

MEETING REPORT
MACKEREL COBIA ADVISORY PANEL AND COBIA SUB-PANEL
SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
Charleston, South Carolina
October 5th and 6th, 2022

The Mackerel Cobia Advisory Panel (AP) met to discuss topics supporting management of the coastal migratory pelagics fishery, including Florida east coast zone cobia, Atlantic Spanish mackerel, and Atlantic king mackerel. Below is a summary of the group's discussions and recommendations. The AP approved motions for recommendations to the South Atlantic Fishery Management Council (South Atlantic Council), but a summary of all viewpoints relevant to each motion/recommendation are included.

AP Members in Attendance

Ira Laks, Chair
Stephen Donalson
Steve English
Rusty Hudson
Aaron Kelly
John Mallette
Brad Phillips
Thomas Newman
Charlie Locke
Paul Ruderhausen
Tony Benevento
Chuck Griffin
William Palmer
Benjamin Shepherd, Mid-Atlantic Liaison

Council Members

Tom Roller
Spud Woodward

Council Staff

Christina Wiegand, CMP Lead
Dr. Mike Schmidtke
Dr. Chip Collier
Allie Iberle
Myra Brouwer
Julia Byrd
Cindy Chaya

The Mackerel Cobia AP approved minutes from the April 2021 meeting and the agenda.

Report from the Council's Mackerel Cobia Committee Chair

Spud Woodward, former chair of the Council's Mackerel Cobia Committee, addressed the AP. He provided updates on recent Council discussions relevant to Coastal Migratory Pelagics (CMP), many of which were discussed during the meeting. He thanked the AP members for traveling to Charleston and taking the time to provide the Council with their expert feedback.

Update on Recently Submitted Amendments

At the December 2021 meeting, the Council approved CMP Amendment 32 (Gulf cobia catch levels and management measures) for formal review. The Gulf Council approved CMP Amendment 32 for final action at their October 2021 meeting. The document was transmitted to NMFS on February 18, 2022, the proposed rule published on July 7, 2022, and the final rule published on October 21, 2022; with an effective date of November 21, 2022. At the March 2022 meeting the Council approved CMP Amendment 34 (Atlantic king mackerel catch levels and

management measures) for formal review. The document was transmitted to NMFS on August 5, 2022.

Climate Change Scenario Planning Update

Staff provided an update on recent developments and an overview of the Narratives for Climate Scenarios developed during the Climate Scenario Planning Initiative. In June 2022, a group of over 70 stakeholders attended a Scenario Creation Workshop to develop an initial set of scenarios, describing several different possible futures facing East Coast fisheries out to 2042. Additionally, two Scenario Deepening webinars were held in August 2022 and offered all interested stakeholders an opportunity to review, validate, and add details to the draft scenarios developed during the Scenario Creation Workshop. The AP provided the following comments:

- Concerns about how wind turbines and associated electrical currents may affect fish larvae and sharks.
- Interested in how the scenario stating there may be ineffective management of more widely distributed marine mammals was determined.

Amendment 35: Commercial e-Logbook

This amendment is being developed jointly with the Gulf of Mexico Fishery Management Council to require commercial logbooks be submitted via electronic reporting forms instead of the currently used paper-based forms for the following FMPs: South Atlantic Snapper Grouper, Atlantic Dolphin Wahoo, Atlantic and Gulf of Mexico Coastal Migratory Pelagics, and Gulf Reef Fish. Staff compiled a list of questions and answers for the Councils and advisory panels pertaining to program modifications and implementation and a spreadsheet to compare current data fields and modifications that would be required for implementing an electronic logbook.

- AP members want to ensure that the South Atlantic reporting system works with the Mid-Atlantic reporting system so that fishermen don't have to dual report.
- The Council should consider that boats required to report economic data will be unable to do so within seven days because fish houses often don't pay up front and fishermen must wait to get a check, often for a week or more.
- Staff noted that fishermen in the South Atlantic can use eTrips now, this amendment would simply mandate electronic reporting.
- AP members hope that an electronic system will be beneficial but are concerned that it will overcomplicate the reporting process. There have been frustrations with the electronic permit renewal process.

Citizen Science Update

Staff presented a brief update on the Council's Citizen Science Program and pilot projects highlighting activities that have occurred since the Fall 2020 Mackerel Cobia AP meeting, including: SAFMC Release, FISHstory, and other projects.

- AP members were excited to see FISHstory moving forward and suggested that future work look at socioeconomic impacts such as availability of infrastructure.
- AP members were also interested in looking at photos provided by the commercial industry, which also lacks data from pre-management time periods.
 - It was noted that commercial fishermen are not necessarily taking photos of their catch like recreational fishermen.

- News channels used to come by and do fishing reports at least once a week, which might be a valuable source of information. May AP members had photos or knew of additional photo sources that could be beneficial for the project.

Proposed North Atlantic Right Whale Vessel Speed Rule

NMFS Office of Protected Resources is proposing changes to the North Atlantic right whale (NARW) vessel speed rule to reduce the likelihood of lethal vessel collisions. The changes would broaden the spatial boundaries and timing of current speed restrictions, including those that exist in south Atlantic during calving season. The rule would also expand mandatory speed restrictions of 10 knots or less to include most vessels 35–65 feet in length. The Council received a brief presentation on the proposed rule at their September 2022 meeting and directed staff to provide comments to NMFS on how the proposed regulations may affect fishermen in the South Atlantic region.

- The beaches in Florida are cold during the proposed closures and as a result fishermen looking to target fish such as cobia and king mackerel must travel at least 30 miles out to access productive fishing grounds.
- Traveling at 10-miles an hour will be the end of charter/for-hire fishing because clients are going to be unwilling to pay for what ends up being mostly travel time.
 - Good weather windows are often short and increased travel time will likely result in fishermen being unable to go out or traveling in bad weather.
- The cost to boat owners is going to be astronomical and it is likely fishermen who can afford to will choose to move to smaller boats.
 - There are safety at sea concerns with using smaller vessels offshore.
- There is a very low co-occurrence of North Atlantic right whales and fishing activities in the southeast regions.
 - AP members recommend the agency focus on dynamic management zones and find a way to expedite implementation because currently the regulatory system prevents them from being effective.

MOTION 1: THE MACKEREL COBIA ADVISORY PANEL RECOMMENDS THE COUNCIL NOTE THE LOW CO-OCCURANCE OF FISHING ACTIVITIES AND NORTH ATLANTIC RIGHT WHALES IN THE SOUTHEAST AND RECOMMEND REGULATORY MEASURES FOCUS ON MONITORING AND DYNAMIC MANAGEMENT ZONES AS OPPOSED TO THE SEASONAL MANAGEMENT AREAS.

MOTION APPROVED

SEDAR 78: Atlantic Spanish Mackerel Update

In September 2019, the Council began discussing measures to address participation in the commercial Atlantic Spanish mackerel fishery and early closures in the Atlantic northern zone (NY through NC) and southern zone (SC to the Miami-Dade/Monroe County line, FL). However, in December 2019, the Council decided to hold off on modifying management of Spanish mackerel until the upcoming stock assessment has been completed. SEDAR 78 (Atlantic Spanish mackerel) was completed in July 2022. In August 2022, the Scientific and Statistical Committee (SSC) reviewed the results of the updated SEDAR 78 and recommended additional

work be completed before the assessment could be considered best scientific information available. Staff provided the Advisory Panel an update on Council discussions and next steps.

- Closures of the commercial sector in the Northern Zone are beginning to occur earlier each year and commercial fishermen are now forced to operate at 500-pounds during the peak of their fishery, which occurs during the fall months.
 - Fishermen in the Carolinas are building nets with larger mesh because of the 500-pound limit. They want to target the larger fish and let the smaller fish that they used to catch swim through.
 - It is a costly fishery to participate in at 500-pounds, which has excluded a lot of fishermen that use to historically participate.
 - Some AP members expressed concern that the Northern Zone did not end up with sufficient quota because the years used to determine regional allocations included years with hurricanes impacting the area.
 - In North Carolina, the Spanish mackerel fishery occurs almost exclusively in state waters, either internally or within a mile of the beach.
- In the Southern Zone is important to consider what the market can withstand.
 - Half of their quota is frozen and sold at low prices. When the catch limit goes down to 500-pounds the price sometimes increases, but other times the fish are close to the beach and more people continue to participate in the fishery, resulting in the price staying low.
- It is becoming increasingly important to consider how landings throughout the Mid-Atlantic are influencing the fishery.
 - ASMFC and the Council/Mackerel AP should work together to make sure regulations work for state and federal regulations.
- AP members expressed concern about the rationale for how allocations were originally set in this fishery and felt the commercial sector landings should not have been ignored.
 - Recreational fishermen need some form of accountability that allows accurate tracking of their landings.
- AP members from both sectors are concerned about losing percentage allocation.
 - The recreational sector is interested in leaving fish in the water whereas commercial fishermen want to take as many fish out of the water as the population and market can sustainably support.
- AP members expressed frustration with data that was not included in the stock assessment.
- AP members noted that fishermen cannot target anything without catching Spanish mackerel and that if there hadn't been regular closures in the Northern Zone the catch would have been much higher as catch per unit effort (CPUE) has increased dramatically.
- AP members expressed frustration that the Council has not made king mackerel and Spanish mackerel a management priority in recent years.

GIVEN THE COMPLEXITY OF THE ISSUES AND CURRENT DATA AVAILABILITY, THE AP DOES NOT FEEL COMFORTABLE MAKING ANY RECOMMENDATIONS FOR MANAGEMENT CHANGES AT THIS TIME. THE AP SUGGESTS CONDUCTING PORT MEETINGS TO GATHER INFORMATION FROM FISHERMEN ON HOW TO PROPERLY MANAGE THE ATLANTIC SPANISH MACKEREL FISHERY. INCLUDE STATES

THROUGHOUT THE ENTIRE MANAGEMENT AREA (NEW YORK THROUGH FLORIDA).

Coastal Migratory Pelagics Fishery Management Plan Objectives

The Magnuson-Stevens Act national standard guidelines require fishery management councils to establish objectives in each FMP and propose management measures that will achieve the objectives. In establishing the objectives, the councils should balance the biological needs of the fish stock(s) with human need, reconcile both present and future costs and benefits, integrate both private and public interests, and provide for a comprehensive approach to addressing problems within the fishery. Also, as the needs of a fishery change over time, fishery management councils are encouraged to regularly reassess the FMP objectives. The Council asked the Advisory Panel to review the CMP FMP objectives and comment on any modifications that may be needed.

- Management of king mackerel is on track, but the Council needs to reconsider how Spanish mackerel is being managed.
- There has been a decrease in participation within the commercial fishery and an increase in participation within the recreational fishery.
 - Commercial fishermen are shifting to and from different fisheries as necessary, but you are not seeing more individuals enter the commercial fishery.
 - The for-hire fishery has increased substantially over the last few years. Many fishermen are casually getting into the fishery and there is a need to both professionalize the fleet and create value for for-hire permits.
 - AP members expressed a desire to see more data on the CMP for-hire fleet for discussion at a future AP meeting.
- Loss of working waterfronts and other fishing infrastructure causing challenges for all user groups, especially the commercial sector and the for-hire component of the recreational sector.
- AP members recommended removing Objective 5 from the CMP FMP because it is important to base management on up-to-date and reliable data.
- By and large there is not a waste and bycatch issue in the fishery.
 - However, it is important to retain the 500-pound Spanish mackerel bycatch limit to prevent waste.
- Separate migratory groups of king mackerel have been adequately addressed.

MOTION 2: HAVE THE COUNCIL LOOK AT INTRODUCING A LIMITED ENTRY SYSTEM FOR THE COASTAL MIGRATORY PELAGICS FOR-HIRE PERMIT.

MOTION APPROVED (8-2-1)

MOTION 3: REMOVE OBJECTIVE 5 FROM THE CMP FMP.

To distribute the total allowable catch of Atlantic migratory group Spanish mackerel between recreational and commercial user groups based on the catches that occurred during the early to mid-1970s, which is prior to the development of the deep-water run-around gillnet fishery and when the resource was not overfished.

MOTION APPROVED

Amendment 33: Gulf King Mackerel Allocations

Gulf Council staff will present draft Amendment 33, which would modify sector allocations for Gulf king mackerel. The Advisory Panel should review and discuss the Purpose and Need statements and draft alternatives. The Gulf Council will review a draft of Amendment 33 at their October meeting and consider approval for public hearings.

- AP members have heard concerns about the king mackerel population in the Gulf of Mexico and recommend being conservative and if necessary, revisiting catch limits and allocations in a few years.
- AP members felt the smaller of the two proposed reallocations (Alternative 2) would best balance the commercial sectors need for additional fish without flooding the market resulting in a low price per pound in the fishery.

MOTION 4: THE AP RECOMMENDS SELECTING ALTERNATIVE 2 IN CMP AMENDMENT 33.

Alternative 2: Modify the sector allocation for Gulf king mackerel by reallocating to the commercial sector 25% of the average difference between the total landings from the 2016/2017 through 2019/2020 fishing years using Marine Recreational Information Program's (MRIP) Fishing Effort Survey (FES) data and the total simulated annual catch limit (ACL) for Model 2 in Appendix B for the predicted total landings by sector and the total projected ACL. The resulting sector allocation for Gulf king mackerel is 42% commercial and 58% recreational.

MOTION APPROVED.

Little Tunny Mini-Fishery Performance Report

On September 19, 2022, the Council received a letter from the American Saltwater Guides Association requesting the consideration of re-adding little tunny to the CMP FMP. The Council directed staff to develop a white paper examining if little tunny meet the Magnuson Stevens Act criteria for a species in need of conservation and management. The AP provided the following input:

- Over the last few years, recreational fishing for little tunny has become more popular in the Carolinas and pursuing some form of management has been popular within the industry.
 - On a bad fishing day, for-hire operators can catch little tunny for their customers and keep trip satisfaction high.
 - There have been some bumps in recreational catch over the last few years. AP members noted that while overall catch may be consistent, recreational fishing has increased in specific areas.
 - In the Carolinas, fly fishing for little tunny has become popular and fishermen will travel to the coast to participate in the fishery making it an important driver of tourism.
- Commercial fishermen often use little tunny for strip bait but don't often land them. Commercial catch of little tunny has remained relatively consistent over the years.
 - Strips are used as trolling bait and in the shark fishery. In Florida there has been an increase in the bait fishery.
 - Landing of little tunny is a niche fishery. In the winter when the weather is bad, it is possible to fish for little tunny up along the beach.

- Little tunny can be challenging to catch with a net and while a small food market has developed, it is not a volume fishery
 - If more than 10,000 pounds are caught the market is flooded and the price drops significantly.
- AP members felt that they needed more information on dead discards with the little tunny fishery.
- It was noted that monitoring of this species can be complicated due to the number of colloquially names used (little tunny, false albacore, bonito, etc.)
- Some AP members were in support of adding little tunny to the CMP FMP:
 - It is important to keep false albacore a viable fishery into the future because fishermen depend on it from New England down to the Carolinas. Having it unmanaged is scary for someone who depends on the resource.
 - Management is necessary to improve monitoring and gather more information on the species and fishery.
 - While little tunny are often mixed with king and Spanish mackerel, they are important as their own stock.
- Alternatively, other AP members were not in support of adding little to the CMP FMP.
 - There was support for monitoring the fishery but concern about management negatively affecting how the fishery has historically been utilized. AP members felt there was a history of management becoming too controlled when it is unnecessary for stock wellbeing.
 - An FMP would not improve or maintain condition of the stock, especially with the level of state landings.
 - There was concern about setting an ACL before there was more information available for little tunny, especially given its large range.
 - Related concerns were expressed about putting together a reliable stock assessment given the lack of data and available resources.
 - It was noted that there are no user conflicts in this fishery, currently.

MOTION 5: CONTINUE TO MONITOR FALSE ALBACORE BUT NO ACTION RECOMMENDED AT THIS TIME.

MOTION APPROVED (6-3-2)

SUBSTITUTE MOTION: TO ADD FALSE ALBACORE TO CMP FMP.

SUBSTITUTE MOTION FAILS (3-7-1)

Hudson Canyon and Florida Keys National Marine Sanctuaries

The Council received a presentation on proposed regulatory changes affecting the Florida Keys National Marine Sanctuary because of NOAA's comprehensive review of the management plan, zoning plan, and regulations for the Sanctuary on September 21, 2022. Additionally, NOAA has initiated a scoping process to consider designating a national marine sanctuary in the Hudson Canyon area approximately 100 miles offshore southeast of New York City based on the area's diverse qualities, the natural and cultural resources in the region, and the potential benefits of national marine sanctuary designation. Staff informed the AP of both proposals and directed them to make public comment on the Council's webpage.

Other Business

Commercial King Mackerel Management in the Southern Zone

- Fishermen have worked closely with the Council to get both commercial trip limits and seasons to match what is needed for the fishery. However, lots has changed over the years and the regulations have become convoluted. Revising some of the regulations would help to reduce the burden on both fishermen and the National Marine Fisheries Service.

MOTION 6: REQUEST THE COUNCIL REMOVE THE CURRENT SPLIT SEASON FOR COMMERCIAL ATLANTIC KING MACKEREL IN THE SOUTHERN ZONE.

MOTION APPROVED

Marine Resource Education Program

- AP Chair, Ira Lakes, reminded AP members of opportunities provided by the Marine Resource Education Program and encouraged those who had not already attended to apply for future workshops.