

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

MACKEREL MANAGEMENT COMMITTEE

Hilton Riverside Hotel New Orleans, Louisiana

August 10, 2015

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

NON-VOTING MEMBERS

- 19 Kevin Anson.....Alabama
- 20 Leann Bosarge.....Mississippi
- 21 Doug Boyd.....Texas
- 22 Glenn Constant.....USFWS
- 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

STAFF

- 33 Assane Diagne.....Economist
- 34 John Froeschke.....Fishery Biologist/Statistician
- 35 Doug Gregory.....Executive Director
- 36 Beth Hager.....Financial Assistant/IT Coordinator
- 37 Karen Hoak.....Administrative and Financial Assistant
- 38 Ava Lasseter.....Anthropologist
- 39 Mara Levy.....NOAA General Counsel
- 40 Emily Muehlstein.....Fisheries Outreach Specialist
- 41 Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- 42 Bernadine Roy.....Office Manager
- 43 Charlotte Schiaffo.....Research & Human Resource Librarian
- 44 Carrie Simmons.....Deputy Director

OTHER PARTICIPANTS

- 47 Anna Beckwith.....SAFMC
- 48 Theo Brainerd.....SEFSC

1 Steve Branstetter.....NMFS
 2 Eric Brazer.....Reef Fish Shareholder's Alliance
 3 J.P. Brooker.....Ocean Conservancy
 4 Shane Cantrell.....Galveston, TX
 5 Eden Davis.....Louisiana Wildlife Federation, Baton Rouge, LA
 6 Michael Drexler.....Ocean Conservancy, St. Petersburg, FL
 7 Julie Falgout.....Louisiana Sea Grant, Houma, LA
 8 Chad Hanson.....Pew
 9 Matt Hill.....MS DMR, Biloxi, MS
 10 Scott Hickman.....Galveston, TX
 11 Peter Hood.....NMFS
 12 Joe Jewell.....MS DMR, Biloxi, MS
 13 Mark Kinsey.....NOAA OLE, Galveston, TX
 14 Paul Mickle.....Biloxi, MS
 15 Ashford Rosenberg.....Audubon Nature Institute
 16 Bill Tucker.....Dunedin, FL
 17 Jim Zurbrick.....Steinhatchee, FL

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 19 - - -
 20

21 The Mackerel Management Committee of the Gulf of Mexico Fishery
 22 Management Council convened at the Hilton Riverside Hotel, New
 23 Orleans, Louisiana, Monday morning, August 10, 2015, and was
 24 called to order at 11:30 a.m. by Chairman Pamela Dana.

25
 26 **ADOPTION OF AGENDA**
 27 **APPROVAL OF MINUTES**
 28 **ACTION GUIDE AND NEXT STEPS**
 29

30 **CHAIRMAN PAMELA DANA:** We will call to order the Mackerel
 31 Management Committee and I need a motion to adopt the agenda,
 32 Tab C, Number 1.

33
 34 **MS. MARTHA BADEMAN:** So moved.

35
 36 **CHAIRMAN DANA:** Do I have a second?

37
 38 **MR. MYRON FISCHER:** Second.

39
 40 **CHAIRMAN DANA:** Okay. The agenda has been adopted and has
 41 everyone had an opportunity to review the minutes and, if so,
 42 can I hear a motion to approve or adopt the minutes? I've got a
 43 first and a second. Thank you. The minutes are approved.
 44

45 Action Guide and Next Steps, we are going to move directly into
 46 the options paper for Coastal Migratory Pelagics Amendment 26:
 47 Changes in Allocations, Stock Boundaries, and Sale Provisions
 48 for Gulf of Mexico and Atlantic Migratory Groups of King

1 Mackerel. I am going to turn it over to Ryan Rindone for a
2 review.

3
4 **OPTIONS PAPER FOR CMP AMENDMENT 26: CHANGES IN ALLOCATIONS,**
5 **STOCK BOUNDARIES, AND SALE PROVISIONS FOR GULF OF MEXICO AND**
6 **ATLANTIC MIGRATORY GROUPS OF KING MACKEREL**

7
8 **MR. RYAN RINDONE:** Thank you, Madam Chair. At the last meeting,
9 you guys had directed staff, along with some input from the
10 South Atlantic Council, about all the things that you wanted
11 included and otherwise revised for this amendment and so the IPT
12 went through and made all of those changes.

13
14 Since then, we have added a couple more alternatives to one of
15 the actions. If you go to page 40 in the document, it's Section
16 2.7, Action 7, Revise the Recreational and Commercial
17 Allocations for Gulf Migratory Group King Mackerel.

18
19 We have several different proposed alternatives here for ways to
20 revise the recreational and commercial allocations. The new
21 material that I wanted to call your attention to for inclusion
22 in the document are Alternatives 4 and 5 and Alternative 4 would
23 conditionally transfer a percentage, based on Options a through
24 c, of the recreational allocation to the commercial sector until
25 such a time that the recreational landings reach a predetermined
26 threshold and those thresholds are outlined in Options d through
27 f.

28
29 If this threshold is met, then the recreational and commercial
30 allocations would go back to what they are now, which is 68
31 percent recreational and 32 percent commercial.

32
33 Based on the options that we have in Alternatives 2 and 3, for
34 Alternative 4 we have Option a, transfer 5 percent of the
35 recreational allocation to the commercial sector, Option b is 10
36 percent, and Option c is 20 percent. If Alternative 4 is going
37 to be preferred in any way, you have to choose -- Based on how
38 it's set up, you have to choose one of Options a through c and
39 you also have to choose one of Options d through f.

40
41 Those thresholds that we previously mentioned are, for Option d,
42 revert to the status quo, or the allocations we have now, if 80
43 percent of the adjusted recreational ACL is landed. Option e is
44 90 percent and Option f is 100 percent and this is based on the
45 motion that came in at full council during the joint council
46 meeting in June. That's where this alternative comes from.'

47
48 Alternative 5 added a sunset provision, which the council

1 expressed some interest in. What this basically sets up is --
2 It says it establishes a sunset provision for any change in the
3 status quo sector allocations for Gulf migratory group king
4 mackerel and, again, that's 68 percent for the recreational
5 sector and 32 percent commercial.

6
7 Then after the predetermined time period, any change in the
8 sector allocations would revert back to the allocations
9 specified in the original CMP FMP, which is that 68 to 32. We
10 have three options here for this sunset provision, a five-year
11 sunset, which is Option a, ten years for Option b, and fifteen
12 years for Option c. That period would begin the year that the
13 amendment is implemented and the regulations become effective.

14
15 What the IPT is looking for from the committee is do we have you
16 guys' blessing to include these in the document and do the
17 analyses required to create the public hearing draft? Madam
18 Chair.

19
20 **CHAIRMAN DANA:** Thank you, Ryan. Discussion on the inclusion of
21 Alternative 4 and choosing an option and also inclusion of
22 Alternative 5? Myron.

23
24 **MR. FISCHER:** Thank you, Madam Chair. On Alternative 4, Ryan,
25 what was the concept that the transfer takes place and when the
26 threshold is reached -- This is all within the same fishing year
27 and that portion is transferred back?

28
29 **MR. RINDONE:** It would be in the following year that the
30 allocation would change back to what it was originally, if that
31 threshold is met. So if it were in effect now and 10 percent of
32 the recreational allocation had been transferred to the
33 commercial sector, that would make the allocations 58 percent
34 recreational and 42 percent commercial. If the threshold that
35 you guys determined was 90 percent and so if the recreational
36 sector reached 90 percent or more of their ACL, based on that 58
37 percent of the total ACL that they have been allocated, then in
38 2016 the allocation would immediately revert back to 68 percent
39 recreational and 32 percent commercial.

40
41 **CHAIRMAN DANA:** A follow-up, Myron?

42
43 **MR. FISCHER:** So it's possible that -- It's not in the same year
44 and so the recreational sector could be shut down in a given
45 year due to the transfer and I was thinking there was a method
46 they could get it back in the same year, but I think obviously
47 not in this.

48

1 **MR. RINDONE:** They wouldn't get it back in the same year under
2 this. Right now, they're landing about half of their allocation
3 and so I suppose if you transferred 20 percent of the
4 recreational allocation to the commercial sector and, granted,
5 that's 20 percent of what they have, and then you had a buffer
6 of 80 percent, the likelihood of them at some point in the
7 future reaching that threshold is higher than it would be for
8 any combination of the other options, but still, again, they are
9 only landing half of their allocation now and so even under that
10 scenario, the odds are still lower that it could be reached in
11 the near future. I mean what happens in the future all depends
12 on the amount of effort that increases on kingfish.

13
14 **CHAIRMAN DANA:** Further discussion from the committee? Okay.
15 We have recommended action as to whether to include Alternative
16 4 and Alternative 5 in this document. Do I have any -- We are
17 being requested to act and does anyone choose to act on the
18 committee? Does no one on the committee want to include
19 Alternative 4 and --

20
21 **MR. JOHN SANCHEZ:** I would just as soon include it, in the
22 interest of having additional options to explore as we move
23 forward addressing allocation on several fronts at this meeting,
24 king mackerel, snapper, et cetera, et cetera. Let's look at a
25 full gamut of options and these are certainly some.

26
27 **CHAIRMAN DANA:** We have a motion on the board by John Sanchez to
28 include Alternative 4 and Alternative 5 with the stated options.
29 Do I have a second? David Walker seconds. Any discussion?
30 Myron.

31
32 **MR. FISCHER:** I think we're in two different amendments, but we
33 have to keep in mind we're also considering increasing the bag
34 limit in the recreational sector and how that might weigh on
35 these percentages. Ryan is going to correct me.

36
37 **CHAIRMAN DANA:** Ryan.

38
39 **MR. RINDONE:** Thank you, Madam Chair. Mr. Fischer, the bag
40 limit change that you're talking about is actually Action 8 in
41 this amendment and there is a bag limit analysis that is
42 included for you guys' review and that bag limit analysis looks
43 at a couple of different ways of trying to determine how much
44 more king mackerel would be landed by the recreational sector if
45 the limit were increased to three fish and under both scenarios,
46 one a little bit more conservative than the other, it's not
47 going to result in much of a change in how many fish are
48 actually landed by the recreational sector and so it might be

1 nice for some, but basically what we're seeing is that most
2 people aren't keeping -- They are either not keeping any
3 kingfish at all or they're only keeping one. It's a much
4 smaller portion of the recreational fishing community that keeps
5 two and then presumably from there it would be interested in
6 keeping three.

7
8 **CHAIRMAN DANA:** Myron, did that answer your question? Okay. So
9 we have a motion on the board to include Alternatives 4 and 5 in
10 Action 7. **All those in favor say aye; opposed. The motion**
11 **passes.** Okay. Ryan, now must we move forward to choose an
12 option under Alternative 4 or what is our next -- What do we
13 need to do next?

14
15 **MR. RINDONE:** For Amendment 26, you don't have to do anything
16 else at this time. This is an options paper that is being
17 prepared to be a public hearing draft to go out to public
18 hearings and so we have analyses that we will need to complete
19 and then you guys will receive a public hearing draft at the
20 next meeting and that will have the analyses that the IPT has
21 completed for you to consider and at that time, if you're so
22 inclined, you can pick preferred alternatives then. It would
23 probably be more appropriate to do it then, after you've had
24 time to review the analyses. So we're all good here now, if
25 that's okay with you all.

26
27 **CHAIRMAN DANA:** I think that we'll go ahead and call it a day on
28 Amendment 26 and allow for whatever the staff needs to do to
29 prepare for public meetings or the next meeting. John Sanchez
30 has a quick question.

31
32 **MR. SANCHEZ:** Ryan, about how long do you think it would take to
33 be able to prepare the analysis associated with these now agreed
34 upon options to move forward with to see how they relate to
35 changes in increase in bag limit, et cetera, et cetera, how they
36 all relate to each other?

37
38 **MR. RINDONE:** I think I would need to know a little bit more
39 about what it is you want to answer that question, but, broadly
40 speaking, without knowing which alternatives you guys prefer,
41 there are obviously an awful lot of different ways everything
42 could go.

43
44 After reviewing the bag limit analysis, I would argue that the
45 bag limit analysis itself is not likely to impact recreational
46 landings to such a degree that options picked elsewhere in the
47 document as they relate to the Gulf migratory group of king
48 mackerel -- I don't think that changing the bag limit is going

1 to change any of the other stuff much, if at all, and so it
2 would be my advice to you guys if you want to increase the bag
3 limit, then, by all means, that's your prerogative, but don't
4 think of it as impacting Actions 5, 6, and 7, which are,
5 respectively, the ACL increase, the changes to the commercial
6 zone allocations, and then the shift of recreational ACL to the
7 commercial sector.

8
9 **CHAIRMAN DANA:** Okay. Chairman Anson, I think, since we've gone
10 through 26, would you like us to continue into 28 or conclude
11 for now, until after lunch?

12
13 **MR. KEVIN ANSON:** It probably would be good to go ahead and
14 conclude, take a break, at this point. We will go ahead and
15 break and then be back here at 1:30.

16
17 (Whereupon, the meeting recessed at 11:45 a.m., August 10,
18 2015.)

19
20 - - -

21
22 August 10, 2015

23
24 MONDAY AFTERNOON SESSION

25
26 - - -

27
28 The Mackerel Management Committee of the Gulf of Mexico Fishery
29 Management Council reconvened at the Hilton Riverside Hotel, New
30 Orleans, Louisiana, Monday afternoon, August 10, 2015, and was
31 called to order at 1:30 p.m. by Chairman Pamela Dana.

32
33 **CHAIRMAN DANA:** We are going to resume the Mackerel Management
34 Committee, starting off with Item Number V, Options Paper for
35 Coastal Migratory Pelagics Amendment 28, which is Separating
36 Permits for the Gulf of Mexico and Atlantic Migratory Groups of
37 King Mackerel and Spanish Mackerel. You will find that in Tab
38 C, Number 5. Ryan, would you like to review where we're at and
39 next steps, if any.

40
41 **OPTIONS PAPER FOR CMP AMENDMENT 28: SEPARATING PERMITS FOR GULF**
42 **OF MEXICO AND ATLANTIC GROUPS OF KING MACKEREL AND SPANISH**
43 **MACKEREL**

44
45 **MR. RINDONE:** Sure and thank you, Dr. Dana. At the joint
46 council meeting in Key West, we presented a white paper, kind of
47 a discussion paper, that kind of outlined where the IPT thought
48 both councils were headed with respect to Amendment 28, which is

1 looking at reorganizing management for the Gulf and Atlantic CMP
2 species.

3
4 One of the big things in this is splitting the king and Spanish
5 mackerel permits. Currently, the kingfish and the Spanish
6 mackerel respective permits are applicable for the Gulf and the
7 Atlantic and so you would only need one kingfish permit, one
8 federal commercial kingfish permit, to fish in either the Gulf
9 or the Atlantic and the same for Spanish.

10
11 For ease of facilitating migratory group-specific management
12 measures, splitting those permits was proffered as a good way to
13 move forward, so that each council do whatever they thought was
14 best for managing their migratory group.

15
16 At the June meeting, the South Atlantic Council, which had
17 actually initiated the action on this early last year, decided
18 that they were no longer interested in moving forward with
19 Amendment 28, while the Gulf Council had decided they were
20 interested.

21
22 During scoping, we had received a lot of support from Gulf
23 fishermen to look at splitting these permits and the South
24 Atlantic Council had received the exact opposite from their
25 fishermen and so the South Atlantic Council directed their staff
26 to stop work and you guys told us to come up with an options
27 paper and try and figure out some ideas that we might offer to
28 the South Atlantic Council at some point to see if they are
29 willing to again move forward with it.

30
31 That's basically what we have for you here in Tab C, Number 5.
32 This is just a draft options paper with a few actions in it that
33 the IPT came up with, based on what we heard during scoping and
34 what we heard at council meetings.

35
36 It's just to get the ball rolling. We can go through these and
37 you guys can let us know what you think or if we're headed in
38 the right direction or if we need some recalibration. If you
39 like what you see, then you guys could make the decision to
40 forward this on to the South Atlantic Council for consideration
41 at the next opportune moment for them. Do you want me to keep
42 pushing?

43
44 **CHAIRMAN DANA:** Yes, I would like you to. Thanks.

45
46 **MR. RINDONE:** All right. If we want to skip ahead to page 13,
47 Chapter 2, for Management Alternatives, Action 1 would
48 reorganize management of the CMP species in the Gulf and

1 Atlantic. Of course, Alternative 1 would leave us with what we
2 have.

3
4 Alternative 2 would retain a single Gulf and South Atlantic FMP
5 for CMP species and it would create separate commercial king
6 mackerel permits and/or commercial Spanish mackerel permits for
7 the regions managed by each respective council and qualifying
8 criteria for the limited access kingfish permits would be
9 addressed in Actions 2 and 3, Action 2 for the Gulf and 3 for
10 the Atlantic.

11
12 Since Spanish permits are open access, there wouldn't be any
13 qualifying criteria established for those, at least not at this
14 time. I know there has been some interest by the South Atlantic
15 to try to reduce the number of Spanish mackerel permits over
16 there and if that's something that they want to explore, once
17 the permits were split, then that's something they could
18 explore.

19
20 Then, of course, we have options for establish separate kingfish
21 permits in each region for Option a and then the same for
22 Spanish mackerel for Option b. Raise your hand or interrupt
23 more or anything if you have any questions.

24
25 Alternative 3 would create separate FMPs for CMP species, one
26 for the Gulf and one for the Atlantic. The Gulf CMP FMP would
27 be administered by the Gulf Council and the Atlantic by the
28 South Atlantic Council. It's important to note that the
29 Atlantic FMP also includes the Mid-Atlantic Council and so
30 they're going to be interested, if this starts moving forward,
31 to keep track of its progress, especially as it relates to the
32 Atlantic region.

33
34 The same rules would apply for the qualifying criteria. The
35 qualifying criteria would be established in Actions 2 and 3 for
36 the limited access kingfish permits and since Spanish permits
37 are open access, no qualifying criteria would be addressed for
38 those.

39
40 All other management measures in the current joint FMP would
41 apply to the appropriate stock and region and would be included
42 in the appropriate new FMP and so any rules we have in the Gulf
43 would be included in the Gulf's new respective FMP and the same
44 for the Atlantic.

45
46 The jurisdictional boundary for the councils would need to be
47 established also and so we have options here for the Dade/Monroe
48 County line, which is also being proposed as a boundary option

1 in Action 1 of CMP Amendment 26 for king mackerel specifically,
2 and then another option might be the Gulf and South Atlantic
3 Council jurisdictional boundary.

4
5 Of note for the other two species, cobia's migratory group
6 boundary is at the Florida/Georgia line and Spanish mackerel's
7 is at the Dade/Monroe line and so if kingfish is also at the
8 Dade/Monroe line, after Amendment 26, then that seems like that
9 might be a reasonable path forward for determining where the
10 divisions should be between the migratory groups. Does anybody
11 have any questions on Action 1? There's a lot that kind of goes
12 on in this.

13
14 All right. Moving forward. Action 2 would establish the
15 qualifying criteria for obtaining and/or retaining a Gulf
16 commercial kingfish permit and these alternatives are based on
17 AP recommendations from the Gulf CMP Advisory Panel and
18 Alternative 4 in this list can be selected in conjunction with
19 any of Alternatives 1 through 3 and multiple options may be
20 selected as preferred in Alternatives 2 and 3.

21
22 Alternative 1 would not establish any qualifying criteria and so
23 basically what that is saying is anybody that is currently
24 permitted to fish in the Gulf would continue to be permitted to
25 fish in the Gulf for king mackerel. Alternative 2 would
26 establish qualifying criteria for the Gulf-specific commercial
27 king mackerel permit and an individual currently holding a valid
28 or renewable combined Gulf and Atlantic permit would receive the
29 fully transferable Gulf-specific permit if they have met one of
30 the following criteria for king mackerel in the Gulf.

31
32 Option a would be that they had 5,000 pounds of king mackerel
33 landed in any one year between 1994 and 2009 and the AP had
34 proposed this particular time series so that fishermen that
35 historically fished in the Gulf that may not have fished in
36 recent history would still be able to obtain that fully
37 transferable permit.

38
39 Option b would establish the qualifying criteria at 10,000
40 pounds of king mackerel landed annually in at least four years
41 during the 2010 to 2014 time period, so four years out of those
42 five years, and Option c is the same as Option b, except it
43 increases the poundage requirement to 20,000 pounds.

44
45 Option d would list the qualifying criteria as the hailing port
46 listed on the current federal commercial king mackerel permit as
47 of January 1, 2015 as being a port within the Gulf region and so
48 a mailing address for say, Doug Boyd, commercial king mackerel

1 fisherman, might be Orlando, but your hailing port might be
2 Crystal River, where you actually come in. That hailing port
3 can be changed based on if you move where you're bringing your
4 boat in, et cetera, and so establishing a control date, meaning
5 as of this date if your hailing port was in the Gulf that you
6 qualify for the Gulf permit, makes things a whole lot easier
7 administratively.

8
9 Hailing ports can be updated through time if a captain decides
10 to move where they are bringing the boat in and that information
11 can be overwritten and so establishing a new control date with
12 respect to moving forward with any of the qualifying criteria
13 with the permit split would be a good idea.

14
15 Right now, the control date for king mackerel is June 30, 2009.
16 That's a pretty old control date by most respects and so it
17 might be worth the committee's consideration to consider a more
18 recent control date and the IPT just arbitrarily offered January
19 1, for the sake of argument. That might be something you guys
20 want to talk about.

21
22 **CHAIRMAN DANA:** January 1 of what year?

23
24 **MR. RINDONE:** 2015.

25
26 **CHAIRMAN DANA:** Is there any discussion on control dates?
27 Martha Bademan.

28
29 **MS. BADEMAN:** I have a question about the hailing port. How
30 often do people change that during the year? Is that something
31 that people do or no?

32
33 **MR. RINDONE:** They can and I don't know.

34
35 **MS. BADEMAN:** I mean I know that people obviously move around,
36 but whether they change that on paper. With January, the people
37 that are fishing Gulf and Atlantic, there's a good chance that
38 they're probably fishing the Atlantic in January and so whether
39 or not they have put Gulf on their paperwork, I don't know, but
40 then they may fish Gulf later in the year.

41
42 **MR. RINDONE:** For the sake of the permit and for fishing,
43 because the permit is valid in either the Gulf or the Atlantic,
44 it doesn't really matter where your hailing port is. Your
45 hailing port could be Sebastian Inlet and you could still fish
46 in the Gulf all year and never fish in the Atlantic.

47
48 **MS. BADEMAN:** It doesn't matter until we split permits based on

1 it. That's why I'm asking.

2
3 **CHAIRMAN DANA:** Okay. Any other questions on the hailing port?
4 I think I heard from you, Ryan, through the IPT that you were
5 looking for input or clarification on the control date and
6 whether there was any desire to make the control date more
7 recent, based on the 2009 control date that is currently listed.
8 I personally think that's quite aged too and we would be better
9 off looking at a more current control date. Any discussion?
10 Myron or Roy? You all have been in this for a while. John
11 Sanchez.

12
13 **MR. SANCHEZ:** Thank you. When considering control dates, you
14 obviously have to give some thought to history. As we approach
15 a lot of fisheries, we always look at historical participation
16 and this is kind of one of those exceptions to the rule in which
17 you had a thriving hand line fishery in the Keys in the 1990s
18 that you no longer have, because of the economics of it and the
19 trip limit changes that ensued throughout that course of time,
20 from then to now.

21
22 Fuel went up in price and this and that and the economics were
23 that they have kind of fallen out of the picture, yet
24 historically they were responsible for a lot of hook and line
25 landings. If you go with a newer control date, you might lose
26 some of these historical players and so I would just caution
27 that a little bit, given the history.

28
29 **CHAIRMAN DANA:** So that was a statement and not a motion?

30
31 **MR. SANCHEZ:** It was a statement.

32
33 **CHAIRMAN DANA:** Okay. Let's just continue on, Ryan, if there's
34 no more discussion. Roy.

35
36 **DR. ROY CRABTREE:** Before we move on on this one, I have a lot
37 of concerns about the hailing port as a criteria. It seems to
38 me that potentially is a violation of National Standard 4,
39 because it seems to be discriminating who gets a permit based on
40 if the hailing port reflects residency or something like that.
41 I think that's something that staff is going to need to consult
42 with Mara on to look at, because we can't discriminate based on
43 residency.

44
45 **CHAIRMAN DANA:** Thanks, Dr. Crabtree. I think that's the kind
46 of comments we want to hear during this particular discussion,
47 is the red flags or what staff needs to look into more, because
48 this is just at the options paper level and so thank you, Dr.

1 Crabtree. Okay. Chairman Anson.

2
3 **MR. ANSON:** Thank you. Dr. Crabtree, declaration, I guess, is
4 that an option that's available, that if you were to say as of
5 this date in time we're going to be transitioning to two
6 separate permits and you all need to declare -- I know it kind
7 of is a question mark as to how many will declare Gulf versus
8 Atlantic, but is that a possible option or not recommended and
9 why?

10
11 **DR. CRABTREE:** You mean you would have to choose that you can
12 only have one or the other? It might be. I mean there are a
13 lot of things within the statute about limited access permits
14 and you have to take into account present and historical
15 participation in the fishery and those kinds of things and so I
16 wouldn't say you can't do that, but we would have to look at it.

17
18 The other thing I would add is, before this amendment can really
19 go anywhere, there is going to have to be a South Atlantic
20 action added to it to look at qualifiers and the permits and
21 everything else, because this is going to all -- If we're really
22 going to do this, that's all going to have to happen at once.

23
24 **CHAIRMAN DANA:** Thanks, Dr. Crabtree. Just a reminder, and we
25 discussed this also at the last meeting, the South Atlantic is
26 not in favor of moving forward on this particular amendment at
27 this point.

28
29 We, as a council, at the last meeting voted to continue movement
30 and ergo the reason that this options paper is where it's at. A
31 lot of that support from this council comes from the choose your
32 zone considerations that we've had over the last couple of years
33 and the frustration of Gulf king mackerel fishermen having those
34 from the South Atlantic cross over and fish out the allocations
35 before the Gulf fishermen are able to fish their particular
36 regions. I just wanted to give a little bit more background to
37 refresh everyone's memory. Dr. Crabtree.

38
39 **DR. CRABTREE:** I understand that. We just need to be careful,
40 because I think what National Standard 4 -- One of the reasons
41 Congress put it in the statute is to prevent trying to keep one
42 set of fishermen out of your region because they live somewhere
43 else. That's just something you can't do and we need to be very
44 careful with how we go down this, so we don't end up spending a
45 whole lot of time going down a blind end.

46
47 **CHAIRMAN DANA:** Noted. Ryan, do you want to move forward or
48 does anyone else have comments here? Okay, Ryan.

1
2 **MR. RINDONE:** Alternative 3 would establish qualifying criteria
3 for the non-transferable Gulf-specific commercial king mackerel
4 permit and so if you remember the Alternative 2 talks about a
5 fully transferable permit and this fully transferable permit can
6 be sold to anyone who can qualify for it that wants to buy it
7 and so the non-transferable permit cannot be sold at all to
8 anyone ever.

9
10 An individual currently holding a valid or renewable combined
11 Gulf and Atlantic commercial king mackerel permit would receive
12 the non-transferable Gulf-specific permit if they didn't meet
13 the qualifying criteria established in Alternative 2, but have
14 met one of the following criteria for king mackerel in the Gulf.

15
16 Option a says that they have commercial landings of any
17 federally-managed species in the Gulf. It doesn't matter what
18 it is. They're just on record as having landed something that
19 we manage in the Gulf. Option b is the hailing port, again, as
20 of January 1, 2015, is listed as being within the Gulf region.

21
22 Alternative 4, which can be selected in conjunction or separate
23 from Alternatives 2 or 3, would establish a spatial restriction
24 for all Gulf-specific commercial king mackerel permits, whereby
25 the permit holder may only fish in a specific Gulf commercial
26 zone, based upon predetermined criteria. This restriction will
27 be valid upon the date of issuance of the permit. Right now,
28 there is not a provision suggested to allow this to change and
29 so you would declare your zone and that's it for that permit.

30
31 Option a says that the Gulf zone where the permit had the
32 highest average landings of king mackerel during the previous
33 five years is where that permit would be good to fish. Option b
34 is the Gulf zone where the permit had the highest average
35 landings of king mackerel over the previous ten years and Option
36 c is selected by the permit holder before the permit is issued.

37
38 This gets back to that declare your zone initiative that was
39 pushed originally and this is something that the AP had
40 suggested again and so we went ahead and plugged it in. Again,
41 I had mentioned that we don't have a provision in here to allow
42 this to be changed and so if that's something that you guys
43 would want included, then let us know and we can add an option
44 for that too. Any other discussion on Action 2?

45
46 **CHAIRMAN DANA:** Continue on, Ryan.

47
48 **MR. RINDONE:** All right. Action 3 would establish qualifying

1 criteria for the Atlantic permit and since this sandbox is kind
2 of lonely right now and it's just us playing in it, we don't
3 have anything recommended for the Atlantic side yet and we could
4 recommend similar things, but we figured we would just leave
5 that up to them, if and when they decide that they want to
6 participate.

7
8 Where this leaves us is that we're still kind of in a holding
9 pattern, because the South Atlantic hasn't agreed to continue
10 moving forward with this and so if you guys like the options
11 that you see or you want to see some things taken out or some
12 different things put in or considered, let us know and we can
13 bring it back to you again at the next meeting and you can take
14 another look then.

15
16 Or, if you like what you see, you can recommend that it be moved
17 forward to the South Atlantic Council for consideration. It's
18 more than likely that they wouldn't be able to consider it until
19 their December meeting. Madam Chair, it's your pleasure.

20
21 **CHAIRMAN DANA:** Thank you, Ryan. That was a very nice overview
22 and thanks for the hard work by you and staff on this options
23 paper. Is there any discussion currently as has been presented?
24 Martha Bademan and then John Sanchez.

25
26 **MS. BADEMAN:** It sounds like there is some questions about
27 whether we can actually do some of these things and if the South
28 Atlantic can't take it up until December, if they even wanted
29 to, it seems like we could come back in October and talk about
30 it again with some updated information. That's just a potential
31 path forward.

32
33 **CHAIRMAN DANA:** John Sanchez.

34
35 **MR. SANCHEZ:** Thank you. Back in Key West, when we kind of
36 mentioned this during our joint meeting, both councils, we had
37 mentioned that given that we're developing new subzones and we
38 have modified, with SEDAR in 2014, the mixing zone and it's been
39 a little more focused and it's right there at the Keys, that has
40 kind of changed the ballgame a little bit.

41
42 It seems like this might be a ripe time for divorce and I am
43 hearing people saying that maybe they don't want to sign on to
44 that now, but I heard some sentiment from Chairman Hartig there,
45 and I don't want to put words in his mouth, but it's a matter of
46 record, that he was saying now that we are developing these new
47 subzones and some of these fish are going to the Atlantic that
48 it might be time, so we don't bog down the system with having to

1 get approval and just kick things back and forth and back and
2 forth and take twice as long.

3
4 If there is something we can do -- Perhaps that is going to give
5 them heartburn here or something inconsistent with the National
6 Standards that maybe shouldn't be in here, then I would suggest
7 we focus on those items, but definitely proceed with some way to
8 kind of divorce ourselves from having to do these jointly-
9 managed plans, which add ridiculous amounts of time to this
10 process.

11
12 **CHAIRMAN DANA:** Thank you, John. Anna Beckwith.

13
14 **MS. ANNA BECKWITH:** From our perspective on the South Atlantic,
15 we would most likely be willing to reconsider this options paper
16 once you guys had considered some preferreds. Even if they
17 weren't your final preferreds, of course, it would give us a
18 sense of what direction you guys were looking to proceed and we
19 may be willing to shop those around to some of our folks in the
20 South Atlantic and give some informal meetings and get some
21 feedback from our fishermen and get their perspective on this,
22 but our sense, at the moment, is -- My sense, at the moment, is
23 we would not be willing to reconsider this options paper until
24 we had some sense of which direction you guys were going a
25 little bit more specifically.

26
27 **CHAIRMAN DANA:** Thank you, Anna. David Walker, do you have
28 anything from the commercial fishermen in Alabama?

29
30 **MR. DAVID WALKER:** I just agree with what John Sanchez said.

31
32 **CHAIRMAN DANA:** Ryan, we need to help you either to not do more
33 work and spin your wheels or --

34
35 **MR. RINDONE:** It sounds like we need to have a more thought-out
36 discussion about the hailing port issue and we can certainly do
37 that and the control date, of course.

38
39 Just a point of clarification for the control date. The control
40 date affects everything that would happen after it and so
41 whoever was a participant in the fishery prior to the control
42 date being established would be under consideration for whatever
43 changes are being proposed and so it wouldn't be preclude
44 somebody that was a historical participant from being considered
45 for either permit.

46
47 Obviously the South Atlantic Council is going to have some
48 consternation about their fishermen and their access and so that

1 certainly merits you guys' consideration when thinking about
2 what you want to propose to them and so it might be worth
3 considering thinking about things which may not necessarily
4 adversely affect anybody currently, if you do truly want to
5 split the FMP.

6
7 In order to split the FMP, we need to split the permits. We
8 can't have separate FMPs and still use the same permit system
9 and so that's something that would have to be done one way or
10 another.

11
12 **CHAIRMAN DANA:** Dr. Crabtree, on that control date for 2.2.
13 Action 2, Alternative 2, the IPT, again, made the recommendation
14 that if we were to go further on this that we should have a
15 newer control date. Could we add an option to this array that -
16 - Like for 5,000 pounds of king mackerel in any one year during
17 1994 through 2014?

18
19 **MR. RINDONE:** You can change the range and the years if you
20 like. Option a was set up so that --

21
22 **CHAIRMAN DANA:** You had to catch 5,000, at least.

23
24 **MR. RINDONE:** You have caught at least 5,000 pounds during that
25 time period and the AP had recommended that, because there are
26 some guys, like in Grand Isle, like some of the shrimp fishermen
27 that used to fish that don't want to lose their permits, and
28 they would have at least 5,000 pounds of landings in at least
29 one year during that time period and so that would keep them
30 from losing a fully transferable permit.

31
32 It's kind of a protection for the historical fishermen and you
33 could select more than one option in Alternative 2. You could
34 use Option a to help protect the historical guy and you could
35 use Option b or c to qualify only the guys that are really
36 dedicated to the king mackerel fishery currently and that would
37 remove any of the smaller time traveling players, if that was
38 your motivation anyway.

39
40 The control date really helps facilitate the hailing port issue,
41 but, just from a general perspective of applying new rules as we
42 move forward, having a more recent control date than 2009 is
43 very useful, from an administrative standpoint.

44
45 **CHAIRMAN DANA:** I guess I am -- Just going back to my original
46 question to you, in that the IPT recommended a more recent
47 control date -- 5,000 pounds is a lot of fish, irregardless, in
48 a year, but to protect the historical from the 1994, could there

1 be another option that's placed in there that does go from 1994
2 all the way to 2014, to be consistent with the other options
3 that end in 2014?

4

5 **MR. RINDONE:** Sure.

6

7 **CHAIRMAN DANA:** So you guys could do that independently if you
8 wanted to and just plug that in, with the 5,000 minimum?

9

10 **MR. RINDONE:** Of course. If you guys want us to add an option,
11 we can add an option. If you want us to take an option out, we
12 can do that too. We are very draft right now in terms of where
13 we are with this and so it's really you all's pleasure as far as
14 what you want to do.

15

16 **CHAIRMAN DANA:** Thank you. Dr. Crabtree.

17

18 **DR. CRABTREE:** One other kind of red flag that I see is under
19 Alternative 3, Option a, where it says commercial landings of
20 any federally-managed species in the Gulf. At least the way
21 it's drafted, that could be someone with an HMS permit even and
22 if you look at what the statute says, you can establish limited
23 access, but you have to take into account present participation
24 in the fishery, historical practices in the fishery, and various
25 things.

26

27 This seems to be saying that you can get in even if you've never
28 even been in the fishery and you've been in shrimp, for example,
29 or a tuna fisherman or you've been in some other fishery and you
30 qualify, but combined with the hailing port thing, someone who
31 has been a big-time participant in the fishery might not qualify
32 and so I -- I recall some years ago, I think, we had a South
33 Atlantic Council provision that one of the qualifiers was having
34 any other federally-managed permit and that very issue came up
35 and that limited access program was disapproved at that point.

36

37 I think there are a whole lot of issues that revolve around not
38 just the hailing port, but also allowing the fact that you have
39 a permit in some other fishery to qualify you for them that I
40 would kind of stay away from.

41

42 **CHAIRMAN DANA:** Ryan.

43

44 **MR. RINDONE:** Just a point of clarification on that, for
45 Alternative 3. It's for an individual currently holding a valid
46 or renewable combined commercial king mackerel permit and so you
47 would already have the current permit in hand and you would
48 qualify for the non-transferable version of that permit, one, if

1 you didn't qualify for the fully transferable version and, two,
2 if you had landings of some species in the Gulf.

3
4 If you fish for reef fish and you have your commercial reef fish
5 permit and you also have a commercial king mackerel permit, but
6 you don't have any landings on that permit in recent history,
7 you would qualify for the non-transferable permit, simply
8 because you catch Gulf reef fish, but you hold a current
9 commercial king mackerel permit already. It's not for people
10 that don't hold a permit yet.

11
12 **DR. CRABTREE:** I guess for that to work though you have to argue
13 that they are a participant in the fishery just because they
14 hold the permit, even though they haven't participated in the
15 fishery in terms of actually fishing. Maybe that works and I
16 don't know, but that's something we need to really look at.

17
18 **MR. RINDONE:** That's correct and that kind of goes back to kind
19 of in honor of the council's motion in Amendment 20A or 20B,
20 where you guys elected not to eliminate any commercial king
21 mackerel permits. This allows the folks that are in the Gulf
22 that didn't have their permits eliminated then to still not have
23 them eliminated now and they would still have the option to fish
24 them, but because they have little to no landings for whatever
25 amount of time, they wouldn't be able to sell that permit. It
26 doesn't take it away from them, but they can't sell it later is
27 how it's currently written.

28
29 **CHAIRMAN DANA:** Any further discussion? I would like to hear
30 from members of the committee on what they would like to happen
31 and whether we just want to postpone any action by staff until
32 October or if you want to hear it again in October. I don't
33 want the staff to spin their wheels on something that no one has
34 any interest in moving forward on. Again, the AP -- These
35 recommendations came from the AP for coastal migratory. Any
36 comments? David, you're the Vice Chair. Come on.

37
38 **MR. WALKER:** I wouldn't like to see the permits removed. I
39 mean, personally, on my fishing vessel, we don't maybe land and
40 some years we might land 5,000 pounds, but it's mostly reef fish
41 and there are opportunities or times that we can catch king
42 mackerel, but I don't spend a lot of time or we don't spend a
43 lot of time fishing for king mackerel. At the same time, we do
44 catch those and I would like to be able to maintain our permit
45 and I'm sure there's a lot of other people in the reef fishery
46 that would like to keep their permits.

47
48 **CHAIRMAN DANA:** I don't think that that's too much of the

1 question. The Gulf Council has pretty much erred on the side
2 that you just articulated, to not take those permits away from
3 the fishermen, if they're even using them in the slightest.

4
5 **MR. RINDONE:** To Ms. Beckwith's comment about when the South
6 Atlantic would be prepared to take this up again if the Gulf had
7 preferreds, it makes it not impossible, but I would say quite
8 difficult, to put you guys in a position where you could even
9 pick preferreds without some participation from the South
10 Atlantic Council.

11
12 The reason for that is the Gulf can jump through the hoops of
13 coming up with a way to determine who gets a Gulf permit, but
14 without knowing who is getting a South Atlantic permit, you
15 won't necessarily know how the permits are going to be truly
16 divided and how many participants there are going to be and if
17 you don't know the number of participants, you can't really
18 determine what the effect is going to be on the fishery and so
19 your biological, social, and economic effects are big question
20 marks.

21
22 Waiting until the council has enough information to make motions
23 on which alternatives they prefer, I would see that as being
24 very difficult and there would be an awful lot of asterisks at
25 the end of all of that and so it would all reasonably be
26 contingent on what the South Atlantic also wanted to do and so
27 some participation between now and then, even if it's just
28 giving us some feedback, would be really beneficial to determine
29 whether this needs to move forward or not.

30
31 **CHAIRMAN DANA:** Anna, to that point?

32
33 **MS. BECKWITH:** Sure and I think Ben was willing to get some
34 feedback from some of the fishermen on the Atlantic side and go
35 through those routes and so I am sure that we would be willing
36 to look at this again. I certainly couldn't speak to what we
37 would decide to do with it, but I think some casual
38 conversations with our fishermen would certainly be a next step.

39
40 **CHAIRMAN DANA:** Thank you, Anna. Would it be fair then if we
41 were to not necessarily table, but to hold off on this
42 particular options paper until we hear back at the next meeting
43 on the South Atlantic perspective and then we can decide at that
44 time whether to move forward with it or table it indefinitely?

45
46 **MS. BECKWITH:** If you guys could clarify some of the concerns
47 that Roy had in that document and then send those to us, I am
48 sure that we would be happy to take a peek at it again.

1
2 **CHAIRMAN DANA:** I have been told by staff that they can do that.
3 Any other input? I don't want to belabor this. Roy Williams.

4
5 **MR. ROY WILLIAMS:** Ryan, is it implicit in this that you can
6 hold a Gulf permit or a South Atlantic permit, but you cannot
7 hold one of each? Assuming we divide them, the councils divide
8 them, can a vessel -- They would not be able to retain -- You
9 could only have one and is that part of this?

10
11 **MR. RINDONE:** No and so if you are a -- Let's say you're a
12 historical traveling fisherman and the Gulf Council elects to go
13 with Option b of Alternative 2, which says that you had to have
14 landed 10,000 pounds annually in at least four of the last five
15 years to get that fully transferable permit, and you currently
16 hold the joint permit, you would qualify.

17
18 If you're a traveling fisherman and you meet that landings
19 criteria, you get a Gulf fully transferable permit. Now, you
20 might also qualify for an Atlantic permit, either based on the
21 fact that you live there, if the hailing port thing holds up, or
22 you have landings there or whatever qualifying criteria they
23 would like to entertain.

24
25 You could hold both, but the number of people holding both would
26 be markedly diminished from what it is now, just by function of
27 where people fish and how much they can ostensibly catch in a
28 season.

29
30 **MR. WILLIAMS:** I have a follow-up. Did you say that under
31 Alternative 2 that you could choose two options, like a and b?
32 I didn't really understand how you could do that.

33
34 **MR. RINDONE:** Yes, I did and so if you chose Option a under
35 Alternative 2, anyone that met that criterion would qualify for
36 that fully transferable permit. If you also chose Option b,
37 then anyone that didn't meet Option a, but met Option b, would
38 also qualify. It would allow the people that have been
39 participating actively, and probably pretty heavily in recent
40 years, to qualify for that fully transferable permit, but it
41 would also protect the historical fishermen, as described by the
42 AP.

43
44 The same goes for being able to choose multiple options for
45 Alternative 3 and, of course, pending some more banging our
46 heads on the table about the hailing port issue.

47
48 **CHAIRMAN DANA:** Any more input for Ryan to incorporate into the

1 options paper that will be shared with the South Atlantic?
2 Okay. Hearing none, I think, Ryan, you've got your marching
3 orders and then we will revisit this in October, at our next
4 council meeting. Is there any other business to come before
5 this committee? Seeing none, Chairman Anson, I adjourn.

6

7 (Whereupon, the meeting adjourned at 2:15 p.m., August 10,
8 2015.)

9

10

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