, originally, this is why we want to transfer, why would you then want to change that as you go down the road? Wouldn’t you always want it to be measured against the original? If you don’t, just why you wouldn’t, and then we would have to change some things.

CHAIRMAN DANA: Ryan.

MR. RINDONE: To Mara’s point, again, that’s just how it was written. It wasn’t intentional. It may have just been a misinterpretation of the council’s intent.

CHAIRMAN DANA: Mr. Diaz.

MR. DIAZ: I just want to weigh in to give Ryan some feedback. As we were going through the document, I was always assuming that we were measuring against the original, and so that’s the way I was looking at it as we were going through the document, but certainly I’m just speaking for myself.

CHAIRMAN DANA: Mr. Anson.

MR. ANSON: I will agree with Dale. That’s the way I interpreted it as well, is it would be the original. We would have the management measures in place for that year, with the carryover from prior year, more than likely, and so everything would kind of be operating as close to status quo as possible.

MR. RINDONE: Okay. Regardless of outcome of how this moves
forward, we will make sure that that change is reflected in the
document, and it also would reflect what’s already in the
codified text, and so thank you.

CHAIRMAN DANA: Okay, committee. We have two actions. We have,
in the past, selected preferreds. In one instance, the Advisory
Panel has a different preferred. Do you have any changes to
those preferred actions or alternatives to those actions? Do we
go final? Do you want to wait until after public testimony?
What is the preference of the committee? Mr. Walker.

MR. WALKER: I would rather wait and hear some public testimony.
There is a substantial amount of fishermen here.

CHAIRMAN DANA: Ms. Guyas.

MS. GUYAS: I think I’m good with that. I definitely want to
hear some more about this. I think it’s pretty interesting that
we’ve gotten a lot of negative feedback about this. I think
some of us kind of thought that this would be an easy thing that
we could do, and so, yes, let’s hear more about it.

CHAIRMAN DANA: I agree. I think the intent of the council, up
to this point, has been for the right reasons, but it’s
interesting. Mr. Diaz.

MR. DIAZ: I am fine if we want to wait and handle this at Full
Council. I currently am in support of this document, and just
to speak to some of the things that’s been said this morning a
little bit, bear in mind that the recreational sector is leaving
a large amount of fish in the water every year.

It is a conditional transfer, as Kevin pointed out, and so it
would only happen if the conditions were met. Currently, our
preferred is to move 10 percent. I’ve heard people say that
it’s a good thing to leave fish in the water, but this document,
if it goes forward, is not going to catch every fish that would
be under the ACL.

It’s 10 percent, and so there’s still going to be, if the
historical catches by the recreational community go forward,
we’re still talking about leaving millions of pounds of fish in
the water every year, and so we’re not trying to catch the last
one, and so that might just be some misconceptions about where
we’re going with this document and what should happen, if you
look back in history at the numbers we’ve come from before.

There were several comments about the bag limits going up. We
did do a bag limit analysis. We had some conversation around this table about the bag limit analysis. The disposition of that is that the bag limit analysis would not have a huge effect. It would be a minimal effect.

I share the concern about the fact that the recreational community should not be responsible for any type of accountability measure that would penalize them, and I think we’ve done -- In the document, we’ve picked an approach that has -- It has the very least chance of that ever happening, and so I think we’ve tried to address at least some of the concerns that we’ve heard. Let’s hear some more public testimony and decide where we go with this document. Currently, I am strongly in favor of it. Thank you, Madam Chair.

CHAIRMAN DANA: Thank you, Mr. Diaz. Any further comments from committee members? In that regard, we don’t move forward on the codified text, at least to forward it to the Full Council, correct?

MR. RINDONE: Correct.

CHAIRMAN DANA: Okay. Based on the input from the committee, we will wait for public comment on it and then we’ll take this up at Full Council for further action or whatever the Full Council wants to do. Is there any other business to come before the committee? Mr. Diaz.

MR. DIAZ: I just want to mention one more thing, and sorry that I didn’t mention it a minute ago. There were a couple of comments about potentially there should be a hard reallocation shift here, and I know -- I think this document is trying to avoid doing that, and so, anyway, I just wanted to mention that there are people out there that think that there should be a hard allocation shift. Some of the folks commenting might not realize that this document was an attempt to try not to go down that road and do a hard reallocation shift, and I think that was in the spirit of trying to work with both user groups. Thank you, Madam Chair.

CHAIRMAN DANA: Point well taken. Thank you, Mr. Diaz. Mr. Swindell.

MR. SWINDELL: Thank you, Madam Chair. I am sitting here trying to understand just what the recreational sector is truly taking versus what they are catching. All we are looking at here is the allocation based on what they are bringing into the dock.
I know, as a recreational fisherman in Louisiana, I go out and I
catch king mackerel, and I don’t take it in. It’s just the fun
of catching king mackerel. It’s a big fish, and I think most of
the people in Louisiana seldom take in king mackerel when they
catch it. I don’t know about the rest, because I don’t know
what the rest of the recreational fishermen are doing, but this
is a viable resource that is providing a lot of recreation,
quote, for the recreational fishermen, especially the big king
mackerel.

I mean, you have a lot of fun catching a big fish of any sort,
whether it’s a big red drum or -- Red drum is a good example,
too. I don’t keep big red drum. That’s the last thing that I’m
going to try to cook, is a big red drum. You throw the thing
back in the water. I want good, medium-sized drum.

I am just trying to get a handle on whether or not we should
transfer any limits or not if the recreational people are
satisfied with what they’re doing. Maybe they are indeed having
fun catching and not keeping. That’s a good question, and I
don’t know the size. Ryan, do you have any idea of what the
sizes are that the recreational people are taking in?

MR. RINDONE: I could look that up for you, sir, but I don’t
know it off the top of my head.

MR. SWINDELL: Thank you.

CHAIRMAN DANA: Thank you, Mr. Swindell. We will move into the
public hearing and listen to what folks have to say about that
in public comment and take it up at Full Council. We have no
other business, and so I would adjourn, unless another committee
member -- We stand adjourned.

WHEREUPON, THE MEETING ADJOURNED ON FEBRUARY 1, 2017.

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