

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COBIA ADVISORY PANEL AND COBIA SUB-PANEL

**Crowne Plaza
North Charleston, SC**

April 19-20, 2017

SUMMARY MINUTES

Mackerel Cobia Advisory Panel

Ira Laks

Stephen Donalson

Steve English

Bill Hickman

Bill Kelly

Greg Peralta

Tom Roller

Stephen Swann

Captain Skip Feller

Manny Herrera

Ryan Howard

Robert Olsen

Gary Robinson

Cobia Subpanel Members

Wes Blow

Howard Ellis Jr.

Bill Gorham

Bill Weeks

Council Members

Dr. Michelle Duval

Zack Bowen

Ben Hartig

Mel Bell

Mark Brown

Council Staff

Gregg Waugh

Kimberly Cole

Dr. Mike Errigo

Kim Iverson

Cameron Rhodes

Julia Byrd

John Carmichael

Dr. Chip Collier

John Hadley

Dr. Kari MacLauchlin

Amber Von Harten

Other Observers/Participants

Mike Denson

Shepherd Grimes

The Mackerel Cobia Advisory Panel and the Cobia Sub-Panel of the South Atlantic Fishery Management Council convened in the Crowne Plaza, North Charleston, South Carolina, April 19, 2017, and was called to order by Chairman Ira Laks.

MR. LAKS: Hello, everybody, again. We're here for the Mackerel Cobia Advisory Panel and the Cobia Sub-Panel. We're going to start out with Approval of the Agenda. Is there anyone who has anything to add? Does everyone approve of the agenda? So be it. The agenda is approved.

Also, we need Approval of the February 2016 Minutes of the Mackerel Advisory Panel. Does anyone have any changes? Seeing none, I think the minutes are approved, and I think we can move along to introductions.

DR. MACLAUHLIN: My name is Kari MacLauchlin, and I'm council staff. I am the lead for the Coastal Migratory Pelagics, and we'll be staffing your meeting, helping you run it, taking notes, and creating the report that you will have. I wanted to kind of -- We have a lot of new folks, and so I wanted to kind of tell you how the meeting is going to go. Then Kim Iverson, after you do introductions, she is going to give kind of an orientation refresher on the council and AP system, just so everybody is on the same page.

For this meeting, this is the first time we've had the advisory panel along with our Cobia Sub-Panel, which was just created. That's this group over here. There is four of them. We do have an open seat on the Cobia Sub-Panel for Florida, and so the council is advertising that, and I think they're going to bring that back up in September, and so we are advertising that Florida open seat on the Cobia Sub-Panel, if you know someone who would be interested.

Today, we are meeting as one big group. You're going to have one set of motions and recommendations, and so what you guys are going to do is you're going to provide recommendations to the council, and you're going to do that through motions, and so we are going to have an agenda item, and you'll get a presentation, or I will give you an overview or something, and then your Chair, Ira Laks, is going to run the discussion. If you want to speak, you raise your hand, or let Ira know, and he will call on you, and then you will speak.

After you've had some discussion, if someone wants to make a motion, that would be the recommendation to the council, and so you would say that I want to make a motion to recommend to the council to change the bag limit or something like that. Then you get a second on your motion, and Ira will facilitate the discussion. After you guys have talked about it for a while, Ira will ask for a vote on the motion.

I do want to let everybody know that in advisory panel reports that we bring to the council, even if there is a motion for a recommendation to the council and it is approved, if there are different opinions, and there usually are on advisory panels, we make sure that we capture all of those in the report, so the council can see why people supported a motion or why they didn't or any other recommendations that go to the council via motion, and so I want everybody to know that we will be capturing the viewpoints and everything.

This meeting is recorded, and it will be transcribed, and so, when you speak, the microphone in front of you, hit the button, and you will see the red light. That means that your microphone is on. You take your turn speaking, and then hit your button, and your little red light will go off. Then

we'll move along to the next person, and so we need you to either say your name before you speak, and it seems a little weird when you first start, but you will get used to it, if Ira doesn't call your name or say your name. That is so when the transcribers are listening to the recording that they know who says what, and so you will get used to that one. Then I think that's it, really. You should have received your travel order from Kimberly, and then she can help you if you need some information about how to fill that out before you leave, and we can do that during the break. That's all I have.

MR. LAKS: We're going to introduce ourselves, and we're going to start with the advisory panels. Then we're going to go around to the council members and the staff, and so, if you would just give us your name and how you're involved in the fishery, that would be great, and if we could start with Gary over there in the corner.

MR. ROBINSON: Gary Robinson, twenty-eight years of being a king mackerel fisherman, and I travel all over the southern U.S.

MR. GORHAM: I'm Bill Gorham, a lure manufacturer and cobia fisherman. I fish from Ocracoke Island up into the Chesapeake Bay, for the past ten years.

MR. BLOW: I'm Wes Blow from Virginia. I'm a recreational fisherman, and I've been a recreational fisherman there for thirteen years.

MR. ELLIS: I'm Howard Ellis. I'm from Bluffton, South Carolina. I've been a recreational fisherman for over forty years and a professional king fisherman for over twenty years and a charter captain for over twenty years.

MR. WEEKS: Bill Weeks, Jekyll Island, Georgia. I'm a charter captain and a recreational fisherman. I've been fishing the Georgia and South Carolina coast for the last twenty-five years.

MR. ROLLER: Tom Roller. I live in Beaufort, North Carolina. I'm a full-time for-hire operator for sixteen years.

MR. FELLER: Skip Feller. I operate a fleet of headboats out of Virginia Beach, Virginia, and I'm the Mid-Atlantic Council liaison.

MR. HERRERA: Manny Herrera, commercial fisherman out of Key West, snapper grouper and king mackerel, wholesale dealer and owner, and I also operate a fish market out of Boynton Beach, Florida, on the east coast.

MR. KELLY: Bill Kelly, and I represent the Florida Keys Commercial Fishermen's Association. I have been charter, recreational, and commercial fishing in the Florida Keys and the Gulf of Mexico and the Bahamas for forty years.

MR. SWANN: Steve Swann, Jacksonville, Florida, a recreational fisherman, and I primarily fish from Fernandina to Matanzas Inlet for many years.

MR. LAKS: Ira Laks, and I'm a for-hire and commercial fisherman out of Jupiter, Florida. I've been in the industry for over thirty years.

DR. MACLAUHLIN: Kari MacLauchlin, council staff.

MS. IVERSON: Kim Iverson, council staff.

MR. GRIMES: I'm Shepherd Grimes, and I'm with NOAA's Office of General Counsel in the Southeast, in St. Petersburg.

MR. ENGLISH: Steve English. I'm a commercial fisherman out of Stuart, Florida, for over forty years, and I'm representing our local group.

MR. DONALSON: Steve Donalson from St. Augustine, Florida. I have a degree in marine science from the University of Miami and marine affairs business from Eckerd College. I've been a professional king fishermen for about fifteen years, and I've been chasing kingfish and cobia my whole life up and down the east coast of Florida.

MR. OLSEN: Robert Olsen, charter captain here locally, in Charleston, South Carolina, for twenty years. I've been a tournament fisherman for the last twenty years, king mackerel.

MR. PERALTA: Greg Peralta, from Daniel Island, South Carolina. I'm a recreational fisherman. I fish probably four or five days a week.

MR. HOWARD: Ryan Howard, charter captain out of Savannah, Georgia. I've been in the for-hire sector for about seventeen years.

MR. HARTIG: Ben Hartig.

MR. WAUGH: Gregg Waugh, South Atlantic Council staff.

DR. DUVAL: Michelle Duval, and I'm the North Carolina state agency representative on the council, and I'm currently the council Chair.

MR. CARMICHAEL: John Carmichael, South Atlantic Council staff.

MS. BYRD: Julia Byrd, SEDAR coordinator.

MS. COLE: Kimberly Cole, council staff.

DR. ERRIGO: Mike Errigo, council staff.

MS. VON HARTEN: Amber Von Harten, council staff.

MR. LAKS: Guys, one quick thing. If you can maybe turn your nametags over a little bit, to where I can see them. Thank you. Also, when we do get into discussion, it would probably be helpful -- I am anticipating a lot of discussion here today, but maybe just put your signs up -- You can't do it with those. I was trying to save us from having to hold our hands up, but we'll figure it out, but I appreciate you moving the signs so I can read them. Thank you.

MS. IVERSON: If you guys will give us just a minute -- We're trying to reboot our webinar and get that back up and going, so the public can hear and listen into the discussion, and so just be patient for just a minute or two.

Okay. I am relatively short and this is relatively tall, and so, Bill, if you can't see me, I'm sorry. It feels weird, and I don't mean to be distancing myself, and so I'm kind of sitting on my foot, but it will probably fall asleep, and so, anyway, my name is Kim Iverson, and I work as the Public Information Officer, and I have dealt with all of you at some point in time through the advisory panel process and the appointment process, and so welcome to our new AP members.

I hope that some of the other folks that have served on the APs for a while will bear with me as I go through this process, but Kari and I were talking about it earlier. With a new sub-panel and some of the newer advisory panel members, what exactly is your role? What is your role here, and I said, well, in order to understand that, we kind of need to go through and have a quick primer on the council process and who we are and how we function, and so, if you will bear with me, I'm going to go through the presentation. Many of you will already know some of this background, and so I'm going very quickly.

I was going to show a video. NOAA Fisheries, on their website, has a really good, short, three-minute video on the Magnuson-Stevens Act and how it came about and why we have it, and so I would urge you to do that. You can go straight to their website. I am not going to take the time to show it, but, as many of you are aware, the Magnuson-Stevens Act created the eight regional management councils in the country. We are one of eight here in the South Atlantic, and last year we celebrated the -- Last year, 2016, was the fortieth anniversary of the Act, and there you see the two gentlemen that started it all.

This is a map showing the eight regional management councils in the country. You have the New England, the Mid-Atlantic, the South Atlantic, the Caribbean, the Gulf, the Pacific, the North Pacific, which is basically all of Alaska, and then the Western Pacific, which is the Hawaiian Islands and American territories.

In the South Atlantic, our jurisdiction runs between the North Carolina and Virginia line south to the Dry Tortugas, along the east coast of Florida, and you see the little bump here, and that represents the Bahamian waters. We have North Carolina, South Carolina, Georgia, and the east coast of Florida, and our federal waters begin three miles out. In the Gulf, it's nine miles, and so it's a little bit different in each of the regions.

Who are these council members and what do they do? I think there's a lot of -- You guys probably have a better understanding, but there's a lot of misconception that the council members sit in some sort of office and they don't actually get on the water, and that's not the case. They are recreational and commercial fisherman. Some are in this room, and they have many years of experience on the water. We also have each state marine agency represented on the council and NOAA Fisheries, and those are all voting members. We have non-voting members from the U.S. Coast Guard, the U.S. Fish and Wildlife Service, the Atlantic States Marine Fisheries Commission, and the Department of State.

The council members, we have Dr. Duval, Michelle, who is here. Charlie Phillips is our Vice Chair. Charlie was here, but he may be back. These are two people that are voted on as our Chair

and Vice Chair and serve. Michelle, as she introduced herself, is with the Division of Marine Resources in North Carolina, and Charlie is a full-time commercial fisherman out of Georgia.

We have obligatory and at-large members. The at-large members are appointed by the Secretary of State, at the recommendation of the Regional Administrator from NOAA Fisheries. Each member serves three-year terms and can be reappointed for three consecutive terms, and so our council, in the South Atlantic, we meet four times each year. Again, each council is a little bit different, meeting more frequently or less frequently. We always have our meetings the same weeks within the year.

We meet in March in Georgia, and, in June, the second week in June, in Florida. In September, we meet in South Carolina. Then, December, we meet in North Carolina. Our meetings run for one week. Generally speaking, we begin meeting on Monday, sometimes Monday morning or Monday afternoon, depending on what issues have to be addressed, and run through Friday.

Our committees meet together at the beginning of the meeting week, and then we go into Full Council, generally speaking on a Thursday afternoon and run into Friday. We try to finish up by Friday afternoon, and so, again, each council is a little bit different. I think the North Pacific Council, up in Alaska, meets for ten days straight, or something like that, and so it's up to the individual council to determine their schedule, and we try to plan our schedule one year in advance. We hear sometimes from our constituents that you're talking about spiny lobster and you're up in North Carolina, and why aren't you down in the Florida Keys, and sometimes that's just the way our agenda items flesh out.

What does our council manage? We have fishery management plans, like all fishery management councils. Coastal Migratory Pelagics are the reason that you're here today, king and Spanish mackerel and cobia. We have everything from habitat to coral, and then species-specific management plans for things like golden crab, our snapper grouper fishery, which we just finished up our Snapper Grouper Advisory Panel this morning, at noon, and switched over to our Coastal Migratory Pelagics. Then we have Spiny Lobster.

Again, we have committees. The council members serve on various committees. We have our Snapper Grouper Committee and Mackerel Cobia and Habitat. Our Advisory Panel Selection Committee is how you ended up here in this room today, and so we do the brunt of the work at the beginning of the council meeting week, and they are responsible for looking at the management alternatives that are in each of these management plans and amendments. Then the Full Council meets at the end of the week, and that is when the final decisions are made, at the Full Council.

The council has to work under policy mandates. There are mandates that I think many of you are familiar with. Under the Magnuson Act, there is a set of National Standards. The 2007 reauthorization implemented annual catch limits and accountability measures that had to be put in place, and the reauthorization is always in progress for the Magnuson-Stevens Act. It's reauthorized on a periodic level, and it depends on the congressional priorities at the time.

That is at a level that transcends me, but the council also has to abide by the National Environmental Policy Act, or NEPA, and that's the other thing. We love acronyms, probably more so than even the military, and so, if there is an acronym or something that you don't understand,

please let us know. We have a tendency to use them. The MMPA, the Marine Mammal Protection Act, and the Endangered Species Act, these are mandates that the council has to abide by.

There are lots of pieces and parts, as you're all familiar with. We have the fish and the fishermen, as you are at the table, and the habitat and the social and economic impacts that have to be considered, from the community, the fishing community, and the businesses. Then all of these things have to be considered when the council has a meeting and when the committees meet and when the advisory panel members meet, and you will see this in the presentations and the discussions today and tomorrow. All of this is an important part of fisheries management.

One thing I want to emphasize is that the council does not collect data. Remember that these are fishermen and agency representatives that come to the table four times a year, and they are handed the information and the data that you also are privy to. One of the misnomers is that the council's data -- That is not true. The council doesn't have data. The council is given data and information from various agencies, and so I just wanted to make sure that you kind of understood that as we go through this process.

Where does the data come from? We get biological data, and we get it through fishery-dependent data, which is your reporting with your logbooks, as you know, and through the Marine Recreational Information Program, or MRIP, which I think most of you are all familiar with, in NOAA Fisheries. We also have fishery-independent data, where you have the research vessels. Our MARMAP program in the Southeast, data is collected through video monitoring and fish traps and hook-and-line fisheries and the scientists that are involved in the research surveys, which are very limited by budget constraints, quite honestly.

The stock assessments -- As Julia Byrd said, she works with the SEDAR process, and John Carmichael is here, as the Science Manager and our Deputy Director for Science. All of that information that is collected through fishery-independent and fishery-dependent surveys are used in the stock assessments, and hopefully you are familiar with SEDAR, but, if not, they have a greater website, sedarweb.org, and you can go and you can search for assessments by species. They're all listed, and there's a schedule of upcoming stock assessments that are planned.

One thing to remember with SEDAR is it's not -- As much as we love it, it's not just a South Atlantic process. It's South Atlantic, Gulf, and Caribbean, and so they have a lot of responsibility there in doing stock assessments for all three regions.

You have the biological data, and you also have the economic and social impacts. On our council staff, we have a social scientist, which is Kari, and we have an economist, which is John Hadley, and so these folks work closely with the Regional Office at the National Marine Fisheries Service in doing assessments, and we just went through a socioeconomic profile that Kari and John are working on for our snapper grouper fishery, which is really important, because, when you have the people like yourselves in the room, you guys know your fishery. You know what is going on out there, and for the council members and the stock assessment scientists to have that input is very, very important.

Each council also has a Scientific and Statistical Committee, and that's mandated under the structure under the Magnuson Act. Then they also have a social and economic sciences sub-panel. They do the scientific review of the data and the assessments, and then they develop the fishing

level recommendations, the acceptable biological catch, which the council then receives and has to set the annual catch limits based on that, and they cannot exceed these ABCs, or acceptable biological catches.

Again, I have just briefly touched on this. In January of 2007, President Bush put into place the reauthorization that set up these ACLs and accountability measures, which I think most of you are familiar with, and to rebuild these stocks by 2011, and so that was a big, tall order, and the councils still are working -- The ACLs are in place, but having to deal with the impacts.

The annual catch limit is the amount of fish, or number of pounds, that can be harvested in a single year. As I said, the ABC is set by the SSC, and we get into that acronym soup right there quickly, and then the council also deals with setting allocations between the commercial and recreational sectors. Accountability measures are put in place to ensure that the catch limits are not exceeded, and some of the examples are these in-season closures. When you reach the annual catch limit, the fishery closes. In some cases, there are payback provisions the following year, and then you have seasonal closures.

In the Magnuson Act, public participation is the reason that the councils were set up, so that the people that actually do the fishing are involved in the management. It's probably one of the most transparent processes in all of federal government. It's mandated, but it's also essential. We have eleven advisory panels, and it's really essential to the overall process that the public be involved.

I think most of you are familiar with this, but the council process is bottom-up. It starts at grassroots-level input, the public process. We have the SSC, the Scientific and Statistical Committee, and the advisory panels. As you move up, you have the council, made up of the representatives that we spoke about earlier, and they make the recommendations, through their amendments to the management plans, to NOAA Fisheries.

NOAA Fisheries also takes public comment and considers that, and then the Secretary of Commerce either approves, partially approves, disapproves an amendment, and they have the latitude to do that, and that results in new management measures and new regulations.

As I said, we have thirteen advisory panels. Our Citizen Science Advisory Panel is our newest. It's a pool which the council can pull from interested parties to participate in our new citizen science initiative, and you will be hearing about that a little bit later. I won't read through there, but you can see that the advisory panel representation really follows closely with our fishery management plans that the council is responsible for.

Who are these AP members? I think, if you look around the table -- I was just jotting down, as you were introducing yourselves, and I was looking at the years of experience that sits here. It's like ten years, fifteen years, forty years, thirty years, twenty-seven years, and I think, if we added it up, there is a lot of experience here. Again, I want to reiterate the importance of having a diverse group of people that come to the table with those years of experience, multiple years of experience. If you look at the list, I think you will see that you are well represented here today.

The advisory panel members are appointed by the council, through an advisory panel selection process that you are all familiar with. They're appointed for three-year terms, and you can serve three consecutive terms. We recently have been -- Within the last three or four years, the council

wanted to implement term limits. As much we love our AP members, we wanted to make room to allow some new folks to come in.

Each year that you meet, that counts against one of your terms. If you don't meet next year, then that would not count against your three-year appointment. Does that make sense? We had some advisory panels that really, quite honestly, weren't very active for a while, and you don't want to get appointed and, three years later, say, well, thank you for coming, but we're not having a meeting. If you don't meet, it doesn't count against your term. The advisory panels meet on an as-needed basis. Some meet more frequently than others, because of the nature of the fishery.

When you were appointed to the advisory panel, you got a copy of information from me that included our SOPPs and the duties of the advisory panels. I am sure you read them from page-to-page, and I wanted to reiterate that, as Kari pointed out earlier, the advisory panel makes recommendations to the committee. Then the committee moves it forward to consider those at Full Council, and so it's a continuing advisory process.

We're taking that experience that all of you bring this to table in discussing it and making the recommendations, through the motions, as Kari kind of outlined that process earlier, but this is the language that is actually taken from the SOPPs. Again, it goes through that process of providing recommendations and making motions.

One other thing that I will point out is that, when you signed up for this, I also get to use you. I have a listing, and, if I have someone that calls me and wants to know a little bit more about a particular subject, I will send them to you, and so you may get a phone call or an email saying that I talked with Kim Iverson and she said that you may be able to help me better understand this, or I am interested in fishing in this area, or I'm thinking about being a charter captain and what's involved, et cetera, et cetera.

From time to time, you may get that. I may have a media contact that wants to interview some fishermen in a particular area, say maybe out of Fort Pierce or out of Cape Hatteras or whatever, and I use my advisory panel members, as these are the experts, these are the people that have been vetted and are involved in the process and can help give you information, and so you're a source of information for me as well.

I use this last slide only because it's also fun, and here we have our Snapper Grouper AP Chair, Kenny Fex, and Ira. We all met down in Florida for another meeting, and then Manny took us out and treated us to some beautiful yellowtail snapper, and we made them clean the fish, and so it's a great opportunity for people to come together and socialize and get to make really good friends along the way, and so I don't want you to think it's just all work and no play, because we do have breaks, and you do have opportunities to interact with each other.

You are in Charleston, South Carolina. If you go hungry, it's your own fault. Hopefully, you will use the opportunities to get together at lunch and dinner and discuss issues and get together socially as well, and so does anybody have any questions? Gosh, you all are so quiet. When I talk to you on the phone, you are not quiet. Anyway, thank you, all, for being here today. Welcome to the new AP members, and we're going to be in the background. Our staff is here, and you see lots of our staff members and our council members. Please come up and introduce yourself, and let's get to know each other better. Thank you.

DR. MACLAUHLIN: We are going to move on. I was just going to give you some updates on some recent coastal migratory pelagic amendments. We do have Amendment 26 that modified the king mackerel boundary and updated the ACLs and set up the trip limits for the Atlantic Southern Zone. I passed that along to you all. That just went through, I think last week, and it will go into effect on May 11.

We also had Framework Amendment 4 that was the Atlantic cobia management measures. The proposed rule has published, and the public comment period is closed, and they are working on the final rule package. Then we also have Framework Amendment 5. That also updated the commercial permit restrictions so that, if a vessel has a commercial permit, they are allowed to keep the bag limit of king and Spanish mackerel if their zone is closed for commercial. Primarily, that only really affects the Gulf vessels. It doesn't really affect the Atlantic vessels, but we did it across the board, and that proposed rule has been published, and the public comment period is closed. We're just waiting on the final rule for those two.

I also wanted to tell you about Amendment 29, which is the Gulf king mackerel allocation. The Gulf Council decided, at their last meeting, that they wanted to postpone that until that new MRIP numbers came through, and so it's indefinitely postponed, and so the South Atlantic Council also postponed it, and so that one is just going to be put aside until the councils pick it back up.

MR. LAKS: Is there any questions from anybody?

DR. MACLAUHLIN: All right. So we're going to move right into cobia. The first thing on the agenda is an overview, a cobia overview. I am just going to review some of the landings with cobia, and this is specific for Atlantic cobia, but I do have the Florida east coast landings in there. This is Attachment 2, if you're keeping up in your briefing book.

Gulf and Atlantic cobia are managed in a joint fishery management plan with the Gulf of Mexico, and this was implemented in 1982. The Gulf Council manages Gulf cobia, and the South Atlantic Council manages Atlantic cobia and the Florida east coast, with the stock boundary at the Georgia/Florida line.

There are plan amendments, and those require both councils to approve them, and then there are also framework amendments, and those only require the council making those changes, and framework amendments are usually just adjustments to something that is already in place, like a bag limit or a trip limit or updating an ACL or an accountability measure, and so that doesn't require both councils to approve.

A little about the stock boundary, and we will probably get into this a little more. The boundary is set at the Georgia/Florida line, and this was established after the stock assessment SEDAR 28, and it was based on the microsatellite DNA and supported by tag recapture data.

When they did the stock assessment, the first thing they do in a stock assessment is define the stock structure and the stock boundaries, and so they did that, and they made that determination, all the participants in the stock assessment, and set it at the Georgia/Florida line. Then, when the councils were updating the ACLs for Gulf and Atlantic cobia through Amendment 20B, they also had to

revise the stock boundary so that it would align with that SEDAR 28 boundary, and so that went into effect at the beginning of 2015.

We have the annual catch limits implemented through Amendment 20B. Atlantic cobia, which is Georgia through New York, the stock ACL is 670,000 pounds for 2016 and subsequent years, with 92 percent of that going to the recreational. That is 620,000 pounds. The commercial is 8 percent, at 50,000 pounds.

Gulf cobia, which is Texas all the way through the Georgia/Florida line, the stock ACL is 2.59 million pounds. The Gulf zone ACL is set at 1.66 million pounds, and so that is with the boundary at the council jurisdictional boundary in the Florida Keys through Texas. Those cobia are counted towards that Gulf zone ACL of 1.66 million pounds. Then the Florida east coast was allocated a portion of the Gulf cobia ACL, and that was set at 930,000 pounds, with the same recreational and commercial allocations as Atlantic cobia has.

Here is a graphic of the boundaries that were put into place through Amendment 20B. We have the Gulf group is the entire Gulf of Mexico. It goes to the Georgia/Florida line, and so all cobia that is harvested in this area are considered to be part of the Gulf stock cobia and are counted towards the Gulf ACL. Then we have this little inset here where a portion of that Gulf group ACL was allocated to the Florida east coast. It was based on a time period that the AP had weighed in on that they felt would capture what proportion the Florida east coast would have caught of that, and so they were allocated that from the Gulf ACL.

Then we have the Atlantic group. That is Georgia through the Mid-Atlantic, and we have the Atlantic ACL of 670,000 pounds. Each stock has its own annual catch limit, and that's based on the recommendations from each council's Scientific and Statistical Committee, the SSC, and then the annual catch limit applies only to cobia caught within that stock's boundaries, and the quotas cannot be moved between those two, because they are two different stocks.

MR. DONALSON: Kari, what is the boundary for the Atlantic portion?

DR. MACLAUHLIN: It is from the Georgia/Florida line all the way through the Mid-Atlantic region.

MR. DONALSON: You had said that there is a piece that comes out of the Gulf catch, right?

DR. MACLAUHLIN: Of the Florida east coast?

MR. DONALSON: Yes, the Florida east coast, and what's the boundaries for that? Is it from the border south to --

DR. MACLAUHLIN: In the graphic here, we have this part, and so this line right here, down in the Florida Keys, that's the jurisdictional boundary between the Gulf of Mexico Council and the South Atlantic Council, and so the Florida East Coast Zone is from the Georgia/Florida line through that council boundary, which is right through the middle of the Florida Keys. The South Atlantic Council, even though those fish count towards the Gulf ACL, the South Atlantic Council has jurisdiction over that area to set any management measures, like trip limits or bag limits or the allocation between recreational and commercial.

This is why it's a joint plan with the Gulf of Mexico Council. They had done this with king mackerel, until this new amendment goes through. King mackerel actually had a shifting boundary, in which a large part of the Florida east coast was considered to be Gulf king mackerel, and there was a portion of the Gulf king mackerel ACL allocated to that Florida East Coast Zone. It was the mixing zone, and it was there in the winter.

They had a new stock assessment for king mackerel. There was new information and new data that indicated that the mixing zone was not that part of Florida, around Cape Canaveral, and it was actually a smaller area in the Florida Keys, and so they moved the boundary in Amendment 26 and revised those ACLs to reflect that. If you have a question, or if you guys maybe want to wait until the end, and then we can go back and talk about it, but, if you raise your hand, then Ira can say your name on the record, and then you can speak. That way, the transcribers will know who is talking.

Accountability measures, Kim went over these a little bit. They are required by the Magnuson-Stevens Act to prevent the catch from going over the ACL and to mitigate any overages, and so this helps to stop or slow down overfishing and prevent a stock from becoming overfished, and so the current accountability measures for cobia were implemented in Amendment 18, and those went into effect in January of 2012.

The commercial AMs are an in-season closure. If the landings reach or they're going to reach that ACL, NOAA Fisheries will publish a notice, and that will close commercial harvest of the Atlantic or Florida East Coast cobia, whichever one. If the landings exceed the ACL and Atlantic cobia are designated as overfished, which at this time they are not, then the next year's commercial ACL will be reduced by the amount of the overage. We call these paybacks.

The recreational accountability measures are, if the recreational ACL and the stock ACL are exceeded, the next year's recreational season will be shortened, and so, with Atlantic cobia, that's what was triggered in 2016 and 2017, due to the landings from that previous year. They figure out that that closure date. NOAA Fisheries evaluates it, and they determine the closure date by when they project the landings that would reach the annual catch target, but not exceed the recreational annual catch limit.

There is also a recreational AM in place where, if the landings exceed the stock ACL and the stock is designated as overfished, then the next year's recreational ACL will be reduced. Right now, Atlantic cobia is not designated as overfished, and so that one hasn't been triggered. It won't be triggered, and, right now, the recreational landings are evaluated as an overage of the most recent three years, what we call the three-year moving average.

Now, the council has proposed changes to the recreational AMs, and this would apply to Atlantic cobia only, and this is in Framework Amendment 4, and so we're waiting for that final rule to come through. I think they're working on that at the Regional Office as quickly as possible, and so what this is going to do is it's going to change the recreational accountability measure so that, if the recreational ACL and the stock ACL are exceeded, then the next year's vessel limit will be reduced to no lower than two per vessel.

Then, if that's not sufficient to keep those landings from going over the ACL again, then NOAA Fisheries will reduce the next year's season length, like we have in place now, and so what the council wanted to do was to first try to just reduce the vessel limit, and make a very restrictive limit. If that was not enough, then NOAA Fisheries would reduce the next year's season length.

The council also revised the AMs so that the landings would be evaluated using only that year's landings, and so it would remove that three-year moving average for evaluation, and then they did not make any changes to that potential payback, and so, if the stock ACL is exceeded and the cobia are designated as overfished, then there would be a payback for the recreational ACL, but that, as of now, would not be triggered without that overfished designation.

The management measures in place for the Atlantic cobia is a two per person possession limit for commercial and recreational and a thirty-three inches fork length minimum size. They must be landed intact, and then commercial cobia from the EEZ must be sold to a federal dealer. There is no federal commercial permit requirement, however.

The proposed measures would change, and this is just for Atlantic cobia, the recreational limit to one per person, no more than six per vessel, and a commercial limit of two per person and no more than six per vessel. It would increase the minimum size to thirty-six inches fork length for recreational and revise those accountability measures. The comment period did close in March, on March 23.

The last two fishing seasons for recreational Atlantic cobia, in 2015, the recreational ACL was 630,000 pounds, but the landings were over 1.5 million pounds. That triggered the accountability measure, and so, for the 2016 fishing season, NOAA Fisheries closed that on June 20 for federal waters, north of the Georgia/Florida line through New York. In 2016, the recreational ACL was 620,000 pounds. The landings were 1.3 million pounds, and so, again, that triggered that accountability measure for a reduced season length the next year, and, because there was a regulatory freeze, and we'll talk about what the states did the previous year, NOAA Fisheries determined that, in order for recreational landings to not exceed the recreational ACL, that it needed to close federal waters on January 23, 2017. NMFS had to assume that some states would keep their state waters open, and that would contribute to those landings.

Here are the regulations for the states, for Virginia, North Carolina, South Carolina, and Georgia. In Virginia, at their March 28 meeting, they decided that, for Virginia state waters this year, it would be one per person, three per vessel, whichever is more restrictive. The minimum size limit is forty inches total length and only one fish over fifty inches total length per boat. The season would be June 1 through September 15, no gaffing, and then a mandatory reporting. They have private and their charter/headboat reporting in Virginia.

North Carolina decided, at their February meeting, for cobia taken from North Carolina state waters, the limit would be one per person and four per vessel. The minimum size is thirty-six inches fork length. Their season would be May 1 through August 31, and then all cobia harvested shall be recorded and tagged at a current or future North Carolina citation station location.

South Carolina has legislation in place where, if there is a -- The federal regulations would be applied to state waters as well, and so, when the federal closure went in place on January 23, that

also automatically closed South Carolina state waters as well on January 23. In Georgia, recreational harvest is open for state waters, but most of the harvest comes from federal waters.

The Atlantic States Marine Fisheries Commission is also developing an interstate management plan. That's a complementary plan. The South Atlantic Council requested that the commission consider developing this interstate plan. The commission held meetings to get public input in late 2016. You guys may have attended those. They were kind of scoping meetings, and then they are currently developing the draft fishery management plan. They are going to meet in May of 2017 and review the draft plan. I think they may -- The timeline may be delayed just a little bit, where they won't approve it for public hearings until August, but there will be another opportunity, for anybody interested, to submit comment or attend a public hearing for the commission and give them your input on how to do that, and so, if you want to check that out, it's on the commission's website.

Once that goes into place, the South Atlantic Council will set up -- They will decide what kind of complementary management they want to do. In the Mid-Atlantic, they have a joint plan with the commission, and they have it set up for summer flounder, where there is a framework that will -- I'm not sure exactly how it works. Sorry. When the commission changes it for state waters, it will automatically work in federal waters for that state. The South Atlantic Council will discuss all of this, and it will go through an amendment, and you will have an opportunity to comment on it, but I will let Michelle talk about the Mid-Atlantic joint plan.

DR. DUVAL: Just to let folks know, because there is a joint fishery management plan for summer flounder, scup, and black sea bass between the Atlantic States Commission and the Mid-Atlantic Fishery Management Council, the states, at the commission table, will deliberate upon the state-specific management measures for summer flounder, recreational management measures, and those tend to vary a bit from states throughout the region.

Once the commission finalizes its addendum, is what it's called, for those state-specific management measures, then that is actually provided to NOAA's Greater Atlantic Regional Fisheries Office, and those state-specific regulations are actually published in the Federal Register as a federal rule, and so they're pushed out into federal waters off of each of those states, and so that's how that process works, and that is something that has been brought to the South Atlantic Council by the Atlantic States Commission as a suggestion for how potentially state-specific seasons for cobia could also work in federal waters. Thank you.

DR. MACLAUHLIN: That is it for the overview. If there are questions, I can answer those. There are no specific AP actions for this. It was just for your information and your discussion.

MR. LAKS: Does anyone have any questions? We're going to move on then.

DR. MACLAUHLIN: Next, we are going to have a discussion about emergency action, and we have Shep Grimes here from NOAA General Counsel to answer questions and be part of that discussion. There has been some interest from fishermen about the council requesting that NOAA Fisheries consider emergency action for Atlantic cobia, with the boundary, and so you have, in your briefing book, you have Attachment 3. This is the NOAA Fisheries guidance on emergency actions and the rationale that is required for emergency action.

The Secretary of Commerce may promulgate emergency regulations if the Secretary finds the emergency or overfishing exists, without regard to whether a fishery management plan exists. Also, to address the emergency or overfishing if the council, by a unanimous vote of voting members, requests the Secretary to take action. Also, the Secretary can take emergency action even if there is less than a unanimous vote of its voting members. Then, also, it can be in response to a public health emergency or an oil spill.

We also have the justification. It's to prevent overfishing or to prevent any other serious damage to the fishery resource or habitat. It's to prevent significant direct economic loss or preserve a significant economic opportunity that otherwise might be foregone. It can be to prevent significant community impacts or conflicts between user groups or to prevent significant adverse effects to the health of participants in a fishery or to consumers of the seafood products. I am going to pass it over for you guys to have a discussion. You can ask questions of Shep and move along.

MR. LAKS: All right. Does anyone have any questions for Shep?

MR. SWANN: Can you explain to me the relevance of why you're presenting this in the context of cobia?

DR. MACLAUHLIN: We have had some fishermen that have requested that the council provide a public comment, with emails and then on the record, requesting that the council request emergency action for Atlantic cobia to change the boundary back to the boundary before the most recent stock assessment, so there is a larger annual catch limit in place for the entire east coast.

MR. SWANN: Thanks. I missed that. I'm sorry.

MR. GRIMES: Absent any questions, I have read a lot of email chatter about a potential emergency rule for this, and, if you will, I will just give you some general thoughts, so that it's on the record and there is some response to it. I have dealt with many emergency rules over the years, and, if you read the guidelines that are in your briefing materials, and I will admit and reiterate that they are policy guidelines for implementing the statute, and the only legal requirements contained in the statute are that the agency find an emergency.

They're much like the National Standard Guidelines. They are establishing the Fisheries Service's policy for how they implement this legal provision. That being said, I personally have had judges beat me about the head for the agency not following, or according to the judge's view, not following what it is articulated in the policy guidelines.

I think, in this instance, if you look at the situation, you can use an emergency rule to prevent significant economic loss or preserve a significant economic opportunity, and there have been arguments made that recombining these two stocks into one stock that would allow more catch to occur north of the Florida/Georgia line would do just that, but I think the -- That may very well be a reasonable position to take, but one of the other criteria, just looking at the emergency rule criteria, are that events be recent and unforeseen.

This stock was created, as one of the earlier slides that Kari showed, was from a 2012 stock assessment. It was implemented in 2015, and it's been shut down two years running. In the grand scheme of things, that may seem recent and unforeseen, but two years running, and the Guidelines

are specific that you can't use emergency regulations to address administrative inaction to resolve what's been a long-standing issue. Now, maybe two years isn't long-standing, but I think you would have an uphill battle arguing that it was really recent and unforeseen.

MR. GORHAM: We actually were calling for emergency action as of last year. What this year proves was, no matter what regulations, as far as boat size, limits, or minimum size requirements, per MRIP, it's not going to change the catch rate, other than a closure that's going to end up in unfair and unequitable access across the entire range.

MR. GRIMES: That is a very fair point, and, last year, the recent and unforeseen was a better case, and, again, don't take anything I'm saying as saying that there is absolutely no way that the agency could ever reasonably implement such an emergency rule. I mean, I have defended some that we've won, and I've defended some that we've lost, and, ultimately, this body is free to make a recommendation however it wants.

My view is that, aside from the emergency action criteria, you have significant legal problems that don't relate to an emergency rule at all. When we do rulemaking under the Magnuson-Stevens Act, all of our federal rulemaking is judged by the standards of the Administrative Procedure Act, and that states that it's on-the-record rulemaking. Courts review that. The facts we find have to support the decisions that we make, and all of those facts are all compiled and viewed in the context of the Magnuson-Stevens Act.

I think what is most relevant here, probably, is National Standard 2, best available scientific information, and you had that stock assessment come out. It went through a rigorous review process, and I've read a lot of stuff that questions some of the findings in that assessment and some of the information that would indicate that there are two separate stocks of cobia.

There is some genetic information that would suggest that maybe it isn't two stocks and that it's one stock. My understanding is that all of that information was contained in the SEDAR process and it was reviewed. We had a rule that came out in 2015 that said we looked at all of this. The SSC and the council and the agency as a whole says this is best available scientific information and we made that decision.

In order to come back and change that, be it via emergency rule or through framework or FMP amendment or whatever vehicle you want to use to change it, you still need an underlying record to demonstrate that that decision was wrong or that things have changed and we now have new information and it's something different. I would say, without going back through the stock assessment process, or at least a review of all that scientific information, I don't see how you argue that you have a record to support that, whether it's, again, emergency rule or FMP amendment or framework, however you want to change it.

If the council does decide that it would want to change, you would put that new information into the process, and you have a scientific review of it. You have a recommendation that comes out of the panel, and then you could take action then, but just to now, after two years of implementing something, and, by all appearances, just not liking the management outcome of the decision, saying, no, we're going to do it differently creates significant record issues for you, for us.

MR. GORHAM: I have gone back through the stock assessment, and I'm sure, if you've spoken to Gregg or Michelle -- Looking at it, it was a much easier choice to put the stock boundary further down in the east coast of Florida, and actually the science supported that, but it was ultimately the fishermen at this stock ID, which they have the logs of it, that said, for ease of management, the Florida/Georgia line. I mean, it's hundreds of thousands of pounds.

MR. GRIMES: I have seen that, and I agree and I understand that, and I recognize it totally. One of the things that the law does allow, or the Guidelines, the National Standard 3 Guidelines that talk about management units, they do say that management units should be defined and based on stocks and identifying specific stocks, but that you do have geographic, political, and -- I think that's how it's characterized, but these sort of practical considerations about aligning it with legal jurisdictions, and I think that's what argued for the Florida/Georgia line, but understanding, if the council and the agency wanted to move that boundary down, they could, but that's going to make your problem even worse, right?

MR. GORHAM: It doesn't get much worse than a closure, and I think that's what we're looking at in the future.

MR. GRIMES: Well, but I think then you expand the boundary of the area that that stock covers, and correct me, science crew, if I am wrong on this, but you have a total amount of fish that can come from that stock. If you increase the area where when it's harvested counts against that number, it's still going to count against the same number, because that number, that catch limit, that allowable harvest, was derived based on what the stock was.

If you move the boundary, if you move it farther north, I think you're creating a smaller area where harvest will count against that quota. If you slide the boundary down, it's going to create a larger area where harvest will count against that quota.

MR. ELLIS: How come there's never been a consideration to actually subdivide the boundary? I mean, I know that sounds easier said than done, but, instead of the boundary just being from like the Georgia/Florida line up to North Carolina, how come there is not some kind of imaginary line in there for Georgia and for South Carolina and for North Carolina, et cetera?

MR. GRIMES: I cannot answer why that hasn't been done. I presume that should be in the minutes, in the discussions, of the council meeting, and that's certainly a valid proposal. If the council wanted to divide up and create sub-quotas out of that Atlantic quota and then have something that goes state-by-state, you have that, up the Atlantic coast, for a variety of species, but I think you're going to deal with the same issues that the Mid-Atlantic Council deals with with the Atlantic States Marine Fisheries Commission, and you have to have -- To control those on a state-by-state level, you really need state compatibility.

MR. GORHAM: I am just having an absolute hard time of, after reviewing this entire stock assessment two or three times, and looking at the Gulf CIE, and even the peer review for the Atlantic, which a lot of the -- It was the same datasets, and that everything is acceptable. We're looking at 670,000 pounds to 2.6 million pounds, and I think, if you really dug into it, you would feel the same way that I do, but I'm trying to keep it open, as best as possible, and not trying to ignore the process or the letter of the law, but it's just -- It's a shame.

MR. LAKS: I just want to say one thing about what Shepherd was saying about expanding the boundary. It would sort of be like having a bushel of apples here, and we were all eating on them today, and that was our quota, but then we let someone in from the other room. If we expanded it, those apples would get eaten faster, and so expanding that is not really going to change it, and, also, even with the Florida quota, we would still be way over.

MR. BLOW: I think one of the -- I don't agree that there is grounds for emergency action to be taken, but the root of the problem here, what I've heard from people asking about that and what is happening in Virginia, is how we got there, and that's through MRIP numbers. That appears to be the root of the problem.

You say we have to use the best available data, but, at some point, there should be some common sense in there too, I think. One week last year, it was reported that Virginia caught 420,000 pounds of fish, which is just not feasible. That is almost half of all the fish that Virginia caught in one week, and so the root of this problem has come from the MRIP data, I believe.

MR. GRIMES: I would like to say one thing in response to that. I have heard that, and I have read cases regarding this stuff, from Texas all the way up the east coast, all the way -- I mean, the agency has had litigation from New England on down related to MRFSS and then MRIP and the quality of that information.

I am not aware of any instance where we've lost on that being the best available information, and I understand completely that there are issues with it. I read through -- I am guessing that I read through some of the same materials, because I remember seeing the estimates of they had no confirmed intercepts, or no recorded sight observations of fish, but reports of three released, and that extrapolates out to however many thousands of pounds, but it's the only recreational data collection program we have, and, legally speaking, best available -- I know this is no satisfying answer, but that doesn't mean it's good information, but it's best available. It's all we have to use, in many instances, and, if you don't base it on that, you don't have anything else to use.

MR. GORHAM: In regards to still being over the ACL, if the -- I don't even know if it's necessarily the boundary is what we're trying to accomplish. We're just trying to go back to Amendment 18's ABC or control rule for the entire east coast, and I guess that would require moving the boundary, but you're talking about over 100 percent overage of the overfishing limit compared to if you brought that 1.4 million pounds back. Then you're down to 25, more manageable. 100-plus percent isn't -- There is no management that you can do, other than closures. Just looking at the catch as well, clearly it has shifted northward, and so I think the joint management, if we're looking at this all as one pie, it's not more cobia are being taken overall, but it has just changed or shifted.

MR. GRIMES: I think the problem with that math, right, and please correct me if you know better, but that -- In order to do the math that way, you've got to add back what was caught in the Atlantic, off the Florida part. You subdivided it up, and then you caught twice what you were given in that Atlantic group, but then the Gulf group that was caught off the Florida coast, you're going to have to add that harvest back in to get so it isn't -- I mean, you wouldn't just get the 120 or whatever it was back.

DR. DUVAL: You all have received public comment that was sent in with regard to a request for an emergency action, and this is why you're having this discussion and why we asked Mr. Grimes to be here, because the council was getting questions from stakeholders with regard to how the emergency rule criteria are applied, and, when stakeholders read that policy and they see economic criteria as one of those factors that can be considered, impacts are local, and so stakeholders are feeling economic impacts in certain areas.

Having some additional input or -- "Input" is the wrong word. I've been here too long this week, but having some additional response, from your perspective, as General Counsel, as to the case-specific details of economic considerations and when economic considerations are a basis for emergency action is good, and this is the basis for this coming before you all.

In regards to the request and the issues with the -- This boils down to MRIP numbers and the stock boundary, and I want to let you guys know that the council shares the stakeholders' concerns with regard to where the stock boundary was drawn, and, if you have read through SEDAR 28, there is a lot of uncertainty in where that stock boundary was drawn, and I guess one of the things I would say is that science is not static. It is always evolving.

There is research going on right now to try to better characterize where the stock boundary is for cobia, and this is why the council has moved forward with requesting that -- This isn't just something that is automatically granted. This has to go through the SEDAR Steering Committee. This is why the council has moved forward with requesting a stock ID workshop. There has been a little bit of flux in that. Originally, we were going to have a multispecies stock ID workshop. Due to budget constraints, we have had to move that back to just focus on cobia.

That is likely to occur next year, but there is information currently being collected that is probably critical to any science decisions that are being made about that. The second thing is in regards to the use of MRIP numbers, and we experience exactly the same frustration as you all do when you see some of the estimates of catch, and I would say that, while there have been significant improvements to the MRIP Program over the past few years, it was not designed -- It was never designed to be able to, I think, accurately capture pulse fisheries, like cobia, or rarely-intercepted species, like some of our deepwater snapper and grouper species.

The council actually just sent in a letter -- We approved a letter at the last council meeting in March that just went to Shep's boss's boss's boss, I guess, with regard to the council's concerns about MRIP and the skepticism among the fishing public, state managers, and council members that the MRIP program accurately reflects recreational catch and effort here in the South Atlantic, particularly because so many of our species fall into the category of rare events that exhibit catch estimates are prone to outliers and high uncertainty.

That was emphasizing the importance of recreational fishing to the Southeast Region, particularly the area that is managed by both the South Atlantic and the Gulf Management Councils, and we have provided some statistics on the number of recreational fishing trips that have been reported by MRIP for the South Atlantic and the Gulf.

We have also provided multiple examples on how the high proportional standard error, or PSEs, as you will hear people call them, have impacted our recreational fisheries in the South Atlantic, from an early closure of the recreational hogfish fishery in 2015 to the recreational blueline tilefish

fishery in 2015. Cobia is another one of those species that falls into this realm of rarely-intercepted, because the fishery moves so quickly.

For the most part, the bulk of harvest off of most states occurs during just a couple of months. Virginia is a little bit different. Virginia has a slower ramp-up and a more protracted season than say North Carolina or other states in the Southeast, and so I just wanted to let folks know that the concerns that stakeholders are bringing forward with regard to a request for emergency action, that the council is moving forward to address those.

Again, as Carrie stated in her presentation, the issue of stock boundary is not one that the council can simply take an action and have it changed immediately. As Mr. Grimes noted, it would have to go through -- There would have to be some determination of best scientific information available to make that boundary change, and so we're moving forward as quickly as we can to try to address that, and, again, I know that's not a satisfactory answer, but I wanted to make sure that everybody sitting around the table understands what actions the council is taking to try to address this. Thank you, Mr. Chairman, and sorry I talked so long.

MR. LAKS: No problem.

MR. FELLER: I have a question for Shep. In Virginia, and it was up there and I almost just made a statement, but, next year, we have mandatory reporting. Not only that, but we have mandatory permits, and so, in order to fish for cobia, you have to have a cobia permit for the State of Virginia. After our next season, and I agree with Bill that the MRIP numbers are ridiculous for what Virginia did last year, and you keep saying, and I have heard this forever, with the sea bass and everything, that it's the best available science. Well, after next year, you will have very good numbers for Virginia. How much water is that going to hold against the MRIP numbers with what's caught next year?

MR. GRIMES: I can't answer that with certainty, but I can tell you -- I would say it all depends, but, in the Gulf of Mexico, and I have worked a lot in the Gulf of Mexico, the State of Texas does not do MRFSS. They haven't participated in MRFSS or MRIP. They provide their own estimates. That is the only information, and that's the way it has always come.

Now, relative to red snapper in the Gulf of Mexico, there have been a lot of state issues, and Bill might be more familiar with this, with attending Gulf Council meetings and hearing it, but MRIP -- S&T, I think, has a process that they will look at state data that have come in, and then they make a determination as to whether, based on a review of their system and how the information is collected, and whether that information is better than the data, or compatible with the data, collected through the federal program. Then that dictates whether or not that information is used in estimating catch for whatever species.

If you're looking just at cobia and have this new program, I strongly suspect the people at the State of Virginia are aware of this, and hopefully they're working with the Science & Technology folks to do whatever they can to get that data used in the process. That is maybe a rather bureaucratic answer, but that's all I've got for you.

MR. KELLY: To that point, there is a high level of frustration in the Gulf of Mexico over a number of issues, but the best available science being one of them. If we can ever get Magnuson in front

of Congress and the Senate for a vote, some of the provisions would set minimum standards for what constitutes best available science, because that has always been a problem that we're faced with, and we see numerous actions over in the Gulf right now, on a number of species, to push for state control, because of that sense that we're not getting appropriate science to manage the species.

AP MEMBER: I will say one thing. I know I followed a little bit of the Gulf and each state validating their own reporting system, and I know it's probably a two or three-year process. It's not going to be an overnight process.

AP MEMBER: Right, but are we going to have the chance to go two or three years, or are we going to go one year and ASMFC is going to step in and shut it down?

MR. GORHAM: Just three points, as far as the math that I cited the percentages on. That does include the east coast of Florida catches, commercial and recreational. It's that huge of a difference, bringing them back in, but, as far as moving the line -- You referenced moving the line and as far as the geographical area may not increase, but, based upon the ACL, that's exactly what it's based off of, as far as the states' catches. Then, as far as best available science, you're saying the best available science would have to show moving it to wherever. It would have to show that, and I would say that SEDAR 28 does show the best available science. It has it much, much further into Florida.

MR. GRIMES: Sorry if I wasn't clear on that. I think that the stock assessment came out, as I understand it, and said the boundary is somewhere between Daytona and Jacksonville, or the Florida/Georgia border, somewhere in there. The catch, the annual catch limit, or probably the ABC, the allowable biological catch, for those stocks is X for this one and Y for that one, right? You move the boundary down, and it's still X. You are just increasing the area where harvest is counting against X. That was my point with that and that that's how they would have identified it.

I don't think, as you move the boundary down, it means that X is going to increase because the geographic area has expanded. Somebody, I would imagine, is more familiar with that than I am, maybe Mr. Carmichael, but that's my understanding of it, and that's where I was coming from with that.

I agree that, in terms of -- That's what the assessment said, and, in terms of drawing the boundary, the council developed its rationale and decided to draw it at the Florida/Georgia border for I would say what are clearly legally-legitimate reasons. That is where people in Florida don't want to have to -- It increases a lot of complexity for them suddenly to have to find out that, well, when we're estimating what you caught, did you catch it between Daytona and Jacksonville? If you did, then that's a different group and we don't count that quota, and they would have to refine their data collection programs to accommodate that. I would say that it probably would increase more uncertainty into the MRIP information, because of the increased refinement.

MR. GORHAM: I completely understand what you're saying, but, from a management standpoint, a fish say in the Chesapeake Bay, if he is caught and there is science that shows that there is clear migratory patterns down to the Jacksonville and Daytona Beach area. It's still the same population of fish. You're saying, well, Virginia could only catch this many of the, in theory, somewhat same sized population of fish, but now the east coast of Florida, because we drew a line, they can catch

more than they've ever caught before. That's where the ACL is at. I don't understand how that is accomplishing some rebuilding plan of the stock just because it crosses a management line. It's still fish being caught, the body of fish.

MR. LAKS: Having fished in south Florida my whole life, I am sensitive to this issue with you guys, and I can imagine how painful it is, but what you're advocating would actually be more beneficial to me, because our 800,000 pounds would then start whatever line south you want to make it, and you would be adding those people into your ACL, and so moving that line is actually beneficial for the people in south Florida. You would be giving us less area, or less people to pull off of quota, and you would be gaining those people to pull off of your quota.

MR. GORHAM: I definitely sympathize with you guys down there. I just could not imagine fishing in an area where the boundaries move based upon how high the sun is in the air, but I get the concept. I think just looking at cobia, looking at the situation, even bringing that -- I think I'm beating a dead horse here, but just remember that -- I have had the honor to represent a lot of charter captains and tackle shops this past year. I'm a lure manufacturer, and I go to these shops, and I see the absolute worry on their faces.

When there's something that seems to be so clear to us and science, to know that I will be out of business, they will be out of business, and to say, well, we just couldn't do anything, and we don't get paid every two weeks, and everybody here knows that. Every year matters. Every week matters. Every day matters.

I would like to see, honestly, and I think the people in North Carolina, and several in Virginia, would like to see either NMFS or the council, if you could, a paper supporting an emergency action, and then you can have one that says it doesn't fit. I think that would be huge, because, if I'm going to go out of business, I would like to see both sides.

MR. WAUGH: Just to clarify, the council doesn't get to choose the line. That comes out of SEDAR, and they gave us the Florida/Georgia line and the numbers associated with that for the ABC for the Atlantic stock and the Gulf stock. If we want that changed, then you need to have a stock assessment done again to give us a new boundary and to give us the new numbers that would go with those new areas, and there are plans to have that stock assessment at some point in the future.

When we get those numbers, then the council is also, at the same time, looking at alternative ways to track the ACL for those areas, and this was a question you had, Skip. The council is convening a joint Scientific and Statistical Committee meeting between the South Atlantic and the Gulf committees, and they may have some Mid-Atlantic, to look at different methods, working with MRIP, to use to track the ACL.

The MRIP numbers are still going to be out there, and that's a long process to change that, but we can come up with a scientifically-valid way to track the ACL, using the MRIP numbers in a different fashion, that may yield a better process in the interim, and so that's something else that we're working on, but we can't change the stock boundary. That has to come from an assessment, and then we would need the new numbers, and, wherever that boundary was set, then the catches from those areas would count towards that new number.

MR. GRIMES: The only thing I was going to say, or maybe two things, is it sounds like, and based on what I've read, it is really less of an issue or it's not an issue about where you draw the line. The way it is now, the science folks and the science process has done its thing, and the answer was two stocks. You can catch this much from one stock and this much from the other stock, and this is all about preventing too much from coming from that Atlantic stock that is north of the Florida/Georgia line.

If the line was farther south, then it would be that same stock and preventing overfishing, because that can only sustain so much harvest, and what I have seen advocated is going back to the way it was before and saying it's not two stocks and it's one stock. Then you get that much bigger of a number, but it can be harvested all the way from New York to the Keys, and, to change that, as I mentioned in the beginning, there are big record issues with doing that, no matter how you do it, and I think it means going back and revisiting the stock assessment, a new process, whether it's a new assessment or update or however it would be handled through SEDAR, but that's really how it needs to happen.

SEDAR definitely has avenues for input from the general public and not just from the hard-core science community. As Kim mentioned earlier, there are tons of avenues for input, and I know that doesn't give you any immediate relief this year, or probably next year, but, when that process is initiated, if you raise those concerns to the people involved, early and often, they are much more likely to be specifically addressed in the process and an outcome will consider those.

MR. ENGLISH: The only thing that I was going to say is it seems like your problem occurred when they changed the boundary. That seems to be what happened, and it seems to me like you're catching more fish than they thought you were catching, and so there's more fish there than they thought were there, and so maybe your stock assessment is wrong. Maybe what you should be asking for is an emergency stock assessment this year. It seems to me like that might be -- Maybe they based their numbers off of a half-a-million pounds instead of a million-and-a-half pounds. I mean, I don't know what they based them on, but it seems to me like that might be what occurred.

MR. GORHAM: That's really the catch-22 for us as well, in understanding this and knowing what data or what science can be brought to the table for a new stock assessment and knowing that we have research. I have pushed to have further research in North Carolina, and I know Wes has been a part of VIMS up in Virginia, and it's really that we need two or three years to get the acoustic tagging and genetic work, to where, if we rush into a stock assessment, it probably wouldn't be -- I would like to redo SEDAR 28 and be at the table.

I think absolutely people from across the entire migratory group, if we could sit here and have a debate of where the line is going to be and what should be used, we would end up at Amendment 18. Clearly there was a need from other areas within the management group, but that's why we haven't harped on an emergency stock assessment, only because of the research that needs to come from North Carolina and Virginia. The big thing is you say one or two years, and I don't know a charter captain on Hatteras Island that could lose six weeks of a cobia season and be here the following year.

DR. DUVAL: A few process issues. Anybody can submit a working paper to SEDAR, and so here is your SEDAR staff back here. If you have information that you feel needs to be

incorporated, talk to these folks, and they can guide you through the process for submitting that information.

I think the second thing is that, if there is information that was not included in SEDAR 28 that -- Oftentimes, there are studies that are done, and maybe they're someone's master's thesis somewhere that is squirreled away in a hole that we don't necessarily know about, and the scientists don't always necessarily know about, and, if that needs to be brought forward, these are the folks that -- Please send that information to them, so that we can make sure that that is incorporated.

I think another process issue that I was going to bring up, and this speaks to Bill's point about having representation from fishermen throughout the range, and so SEDAR is -- It is a process by which we include fishermen in that process, specifically participating in our commercial and recreational working groups. They are free to participate in any of the workgroups, the life history workgroups or the indices workgroups, and so those are the indicators that tell you how big the population of the fish is.

SEDAR is an open public process, and so, if you're not appointed as an observer, you are certainly free to come and hang out and listen to the conversation that is going on, and, with regard to incorporation or inclusion of folks from throughout the range, we just went through this process for blueline tilefish.

Given the issues that have surfaced with cobia, I have no doubt that we are going to be reaching out to folks, fishermen throughout the range, to participate in that process, at the data workshop level, and to help provide additional information that can be incorporated into a stock ID workshop as well. Thank you.

MR. ELLIS: This is more, I guess, just a curiosity question, and it's twofold. One is where does SEDAR obtain their funding from? Two, if that funding were to increase, do you think the skew in data issue would be eliminated?

MR. CARMICHAEL: SEDAR gets its money through grants through the National Marine Fisheries Service. It's a council process, and that's where all of the council monies come from, but SEDAR doesn't collect the data. SEDAR doesn't conduct the analyses. SEDAR is a mechanism to bring together the folks that collect the data and to bring fishermen into the assessment process.

In the old days, the assessments were largely done by National Marine Fisheries Service analysts sitting at their office. They may ask around for people to send them data, and then they would conduct the models using that, and they may take it to like an SSC for review.

What SEDAR has done is bring in this data, assessment, and review process, to have a data step that has the federal folks that have data, the state folks that have data, the university researchers, AP representatives, council members there observing, try to bring everybody together to find out as much as they can about the data. Then there is the assessment stage, where the analysts run the models, with feedback from other scientists and SSC folks and stuff, to give them guidance, and then an independent peer review.

The funding that SEDAR has is all about, really, the bulk of it is to support the travel of folks like AP members and state folks and stuff to come to these workshops, and so there is no -- The SEDAR funding is not about data collection and that sort of thing. It's about a process by which all the people that do that kind of work, and so where the extra data funding needs to go is to like the National Marine Fisheries Service, to increase the sampling that's available, MRIP and things like that.

MR. BELL: Tying onto what John just said, to put this in perspective, and some of you may know this and some of you may not know it, but MRFSS and MRIP, it's the data we all love to hate, and you constantly hear that, because of issues and uncertainties and things. Just to put it in perspective of how challenging this is, the folks that are doing this are smart folks. They are dedicated folks, and they are trying to absolutely do the best they can, but, in South Carolina alone, there are almost half-a-million people that have privileges to catch or land saltwater fish in the State of South Carolina, and that's just little South Carolina.

The task is to properly intercept those people and properly get effort data from those people in a way that you can turn into some sort of estimate of what the landings are, and that is challenging for me, because my folks are the guys that run the intercept program. I have got, for the whole State of South Carolina, I have got a couple of biologists and a handful of hourly employees, and that's all we can afford, and that goes back to the funding piece. That is all we can afford.

Other states that have other funding sources may be able to plus that up a little bit, but that's it for us, and so those couple of biologists and a handful of hourly employees have to go out and try to cover every single boat landing and every place that fish can come in from the recreational sector, and, as you can imagine, with things, particularly for like cobia, which are, for us, a low-intercept fishery, you don't get a lot of intercepts for that.

For things like red drum, an inshore fish, where there is a lot of red drum coming in, our data are better, but it's -- We can say that it's horrible best data, and, as Shep said, it's the only data we have, but that's the challenge that we're facing, in terms of that particular data that we're using. The commercial world is completely different. All commercial landings have to be documented through dealers. We can capture that, and so you've got a good idea.

South Carolina has a program that's been in place since 1992 in which we have mandatory charter boat reporting, charter boat and headboat reporting, and so we've had that in place for quite a while, and I applaud what Virginia is doing with moving forward with trying to get better cobia data, but I can tell you the challenges we've faced, even though we've been running that program since 1992, and it's not used the same way the MRFSS piece is.

Now, with some improvements that we've made in recent years, and particularly in dockside validation and things, we're hoping to sort of be MRIP blessed or certified at some point, but, just because you have a data stream in place, and it may be -- We like to think our data are good, because it's 100 percent mandatory reporting, but don't expect something to click over right away and replace what MRIP is doing.

Of course, the council just recently passed an amendment which will require mandatory reporting for the for-hire sector, and so we will improve those data, but the biggest challenge is -- Like in South Carolina, it's some portion of those 500,000 people that you don't know what they're pulling

out of the water, and so, while we kind of like to bash MRIP, and we don't like the numbers, necessarily, and we're all frustrated too, it's a daunting challenge.

Then take a state like Florida, with a lot more fishermen, or even North Carolina, with a lot more fishermen, and you can see just see how complicated that is, and so I'm not apologizing for it. That's just the way it is, and what drives it, as John was just talking about, is the money piece. I think you could take the entire National Marine Fisheries Service budget and throw it at that problem and it would still be a challenge to do that, and so just to put that in perspective for folks. That is what we're dealing with, but the folks that are working in the MRIP program are doing the absolute best they can do with what they've got. Thanks.

MR. PERALTA: Prior to becoming a recreational angler, I was an executive in a number of software companies, and, in those companies, we always had the phraseology of "garbage in and garbage out". If you have bad data into your process, all that technology did was help you make more bad data, and it strikes me that that's the fundamental problem that we're wrestling with here, and so, given the context of that experience and the veracity of our input dataset being in question, it strikes me that I'm really surprised that everybody almost acknowledges that the veracity is not there.

It's going to be very difficult for us, as an AP, or me as an individual, to provide the council with thoughtful and informed recommendations while we all acknowledge that the dataset that we're working from is bad, and so somebody needs to explain to me and this AP -- Make us feel better about the data. We understand that there are issues, but that doesn't fundamentally help the decision-making process. We will not make informed and thoughtful recommendations without a good set of data to consider, and so somebody has to explain to me how we get there. Thank you.

MR. LAKS: Stephen, and then I think we're going to wrap this up and move on.

MR. DONALSON: Thank you. Just to kind of piggyback what Gregg was saying and the gentleman from the DNR, and what was your name?

MR. BELL: Mel Bell.

MR. DONALSON: Mel. This topic has come up with a lot of the recreational fishermen that I deal with in the northeast Florida area about the collection of data. To your point of you have 500,000 people out there and there is no way you can track them all, for non-biological data, why do you have to?

Why do you have to be physically at the cleaning tables and the marinas, with the technology available today for surveys? We all buy a license, and we can find everybody pretty easy. Is there anything that we're leveraging from that standpoint to collect the data? Now, biological data, I get it. You've got cut the ear bone out and you've got to get that blood. I understand that part, but that is kind of archaic data collection, in today's day and age. That's all.

MR. LAKS: Would anyone like to make a motion?

DR. MACLAUHLIN: I have been taking notes. In the report, we'll have all the points that were raised during your discussion. If you want to provide an official recommendation or make a motion, you can at this time, or you can do it later.

MR. GORHAM: Just the last comment, for the council, is it your opinion that this situation -- I am happy to come meet with you, and we can go line-by-line-by-line, and I can answer any questions you would like, but just it holds no ground with an emergency action? It's an emergency for the stakeholders, at least in North Carolina. The Outer Banks is a destination location, and they don't come there to go to water parks.

MR. GRIMES: I hate to give you the kind of response that you're looking for, but, in this instance, I would say it's pretty clear that there are -- I will say it this way. There are a whole lot of risks with moving forward, in terms of the legal viability of trying to address this situation through an emergency rule, and I think the record that you would have to build to support it means that it would take you as long to make a defensible emergency rule as it would to do a framework action.

The issue is the stock assessment and the science that supports the two stocks versus one stock, regardless of the line, and that's really the issue, and I don't think that you could effectively address that, or, again, even if you wanted to do it via an emergency rule, the record-building process would be so long such that it would defeat the purposes of calling it an emergency and requesting that emergency action.

MR. LAKS: Shep, I have a question for you, and I hesitate to bring this up, and it's a point of contention for me, as a south Florida fisherman. Are there for-hire CMP charter boat permitted fishermen going to be able to fish those state seasons? I know, in the snapper grouper fisheries, if the state waters are closed for a specific species, we cannot harvest them in state or federal waters. Like I said, I hate to bring this up, but I don't want to see something come up without this being addressed.

MR. GRIMES: Off the top of my head, I am not familiar enough with your South Atlantic regulations to answer that question, but I can look in the regulations and answer it for you in short order.

MR. LAKS: Thank you.

MR. WEEKS: I am trying to get my head kind of wrapped around this whole thing. I think the panel here is dealing with some short-term issues and long-term issues. It kind of sounds like, short-term, we're not going to move the line, no matter how much we debate it right now, until we get the next assessment.

We all admit that we have crappy science, and, as Greg said, garbage in and garbage out, although there is some action being taken in the science communities to improve that, and it also sounds like, from Shep, that emergency action, even if we say we want to pursue that, is a two-year road to get that done. I mean, what can we as a panel do at this point in time to move forward with any meaningful recommendations?

We all admit, or most of us here admit, that there's a problem, economically, for these fishermen, particularly in North Carolina and Virginia, and is there any alternatives that we can present, other

than to argue back and forth about the science and the data and the line and the assessment and all of that at this point in time?

MR. LAKS: Shep can answer that and then Bill Gorham. Then we're going to wrap this up.

MR. GRIMES: I think you take the issues that have been identified in some of the documents that were provided, the stuff that identifies the two-stock theory and the vulnerabilities in that and some work that John Gold did out of Texas A&M, and I saw that referenced. I saw some Southern Mississippi research. Put that into a -- Identify those specific pieces of information and recommend that the council prioritize revisiting this issue. Again, I don't know where it is in the process, nor do I know how much effect that will ultimately have, but I think that's really the best you can do, is to recommend that this be addressed sooner rather than later and that these specific pieces be considered.

MR. WEEKS: Maybe that's where our motions and recommendations ought to be that Ira asked for, is something along those lines.

MR. LAKS: I am going to let John Carmichael go to that, and then Bill Gorham, and then Ryan really quickly. Then we're going to wrap this up.

MR. CARMICHAEL: Just to let you know, and it's coming up about the assessment, but the cobia assessment is already a priority, as is addressing the stock ID issue and taking advantage of the new research, the things that have been done since that assessment was done back in 2011 and 2012, and stuff that is going underway right now. It's a priority, and it's been a priority for a number of years, and it's intended to start in 2018.

MR. GORHAM: I guess, ultimately, I would leave you with this. SEDAR 28, and I think a lot of stock assessments, you see unknown, unknown, unknown, bad data. What I do know, being a lure manufacturer and being in tackle shops and talking to as many charter captains as you can imagine, is that, if you do nothing under the current catch estimates, under the current management options, the fishery management plan, it will cause significant economic loss and loss of access to two of the largest -- From Georgia northward.

The stock assessment doesn't appear that it's going to happen within the next three years, or at least peer reviewed, and to say that an emergency action will take two or three years, and so let's do nothing. I think that's just totally unacceptable, with the great unknowns in science, and I thought the National Standards were supposed to weigh both fish and fishing communities, stakeholders, somewhat equally, especially when a stock isn't overfished.

MR. GRIMES: I haven't really touched on this, but, yes, National Standard 8 requires consideration of impacts on fishing communities. You're supposed to minimize that, to the extent practicable, but this is ultimately an overfishing question. National Standard 1 is achieving optimum yield and preventing overfishing. That is Number 1, and, yes, you balance the rest of it, but courts have been clear, and just looking at the logic of all the issues generally, protecting the stock and preventing overfishing is numero uno. You do that first, and that is really what this issue is about.

Because they have identified two stocks, and one of those stocks is in this area and it has an individual ACL, that is what is ratcheting things down. That, to me, is the lynchpin of all of this, and, until -- Again, not to push back on the science process every time, but, until that is revisited and either affirmed and you make a decision that you have to change the management to address this issue in the long term, or it goes back to being one stock, where it's less of a problem for the northern portion.

MR. HOWARD: What I'm struggling with is that we all acknowledge that the data is the problem here. We can all admit that that's -- We're moving towards it. We have states like South Carolina that have a mandatory catch reporting, and we have Virginia, who is implementing a permit system and a catch reporting for cobia, and, when we talk about that, it's just kind of like, well, we're not going to use that and we're still going to use MRIP.

I mean, how do we get to the point where we're actually using accurate data to make these rules? Then, also, how can we get to where we can possibly split an allocation, whether it be state-specific or sector-specific, to where, me as a Georgia fisherman, may not be grouped with the Virginia fishermen, or, even further than that, me as a for-hire fisherman might not be grouped with the recreational guys, and how do we get there?

MR. LAKS: I think we're going to move on, but I am going to speak to Bill Weeks' point. I think, as a panel, we have made it abundantly clear that this is a serious situation, and there are several council members around the table. I think they're aware of it, and I'm sure the report is going to show how gray of a situation this is for the cobia fishery, and so I think everyone voiced their opinions, and the members here heard it.

MR. HARTIG: The study in Virginia, where you're identifying the number of anglers and you're having a permit, that's very similar to what's going on in the Gulf, in Louisiana and Florida and Alabama, and so MRIP gets together with the state, and they look at the MRIP numbers versus the state numbers. There is a process to figure out which number they're going to use, and so that will hopefully, if you get with the MRIP people and show them what you're doing, that will happen in Virginia.

There will be a decision made, at some point, of comparing the numbers and we're going to use the Virginia numbers or we're going to use MRIP, and so that's a great move forward. The council is trying to do that. When you cut it into smaller parts, MRIP is -- It's a little bit problematic for MRIP, but they can do it, and so we have other states that are in the process, and so those are good templates for you to be able to relate to and find out how that is proceeding through the process.

The other thing is I attended the cobia assessment. I put my time in and went to the cobia assessment, and the information in that assessment, the numbers of samples -- Cobia was not a priority species in the data collection process, and so we were barely able to get cobia through the assessment process with the few numbers of samples we have.

I don't want to make this sound any worse than it is, but those numbers, those are the numbers we had, and those numbers will never change, because those were the few samples we had in the past, and so we can't change anything in the past. What I would encourage you, for the future, is to get as many samples -- Each one of your states to get as many samples as your states can provide, so we will have much more information going forward.

Now, it may sound intuitive to say that now that we're catching more fish that there is more fish in the population and the assessment is going to show a rosy picture. We just went through blueline tilefish, where we showed over a million pounds of fish caught by the commercial fishery, over a million pounds of fish, and the assessment still came back saying that we were overfished and overfishing. It went into different areas where the fish had never been targeted before, and so the intuitive part of the assessment process is clearly not something that is easily grasped.

I am just trying to explain to you that, as it looks good and it seems like we have a great population of cobia, it may not work out that way in the next assessment, and so I am just trying to prepare you. I can never say -- I have been to a lot of assessments, and I have participated in a lot of them, and the intuitive part of going into an assessment doesn't always pan out, but, if you have the data, which is the critical part of it, if you have more samples to go into it, you are much better off in the long-term, and so that's one positive thing that you could add to this picture. Thanks.

MR. GORHAM: If I don't do this, I will feel like I am not properly representing my state, but I would like to do some type of motion that we could vote on here to at least ask the council to -- At least vote on getting a document that, when I close up shop, I can look at it and say this is why they did nothing, whether it be an explanation of why an emergency action doesn't work, and so also I can explain to the tackle shops and to the rod builders and to the mechanics and to the charter captains why they're going to lose thirty-grand when this fishery shuts down. Everyone I have talked to has never said that it's not going to shut down. It's already shut down for you guys. I would like to make -- I don't know how you would like me to word that.

MR. GRIMES: I would suggest, and, council staff, maybe I am not using the proper parlance with this, but, based on my experience in the past, you're kind of asking for what they would refer to as a white paper looking at options for addressing the reduced cobia season in this Atlantic group over the short-term and not looking at a two or three-year means of addressing this, but what are sort of immediate options, something along those lines, because I am guessing that -- I mean, you obviously want it to include emergency rule. Maybe you specifically articulate that, but those are good for 180 days, with the potential to extend them by another 186. It's a short-term solution, and it's definitely not something that you can plan to do back-to-back.

DR. MACLAUHLIN: This is my interpretation of the conversation, and I don't think Bill Gorham is -- I think what he is looking for is for the council to request emergency action and for NMFS to respond in a documentation of that response of their decision, and so I think my recommendation is that the motion would be recommend that the council request that NMFS take emergency action on Atlantic cobia recreational. Let's add a little more to the motion, and then you can make the official motion and read it into the record and get a second, but take emergency action to -- Bill, you fill in the rest here.

MR. GORHAM: I guess, to be short, and I know that it, again, won't be -- It will be really long, but to take emergency action -- I guess to reset back to Amendment 18's ABC control rules and management boundary until a future stock assessment or for 180 days plus 180 days, whatever buys us more and more time, at least get an answer to that, whether it goes nowhere, but that's up to how you want to sleep at night.

MR. LAKS: **The motion is to recommend that the council request the National Marine Fisheries Service to take emergency action to reset the stock boundary and ACLs to Amendment 18.** Is there a second? If you want it to go through, someone needs to second it.

MR. ELLIS: I will second it.

MR. LAKS: Any discussion on this?

MR. SWANN: There's obviously a lot of questions about the MRIP data, but, to look at the 2015 and the 2016 data, where the landings are more than twice the ACLs, that's pretty big error bars around our data, and I can't believe that the SEDAR is that far off, and so it would seem to me that an emergency action to reset the stock boundaries might put the fishery at risk for the longer term in place of some near-term benefit.

MR. GORHAM: My only response to that is when MRIP credits one week with three fish not even seen as catching almost 500,000 pounds, I just -- That is added into that 1.5 million pounds, and I think that's up to MRIP to explain itself, and, again, making management decisions based upon estimates with two intercepts, three B1 fish, into 14,500 fish is one-third of the catch.

MR. LAKS: Okay. I guess I don't see anyone else's hands up, and I guess we're going to vote on this. **Show your hands if you're in favor of it, six in favor; all those opposed, five; all those who abstain, four. The motion is approved with six in favor and five opposed.**

Guys, we're going to take a little bit of a break. What do you think? We will be back at quarter to, and then we're going to go right to Mike Denson's presentation.

(Whereupon, a recess was taken.)

MR. LAKS: Mike, are you ready to start your presentation?

DR. DENSON: Yes, and thank you, Mr. Chairman and panel members. I appreciate the invitation to come and talk about some of the cobia research that we do in South Carolina, although, after what I have heard so far, although I'm not ashamed to call myself a scientist, I am a scientist.

Just a brief introduction of who I am and what I do, again, my name is Mike Denson. I work with South Carolina DNR, in the Marine Resources Division, and I am the Director of the Marine Resources Research Institute, and I mostly have focused on research over the years on aquaculture and fisheries research, and I have been involved in cobia research as long as we've been doing cobia research, pretty much.

The Marine Resources Research Institute is sort of an independent group that functions separate from our Office of Fisheries Management. Our Office of Fisheries Management will come down and say that we need to do some research on X, Y, or Z, and we put teams in the field, up and down the coast, in order to gather than information.

In many cases, most of the research that we do is funded on federal funds, or soft money, or, in some cases, supported by state dollars. In terms of cobia research, you can see the large list of names here. We have a broad team that work in aquaculture, stock enhancement, and genetics

involved with cobia. I have graduate students at the College of Charleston that have gotten their master's degree working with cobia, and we work extensively with researchers throughout the Gulf of Mexico and all the way up to Virginia.

Our products are data for stock assessments, either from a regional perspective, like for the council or for SEDAR, and we are one of those data providers, as well as for internal assessments within the State of South Carolina on some of our more locally-managed species. Products that we have are peer-reviewed research articles for journals, for books, for education purposes, and for outreach, and we spend a good bit of time going up and down the coast working with charter boat captains and recreational fishermen and talking to clubs. We always welcome the interaction with the folks that are actually out there in the field collecting information.

The story with cobia research in South Carolina began with some federal grants to do aquaculture research back in 2000. Cobia, of course, is a very tasty fish. It has incredibly fast growth rates. It made it an excellent candidate for an aquaculture species. Anytime we do research, say we're funded to do research on aquaculture, we also have an eye towards what's the application. Could we use the technology developed to answer questions about the fishery or even apply it as a stock enhancement option to work with changes in creel sizes or size limits and that type of thing?

We began the more formal work, in terms of fisheries, in 2005, and we continue to the present. It involved work with tag recapture studies, evaluating site fidelity of cobia, and do they return to the same estuary or the same area year after year? That's important in understanding how to manage the species.

All of the aquaculture and enhancement work involves understanding life history, spawning fish in captivity, looking at age-growth research. We would take tremendous numbers of reproductive tissues, and we would use genetic samples and populations genetics techniques to better understand the genetics of the population. Again, we heard a lot about, in a lot of great detail, about stock structure and stock lines and borders, and I will talk more about that as we go through.

When we do our genetics work, there are really three types of questions that we can ask and answer with genetics. One, we can use genetic tags in order to determine whether the fish that we stocked into the wild -- When we sample wild populations in subsequent years, we can determine what proportion of the catch actually came from the hatchery. We can also look at the structure of the population, where one stock begins and another one ends.

In addition to that, we can look at metrics about genetic diversity of the population. When a population begins to get really small, you have inbreeding and things like that that occur that you can measure through genetics. In addition to that, when you sample a new recruitment year class of fish, you can determine how many adults contributed to that year class, and so a healthy population would obviously have a lot more adults. A population that's in trouble would have significantly less.

I did a presentation to the council last fall, and it was to answer some specific questions that had been floating around, and I've seen emails and various questions to council staff, and I hope to rectify or at least clarify some of the questions related specifically to where does South Carolina gets its cobia data. Was cobia stock enhancement in South Carolina was a success or a failure or did it cause problems with the population?

What is a distinct population segment and why is it important? Why do we care? Did stocking create this distinct population segment? Do the tag return data that we've heard so much about this morning or this afternoon support the genetic conclusions that we determined, in terms of where stock boundaries are? Why are there conflicting reports in the literature regarding cobia stock structure along the Atlantic and Gulf coasts, and are cobia along the Atlantic coast similar? What can we learn about the Atlantic coast cobia population from research done in South Carolina, specifically on South Carolina's inshore population?

Where do we get our cobia data? As I mentioned earlier, we work cooperatively with charter boat captains and recreational anglers. I would reiterate what Dr. Duval pointed out, in terms of the council really being concerned about your businesses and your interests and the fishery. The scientists and the biologists that are out there collecting the information are equally concerned and eager to work with any of you if you have questions, whether it's in this meeting or after this meeting. You can get ahold of me, or any of the folks in South Carolina, and we would be glad to help you launch research projects and/or help us by providing samples, which, again, will help with subsequent stock assessments.

We collect a lot of fish, or, historically we have, from tournaments. At one time, when cobia come into South Carolina waters in late April to June, we had as many as seven tournaments, almost one every weekend, of which local fishermen would go out, and you saw the introductory picture, which had them lined up, and that was pretty typical during the heyday of our inshore population. Those tournaments have all folded up and gone away, up to this year.

Now that we have a closure, obviously there are no tournaments, but, even in recent years, those tournaments have diminished, because of the lack of available fish. Our biologists are also active in going out there and collecting information, but I would say that 95 percent of the information comes from charter boat captains, recreational anglers, and tournaments.

I mentioned genetic information. We use microsatellite loci. These are neutral markers that, again, allow us to answer questions about the population. These are small bits of DNA that we're able to identify characteristics of populations and identify parentage and know the fish that we released, pretty much. If you know the parents, you know all of the offspring. Then understand genetic health metrics.

Cobia stock enhancement in South Carolina, was it a success? What was the impact? Well, the scale of what we do, and, again, we are a research institute, and any time you do something like stock enhancement, it involves some impact on the fishery, and our goal is to minimize the impact on the fishery and yet augment the population.

What we choose to do are small-scale, experimental stocking experiments that occur each year. All of it is very hypothesis driven. It's about answering specific questions. There really is no wrong answer. It's an answer. In science, that's what we're all about. We follow what is called the responsible approach to marine stock enhancement, and I don't expect you all to read this, but this is a document that was produced by an international group of marine stock enhancement scientists that provide guidelines to states or areas that want to implement a stock enhancement program, which involve different stages.

Stage II involves the research and technology development, and it involves pilot studies for defining the enhancement system and developing the aquaculture system and rearing practices using genetic resource management, using disease and health management. It's basically the aquaculture stock enhancement scientist's Hippocratic Oath. We don't want to do any harm to wild populations, and so we follow these protocols.

In terms of the stocking effort, we have, at the Waddell Mariculture Center, which is part of the Marine Resources Research Institute -- We produce cobia of different sizes. We collect wild fish that are collected annually from the Colleton River, the Broad River area, this distinct population segment, and I will talk more about what means in a bit. We have developed the technology to get them to spawn in saltwater tanks.

We take those larvae and we put them in saltwater ponds that are fertilized. If you look at just the center panel, this is -- Cobia grow so fast. These are three-inch fish in thirty days. That's a really fast growth rate, and we have done sort of an iterative approach of looking at, okay, what would be the best size of fish to release. You can see different small numbers of fish that are of different sizes. Some of these are larger-sized fish, like these, relatively small numbers. They have external tags, and they are also genetically marked. Also, larger numbers, and this is relatively larger numbers, 53,000, three-inch-long cobia.

By comparison, our stock enhancement research with red drum involves about 1.2 million to two-million red drum that we stock at about one to two inches in size, and so these are experimental-level stocking efforts.

Just to cue you in as to what this table suggests, here are the years where we stocked the fish, and these are the number of fish that we stocked, and these are the recapture years. What this involved was going to charter boat captains and recreational anglers and having them give us a tissue sample, just a fin clip of tissue, that we can then analyze in the laboratory and determine were these hatchery fish or are these wild fish.

Cobia grow very quickly. Those little three-inch fish are recruited into the anglers creel by age-two, partially, and completely be age-three. If you look at when we stocked 53,000 three-inch fish, we had a 70 percent contribution two years later, and you can see that those fish returned to the estuary annually and made a significant contribution to the population, all the way for eight or nine years, suggesting that stocking small-sized fish allow the fish to survive. They do exhibit natal homing, and they return to the estuary every year, and so a very positive outcome.

In addition, to releasing fish and recapturing fish, recapturing those stocked fish, we can also fit those to a tag recapture model, a Peterson estimate, and get a simple understanding of what those stocked fish mean to the population and calculate what that population size is in our inshore waters in South Carolina. You can see that it has declined pretty significantly over the last several years.

Success? That's obviously a relative term. As a scientist, it's always successful for us. We learn something new and we ask new questions. We did demonstrate, with these fish, and have verified, also with tag recapture work with wild fish, that they do demonstrate natal homing and return to the same estuary year after year after year.

We have demonstrated spawning and rearing and transport and have identified the best sizes at release. We demonstrated high contributions of stocked fish, which show good survival. It does suggest though that the population of wild fish is relatively small. If 50,000 three-inch fish make that much of a contribution for eight years, then that wild population is in pretty tough shape. It also demonstrated that the genetic tags are effective and permanent and they last for years. This provides a potential tool for rebuilding our inshore population of cobia.

One of the other questions that has come up multiple times is why are there conflicting reports in the literature regarding cobia stock structure along the U.S. Atlantic and Gulf coasts, and there really are only a few papers that have looked at cobia. There is Adam Hrinevich's work in 1993 and John Gold and his lab out of Texas in 2013. There is our lab, led by Tanya Darden, in 2014, and then a pretty significant effort that is now in prep to be published that came out of SEDAR 28 that marries together not only the genetic work, but tag recapture work from multiple states.

Why we see that there are generally differences between the results, or the interpretation of results of each one of these studies is mainly due to two factors. Cobia, for scientists, is very difficult to get adequate sample sizes, to get them when we want them and where we want them. It involves borrowing from -- We talk to John Gold's lab all the time, and we send samples. They are now doing work with flounder, and we send them samples, and we use similar techniques, and we send things back and forth.

Sometimes that is the best way to get samples, if you were to look at the sample sizes of the different groups, and I will show those on the next slide and you can see what I mean, and the other part of it is that samples need to be collected when the fish are in their spawning aggregations, to be able to identify whether they're part of one stock or another. When the fish are all mixed up, when they're migrating, of course the result is likely to be that you have one homogeneous population. It would appear that way, because the fish are in flux. They are not in aggregation, and I will show you a little bit about that as well.

Let's look at the sample sizes from the different papers that are out there. Adam Hrinevich's work in 2003, he was, at the time, using state-of-the-art markers that are now fairly dated and not very robust. He had relatively small sample sizes. This was a master's degree. I think it's an excellent piece of work for the time period, but the markers that he used are not robust markers compared to microsatellites. He used mitochondrial DNA in restriction fragment length polymorphism work, and had relatively small sample sizes. If you sample just a few fish from populations everywhere, it's unlikely to allow you to draw real conclusions about what those populations look like.

John Gold's work also is relatively small sample sizes, but, more importantly, he collected fish after they were out of their spawning aggregations and probably had some mixing at that time, and so it's likely that he would find, as a conclusion, that the population is one homogeneous population, and that's not really a conclusion. It's sort of a default setting.

When you look at the work that we recently published with Dr. Darden, we had better sample sizes, and this is because we accessed a tremendous number of samples from charter boat fishermen, some of the folks even in this room, and recreational anglers up and down the coast. This was already in prep when we had SEDAR 28, and you can see much larger sample sizes, 744

animals from inshore and 248 from North Carolina offshore. South Carolina offshore was 147, and we had some smaller numbers in the Gulf of Mexico, but pretty good sized in Texas.

It gave us what we think are really robust results. What we found is South Carolina inshore fish are actually different from those offshore fish. The fish that migrate and naturally home into the Broad River area, the Southern Sound and St. Helena Sound, they are their own population. They are a distinct population segment.

Virginia, the samples we got from Virginia and the Chesapeake Bay when those fish were in aggregation, also suggest that the fish in Virginia are a unique aggregation of fish. They are a distinct population segment, and we found no real differences between North Carolina and South Carolina, but, when we looked at samples from Florida, most of the samples collected around the Port Lucie area were more similar to the fish in the Gulf, from the Keys and into the Gulf, than they were with the rest of the population.

It's clear, and Mr. Gorham pointed out and others have pointed out, that that, as recorded in the SEDAR document, say that it's somewhere around the Port Lucie area and that there were actually no samples north to be able to distinguish whether fish further north, to the Georgia/Florida line, were actually part of the South Atlantic population, what we call the South Atlantic population, or the Gulf population or whether there was real mixing with this area, and I will show a little bit of tag recapture data that does reinforce the idea that mixing is occurring around that area.

This cartoon, if you will, sort of emphasizes the point that I was making earlier. When you collect samples when fish are outside of a spawning aggregation, they may be mixing, some Gulf fish and some South Atlantic fish and some South Carolina DPS fish and some Virginia DPS fish. They may be moving in this area, but, if you take samples and you were to run them and say do I see different populations, you are actually looking at different segments of populations and concluding that they're one population.

When you look at them when they're in spawning aggregations, like we did in our work, you see real differences between populations. Now, these are not absolute. Nothing is absolute in science. There is some movement between populations. It may only be five to seven fish per generation, and so a relatively tiny number of fish that are part of the South Atlantic population that spawn with Gulf fish and vice versa, but it's relatively difficult to find differences with a highly-migratory fish, but these sample sizes and appropriate sampling timing allow us to see differences.

What is a distinct population segment and how does it form? A DPS forms when a group of fish spawn only with other fish in that same group for many, many years. Usually spawning occurs in aggregations that are geographically or temporally separated. There really has to be just a few fish, a little bit of gene flow, between groups to maintain those distinct segments. Otherwise, it will appear that they're all homogenous.

Why is that important? If you have a distinct population segment, and that's very unique and there is not much gene flow into it, when you fish that population out, it's gone. It is going to take a long time, if ever, for that population to rebuild. This is one of the concerns we had with our inshore distinct population segment. When the number of fish decreased to such a critical level, we wanted to make sure that we did something pretty substantial to protect it and to allow it to

rebuild, because we knew, once it was gone, that it was not going to be refreshed by the South Atlantic population.

Did stocking create this distinct population segment? I mentioned the stock enhancement work we did. We did small scale numbers of animals over time, and we made huge contributions, but, in this case, no. Because we had the genetic tags that allow us to identify every single fish that was released, when we brought those samples back into the lab, we pulled out all the stocked fish and only looked at wild fish samples, to be able to determine whether that DPS existed or not, and so it had nothing to do with stock enhancement.

So far, Virginia, the Chesapeake, and South Carolina are the only two distinct population segments that we know of. However, that's only because we haven't collected samples. We don't have enough samples collected at the right time in an area like say North Carolina, Pamlico Sound, one of these other bodies of water that has similar features.

For fish to want to hone in and return to their natal estuary, they have to somehow imprint in that estuary, and so the fish swim into the estuary. It's got very low freshwater input, and so the retention time is long enough so that the animals imprint and they return year after year. That is very similar to what we see in the Chesapeake Bay as well.

Tag return data, this is also information that we talked about and that is presented in the SEDAR 28. We looked at this information in cooperation with -- We would welcome anybody who has information about cobia, has tag return data. Please share it with us, and we will work together to come out in interpreting what it means, and we sat in the SEDAR 28 to answer these questions. Representatives from each one of these institutions participated, other than except for Mote Marine Lab. The late Karen Burns had generated most of that data, and there was nobody from that facility. However, that information was provided by Jim Franks and Reed Herndon from Gulf Coast Research Laboratory.

It involved the use of a long-term dataset of tag recapture information that dates back to 1988 to 2011. It was provided by recreational anglers. They have similar tag types over a similar time period. There were similar sizes at tagging. They were tagged from Texas all the way to Virginia, and we partitioned the data to only use recaptures of fish that were at large or away for longer than thirty days. If you tagged a fish tomorrow, or today, and you caught it tomorrow, it wasn't included, because it didn't provide us useful information on the long-term movement. The average fish at large was at large for almost 450 days, and we had 1,394 returns from about 21,000 tagged cobia.

What we did is, because we know we had this sort of discrepancy in where the border was, in terms of the boundary of cobia from one stock to the other, is we wanted to look at cobia that were tagged from different areas, cobia that were tagged from Georgia and north, cobia that were tagged north of Brevard County, and this is Brevard County, cobia that were tagged south of Brevard County, cobia that were tagged in the Keys, and cobia that were tagged in the Gulf.

This is what the results look like, and I will orient you here to this table as well. Here are the regions where the cobia were tagged. There were 274 fish tagged in Georgia and north, and this is the recapture information, and so where were those tagged fish recaptured? 252 of them were recaptured in a similar locations, Georgia and north. There were only nine north of Brevard

County, six in Brevard County, two south of Brevard County, and five in the Gulf of Mexico, and so a small number of fish made it, even though they were tagged Georgia and north, made it to the Gulf of Mexico, and so there is some movement between those stocks, but very, very little.

Fish tagged north of Brevard, this is the big hole and one of the difficulties with the interpretation of the genetic data and the interpretation of tag recapture data, because we have no fish that were tagged north of Brevard County to know which direction were they going to go. Fish tagged in Brevard County, right around Cape Canaveral and that area, seventy of them were tagged, and you can see a split. A few went north, a few just north, north of Brevard County. Twenty-one were recaptured in Brevard County, sort of that natal homing concept, three south of Brevard, seven in the Keys, and then thirty-two in the Gulf, and so it seems like the fish around the Brevard County area, what we call that mixing area, are moving south and into the Keys.

This is what led us to that conclusion that somewhere above Brevard County, between Brevard County and the Georgia/Florida line, is where that mixing is occurring and the South Atlantic population begins and ends and the Gulf population begins and ends.

If you look at the Keys, 182 fish were tagged. Forty-eight were caught in the Keys and 128 in the Gulf, and so clearly fish in the Keys are not part of the South Atlantic population. They are not going north. A few are, but the majority of them are going south and into the Keys and west and into the Gulf. The Gulf fish, again, it's a similar pattern. 855 were tagged, most of them in the Keys and the Gulf, although there is a few that came around and went to Georgia and north and in this mixing zone area.

This provides the percentages of those that moved. I just do want to point out, and, again, we're completely transparent here, that 2 percent of those fish from Georgia and North ended up in the Gulf. 1 percent from the Gulf ended up in Georgia and north, but no fish from the Keys ended up in Georgia and north or north of Brevard County, and so it really does tell the tale of Brevard County, and this kind of reinforces some of the genetic information.

MR. HERRERA: I have a question. Did I understand correctly that, in your research, all the fish that were caught and tagged were all caught again?

DR. DENSON: Sorry. There were 21,000 fish that were tagged and only 1,300 that were recaptured.

MR. HERRERA: The recapture. That's what I was trying to understand.

DR. DENSON: To look at some maps, so you can get an idea specifically about fish, these are the Brevard County area fish. This shows the pattern that we were talking about, in terms of here they are. The majority of them, the large number, return to that area and are recaptured, and a good number move to the Keys and into the Gulf. A small number of those fish move north.

When we look at the Chesapeake Bay, most of the fish recaptured in Chesapeake Bay, a lot of reports in very close to the same area where they were tagged and some in northern North Carolina. There are some in the mixing zone and a small number over here in the Gulf of Mexico.

For South Carolina, again, I would say the majority of them were recaptured in the same area, mostly in the Broad River, just in the near-shore area, Betsy Ross and those types of locations. Some were recaptured south, again, around to this Brevard County mixing area, still with one, I think, that was caught in the west coast of Florida.

This is the summary, and I kind of went through it. The majority of fish tagged in Georgia and north are caught Georgia and north. A very small percentage is seen in the Gulf. Fish tagged off of Brevard County primarily move south and into the Gulf. Some move north, 5 percent. Fish tagged in the Keys are caught in the Gulf or the Keys. Fish tagged in the Gulf are mostly caught back in the Gulf, but 1 percent do move back over into Georgia and north, and these results support and are very comparable to the genetic results that we had. Again, I emphasize the missing piece of the puzzle is the genetic information that goes from north of Brevard County, and the tag recapture information is a big hole north of Brevard County.

What does our South Carolina DPS tell us about the health of the cobia population as a whole? Could South Carolina's small distinct population segment be the canary in the coal mine? We use that kind of terminology because it's small and it's first, and could it tell us something about what we might see with the rest of the population?

South Carolina's cobia DPS is a small DPS. It is very close to shore. You see anglers out there in pontoon boats and johnboats, and it's easy access. Everybody knows when the fish come in. They have undergone significant fishing pressure and when the fish are in spawning aggregations. The first work that we did, my first student, Lindsey Lefebvre, her thesis was on defining and determining scientifically that the fish enter the Broad River, Port Royal Sound, and actually spawn, and we detected eggs and larvae in the system. That was the first time that was determined, and that led us down this path of understanding about spawning aggregations and natal homing, and it allowed us to look at things like genetic distinct population segments to allow us a better understanding of the life history of this animal.

DPS, again, the anglers know exactly when the fish arrive. It's usually based on temperature. When it gets to be twenty-one or twenty-two degrees Celsius, the fish are in. They know what structure, they know the banks, they know the baits. It's on social media. People are sending around emails. You can go out there and see dozens of boats on any given day.

What we determined was going on, and is often a cautionary tale with fish that form spawning aggregations, is this concept coined by Ray Hilborn and Carl Walters in 1992 called hyperstability. We use it when I do presentations for anglers, and we talk about it as the illusion of plenty. You have this decrease in abundance, but the fishing experience, or the catch per unit effort of the angler, stays the same, and we've seen this historically with other populations of fish, including Nassau grouper, salmon, and we think cobia.

It also occurs for fish that form large schools, and this is often talked about with cod, pollock, and haddock in the Northeast Atlantic, in that you keep harvesting a school and then finally that's it. The school is gone, and so the experience is fishing appears to be good and then the bottom falls out. Unfortunately, there is no real easy way to detect that hyperstability is occurring without some long-term fisheries-independent sampling.

Cobia is a real beast in order to implement fishery-independent sampling, because the anglers are all there fishing, and we do not interfere with anglers when they are out there on the grounds. We have tried before, sampling season after sampling season, using longlines and other methods, and cobia is not anything that we have been able to generate good information on that is repeatable.

We can compare the life history of cobia and the information we have collected to other species and other fisheries, and we can conclude that we think we know what's happening, and so this quick cartoon just shows you the experience the folks in the Broad River were having back in 1990. If you were to look at the guy in this boat and this boat, they're on bars, and they know exactly where the fish are, and they are catching fish, no problem, week after week, year after year. They are having a good time, and there is plenty of fish in the system.

They are still fishing on their known fishing spots. It's like fish in a barrel when these aggregations are here. Overall, they are having a great experience, but the population is decreasing around them. They still are enjoying a good time in the 2010s, and then, finally, the fish are really hard to find, and it doesn't seem like there are any fish at those locations, and this is a real problem and when you've sort of past the point of no return.

This is real data. We, again, cooperate with charter boat captains, and we collectively collect fish over time from them. They go out there and they collect fish, and they bring us the racks. Year after year, they would get fish, from 160 all the way up to 100, and then, finally, in the last couple of years, they only got sixty. Then, finally, they got two.

What happened with this DPS? Increased fishing pressure and decreased catch. It's harder to catch. We also looked at our genetics, and we calculated that the population had very few spawners, adults, contributing to each year's spawn, and so the number of adults available to spawn had decreased to the point where we are at a critical point. We had a huge outcry from charter boat captains and recreational anglers, at that point, to manage more aggressively. In fact, some would say, quote, you need to keep us from catching these fish, because we're not going to stop unless you do something.

How are we protecting this DPS? Well, in South Carolina, it involves an iterative process of involving recreational anglers and charter boat captains and doing lots and lots of presentations and talks and providing them options, and they chose a spawning season closure for the first half of the season. Fish move into the estuary in, again, late April. They are there, probably, until June. We determined the fish are spawning, and they decided they wanted to close the fishery for the month of May.

We also implemented new boat and individual limits and have implemented supportive stocking of the population, through stock enhancement from the Waddell Center. We continue fisheries monitoring and genetic monitoring, although it's become incredibly difficult now that recreational anglers and charter boat fishermen are no longer providing us samples.

Ongoing research, where are we going and what are we doing? I want to point out too that one of the things that we've heard a lot about today is why isn't there more research and this is a dire situation for folks that this is their business, and yet there is really scant money to answer the questions associated with this. All of the research that we do in South Carolina is either grant funded and piggybacked or totally supported by the State of South Carolina for unfunded research,

and yet we're continuing to do our best to provide the samples annually, so that we have them for that next stock assessment, which we know is going to be essential to conserving this fishery.

Some of the work we've done is another graduate student has looked at -- Again, I talked about this Hippocratic Oath, if you will, that we have, where we try to do no harm. We know that we could rebuild that population faster by stocking large numbers of fish, but we don't want to affect the genetic health of that population and its ability to respond to some natural perturbation or disease, and so we are stocking -- We now have calculated how we can stock the minimum number of fish to keep the population genetically healthy, yet rebuild the population in concert with our regulations.

We have implemented a study of telemetry research, and I would like to really point out that really there are two folks in my laboratory that took it upon themselves to write a proposal involving charter boat captains and recreational fishermen to collect fish up and down the coast, and that's Matt Perkinson and Karl Brenkert who authored that work, and they're working collaboratively with fishermen in Florida, from mid-Florida all the way through Georgia, Chris Kalinowski in Georgia, and they are trying to answer that question about that north of Brevard mixing area.

One part of that study involves the collection of genetic samples, of which we are, again, trying to increase the geographic coverage of genetic samples to help answer that question from, again, northern Florida, north of Brevard County, and Georgia.

The acoustic tagging work that they're doing now involves the implantation of these acoustic tags. There are receiver arrays at the mouths of most estuaries and on buoy markers, et cetera, up and down the coast. There is a huge network in the Chesapeake Bay that these folks are monitoring. Currently, they have out 108 tags, and they are looking at putting out 150 tags from specific areas, and these are the locations they're choosing. Again, this key area that we talked about, and Georgia is very important and then, again, in southern South Carolina.

Those arrays, again, go all the way up and down the coast. Every time a fish swims by one of these receivers, it pings. So far, they have 120,000 intercepts from the 102 or so fish that they have released that show interesting patterns that, until we have a full year of information, it won't be really useful for me to present, but they show similar patterns to what we've been seeing with our genetics and our other tags. As that information becomes available, I will be glad to present it to this body and to the council as a whole or in subsequent workshops to determine stock boundaries.

In addition to that, Dr. Jeff Buckel in North Carolina has been working hard to get some funding, and has successfully gotten funding, to look at estimating survival and stock structure of cobia using similar telemetry work and population genetics. We are cooperating with him, in terms of the array network that we are working with, as well as processing all of the genetic samples as part of this project, to add it to what we've already collected. I thank you for your time and for indulging me in talking about this, and I appreciate the space, Mr. Chairman. I would be glad to take any questions, if people have any.

MR. LAKS: Thank you. Does anyone have any questions?

MR. SWANN: Thanks for the presentation. That was great. Are all cobia migratory?

DR. DENSON: That's tough to say. Migration, I guess how I would explain that, is that we think that some portion of that population moves up and down the coast, and we are hypothesizing that there is a greater inshore/offshore migration, and so, as waters warm, as you move up the coast, fish are moving into those shallower inshore areas, and so we are continuing to investigate that, but it's hard to say proportionally. If you were asking the question of how many of the fish in the Chesapeake or Georgia actually start out down in Brevard County or that area, that's almost impossible to figure out.

MR. SWANN: Thanks.

MR. ELLIS: Has it been mostly a focus that your inshore study has been confined mostly to Port Royal Sound and St. Helena Sound? Has there been any research that has tried to be conducted in Calibogue Sound?

DR. DENSON: Yes, we have some samples from Calibogue, and we find that it's similar to St. Helena and Port Royal. They're all very high-salinity estuaries and sort of the same type of hydrology and that type of thing.

MR. DONALSON: Thank you for that presentation, by the way. That was fantastic. Your slide that had the data table on it that showed the number of fish and where they were tagged over the next I think it was eight or nine years, why were there no fish tagged in that northeast Florida area?

DR. DENSON: You know, we have struggled to answer that, and we think it's mostly -- I think it's because you have Cape Canaveral, and you don't have a lot of places where people land fish. It's hard to say how many people are moving north of Brevard, north of Cape Canaveral, and accessing fish.

MR. LAKS: We can talk about that later.

DR. DENSON: Great.

MR. ROLLER: That was a great presentation, and thank you. When I first heard about this South Carolina sub-population, years ago, I was absolutely fascinated by it, because it reminded me so much of some small fisheries we had up in my area in southeast North Carolina, which specifically were areas where guys knew that they could catch fish way up in the estuary, off of Cedar Island and Bogue Sound, to name others, and those fisheries have really declined in recent years, over the last decade or two, particularly when you talk to some of the old-timers who specifically fished them. Do you know if Dr. Buckel's lab is going to try to look at some of those, if they're going to be trying to identify other genetic DPS?

DR. DENSON: I'm sure that they're going to be trying to collect samples from all over, and I would be glad to put you in touch with him, if you would like.

MR. GORHAM: Were any spawning aggregations found in offshore waters?

DR. DENSON: We found aggregations of fish in offshore waters, and we have not scientifically determined that they're spawning, but charter boat captains have all told us that they're pulling up

fish that are releasing eggs or releasing milt. Those aggregations are likely not to be specific to a particular area, because of this imprinting concept. When those eggs are fertilized and released, they are going to go with the current, and who knows where they're going to end up.

MR. GORHAM: Looking at the tagging data, it looks like -- What amazes me is the few amount of fish that move northward from South Carolina, and one of the arguments I had made for Virginia is there seems to be more of a migratory relationship between Virginia Bay fish and the east coast of Florida. It is surprising that they kind of bypass South Carolina and North Carolina.

With Virginia having a unique population, I would really caution comparing the Chesapeake Bay with Port Royal Sound, just the size and the current. It can be a very rough place to fish and as well in northeastern North Carolina. There is very little pressure, again, in northeastern North Carolina in our inlets.

There is a stretch, and I think it's eighty miles, from about Mile Marker 6, or Jennette's Pier, all the way to the Virginia line, and there is only three people that ever fish for cobia past there, and it's usually in August. There is tons and tons of fish. Avalon Pier, which is further north of that, I think recorded the most cobia caught on it for South Atlantic states, and that was just last year, but it seems more, to me, that South Carolina and Georgia, and maybe North Carolina and Virginia, and then they all somewhat hang out on the east coast of Florida at some point, and could you talk about how you determined spawning period? That seems to be the really critical factor in all of this.

DR. DENSON: Spawning period is based on temperature, and we identified when the fish move in. My students spend a good bit of time monitoring water quality and temperature and sampling fish, looking at them histologically, as well as collecting eggs and larvae, through plankton sampling, to determine the time when spawning began and spawning ended, and it was really temperature driven, and so we have applied that up and down the coast, mostly because we see fish entering inshore, closer shore, waters at a specific temperature, expecting that that's probably where they are, and they're probably spawning. I think you see something similar in the Chesapeake.

We found that, in our area, that fish spawned more on the first half of the two-month period that they were inshore, and we expect that that's probably likely in most places, but I can't tell you. I haven't done the work in the Chesapeake to determine that. I know that John Olney did some early work on determining when spawning occurred, and we worked with him pretty closely on the development of this project.

MR. GORHAM: That's one of the things we've kind of been dissatisfied with, obviously, and we're not blaming anybody, but just pointing out, from observation, when we're having spawning fish back in Hatteras Inlet in August, and definitely up in the bay we see spawning behavior, but to confine this to -- When they're not spawning, they're mixed. When they are spawning, they're not, but you don't have a -- It doesn't appear to be concrete when they're spawning, if they're spawning over -- I think the literature says four to eight months, and there's been studies, and how can you have both? That is what has created a lot of confusion with us.

DR. DENSON: Right. I can understand that confusion. It is one of those situations though where, in order to find differences, they really have to be all concentrated in specific areas. That is not

something that they normally would do. You wouldn't normally see them as a homogeneous population, but, in certain circumstances, they move together. That is how we defined what would be spawning. If you were to look any other time randomly, you would find no differences, no differences, and so, in order to find differences, it's very challenging. It has to really be true. It's where the data led us to that conclusion.

I don't think there is anything wrong with having a distinct population segment in Virginia or the Chesapeake, and just because the population in South Carolina declined quickly because it was smaller, again, it's simply a cautionary tale for this body to consider in the conservation of this animal for sustainable fishing for the future, and so that's why I included it in this presentation.

MR. GORHAM: That is kind of what has driven our position that, if the science is leading that there are distinct spawning aggregations, that the quotas be reflective of each or the whole together and not just from one known troubled body. I agree that, if we were relying on say South Carolina's inshore fishery in North Carolina, and possibly Virginia, it's getting a lot of fishing pressure, and that would be bad, but, if they are distinct, then that quota should reflect that as a group together, if they're going to be managed together.

Again, it just seems that we have sample size science that supports the large migratory -- There's just a lot of conflicting things. When you butt it up against two states right now that are closed, and two that will be in the future, in a fishery-dependent species like cobia, to where, if the seasons are closed, we're going to lose a large chunk of that data stream, and emergency action sounds great, if it was fast.

DR. DENSON: I totally appreciate your comments and your insights, and I think I made the offer before that we would love to work with you in collecting samples, because, again, my interest is not related to the management so much as it is to understanding the life history for management, and so it would be obviously best for the folks in Virginia to know really the confines of what their population looks like, where it goes and what it does and how big it is, but you commented about the distinct population segment in South Carolina and how that might affect the others.

One of the things that is very important to understand about this distinct population segment is that there is no way to pull this out of the catch. These fish look almost exactly alike, but they're just genetically different, which tells us that they spawn together, and so there is no way to say -- If a fisherman caught a fish to say this is a Chesapeake fish or this is a distinct population segment fish. There is no way to report it to the creel, and so there is no way to separate it out, and so it has to be looked at as a whole population, even though it has segments that may be finite and that, when you fish them out, they might not return. Again, it's a cautionary tale. It's just information for the panel to consider and to think about in terms of the decisions that they make.

MR. DONALSON: I just want to make sure that I understand what you're saying. The distinct population segments, they are each genetically different from each other? Are they sub-species?

DR. DENSON: No, they're the same species, but they're different stocks. It has to do with allele frequencies and differences in genes and the frequency of those genes, which basically just tell us that this population spawns with this population and this population spawns -- They don't really mix, and so they're separate. You really need to understand that in order to know what is the management unit that we're talking about.

MR. DONALSON: So it's safe to say a cobia caught off of Louisiana is genetically different than a cobia caught off of St. Augustine, or let's go north to South Carolina?

DR. DENSON: The probability is incredibly high, but, as you saw, there's a tiny percentage that may move.

MR. DONALSON: Okay. Thank you.

MR. LAKS: I have one question. Have you had any acoustic tag recoveries? I have heard of a rumor of one being caught south of Palm Beach.

DR. DENSON: I think I heard of one just earlier. Ben caught one, and he is going to return it to us, so we can utilize it again.

MR. KELLY: I just want to mention how much I have enjoyed your presentation here, and I came here a little bit prepared to talk about what we're experiencing in the Keys, just to correlate it to what's going on up in the northern regions here, and one of the guys that I talked with is a guy named Alex Adler, who is probably one of the cobia kings of the Florida Keys. In the past twenty years or so, he has tagged close to 200 cobia. Out of those 200 tags, only three of those fish were the tags ever recovered on the Atlantic side. All the others were recovered in the Gulf.

An interesting observation is just, in the past few years, a bit of a slowdown in the harvest of cobia on the Atlantic side of the Keys, up through Miami-Dade and Broward County. It's smaller appearances from cobia, as well as stingrays, and so maybe we're overfishing the stingrays as well. Who knows, but there is no shortage of cobia on the Gulf side, and literally on the other side of the islands, which is a couple of miles difference here, the Gulf side is teeming with cobia, but we have had some pretty severe water quality issues.

As you look back into Florida Bay, there are much higher levels of salinity. We're seeing red tides and algal outbreaks and so forth. With the close proximity of these coastal migrations, we are wondering if perhaps that is maybe keeping these fish from coming around the corner. I don't know if it is or not, but, really, it's a striking disparity between the lack of fish on the Atlantic side and the overwhelming abundance of them on the Gulf side and in close proximity, just a matter of a few miles.

DR. DENSON: That's really interesting. Thank you.

MR. GORHAM: The last question I would like to ask is it's just hard for me to envision cobia fishing in a pontoon boat. It may be enjoyable, but, where we fish, where I fish, that's just not an option. I think that's to the benefit of the fish themselves, is that it's rough water. There's a lot of places for them to hide, but were there any other studies conducted to look at anything, other than the fishermen with a rod and reel, as to maybe why that population in Port Royal Sound wasn't coming back or had dropped, or was it just solely fish in a barrel? I just don't see cobia being fish in a barrel, but obviously different places are different.

DR. DENSON: We actually got opinions from lots of folks. Some people suggested that there was no bait. Every year, you might find something different in the cobia stomachs, and maybe

there wasn't enough food, but we seem to consistently find good forage for them. We looked at water quality issues, to determine whether maybe they're being driven out, if it's maybe it's an algae thing or maybe it's some other factor, and we haven't been able to come up with anything other than huge numbers of people in a relatively small area landing lots of fish.

MR. ELLIS: I would like to thank you again for that excellent presentation, and I know how hard you and Al Stokes and all the other faculty at the Waddell Mariculture Center do for research for cobia and red drum and shrimp and everything else. Being from there, I understand the struggle it is that you have in getting funding, but I would like to just go on the record and make a comment, just to kind of address what you had, Bill, that, in my observation, over many, many years, it is really a direct correlation between overfishing and -- I know this sounds odd, but it really is fish in a barrel.

The area in Port Royal Sound which fishermen target is probably less than a quarter square mile. I mean, you could walk from Hilton Head to Beaufort without getting your feet wet, from boat to boat to boat to boat, and me being a charter captain, fortunately that's not my main source of income, but I know several that are, that do rely on it, and it's just a shame to see how --

Obviously there is rules and regulations in place for that, but how they bend and break the rules and play the gray area, as much as they can and stay, I guess, technically legal, but, then again, when you run six trips a day and you're catching the limit six times a day, and you're doing that day in and day in and day in and day out, it's obviously not only an issue that we have to address of what we do to save the species, but maybe something we need to address to see how we can pump up law enforcement.

DR. MACLAUHLIN: I did want to -- The VIMS had sent some information about some ongoing research at VIMS that they are putting together, and so I just wanted to let you guys know about that. One is working with anglers to collect tissue samples from the Chesapeake Bay, and those are going to be analyzed for genetic differences.

Then John Graves is using -- He is looking at patterns of movement using pop-off satellite tags, and I got in touch with Dr. Graves, and he told me about -- He kind of did this preliminary study with some leftover pop-up tags, but there were only seven of them, and then only four of them popped up, and so he was looking at them, and a couple were around Hatteras, and then one was down in Daytona. They're going to do another one this year with ten, he said. He received funding. Then they also have some social and economic studies that VIMS is working on, and so just so you guys know. Our SEDAR folks are aware of these projects at VIMS, so that, when it's time to start getting the data ready for the data workshop, it's on their radar.

MR. BLOW: In addition to that, Virginia has been doing genetic sampling, or we've been taking samples for about three or four years. I've been working with one of the guys up at VIMS. Along with what Kari just mentioned, this year, a fishing club that I am in, we're hosting a tournament, a two-day tournament, where we will have the best cobia fishermen in the state there. It's going to be a really big tournament.

VIMS will be involved in that. They will be there taking samples. All the fish carcasses will be donated to do research on, and so we're doing a whole lot of research in Virginia, and we do have -- Like Kari said, Dr. Graves did get ten more tags approved by VMRC funding through the RFA-

B program, and so he will be putting out ten more tags this year. It's a possibility that it could be more if he purchases a different type of tag at a lot less cost, but that's still to be determined.

MR. GORHAM: I guess I will update on what North Carolina is doing. In the Outer Banks, there is a lot of commercial fishermen, and more and more recreational fishermen. It's tough, historically, to get people to participate in the research. For the most part, it's give a carcass or two and then the regulations change, and they think it's the carcasses they gave that resulted in the regulation changes.

I have stuck my neck out, and I think, even tonight, there is a tagging meeting in Manteo, where we're going to be tagging fish now. I have the genetic vials, and I have to hide them when I walk onto the dock sometimes. That's a joke, but we're trying to get buy-in on the cobia situation, because I can say, even from what I've seen, there has been a lot of missed tags reported, primarily from Virginia, especially in the Hatteras area, during the winter, and so we're going to be doing that, and the acoustic tagging will be the following year, and I hope to help get the life history research in North Carolina done, maybe next year, but the research is coming from North Carolina as well.

MR. LAKS: All right, guys. We're going to recess until 9:00 A.M. tomorrow morning. We will see you all there.

(Whereupon, the meeting recessed on April 19, 2017.)

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APRIL 20, 2017

THURSDAY MORNING SESSION

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The Mackerel Cobia Advisory Panel and the Cobia Sub-Panel of the South Atlantic Fishery Management Council reconvened in the Crowne Plaza, North Charleston, South Carolina, April 20, 2017, and was called to order by Chairman Ira Laks.

MR. LAKS: Good morning, everybody. We're going to get started here. I am going to go to Shep Grimes real quick. He's going to just give an explanation about the need or not being able to or actually being able to fish in state waters with a CMP for-hire permit.

MR. GRIMES: You had asked yesterday whether the regulations would allow a federally-permitted for-hire vessel to continue to fish after an accountability measure had closed harvest in federal waters, because we do have some permits where, once federal waters are closed, it is closed for federally-permitted vessels in state waters as well. That is not the case for coastal migratory pelagic permits, for the for-hire permits. That is actually not the case for the commercial permits either, but you have a bunch of that in snapper grouper, depending on which species you're talking about, and the regulations are -- It's detailed. It's by individual species, and so it's kind of hard to dig out of the regulations, but there is nothing in the coastal migratory pelagics portion.

MR. LAKS: Thank you, Shep. That is great news for the federally-permitted charter boat operators up north. That is really good news.

DR. MACLAUHLIN: First, we are going to start off with a report on upcoming SEDAR activities, and this is Julia Byrd, and she's a SEDAR coordinator.

MS. BYRD: Hi, everyone. Just give me a second while I pull up some slides. I am going to kind of give you an update on upcoming cobia SEDAR activities, but Kari asked me to give just a really brief background on SEDAR and kind of fishermen participation in the SEDAR process. I know that a lot of this got talked about a little bit yesterday, and so I will kind of move through it quickly, but, if you all have any questions or anything, just let me know.

I have a couple of slides. My last slide will kind of update you on what's going on with cobia, and then what I would love to do is to try to get a list of folks who may be interested in participating in the cobia SEDAR process, and we will provide those names to the council for their consideration through the appointment process.

John and Michelle and others talked a little bit about it yesterday. SEDAR is kind of the stock assessment process used in the Southeast, and so we work with the South Atlantic, the Caribbean, and the Gulf Council, as well as the Atlantic States and the Gulf Commissions and HMS.

There are different types of assessments, but the typical kind of benchmark assessment has three stages. There is a data stage, where all of the data are compiled and evaluated and reviewed. Participants include kind of state agency scientists and biologists, federal folks, university researchers, SSC members, and fishermen, and we try to get as much data as we can on whatever species we're assessing and have it evaluated. The more data that we can get into the data stage, kind of the better, and what comes out of the data stage is a data workshop report.

The second stage is the assessment stage, and this is where the assessment models are developed and refined, and the participants include analysts and SSC members. We also have fishermen and council representatives who kind of participate as appointed observers. They are kind of the industry experts, or the management experts, so to speak, to provide kind of insight on that as the models are being developed. After the assessment stage, there is an assessment workshop report.

The final stage is the review stage, and it's an independent peer review of all the data decisions, the models, and the findings. That is typically done by CIE representatives, and that's the Center for Independent Experts, and they are kind of outside independent scientists, and we also normally include SSC members from the councils who are included in the assessment, and so there is a little local knowledge as well, and all of the reviewers cannot have participated in the data and the assessment stages. They need to be independent of the process to provide the review.

We also include analysts and fishermen, again, in the review stage. The fishermen serve as kind of appointed observers to provide kind of any input on the fishery that is necessary, whether it's questions asked by the reviewers or the analysts, and so that is kind of the typical three-stage process.

The next thing that Kari wanted me to address is kind of how do fishermen participate in the SEDAR process, and I guess the first thing I want to say is all SEDAR meetings, whether they are

workshops or webinars, are open to the public. Even if you are not appointed to participate in the process, you are welcome to attend and listen in on the meetings, and, typically, for each different assessment, we have email distribution lists. If you're not appointed to participate in the process, but want to be kept up to date as to what's going on with that assessment, you can just let us know, and we will add you to the email distribution list, and you will get emails from us throughout the whole entire process.

To be appointed to a SEDAR project, the fishermen are typically appointed through the cooperators, and so that would be the council. Particular to the South Atlantic Fishery Management Council, to be appointed, you have to either be on an advisory panel or be part of the SEDAR Pool. Since all of you guys are on the Cobia Mackerel Advisory Panel, you wouldn't have to fill out any additional paperwork or anything like that. The council would simply need to appoint you. You can be appointed to one stage or all stages, and so you could just be appointed to the data stage or you could be appointed to all three stages. If you are appointed, SEDAR will generally pay for your travel and per diem, similar to like when you come to an AP meeting.

The time commitment will be dependent on which stage or stages you are appointed to. Each stage either typically has a workshop that could last three to five days or a series of webinars. Webinars are generally kind of two to three hours, and you could have like a series of five webinars over a period of four months, something like that.

Then one of the questions that we get a lot is what would I actually do if I participate in one of these assessment projects, and I guess the first thing I would say is you need to commit your time to attend the workshop and/or the webinars, and so, if you're appointed, we ask you to do everything in your power to make sure that you can come to the workshops or webinars. Then, when you're actually there, what you would be asked to do is to share your knowledge of the fishery, to review information that's available, and to ask questions.

There are things that you guys know, from being on the water, that could help explain some of the data, some of the trends seen in the data, if there are certain regulations that affected how you fish or the effort, how much you fish or where you fish or what you target. Those things can be really important as folks are reviewing trends in the data or putting together indices of abundance, and so that is kind of fishermen participation, in a nutshell.

Then, as far as SEDAR activities for cobia, you all talked a lot about SEDAR 28 yesterday, and so I know you all are aware that that was the last benchmark assessment done on cobia. It was conducted in 2012, and it used data through 2011. As Michelle mentioned yesterday, and some of you guys might be aware, there was a stock ID and meristics workshop that was planned for 2017. It was going to include several species, and cobia was one of them. That workshop got postponed indefinitely, and so the stock ID, the evaluation of the data and the recommendation for stock ID, is going to kind of be rolled up into the research track cobia assessment.

Right now, and I think John and Michelle both mentioned this yesterday, but cobia is an assessment priority for the South Atlantic Council. Right now, what is scheduled is for a research track assessment to take place in 2018, and a research track assessment is kind of a new assessment approach that's being considered for use in the South Atlantic. There are two species that are scheduled to have research track assessments, cobia and scamp, in 2018.

What a research track assessment will do is develop the models and the methods, and so all the data decisions, the stock ID and that sort of information, would be decided in the research track. The research track assessment won't produce any status information or management advice. That would be done in the operational assessment.

The operational assessment basically will use the models and methods developed during the research track and update the data and then the model will be run. Status determination will come out of that assessment as well as management advice, and so that is what is currently on the schedule right now. I think it is worth mentioning that the SEDAR Steering Committee, which kind of has oversight for the SEDAR program, will be meeting on May 5, and so they will be talking about the overall SEDAR schedule at that meeting, but that is kind of what is on track. Does anyone have any questions about that?

AP MEMBER: In a nutshell, can you explain to me, in layman's terms, the difference between a benchmark approach, a standard approach, and a research track approach?

MS. BYRD: A benchmark approach is basically -- A benchmark approach has these three stages. There is a data stage, an assessment stage, and a review stage. During a benchmark assessment, the review stage, there is a review workshop, and there are independent experts, these CIE folks, who come in who do the review, and so this is normally a lengthy -- A benchmark process is normally a lengthier process. It takes place over a year or so.

All of the data are on the table to be considered in a benchmark process, and so you're coming to the table kind of new or clean, so to speak. All the data are being considered. You are considering any kind of modeling approach, and a benchmark assessment is what has to happen for first-time assessments for a species or if there are major changes that need to happen to an assessment that's been conducted before. Like if you want to change stock ID or things like that, that would need to come through kind of a benchmark assessment.

A standard assessment is -- Basically, what happens in a standard assessment is what you do is you update the model that was used in the previous benchmark assessment, but it allows some flexibility. If there are new data streams that weren't used last time that have now become available, if you want to make some minor changes to the model configurations, you can do that. Basically, for each assessment, we have something called the terms of reference, which is basically a list of all the tasks.

In a standard assessment, you update the last benchmark model that was used. If there are things you want to change, those changes need to be laid out in the terms of reference, so it's clear what can be changed and what has to stay the same from last time. A standard assessment generally takes place over a shorter timeframe, in about six months.

Then you asked about the research track assessment as well, and so the research track assessment is kind of a new approach that SEDAR is considering for use. Right now, we are working with the Science Center, and, again, at the SEDAR Steering Committee meeting that is on May 5, we are going to be discussing this in more detail. We're still working out kind of the guidelines of what a research track will entail.

The goal of the research track is to try to build more kind of flexibility and allow for more hypothesis testing during the research track during the assessment process, and so you're able to delve more into some of the data issues, or modeling issues, that may be specific to that sort of species, and so, although we are still working on what the specifics will look like, there will probably be kind of a data and assessment and review stage, more similar to a benchmark. The timeframe will be probably a little bit longer than a benchmark assessment will be, but, again, we're kind of working out the details of that now.

The idea was that, as we move to this research track operational assessment approach, the idea was that eventually you would increase kind of the productivity or the number of assessments that were able to be done, because you would be able to do operational assessments much quicker, and you would move to doing more operational assessments, and so productivity would increase. Does that make sense?

MR. LAKS: I would remind everyone again to just please state your name.

MR. BLOW: You answered some of my questions there, but, for the scheduled 2020 assessment, when will the council actually have information that they can use to make decisions if the first one is not going to give them any management advice or overfishing status? How long will it be?

MS. BYRD: One thing I want to mention, and then I will more directly answer that question, is the timing of this assessment. At I believe it was the September 2016 council meeting, the council mentioned that they are interested in having 2019 data in the assessment that would produce management advice, and I think the reason they were interested in including 2019 data is because there were a number of kind of regulatory changes that were going to come in place, either on the state level or on the federal level, and there were a couple of research projects or new data collection programs that were perhaps coming online, and they wanted that information to be available in the assessment, and so that's kind of where this timing came from.

We're in the early planning stages, and so I can't give you exact timelines, but the operational assessment would be complete in 2020. What happens after assessments get completed through SEDAR is they go to the SSC for review. The SSC would make recommendations, and then it would go to the council, and so probably late 2020 or 2021 is when the council would be receiving recommendations from the SSC.

MR. GORHAM: This may be something that Dr. Duval or Gregg or one of the other people could answer, but, at the last council meeting, the Atlantic States representative was talking about the challenges of setting up an FMP, a joint FMP, through them, but they were fearful that there was going to be multiple years of closures leading up to this stock assessment, and how could that affect the usefulness of a new stock assessment?

MR. CARMICHAEL: That could be hard to say. We certainly know, when there is a total fishery closure, that it reduces the fishery-based data coming in. That can add to some uncertainty in those last couple of years, but, as it is in cobia, we still do have some fisheries operating, and so we are still getting information. We will be getting, most importantly, getting catch information and getting ages of those catches, and so I don't think it will be as difficult in the case of cobia as it is say for the council on things like red snapper right now.

MS. BYRD: If there are no other questions, what I would like to see is if there are any folks on this AP who may be interested in participating in the cobia SEDAR stock assessment. Since we don't have a schedule right now, what I would do is get you all's names. Then, once we have a schedule, I would get back in touch with you and say here is the schedule and are you still interested and available. If you are, what will happen is I will provide your name to the council. The council will consider it as they make appointments, and so, Bill, were you raising your hand as being interested?

MR. GORHAM: Yes.

MS. BYRD: Excellent. Then Greg Peralta and Ryan Howard and Ira Laks.

MR. CARMICHAEL: If you know other members of the public or folks that you have talked to that might really want to be involved and have some information to share, they can apply to the council and be added to what we call our SEDAR Pool, which then makes them eligible to serve on the different panels for this. You can just direct them towards Julia or to Kim Iverson at our office. Anybody from our staff can really get them in the right direction.

MS. BYRD: The other thing I will mention to is that I am kind of keeping a list of all of the different research on cobia that folks have been mentioning and that I've been able to find out, but, if you are aware of any research projects, things that weren't mentioned yesterday or any other data sources that you may be aware of, please let me know. We want to try to be as inclusive as we can, and so sometimes it can be difficult finding out all of the different data sources, particularly if there is a master's student or something like that. If you're aware of any data sources that weren't mentioned yesterday, I would please just encourage you to get in touch with us and let us know.

MR. FELLER: I was just going to tell you that I can get you a couple of names of the heavy-hitting guys in the bay that I'm sure would want to participate. I will get with you for those.

MS. BYRD: Sounds great. Thanks, Skip.

MR. SWANN: Will you be posting the research and the data as it comes in, or is that something that you keep under wraps until you are ready to release it?

MS. BYRD: The SEDAR website is sedarweb.org, and so, for each stage, working papers are submitted, and reference documents are submitted, and so all of those are posted on the website. At the end of the data stage, there is a data workshop report, and that report will be posted online once it's done. At the end of the assessment stage, there is an assessment report, and that's posted online once it's done. Then, after the final review is done, what I do is package all three of those reports together into one what we call a stock assessment report, or SAR. Then that gets posted on the SEDAR website.

Again, if you're interested in keeping up with assessments, you can let me know. I will put you on the email distribution list for whatever assessment it is, and then you will get emails, perhaps more emails than you may want, but emails letting you know that, hey, the data workshop report is done and it's posted online or the next webinar for this assessment is going to happen on this

date and here is how you log in and that sort of information, but all of the working papers and reference documents and kind of reports will be posted on the SEDAR website.

MR. GORHAM: I am just going to go ahead and say it. If at all possible, if we could have this in the northeastern North Carolina area, I think it would be great, so it would be easier for more involvement of an area that's kind of the epicenter of the current catch, and I know that's something a lot of people had asked me as well, and so I would just put it on the record as asking.

MS. BYRD: Thanks for sharing that with us, and we are limited by budget, a little bit, about where workshops will be. We're really kind of early in the planning stages at this point, but I appreciate you kind of giving that information, sharing that information, with us.

DR. MACLAUHLIN: Just so everybody knows, I will be sending out a follow-up email with -- You will also get the report and everything, but a follow-up email, and I have an ongoing list of things, like Mike Denson's contact information and Julia's contact information, so that you can email her and let her know if you want to be put on the email list to be kept up to date on the cobia assessment.

The next item on your agenda is to discuss a permit requirement for commercial cobia. This would be a potential commercial permit requirement for the harvest of cobia in the Mid-Atlantic and South Atlantic, including the Florida east coast. Currently, there is no federal commercial permit requirement. There is just a possession limit of two per person per day.

The Gulf and South Atlantic Councils had considered this in Amendment 20A. Whenever the council is considering an amendment, there will be several actions in it, and sometimes there are actions that they decide that they are not actually interested in, and they will remove them from the amendment, and so that had been one of the actions that had been scoped, and we had some alternatives for them, but, in March of 2013, they decided that they would remove the action.

There wasn't a lot of support for it. Some of the council members felt that the states had permit requirements and that was adequate and that the commercial harvest was mostly incidental catch and so there was no need for a federal permit requirement, but I did include, in the document in your briefing book, the agenda and overview, the alternatives that were in the action before the council removed it.

The Gulf Council always had the position of not having that federal permit requirement. They also talked about creating just a federal commercial cobia permit. You would have to have that to sell cobia from the EEZ, and that would be a vessel permit. Then another alternative is you could sell cobia from the EEZ, but it had to be from a vessel with a federal commercial king mackerel or Spanish mackerel. That would satisfy your permit requirement.

Then, before they removed it, the South Atlantic had selected a preferred alternative in which you could sell cobia from the EEZ if you had any of the federal commercial permits on that vessel, and so that would allow some kind of commercial permit requirement, but it would be any of the limited-entry or the open-access federal commercial permits.

What we're looking for here is for your input on this commercial permit requirement for the council, if they may want to consider that in a new amendment at some point. I do also want to

point out that we have the federal dealer requirement, and so, for all the other species, you have to sell to a federal dealer, and so that would eliminate some of the kind of gray area when it comes to cobia. Then, also, because we have a recreational closure, there has been some questions about, because there is no federal commercial permit requirement, that right now the EEZ is open to commercial harvest for cobia, and so there's been a little gray area, and the council wants to make sure that, if there are cobia being harvested as commercial cobia and they are sold, that we make sure that they are being tracked and so they can be counted towards the ACL.

MR. LAKS: The commercial quota for cobia is very limited. I believe it was 8 percent. Without having the permit and not having to sell them to a federal dealer, the tracking becomes a big problem of what's being caught, and you can actually exceed the commercial catch and nobody knows about it.

Also, there is a double-counting problem, where fish that are caught recreational can be counted as both recreational and commercial, and so, again, like Kari said, it's the one fish that doesn't have the requirement to be sold to a federal dealer, and so I would like for you guys to discuss that and figure out some options.

MR. HERRERA: I am glad that you clarified that, because I thought that I understood that you had to sell to a federal dealer. As far as I am concerned, all the cobia that is caught and I buy, or even my boat catches, is sold to a federal dealer, but I didn't know that it didn't have to be sold to a federal dealer. All commercial species -- I was under the impression that all commercial species that are caught have to be sold to a federal dealer, and so I am confused about that.

MR. LAKS: Manny, the way I understand it, and maybe someone else here can clarify it for me, is that, if it doesn't have a federal permit, there is no requirement to sell it to a federal dealer. Also, if it's caught by a vessel without a federal permit in state waters, a federal dealer can purchase it, because that person doesn't have a federal permit.

DR. MACLAUHLIN: We had -- I am sorry about the confusion, because I am part of it, because there had been a lot of discussion about this, especially after Atlantic recreational cobia closed. There was some interest and some questions about if people could harvest cobia and sell them as commercial and what licenses or permits they would need to do that.

Right now, because is no federal cobia commercial permit requirement, it's not required that you sell to a federal dealer. You do have to sell to whatever your state requires, and so, in South Carolina, for example, you have to sell to a licensed South Carolina dealer. However, a federal dealer is preferred, because those are now weekly reporting, and so that is going to be kept in a timely manner, and we would be able to track the ACL. However, if you're going to participate in the federal commercial fishery, you have to meet all of any Coast Guard requirements or state requirements for participating in a commercial fishery. The final answer is you don't have to sell to a federal dealer. However, you do have to sell to whatever your state-required dealer is.

MR. HERRERA: In Florida, anyone who is a dealer, in order to buy snapper grouper or swordfish or shark, you have to be federally permitted too, in Florida. That is what was clearly stated to us, and so anyone who is a dealer is going to also have the federal dealer permit access, and so all of these fish being bought on the commercial end are being recorded and are being put on -- There is accountability, is what I am trying to say, in Florida.

I don't know about in South Carolina and Georgia and North Carolina, and so, in my opinion, bringing out now a commercial permit, when there is only 8 percent of the ACL is commercial, that is going to quickly get -- It's going to be open access, and we'll quickly get those landings put on there and caught and be closed. As far as I am concerned, I am really against there being any new permit for cobia.

MR. BELL: From our perspective in South Carolina, and Amy is here and she can tell me the numbers, we have -- What is the number of wholesale dealers total?

MS. DUKES: About 200.

MR. BELL: Of those, how many of them are federal?

MS. DUKES: About thirty-seven.

MR. BELL: Thirty-seven. Our dealer reporting system is a monthly system, and we are working on that, in most cases, for state stuff. The federal system is a weekly system, and so one problem you have is in capturing -- If you don't sell to -- Some of our guys have been selling to federal dealers, and so those are captured on a weekly basis, but the ones that go to state dealers, there is like a one-month lag time in that.

If you're worried about monitoring an ACL in kind of real time, that is an issue where we would much rather see the landings from a federal fishery be directed to a federal dealer, so we've got that immediate accountability or counting. The issue, kind of overall, is that, originally -- The commercial cobia landings are primarily a bycatch of other fisheries, and so there probably wasn't much of a worry about that, and it was really not a directed fishery, where you had guys that were just commercial cobia fishermen.

We're seeing that a little bit now, and it may be unique to South Carolina, but there are guys that just, at the peak period of their availability, will target these fish, and they get a pretty decent amount of money per pound, and they can have two fish per licensed commercial fisherman, and so we're seeing some interesting things, where guys are going out, and there might be several licensed commercial fishermen on one boat, and they may come back with a dozen cobia or ten cobia or something like that. They're doing this daily, as best they can and the weather cooperates and the fish are there.

It's an interesting little directed fishery all of a sudden, and you can imagine that you can rack up some landings pretty quickly, but, if those landings aren't captured -- First of all, if the landings aren't captured in the commercial system, that's bad. If the landings aren't captured in a timely manner through the federal system, which is tracking that federal ACL, or the ACL and the federal piece, and you've got a one-month lag time, that can be bad.

It just makes sense to direct the landings from a federal fishery, as all other federal fisheries, to a federal dealer for us, and, when the dealer reporting amendment came through the council and it kind of steered everything to federal dealers, this was just sort of a little hole, because of this permit thing. I think nobody worried about a permit, again, because it wasn't really a directed fishery, and, like you said, it didn't seem like a big deal, but I think it's becoming more a big deal.

Then, this year in particular, for us in South Carolina, our fishery is totally closed, recreationally, state waters and federal waters. We have seen an uptick in interest in people becoming commercial fishermen. Surprise. There are -- If you just look at the numbers of boats that are licensed and targeting finfish, and say they want to fish in federal waters, there could be a hundred vessels this year that are now commercial fishermen, in some capacity, part-time or full-time or just for a peak season, out there doing this.

These cobia are coming in, and, if they're doing things correctly, they need to go through at least a South Carolina wholesale seafood dealer. Again, we would prefer federal, because you track everything that way easier, but it's going to be interesting to see what the commercial landings look like that we're able to capture, but it's just much neater and it's much more, I think, prudent for tracking that ACL in as real time as you can get it for things to go through the federal dealer, and that's where the permit would come in handy.

If they have the permit, then boom. The problem right now is the federal dealer, the way the amendment was set up, the federal dealer can only purchase from a federally-permitted fisherman. Well, if there is no federal permit, then, in a way, the dealer really can't, and I don't think we're going to give anybody grief for that, but it's just kind of a weird little oddity in the way the law is set up, I think, and so that's why I think it would be beneficial to have that permit, to just kind of make sure you're tracking the landings in as close to real time as you can get. Other states may be different, in terms of their periodicity, but our state system, state dealers, basically that's a monthly system.

MR. LAKS: Manny, to your point about the ACL closing faster, I think it will close faster without a permit. For example, here is my saltwater products license, and it's a crew license. I could go down to my hometown and rent a boat and go out in the EEZ and take five with me, or however many, and take them back to a state dealer and sell them.

I am not required to have any Coast Guard safety equipment that you're required to have after three miles, and so I think it's very important, personally, that it's really looked at, the need to have what's commercial and what's recreational, especially since the states are -- In Florida, you are allowed to buy from a state dealer. You do not have to sell the cobia to a federal dealer. I don't want to get into it now, but you don't have to sell anything to a federal dealer if you're not federally permitted and it's caught in state waters, but we'll get into that another day.

MR. HERRERA: I am great for -- It's okay if you guys want to put a license, a federal permit, for cobia, but, when you start it up, it's going to be open access, I would imagine, and then you're going to get a lot more participants also getting into it, because, if it's open access, why not go get it, like dolphin wahoo, and correct me if I'm wrong about that.

MR. LAKS: No, you're not wrong about that, but essentially it's even more open access now, because you're not even burdened with the fact of having to deal with the federal system. Once these people do have a federal permit, if they want to get it, at least those fish can be tracked. You're going to have a lot of -- They're going to have to have the safety equipment that you and I have to have when we're fishing three miles offshore, and so it's a safety-at-sea issue also.

MR. HERRERA: I just want to say that I guess I take a little pride in Key West. We play by the rules more than anybody else, and I don't know if we even play by rules that don't even exist. I am a little proud of where I fish out of, as far as the commercial sector and stuff and how things are done. The way I see it, everyone -- In order to buy all these other species, you have to be dually, both state and federally, permitted, but I guess that's my neck of the woods.

MR. GRIMES: I was just skimming through the regulations, and so it is a little different than I had discussed with Mel Bell earlier, and I just wanted to make sure everyone was clear on it. For coastal migratory pelagics, any coastal migratory pelagic fish harvested in or from the EEZ or adjoining state waters by a vessel that has a valid federal commercial vessel permit or a charter vessel permit may be sold or transferred only to a dealer that has a valid federal dealer permit. Any licensed vessel, federally-licensed vessel, anywhere they catch it, they have to sell it to a federal dealer.

In addition to that, coastal migratory pelagic fish harvested in or from the EEZ may be first received by a dealer who has a valid dealer permit only from a vessel that has a valid federal commercial vessel permit or a valid charter/headboat permit, and so a federally-licensed dealer can only buy from federally-licensed vessels, and then the federally-licensed vessels can only sell to the federally-licensed dealers, but none of that -- Well, I guess the latter part of that does not address fish harvested in state waters by non-federally-permitted vessels. That's the loophole.

MR. LAKS: With cobia, that doesn't apply, because there is no federal permit.

MR. GRIMES: Yes.

MR. LAKS: Right, and so that's what we would be trying to do by solving the problem with getting a -- If we did have a federal permit, we would clean up a lot of where these fish can be sold, especially by the permitted vessels, state and federal waters, would have to sell to a federal dealer.

MR. ENGLISH: Two things. Number one, if you made a cobia permit, why would it have to be an open-access permit to begin with? Why couldn't it just tie into the permits that are available and not ever be open access? Number two, in the State of Florida, if we had the same problem the Northeast does, where you had a recreational closure, in the State of Florida, every fisherman would go buy a fifty-dollar license and land the cobia under the commercial guise and not sell them.

They would never be accounted for, and so all your recreational fishermen would buy a fifty-dollar license and still catch the cobia. If they did sell them, which they would be able to then, then they would close the commercial quota real quick, and so I think you need to consider putting cobia on the permits that are already there and not making them open access and do it that way.

MR. LAKS: Steve, that's a great point, and that is a concern. Also, you don't have to attach it. You can make it non-open access, and there is plenty of ways to document that, if you sold cobia in the past, you would be eligible to receive one of those permits. That way, people who do have a history of selling cobia wouldn't be shut out, but you wouldn't have a flood of new entrants.

MR. ROLLER: Just as a further observation, in North Carolina last year, we had kind of a wonky cobia season in state waters, from the decision of our commission, and it left some more open loopholes. Now, my observations were, since we have a lot of latent commercial license activity, there were a lot of fishermen using -- A lot of fishermen have a commercial license, just for tax purposes, and it is what it is.

A lot of people, and I shouldn't say a lot, but I know a fair number of people who were using those licenses to retain cobia on our state closed days or to abide by the smaller federal size limit, which was thirty-three inches, and I believe we upped ours to thirty-six, but I can't remember. If they were on a charter trip, they could also retain a cobia during the closed season, on the guise that they were going to sell it when they reached back to the dock, and, whether or not that happened, I know both circumstances. I just wanted to offer that as an observation, that there was a lot of exploitation of some of those gray areas.

MR. GRIMES: I read the regulatory provisions just a minute ago, and this may be a bit of a Homer Simpson moment for all of us in this, and maybe it wasn't necessarily intended, but coastal migratory pelagic fish is defined in 50 CFR 622, and it includes cobia. The regulations say, for coastal migratory pelagic fish, read as cobia, cobia harvested in or from the EEZ or adjoining state waters by a licensed vessel, commercial or recreational, they can only sell to dealers, federal dealers, to federal dealers, and then coastal migratory pelagics, so cobia, harvested in or from the Gulf or South Atlantic EEZ may only be first received by a dealer, federal dealer, from the federally-permitted entities.

I understand that people are saying that there is no federal license required to catch cobia. Then, assuming that's accurate and you go out, even in the EEZ, and harvest it, then these provisions would prohibit you from selling that to a federally-licensed dealer, because the regulations only allow the dealer to purchase from federally-permitted vessels.

Now, maybe that's not what was intended with it, but that is certainly what the regulations currently state. It says, again, coastal migratory pelagic fish harvested in or from the Gulf or South Atlantic EEZ, and so that's a cobia harvested from the Gulf or South Atlantic EEZ. It doesn't say anything about the permit, but it may only be first received by a dealer who has a valid federal dealer permit from a vessel that has a federal commercial vessel permit or a charter vessel headboat permit under the coastal migratory pelagic provisions. The dealer can only purchase from those licensed commercial and recreational vessels.

DR. DUVAL: So it would only be charter boats.

MR. LAKS: Correct. That's the way I have always assumed it. The only person that could sell would be a charter boat, because that is the only -- The CMP for-hire permit is the only permit that covers cobia.

DR. DUVAL: This is -- I don't really have a polite Disney word for what I could say on the record about this entire situation, but I think everybody understands what it is, and this was coming to light as we were moving forward trying to understand what the impact of the recreational federal waters closure was in state waters and some of the things that Mr. Roller pointed out, in terms of state-licensed commercial fishermen who are legitimately out harvesting cobia, whether it's in state waters or federal waters, and how they have to report it.

There is no requirement, if you have a commercial state license, to sell your fish. There is not that requirement in North Carolina. You have to have a commercial license to sell your fish, but there is no requirement that you actually sell the fish that you have harvested, and so where are these guys supposed to report? We have this situation where, if you're harvesting in federal waters, because it's a federally-managed species, you've got to report to a federally-permitted dealer, but because there is no federal permit, commercial permit, requirement, if you are harvesting in federal waters, and you're a state-licensed-only fisherman, therefore you must only sell to a state-only-licensed dealer.

I mean, it creates this provision where a commercial fisherman who is lawfully harvesting fish has nobody to sell their fish to, and so we've got to figure this out, and this is why, I think, between the gray areas that have been noted about state-only-licensed fishermen harvesting fish or trying to capitalize on some loopholes that have been created by not having some kind of commercial permit for cobia, as Mel and others have outlined, this is why the council is concerned about this, and we do have such a low annual catch limit.

Even though I think most of the states in the South Atlantic are on the same monthly reporting requirement, and so if you have a dealer who has, obviously, both his state and federal dealer permits, if they are reporting their federally-caught fish, those are going to come in weekly, but, if they're only reporting their state-caught fish, those are going to come in monthly, and there is that delay that Mel mentioned, in terms of trying to track this.

Then, in other states, Virginia does not have a dealer reporting requirement. They have harvester reporting requirements, and so it's a little bit different up there. They do have federally-permitted dealers, but they don't have state-permitted dealers, and so they've been trying to keep track of this themselves, through some of their state dealers, and apologies on the record if I have misspoken about Virginia's regulations, but that is my understanding, that they have required harvester reporting, but not required dealer reporting. Thank you for your indulgence, Mr. Chairman.

MR. LAKS: Personally, I think a cobia permit is a good thing. I think it's going to help the recreational fishermen, because it's not going to let those recreational fishermen who are aware of these hyper-technical loopholes that have an advantage over other recreational fishermen. I think it's going to be some more accountability for the commercial fleet of actually what gets sold and where it gets sold and how it's tracked. I would just like to get some more of the commercial guys' and the recreational guys' thoughts on this, real quick.

MR. GORHAM: Recreational sounds like, from what Mel Bell said, that the closure of the recreational fishery is pushing more people into this, and I just think that a lot of attention needs to be looked at and possible recreational reporting for cobia, to address the closure and not to address the result of further impacts of the closure on the commercial fishery.

Secondly, what I worry about is there is a lot of incidental catch with cobia, and I don't want any more waste, where somebody has to throw it away because they can't sell it or they can't possess it, whether it be in a gillnet inshore or however it happens. I understand the challenges, and so that's my comment.

MR. BLOW: As I stated earlier, I am strictly a recreational fisherman, and so I don't understand all the rules about commercial fishing, but I do fish a lot. I fish in the bay twenty times a year for cobia, 250 times over the last twelve years or so, and I talk to a lot of friends that are in the hook-and-line fishing. It is a directed fishery, if that's the right word. I mean, people go out in Virginia, where they are very concentrated, to catch cobia commercially. It's not just incidental catches, and so that should be taken into consideration.

Bill just mentioned something about gillnets. Last year, there was a situation in the mid part of the bay where I was told that there was a tremendous amount of cobia caught in gillnets and they couldn't sell them. Virginia is restricted to six fish per person, licensed person, on the boat to sell fish, I think. There was hundreds of dead cobia thrown out because of that, and so that's just complete waste.

Virginia, for their commercial fishermen, three or four years ago, changed the commercial rules that one single person could harvest six fish in state waters, and so that's different than what the federal waters is. I believe there is only 200 hook-and-line licenses for Virginia, and so only 200 people in Virginia can commercially hook-and-line fish for cobia, but I can tell you, in the last year or two, with the recreational closures, that there has been a tremendous increase in a lot of the guys going out and getting hook-and-line permits.

I don't want to see the legitimate guys in Virginia that commercially fish for cobia get hurt, but there is a lot of illegal cobia fishing going on and being sold in Virginia, and how to combat that, I don't have the answers to that, but guys that are out there are telling me that what is reported, that it could be three to five times more, actually, than what is being reported, and so, how to change that, I don't know, but I want to drive home that the guys that are legitimately out there trying to earn a living, I don't want to see them hurt, and I don't know how the regulations would have to be written, but they need to be taken care of.

MR. LAKS: Wes, to that point, I totally agree with you, and I think having a permit would help the true commercial fishermen. I don't think it would exclude anybody who has a history of selling cobia. I mean, there is various ways to document state and sales to federal dealers, where you could qualify to get that permit. If you were legit, if you were legitimately a commercial fisherman, you have that documentation. You sold your fish legally, and, to me, those would be people who would be eligible to get that permit.

MR. ELLIS: I would like to say that I think it is an excellent idea, which would be beneficial for everybody to have some type of federally-required cobia permit. I guess my main concern would be to instill some other tracking mechanism for the people that don't sell their fish.

MR. LAKS: I think that's a concern of every fishery that we deal with, if we can have some sort of tracking system for those people that don't sell their fish. Pure recreational tracking is a heated topic, and I think we all can agree that we need better information on that.

MR. HERRERA: If it's okay at this time, let's put a motion forward to go ahead and ask for a cobia federal permit and that the requirements would be that you would have to have a history of commercial sales in order to be given one.

As far as to Howard, I've been here listening to all the Snapper Grouper, and people in the snapper fishery have been asking to, when you get your recreational license, to get a stamp that says, hey, I go out and catch a reef fish. I say do the same for the cobia, and then at least we know the people who are trying to target cobia, and we can identify those people, to your point there. You may want to ask for that.

MR. DONALSON: Manny, just a question to that. I want to make sure that I understand. If you were say new to the commercial fishing business, you would not be eligible to get that cobia permit, because you have never had any history of selling fish to a federal dealer, or a dealer in general?

MR. HERRERA: Whatever would work best. I don't know if, Ira, you want to answer that better than I can.

MR. LAKS: Stephen, to that point, almost in any commercial fishery, you get into you can't just get a permit unless you have one or buy into it. There is very -- In most of the commercial fisheries that we regulate, there is limited-access permits.

MR. DONALSON: Okay. Thank you.

MR. LAKS: Is there a second?

MR. WEEKS: I will second Manny's motion.

MR. LAKS: Is there any more discussion?

MR. GORHAM: Again, will this increase the possibility of discards? Ultimately, the goal is to be able to track the fish that are caught. Knowing that there is a lot of incidental catch -- I'm assuming, if they're running like shark nets off of Hatteras, they have to have a federal permit and requirements, and I'm not sure if that's true for inshore, gillnets along the beach. Again, I'm trying to avoid a situation that is going to result in a bunch of discarded fish because they don't have the proper safety gear requirements for federal permits.

MR. LAKS: I am not 100 percent sure of what the offshore gillnet boats have to do with that. Steve would probably be more apt to answer that, but, if you're federally permitted, you are required, in certain circumstances, to put down your discards in your logbook, and so, with tracking the discards, a permit would help that situation.

MR. ENGLISH: I think that anybody who commercial fishes is going to qualify for the permit, except for maybe a new guy that hasn't landed a cobia yet. He will, eventually, and so, in your motion, you might want to consider some other mechanism for a commercially-licensed person to catch cobia, but, with that said, in the State of Florida, fifty-bucks and you're a commercial fisherman. There used to be 3,000 licenses, and now there's 50,000 licenses. I think there is around 50,000 commercial licenses in Florida.

Most of those are -- A lot of those are part-time fishermen that want to either sell some fish or catch more than the recreational limit, and so you've got to be careful that you don't make something where you will have 50,000 permitted cobia fishermen on the commercial side, and I

am concerned about the commercial side, because, like I said, we only catch 8 percent. That's all we're allotted, is 8 percent. With that little bit that we do, we need to protect that for the consuming public, and it's a bycatch fishery, most of the time. It's becoming more of a directed fishery than before, but a lot of it is bycatch.

MR. LAKS: Steve, to that point, I agree with you, but I think you would just be taking those people who have been legal all along and letting them in, instead of giving an option to those people who have been selling fish under the table. As long as they've been legal and they can document their catch to a state or federal-permitted dealer, then, with the new requirements, they would be able to get into it.

MR. HOWARD: Can we institute a mandatory harvesting reporting with that as well or --

MR. LAKS: Once you're federally permitted, you have to record in a logbook.

MR. HOWARD: My confusion. I just heard that commercial fish houses were reporting weekly and monthly and that one state had harvester reporting, but, once you're commercially licensed across the board, it's a harvester reporting system.

MR. LAKS: If you're federally permitted -- If I catch a flying gurnard and can manage to sell it, I have to put it down in the logbook, and so there is complete accountability and reporting associated with a commercial permit.

MR. GRIMES: I would just clarify that, because you create a new permit -- It's a new permit. You are not requiring an existing permit, with all the reporting requirements that go with it. If you create a new permit, you create new reporting requirements that would go with it or specify that the new permit is subject to all of the existing reporting requirements for coastal pelagics.

MR. HERRERA: That's another thing. When you're federally permitted, you do have all this extra work, and that could deter a lot of the people who have just the state license and stuff, and so, Steve, I also wanted to say, if there's anything you want to add to that, I am okay. That's why I was trying to signal you. If there is anything that you feel needs to be added to that, I'm okay with that.

MR. LAKS: **Manny, the only thing that I would add to that would be a history of commercial sales of cobia.**

MR. HERRERA: Yes, please.

MR. LAKS: Is that what you were intending?

MR. HERRERA: **Yes.**

MR. BLOW: How would this affect the guys in Virginia that strictly fish in state waters?

MR. LAKS: I don't think it would affect them just in state waters, if I'm right, Shep, because, if they don't get a federal permit, they wouldn't be subject to those requirements in state waters, but, even if they have sales, they can get that federal permit. If they have state sales, which are

legitimate sales, as commercial fishermen, they would be eligible to get this permit, and it would help everybody track those fish better.

MR. BLOW: Would they be eligible or would they have to? If they don't have to, why would they want to?

MR. LAKS: I am going to let Shep answer that.

MR. GRIMES: It all depends, right? I mean, no permit exists. When you create the permit, you specify what goes along with it. Assuming that it would be structured the same way as existing permits, getting the permit -- I hate to use this term, but then you've got the federal hook, and that federal hook means you have to sell to a licensed federal dealer, and all the reporting would go along with that. If you didn't get the federal permit, then you couldn't fish in federal waters for it, presumably, but you could fish in state waters. You could sell to state dealers, and there would be no federal hook, or nexus, that subjected you to the Magnuson-Stevens-Act-based regulations.

MR. HARTIG: Wes, we have, in other fisheries, the states have come onboard requiring a federal permit to fish in that fishery, and so, even though your fish were caught in state waters, you would still have to have a permit. If it was done for cobia, if cobia was worded that way and the states got onboard, that the states said that you have to have a federal permit to catch cobia, then that would take care of all of those -- Everybody would have to have a federal permit that caught cobia in state or federal waters.

Our snapper grouper, you cannot fish in state waters, I believe. If you have a federal permit, it applies to state and federal waters. I mean, you're covered. You have to report your catches in state waters, and you have to report them in federal waters. If we did it with cobia, it would be the same. If the states got onboard and required the federal permit, it would cover all commercial fishermen in both areas.

MR. LAKS: I just want to add one thing to that. Even if the state didn't get onboard and they were eligible and got the permit, they would report, which would help everybody, but, the way I have always interpreted it is, if you don't -- If your state doesn't require it, you could still fish in state waters, but most people who would be eligible for the permit would get the permit, and they would facilitate in reporting and getting better data. They would not -- If you were eligible to get the permit, if they have legitimate sales, they're going to want to get the permit.

MR. BLOW: Forgive my ignorance, but why would they want to have to do more restrictions, more reporting? It makes no sense that they would want to do that.

MR. ENGLISH: The reason they would want to do that -- In Florida, Florida goes along with the federal law on about everything they do. If the feds put a Spanish mackerel permit in federal waters, the State of Florida would go along with that, just like they've got a snapper grouper. The state goes along with snapper grouper in state waters. Shark, the state goes along with the shark in state waters. The federal waters close, the state waters close.

North Carolina is different. North Carolina doesn't do that. North Carolina is different on -- Not on sharks, excuse me, but on mackerel, on Spanish mackerel, and on sharks, yes. Sharks too, but the state has the option of saying, yes, we're going to go along with federal guidelines or, no, we're

not going along with federal guidelines, and so you put the federal permit out and, anybody that catches them and sells them would be smart to get the permit, because all the state has to do is say that we're going to go along with the federal guidelines and, if you don't have the permit, you're out, and so you would be smart to get it and have it, because, at any minute, the state could finally say that we're going along with the feds.

MR. LAKS: I am just going to try and clear that up a little bit. Steve, the state, in Florida, doesn't go along with the feds for Spanish mackerel --

MR. ENGLISH: (The comment is not audible on the recording.)

MR. LAKS: Well, I don't want to get into that side-track, but, for Spanish mackerel, the state does not, but that's an interesting way to make the point that you're looking for. In Florida, if you want to catch Spanish mackerel in the EEZ, or three miles offshore, you need a federal Spanish mackerel permit. Then you have to report your catch.

Now, even if you catch those fish inside state lines, as a federally-permitted fisherman, I have to report that catch, and I have to sell to a federal dealer. The state didn't want to go along with that for Spanish mackerel, and we will be getting into that shortly, and so those fishermen that don't have the federal permit do not have to do that extra reporting. They can fish in state waters and sell their fish to a non-federal dealer, or a federal dealer, and not have to do the federal reporting.

MR. BELL: I appreciate being able to jump in here, but, to kind of clear things up a little bit, and Steve touched on this, what the state does related to its state-waters fishery is up to the states. A state may choose to require the federal permit in state waters or it may not. That's up to the states. In the case of Virginia, if they have a state-waters cobia fishery, they will make that determination themselves for the state, and they may not require it.

This is really about federal waters. It's a federal permit for federal waters. This is permission given, effectively, to fishermen to do something in federal waters, with appropriate reporting requirements and all of that, and so that's -- There is different things going on in state and federal waters, and it's not necessarily consistent from state to state.

Related to your motion here, effectively what you're doing is you're suggesting that the council look at implementing a commercial cobia permit, and you're kind of moving in the direction of it looks like that permit -- That the council consider options, appropriate options, for limited access, is what it looks like you're saying.

Without getting into the weeds of exactly what those might be, you can just say, and this is just a suggestion, you can just say that you are interested in the commercial permit and that the council consider options for making that a limited-access permit, and that could be catch histories and all that other stuff, if that's what you think. If you want it to be open access, that's your call as well, but you're kind of moving in the direction of a limited access by saying something about catch history, but that's just a thought, but it just looks like you're kind of moving in that direction, and you can really get down in the weeds here about talking about what are the limiting factors in limiting access, and that hurts.

MR. LAKS: I am going to let Manny speak to that, if he wants to change the motion to reflect that, and then we're going to go to Steve English, and then I think we're going to vote on this.

MR. HERRERA: Help me out. I am okay with making it make sense here.

MR. LAKS: Steve, do you want to add something?

MR. ENGLISH: I would add to that. I would say that you would want it to be limited access, absolutely. That's what the Spanish mackerel thing is, because it's open access. That's why the State of Florida doesn't do it. It was limited, then we could get them to go along with it, and we're working on that.

If you made that limited access, and the other part was back in the other -- Where it showed the council's preferred motion was if you had a federal permit for shark, snapper, kingfish or whatever, those permits should automatically get a cobia permit, even if they don't have landings, because they're going to catch one incidentally. **If you're already federal permitted for the federal zone, you should qualify for that permit immediately, and then, if you have landings for your state permit, you could qualify to get the permit under limited access.** That's how it should be.

MR. LAKS: Are you okay with that, Manny?

MR. HERRERA: **Yes.**

MR. LAKS: I think probably we should --

MR. WEEKS: Do I need to second that again?

MR. LAKS: I think Steve -- **The motion on the board is to ask for a limited-access cobia federal commercial permit with the requirement to have a history of commercial sales of cobia or have a federal commercial permit (any species) to qualify.** If we could take a vote and get a show of hands. **All those in favor, twelve; all those opposed; abstentions, two. The motion passes.**

DR. MACLAUHLIN: Okay. The next item on the agenda is to discuss a bag limit for cobia from federal waters off the Florida east coast, and so, currently, off the Florida east coast, in federal waters, the commercial and recreational possession limit is two per person per day. Cobia from Florida state waters is limited to one per person per day, and I will let Ira tell you a little more about that.

MR. LAKS: From my perspective, anytime we can get state and federal waters to be consistent is great. Also, what we have been discussing for the past half a day, if these two stocks ever get recombined, and we're going to have this problem. Florida is going to come -- The east coast of Florida is going to come screaming into we're going to have to go to one fish, and so I think if we can be proactive with that.

Another problem in the area that I fish, and probably Ben and Steve, and I'm sure Manny sees it down in the Keys too, is we have a terrible shark problem, and the cobia have changed their

behavior and started to follow the sharks, and it has become accepted behavior by both commercial and recreational fishermen to chum up the sharks to try and catch the cobia.

In the process of trying to catch two, you might get eight or nine eaten, and so, to me, if you can get your one fish as a charter boat operator -- If I catch two or three cobia on my boat, my feet are up, and so I just would like to see it go consistent with Florida, and I personally think, in the recreational fishery, that one fish would be great. Also, when the sharks eat the fish, it's not even a discard. I don't even know what you would call it. It's an invisible fish, and so there's no way to even account for that, and so that's my thought, and I would love to hear what you guys think.

MR. ENGLISH: On the recreational side, I maybe will speak to that, because that's -- I am here for the commercial sector, and I think the commercial sector still needs their two fish. I mean, we need to keep the two fish for the commercial guy, because he's out there making a living, and rarely do we close the commercial sector. We might if we don't do something with the rules and we get recreational closures, but the two fish per day is not excessive on the commercial side.

MR. LAKS: Steve, I agree with that, considering that most of the commercial boats in our area don't have more than one or two people on them, as opposed to recreational boats that can have five or six, or small headboats and stuff like that.

MR. SWANN: Looking to that future, if that line, the Florida/Georgia line, may move south or whatever, that's in the future, but, currently, if we're not meeting the ACL, there is no reason to change the limit, in my opinion.

MR. HARTIG: The state does allow two fish for the commercial sector, and so, if you just put it for state -- To follow Florida rules, you would be okay. You would still allow the two fish for the commercial, and then you would go to one fish recreational.

MR. LAKS: Steve, to your point, if we did combine it, we still would have been way over, and, looking at some of the guys on the other side of the table there, I don't know if I would want to -- They would be a little hostile with us in Florida if we got to catch two and they got to catch one up the road. That is a consideration for the future, but, again, a recreational boat that goes out -- Like I said, as a charter fisherman, if I have four people onboard, I am pretty much -- If I get two in the boat, I am not looking to kill another one, and I hope my customers aren't listening.

I am pretty well satisfied with that, and I think just your average boat that goes out -- I mean, maybe you can do something where you did a minimum boat level, where if there is less than two people onboard that you can catch three or whatever, just to have something like that, where you're not -- If one guy goes out with two people, he could catch maybe three, or a minimum boat limit, but once you get -- Some of the boats in our area have six or seven people onboard, and they will sit there just all day trying to catch as many as they can.

MR. SWANN: Yes, I understand that, and maybe it's more appropriate to leave it at two per day and come up with a boat limit. That might make more sense, because I know where I fish, where we fish recreationally, between say Fernandina and St. Augustine, in that area, we target cobia in the springtime, when they're migrating, but that's in state waters, primarily. In federal waters, they're more of an incidental catch. They're not really targeted and so, every now and again, you

will get on them and you'll get two per person, but most of the time you won't, but a boat limit might make a lot of sense.

MR. LAKS: Let me just speak to that, and then, Skip, I'll let you go. State waters is one per person for recreational, and there is a boat limit in state waters. That's why I would be proposing that we follow, in the federal waters, what the state is doing.

MR. FELLER: I was just going to say, in Virginia last year, we were one person, with a boat limit of two. This year, we went one per person with a boat limit of three, and that seems -- Even if that's where you have your six people, where you cut out where they're trying to catch them all.

MR. SWANN: On the east coast of Florida, I think you would have a lot of pushback right now in dropping the limit from two to one in a fishery where the ACL is not being currently met. I think it would be easier and more likely to have a boat limit in federal waters.

MR. LAKS: That's a good point.

MR. BLOW: Just to comment on what Skip said, also one thing that Virginia did, in the eye of conservation on the boat limit, is only allow one of the boat limit's fish to be over fifty inches. This year, we can catch three fish from forty to fifty inches. They can be two of that size, and that is total length for Virginia, but then, to protect the spawning stock, they only allow one fish to be over fifty inches.

MR. ELLIS: I guess a curiosity question I have, and this goes throughout all states. If you set a boat limit, is that per day or is that per trip?

MR. LAKS: I guess that would be defined, what a trip is. I know, like in commercial fisheries, a trip is considered -- You can do one trip per day, and so I don't know how state regulations in different states -- I think, pretty much, in the federal regulations, a trip is considered one day.

MR. GRIMES: I think we would look at it as a possession limit, but you can change that. We do have regulations that specify that you can have more than -- The possession limit varies if you're out for more than twenty-four hours, for those overnight headboat trips.

MR. GORHAM: I think that's something that would be good to be addressed, is the per trip or per day, looking at it as a person who has booked charters, and the challenge is, not necessarily in North Carolina, where you can go out for two and three trips and limit out on cobia, but, the rare days you can, I would hate to see those people traveling to northeastern North Carolina and not be able to get their own cobia because it's a day limit, especially if we're going to have vessel limits that are below the normal six-pack. I think it creates some challenges, and I don't know if that's something we can suggest to the council, but it's repeatedly coming up as an issue.

MR. LAKS: I don't know if anyone wants to make a motion. I don't really think we're at that point, but maybe we can just make a suggestion to the council that they look at this and possibly what this would do in future considerations for the cobia fishery. Does anyone have anything to add to that?

MR. SWANN: I want to recommend that the council look into potential options to establish a boat limit.

MR. LAKS: At this point, I think we should make it pretty broad and let them look at all different ways, and if we maybe can get some analysis on it, to see where it would go.

MR. GORHAM: I look at it two ways, one that they could possibly come back into the management zone, and then it would be seen as a punishment for stakeholders of east Florida, and I don't want to speak for them, but I know I would feel that way. Secondly, you say you're not achieving the ACL, and I think, for the past two years, I don't think half of that quota has been caught, and that may be something you can look at, that maybe we need to reduce it, because we're not achieving or catching the quota.

MR. LAKS: I think also, like you said, if we do go back to one stock and one ACL, I think we all might have to reduce, just to stay under that, and so it's just something that needs to be looked at.

MR. GRIMES: I would clarify, for cobia, because they're not -- It's not a bag limit, per se, right, because bag limits apply to recreational vessels and not commercial, and so it is a limited harvest species under 622.383, and it's specified as no person may possess more than two cobia per day in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, regardless of the number of trips or duration of a trip. That is how it's currently specified.

MR. LAKS: Is everyone good with that recommendation, or would anyone like to add anything?

MR. SWANN: You all may not agree with me, but I would like to see "bag" deleted and leave it at "boat".

MR. ENGLISH: Steve, I would just point out that you're thinking about state waters, and this is just federal waters. This has nothing to do with state waters.

MR. SWANN: No, I understand. I understand completely, but there is no boat limit in federal waters, right?

MR. LAKS: No, there's not. Not in federal waters. In Florida, it's state waters has got a boat limit and the federal doesn't.

MR. ENGLISH: Correct me if I'm wrong, but I was under the assumption, and maybe I'm wrong, that it was -- On the commercial side, that it was two fish per person and six fish per boat, even in federal waters.

DR. DUVAL: Steve, I think you're thinking about Framework Amendment 4 that the council passed in September, and so that has not -- The proposed rule was issued, and the final rule is in the works. Through that, it would be two per person and six per vessel, once that goes into place, but, right now, we're still at two per person and that's it. If you had three people on your vessel, a captain and two crew, you guys would be able to have six fish. If you had just two people on your boat, you would be able to have a total of four fish, but it is -- The future regulations would be two per person and six per boat.

MR. LAKS: Steve, for recreational, it's definitely one per person in the state, because, having worked on headboats in state waters, when you have to stop at six, it leaves some angry customers. Can we get a second for the motion?

MR. GORHAM: Second.

MR. LAKS: **The motion is to recommend that the council look into potential options for a recreational boat limit for federal waters off the Florida east coast. All those in favor, nine in favor; all those opposed; abstaining, four abstentions. The motion is approved.**

Guys, it's just about 10:30. I say we take a little break, and let's be back here at twenty to. Is that good? Okay.

(Whereupon, a recess was taken.)

DR. MACLAUHLIN: One thing, really quickly, before we get started on the fishery performance report agenda item, is that you guys, at the end of the agenda, you have an item to talk about term limits, and also the Cobia Sub-Panel is going to let us know who they have selected as their Chair and Vice Chair. For the AP, one thing that we wanted to bring up is to see if you guys wanted to, and this is just the AP's decision, and the sub-panel can make the same decision, to just, every two years, revisit your Chair and Vice Chair.

The Snapper Grouper AP has that. It's kind of just an informal agreement, that the AP decided they wanted to do that every two years, so anybody could get an opportunity to serve as Chair, and so that would mean that this will be Ira's meeting as Chair, unless you reelect him, which you can also totally do. AP members, I encourage you to, during lunch and breaks, if you're interested, to chat with your fellow AP members and let them know, so that, when we come up for that, you can nominate somebody for the Chair and someone for the Vice Chair. Right now, Ira is the Chair and Steve Swann is the Vice Chair, and so you guys will kind of chat about that during lunch and breaks.

We are going to get started on the fishery performance report, and so I had sent you, and it's also posted on the web briefing book page, and this is kind of the outline for the cobia fishery performance report. This is something that the Mid-Atlantic Council does. They, for a few years now, have been having each of their advisory panels -- They provide information about the fishery, the landings and other information, and they get input from the AP about how the fishery is doing, any changes in the fishery, and then that information is provided to the council and to the Mid-Atlantic SSC.

It's just kind of a line of communication, especially between the AP and the SSC, as to get your experience and observations and make sure those are getting to the scientists and to the decision makers. We will also provide that to SEDAR. We just wanted a little more of a systematic way to get the information.

This is our first one for CMP. We did our very first one yesterday with the Snapper Grouper AP. They did red grouper, and so, maybe at the next AP meeting, we will do a king mackerel or Spanish mackerel and get everyone's input on that, and so this one is just going to focus on cobia. Also, if there are any suggestions for how to do this, if you have done this with the Mid-Atlantic or you

just have more suggestions about information that you want to pass along to our Scientific and Statistical Committee and the council, please let us know, because this is our first time.

The document that we had sent out was kind of a fishery overview. We talked about SEDAR 28, that Atlantic and Gulf cobia, the status is not overfished and overfishing was not occurring with the definition used for the stock assessment determination. However, in the fishery management plan, the council also has another definition of overfishing, and that is if landings exceed the ACL and the overfishing level, and so that occurred in 2015 and 2016 for Atlantic cobia, and so, technically, overfishing occurred in those two years, under that definition.

We want to get some information about trends in the catch levels and recent changes in the fish and markets and economic information and any input on existing management measures, which we've talked about a lot, and observations on environmental or ecological factors that affect cobia and other observations, and really anything that you would want the council or would want the scientists to know about the cobia and what you're seeing on the water and cobia in your area.

We provided, in this document, and we can go back and look at that, the different landings over the years. We have Atlantic cobia by state, and we can pull this back up if you want. We also have a graphic with that. The black bars indicate the ACL for Atlantic cobia, and then the states are by color. Then we also have this graphic. We used this in Framework Amendment 4. Each of the lines is a year, and it's the pounds landed, and it's the MRIP waves, and so the recreational waves, Waves 2, 3, 4, and 5. This is March/April and May/June and July/August and September/October, so that you can kind of see the pattern.

In general, except for this one blue year, Virginia is mostly later. In Wave 3, the landings go up, and then, in Wave 4, is their general period, late summer. North Carolina, Wave 3 is generally when they have the highest landings. South Carolina is usually Wave 3 and Georgia also.

We also have the commercial landings by gear for Atlantic cobia in Table 3, and then also the dockside revenue. This is price per pound for Atlantic cobia that are sold. We have it by state here, with the color lines. The average of the states is this dark line, and that is not adjusted for inflation. The dotted line is adjusted for inflation, and so what we wanted to show is that, even though price per pound has increased over the last ten years, once you adjust for inflation, it's pretty even.

Then we have Florida east coast cobia, with the recreational landings. The black bars indicate the Florida east coast recreational ACL, and we have that since 2007, and then we also have the different years by MRIP wave also, and so there is a little bit of a pattern. However, there are a lot of years that are not with the pattern, but, in general, it looks like it's Wave 2 and 3, March/April and May/June, when the landings are the highest. Then, towards the end of the calendar year, they decrease. This is recreational Florida east coast.

Then we have a similar table for Florida east coast cobia that are sold, by gear, and then the dockside revenue. Then we also have the same chart, a price per pound for Florida east coast cobia. It has increased over the last ten years, but, again, this is the dotted line, where it's adjusted for inflation, and you can see that it's pretty even.

We have some specific questions for you guys to think about and for this discussion, and so, if you think about catch levels over the past five years in your area, with your experience, for the commercial sector, anybody who participates in the commercial cobia, has the price and demand changed? For charter/headboats, has the demand for a trip that targets cobia -- Are people wanting to go out and get cobia?

When and where are the fish available? Has this changed over the past few years? Has the size of the fish changed? Are you seeing small fish, big fish, medium-sized fish? Across the board, are they bigger or smaller? Then have there been effort shifts to and from cobia in your area?

Then we have the management measures, and so you guys can talk about if you think the minimum size limit and the possession limit for commercial and recreational are appropriate and any new measures you think that the council could consider. We have one now for recreational cobia on the Florida east coast now. You will be recommending that they look into a boat limit. Then any other existing management measures that should be changed.

Are there any environmental or ecological factors? Has there been a shift in abundance or availability due to environmental factors? Maybe you had a mild winter or you had a hurricane, and how does this affect the cobia? Are you observing a range of sizes of fish and what are your observations concerning the timing and length of the spawning season in your area?

Then any other suggestions for research priorities or what else you want the council to know about cobia, and so what this would be is it would go into information -- Whenever the council or the scientists or the stock assessment folks are looking at cobia data, maybe to help explain what they're seeing in the data, or give them an indication of something that you're seeing on the water that we can pass along to them to have a little more information of your direct observations.

We can get started. It's really just a discussion, and we are going to be taking notes, and then we'll generate more of kind of like a formal document report of what you guys talked about, the main points that you brought up in answering these questions. Then we will provide that to you also, so you can take a look at it. We hope to get the draft together pretty quickly, because we have our Scientific and Statistical Committee and our Socioeconomic Panel that -- That group is meeting next week, and we want to show this to them, so that, when we say that we want to bring in some information from the fishermen, from the AP, that they know what we're talking about, and so they're going to get at least drafts of these reports and what you guys talk about today.

MR. LAKS: Guys, I think we're going to just start this discussion, and I think we're going to start it with the Northern Zone, so we're not getting confused, where, if I say something about Florida, we get it confused, and so, you guys that represent north of the FLorida line, I would like your input in all of this, and then we'll switch down to those of us who fish in Florida. Feel free to go ahead.

MR. BLOW: Do you want me to comment on every question or one section at a time, because I have written down responses to each individual question.

DR. MACLAUHLIN: We can start out with just what are your observations on the water as far as -- Let's start out with fish availability and sizes, like the biological factors, and maybe some environmental factors that affect availability and abundance of fish in your area. Then we can

move into market, or demand for charter/headboat trips, and then we can move into management. Let's start out with biological and environmental and availability of fish. Are they showing up when they're supposed to show up? Has that changed? What do you think is affecting it?

MR. BLOW: Okay. That would be Number 3 then?

DR. MACLAUHLIN: Yes, Number 1 and Number 3 more, I think, yes.

MR. BLOW: I have observed, in the Chesapeake Bay, that the fish are moving much further up north, with I guess temperature changes, but they used to be concentrated in the southern part of the bay, mostly. The last several years, and I haven't been up there, but I've been hearing reports, about forty to fifty miles up, that it's been a tremendous increase in the fishery, so much that they had a tournament late last year up there alone. This year, my fishing club is doing a tournament, and we have included a truck to run up there and pick up fish, and so there's a big change in where the fish are available.

The last three to four years, there has been a dramatic increase in the numbers of fish that we're catching. When I first started fishing, personally, myself, about thirteen years ago, if I went out and caught two or three fish, it was a phenomenal day. I chum for them. I don't sight-cast. The last three to four years, I have caught up to eighteen in a day, and the charter guides are seeing a tremendous increase in the number of fish.

With that, I have also seen a decrease in the bigger fish being caught. To back that up, the Virginia citation program, for the last sixteen years -- Last year was the smallest big fish that was registered in that program, and so we are catching more fish. There are a lot more fish out there, but the bigger ones are getting smaller.

Then the spawning area, the spawning question, I always believed that they always spawned when they first came into the bay, but we will catch fish all summer long now that have eggs in them still, and so they may spawn more when they first come into the bay, but it would be difficult to regulate by a spawning season, because it's all summer long. Now, there are fish caught -- I have caught fish later in the year that don't appear to have eggs in them, but there are many that do have eggs, year-round.

MR. PERALTA: Wes, I just have a question for you, as it relates to the dramatic increase in the number of fish being caught. Does that have to do more with the availability of fish or improved methods, tactics, and techniques?

MR. BLOW: Yes and no. That question was asked of me by the VMRC Commissioner last year, when I was talking to them about stuff, and his thought was, because of the sight-fishing craze, that everybody has just gotten better at it, but I haven't changed that way that I fish, personally, myself, for them. There has been a dramatic increase, and so, yes, because of new techniques, there are a lot more fish. There are hundreds more people fishing for them now, doing sight-casting, and so that's two yeses. Yes, there is more fish, and, yes, they are still there the same way that I used to do it, and I'm catching a lot more.

MR. ROLLER: I am going to save some of my comments for effort, when we get into that discussion, but, for me, I fish in southeastern North Carolina, south of Cape Lookout, for the most

part. Our fishery in our area really has two components. There is a bait fishery, and then there is a sight fishery. The bait fishery is kind of inside the inlet. You anchor up and chum, and it's been -- It's kind of the old-school method.

As I mentioned yesterday, we have some historic fisheries, where people have been fishing for these way back in our high-salinity estuaries for a long time, and we have seen those fisheries decrease, particularly the size of some of the fish decrease. We're catching a lot smaller fish, and some of those fisheries have almost completely disappeared.

As far as our sight fishery, in our area, that's almost completely dependent upon the presence of menhaden, and we fish those typically within about a mile or two of the beach. Over the last five or six years, we have seen a huge increase in the availability of menhaden in our near-shore waters. A lot of people try to attribute that to the ASMFC regulations for rebuilding that stock. For the most part though, I personally believe that we're seeing less larger fish, but we're definitely seeing an increase in fishermen, but I will save that for the pertinent time.

MR. FELLER: I just wanted to reiterate what Wes said about seeing the fish further up the bay. I have got some friends that are -- It's over the last five years, where they used to just see one or two, and then, a couple of years later, they saw ten or twelve, and now they are seeing a lot, and they're even getting up to the point where they're starting to catch them in the lower Maryland area of the bay. That also -- It doesn't mean that the fish are moving up the bay, because, as they are seeing them way up the bay, we are still seeing the big concentration of fish in the lower bay also.

I don't fish for cobia a lot, but I run a cruise boat up and down the beach all summer, four or five trips a day, and, basically for lack of something to do, I look for them, and I've seen more and more cobia on top of the water, on the oceanfront, over the last few years also, and, there again, the menhaden presence the last several years is huge on the oceanfront.

MR. ELLIS: Just speaking obviously from the Hilton Head Island area, over the past I would say three or four years, there has been a significant shift in the number of fish that have been caught. It's been depleting exponentially over the past three or four years.

It's obviously no secret there that they come into the Port Royal Sound to spawn, and, historically, there's been three general areas that fishermen would target those areas, and it just seems that those areas are not producing hardly at all anymore, and it's been kind of interesting, because it seems that they are shifting from the Port Royal Sound into a sound on the south side of Hilton Head called Calibogue Sound, and that seems that that's become a more popular fishing area for captains to focus on.

The size of the fish has drastically reduced. I would say probably 80 percent of the catch is right at the legal limit, maybe one or two inches above the legal limit, and even when you go offshore, historic reefs that have been very productive, like the Betsy Ross, have drastically dropped off in the last couple of years, but it almost seems like these things are almost in a direct correlation with the spawning efforts by the Waddell Mariculture Center.

I think, like we saw yesterday, when they released 53,000 of the three-inch fish, the fishing, for two years after that, was phenomenal, and then it just fell off the cliff again, and so I would like to

say there's a correlation with that, but obviously there is no conclusive proof, but there has definitely been a dramatic decrease.

As far as people coming and specifically saying that, hey, I want to go fish for cobia, we really don't see that that much. I mean, charter captains just know that this is the time when I know that I can go get some easy fish, and so it's approached that way. As far as headboats go, that's still kind of sporadic in some of those offshore reefs. Like I said, it seems like they will be there one or two days and then it will shut off for a week or two, and so I don't know what the rhyme or reason to the pattern is, if it's environmental or if it's just dumb luck or what it may be, but there has definitely been a significant shift in the past several years.

MR. PERALTA: What we've heard from anglers across a broad geographic range this morning is a significant decrease in the average size of the fish. Now, I think I have a sense for what that means, but I would like some of the scientific folks in the room to tell us what does that mean?

DR. COLLIER: Generally, when you're looking at a truncation of the size, you're also looking at a truncation of the age of the fish as well, and so you're harvesting them at a faster rate than you did before, and it's leading to a smaller and smaller population, potentially leading to smaller females, which could reduce the number of eggs that are produced yearly, which you begin to get into a feedback loop of potentially -- You begin to target those fish, and then you're reducing the number of spawners more and more.

Some of the issues with cobia are there is sexually-dimorphic sizes between males and females, and so the females are the larger fish. Obviously those are the ones that are typically targeted for trophy fish, and so, if the fishery is targeting on that, you're actually having potentially more of a negative impact on the spawning stock biomass. If you are seeing decreases in your large females over time, that could be a negative sign.

MR. GORHAM: I don't mean to sound like I'm speaking polar opposites, but I am quite shocked to hear some of the feedback from the lower North Carolina and Chesapeake Bay. I am a lure manufacturer that specializes in cobia jigs. I sell jigs throughout the Gulf Coast, all the way up now to New Jersey, where people are targeting cobia. You can go on my Facebook page if you would like, and not to reference Facebook, but I get hundreds of pictures sent to me every year of people catching fish my with lures.

Northeastern North Carolina, two years ago, had a phenomenal fishery of large fish, phenomenal. Last year alone, a guy next to me, fishing the point, caught a 116-pound fish. Fifteen minutes later, I caught a seventy-four-pound fish. I have no idea where the suggestion of fewer large fish is coming from. I am shocked to hear that, from at least North Carolina and parts of Virginia that I am getting photos from, and I sponsor a Pro Staff, some of the best charter fishermen, and they're not always the ones sending the pictures. Some pier fishermen are having very good catches.

What we are seeing is much -- They are going much farther north than they had before. Like I said before, northeastern North Carolina, they are not hammered inside the inlets. Surprisingly, they were caught inside the inlet, with people flounder fishing, this past year.

I know Wes had referenced the citation program and as far as last year. I mean, when you have one fish -- You can have one fish over and one fish under, and we threw back a lot of citation fish.

I don't know if people record them. Obviously you can't record them as a harvested fish, but I guess that's up to the angler, and there is a lot of thought that they use the citation program to do catch monitoring, and I tell them that's not the case as much as I can, but it is the general belief, and so I think there is some mistrust there.

Historically, what we've always done is started down in Portsmouth Island, when the water temperature gets around sixty-eight degrees. As we see the fish get smaller, we start moving north, and we move north with the water temperature. The one thing that's very, very interesting to us these past two years is that sixty-eight-degree water used to be the ticket. We would go to that water change, and our fishery is dependent upon how fast that sixty-eight gets up to the bay. If it's a week, the concentration of fish is in the bay. If it's two or three weeks, that is our peak season for the boats.

These past two years, we are catching cobia that are eating at sixty-one degrees or sixty-two degrees, and consistently, and so that is really a big change. I don't know if it's a temperature difference or a bottom temperature difference, but what's reading on the fish finders is much lower than sixty-eight, and, for the eight years before -- Other fishermen are saying they have never seen that before, and so that's one notable change that we're finding in the fishery.

Then, as far as more people fishing, and I think that's why we worked towards reducing from a two fish per person down to a one fish. I think Virginia went even lower, or they did go lower. North Carolina has since gone lower, but, as far as Amendment 4. Then raise that minimum size to thirty-six, ultimately to allow for an additional year of spawning, but, again, as a lure manufacturer and what I am seeing out on the water, I am just -- I am really shocked to hear about the size. I am not saying that anybody is being dishonest, but it's just not what I am seeing from the hundreds of people that I'm fortunate enough that they purchase our lures.

MR. ROLLER: I would have to say, in regards to some of those comments, when I say that there is less big fish, I would comment that we saw a lot more seventy or eighty-pound fish more common ten years ago than we are in the last few years. Are there are a lot of fish in the fifty to sixty-pound range? Absolutely, but those really, really big females, particularly in some of our inlet fisheries, seem to be more common.

What I will say is, in my area in particular, which is a very, very different fishery than I would say from Ocracoke north. The water tends to warm a lot faster, and the fish are there on the presence of bait, but the fishing effort is astronomically higher than what it was a decade ago. It is stunning how many people are targeting these fish in my area, in southeastern North Carolina, particularly out in the water looking for them. If you want to see a skiff with a ten-foot stepladder lashed to the bow, come on. It's pretty entertaining.

A few years ago, you could go and fish out of -- I fish out of Beaufort Inlet. You could fish out of Beaufort Inlet, and, if you saw seven or eight people, most of them would be guides or charter boats with towers out there in the ocean looking for these fish. That would be a pretty busy day. Now, on a Saturday, it's nothing to see several hundred boats, even on the weekdays, and it's been -- It's kind of eye-opening, to me. It actually, for me, is a huge cause for concern when I see effort shifts like this, and I can comment more on that later, but I just wanted to reiterate that.

DR. MACLAUHLIN: Let's move on to effort and any kind of demand in the charter and headboat, and so we can segue Tom's comment into talking about effort changes and demand, but I would like for somebody, on the record, to just explain, so we have it on the record, about the sight fishing and the ladders and how that works in the Chesapeake and around your area.

MR. GORHAM: The sight-cast fishery, that's what is unique about the cobia fishery. It's hard for a lot of us to wrap our head around MRIP and the requirements of per-day effort, because it requires clear water. It requires it not to be cloudy. The wind can't be blowing fifteen miles an hour, because you're up in a tower. You have to see the fish and throw a jig or a live bait in front of the fish, hope he eats, and then hook the fish.

It's not dropping bottom rigs down and catching as many fish that you have hooks. It's a lot of time and not a terrible amount of success, as far as everybody is limiting out throughout the whole summer, but, as far as stepladders, two guys that tie for me actually use a stepladder, and they're very good fishermen, and so I don't want to talk bad about people who use stepladders, but it's also because the towers themselves are eight or nine grand with controls.

Two years ago, we had a big catch for about two weeks on our shoals, at Cape Point, because the shoals cleared out. A lot of times, it's muddy water, but we could see them on the bottom, because, as we have noticed, a lot of the big fish are on the bottom, and that's why you see some of the numbers from Virginia, where they're having less large fish, and I think that's because some of the effort has shifted to sight-cast fishing.

Just a point on the effort and tower boats and chummers. If you go to northeastern North Carolina during peak season for the boats, because it's not three or four months long where the fish are massed, you will have twenty or thirty boats, sometimes forty boats, even during the week, on a good day. Remember, it has to be the weather. It's not every day, and it's not all concentrated, and they're not all catching.

It shocks me, when I fish the Chesapeake Bay, how there's not that -- You would think, with as good of a fishery as there is, there would be a lot of people, and I don't know if it's just because they're there longer, the fish, but it's hard to -- I am not denying that there is more effort. Everybody knows there is more effort. There is more talk about it, but that's the sight-cast fishery. The effort that I'm seeing in Virginia -- Just because a guy has a tower and he works the bridge, or has a ladder, it doesn't necessarily mean that it's an extremely successful cobia fisherman, but I am glad that they're out there fishing and enjoying the resource.

MR. BLOW: The commercial part, I don't have many comments on, but one commercial guy that I talked to said that there's been very little fluctuation in the price of fish, maybe fifty-cents a pound in the early part of the season. As the demand for charter boats has increased, it has dramatically increased. One charter captain that's been fishing for twenty-five years, and he's been chartering for ten, he told me that, over the last five years, it has probably tripled. If you go back ten years, the demand for charter captains has probably gone up ten times over what it used to be. Another charter boat captain that's been fishing for about nine years, he said he has seen a big increase, but not the 10 percent or ten times.

I commented on the size earlier. We're catching a smaller fish now, but we are catching a lot more fish, undoubtedly. In the Chesapeake Bay, and I don't sight-fish for them, but I fish in all kinds

of conditions, and there are guys that are fishing in ten to fifteen-knot winds, and it doesn't have to be crystal clear, perfect conditions for sight-casters to fish.

As far as the numbers of them, a couple of guys that I asked about this question, other charter boat captains, one of them responded that there might be fifteen or twenty in an area on a weekday, or maybe twenty or thirty on a weekend. The Chesapeake Bay is, compared to Port Royal Sound and some other areas, is huge.

I mean, the bridge itself is seventeen or eighteen miles long, and that can all be fished. There is places up the bay, like I mentioned and Skip mentioned, that are forty miles up the bay that they're catching fish, and so to say there is just a few people fishing is incorrect. There is many, many places that you can be fishing for these fish and you will never be able to see them. I mean, you can't see down the bridge five miles to see how many people are fishing, and so the amount of effort is really big. I mean, I have been on the eastern shore, with someone else in their boat, when they're sight-fishing, in a section where I can count fifty or sixty boats that I can see, and that's just four or five miles around me, and so the effort has dramatically increased.

As far as the effort, one of the charter captains that I asked this question to, he said that, yes, it's dramatically increased, and the reason is because it's hard not for a cobia to be caught. He said the sight-casting craze, you can go from not knowing how to do it and in two months be an expert, and so these people that are buying these tower boats, they are going from maybe I can catch one to being really, really good at it and efficient at it, and so it doesn't take long to learn how to do it compared to some other things, and it is dramatically successful, the way that they're doing it. Thanks.

MR. GORHAM: You can sight-cast fish in fifteen-knot winds and cloudy and rainy days, but are you catching? Are you successful? I guess I spoke incorrectly. Yes, you can fish when it's cloudy, and, yes, you can fish when it's raining, but, if you're sight-casting, you have to see the fish. Maybe you do luck out one in a hundred times, but I have fished hundreds of days. I have a hard time wrapping my head around that one.

MR. ROLLER: On that note, in our area, since a lot of the sight-casting is based upon casting to bait pods, you don't necessarily need it to be super calm or super clear water. A lot of people are going and just actually blind-casting these bait balls, and they call it sight-fishing. You do see a lot of fish in that process, but it's something that you can do on most days.

On that note of effort and my observation of massive effort increases into this fishery in my region, for a couple of things. It has impacted the charter boat trips. Less than a decade ago, outside of the inlets that I fish, there was a handful of guys with tower boats and for-hire permits, and they accumulated most of the business, because they were the biggest specialists. Now the interest is so great that it's virtually every guy who is a full or part-time guide with the capabilities to do so.

You don't need a big boat to target these things, obviously. You don't need a lot of gas and you don't need a lot of equipment, and that applies for both for-hire and recreational anglers, and so there is a lot more business and a lot more interest, and I have just been mesmerized by some of my clients who are so obsessed with trying to get their Facebook photo of a cobia.

A couple of guys -- They're the most impatient anglers. They're the type of people that always have to be doing something, but, when it comes to this, this popularity through social media and everything, they will spend three days to catch one cobia to get that one photo, and that just cracks me up, because they will submit themselves to what they hate just to get that photo.

Now, I will also say, particularly in the last few years, is it's clear to all of us that fishermen shift to the best fisheries. We do what is best and the most fun, and, particularly in our area, our spring fishing has been pretty bad for the last few years, and this has been the best game in town, and it's been quite good, and so a lot of effort has been concentrated, because, again, you don't need a lot of equipment, and you don't need a big boat. You can go out there, if it's a nice day, in an eighteen-foot johnboat and target cobia, but I will leave it at that.

MR. BLOW: Just a quick comment about that, about the effort shift. In the Chesapeake Bay, we have lost spadefish and flounder, and so there has been a tremendous shift from what people used to do to a fish that's very easy to catch and, again, a short learning curve.

MR. GORHAM: I hate to harp on this, but I think it's very important, when you're looking at the catch totals and the effort requirement. Regarding the weather, you can talk to charter captains up and down northeastern North Carolina, in the lower Chesapeake Bay, and it's important, and to disregard it is improper, as far as effort in the sight-cast fishery.

MR. LAKS: I think we got a pretty good overview of that, of the effort, and I think we're going to move on to the next.

DR. MACLAUHLIN: For Florida folks, we can do the same thing. We can start out with just general observations, environmental and ecological, about abundance and availability. Are the fish showing up? When did they show up? Is that how it's usually been? Is there anything that affects the fish being available? What are the ranges of the sizes of fish? Are there any observations about spawning in your area?

MR. DONALSON: In St. Augustine, in northeast Florida, what we're noticing is, the last couple of years, it's been pretty consistent. Our fishery really is dictated by when they big rays show up on the beach, and that's anywhere from now until June. Usually it's in the springtime. Our issue with -- I don't want to use the word "overfishing", because I don't know if that's the case, but the number of anglers that are out there, I think we're all seeing that.

One, we're in a very fortunate position, socioeconomically. Our part of the state is growing like crazy. St. Johns County is the fastest-growing county in the State of Florida. The schools there are the best-rated schools in the country, and so it's bringing in a lot of people that can afford to go buy a nice boat and the gear to go get these fish. That kind of explains our issue with the number of people fishing. On a Saturday, you can't get a spot at any boat ramp in northeast Florida, and that's Duval County, St. Johns County, Flagler County. It's awful.

One of the other issues, and I am surprised that I haven't heard it, is a lot of our charter captains relied on red snapper fishing, and so did the recreational anglers, and we can't catch those anymore, and so I kind of call it the Duck Dynasty phenomenon. It is easy to go catch cobia, and now these folks that can't catch red snapper anymore are targeting the hell out of them, because it's easy to do and they see it done. They get on Facebook and they see all the pictures.

Again, I'm a duck hunter, and I quit hunting the last two years, because I'm not going to get there at two in the morning and fight the thousand people that can go buy a duck call and camouflage, but that's really what is going on with us.

Our cobia fishery goes into the summer, and we can't catch snapper, and you get tired of catching and releasing them, and so we're not bottom fishing anymore, like we used to. We're cobia fishing and king fishing on the beach, and cobia is a direct byproduct of the king mackerel fishery where we are. King mackerel chase the bait pods, and cobia chase the bait pods. You are throwing your cast net for bait and, if a sixty-pound cobia floats up, you're going to catch it. A lot of people fish for kingfish, and so, therefore, they're all rigged for the same kind of fish. I keep a cobia rod ready to go every time I go king fishing.

Most of ours is sight-fishing. I would say 90 percent, and I consider -- When I'm slow trolling for kingfish and a cobia just appears at the back of my boat, that's sight-fishing. I am just going to pitch a bait, or reel a bait up, because they're going to hit it the same way, and we have seen a significant increase in both the sizes of menhaden and the amounts, and they have shown up, the last two years in a row, really early for us, which is like February-ish, in huge schools, not just sporadic. I think that's about it.

MR. SWANN: Steve Donalson, you can correct me, but I think we have the same kind of view on things, but, the sight fishery you're talking about, for the most part, where we have that real intense pressure, is just a few weeks in the springtime, which is where I should be today and not here, because now is the time. Once the rays move north, then a lot of those fish along the beach are moving with them. Then it becomes incidental catching, for the most part, like Steve said, when you're slow trolling for kingfish or we're offshore bottom fishing and a cobia swims up behind the boat or something like that.

I don't see the pressure offshore that I used to see. You don't see the boats out there anymore, and so I don't think -- Anecdotally anyhow, I don't think you have the number of cobia being caught offshore that you used to have, because you don't have the pressure, but inshore, in the springtime, they are getting hammered, but it's only for a very, very short period of time.

I would say that I've been in that fishery since I was about twelve years old, pretty much, and the fish are smaller, I think, now. I think there is still plenty of fish, but I don't think they're as big. I remember -- Maybe it was because I was only that big that the fish seemed bigger, but I am not sure, but I do think that the general size of the fish has gone down. I don't see the big sixty or seventy-pounders as frequently as we used to, but still plenty of fish.

MR. PERALTA: Steve, as a carry-on to Stephen, which is getting confusing, but could you speak to the relative size of the fish that you have seen in your area, in comparison to the historical average?

MR. DONALSON: Sure. I don't get the chance to fish as much as I would like to, or as you do, apparently, but the fish that I am catching -- Like I said, I haven't seen a significant decrease in the sizes. That's not to say that's not happening. I will say, when I was talking to the guys about the radio tags, I said that we're going to have trouble finding small fish, because I don't catch very

many undersized fish, but I'm also sight-fishing for them, and I try not to cast to the small fish. Steve, you're out on the water more than I am, and so I would defer to him on that question.

MR. PERALTA: Thank you.

MR. SWANN: I would say one more comment that I failed to mention is that we do have a year-round fishery for cobia, which is nice. In the springtime, right now, it's on the beach. The rest of the year, it's offshore wrecks. That's why I asked that question yesterday about are all cobia migratory, because we catch cobia all year-round, and so I was kind of curious. We do catch good numbers of cobia all year-round. This winter was very good cobia fishing, and I would imagine that it will be very good this summer as well.

MR. LAKS: I am going to give you my perspective, from like the Treasure Coast down to Palm Beach area. As far as environmental factors, I have always seen that we seem to get like an aggregate of fish that will almost act like an accordion, depending on the weather. When you get a weather event, they tighten up, and sometimes they stretch out through the reef. I am definitely not seeing the bigger fish that I used to, but I don't know if I can't just attribute that to, if you hook a big fish, a shark eats it. I don't know what that would really say.

Spawning, I have seen fish with eggs from probably February through July. As far as effort, we have actually less of a sight fishery now than we used to, which is counterintuitive, because we have the clearest water around, and you can see them for miles, but the shark population that has expanded dramatically seems to have concentrated those fish with the sharks. They have that behavior, like a remora, where they follow the sharks, and we have a lot of sharks, and the fish hang out with the sharks.

As far as some effort, we have seen an explosion in free divers, just going down. They're brave or crazy, but they go down and they shoot sharks off the -- They shoot the cobia off the backs of bull sharks, and it's an exploding fishery. Like I say, most of the fish that I see are now out concentrated with the sharks, where the sharks happen to be mostly on the edge of the reef.

MR. ENGLISH: One thing I will say about our area, and I think you have noticed, and I imagine that Ben could probably back me up, but it seems like our average-sized cobia is eighteen to forty pounds. It doesn't seem like we get many fish over forty pounds in our area, and we never have. There will be an occasional sixty, and, a couple of years ago, a guy caught a hundred-pounder, but that is very, very rare. It's eighteen to forty pounds is our average fish.

MR. LAKS: I would agree with you completely. It definitely seems like that's our standard rate, and I don't know if that's because we have a population that has constant warmer water or we don't have the bait availability, but you are definitely right.

MR. GORHAM: Just from a lure perspective, it's interesting that you say that, because a lot of the client orders that we get from that area are asking for smaller hooks, as compared to other areas, and I had always wondered why they wanted a 7/0 hook over the 9/0 hook that has become standard, and so that's interesting that you say that.

MR. KELLY: As I mentioned yesterday, the majority of the fishing that we're experiencing is sight fishing in Hawk Channel on the Atlantic side, and, when I talk about Hawk Channel, I'm

talking about water that is inside the reef line and between the reef line and the islands. It extends from the Tortugas all the way up through the Miami area, and generally it's a sight fishing experience. It's twenty-five to thirty-five feet of water, and a large portion of Hawk Channel consists of white sand bottom, and so anglers are in vessels that have tuna towers on them, as they're called, and it's a sight-fishing experience.

The cobia are anywhere from five to fifty fish, and they might be following along normally behind what we commonly refer to as mud rays, but they're standard stingrays, if you will. As they stir up the grunts and so forth, crabs and things of that nature along the bottom, then the cobia are swift to enjoy the meal. It's almost exclusively a live bait fishery. The preferred bait is a French or a bluestripe grunt. They are fished on twenty or thirty-pound spinning tack with an eighty to hundred-pound leader.

The size of the fish has been fairly consistent. We don't see any large fluctuations there, but the numbers of the fish, along with the numbers of stingrays that normally would transit the Atlantic side, have diminished over the past few years. At the same time, we have seen a significant major increase in the number of fish on the bay side, and the waters back there, of course, are not conducive to sight fishing. It's primarily fish that would come up or rise into a chum slick, where boats are anchored and chumming up Spanish mackerel and kingfish in those areas. It's casting to channel markers and so forth back on the bay side or to old trap piles, where we were permitted to deposit old lobster and stone crab gear.

As I also mentioned yesterday, there are some water quality issues back in Florida Bay. There is increased salinity and algal growth and so forth that may in fact be inhibiting their transition, or them coming around the corner to the Atlantic side. There doesn't appear, at least in southwest Florida, to be any shortage of cobia, where they're normally fished on wrecks and so forth, and also with sight fishing along southwestern Florida, Fort Myers and Naples and those areas.

MR. HERRERA: If I can go back to the questions on the top, the price and the demand for cobia is there, even though it's being farm raised, and I learned, this past fall, that it went from Puerto Rico to Panama, but the cost of farm raising is expensive, and they're farm raising it in the ocean, and, of course, like I always say about anything that is farm raised, they still don't get the same diet as those guys out there, and so the price has stayed up, because, even with farm-raised fish, it's costly.

The size of cobia for the commercial is fine. As a matter of a fact, these farm-raised fish, they are not big fish. I guess the quicker they get them out and send them out, but they're not big fish, and so the size of cobia, as far as I am concerned, is perfect on the thirty-three to the fork, which is what we have.

It's exciting to -- It's all incidental. Commercially, we don't go target cobia. If they come to us in our chum slick and they show up, it creates havoc all over the boat, because, all of a sudden, we've got a unique species and stuff, and there better be more than one caught, because, if not, that one is not getting sold. It's getting eaten.

Do I see, again, what Bill is saying is true? It seems like, on the Atlantic side, we've seen a little bit less fish. Yet, when I go fish in the Gulf, it seems like they're out there, and so those are true,

as far as my observations are concerned, and that's about all. We can find cobia down there really any time of year. You never know when they're going to show up. It's crazy like that.

It used to be that we used to see a lot of those fish on the Atlantic side in March and April, when we have the color changes out there on the edge of the reef, but, again, we really haven't seen that on the Atlantic side. On the Gulf, you can generally get out there and be lucky enough to -- If you can get them away from sharks, you can do okay out there.

MR. LAKS: To speak of the price, the area I fish, it has become a great price for the fish. It's mostly like a little boutique fishery for restaurants. The restaurants just can't get enough of them, and the price is extraordinary. As far as charter and headboat trips, of course, everybody wants to catch a cobia, but the area, and it's probably similar down in the Keys, but we really don't go out and target one species. My customers will ask me what we're going to catch today, and I tell them that I will tell them when we get back, because we never know. We just go out and go fishing.

As far as commercial effort, there is a -- I am not going to say it's a directed cobia effort, but, when the cobia are around, you will have more effort, because a couple of guys in a boat doing a multispecies trip, if they do catch four cobia, that's a nice anchor on a little day trip. Whatever else they can throw in with it, you add up to a good catch, because the price has gone up so much for them.

Recreational effort, with social media, it explodes. They see that the headboats are catching them. People post videos, and you go out on a weekend and you couldn't fall out of your boat and hit the water. You're going to fall into another boat. It's just what happens now. People know what you're doing before you're doing it anymore, and so that's what I am seeing. Bill, did you want to go ahead?

MR. GORHAM: I had a quick question for the people in Florida, and I know this is Gulf side, but it's something that I've seen as far as -- I sell to Mississippi, mostly in the Panhandle of Florida, but this would be the second year that you will see a petition circulating of save our cobia. They are saying that the numbers are down, and obviously you can see here that there is a lot of mixed reviews, based upon where you are, but is anybody else hearing that from anybody, or is this maybe just a small area? It just interests me. Two people have said they see more in the Gulf, but, again, you're seeing that the Panhandle, mostly from the piers, they are saying that the fishery is way, way down, and that's just a general question.

MR. KELLY: I would like to just back up what you just said there. In many cases, cobia, especially in the Florida Keys, are a fish of opportunity. There is a big difference between the recreational and commercial methods there. On the recreational side, as I mentioned, most of it is sight-fishing, and so a commercial guy isn't out there burning gallons of fuel all day long running around in Hawk Channel looking for a school of cobia. They don't ball up in areas like they may in Virginia or the Carolinas or so forth. They are on the move as they follow these rays.

Recreational anglers also have an opportunity to cash in on it, especially during the month of April, when it's very typical to get current up into the wind, and, anytime you have that kind of a condition, you get a tailing condition, where it's a combination of sailfish, tuna, bonito, cobia. Most anything and everything of a pelagic nature is tailing down-sea, where you are physically sight-fishing for them, but, on the commercial side, again, directed, not really. If you hear

somebody on your VHF radio that has got a school of cobia some place, and you're in the area, and you've got grunts in the live well, you're going to for it.

As Manny Hererra mentioned, it's a fish of opportunity, again, because, as we're chumming and commercial fishing for snapper and grouper, the cobias rise to the occasion, where they may fall victim to an experienced angler, and so major differences there in the fishery.

MR. DONALSON: Bill, I want to answer your question. The area that I am fishing, that Steve and I both fish, the last two years, I can't say that I've seen a decrease. Again, that doesn't mean there is not one, but that's my experience. I haven't. Then I really can't speak to the commercial side of it, for our area of Florida, but, as far as the charter captains that are in our circle, our group, for the next three to five weeks, that's what they're targeting, until the fish disappear, and they literally have people booked from around the country that come into St. Augustine just to catch cobia. For year after year after year, they pick up the phone and say, hey, Bill, they're here and get on a flight, and they book him.

MR. LAKS: Bill, to your point, I have heard, anecdotally, about concerns from charter captains in the Gulf about a shortage, in the northern Gulf, I should say, about a shortage of cobia. I know I've heard some public comment, at maybe some Gulf meetings or FWC meetings, but I have heard that. We are going to let Amber come up and do a presentation here for citizen science, and then I think we're going to hit lunch.

DR. MACLAUHLIN: Thank you, everyone. That was really helpful. I think this is going to be a really great and informative report, and, if you have any additional information that you want us to include, send me an email or chat with me. Any information that can go into the report will be very welcome and helpful.

This is Amber Von Harten, and she is council staff, and she is the lead on citizen science, and so she is going to talk to you a little bit about the council's Citizen Science Program and then also make a pitch for you guys to get involved.

MS. VON HARTEN: Good morning, everyone, and I know that I am between you and lunch, and so I will be brief. If you're not familiar with what the council has been trying to do, there has been this growing interest by the council, based on fishermen input and an outcry from folks wanting to contribute to the data collection process, and I think you all have had lots of conversations about the need for that so far the last couple of days.

The council, back in 2016, hosted a Citizen Science Program Design Workshop here in Charleston, and we brought together over sixty folks from around the region, fishermen and fishery scientists and managers, data managers, and outreach and extension people, NGOs, everybody that had an interest in trying to come up with ideas for how the council could actually create a program to support data collection, to complement the existing data collection programs and fill some of the data gaps that we have in our region, using citizen science.

There has been a long, rich history of cooperative research in our region, which is a little bit different than citizen science, but figuring out ways to possibly develop a program and support projects that could help fill in those gaps in stock assessments and also help the council with some other management actions down the road.

The deliverable out of that workshop was what we call the Citizen Science Blueprint, and it's kind of a framework of ideas that were based on all the workshop participation of what a program might look like and all the different components that need to go into a program that can help support projects, and so, just recently, the council decided to go ahead and move forward with supporting a staff position to run that program, and that is the role that I play now, and so, right now, the first step to program development, in this first year, is we are going to work on trying to get some support to do a pilot project, some kind of citizen science type of pilot project, to get folks involved and kind of test out this idea of using citizen science.

Then we're also trying to help build some of the program infrastructure, and so some of the different components that are going to need to go into the program to support projects, and so we are going to create a Citizen Science Advisory Panel that will be made up of individuals that have an interest in helping the council build these building blocks for the program.

The way that this panel is going to work is a little different than like the advisory panel that you all sit on. It's going to operate similarly to our SEDAR Pool. If you're not familiar with that, the way that works is fishermen and others get appointed to the SEDAR Pool. Then they can serve in this pool. They don't meet during an advisory panel meeting, but they are available to be selected to serve on different stock assessment SEDAR panels.

If you have expertise in cobia, you can get appointed to the SEDAR Pool, and then you can be flagged as somebody that could participate in that stock assessment, and so that's how this is going to operate. You will be a part of the Citizen Science Advisory Panel Pool, and then the council is going to be working on, in the next year or so, five main areas to help build the program that will have these, quote, unquote, action teams working on these different five areas, and you could be appointed to those five areas.

Those areas are volunteers, and so we need folks to help us figure out how to interact with and manage volunteers that participate in projects. Then data management, and so we need folks helping us figure out how to develop some data policies and standards, data sharing and accessibility, program policies, to figure out what to do with all this citizen science data that will come into the program.

There is projects and topics management, and so figuring out how to identify and prioritize topics that the program wants to consider for citizen science projects and then a process for soliciting and selecting projects that come under the program. There is finance, and, of course, finance for the program as a whole, but also to support projects. One of the challenges the council faces is that we can't receive direct grant money, and so we're going to have to really be creative in how we can work with partners to support projects coming through the program.

Then the last team is communication, outreach, and education, and so that's figuring out ways to communicate about the program, but also with all of the different project volunteers for citizen scientists and also communicating project results and how they're used in management. Those are kind of the five areas that we're going to be working on, and so we are really hoping that any of you that have an interest in or expertise in any of those areas and want to get involved with these action teams, that you will be considering applying to the AP.

If you're on our mailing list, I just sent out a reminder. The application deadline is next week, on the 26th. It's just a short, online application, and you get to pick your top three action team areas that you might want to participate in, and, again, you would be most likely appointed to the advisory panel pool. Then, in the next coming months, as we start forming these action teams, you may be called to participate in those action teams.

We are not going to be meeting in person. All the meetings of these action teams would be via webinar, and so you wouldn't have to travel, and the goal is to meet twice a month, in between council meetings, and then you will be working on these recommendations that then would be taken to the council and reviewed by the Citizen Science Committee.

That is the gist, and so this is just the first opportunity to get involved. As we move forward with the program, there is going to be, hopefully, many more opportunities for you to get involved in actual projects and many other aspects of the program. All of this is on our website, if you want more information or if you want to see the blueprint. It's all on our website, under the Science and Statistics Section of our website. That's kind of where our Citizen Science Program is housed, and feel free to give me a shout if you have any questions. Kari can get you in touch with me.

DR. MACLAUHLIN: I will include Amber's contact information and the information about how to apply and be involved in citizen science in your follow-up email, and so I just have an ongoing list of things to send you guys for reference.

MR. LAKS: Guys, I think we're going to go to lunch here and pick up with Spanish mackerel after lunch. If everyone could be back at 1:15, does that sound good? Let's try and get here at 1:10, so we can be in our seats by 1:15. Enjoy lunch.

(Whereupon, a recess was taken.)

MR. LAKS: Guys, we're going to start with Spanish mackerel here, and we're going to talk about the gillnet mesh size, and I am going to turn this over to Steve English, to let him explain this, and I will let him go.

MR. ENGLISH: We are talking about the gillnet mesh size, and we've always had a rule in place that covered the gillnet mesh size, and it was written back thirty years ago, back before we had quotas, back before we had landing limits and all of that, and that was their first attempt to try and regulate the catch of Spanish mackerel, and it was to create a pound-and-a-quarter fish for the marketplace. That's what it was written basically for.

The way it was written, it was written -- We had the big roller-rig boats back then, and that was the Spanish mackerel fleet, and the small boats inshore, and so the way the law was written was that it was a three-and-a-half-inch stretch mesh, but you had to put eleven pounds of torque on the mesh to measure the mesh, and so you had to have a special machine that would stretch the mesh to eleven foot-pounds, and that was the measurement of your mesh.

The reason they did that was because the big mackerel boats used three-and-a-half-inch mesh, but they used number-six and number-nine webbing, which didn't stretch, and so you could put eleven pounds on that and it was still a three-and-a-half-inch stretch mesh, and it caught a pound-and-a-quarter fish, but you could put that same eleven pounds of a torque on a three-and-an-eighth-inch

mesh and it would stretch to three-and-a-half-inch mesh, and it would catch the same fish that that three-and-a-half-inch number-six webbing would catch, and that let the little inshore boats still use their smaller-mesh gear to catch Spanish mackerel and everything else that they caught with that gear.

It's confusing. This year, we had a marine patrol officer wanting to write a ticket for having under three-and-a-half-inch sized mesh. Of course, we explained to him the eleven foot-pounds, and he doesn't know what it is. It's confusing. Nobody has a meter to do it with, and so we thought, rather than have to fight a court battle with the Fish and Wildlife, the best thing to do would be to correct this mesh size now and make it easier to measure and more uniform.

The Spanish mackerel fishery, we now have a quota, and we have trip limits, and so the gear we're using -- We are not trying to make the gear smaller. We are just trying to clarify that the gear we're using now is legal gear, because of the way it was measured, but now we're going to make it measure differently.

What we're proposing, and us the fishermen have gotten together, is we use three-inch and up to catch Spanish mackerel with, three-inch stretch mesh. A three-inch stretch mesh, in 177 or 139, catches a fish that's over a pound. He's about a fifteen to sixteen-inch long fish. The legal length of mackerel is twelve inches, and so we're catching mackerel that are three inches or bigger with a three-inch mesh. What we're proposing is to make it a minimum three-inch mesh size, up to 277 webbing, and, when you go to number-six webbing, make it a three-and-a-half-inch minimum stretch size.

MR. LAKS: Can you just explain to some of these guys about the webbing difference?

MR. ENGLISH: Well, that's my point. The webbing difference is the number-six and up won't stretch, but, when you start getting below number-six, when you go to 277 or 208 or 139, the smaller you go, the more stretch you will have in the webbing. A three-inch net in 139 will catch the same sized fish as a three-and-a-half-inch net in number-six, because the webbing stretches out and lets the bigger fish fit it, and so what we're trying to do is simplify it to where they can measure it.

What we're thinking that we would like to have it worded as is three-inch minimum size net to catch mackerel. The way you measure it is you stretch it until the center knots touch one another, stretch it tight until the center knots touch one another. That way, you don't have to have the eleven foot-pounds of torque, and that go up until you reach 277 or greater. Anything greater than 277 mesh, then it has to be three-and-a-half or larger for Spanish mackerel, and that makes it so - - Because we still have the big rollers down in the Keys, and they don't use them, but we don't want anyone to start using say three-and-a-quarter number-six webbing, because now he'll start catching the real small mackerel.

The guys in the Keys, from what I understand, are plenty comfortable with the three-and-a-half number-six. They would be perfectly content with that, and so I think it would cover everybody. It would make law enforcement simple to understand. All they have to do is pull it taut and measure it, instead of having a meter to try and measure it with, and it doesn't change any gear we're using.

MR. KELLY: Mr. Chairman, I want to address this. Steve, if that is a motion, if you're recommending that as a motion, then I would like to second it.

MR. ENGLISH: **Yes, I would like to make that a motion, if you can figure out what I was saying.**

MR. KELLY: She's doing a pretty good job, I think.

MR. SWANN: Steve English, are all the nets made out of the same material and have the same amount of stretch, or do some use different types of mono that don't stretch as much, or is everything the same?

MR. ENGLISH: The mono is 90 percent the same. One company makes a little different mono than the other. We used to buy webbing from Atlantic Gulf, because it stretched that little bit more than the webbing from Memphis, to stay within the law, but that is just neither here nor there. That's what we're trying to eliminate, is all of that. That's why we want it just to -- Stretch your mesh tight, until the two center knots touch, and now you have got your -- That gives you your measurement, and, like I said, we have been using the three-inch, three-and-an-eighth, and three-and-a-quarter nets. We always use the biggest-sized net we can use to catch the fish that are in the area at the time. The bigger the mesh net -- We carry a three-inch, but we also carry a three-and-a-half on the boat.

If the fish are big enough, we will put the three-inch up and won't use it and use the three-and-a-half, because we're catching the bigger fish, but we need the three-inch, because we target blue runners, and we target ribbonfish and croakers and all the other small species, and so we have to have the three-inch also on the boat, but we catch mackerel with it, too.

MR. SWANN: With a fifty-fish limit, then you're obviously going to use -- If the fish are larger, you've got to go with the larger mesh.

MR. ENGLISH: We're talking Spanish mackerel. These are Spanish mackerel nets, and so we have a 3,500-pound trip limit.

MR. SWANN: That's right. It's a trip limit.

MR. ENGLISH: Yes, it's a trip limit. It's a 3,500-pound trip limit most all year long. In the past, it was unlimited, and so that's why we had all the stricter rules. I would like to say that our fishery has been rebuilding with us using this gear, and so it's not like we're going to be putting any more stress on the fishery, but we just want to clarify that the gear we're using is legal.

MR. PERALTA: From an enforcement perspective, because that seems to be one of the reasons why we're wanting to make this change, would enforcement officials have the ability to make the distinction between 277 and everything else?

MR. ENGLISH: Yes, they would have no problem with that at all, because you can tell the difference in the difference of net sizes pretty easy, once you understand it.

MR. LAKS: I just want to make the point that, the way those fish are graded, there is no incentive for them to go after smaller fish. They want the biggest fish they can get. There is a grade limit on them.

MR. ENGLISH: What I would like to say is our fish houses also don't want anything under a pound. In fact, if you take fish in under a pound, they throw them out. They throw them in a vat, and people use them for bait for the tilefish and everything else, and so we don't like to catch them under the size that we need to catch them, and a pound-fish is a fifteen-inch fish, and the limit is twelve inches, and so you can see that we're not anywhere near approaching the size limit.

MR. ROLLER: This is just a question. I know obviously North Carolina and Florida are very different, but would this apply to fishermen fishing in state waters for Spanish mackerel, because, from what I understand, and, where I fish, a lot of our Spanish mackerel gillnet fisheries are very close to the beach, within three months, and I'm just curious.

MR. ENGLISH: It would if North Carolina adopted the same rules as the feds has, and North Carolina doesn't. They are like Florida on Spanish mackerel. They have their own thing that they go by in North Carolina. I fish North Carolina also, and we mainly fish -- On the beach, we fish three and three-and-an-eighth out there for mackerel, in the 208, but, when we get in the sound, in the summer driftnet fishery, we fish three-and-three-eighths, three-and-a-half, number-six webbing, because that eliminates all of the bycatch, which is the menhaden and stuff like that. We eliminate that by using the real heavy webbing, and it catches the same fish.

MR. LAKS: We have a motion that was seconded by Bill Kelly.

MR. KELLY: Yes, sir.

MR. LAKS: **The motion is to recommend that the council consider changing the mesh size requirements for Spanish mackerel gillnets to be three-inch minimum size mesh measured by stretch until the center knot touches, up to 277. Anything greater than 277 will need to be 3.5-inch minimum mesh size.** Is there any other discussion? I guess we're going to take a vote. **Raise your hands if you're in favor of this motion. It's unanimous. The motion passes.**

DR. MACLAUHLIN: All right. The next item on the agenda for Spanish mackerel is a discussion of commercial Spanish mackerel permits. The federal commercial permit for Spanish mackerel is open access. It's required for the commercial harvest of Spanish mackerel in the Gulf of Mexico, South Atlantic, and Mid-Atlantic. There is just one permit across the board for commercial.

As of January of 2017, there are a little over 1,800 valid permits. The number fluctuates between 1,750 and 1,850, kind of depending on when people are renewing and getting their permits each year, and so pretty much it has stayed about the same over the past few years. It hasn't increased or decreased, really. We have a table in here showing the state or the region, and that's based on the homeport listed for the vessel associated with the permit. You can see how they are distributed, and this is one permit, one commercial permit, for the Gulf, South Atlantic, and Mid-Atlantic.

The council has talked about -- They talked about limited entry for commercial Spanish mackerel in a previous amendment, but they decided not to consider that. They also had talked about looking

at a gillnet endorsement, which we'll get into next, and so the current Gulf Spanish mackerel annual catch limit hasn't been met in several years, and so, right now, the council has decided that they didn't see a reason to cap the number of commercial permit holders.

The Gulf Council is proposing, and they have been for a few years, proposing separating the FMPs so that there wouldn't be a joint plan and there would just be a Gulf plan for Gulf king and Gulf Spanish and Gulf cobia. Then there would be a plan for the Atlantic side separately that the South Atlantic would do, but the South Atlantic didn't want to move forward with that, and so it was discontinued in 2015. Maybe it will come up again.

We just want you -- This was a suggested agenda item, and so we will let you guys have that discussion about limited entry for the Spanish mackerel commercial permit, and we also have the gillnet endorsement that we can talk about. Do you want me to go over the gillnet endorsement background and then you can talk about them, because they kind of go together?

MR. ENGLISH: Yes.

DR. MACLAUHLIN: Okay. The councils also had talked about a Spanish mackerel gillnet endorsement in a previous amendment, and they decided to remove the action from the amendment. We have had a couple of these come up. There was a lack of support in the public, and there was concern about fishermen in areas where Spanish mackerel are not there every year, and so, if there was some kind of landings criteria, they may not be able to meet those landings criteria, even though that's a fishery they participate in. It may just not be every year.

Also, if the federal commercial Spanish mackerel permit is open access, it was going to be challenging to kind of figure out any kind of landings qualifier to a specific permit holder, and so there may be some people who should qualify, but they don't currently have a commercial Spanish mackerel permit or something like that, and so these two kind of go together.

I am not sure if there was some kind of gillnet endorsement -- It could be for a specific area. If you want to harvest Spanish mackerel in a certain area with a gillnet, you would have to have that endorsement. We have something like that with Gulf king mackerel, and then I'm not really sure if you could do that with the federal commercial permit for Spanish mackerel being open access. I think maybe you could, but it may be something that you want to consider capping or limited entry.

MR. ENGLISH: Once again, this was brought up by our fishermen in our area. We tried to do this ten years ago, because we saw what was coming, and we met resistance from the fish houses and stuff on it. In our area, our mackerel fall in during December, and we fish on them until March. In December, when the mackerel fall in, the first week, there is the normal twenty guys that are commercial fishermen in the area that go out and target the mackerel.

The second day after they catch them, there's a hundred boats out there. All the guys take off work and come out and jump in the fishery part-time, and they immediately drive the price down, and it's a free-for-all out there for two months or three months, and then they slowly weed out. Then, at the end of the season, there will be the thirty or forty professional boats still left that fish the end of the season.

In the State of Florida, all you need is a fifty-dollar license from the State of Florida to go catch Spanish mackerel commercially. Our thought has been, all along, and still is, that, if we have a federal fishery, which is Spanish mackerel, and we have a quota on the fishery, and we have trip limits on the fishery, so that we've capped the number of fish that can be caught, and we've capped the number that you can land at any one time, and why wouldn't it be prudent to have limited access on those permits? Why would they be open access permits when you have a finite amount of fish that you can catch?

You don't want 5,000 boats trying to catch a limited number of fish. You want -- In our fishery, if you're a fisherman, you see that it's maxed out, the number of boats that can participate in that fishery with any sense of well-being for everybody, and so it just stands to reason that it ought to be a limited-entry thing. Once you did that, if you put limited entry on the permit, then you could go to your gillnet endorsement and you could limit the number of gillnet fishermen that are in it, so that you don't get a hundred gillnet fishermen trying to fish a little-old-bitty area with gillnets.

That could get out of hand, and so we're trying to head that off before it becomes a problem, and so that's why we have proposed what we have done, and this is on the east coast down in Florida, in our area, but it should work everywhere else, too. I fish North Carolina also, which frankly doesn't have this problem, because it's such a big area, but it could get overdone too with the gillnet fishermen.

If they close one fishery, everybody is going to get into what's left, and so, eventually, you're going to have too many doing that too, and so we just think it would be prudent to have a limited-access permit for Spanish mackerel, since you have a quota system, and so that's the thought behind it.

MR. PERALTA: I have a couple of questions. Did I hear correctly earlier that the ACL in the Gulf has not been exceeded for several seasons?

DR. MACLAUHLIN: Yes, and so the Gulf Spanish mackerel is managed as a stock ACL, and so the commercial and recreational landings count towards that ACL. They don't have allocations like we have on the Atlantic side, and, no, they haven't met their ACL. They, I think, were considering -- They may have raised their bag limit for recreational, but, in general, yes, they are below their ACL.

MR. PERALTA: Is the same also true for the Atlantic?

DR. MACLAUHLIN: The commercial Atlantic Spanish mackerel does reach its ACL. I think they get close to it, but I don't think you have closed.

MR. ENGLISH: We're close to it every year, and we have gone to the 500 pounds.

DR. MACLAUHLIN: That's right. On the Atlantic side, the commercial Spanish mackerel is divided into the Southern Zone and the Northern Zone, with the boundary at the South Carolina/North Carolina line, and so South Carolina, Georgia, and Florida, all the way through to the council boundary in the Florida Keys, all of that counts towards the Atlantic Southern Zone commercial quota.

They also have a trip limit system in place where there is a step-down in place, so that, when they get close to their ACL, it will slow it down, so that they can slow down without going over the ACL, but still have an opportunity to get there, and they do usually get very close or just a little bit over. The recreational, I don't think reaches its ACL for Spanish.

MR. KELLY: Our experiences differ quite sharply with Mr. English's, southwest Florida compared to the northeastern quadrants there. State waters in Florida extend for nine miles on the Gulf side. The majority of the Spanish mackerel are within that nine-mile range, which makes them off limits to commercial harvest by net. It's estimated that there is probably approximately five-million pounds of Spanish mackerel that are dying each year in the Gulf of Mexico simply from old age.

I don't think we will ever see the numbers exceed an ACL without the allowance of gillnets within state waters on the Gulf side. Our fishermen are very much concerned about limiting effort in that regard, because we're not anywhere near the ACL, and we won't be as long as that net ban exists in the State of Florida.

MR. LAKS: I will say one thing about the fishery that Steve fishes in off the east coast of Florida. For some people who aren't familiar with it, there is also a cast net fishery, which I know, if you haven't seen it, it's a little difficult to fathom, but some of the problems with people just jumping into it is it's also an environmental problem. They are not proficient enough at it, and they lose a lot of nets, and they are hard on the environment, where the professional fishermen can't afford to lose nets, and they've been there and done that. It's a little bit of a different fishery.

MR. HARTIG: I fish extensively in this fishery. After 1995, the net ban, I was the only hook-and-line fisherman to actually participate in that fishery in the area of the whole. I was there all by myself, fishing in my own private Idaho, for almost two years before the fishery ramped back up. I mean, I loved to catch Spanish as a kid. I grew up as a recreational fisherman, and I loved to target Spanish.

We had a bridge down there in Riviera Beach where we used to catch them every winter, but, to bring another perspective to this, in the wintertime, both king and Spanish go into their overwintering schools. It's much different and much more concentrated than they are at any other time of the year in the entire South Atlantic, and you all in North Carolina and Virginia see these animals as well, and they're not in these big tight schools, where they actually overwinter.

We have set up some trip limits and things to try and be careful, to know that we have unbridled access to that animal, better than any other area of the South Atlantic, but, having said that, we haven't done anything to limit the effort that comes and goes in that fishery, and, in both king and Spanish, the effort drives with year-class strength. If you get a strong year class in the Spanish mackerel fishery, the cast-net fishery, which primarily catches smaller animals, expands tremendously.

When we have good availability of the small fish, like we did this last year, and there is a huge year class that entered the fishery, we have a lot more cast-net effort, and a lot of that cast-net effort targets those smaller fish, and so it's a balancing act in trying to allow some of these smaller fish to get big, so we continue to have big fish in the population, which is not a problem now. The

stock, over time, since the net ban, has reached an equilibrium, at least as far as sizes are concerned. We have good numbers of fish from eight pounds all the way down in the stock.

Before, we didn't have that many large animals, when the net fishery was in its heyday, but, now, the stock has reached equilibrium. Even with a fishery occurring, it has reached an equilibrium, where all the size ranges are pretty well represented, which is pretty interesting, but still the main problem is we have these people that can get into the fishery at any time with an open-access fishery and take advantage of a huge year class, which, in some years, you may want to protect somewhat when they're in their overwintering condition.

You may not want to take quite as many fish out, and, if you actually limit it to the professional people who have done it over the years and have landings and things of that nature, it would be much more, quote, sustainable, although it's sustainable now, and I will tell you that flat out, even when you have people that come in from the cast-net fishery. It's still a sustainable fishery, although the number of fish in a population decline, and there are impacts farther up the coast.

If we take X amount out, those are fish that you don't have access to for the rest of the summer, spring and summer, when you guys get to fish those fish, and so that's one problem of access that I have been -- I have heard from a number of people, up and down the coast, that we just don't see Spanish like we used to, and we do in Florida, due to the fact that we see most of the stock that comes into that overwintering area off of Salerno there. We have been blessed that they favor that area to come to every winter, and so we get a snapshot, to some degree, of what's in the stock during the wintertime.

To me, I have always asked for a limited access in this stock, and I haven't got very far. North Carolina was against it, because they did not want to have their fishermen have to have a federal permit, and I understand that, and now we've got a Northern Zone, which is essentially a commercial allocation and recreational allocation for North Carolina, and we have a Southern Zone, which does essentially the same to Florida, and those are the two areas where most of the fish are produced.

I would like the council to try and find some way to limit the number of permits in the Spanish mackerel fishery. It's not easy. It's complicated. We have one permit for both the Gulf and the South Atlantic now, and you would have to look at those two permits. Maybe now that we have the sub-zone allocations, you might possibly be able to get Florida to be able to have their own limited effort in Florida, and just because of the number of people in Florida.

I mean, there's just lots and lots of people in Florida, and you can have -- Just because of the number of people, more people can jump into that fishery, and we see it in king mackerel and Spanish mackerel on a regular basis. In order to have a fishery that is equitable and accessible to all, I think we really need to limit that fishery in Florida, at least to some degree, and so it's complicated. We have tried to do it before. If this goes forward, we'll have the conversation again at the council, and we'll have to get with legal to figure out what we can and can't do, with the new sub-zones and things, and if we can do things in Florida.

Our other option is, and we haven't talked about it, is for us to go to the state. Now that we have our own sub-zone, and most of the fish are caught in Florida, we could approach the state and ask for a limited-access program. How far we get with that and how amicable they are about even

entertaining it, I don't know, but that is another option, and so I would like to see the council revisit this again. I think it's appropriate, and especially since North Carolina possibly wouldn't have to do what they haven't wanted to do over the years, and so that's my two-cents.

MR. KELLY: Ben, before you leave there, I would like your thoughts regarding this point of view. In this action, can we recommend a limited access on the Atlantic side and not on the Gulf side?

MR. HARTIG: Yes, absolutely. We could structure this so it's only, I think, to the Southern Sub-Zone. I think we could do it even that specific. I don't know if Kari would agree or not, but I think you could probably just to the Southern Sub-Zone. I don't want to get into the Gulf. I don't want to impact the Gulf.

The assessment raised their allocation to twelve-million pounds for that Spanish mackerel fishery, and they can't fish, essentially. They can't interact with the animals, because they're in state waters ninety-something percent of the time, and so what you said is correct about there is a number of Spanish mackerel that go unharvested and die of old age because of the regulations that are in place now and the length of the boundary for the state waters on the west side. Mackerel, and Spanish in particular, tend to stay within that nine-mile boundary, and commercial net fishermen don't have access to that stock, except at extreme times, and so I don't want to do anything that would impact the Gulf.

MR. KELLY: Right, and so clearly there is a very disparate set of circumstances on both sides of the State of Florida, and possibly we need to entertain a motion that would set the stage for the council exploring limited access on the South Atlantic, but not on the Gulf, correct?

DR. MACLAUHLIN: I want to be clear about what you -- Are you talking about the commercial permit or like a gear-specific or area-specific type of endorsement?

MR. KELLY: Both the permitting and the gillnet endorsement.

DR. MACLAUHLIN: Right now, because there is just the one federal commercial permit that goes from Texas all the way to New York, and to do limited entry you would have to recommend that the council look into creating two separate Spanish mackerel commercial permits, and, in that way, one for the Gulf, to harvest in the Gulf for commercial, and then the Gulf could -- Well, right now, the councils would have a joint plan, but they would make that decision. Then the other would be for the Atlantic, for the South Atlantic and Mid-Atlantic, and then possibly that could be a limited-entry, limited-access type of permit. If you wanted to do something where it was different for the Gulf and the Atlantic, then you would have to split the permit.

MR. ENGLISH: I have one question, and maybe you can answer this for me, Kari. If we did a limited access on the permit, we've got 1,750 permits now, and, for some reason, somehow, we looked up in the future and we said that we could use 200 more boats in the Gulf catching these Spanish mackerel, could the council then say that we're going to open up permits for 200 permits and we're receiving applications for those permits? If you did a limited access, could you increase the number of permits in the future, just by action of the council?

DR. MACLAUHLIN: Yes, and, actually, if the council decided they wanted to look into some kind of limited-entry permit, they could also, to build in some flexibility, you could ask them to - They have to review it every two or three or five years or something, and see if there is any room for growth in the fishery.

You could set a minimum number of permits, so if the number of permits goes down over time, because it's limited entry, and, as people exit the fishery, if they don't renew or something, when it gets to a certain number, then the council would create a pool or something for new entrants for X number of new permits, so that it never got below a certain point, or there was a trigger where it would bounce back up. There are lots of ways to do that, to set up a limited entry and to address concerns like that, but the biggest one right now, if you're talking about limited entry for the Spanish mackerel commercial permit, would be that it would apply to the Gulf and all the way through the Atlantic.

MR. ENGLISH: That is why I was trying to address that, Bill. If the people in the Keys are concerned that, at some point, they would need a permit, they would be available. That's what I am trying to say. If your fishery changed and all of a sudden the state, for some reason, which we know is not going to happen, came in and said, hey, you can come within a mile of the state with gillnets and catch Spanish mackerel, because there is so many of them, at that point we could ask for the council to -- If there weren't enough permits available, to give permits to those who needed them, because you have a new fishery. That would be the only scenario I would see where you would need them, but I may be wrong.

MR. LAKS: I am not quite sure I am clear on that, because I think, if it was still the same permit, you couldn't give the same permit just say to people on the Gulf. If you didn't separate the permits, you couldn't offer permits through a specific area of people. If you're reopening those permits, it would be just the permit for everything, as it is now. It would almost have to be separated, so they can have an open Gulf permit, because, if it stayed one permit and you offer new permits, there is no way to govern where that effort would go. Do you follow what I'm saying? You can't just say, okay, these permits are only going to people off of Naples. That is the way I would interpret it.

MR. ENGLISH: I probably agree with that, but what I'm getting at is there would be a way to do it if you had to, but the scenario that I just gave you would be the only one that I would foresee as why, and we know that's probably never going to happen, and so it's just -- I am just saying, if there was a need for them, there would be a way to provide them.

MR. ELLIS: This is just a cure my ignorance question. Is there a time limit or a timeframe on the commercial permits that you have to obtain for Spanish mackerel? I mean, is it a lifelong permit, or do you have to renew it every year or how does that work?

MR. LAKS: Every year you have to renew, and there are some qualifications, as far as reporting and stuff, in order for you to get that permit. You have to follow the rules of reporting and things, but it's a yearly permit.

MR. ELLIS: Would it make any sense then, if you wanted to make it limited, to then -- I mean, I know this ain't going to come off well, but to increase the dollar amount of obtain that permit, to

deter Joe Amateur from just saying, hey, I want to go get a permit? I mean, I know that pops your wallet right off the bat, but it would be a deterrent.

MR. ENGLISH: We have had that in the past, and they did away with it. We used to have an income qualifier, and that's gone. They did away with that.

MR. GRIMES: You could have an income qualifier, but the Magnuson Act prevents us from charging more than the administrative costs of issuing a permit.

MR. LAKS: The point of going to a limited access would be that their inherent value would go up, because they wouldn't be issuing any new ones, and so, in effect, you would not be allowing new permits to come into the fishery, and so the market value would set it and not an arbitrary value.

MR. KELLY: Mr. Chairman, I understand, again, the issue they're having in northeast Florida and north of that, but it's just totally disparate to what our experience is in southwest Florida. Spanish mackerel, in our neck of the woods, are actually an underutilized species. I am just at a loss of words, which is amazing for me, to determine the appropriate wording for a motion that would satisfy Mr. English's needs and stakeholders in that area without restricting effort on our part in the southwest Florida, where, again, we're leaving millions of pounds of fish out there unharvested.

DR. MACLAUHLIN: One thing that the AP, that you all could do, if you wanted to recommend that the council look into something, is that -- What it seems like is that this is a pretty area-specific situation, in that other areas, the Gulf and including the rest of the Atlantic side, are not experiencing the same situation, and maybe that would come up at some point, but that you would -- I mean, there are ways to make it clear to the council that there is an issue with effort and that they may want to consider some way to limit effort, or at least cap effort, in that area of Florida with the Spanish mackerel gillnet fishery.

We could look at that and identify that this is a problem, limiting entry in some way through an area-specific endorsement or something like that, so that you're not really changing the Spanish mackerel commercial permit. That will stay the same, but you also have to have this endorsement, if you want to fish in this area with gillnet gear. They could consider something like that, or we could also think of other ways that you could limit or cap effort in that area, but that's what I would suggest, that if you want to make a motion for a recommendation for the council to look at that, but only for that area, because of the other concerns that you guys have talked about.

MR. LAKS: I have one question, either for Kari or for Shep. Can you do an endorsement, an area endorsement, on an open-access permit?

MR. GRIMES: I don't see why not. You're talking about an endorsement, a limited-access endorsement, to an open-access permit. It's a limited-access permit, however you want to look at it, the endorsement part of it would be, but I think you could do it. I presume you could, but it's just developing the record for it.

Another thing that I mentioned to Ben, off the record there, is the Magnuson Act, Section 303(b)(6), allows you to limit access to a fishery in order to obtain optimum yield, and so limited

access is addressing overcapacity. If you haven't been achieving optimum yield, however that is defined, then how do you justify limiting access to the fishery?

Now, I am not saying that you haven't been in this, and it also may depend on how you break up that optimum yield. If you had zones, if you had optimum yield that is from Texas to Virginia or whatever, and you have sub-zones and sub-annual catch limits within that optimum yield, could you limit access to just a component of that, and I've never dealt with that before, but I am just thinking, because the statute is clear that it's tied to optimum yield.

DR. MACLAUHLIN: One more thing just to think about and if you want to give some recommendations to the council, along with any other recommendation, is that the council did look at this exact thing, a Spanish mackerel gillnet endorsement, on an open-access Spanish mackerel commercial permit, and one of the issues that came up is, because they're open access, they don't have a number assigned to them, and so there are no landings that are associated with a permit. They're only going to be associated with a vessel.

I think you would have to really think about how you want to -- If you wanted to set up some kind of landings criteria to receive a gillnet endorsement, some issues with that or how you would want to set that up, and you maybe don't want to do that, get into that, now.

That may be something that the council could just explore if they want to look into this, but that did come up last time, that it will be potentially more challenging, on the administrative side, for NMFS to figure out how to see who qualifies for something like that without having a limited entry for the Spanish mackerel permit, but I think that it probably could be done. There doesn't seem to be anything that says that you can't put an endorsement on an open-access permit. You would just need those two things for that area with that gear.

MR. ENGLISH: That becomes a challenge. I still think, with a limited-access permit, it would be much easier to get a gillnet endorsement. I think that, if you did limited-access permits, that it would put a value on the permit. It's just like kingfish. Anybody that wants to get into the fishery can purchase a permit. They're available, and it would be the same way with Spanish mackerel.

If you had a new boat and wanted to come into the fishery, he could purchase a permit. Somebody would have one for sale, and so, by doing limited access, we're not saying that people can't get into the fishery, but we're just saying that you can't spend fifty-bucks for a state license and go get in your recreational boat and go out there and get into the commercial sector and drive their prices down during the winter.

I will be honest with you that that's one of my -- One of our -- I say my, but I am talking for the fishermen on the east coast. This is one of our main points, is you get too many people in it and it becomes an aggravating fishery, because there is so many people. The fish get harder to catch, and it drives the price down. Even though each boat can catch fewer fish, there are so many more boats that the poundages are being caught more than what a few boats could produce, because there are so many boats, but the boats that used to produce 3,500 pounds in a day can now only produce 1,500 on a good day, and so that's why I say that limited entry would be very beneficial to the fishermen too, and that's the reason we want to do it.

The argument before with limited entry, back ten or twelve years ago, from -- We got blowback from the fish houses, because they were afraid there wouldn't be enough boats into it to where the price would be -- We could control the price if there weren't enough boats in it. We could keep the prices high and not go fishing if the price was low, and that's not the case now, and so that's part of our reasoning too, and I will be honest with you.

MR. LAKS: Greg, I just want to say one thing, and then I will go to you. To Steve's point, it's hard to be in a fishery where you have no idea of what the competition is going to be year after year and the effort that changes, and that's for any business. I am sure those of you who are in business, when you can't plan for your future, it makes things difficult.

MR. PERALTA: I am struggling with this, in that I think we're all here in the capacity of fishery management, and it strikes me that a lot of this discussion revolves around price management, and so somebody needs to kind of help me reconcile.

MR. ENGLISH: That's why I was hesitant to bring that up, because now everybody thinks that it's about price, but it's not. It's not. We have a fishery that has X amount of pounds that can be caught out of that fishery and that's all. Why would you let a fishery with X amount of pounds that can be caught be open to 10,000 boats? Why would you do that?

It would seem to me, since it's a commercial fishery -- Anything commercial, where you're making a living at it, that you would have to look at that as though what are the economics of it too, and is it economically acceptable to have the people that have put their lives and everything into the fishery to be inundated with people who just come out of the woodwork? I mean, that's kind of what we're trying to control. It just seems to me like it's just common sense that if you've got a finite amount of fish that you would have a finite amount of fishermen that could catch it, and that's just my observation.

MR. LAKS: Greg, you're right that part of a commercial fishery is economics. I mean, it's a business. You have to be able to sustain yourself to stay in business, and it's not for pure fun. There is a price point to it that you have to be able to maintain to stay in business.

MR. HERRERA: Greg, to just make sense, and this isn't my quote, but it's a limited resource, and you just can't have unlimited access to a limited resource. There has to be X amount of users in it, and, as it is, there is quite a few in the Spanish mackerel, and so that's all.

MR. SWANN: A question for you, Kari. Does having a limited access improve your data, compared to what you have now?

DR. MACLAUHLIN: Because this is a commercial fishery and there are reporting requirements, logbook requirements, because it's federal, and then you also now, with the new dealer requirements that you have to sell to a federal dealer, and those are reported weekly, and so the data are good. It's not so much a data issue.

MR. SWANN: So this a data-neutral decision then?

DR. MACLAUHLIN: Yes, it probably wouldn't change anything.

MR. ENGLISH: Let me point this out to you. Right now, I have a federal permit to catch Spanish mackerel. When I come to the dock, I weigh my fish up, and I have to fill out and put my logbook number, my trip ticket number, on that slip. The guy next to me, who has a state recreational license, or a state fifty-dollar commercial license, pulls up and has the same poundage of fish and weighs them up and does not fill out a federal trip ticket for those fish.

I am required to do all kinds of reporting, and that guy catching the same fish is not, and it seems to me like, if you had a limited access permit, then everybody would have the permit. It would go in just like all federal does, and it will be accounted for that day. Just like our South Carolina man was telling you, sometimes they're a month behind, the state reporting, and so it would make better reporting if everybody had to have a mackerel permit to weigh up mackerel. It would make for much, much better reporting, much timelier reporting.

MR. LAKS: Do we want to craft a statement or a motion? Do you want to make a motion, Steve?

MR. ENGLISH: I will make the motion, but I don't know if it will go anywhere. **I will make a motion that Spanish mackerel permits be limited access instead of open access.**

MR. LAKS: Is there a second to that? It's seconded by Manny Herrera.

MR. KELLY: Mr. Chairman, I am understanding their problem, and I recognize the need for some relief for those stakeholders in that area. With regard to this motion, I would like to maybe possibly amend it, or at least have Mr. English consider this, and that's recommend that the council examine the potential of a limited access privilege program in the Spanish mackerel commercial fishery in the South Atlantic based on control dates and landings that we could determine in additional discussion here.

Let's see. **Recommend that the council examine the potential limited access for the Spanish mackerel commercial fishery in the South Atlantic based on control dates and landings.** What I think that we need to do is we need to be able to gauge what sort of impact that's going to have, and we need additional information before we can make a vote on that, a final recommendation. We need more data, or I do anyway.

MR. LAKS: Steve, are you good with that language?

MR. ENGLISH: **That's better than nothing.**

MR. LAKS: Is there any other comment?

MR. BLOW: I understand that it gets the ball rolling for what you want to do, Steve, and is that right?

MR. ENGLISH: Yes, it will get the conversation started again, and we need to restart the conversation. What my fear is -- Here is what I don't want to happen out of this. I don't want a separation of the Gulf and Atlantic permits, because we fought that, and we finally got that battle won on the kingfish end, and I don't want that battle to have to start again, because that's a battle between east coast and west coast, and we don't want that to happen, because a permit is a permit.

You should be able to go fishing wherever that permit is for, and so I hope that doesn't come out of it.

MR. LAKS: The motion on the board is to recommend that the council examine a potential limited access for the Spanish mackerel commercial fishery in the South Atlantic based on control dates and/or landings. All those in favor, raise your hand, eleven in favor; all those opposed; abstentions, two. The motion passes.

DR. MACLAUHLIN: Moving on to king mackerel, the first item under king mackerel is addressing latent effort and permits in the king mackerel commercial fishery. Again, like Spanish mackerel, there is one federal commercial permit for king mackerel that applies to the Gulf and the South Atlantic and Mid-Atlantic. It's limited entry. As of January 2017, there were 1,300 valid permits. Sometimes that can go up to as many as 1,400, just depending on who has renewed and when we pull the data. These are basically the fishable permits, where somebody is up to date on all their fees and everything, but there may be some that are valid to renew as well in there.

Then the state and region in this table that we have here, and this is associated with the homeport that is listed, so that you can see the breakdown here. A majority of those -- This should say "king mackerel". Sorry about that. A majority of them, about 500 of them, are on the Florida east coast, not including the Florida Keys, and so everybody can see that I have an error here. It should be king mackerel commercial permits.

The council has looked at this before. They talked about it in CMP Amendment 20A, and we took that out to hearings and everything. They were going to use a landings qualifier, and so, if you didn't have a certain minimum level of landings, then you would not receive the -- You would not get to keep your king mackerel permit, and so this was to remove anybody who had below a minimum level of landings.

We went on the road for public hearings, and, in the Gulf, especially in North Carolina and on the Gulf side, there was -- The public comment opposed removing any of the king mackerel commercial permits, and so the councils decided not to move forward with that action, and so, in Attachment 7 in your briefing book, I had included the actions and alternatives that the council had looked at before with all the different potential landings requirements that they would have.

You would only be able to keep your king mackerel permit if you had average landings meeting the qualifications here, and so we had a specified time period, 2002 through 2011, and then an annual average of 500 and 1,000, or at least one year with at least 500 or 1,000. Then we also had that you could transfer them, but only to immediate family members or to another vessel owned by the same entity. Then we had the same qualifications.

Then there was also an alternative in there for the two-for-one permit reduction, like we have for the snapper grouper commercial unlimited permits, where you have to purchase two snapper grouper commercial unlimited permits to get the one permit, and so it would allow for a reduction of permits over time. In the end, the councils decided to go with no action on this, on this alternative, and so this was requested to be added to your agenda to discuss, again, and so I will let you guys talk about that.

MR. LAKS: Guys, I'm going to give you a little bit of my thoughts on it, and I'm sure Gary and Manny and Bill and Steve are going to chime in, but, especially on the east coast of Florida, the fishermen have really wanted a two-for-one permit for years. They just feel that there is a large amount of permits that float around, and, when fishing gets good, similar to what they were talking about with Spanish mackerel, people just jump into the fishery, and there is no real professionalism in it, where people are in and out. The permits are not that much money right now to get into one. You literally see everything from Yellowfins with triple outboards to Carolina skiffs that are eighteen-foot entering this fishery.

The two-for-one was something that was brought up. That was something the council didn't really want to go for. We thought that would be a way to weed out some of the permits, or at least make people serious about getting in the fishery, to have a commitment.

Another alternative that we've been discussing is, since we know the council doesn't want to remove permits from anybody, is making a subset of non-transferable permits, where you still get to keep your permit and fish, but you just wouldn't be able to transfer it. It would stay with you and nobody would take anything from you. You would be able to fish, and that would address people feeling like they had something removed from them, but it would make a solid core of those amount of fishermen, whatever landings were decided, who were in the fishery to be able to transfer those permits and fulfill the needs of the fish houses and everything.

This morning, I just got a call from a very respected fisherman who has been involved with this process, and he gave me the idea that he had, which was for having the ability to have a Class 2 permit, which would allow the industry to clean up some of these latent permits by themselves. What his idea for a Class 2 permit would be, it would be that you can purchase a permit while you already have one and have it on your boat. That permit would allow that boat to catch two limits.

Anybody who doesn't want to sell their permit doesn't have to. They are still going to be transferable, but it's going to allow those people who are basically in the fishery to be able to, on that one good day -- Most of the king mackerel fisheries, you're not going to catch a double limit in one day, but, the one day that you might, it's going to help those guys, and, also, it will clean up some of the latent effort, or latent permits, that are out there, because there will be more of a demand from the hardcore fishermen that want to buy those permits. If they can buy a permit and have more access to the fish and put it on their boat, there will be more permits moving, and so I'm going to let you guys discuss that.

MR. GORHAM: What is the likelihood that -- So they would be able to have double the trip limit?

MR. LAKS: Correct.

MR. GORHAM: That would be for a permit that would otherwise not be in use?

MR. LAKS: Correct. Well, I shouldn't say correct. You don't know what that permit would be. I mean, if they wanted to buy Steve out or Gary out, that's a permit that was in use, and it just want to make it clear that it is not that easy to double up. It would be -- The sun is only up and there's only enough time in a day, but it's more or less having a little more access on the days where it is good and also being able to clean up, as an industry, some of those permits that are out there for the guys who rely on it.

MR. GORHAM: That was going to be my next question, what is the likelihood.

MR. KELLY: I can see again where we may have dramatic differences in what is occurring on the Atlantic side of Florida and the Gulf side. We have repeatedly voted against any elimination of latent permits in the hook-and-line fishery in the Gulf of Mexico and southwest Florida because, in part, our guys in this Southern Sub-Zone, where this fishery originated, have a 1,250-pound trip limit.

You've got to bear in mind that they're running forty or fifty-foot boats that are used in multispecies fisheries and so forth, and they're running anywhere from forty to eighty miles to catch those fish. At 1,250 pounds a trip, you can't do that. There are fishermen, for example, and one of them is sitting right next to me, a yellowtail snapper fisherman, that experiences a fairly decent return on kingfish as bycatch, but, for those hook-and-line permit holders, at 1,250-pound trip limits, they can't make any money, while we look to our neighbors to the north, in both the Gulf and South Atlantic, with 3,000-pound trip limits.

For some reason, if you would catch one more pound than 1,250 a day in Monroe County, Florida, and the Keys, it would destroy the price. We haven't figured out why yet, and we haven't really been given a good explanation, but supposedly it would tank the price. Some of the neighbors off the mainland that fish under that same 1,250-pound trip limit, they are ten to fifteen miles away from those fish, and so they can double and triple-trip it, but that does nothing to affect the price whatsoever.

What became more perplexing is that, several years ago, we asked both the Gulf and South Atlantic Councils, under a joint amendment, to just give us 2,000-pound trip limits, so that we had a fuel adjustment there to cover the cost of travel. It was approved by the South Atlantic's AP, and it was approved by the South Atlantic's Mackerel Committee, and the same thing in the Gulf, by their AP and by their Mackerel Committee, and then, suddenly, it was voted down by the South Atlantic Council, in a full session, and then, in Boca Raton, the Gulf Council followed suit. I don't have a good explanation for that either, but here we are at 1,250 pounds, and we see no reason to restrict those guys that have latent permits because they simply can't afford to exercise their option to go fishing.

MR. LAKS: Bill, to that, I would say the idea of being able to put another permit, or a Class 2 permit on, to have more fish would be a helpful thing to them. If they can spend the money to purchase a permit, and whether you make a Class 2 permit 500 pounds or a double limit or however that worked out, they would have that ability.

For the guys on the east coast, when you talk about 1,250 pounds and you talk about 3,000 pounds, when you get through most of the east coast of Florida, you're talking about fifty and seventy-five fish. It's a totally different fishery. There is guys that fish for fifty fish, and, if they can have another permit onboard and catch a hundred fish, there is very few days they're going to do that, but, the days they can, it would really, really help them out.

MR. KELLY: Mr. Chairman, in response to that, we're looking at a thirty-year rebuilding program on king mackerel. They're virtually everywhere. It's one of the most successful rebuilding

programs that has ever taken place under the National Marine Fisheries Service. Thirty years' worth.

In the Gulf of Mexico, we have a recreational fishery that has a six-million-pound-a-year allocation that they're fishing three-million. They're leaving three-million pounds a year out there, and they have for over ten years. With thirty-million pounds left out there, the reductions in harvest and stuff that have taken place on the commercial side, and we had a stock assessment recently that wants -- Even though they said that kingfish are in relatively good shape, they want to reduce the ACLs over the next four years, because there is too many old fish out there. There is not enough new recruitment.

Now, the only way I know how to take care of all those old fish out there would be to go overfish them, and our experience in the Southern Sub-Zone is we have a very robust gillnet fishery. We prosecute 558,000 pounds of fish in as little as seventy-two hours. Our spotter planes see acres and acres of fish, probably ten times that amount up there, and those fish will all swim over to Mexico, and they're probably on their way right now. As soon as they get caught over there, then they're going to sell them back to the United States.

To be leaving the volume of fish unharvested that we are and not be able to simply increase trip limits for someone, to put us on a parity with everyone else, why should our stakeholders have to go buy another license and pay an additional fee when, with the stroke of a pen, we could give them a trip limit that's commensurate with everybody else in the business?

MR. ENGLISH: We have fought, our east coast -- I hesitate to say this, because it was a stir last time, but I am still going to say it. We're in the commercial fishing business. We're in it to make money. That's what we're in it for. It's all about finance. That's what it's about, and so anything we do revolves around what you make commercial fishing, and so that's what we're discussing here.

We went to the fifty-head and seventy-five-head limits, and one reason we did that was for price, so that the price didn't go down below what it should and you could get a decent price for your fish. You would maintain a decent price, and you would maintain a decent -- A level of production that would last all year long, and we fought hard to get it to that, and we're pretty close on that with what we've got now, but things change.

When we changed that boundary from the Keys, from around the Keys and back to Miami, and we reallocated those fish to the Keys and some to the east coast, the southwest quota immediately went up, and plus there was more fish, and so that quota went up even more. From what I gather, it's going up a lot more this year.

What that does, is now the southwest region -- The regions would produce fish in the amounts and shut down and then the next region would produce fish and shut down. That is not happening. Now the regions are overlapping, and so you have production coming off the southwest coast and the east coast at the same time now, and so now you have a lot more production in a shorter timeframe, which reduces the price.

The east coast fishermen go fishing for fifty head, and, at that time of year, it averages about 400 pounds of fish per trip. The southwest coast produces 1,250 pounds on that same trip, but, by

producing those fish together, the price goes from \$3.00 a pound to \$1.80 a pound, and so you're making a lot less money for your fishing effort. Now we're going to increase that even more next year, and so that's going to have an impact.

What I am saying is maybe we need to rethink this and now, since we're getting more fish, instead of trying to get a maximum dollar for what we are catching, let's look at it from another perspective and say we need to catch more for less to make the same money. If we need to do that, then just what Ira said, to me, makes all the sense in the world. If you've got two permits, you catch double the fish. Now you're catching volume for less money, and that's what you're relying on, rather than top price for less fish, if that makes any sense.

MR. HERRERA: Ira, that's a new idea thrown around that you just hit me with, and it's got me thinking, because I own three permits, yet I can only go and catch one limit. Of course, one permit is on my brother's boat, and another permit is in a set of permits that really has fished, but isn't fishing currently right now. For me, this automatically makes me able to -- If I can transfer one of those permits to my boat, I can quickly go and catch 2,500, and now that makes sense to go out there and fish for that, and so you might want to throw this by the guys that you're representing and think about it, because it's interesting, I will say that.

MR. ROBINSON: I don't know if you're encouraging all the millionaires down there in the springtime, with all the fish that are getting eaten by sharks and how hard it is to catch a seventy-five-head limit in the spring in Jupiter, if you're just encouraging them guys, with three guys on the boat, or four guys, with three motors on the back to go -- They're definitely going to buy another one, because it's almost getting to where a lot of those guys aren't coming out, because the spring run is so short. That's my only issue, is the double limits in that neck of the woods. Maybe an extra permit is an extra twenty-five head or something. Maybe it's not a full, because there's just too much sharks eating fish down there.

MR. LAKS: I agree with you, Gary, and probably -- He called me this morning, and I might not have represented it perfectly. It wasn't necessarily a double limit, but it would be able to catch more fish. Those things can be worked out, and options can be given, whether we do a double limit or a quarter limit or a half limit or whatever, but it's just an opportunity for permits that are out there not being used to be used and produce fish, and however many fish or percentage of pounds that you can catch more is something that can go further and be discussed. It's just something to think about.

MR. ROBINSON: Just whatever it takes to get the latent permits off the table, whatever it takes.

MR. SWANN: Since this discussion is ultimately about latent permits, I am not sure I understand, if it's really an economic issue, why are you all waiting on the federal government to change the rules when you all can buy these permits up?

MR. LAKS: I will answer that. It's because you can't put two permits on one boat. You have to buy another boat to actually buy the permit. If the industry can buy the permits without having a boat, it would probably have been done, but you have to have a boat to actually get the permit.

MR. SWANN: That corrects my ignorance there, and so that would still require a rule change.

MR. LAKS: Yes.

MR. SWANN: Got you. Thanks.

MR. ENGLISH: That there is the whole point. If you were to put two permits on one boat, so you could catch more fish, that would then become one permit, and that would be how you would get rid of the latent permits. In other words, I own two permits. I have two boats with permits on them. I would have to then think, do I want to combine those two permits for the one vessel and catch X amount more on that one vessel and not have it on the other vessel, but now that -- Those two permits become one permit. If you don't do that, you're not doing anything. Those two permits would have to become one permit, and now you have reduced the amount of permits in the fishery.

MR. LAKS: That's a good point, Steve, but I don't even know if you would need to make them two-for-one, because the guys that would purchase them aren't going to get rid of them, and probably somebody else would want one. Then you still have the flexibility, if the fishery ever needed it, to put those back into the fishery, and so there is several, several ways you can talk about doing it, but you wouldn't be culling down. You would be able to decide, as an industry, do you want to keep it or is there a need for two new young guys to come into the fishery when we get out. I know if I bought one or you bought one or Gary bought one or Manny bought one, we're not giving it up until we can't walk anymore.

MR. ENGLISH: I have one more question, and, Kari, you can probably answer this. How many pounds of fish are we fishing in the king mackerel fishery and how many pounds of fish are we fishing in the Spanish mackerel fishery? What is the total king mackerel quota for both regions and what is the total Spanish mackerel quota for both regions?

MR. LAKS: For Atlantic?

MR. ENGLISH: No, for the permitting area. In other words, all the federal permits for king mackerel, what are we talking about for poundages of fish for these 1,400 permits, just roughly?

MR. LAKS: I think about ten or eleven-million pounds.

MR. ENGLISH: Eleven or twelve-million for king mackerel?

MR. LAKS: From Texas to North Carolina.

MR. ENGLISH: Just roughly. Spanish mackerel is probably fifteen-million or sixteen-million.

DR. MACLAUCHLIN: I would say eighteen.

MR. ENGLISH: Eighteen?

DR. MACLAUCHLIN: For the Gulf and Atlantic together, yes.

MR. ENGLISH: What I'm driving at is, if we've got a limited access for king mackerel on twelve-million pounds with 1,400 permits, why wouldn't we have a limited access on Spanish mackerel

at eighteen-million to 1,800 permits? I mean, they coincide. That's all I'm getting at, and don't go out of your way to get those numbers. That was just a rough idea.

DR. DUVAL: (The comment is not audible on the recording.)

DR. MACLAUHLIN: I am trying to put some language on the board that is I think maybe capturing this idea of permit stacking, and I guess there's a couple of ways to do it, and so I'm going to write these and then you guys can say what you think about it and then if you want to make a motion to recommend that.

MR. HARTIG: Mr. Peralta asked an interesting question, and he mentioned economics as being the primary driver. While it is a driver, my experience, in forty-five years of king mackerel and Spanish mackerel fishing, is you watch these big year classes come into the fishery. You have a core number of people who were able to survive the time when the fishery wasn't in as great shape, and, as it increases, you have all this effort that goes in and takes the heart out of the fishery every time we get a good year class, and then the fishery declines again in both species, Spanish and kings.

After watching this happen for -- It's about eight years when we get a good year class, and so, over three different generations of king mackerel, and, I mean, when we take the heart of that fishery out just because the effort can increase, to me, it has never made any sense. If you can save some of those fish for the rest of the region, as they move out of Florida, that's a bang for the recreational fishery, and it's a bang for the commercial fishermen to the north.

It's been hard for me to watch over the years, and we also have a spawning fishery that occurs. It's starting right now in south Florida, and the same thing happens in it. When it's an easy fishery and there's lots of those big spawners around, there's lots of fishermen that get into it. When it gets hard and tough -- I am there every year, but, when it gets hard and tough, the fleet consolidates into at least half, or maybe even less than half, and we still continue to survive by fishing as hard as we do, but, when it gets easy, you shouldn't just be able to just add fishermen because it's easier, and it gets easier because there is more fish.

Some of those fish you need to bring -- In the wintertime especially, when you're fishing on those smaller fish, those fish need to fall into the older age classes, so we can continue our spawning stock, and so there are biological concerns that I have had over the entire fishery, on the east coast in particular. I don't know that it happens in the same way in the Gulf, but I know, on the Atlantic, it does, and those are my primary concerns. The economics is one thing, but the biological concerns are certainly there.

MR. DONALSON: I just want to make sure that I understand. How is it a bang for the recreational fishermen?

MR. HARTIG: If you don't take the heart out of that fishery and effort doesn't increase, there won't be as many fish produced, and so some of those fish will have escapement, and they will be allowed to go north on a yearly basis. Now, they're concentrated in Florida. After they leave Florida, they start to spread out and go to the north, but there will be more of them if we don't have extra effort in the fishery.

If we have a limited number of fishermen that are only going to catch X amount of fish, more fish will be able to escape to the north on a yearly basis, especially when you have a huge year class. If you have a huge year class and a limited number of fishermen, only so many are going to be taken out in any one year, and so that year class will be able to grow into larger size classes just because it wasn't all taken out in one or two years.

Like in Spanish mackerel, the cast-net fishery, as I mentioned before, it predominantly targets the smaller fish, and so you're taking a lot of that year class out in a big hurry that could, with a limited number of fishermen, with the trip limits we have -- With a limited number of fishermen, more of those fish would be able to go north, and more of them would be able to grow up, over time, and you would have, quote, a more sustainable fishery, although it's sustainable now, but it would be more sustainable, more equitable, and there is another competing aspect to the Spanish mackerel fishery as well, though we're not on Spanish, but I would like to mention this.

In the area of Pecks Lake, where we catch these fish, southeast of St. Lucie Inlet, there gets to be so many commercial fishermen that the recreational fishermen don't even want to go in there. I mean, they get yelled at. They don't know about the way we fish. There is a group of us that anchor up and chum, and, if you drive a boat trolling through our chum, people are going to yell at you, and it's no fault of the recreational. They just don't understand that they're going to push those fish down, fish that we had worked for a certain amount of time to get up to the surface and be able to catch.

It has depressed the recreational effort in that area, and I've watched this over time, and it's just because -- If there is eighty cast-net boats in there, and you're trying to catch a mackerel on a spinning rod, and somebody is throwing a cast net right next to you, that doesn't sit well, and, after a period of time, you're not going to go back in there.

To me, if you had a fixed number of commercial boats, you could allow that recreational and commercial interaction to reach some kind of equilibrium, where you didn't have those extra number of boats. It's not just a few boats. We're not talking -- You might have twenty-five to thirty core boats that are in there year after year. You add a good year class of Spanish in there, and you've got over a hundred boats, a hundred commercial boats, coming from the Gulf over to our side, and our extra effort participating in that fishery, and so there's really not much room for the recreational fishermen to try and enjoy his access to that resource, because it's such a pain in the butt for him to go in there.

That's a concern of mine as well. I mean, everybody should have access to those fish. They should be able to go in there and catch their fish as well and enjoy a stock that has rebuilt and is sustainable, but, if you don't limit the effort, that equilibrium never exists where you can have the two fisheries that can have equal access to the fish, because they just get -- The recreational actually gets pushed out of that area, unfortunately.

MR. DONALSON: I guess that's kind of my point. By no means am I against commercial fishing, and don't read anything into that at all, but I'm more of a science and data kind of guy. Is there science and data behind the theory that taking more fish out of the stock means there is going to be more available for me to catch as a recreational angler?

MR. HARTIG: Probably not science. It's more common sense, which I think, if more common sense was in assessments, we would have better assessments, but it just -- Looking at what I have seen over the years and how fast those year classes disappear with the extra effort -- Like I say, I've watched it for most of my life, and just my observations over time and watching those year classes go away faster than you would want them to go away, to be able to fill into the larger year classes and be able to allow more fish to the north when they leave our area. It's common sense, to me, that there would be more fish available to the recreational fishery over time and the commercial fishermen in North Carolina, as well as South Carolina and Georgia and north Florida as well.

MR. LAKS: I think Ben was saying that -- I don't know if you're quite on the page. If there's less fishermen, there is going to be less fish removed. That means that there is going to be more fish going to you. If you add more fishermen, just by simple subtraction, you're going to have less fish for an opportunity.

MR. ENGLISH: Basically, what he's trying to say is there is going to be more fish caught per boat, but there's going to be less boats catching the fish, and, so, in the long run, there will be less fish caught, if that makes sense. To the Spanish mackerel end, what Ben is saying, the cast nets, yes, they catch a smaller class fish now, because there is so many boats into it, plus we have the bull sharks that have taken over, and the porpoises have figured out that, when the cast net hits the water and they're a half-mile away, they greyhound to your cast net to eat your fish out of your cast net.

The big fish won't stand the pressure. They leave, and so now you're fishing on the smaller fish, with all the boats up there doing donuts on their heads. Back when there was twenty of us cast-netting, or twenty-five, we used three-and-a-half to four-inch cast nets to catch Spanish mackerel. Now, I don't throw a three-and-a-half two days out of the year. I mainly throw three-and-a-quarter to three-and-an-eighth, and so that's the difference in having more boats. That means you're catching the smaller fish. Less boats, you would be catching the bigger class fish. We have proved that. That is proven.

MR. GORHAM: I just wanted to agree with the if there was more common sense. I like the way you talk, but, also, in this motion, maybe from a perspective of someone who doesn't know and won't just turn around say they're just trying to double their quota, look at options of two licenses on one boat. Would it mean double the poundage or half that amount for the second license? Just a range, instead of -- So there is an option to look at, so the council maybe doesn't go and say, well, you can get two licenses, but only 10 percent on the second one.

MR. LAKS: Yes, I think there's going to have to be more study of that and analysis to see what can be done, but, again, remember there is a commercial ACL, and so we can't -- However we did this, we're at a hard number that it would be an internal fishery issue about how we divide it up. We wouldn't be taking any fish from any other sector.

MR. GORHAM: From everything I've heard, it sounds like it's a benefit to both user groups and to the fishermen, and I think putting those numbers, as far as what you would get on that second license, I think more from a PR perspective, but it sounds like -- Again, for certain areas, if they're going over to Mexico and getting caught up anyways, that's less fuel, less time on the water, and I think it's good common sense.

MR. LAKS: Thank you.

DR. MACLAUHLIN: I have a couple of things. Potentially, you could make a motion to recommend that the council explore options to address latent permits, and then I have a couple of the ideas that you have talked about. You could add more, if there were specific ones in there.

MR. LAKS: I would like to see something on there where it explores the non-transferable permits at a landing requirement.

MR. SWANN: Ira, just to clarify, you're talking about they would be able to keep their permits, but just not be able to sell them on the market to someone else coming into the fishery?

MR. LAKS: Correct.

MR. ENGLISH: I have fought this before, and the reason I don't like that is because you're telling some of us, who I fish kingfish when I have to on the east coast. I fish the spring run, and I fish some -- Some winters, I fish kingfish, and some winters I fish Spanish mackerel, depending on what's more lucrative for the winter.

My permits, I have two permits, between me and my son, and we may use one permit for three or four years, and there will be no landings on the other permit, and so I don't want -- Just because of that factor, I don't want someone who fishes all the time with theirs to be able to sell their permit for \$5,000 and mine be worthless, and so all we're doing now, on non-transferable permits, is saying that you can't sell your permit and get anything for them, but you can. I disagree with that part of it.

MR. LAKS: We can remove that.

MR. ENGLISH: **I will make the motion.**

MR. LAKS: Motion by Steve and second by Gary.

MR. SWANN: We had this discussion last year, correct, about latent permits, and it doesn't seem to be going away. Do we want to recommend that the council, instead of "explore options", "develop options"? I mean, does that make a difference? I don't know.

MR. LAKS: We have a motion that's been seconded. **The motion is to recommend that the council develop options to address latent king mackerel permits. Allow two king mackerel permits on a vessel for a higher trip limit or a two-for-one requirement to get a king mackerel permit.** Is there any discussion? Can we get a vote then? **All those in favor, ten in favor; all those against, two; abstaining, one. The motion passes.**

It's three o'clock. Let's take a ten-minute break.

(Whereupon, a recess was taken.)

MR. LAKS: Guys, let's take our seats.

DR. MACLAUHLIN: Okay. We have one more item for king mackerel, and this was raised by Steve English, about a trip limit of hook-and-line-caught Atlantic king mackerel on Spanish mackerel gillnet trips. Only king mackerel -- Gillnet is not an authorized gear, with the exception of the folks that have the gillnet endorsement down in the Gulf Southern Zone. On Spanish mackerel gillnet trips, any Atlantic king mackerel that are taken, you can't harvest those. I will let Steve explain it to you guys.

MR. ENGLISH: Once again, this is a limited thing. It will affect about six to ten boats, is what it will affect. At Cape Canaveral, in the fall, there is about twenty to twenty-five boats that participate in the Spanish mackerel fishery, the gillnet fishery, off of Cape Canaveral. About eight or ten of those boats have kingfish permits also, and they use those boats to catch kingfish with too at the same time.

If the mackerel aren't right and the kingfish are there, they have to go to the dock and pull their net off the boat and then go out and catch their kingfish. Then they come in, if they're going to mackerel fish, and then they have to decide whether they're king fishing or mackerel fishing and put their nets back on the boat.

What this was for, it was to say, if you're out there Spanish mackerel fishing with a three-and-a-half-inch or smaller mesh net that doesn't catch king mackerel, and it would be 277 or less strength webbing, because the king mackerel go through it. You catch very few in it, one or two, and that, if you're on that trip and the kingfish were right offshore of you, two miles, and you had a kingfish permit, you could go catch your kingfish with that net still on the boat and not have to go to the dock and pull the net off the boat and then go catch kingfish, because you've got lost a day, and now you've got to go tomorrow and hope they're still there.

That's all this was for. It would be for a specific -- This would only affect really about ten fishermen in that area, is what it would affect. I don't see anywhere else that it would really make any difference, and so that's all this would be for, and the only way that I would say to do it is if you put in the stipulation that the net on the boat had to be three-and-a-half-inch stretch or less, or smaller, and it had to be 277 webbing or weaker.

That way, there is no way that you could go out there with that net and set kingfish and catch kingfish with that net, and so it's just a -- It's just something in your way at that point, but you would be able to go catch your kingfish if the mackerel weren't right that day, and so I don't know that the council will ever go for it, but it's something that I would like to put forward and at least attempt.

MR. HERRERA: Correct me if I'm wrong, Steve, but even if you don't include all this mesh size and everything else, on an enforceability issue, I don't see the problem, because I can tell the difference between a gillnetted kingfish and a hook-and-line kingfish. That scar is permanently left there. When that kingfish gills, you see that cross, because I cannot buy gillnet kingfish in Key West and use them as a hook-and-line kingfish, and I sure as hell wouldn't even try to attempt it, because the evidence is all -- The proof is in the pudding. It's all right there, and so you would have my support in that.

MR. KELLY: Mr. Chairman and Mr. English, is that your motion?

MR. ENGLISH: **Yes.**

MR. KELLY: Then I will second it.

MR. SWANN: So there is no -- Anywhere this would be in effect, there is no worry about juvenile kingfish getting caught in the gillnets?

MR. ENGLISH: No, because all this does let you take the net out of the water and go out and catch kingfish with the net in your boat, and so it wouldn't affect the juvenile kingfish anyhow. All this does is you put the net on your boat and you can go king fishing with the net still on the boat, instead of having to go to the dock and pull it off and then come back and go king fishing.

MR. SWANN: That makes sense.

MR. ENGLISH: That's all it does.

MR. DONALSON: Do you think there would be any issue with -- You said there's only about eight or ten boats, and is that because it is such a pain in the butt to go back to the dock? If we made this provision, do you think there would be more boats that would all of a sudden want to do both, and so it would go from ten boats to twenty boats? Does that make sense, my question?

MR. ENGLISH: I don't think so. I really don't. From the way it is now, and, once again, that's why we were also wanting to do the limited entry and the gillnet endorsement on the Spanish mackerel. It would all coincide, and that's why we thought this would go along with it.

MR. HERRERA: Even though I'm not involved in this, I happen to know a couple of gentlemen, one in particular, that does it, and that's a dying -- That's a little niche that happens up there in Cape Canaveral. It's a dying breed. He is trying to sell his gillnet boat that is set for gillnetting these mackerel, and that's almost an impossible task for him, and so it's a dying little group. Nobody is going to jump into that. Nobody wants to do the work and do the work that those guys that are gillnetting those mackerel do, and so, again, I am very sensitive for their troubles, and I completely back it.

MR. LAKS: **We have a motion on the board to recommend that the council consider an allowance of king mackerel hook-and-line limit on Spanish mackerel gillnet trips with a gillnet mesh of 3.5 or smaller and 277 or less. Any more discussion? All those in favor, please raise their hands. It's unanimous. The motion is approved.**

DR. MACLAUHLIN: That is all that I have for king mackerel. I don't know if you want to move into talking about the Chair and Vice Chair and term limits.

MR. LAKS: Yes.

DR. MACLAUHLIN: Okay. First, I do want to let you guys discuss specifying term limits for your Chair and Vice Chair, which are elected together, at the same time. For the Mackerel Cobia AP, for this AP, there has never really been a term limit, and so we did have one Chair for a really

long time, just because he was the only one interested in serving as the Chair. It was a long time, like twenty years or something.

Then, when he termed out, Ira took over, and so the Snapper Grouper AP, they decided, as a group, that they would just do two-year limits, but I want to remind you all that the Snapper Grouper AP meets twice a year, and so that's usually -- If you're a Chair, you chair four meetings, and this AP usually meets once a year.

It's possible that the council would ask to bring you guys back together in the fall, if something comes up and they want to get you back together, but it's mostly just been once a year. You could just, as a group, decide to do two-year limits or three-year limits, whatever you want to do, and that is just that, after that period, you guys would revisit and see if anybody else was interested in serving as Chair.

MR. LAKS: Do you guys want to have any discussion of if you want to do term limits? Do you want to just -- It's whatever you want to do. Do you want to vote? Do you want to vote on term limits? Is there any discussion on that? Does anyone have any thoughts?

MS. IVERSON: Just to point out that we had this discussion at the AP Selection Committee level last year, because of the length of time that certain people were serving, and it's not that we don't feel that it's -- That the council felt that anybody is incapable of serving for multiple years, but it's just that there was some intent to kind of make that a recommendation that it can rotate in and out.

As Kari pointed out, with the Snapper Grouper AP, they meet twice a year, and so that chairmanship -- I think they decided to go with two years, and you can go with three. It was kind of recommended to at least rotate around or give you, as the AP members, the option, every three years, to elect a new Chair and Vice Chair.

There is nothing in our SOPPs, the Standard Operating Practices and Procedures, or nothing in stone that this is the way it is, but they were advising that, and so you have the latitude, as an AP -- This is your working group to do that, but it was recommended that, at least every three years, to at least bring it to the table and have that discussion, and so you have the latitude here to continue as is or have elections and nominate somebody else, as Kari pointed out. We don't usually let you wing it that much, but --

MR. FELLER: I would say just that. Every three years, bring it up to a vote. I would say, as long as you all are happy doing it, I think I would say we're all happy with you all. I've been to a couple of meetings now, and let's go with, every three years, bring it up to a vote.

MR. ENGLISH: **I will make a motion that we bring it to a vote every three years and that we either reaffirm who is in or, if somebody else wants to run, then we vote on it.**

MR. LAKS: That is seconded by Bill Kelly. **We have a motion to bring the Chair and Vice Chair to a vote every three years. All those in favor, raise your hands. It's unanimous.**

Guys, this is my second year, and so we can have a new election today and then start, or I can serve out now and then we can have another vote next year, and so I will leave it up to you all.

MR. KELLY: At this point, the thoughts of you not being in the position loom large, and so, as they say, no good deed goes unpunished. **What do you say that we start that three-year cycle right now, and I would take this opportunity to nominate Ira Laks as Chairman.**

AP MEMBER: I was going to say the same.

MR. ENGLISH: I will second it.

MR. KELLY: **I agree with that motion.**

MR. LAKS: We have a motion to nominate me as Chair and Steve Swann as Vice Chair for the next three years. **Raise your hand if you're in favor.** Thank you.

Now the Cobia Sub-Panel gets to decide who you want to be Chair and Vice Chair. If you nominate a Chair, someone is going to go up to the next council meeting in Ponte Vedra, Florida. If you don't do it, if I go, I will represent your feelings the best I can, but I encourage you all to vote and get it done, and so go for it.

MR. BLOW: Earlier, I made a recommendation that Howard be the Chair and myself be the Vice Chair.

MR. LAKS: We would need a second, right?

DR. MACLAUHLIN: Really, we wanted you guys to discuss it or make a decision that you were not going to make a decision. If that is the case, then the Council Chair will appoint someone to come to the meeting. Now, everybody knows that, any council meeting, you are welcome to attend, and you can speak during public comment and you can talk to council members during the meeting, but, as far as bringing in our AP Chair and our Sub-Panel Chair, you will come to the table and speak during the AP report. The council may ask you some questions, and you're kind of represent and clarify anything that the council has questions about, and that travel is paid for.

MR. KELLY: Mr. Chairman, I am not sure that I understand everything here. Why is there a need for a Cobia Sub-Panel Chair and Vice Chair? Is this a council request? I don't recall any votes on this in prior AP meetings here, and why are we taking this step?

DR. MACLAUHLIN: The council created the Cobia Sub-Panel in September, I think, of last year, and so this is the first time we've had this group, and it was -- We weren't really sure how it was going to work, and that's why we decided, at this meeting, that we would just bring all of you together and you would just vote all as one group on everything, but there may, down the road, because there is more attention and issues coming up for cobia, that they would have a sub-panel, and there is actually an open seat for Florida that the council has advertised again and will hopefully fill at their September meeting, and so there is one more seat open right now.

They may bring that group together independently of the AP, if there is just one cobia issue that they want them to comment on, and that would really depend on the council. We had decided that we would have the sub-panel elect a Chair and a Vice Chair, if they ever needed to represent the panel or if the sub-panel met independently of the AP.

MR. GORHAM: One thing I had suggested is I was hoping to be able to speak at the next council meeting, given the involvement and the back-and-forth, no matter who the Chair was, but I don't think we can even agree on that at this point, and so I personally would just keep it that I don't think we could agree.

MR. KELLY: Mr. Chairman, it seems like it's certainly a duplication of effort. Everybody that's at this table has some interaction with cobia, and I think it's good that we share these views, and, in terms of leadership, I see no need to appoint anyone as the sub-panel Chair or Vice Chair and that you as Mr. Swann serve the needs of this committee on a variety of species, king mackerel, Spanish mackerel, and cobia, and you do an outstanding job, and I would recommend that we take no action.

MR. ENGLISH: I would second that recommendation, if he wants to make that in a motion.

MR. DONALSON: I just have a question. The open seat in Florida, that's for the sub-committee? Can that be someone from this panel, or does it need to be an alternate person?

DR. MACLAUHLIN: I don't know at this point. When the council decided -- They decided at a council meeting that they wanted to create the sub-panel and to bring in additional expertise and knowledge of the cobia fishery, because we have had some new issues that they want to get input on. I think even the council is not really sure what we're going to do. We may just, at the next council meeting, say this is confusing and can we just make them AP members.

MR. DONALSON: Right now, they're all AP members, right?

DR. MACLAUHLIN: Technically, they are sub-panel members, but you guys are acting as one group with one set of motions.

MR. SWANN: Kari, how many people do they envision on the Cobia Sub-Panel?

DR. MACLAUHLIN: One for each state of Florida, Georgia, South Carolina, North Carolina, and Virginia. Right now, we have all of them, except for the Florida seat is open. They did feel like, having the whole AP together, that we had AP members that would be able to speak on cobia Florida issues, and so, for this meeting, they felt like Florida was satisfied. If the sub-panel was convened separately for an issue that the council wanted them to talk about, then you would definitely need a Florida person in there, if it was an AP person that was in there or a new person.

MR. ENGLISH: I know what you're trying to do with the Cobia Sub-Panel, and you want to appoint people that are in the field and it concerns them. Right now, it's a recreational concern and not commercial, because we're pretty much set, but, on the commercial sector, we definitely want to have input if anything should arise on our end, and so this whole panel should have input on any decision that was made by the sub-panel. To me, if you just need to meet with just the Cobia Sub-Panel, then why wouldn't Ira head that, and not have the entire panel meet, and then bring that back to us a group? That way, we would all have equal representation, and it would seem like the way to go.

MR. GORHAM: I think, when the idea came about, it kind of stemmed from our involvement in northeastern North Carolina, and our group was proud to be a part of all user groups, and so that

may have been overlooked. I hope that you don't feel that it was done trying to exclude the commercial, but I just know the series of events. Everything we've been about has been all-encompassing.

MR. ENGLISH: I'm not, and don't get me wrong. Like I said, we have the best working relationship between commercial and recreational that we've had in forever, and so I just -- I want to see that maintained is all, and this group seems pretty good about that, but you can always get someone in from one side or the other that could change that dynamic. That's all I wanted to see, was that it was maintained.

MR. KELLY: Mr. Chairman, we don't have any sub-committees for Spanish mackerel. We don't have a sub-committee for king mackerel. **I would just like to make a motion that the CMP AP recommends that cobia be retained, along with Spanish mackerel and king mackerel, under the jurisdiction of the CMP AP, with no differentiation in chairmanship or vice chairmanship.**

DR. MACLAUHLIN: Okay. Really quickly, we were just talking about that I could -- What I was thinking was taking these recommendations and taking them back to Michelle Duval and Gregg Waugh and then getting back to you guys in a couple of weeks about what they want to do, but we can go ahead and put this motion, and I just want to see if -- What I am understanding is you want the Cobia Sub-Panel members to become AP members.

MR. KELLY: It would be one committee. There would be no differentiation in the responsibilities of the individual members of the committee and only acknowledging a Chair and Vice Chair.

MR. SWANN: That would address my concern, because the cobia fishery is really different from south Florida to central Florida to north Florida, and so I think we have a good representation on this panel of how the fishery works in those different parts of the state. It's not homogenous, like it is in South Carolina, where the whole state is the same. Florida is just so different, and so I would hate to see just one person representing the State of Florida on that sub-panel.

DR. MACLAUHLIN: Okay. We have the motion. I think I captured that, Bill Kelly. Then I can also bring back your recommendations and things that you pointed out to the council, because I think that the council is also not quite sure how we're going to function with the sub-panel as well, and I think these will be really helpful for them for our next meeting.

MR. LAKS: **We a have a motion to recommend that the sub-panel members are part of the Mackerel Cobia AP with one Chair and Vice Chair.** Do we have a second?

MR. HOWARD: I will second it.

MR. LAKS: Ryan seconds it. Any discussion?

MR. KELLY: I am just wondering if we need to make it clearer that there are no separate cobia members on the panel and everyone on this AP is a member of the Cobia AP. If I may, Mr. Chair, with what Steve just said a few moments ago, the diversity of the fishery and the fact that it covers so many thousands of miles of coastline, it makes it important that we share all of those views. If

we have a smaller committee, it's not going to reflect the diversity of the fishery through a very broad range.

MR. BELL: I am just trying to go back and think about how this all came about, and I think part of it might have been that the existing CMP or Mackerel AP had so many seats, and so what we were doing was trying to get some additional expertise in the cobia area right now to deal with what was a recreational problem facing us right now, and so we kind of beefed up the AP with some additional cobia-focused people, and maybe the thinking was that, when life is better again and everything goes back to normal, the seats might go back, because I don't know what the number is now compared to what the number was, but you may have more -- This is a matter of economics.

It's just, when we have meetings, you've got to travel, and that might have been part of the thinking, was to kind of plus it up right now, to deal with this issue. Then, in the future, maybe you go back to a smaller group, but I'm just trying to remember, and I know, at the Snapper Grouper AP at one time, there was a separate wreckfish kind of sub-group or something, and that may be where the model came from, that concept, was there was a group of folks that were just involved in the wreckfish fishery, and so that may be how this kind of all got started, I think.

MR. BROWN: When we first started discussing this, I didn't understand the necessity for having a sub-panel. I just thought we have overlapping regulations and things that sometimes are going to cause us to -- We really need people from other regions to be part of these APs and stuff, just because of the things that are going to impact them too, and so I didn't really quite understand that, but it was discussed that there was economic reasons or something, but I don't know if there is -- If we can get over that and go past that, but I would rather just see it all as one AP, myself.

MR. LAKS: I don't know where we were at capacity with the regular AP, but, as an AP member, I found what they had to say valuable with them being here and me hearing it, so I can bring it back to people in Florida about the different perspectives throughout the region. I did find that helpful.

DR. MACLAUHLIN: I remember what you were talking about. I think it's that they didn't want to add you all as AP members and bring you in every time. However, I think that probably they will want to bring the whole group together every time, especially because you guys did such an awesome job at this meeting all together. It was really helpful input.

I feel like, right now, we are four over what it usually has been, but it does seem to -- If there is an issue and there is not as much interest, then people kind of -- They just don't renew their application for the next year or something like that, if they feel like they don't need to be on the AP, and it will kind of correct itself, but I think that they kept it as a sub-panel so that they would have the option of, if there wasn't a cobia issue on the agenda or there was just one thing or something like that, that they wouldn't have to bring in the extra four people, but this can be just a recommendation to the council to consider making a change, especially after we've seen how it works, in bringing all of you together.

MS. IVERSON: I think, looking back to several years ago, another example would be, on our Snapper Grouper Advisory Panel, we had a Wreckfish -- We used to have a separate Wreckfish

Advisory Panel, and then those numbers became smaller, and so they incorporated it as a sub-panel into the Snapper Grouper Advisory Panel.

We had wreckfish fishermen at the table that were more than willing to discuss wreckfish issues, but that may not be on every agenda, and so it came to a point where the guys were sitting at the table saying why am I taking two days to come and you have not talked about wreckfish at all and it's not been on the agenda.

If that were the situation for the Mackerel Cobia Advisory Panel and, somewhere down the road, cobia issues weren't prevalent, and maybe you weren't involved with the king mackerel fishery or the Spanish mackerel fishery, then you would say why I am coming and giving two days of my time to sit here and not really have input to something that's relevant to something that I am familiar with.

I use that as an example of how we've done it in the past, and we don't have that sub-panel any longer, because there hasn't been that need, and so that's just one example. It's up to you guys how you want it to work and how you want to do it, but that was one example that we've had in the past, and I think you've had a good discussion this afternoon on kind of how you want to proceed.

MR. LAKS: I think that we're not going to make the final decision, and so I think we can just basically say that we recommend that and we work well as a group and if it's possible -- As these issues are pertinent right now, that we stay like this. Things, like always, can change, and so I think we just -- Let's just tell the council that we prefer to be like this, where we can all interact, and either they're going to choose that or not.

We have a motion to recommend that the sub-panel members become members of the Mackerel Cobia AP with one Chair and Vice Chair. All those in favor, raise your hand. It's unanimous.

DR. MACLAUHLIN: That's all I have on the agenda. I believe that Ira has a few more things that he wants to talk about.

MR. LAKS: I have a couple of things that were brought to my attention, and I know that Bill wanted to mention something, but I am going to mention what I have real quick. It has to do with Amendment 26 that is going into effect. It was brought to my concern that the fishermen wanted to pursue the idea of having seventy-five fish in the East Coast Florida Zone instead of the fifty fish we have right now.

There was also concern that the April 1 line go back to the previous line, which I believe was -- I always get confused with these counties, but I believe it was the Brevard-Volusia line and now it's the Volusia-Flagler line. The concerns were that it's 3,500 north of that line and seventy-five fish south, and there is guys that are fishing in the seventy-five fish range that sometimes stay out for a couple of days, and it used to be 3,500. Not that they were catching 3,500, but, on a couple-day trip, they can catch over the seventy-five, and so those were issues that were brought to my attention, and I would just like to bring it to the council.

MR. ENGLISH: I will address that, from my point of view and others. The reason we changed the line to where it was is because of the fishery off of Daytona. That occurs along with the fishery in the fall at the Cape, in Sebastian, and we didn't want -- It is still close in, just like Sebastian and the Cape, and so we didn't want them producing 3,500 pounds and us producing seventy-five head. That's why the line changed to the north end instead of the south end. That kept us from fishing seventy-five at Cape Canaveral and Daytona fishing 3,500.

The thought was that you run out of Daytona down to Cape Canaveral and catch 3,500 and run back to Daytona and go in the inlet, and so that was part of the thought, and so that's why we didn't do that to begin with.

For wanting to go to the seventy-five head instead of the fifty, that probably could be reconsidered now that we've got more quota and the southwest coast has more quota and people are going to go there, but we have brought up the idea of two-for-one permits, and that will cover that, and so I think those two issues right there are pretty much null until we decide the two permit thing.

MR. LAKS: Okay. Do we need to make a motion or just -- We will just discuss it.

DR. MACLAUHLIN: I will just put it in the notes that you talked about it.

MR. LAKS: Okay. Bill, I know you had something that you wanted to add.

MR. GORHAM: **A motion that I was hoping to bring forward was something that we could agree on bringing to the council and asking for them to explore some type of reporting requirement for cobia.** I know there is something going on right now, maybe with other fisheries, tying in with the snook, but I would like to reinforce it, coming from us, that we would like to see it as well, and part of that ties into the Atlantic States.

I know that a lot of people have a perception of we can get away from each other and be our own, but, with cobia, our ACL is already so small. If Virginia and North Carolina end up with 85 percent and Georgia -- You've got to look at what that is and what that means and how you're going to make it possible. That's why our position has been, wait a minute, we've got research going on and let's not go into the Atlantic States yet, but the only way to counter that, that we've come up with, is to try to develop or implement our own reporting -- At least it could be looked at.

Obviously it won't be accepted right away, but to keep the fishery alive, keep the research alive, and I was hoping, within the council, or within the AP, that we could -- I don't know if it needs to be a motion or summarized at the meeting.

MR. LAKS: I think we should do a motion. I don't think anyone is going to -- Everyone wants to see better reporting. Does that look good to you? Is there any discussion?

MR. DONALSON: I agree 100 percent, based on our conversation at lunch too, but is "requirement" the right word? Is it going to be a requirement, or are we just going to have a portal to make it easier for recreational anglers to report their catch?

MR. GORHAM: When I first took this on, I wasn't big on required reporting, but, when people are telling me to just keep us fishing and how do you keep us fishing and how do we keep fishing,

from what I see, we're not going to keep fishing if we have nothing but MRIP the way it is today, and what I do, or fight towards, has to be what is happening today and not what may happen in three weeks or what may happen.

As much of a dirty word, especially in North Carolina, as it is, once I explain it to them of why we are reporting, because our pie is that big and we're being forced to eating that -- If we can show we're eating that, through a requirement, we can keep on getting on and stay in business, and so, unfortunately, yes, a requirement.

MR. SWANN: Kari, was there something similar in the Snapper Grouper AP regarding recreational reporting? I would be kind of curious to see the language they used, if there was.

DR. COLLIER: For the Snapper Grouper, we are exploring options to, one, permit the fishery, and, two, have reporting requirements for the private recreational fishery, and we are exploring an electronic reporting app that's going to be starting up this summer, just the exploration of the app and making sure that it's developed and function for private recreational fishermen.

As far as the other components of the recreational fishery, there are requirements for headboats currently. There are going to be electronic requirements for them, and then the charter boats are going to be coming online as well, and so this would be adding to it for the private recreational fishery.

MR. SWANN: So it would be basically the same thing?

DR. COLLIER: It would be very similar.

MR. SWANN: Thanks. I just wanted to make sure that we have the wording right on the motion.

DR. COLLIER: The one thing I would recommend, in addition to the reporting requirements, would be to have a permit.

MR. GORHAM: A lot of times, when I bring up this recreational reporting, I know it's tied into the charter captains are going to have reporting, and I know charter is seen as recreational, but, consistently, it's the non-charter recreational fishermen that are being credited with these extremely high historic catches.

I think some emphasis and stress needs to be put on that as well, because, like with cobia, you have a charter fleet that is credited with less than 5 percent of the catch, and you have mandatory reporting. Your number is going to go way up, and now we're all, I guess, the scapegoats. I am not sure whether that solves anything for cobia, other than getting length and weight and stuff. Sorry I didn't put a question mark at the end of that, but is the same emphasis being put on the recreational? It just sounded like you had said the for-hire recreational part of it.

DR. COLLIER: There is amendments already in development, and I believe the for-hire charter boat amendment is actually under review. It has been submitted for review to the Secretary. What I was referring to is the app that is being developed that is for private recreational fishermen, and so that would be the last component that would be going electronic if this goes forward.

MR. HOWARD: As a charter boat, I mean, I've got to hold a permit to catch a cobia for-hire, and let's make it across the board for the recreational guys to have to hold a permit to catch one and to mandatory report their catches. If they don't, you can't renew your permit next year.

MR. LAKS: I am going to let Bill, just if he would want to amend his motion to that, adding a permit, and then, after you speak to that, we're going to go to Wes.

MR. GORHAM: Go ahead, Wes.

MR. BLOW: Virginia started talking about reporting a couple of years ago. At that time, I was not for it, because I didn't think that it would be correct information, that we would be developing another pool of bad information, which is not going to help us, but, after seeing what has happened over the last couple of years, I've had a 180-degree view on that.

We have to get accurate information somehow. If we develop something like this, it's got to have enough teeth in it to be accurate. There has got to be consequences if you don't report and you don't report accurately. How we'll do that, I don't know, but, if it's not good enough and if it's not mandatory, and if there is no permit required, it won't work, and so I would like to see it work.

I would like to see a system come up with that will replace the MRIP numbers. I believe, in North Carolina, for bluefin tuna, they came up with a system that replaced the other reporting. The commercial guys that have to report bluefin tuna, they just came up with a system, and that was accepted, and so this is very important, and it's the only way that I think that we're going to get a handle on what is being caught.

MR. LAKS: Bill, the only thing that I would be a little worried about with a permit, and Ryan, is that you're dealing with such a large state-water fishery. I don't know how the council -- Believe me, living in south Florida, state and federal issues are a difficult bridge, and I don't know if, for now, we wouldn't just want to say to work with the states to require mandatory reporting, to see if they can all get onboard with something.

MR. ROLLER: First of all, I agree with this 100 percent. I think it's really important, and this is obviously the beginning of a discussion of managing these fish, probably how we need to, which is more like a big-game species, or a big-game animal species. As far as working with the states, I think North Carolina and Virginia have already put that on the table.

Both of their respective state commissions have included that as part of their motions to manage these fish this year, which is some sort of mandatory reporting. I know that my state isn't really sure how they're going to do that yet, at least the last time that I talked to any staff members about that, but there is a big willingness there, and I think there is a lot of possibilities for that, and so I think this is really important.

MR. BLOW: That's basically what I was going to say. Where almost 80 percent of the cobia are caught, the two states of Virginia and North Carolina, are already working on and have implemented plans. I think it would be a good idea for the council to develop something also that would maybe give them guidance that would have enough teeth in it to do something, and so I do think that the council should do something for federal waters.

MR. LAKS: I just want to speak to that. The problem with that is that you catch that fish in federal waters, and, once you pass the state line, your state requirements kick in, and so it's hard to say where the fish was caught if the state -- If you're required to report in the state, you would be required to report whether you caught it in federal or state waters, if you follow what I am saying. That fish that is caught in federal waters, there is no way to tell, at a dock intercept or an intercept in the estuary, where he was caught, but, if the state is requiring you to report, hopefully people would report where they caught it, whether it was state or federal.

MR. GORHAM: I was talking to one of our state's MFC Chairs, and I, along with him, got a lot of blowback of how is it going to work. Obviously going and being at tackle shops and talking to recreational anglers, this is how it's going to work, or you're not going to have to worry about it, and it was the truth, because we have to get numbers.

As far as the permit goes, I guess that could give you some gauge of how many people are -- The effort. Then how many people are actually complying to it. If you made an app, you would know how many people are downloading the app, and so you would have that effort. I think, with a permit, and I have heard the reference to ducks, and it's just a non-starter with a lot of fishermen, when you compare ducks to fish, in any aspect, but I get the concept of the comparison, but, if that's required, and it could marry up with Virginia and North Carolina and if South Carolina -- I think the big key is that we all get something that's the same, with the same methods, so then it could be used together and do it as fast as possible.

Maybe the council can facilitate that, or Atlantic States could facilitate that, but let it be known that Virginia and North Carolina has the high catch, and they already have taken the initiative, and how about we all get onboard and speak to the council that this is what we would like to see.

MR. DONALSON: I just want to make sure that I'm representing the folks that I'm here to speak for, and maybe this could be cleaved out as an Atlantic, Florida/Georgia line north, permit. It's going to be hard sell, in a year-round fishery for recreational anglers whose stocks are in pretty good shape, to require another tax, basically. We are all for reporting, but that's going to be a hard sell.

MR. BLOW: The way that Virginia set theirs up, you have to get a permit, but there was no cost involved in it.

MR. GORHAM: That's what I was going to say, the no cost, and obviously that would be worked out in the details, if there is cost associated with having the app and who is going to do the data. If it's going to require some type of fee, I don't know, but you're right that -- I have seen the comments, and I know it would be the same way. We already pay for a fishing license, and we're already taxpayers, and, unfortunately, it's a result of what's going on.

MR. LAKS: I think the notes that Kari is taking will definitely represent all of this discussion. I think, if you're good with the motion that's there, I think that's just a broad start for the council. **The motion is to recommend the council to explore recreational reporting requirements for cobia.** I think we have discussed it.

MR. SWANN: I second that.

MR. LAKS: Okay. I think we've discussed it quite a bit, and it's getting late, and so I think we should vote. **Those who are in favor, raise your hand. It's unanimous.** Does anyone have anything else to bring up, quickly?

MR. CONKLIN: I am Council Member Chris Conklin, and I just wanted to thank you guys for all of your constructive comments and discussion. It has helped me understand some stuff, especially with the cobia. On behalf of the other council members that had to leave, I know they are very appreciative of your efforts in coming, and so thank you, and thanks for running a very efficient meeting, Chairman Laks. Thank you.

MR. LAKS: Thank you. I appreciate that. I think that's it, and thank you, all. You guys did great, and I appreciate your support, and I will do the best I can, and I am sure Steve will, and Steve is going to hit the gavel right now.

(Whereupon, the meeting was adjourned on April 20, 2017.)

Certified By: _____ Date: _____

Transcribed By
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May 8, 2017

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