

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COBIA COMMITTEE

**The Beaufort Hotel
Beaufort, North Carolina**

December 6, 2021

TRANSCRIPT

Committee Members:

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Chester Brewer
LT Robert Copeland
Judy Helmey
Jessica McCawley
Laurilee Thompson
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Christina Wiegand

Attendees and Invited Participants

Rick DeVictor
Dr. Genny Nesslage
Dr. Clay Porch
Dr. John Walter

Dale Diaz
LT Patrick O'Shaughnessy
Monica Smit-Brunello

Additional attendees and invited participants attached.

The Mackerel Cobia Committee of the South Atlantic Fishery Management Council convened at the Beaufort Hotel, Beaufort, North Carolina, on Monday, December 6, 2021, and was called to order by Chairman Spud Woodward.

MR. WOODWARD: Good afternoon, everybody. I am going to call the meeting of the Mackerel Cobia Committee to order. Just for everybody's knowledge, our committee members are myself as Chair, Tom Roller as Vice Chair, Tim Griner, Trish Murphey, Mel Bell, Kerry Marhefka, Chris Conklin, Carolyn Belcher, Judy Helmey, Jessica McCawley, Chester Brewer, Laurilee Thompson, Andy Strelcheck, Robert Beal, Lt. Robert Copeland, and our Mid-Atlantic members are Dewey Hemilright and Joe Cimino, and so welcome, everybody.

Our first order of business is Approval of the Agenda. Are there any modifications or additions to the agenda from the committee? Not seeing any, I have one myself, and we're going to talk about SEDAR 78, Spanish mackerel, under Other Business, and so just a heads-up on that. Our next order of business is Approval of the Minutes from the September 2021 Meeting. Any corrections, additions, or modifications to the minutes that were presented in the briefing material? Seeing none, we will consider those accepted by consent. Very good.

All right, and our first agenda item for action is CMP Amendment 34, and we've talked about this quite a bit at previous meetings, and our actions today are to review the public hearing comments, to discuss the draft amendment, and to make any changes that we may see fit, and I believe our timeline for that is hopefully final approval at our next meeting, assuming everything goes well at this meeting, which I'm sure it will, and so, with that, I'm going to turn it over to Christina.

MS. WIEGAND: All right. Well, Spud summed it up pretty well. We're jumping into Amendment 34, and this is the amendment that addresses Atlantic king mackerel catch levels. Later on this meeting, we're going to talk about Gulf king mackerel catch levels, but, for this amendment, just the Atlantic zone, which is, again, from that Miami-Dade/Monroe County line in Florida all the way up through the Mid-Atlantic region.

Just to sort of reorient you guys, since it's been a full quarter since we've talked about this, this is the amendment that's coming off the back of the SEDAR 38 update assessment, and this is -- Unlike some things going on with snapper grouper, it was an excellent assessment, and, as you can see, we've got those substantial increases in the ABC recommendations coming out of the SSC, and this does include the new MRIP-FES numbers.

Like Spud said, the goals of this meeting are to review some recommended changes from the IPT, review the comments that happened during the public hearings, and we had two public hearings on November 15 and 16, via webinar, and then there's still one action that needs to have a preferred alternative selected, and then there is some disagreement between the South Atlantic Council and the Gulf Council on two actions, and I will get into those once we get to them, but there will need to be consensus between the two councils for this amendment. Like Spud said, our goal is to get this amendment in good working order at this meeting, so that you guys will be able to take final action at the March meeting, if you see fit.

First up, in terms of IPT recommendations, we've made some small changes to the purpose and need statement, as you can see highlighted on your screen. Instead of being specific about annual catch limits and annual optimum yield being adopted, we just are stating it broadly as catch limits,

to be all-encompassing, and this change is because of some changes we're proposing under Action 1 to more explicitly adopt the SSC's recommended ABC level. I will pause here for a second, and, if the committee is comfortable with these changes to the purpose and need, I would be looking for a motion to that effect.

MR. WOODWARD: Thank you, Christina. Any questions for Christina? This is pretty straightforward, and so I would certainly entertain a motion to approve the modifications to the purpose and need statement. Do I have a motion?

MS. MCCAWLEY: **So moved.**

MR. WOODWARD: Motion from Jessica, and do I have a second?

DR. BELCHER: Second.

MR. WOODWARD: Second from Carolyn. Any discussion on the motion? **Any opposition to the motion? Seeing none, we have consent for that motion.** All right. Christina, thank you.

MS. WIEGAND: All right. Continuing on, next up, we have Action 1, and this look at revising the acceptable biological catch, total annual catch limit, and annual optimum yield for Atlantic migratory group king mackerel, and this is based on the SSC recommendations from the updated stock assessment.

I think, first, I will explain all of the edits here. It looks like a lot of edits, and it looks fairly complicated, but it's not actually a substantial change. All the change in this language does is explicitly adopt the acceptable biological catch that came out of the SSC, and we're making these modifications based on recommendations that we received from NOAA GC, and so this doesn't functionally change what you were doing, and your alternatives were still as they were at the last meeting, but just with the addition of the ABC being explicitly adopted. If there are no specific questions about the language, that's also something that would need to be adopted via a motion.

MR. WOODWARD: All right. Thanks, Christina. Any questions about that? As she said, it's not changing what that action item does, but it's just merely changing how it's described, and so, again, it's not a substantive change, and it's more housekeeping, to make it consistent with other amendments that we're doing, and so, if there are not any questions, I would certainly entertain a motion. Jessica.

MS. MCCAWLEY: **I move that we approve the edits to Action 1.**

MR. WOODWARD: All right. I have a motion. Do I have a second?

MR. BELL: Second.

MR. BELL: I have a second from Mel. Any discussion on the motion? **Any opposition to the motion? Seeing none, the motion passes.** All right. Christina.

MS. WIEGAND: Excellent. Here we go, and I will briefly go over all of the alternatives in this. You've got Alternative 1, no action, which would retain the ABC and associated catch levels from

the prior assessment, and, thus, it's not a viable alternative, because it's no longer considered the best scientific information available.

You've got Alternative 2, which would set the ACL equal to the updated ABC, and you can see those numbers in this table here below. The current preferred alternative for both the South Atlantic and the Gulf Council is to set the ACL equal to 95 percent of the recommended ABC level. Alternative 4 would set it to 90 percent of the recommended ABC level, and then, at the last meeting, if you'll remember, you added Alternative 5, and Alternative 5 would set a constant catch at 21.8 million pounds, moving forward, or until modified.

If you want to compare everything across alternatives, you can do that here in Table 2, and the environmental consequences remain basically the same as you saw at the last meeting, and I'm going to scroll down to the public hearing comments. There was one comment in support of Action 1, Current Preferred Alternative 3, setting the ACL equal to 95 percent of the ABC, and that was because that matches with what the Mackerel Cobia AP has recommended.

I will encourage you -- I am going to go over each of the public hearing comments as we go through each action that they are related to, but there are larger documents, and it's Attachment 1b for CMP Amendment 34 that goes over the public hearing comments in significantly more detail, and so, if there's anything that is unclear, we can always pull that document up. All I need at this point is if there's any discussion or any concern about the council's current preferred alternative, and we can make any changes that you see fit, but, otherwise, there is no action necessary.

MR. WOODWARD: Thank you, Christina. Just one question that I have that I think will help the committee, and so the Gulf Council had an opportunity to see that Alternative 5, as well as -- Or did they, because I know that one came out of our discussions at the last meeting, and we sort of threw that in there, and I am just curious, because we really haven't discussed in-depth a constant catch alternative, and so I'm just curious. If we were to adopt that now as our preferred, that would mean it would have to go back to the Gulf for consideration, and is that correct?

MS. WIEGAND: Yes, and so I would have to go back to the Gulf for consideration. The Gulf did see Action 5, and so I presented this amendment to them at their October meeting, after you guys had requested that it was added in, and I'm sure that Dale can provide additional detail. They did see it. The one comment that they had was they noticed that it was set to this 21.8 million pounds, which is the lowest of the ABC recommendations given by the SSC, and I know the reason you guys did is so that this amendment could continue to move forward, and you wouldn't have to send it back to the SSC to look at having maybe a different constant catch level than this, but, after discussion, they went ahead and concurred with you current preferred alternative of Alternative 3.

MR. WOODWARD: All right. Very good. Laurilee.

MS. THOMPSON: I had a question, again about Action 5, and, when I talked to one of the kingfish buyers yesterday on the phone, he wasn't aware of the Action 5 and the constant catch concept, and so I'm wondering -- When we had the public comment sessions, was Action 5 discussed in those public comment sessions, or do they know about it, because he didn't know anything about it.

MS. WIEGAND: The constant catch was presented as an alternative during the public comment sessions, but I don't recall receiving any comment or discussion on that alternative specifically.

MR. WOODWARD: Right, and it may be that I think it was sort of new, in the context of all the other things, and it was set at a very low level, whereas, if we had the luxury of time, we could ask for an analysis that would probably yield a constant catch stream that would be higher than that minimal, but we could not exceed that minimal with no further analysis, and so, anyway, we've got concurrence between the Gulf and the South Atlantic on this action item, and so is there any desire to change the preferred, to do anything different?

MS. THOMPSON: What if the Gulf Council changes their preferred alternative in the January meeting?

MS. WIEGAND: Then we would see it again in March, and, with these joint plans, we sort of bounce back and forth until there is concurrence on a preferred alternative.

MR. WOODWARD: It sort of becomes a never-ending badminton match, with the birdie flying back and forth between councils, and so we would like to avoid that, if we possibly can, and so any further discussion on this action item? I am not seeing, and I don't see any desire to change, and so let's move forward.

MS. WIEGAND: All right. Moving into Action 2, Action 2 looks at revising the sector allocations and sector annual catch limits for Atlantic migratory group king mackerel. Again, you're looking at changing allocations for two reasons, one because the recreational data from MRIP-FES was included in the updated assessment, and, additionally, because your allocation trigger policy includes a trigger anytime a stock assessment has been approved by the SSC.

Just as a reminder, these next three actions are going to be iterative, and so the ACL that you've selected as preferred in Action 1 is then being applied for Action 2, and so your current preferred alternative, and the Gulf Council's current preferred alternative, is Alternative 1, no action, which would retain the recreational and commercial sector allocations at 62.9 and 37.1, respectively. Alternative 2 would allocate 77.3 percent to the recreational sector and 22.7 percent to the commercial sector.

If you will recall past meetings, this is the sort of complicated alternative, where our goal was to make sure the commercial sector never experienced an ACL lower than what they're experiencing now and then to allocate the rest to the recreational sector, and, in order to do that, because of that decreasing yield stream that we see with king mackerel, we had to make sure that, at the lowest level, which is the 2026/2027 fishing season, that the commercial sector didn't have an ACL during that season that was lower than what they experience now, and then calculated back from that, and that's how you get that 77.3 and 22.7.

Then Alternative 3 is a little bit simpler. It would allocate 68.9 percent to the recreational sector, 31.1 percent to the commercial sector, and that's based on this equation that you see on your screen that -- Excuse me. It's not based on that equation that you see on your screen. That shouldn't be there. It's based on the proportion of landings between 2014 and 2019.

If you would like to see what that actually looks like in numbers, you can see that here, and we've gone ahead and split out the commercial allocation into the Northern and Southern Zones. If you will remember, there are regional allocations for Atlantic king mackerel. The Northern Zone is the North Carolina/South Carolina line north, and then the Southern Zone is that line south to the Miami-Dade/Monroe County line.

Back when we first started this amendment, the council discussed whether or not they wanted to modify commercial regional allocations, and they decided that, at the time, they felt that was unnecessary, and so we've just gone ahead and broken it out here, so that you can see what the commercial allocation will look like for both zones.

Again, the environmental consequences are consistent with what you saw at the last meeting, and, jumping into public comment, there was support for Action 2, Preferred Alternative 1, to retain the current sector allocations, and, again, this is based on a recommendation that you all received from the AP, and you can see that AP motion there on your screen.

Again, the only action we need here is to maybe add some additional rationale for the current preferred alternative, since it is a no action alternative. What you guys have discussed on the record thus far is a desire to sort of keep king mackerel as-is, given that it's been considered a management success story, but, if you would like to add any other rationale for your preferred alternative, or take any other action, that's all I would need here.

MR. WOODWARD: All right. Thanks, Christina. Jessica.

MS. MCCAWLEY: Just to add to what Christina is saying, I agree that king mackerel has been a success story, and I think it's beneficial to preserve the historic makeup of the fishery, like we are doing in this particular action.

MR. WOODWARD: All right. Thank you. Any other comments or questions about this action item or any desire to change anything? Go ahead, Chester.

MR. BREWER: Thank you, Spud. This is going to be one of those rare occasions when I disagree with Jessica. What happens with regard to Alternative 1, which is no action, you do, in effect, have a reallocation, because the numbers that are increasing the overall quota are coming from reevaluation of the recreational catch, and so what you're doing is you are, in essence, reallocating some of these fish over to the commercial sector, and we had a -- When we were starting to look at these MRIP numbers, there was a lot of gnashing of teeth and wringing of hands, because we didn't know what we were going to do.

We saw that, in dolphin, the dolphin catch for the recreational was probably three-times what had been previously estimated, and so we tried, and we thrashed around, to try to figure out some way to accommodate these new numbers and, at the same time, not hurt the commercial folks, and so we came up with this idea of, okay, well, let's take a look at how many pounds the commercial folks currently have and make sure that they keep that, and then the rest can be allocated to the recreational, even if it's not going to be enough fish to perhaps make up for the difference in the numbers, and I will put it that way.

I would really like to hear why Alternative 1 has now become our preferred alternative. Saying that this fishery is a success story, a big portion of that success story is we found out that we were catching more fish and not hurting the stock, and where we found out we were catching more fish was on the recreational side, and so it just seems, to me, that a little bit of consistency is in order and that we would try to stick to this plan of not reallocating away from the commercial, but, by the same token, accommodating the numbers that were coming in under MRIP, and so Action 1, no action, is in fact an action, because we are reevaluating the numbers, and it's allocating more to the commercial than it is to the recreational, and, for that reason, it gives me heartburn.

MR. WOODWARD: All right. Thank you, Chester. I think we've talked about this in the past, and I know I brought it up, and I think maybe the fact that it is labeled as no action is a little troubling, because it is -- I mean, we're making a decision to deviate from the previous, I guess, allocation and quantity, but not based on percentage, and so, Shep, you had your hand up?

MR. GRIMES: Thank you, Mr. Chairman. I was just going to say that Chester is exactly right, and, on paper, it's not a reallocation, but, in effect, it is a reallocation, and the economic analysis will show that, and so your rationale that you don't want to change things wouldn't fit with keeping this as your preferred alternative.

MR. WOODWARD: My recollection is that we debated and made a conscious decision to reallocate, and that's sort of what the record, I believe, shows thus far, and it may not be a unanimous position, but that's the position that the committee made at our last meeting, when it decided to choose preferreds. Christina, I'm going to call on you.

MS. WIEGAND: I want to just provide some information that I think can sometimes be helpful when having allocation discussions that I didn't note, because it hasn't changed since prior meetings, but, given the substantial increase in the ABC recommended by the SSC, none of these alternatives will result in a closure for either sector, and so that's just something for you all to consider while having these discussions, is that a closure is not predicted for either sector.

MR. WOODWARD: Okay, and so any further -- Go ahead, Andy.

MR. STRELCHECK: Thanks, Spud, and Christina addressed one of my questions, with regard to closures. Just to kind of emphasize the point further that Shep was making, and Chester has made, I mean, I agree that, in reality, this is a reallocation, and, on paper, it might indicate that it's not, and my recollection is, during past discussions, we had looked at the landings histories, and commercial was landing less than their quota, and I think 60 percent, on average, but the recreational sector was even landing less than that amount, and that by, at least sticking with status quo, or if you want to call it status quo, but with a reallocation, given the numbers have changed, we were making that conscious decision, like you were implying, to allow this to happen and to allow for the commercial sector essentially to benefit from that catch increase, maybe more so than that recreational sector, given the units of how we're quantifying landings is also going to change for the recreational sector. I would point out, like Christina said, that, in doing so, we're not running the risk of then closing either one of the sectors, as best I can tell.

MR. WOODWARD: All right. Thank you, Andy. Tim.

MR. GRINER: Thank you, Mr. Chair, and I just wanted to add to what Andy was commenting on. When we go back and we look at these historical landings, and this is not just for this species, and it's all the species, and we've got to keep in mind that the commercial catch was restrained throughout these historical periods, and so that's something that does play into this.

MR. WOODWARD: All right. Thank you, Tim. Any further discussion about this? Any desire to change it? I know, Chester, it gives you heartburn, and certainly you can call for another vote on this, or, if there's a motion to change the preferred alternative, if somebody would like to make that, certainly the Chair will entertain that. Is there any desire to change? I am not hearing any.

MR. BREWER: Spud, I will make the motion, but I don't think it's going to pass.

MR. WOODWARD: All right. Well, you certainly can make a motion.

MR. BREWER: All right. I move that the council select Alternative 2 as the preferred in Action 2. Thank you.

MR. WOODWARD: Okay. We have a motion. Do we have a second? Chester, I don't see a second, and so your motion dies for lack of a second.

MR. BREWER: That's just how unpopular my ideas are lately. Thank you.

MR. WOODWARD: Maybe, if you were here, you could have made a more passionate appeal. Sorry, but thank you. Thank you for the input. I think that's important to go into the record, that it's fully discussed, and so all right, Christina. I think we're good with that one.

MS. WIEGAND: All right. Then I will move us into Action 3, which does need a little bit of work. This is the action that looks at revising the recreational annual catch target for Atlantic migratory group king mackerel, and the reason the IPT has proposed some modifications to this is because it was set up a little differently than Action 2, and it wasn't tiering in the way we would like all of our actions to tier for stuff coming out of a stock assessment.

What these changes reflect is that your current preferred alternative is Alternative 2, which just retains that annual catch target calculation, the ACL times one minus the PSE, and it would make it the no action alternative, because the new ABC and ACL have already been accepted in the previous actions, and so that's what the change is here, and so what we would need is sort of two separate motions.

We would need a motion to accept the IPT's recommended changes, if you guys are comfortable with the changes, and then, if you would like to retain your current preferred alternative, then we would need a motion to select the new Alternative 1, no action, and, once we do those two things, it will basically be as it was at the last meeting, and, if that wasn't quite clear, I am happy to try to explain it in a different way.

MR. WOODWARD: I think it's clear, and we'll just work our way carefully through that. Jessica, you had your hand up?

MS. MCCAWLEY: I had a question. The table, Table 5, in this document, still talks about Alternative 4, and I'm assuming that that's just a mistake.

MS. WIEGAND: Yes, and that's just because we haven't accepted the IPT's changes. Once they're accepted, then we'll update this.

MS. MCCAWLEY: Okay. Thank you.

MR. WOODWARD: Okay. Thanks, Jessica. All right. Mel.

MR. BELL: **I would move to accept the recommendation changes by the IPT for Action 3.**

MR. WOODWARD: All right. We have a motion to accept the changes. Do I have a second? I have a second from Kerry. Any discussion on that motion? **Any opposition to the motion? Seeing none, the motion carries.**

All right. Now that that's done, now we have the next modification that we need to make, which is just to make sure -- If I understand what we're doing here, we're going to consider making the no action, the revised no action, alternative our preferred alternative, which, in essence, makes it the same as it was in the past, but now it's new.

MS. WIEGAND: You nailed it.

MR. WOODWARD: Okay. All right. Would somebody like to make that motion?

MR. BELL: **So moved.**

MR. WOODWARD: Motion by Mel. Do we have a second? Okay. **Just to make sure we're getting it in the record right, that is to select Alternative 1, no action, as the preferred under Action 3 in CMP Amendment 34.** Is there any discussion on the motion? **Any opposition to the motion? Seeing none, the motion carries.** All right.

MS. WIEGAND: All right, and, again, just briefly, like Jessica noted, now this table looks a little wonky, because you guys have revised the language, and so these will be your recreational ACTs moving forward, and the ACTs are used in the recreational accountability measures, but, again, no closure is predicted for the recreational sector under any combinations of alternatives in this amendment. If there is no discussion or desire to change the preferred, there is no action that we need for this action.

MR. WOODWARD: All right. I don't see any interest in that, and so we can move on.

MS. WIEGAND: All right. Cruising forward, this moves us into Action 4, which looks at increasing the recreational bag and possession limit for Atlantic king mackerel in the EEZ off of Florida, and so, under your Alternative 1, no action, the bag limit off of Florida is two fish per person, in order to match the daily bag limit for Florida state waters. Currently, the Gulf and South Atlantic Council's Preferred Alternative 2 would increase the daily bag limit for Atlantic king mackerel to three fish per person off the coast of Florida.

This was included based on a recommendation from the Mackerel Cobia Advisory Panel. Currently, the bag limit elsewhere in the king mackerel management jurisdiction, throughout the Gulf, as well as north of Florida, is three fish per person, and so modifying this would essentially put federal waters off of Florida in line with federal waters elsewhere. However, it does then create an inconsistency with Florida federal and Florida state regulations.

We did do an analysis to look at the increase in landings that would be expected under this change, and two different methods were used. You've got the first method that assumes that any trip that met that two-king-mackerel bag limit would then also now keep three king mackerel. The second method was a little more conservative, and it assumed that, if the trip met the two king mackerel and discarded a king mackerel that they would now meet the three-king-mackerel bag limit, and you can see, on your screen, that those result in a 14 percent or 3 percent increase in landings, respectively, and, again, those are not anticipated to result in a closure for the recreational sector.

We did get some public hearing comments on this, both in support of the no action and in support of the council's current preferred alternative. Those in support of taking no action and maintaining the two-fish per person bag limit off of Florida felt that king mackerel wasn't as desirable as other Florida species and that there wasn't really a need to increase the recreational bag limit and that extra poundage should be allocated to the commercial sector. Additionally, there were concerns, in particular, about an unknown amount of fishing occurring between the Miami-Dade and Monroe County area. Keep in mind the Keys are part of the Gulf stock, with that area off of Miami as part of the Atlantic stock.

Those that were in support of increasing this bag limit to three fish per person felt that it was originally put in place because there were concerns that private recreational anglers would start making multiple trips a day, to sort of circumvent that bag limit, but, ultimately, that hasn't come to fruition, and so some commenters felt that they should be allowed that three-fish per person bag limit, and, additionally, there was a desire to create that consistency with the rest of the king mackerel management jurisdiction.

MR. WOODWARD: All right. Thank you. Dale.

MR. DIAZ: I just wanted to mention that we went through this exercise a while back, and so, for quite some time, we have been kicking the idea around about reallocating mackerel, and I think it's similar to the way it is in the Atlantic. The recreational doesn't come close to harvesting their ACL, and they usually only harvest about 30 or so percent of it, where the commercial in the Gulf generally harvest about their ACL.

Anyway, one of the arguments, before we even looked at allocation, is we should raise the bag limit and have more opportunities for recs to catch more of their ACL, and we did a bag limit analysis, and it turned out about like your bag limit analysis, but, in reality, we've already had some fishing that has occurred, and we've got a chance to track this over time, and you really can't tell that it's made a difference on the recreational side, as far as folk trying to harvest more mackerel in any appreciable way. The comments we received were very similar to the comments that have just been gone over, and a lot of people will catch them, and they'll keep one, or maybe some people will keep two, but they generally don't want to load the box up with big king mackerel. Thank you.

MR. WOODWARD: Thank you, Dale. I think that will probably help us in our next discussion too, on Action 5. Any desire to change this? I don't see any, and I think we're good with this one, and I think we had pretty much unanimity on this one, across-the-board, and so I think we can proceed to the next one, and the next two might get a little more sticky.

MS. WIEGAND: All right. Moving into the next two actions, we've got Action 5, which looks at reducing the minimum size limit for recreational harvest of Atlantic king mackerel, and, similar to what Dale was just talking about, if you will remember, way back in June of 2020, when you first got this assessment and saw the large increase in the ABC, there was a note that the recreational sector, in particular, was not harvesting all of their quota, and so we went to the AP and asked them, specifically, is there anything that could be done to sort of increase recreational harvest.

One of the things that came out of that was considering reducing the minimum size limit, and so you have two actions here. You've got Action 5, and Action 5 looks specifically at recreational harvest, and then Action 6 looks explicitly at commercial harvest, and so here we are. Currently, the Gulf Council and the South Atlantic Council do not concur on preferred alternatives for Action 5.

The Gulf Council's preferred is no action, which is to retain the twenty-four-inch minimum size limit for the recreational sector, whereas the South Atlantic Council's preferred alternative is to reduce the minimum size limit to twenty-two inches fork length. There are also alternatives here for twenty inches and removing the minimum size limit altogether.

I am going to scroll down, and the environmental consequences remain similar to what we've presented in the past. We did see support for, in Action 5 and Action 6, Alternative 1, no action, maintaining that twenty-four-inch fork length. It was noted that fish smaller than twenty-four inches fork length yield relatively small amounts of meat. The commercial guys, in particular, have noted that smaller fish in the market are going to hurt prices and the overall market for both king and Spanish mackerel, and there were also concerns that harvesting smaller king mackerel then have the chance to harm those juvenile fish, who have not spawned, and then, ultimately, the stock as a whole, and there is a strong desire to maintain the good stock status that king mackerel has been experiencing.

I will encourage you guys -- This is just a brief summary, but there was significant comment on these two actions, particularly from the commercial sector and the concerns they have about lowering that to twenty-two inches, and you can see those comments either summarized, or you can actually go to the Wufoo form for CMP Amendment 34 and see -- I think it's around fifty comments related to this action, in particular.

MR. WOODWARD: All right. Thanks, Christina. As she pointed out, we do not have concurrence with the Gulf, after their most recent review, and so this needs to be resolved. If the council feels strongly, we can certainly proceed on the course we're on. If we do not feel strongly, we have an opportunity here to eliminate that particular difference, and so, Chris, did you have your hand up?

MR. CONKLIN: Sure. **I will make a motion to --** Do I need to make a motion to de-select Alternative 2 and select Alternative 1 in Action 5?

MR. WOODWARD: **It's to change the preferred to no action.**

MR. CONKLIN: Sure. **That.**

MR. BELL: Second.

MR. WOODWARD: **All right, and so we have a motion to change the council's preferred alternative to Alternative 1, no action.** We have a motion and a second. All right. Any discussion on the motion? Yes, ma'am.

MS. MCCAWLEY: I just wanted to support this. This actually came up at the cobia workshops as well, and there were folks there speaking on king mackerel, and, after hearing that, hearing a little bit more about the AP discussion, et cetera, I am supportive of changing our preferred to the no action and sticking with the twenty-four-inch fork length size limit.

MR. WOODWARD: All right. Thank you, Jessica. Mel.

MR. BELL: I would agree with that. I think, particularly after what we've just heard, and I understand what we were trying to do, but maybe it wasn't as beneficial as we thought it might be, or needed, and so I think Alternative 1, no action, is a better approach, for the fish as well as the fishery.

MR. WOODWARD: All right. Very good. Thank you. Any other -- Go ahead, Andy.

MR. STRELCHECK: I'm going to put Dale a little bit on the spot here too, and I did want to note that we did have quite a bit of discussion around this, the Gulf Council, and the concern was about that size at maturity, but then, in talking through the size at maturity, we determined that females are 50 percent mature well below twenty-four inches, or even twenty-two inches, but the males are not, right, and so they're kind of on the line, so to speak, between maturity, depending on sex.

My standpoint, and I guess I'm fairly neutral on this, and I don't feel strongly either way, and we aren't given a lot of opportunities to reduce discards in fisheries, and so it certainly, to me, seems like it's an opportunity where we have a stock that's healthy, and we could reduce some discards and allow for a little bit more retention of a lower size limit, but, with that said, I don't feel strongly.

MR. WOODWARD: All right. Thank you, Andy. Go ahead, Laurilee.

MS. THOMPSON: I support the change, also. I did talk to a buyer yesterday, and he was very clear that his boats -- They would like to see the twenty-four-inch retained.

MR. WOODWARD: All right. Thank you, and so we'll get to that in just a second, with the next action, and so, Dale, go ahead.

MR. DIAZ: I did not make the last day of the Gulf Council meeting. I had to leave for some personal reasons, but I did call and talk to some of the people that engaged in this discussion on this, to try to get an idea what some of the rationale was, and part of it was what I mentioned earlier, is that, in our experience, the recs didn't have a big desire to retain a whole bunch more

king mackerel, but the other thing that came up was FES hesitancy, and what I interpret that to mean is, whenever FES numbers first came out -- I am going to try to confuse the hell out of everybody.

When FES numbers first came out, king mackerel was about double. FES showed it caught about double what we thought on the recreational side, but, in the Gulf, it went through a stock assessment, and then we got the stock assessment back, and the numbers are not up very high, and I think it's like the ACL might be up like a million-and-a-half pounds, which is not even close to double, and it's just a small amount, and so, I mean, there's a lot of confusion about how all this stuff interworks together, but it didn't double, because, as it went through the stock assessment process and the SSC, there is some other issues that is affecting the populations, and so the populations aren't, I guess, as healthy as what you would, as what I would, expect, and I would have expected it to double, if everything was perfectly fine. I think I might have even confused myself there a little bit, but, anyway, I wanted to say that was kind of some of the rationale that was discussed around the table. Thank you.

MR. WOODWARD: Thank you, Dale. I think you pretty much described what a lot of us scratch our heads over, and, I mean, I've scratched my head so much that I don't even have any hair left anymore, and so I think we had Tom Roller. I am going to call on Tom, and then I'll come back to you, Laurilee. Go ahead, Tom.

MR. ROLLER: Thank you, Spud. I just want to point out a couple of things here. First of all, I don't feel really strongly about this, enough to make a big stink about it, and I just would point out that this is an opportunity, like Andy said, to reduce discards in this fishery, and also to produce -
- To give a little more back to the recreational sector and allow a little bit more harvest, because the recreational sector is not harvesting a large amount of these fish.

Now, I understand all the hesitancy here, and, for that reason, I will support moving forward with the no action, and I definitely understand the commercial sector's concern about reducing the size limit, but, particularly as we discuss the allocation things in the future, I would point out that this would be an opportunity for us to let the recreational sector harvest a few more fish, and I will leave it at that.

MR. WOODWARD: Thanks, Tom. I think predicting the fishing community's response to regulatory changes is always a challenge, and I know we've seen situations where we -- In the case of a species back in Georgia, we actually removed a minimum size limit, which was a modest little ten inches, and we actually saw the average size of the fish creel go up, and so people self-selected for a larger fish than what they were selecting for when they were told it was okay, and so you never know how the psychology of all that really works, and so, Laurilee.

MS. THOMPSON: Well, if you look at the Gulf report, it talks about the possibility of having to maybe close their gag fishery, because they don't have enough males, and so, if the males aren't mature at twenty-two inches, it would seem like it would compound things, or maybe make things worse, in the future, if you're taking about a bunch of males that haven't even reached sexual maturity yet.

MR. WOODWARD: All right. Thank you. Any further discussion on the motion? **Any opposition to the motion? I am going to state it again, just to make sure, and it's to change**

the Preferred Alternative for Action 5 to Alternative 1, no action. I don't see any opposition, and so the motion carries. Christina, Action 6.

MS. WIEGAND: I have a quick question, and maybe this is for Monica, and it's been a while since I've done this. Do we need a motion to move it to Considered but Rejected, or is that implied sort of with the now concurrence on Alternative 1, no action?

MS. SMIT-BRUNELLO: That's a great question, Christina. You could probably do it a couple of ways, but, if you want further consideration on this action at the next meeting, or whatever, then I would keep it in the document, or I would keep it in the main portion of the document. If you do not, if the council would rather move it to what we call the Considered but Rejected Appendix, then that's another way that you could go, and so it's kind of like what does the council want to do on this.

MR. WOODWARD: I don't have any strong feelings one way or the other. I don't sense that we want to consider it going forward, either at Full Council or at the next meeting, and so I guess whichever way cleans it up the best, and it's up to the will of the committee. Would someone like to make the motion to put Alternative 2 in the Considered but Rejected pot? We certainly can do that, or we can leave it as status quo, and so what's the will of the committee? Go ahead, Monica.

MS. SMIT-BRUNELLO: I think it would be Action 5, right?

MR. WOODWARD: Right. Action 5. Sorry.

MS. SMIT-BRUNELLO: The whole action would move out of the main portion of the document.

MR. WOODWARD: Okay. What do you want to do? It makes it a smaller document, I guess. All right. Very good.

MS. WIEGAND: Is that guidance to keep it in the document or to remove it from the document to Considered but Rejected?

MR. WOODWARD: I see keep it.

MS. WIEGAND: Keep it. All right. That's all I needed.

MR. WOODWARD: Okay. Those words are already on paper. I always liked the Considered but Rejected. It reminded me of my high school dating life. Go ahead, Shep.

MR. GRIMES: Thank you, Mr. Chairman. My suggestion would be to leave it in. If you don't revisit your decision, take it out at the end, and I am never a fan of having no action as your preferred alternative, and you give something for potential plaintiffs to challenge without actually doing something, but, if you think you might revisit it, and you guys have discussed this enough, it's probably worth leaving in for the final.

MR. WOODWARD: All right. With that comment, does that affect our decision to let it ride? Okay. All right.

MS. WIEGAND: All right, and so next up is Action 6, and it's very similar. This is just changes the commercial harvest, and so you're looking at the Gulf Council's preferred of twenty-four inches fork length, and the South Atlantic Council's current preferred is Alternative 2, to reduce the minimum size limit to twenty-two inches fork length, as well as we remove the provision to allow commercial fishermen to possess undersized king mackerel in quantities not exceeding 5 percent. Alternative 3 would also remove that provision and reduce it to twenty inches fork length, and then Alternative 4 removes the minimum size limit.

Again, I can go over -- There is more public comment here, and it's very similar to what you've heard before, but with also noting that it's important for the commercial fishermen to have that 5 percent undersized king mackerel allowance, because, while they don't target smaller fish, it does take quite a bit of effort to restrain the fish, and you often end up killing it, and so it sort of keeps you from one fish putting you out of compliance with the regulations.

MR. WOODWARD: Okay. We've got a similar situation here as we did previously. Tim.

MR. GRINER: **I would like to go ahead and make a motion to go back to Alternative 1 as our preferred.**

MR. WOODWARD: All right, and so we have basically the same thing we had for the previous action, and so we have a motion by Tim and a second by Laurilee. Any discussion? I think we pretty much covered it. Go ahead, Jessica.

MS. MCCAWLEY: I just want to say I think it's important to keep the commercial and the recreational the same. That would be one of our goals, and so that's why I was supporting the change on the previous action, in order to support this on the commercial side.

MR. WOODWARD: All right. Thank you, and, based on the previous discussion, this is another one that we will consider for removing as we go forward. Okay. All right. Our next action item -- **Is there any opposition to the motion? Seeing none, the motion carries.** All right. Go ahead to our last one, maybe, but not least.

MS. WIEGAND: Last, but certainly not least, is Action 7. This is modifying the recreational requirement for Atlantic migratory group king mackerel and Spanish mackerel to be landed with heads and fins intact, and, again, this is included in the amendment based off of a recommendation from the Mackerel Cobia Advisory Panel.

There's been an increase, as I know you guys are well aware, of shark depredation and barracuda depredation, and the commercial sector is currently allowed to possess cut or damaged fish, so long as they meet the minimum size limit, and the AP would like that to be considered for the recreational sector as well, and so, under Alternative 1, no action, recreational fishermen would not be allowed to possess or retain cut-off or damaged king or Spanish mackerel, whereas, under Alternative 2, cut-off or damaged fish that are caught under that recreational bag limit that comply with minimum size limits may be possessed and offloaded ashore, and there are two sub-alternatives here for Atlantic king mackerel and Atlantic Spanish mackerel, respectively.

I will scroll down to the public hearing comments, and there was a lot of support for Action 7, Alternative 2, which is allowing the recreational fishermen to retain those damaged fish, and notes

that shark depredation is a serious issue, and it ensures that these fish are counted towards the daily bag limit, and there was some comment that they felt that damaged fish should not have to meet the minimum size limit and that there was clarification needed on whether the minimum size limit would be for the damaged fish as-is or the portion that remains after the damaged portion is cut off, and so are we talking about like, for lack of a better term, the hunk of fish that's left must meet the minimum size limit or, if you're cutting the fish, the total fish must have met the minimum size limit?

There is currently no preferred alternative selected under this. The IPT would like to have a preferred alternative selected, if you would like to still take final action in March of 2020, so that we can get this amendment finalized, and so, with that, I will turn it back over to the committee.

MR. WOODWARD: Thank you, Christina. Dale, I guess I'm going to put you on the spot here, and I'm just curious if you all have had discussions about this kind of thing, and, if we were to pick a preferred that would allow retention of damaged fish, as long as they met the minimum size limit -- I mean, what do you think the general reception to that would be? Not that that certainly is going to sway us greatly, but I think it would be interesting, while you're here, to have some input on what the Gulf's perspective might be on that.

MR. DIAZ: That is kind of on the spot, because I'm not sure. Andy, do you remember if there was any discussion on this? Was this action even in there when we went over it at the Gulf Council last time, and was there any discussion, because I didn't talk to anybody about it, and I wasn't there that day.

MR. STRELCHECK: Let me look back at the minutes real quick.

MR. DIAZ: Ryan Rindone is online right now too from the Gulf Council, and Ryan may have some input, if you wouldn't mind asking Ryan if he knows if there was any discussion the last day of the meeting.

MR. WOODWARD: Sure. Thanks, Dale. Ryan, can you hear me?

MS. WIEGAND: Ryan, it looks like you're muted on your end, if you're trying, and we just need you to unmute on your end, so we can hear you.

MR. RINDONE: Can you guys hear me?

MS. WIEGAND: There we go. Loud and clear.

MR. WOODWARD: Ryan, was there much discussion about this Amendment 34, Action 7, when the Gulf Council discussed it, and were there any strong opinions one way or the other? Can you recall?

MR. RINDONE: No, sir. There really wasn't. I think, generally speaking, as long as the fish that are being landed are twenty-four inches, I can't imagine the council, the Gulf Council anyway, based on previous discussions about similar things, having much of an objection though. Again, at previous discussions, which would serve as an indicator, even if the fish is cut off, if it's still measuring twenty-four inches, then clearly it was bigger than that to start with, right, and so clearly

it would have been legal, and, if it's the fishermen's prerogative to land that cut-off fish, then it doesn't seem like that would go against the spirit of any of the other regulations that are in place.

MR. WOODWARD: All right. Thanks, Ryan. Dale, do most of the Gulf states have a landing law, a land with head and fins and tail intact law?

MR. DIAZ: To my knowledge, they all do. Everybody has got something that we have to land them with head and tail intact, yes.

MR. WOODWARD: Because that's been one of the issues that we've been grappling with, is some states can make easy accommodation for a change effective in the EEZ, and, for other states, it's a little more burdensome, but, I mean, I think everybody generally agrees with the intent of it, but it's just how would you manage the execution of it, and we've also had much broader discussions about applying this to any federally-managed fish that have minimum size limits, and should we consider this holistically.

I know Carolyn and I -- We've talked with Captain Hodge, and kind of bounced this off of him for a perspective from Georgia law enforcement, and I guess it's conceivable that a state, if necessary, could make the changes, wherever appropriate, and then that would cover everything, if you don't make them specific to mackerel and you make them any federally-managed fish that is landed subject to a size limit could be landed if it was cut-off, and so, again, just to kind of throw that out there. We really do need to pick a preferred here, if we want to move this forward, and keep it moving forward, and so I will open up the floor for discussion. Jessica.

MS. MCCAWLEY: We spoke to our law enforcement folks about it, and we kind of felt like this was a slippery slope, and our law enforcement officers were not in favor of this. I think there's a number of concerns, landing in whole condition requirements and other things that we have for particular species, and I would say that I am not going to suggest a preferred, other than no action, but I don't want to make a motion for that, and I just think that it's a slippery slope. I do understand the shark issue and the concerns, and then I guess I would also suggest that we're going to be working on Spanish mackerel coming up soon, and we have postponed other Spanish mackerel discussions, and I don't know if we wanted to postpone this Spanish mackerel discussion.

MR. WOODWARD: Okay. Thanks. Dale.

MR. DIAZ: I just wanted to follow-up on your last question, and so, years ago, I used to be the Director of Fisheries in Mississippi, and, when we always laws for heads and tails intact, it was strictly to stop people from filleting fish at-sea, and it wasn't to deal with this type of issue, and so it wasn't started for this type of purpose, and it was started for a different purpose.

MR. WOODWARD: Right, and I think that's the struggle, is we've got -- You know, we know we've got a problem that we need to deal with, and we certainly want to reduce the amount of waste that's going on out there in our fisheries resources, but how do we reconcile that against established laws at the state level, and so, Mel, go ahead.

MR. BELL: I think the point that Christina made earlier -- The way that I understood that what we meant was the length of what is left of the fish meets at least the minimum level, and so you know the fish started out longer than that, and so you don't have an illegal fish, but that's the way

that I interpreted that, because fish caught under the recreational bag limit comply with the minimum size, and I think that's left complies with the minimum size, and I think that's what we meant, right?

MR. WOODWARD: Yes, and I think what kept up during the public hearings, if I understood it right, is say, for instance, a shark comes and bites the fish and leaves trailing pieces, and so somebody takes their knife, and they cut off the trailing pieces. Well, obviously, that just shortened it up, but the bottom line is, whatever is left, whatever you caught, meets or exceeds the established minimum size limit for that species, and so what's the will of the committee? I mean, this is something that folks would like to see action on, but, obviously, we're caught in a little bit of a dilemma here, and so go ahead, Chris.

MR. CONKLIN: Sure. **I move that we select Alternative 2 in Action 7 as our preferred, with both sub-alternatives.**

MR. WOODWARD: Okay. We have a motion. Do we have a second? We have a second from Kerry. Okay. We have a motion and a second, and so I'm going to open this up for some further discussion, and, obviously, I think this is not something that we're going to reach consensus on, and I don't know, and this one -- I have struggled with this one since the day we started talking about it. I mean, we know what we want to do, and we know why we want to do it, and we know it's a good thing, but, at the same time, we're opening up a Pandora's Box of other problems. I mean, we hate to see somebody get cited at the state level for doing something that was legal at the federal level, and so it's a bit of a conundrum here. Mel and then Dewey.

MR. BELL: I was just going to say that, originally, I was thinking that we had a problem, or we would have to line things up by going to the general assembly, but, the way our law is structured for head and fins intact, is it's actually for eight listed species, and so, basically, if this went into effect, we would adopt it by reference, and so it wouldn't be a problem for us.

From the law enforcement -- I get the law enforcement hesitancy with this, but, I think, kind of going back to the point that Dale made, is that this went into place for a specific reason, where people were doing things with the fish that they shouldn't have been doing, but, in this case, from an enforceability standpoint, the officer is presented with a fish that is a minimum length for that fish, at least, and it's just part of it is missing, and so I think there's not a -- I can't see people doing something wrong. I mean, people aren't going to chop off part of the fish and leave just the minimum length, and so I think -- I get the enforceability that it doesn't seem quite right, but I don't see it being a problem, as long as what is presented is at least the minimum length for the species in question.

MR. WOODWARD: This is the classic old spirit of the law, intent of the law, and the letter of the law, and, in a perfect world, they all three align, but, oftentimes, they start diverging, and so, Dewey, I'm going to call on you and then go back to Chris.

MR. HEMILRIGHT: Even though there is the three different parts of the law, the tape measure doesn't lie. I mean, twenty-four inches, or whatever the size limit is, is it, and so, if it meets that minimum size, and it could have been a fifty-inch king mackerel, and there's twenty-four inches left, and that's a legal -- I mean, I don't see why enforcement would have a problem with the minimum size left and a tape measure of something that measures it, because it's this amount. It

would be different if they were filleting or doing things different like that, but I don't see a problem with it, as long as it's the minimum size and that part.

MR. WOODWARD: The issue isn't the size, but it's the condition. It's the condition of the fish not being whole and intact, because that's what the state law says, that they have to be landed intact. For instance, you can gut a shark on the water, but you've got to leave his head and his tail intact, and it was to address what Dale was mentioning of filleting at-sea and other types of problems that arose when we first starting regulating fish, and so it's not so much the length of what's left, but it's the condition of what's left, and it's not whole.

MR. HEMILRIGHT: Doesn't each state have a -- Well, I know that you all have said that each state has the ability to choose or pick whatever it wants to do, because, in federal waters, they can have something one size, but, when it comes to state waters, that's where it's got to be landed at, and so can't the states that choose to -- This would be a federal law, or a federal thing, and the states, whether it be North Carolina or South Carolina or Georgia or Florida, and, if they choose to enact this, then that allows their boats to land the fish, and, if not, they simply can't do it.

MR. WOODWARD: Yes, that's absolutely right, but then that creates its own set of problems of trying to get people to comply with the law. I mean, we always struggle with consistency between those federal and state regulations, and, for a fishing community that already feels like they're overburdened, it's -- The more consistent we can make them, the better off, and so it's something that I wish that we could easily sort out, because we know why we need to do it, and we know what we need to do, but it's the how to do it is the problem. Chris, did you still want to comment?

MR. CONKLIN: I don't even remember what I was going to say, but, I mean, this is just silly. I do remember what I was going to say, but I know we've talked about doing stuff holistically before, and so the CMP and the snapper grouper species and the dolphin wahoo couldn't all be done in one like shark depredation amendment or something, and so I picked this because this is a step in the right directions for a holistic -- Not holistic, but to begin the continuity between the management of each, and it's my intent, and it should be the council's intent, to get this done.

We didn't have shark problems back in the day, when Dale was worried about people filleting them, and we had commercial fishermen out there catching sharks and putting them in the marketplace and on people's plates, and now we're not allowed to do that quite as much, nearly as much, and so, I mean, this is just beyond me, that some enforcement officer couldn't look at a fish and see that it is over a certain size, or it has a chunk bit out of it, but, I mean, it's just silly. I know you guys have state laws, and it's hard to get things done with your politicians or whatever, but, from a commonsense standpoint, this should be a no-brainer. That's all.

MR. WOODWARD: All right. Christina, and then I will go to Mel.

MS. WIEGAND: I just want to provide an option for you guys. A preferred alternative is helpful for when we're trying to put together codified text, which is why we're sort of pushing you to select a preferred alternative at this juncture, to take final action in March of 2022, but one thing I did want to note is Myra reminded me that the Law Enforcement Advisory Panel is meeting in February, the beginning of February, hopefully, and, while we did talk to them about this once, it was sort of in passing, during an overview of all of the amendments the council has going on. We can take this to them and have a more in-depth discussion about this action in February and then

present their recommendations to you in March, if that's something that you would be interested in.

MR. WOODWARD: So, in other words, we could, I guess, postpone this motion, or table it, if that would be the will of the committee, until the Law Enforcement Committee has a chance to meet, and then we could reconsider it in March, when we were considering final approval, and is that sort of what you're describing? I mean, that's a little bit of kicking the can down the road, but it's kicking the can after somebody else gets a chance to kick it a little bit too, and so, Carolyn, and then I will go to Andy.

DR. BELCHER: I just have a question, and it's kind of showing my ignorance to this a little bit, but is the intent that they're keeping what's left to bring it back to end up using it for consumptive purposes, or -- Because I guess my question would be -- I am thinking about having used mackerel as bait for longline, or for fishing activities, and is it the potential that you could have an animal that's getting -- Okay, well, it's dead, and it's been bitten off, and I have a legal size, but, if I'm going to use it for bait, then, obviously, I can't do anything with it, other than bring it back for consumptive purposes, right, because, if you cut it, you're obviously bringing it down. It passed at bite-off, and it was twenty-four inches long, but now, all of a sudden, I'm taking pieces off of it to use for bait, which means that it's getting smaller and smaller, and so you, in essence, couldn't use it for bait.

MR. WOODWARD: Well, the rub that comes there is what are you in possession of at the time that you are checked by law enforcement, whether state or federal or whatever, because that's what becomes binding at that time, and so, if you had a -- Let's just, theoretically, say you had a king mackerel that was bit off and it left thirty inches. Well, if you cut five inches of it off and use it for bait or something, you're still left enough so that that fish would be legal if you're in possession of it, but we're kind of going down a little bit of a rabbit hole there. The intent, I think, is to allow people to land fish for consumption that they otherwise are having to discard, and so we're wasting a resource, and it's particularly onerous with some of the bottom fish and stuff. I will come back to you, Kerry, and I want to go to Andy and then Mel and then you, Kerry.

MR. STRELCHECK: Thanks, Spud. I would recommend selecting an alternative, a preferred alternative, at this meeting, just to demonstrate to the public what our position might be. We can always change it at the March meeting, based on OLE input. A couple of comments, and so we do have, obviously, a commercial fishery that this is allowed in already, and I would be interested in hearing more from law enforcement about this being problematic from a commercial fishing standpoint. If anything, what are the problems that they encounter, in terms of determining whether a fish is legal or not, when it's been cut-off or damaged.

Then, in terms of the regulatory rationale, I mean, I get that state regulations -- Some are easier to implement than others, and some have to go through your legislature, and I feel like this is one of the few times where we're using that as kind of the main rationale for not doing something, and maybe I'm wrong about that, in terms of my history with the council, but, to me, we adopt a lot of things that aren't necessarily consistent with state law, and then you ultimately take that up and decide whether or not to adopt it consistent with the federal regulations that are proposed.

Then the last point is really we talked to you about the dolphin and shark depredation report at the last meeting that we're working on, and this is, obviously, a huge problem that the council has

heard about for quite some time. To me, it makes a lot of sense just to reduce waste and, obviously, to retain that fish, allow the angler to retain that fish, if there is, obviously, limited concerns with regard to enforcement of that.

MR. WOODWARD: All right. Thank you, Andy. Mel, and then I'll go back to you, Kerry.

MR. BELL: Really, Andy kind of nailed it there for me. Part of, I think, our hesitancy is really, so we could do this, but then the individual states may have to do something to line things up. As I said, for us, it's not going to be a problem. In other states, it may be, and so it's not so much -- Dewey is right that what law enforcement needs is they just need clear guidance on how to apply the tape. You know, put the tape on there, and the tape doesn't lie, but it's probably more so the problems it might -- Not problems, but the challenges that it might create for individual states, in terms of adopting that through a regulatory process, whatever they have to do.

I guess I feel a little better about it, because I realized that we're okay, but I realize that everybody else may have different challenges with that, and the other thing too is that it allows you, potentially, to retain a fish, and the fish would count against the bag limit, and so, if you don't do this, then a fish has to be discarded, and it's wasted, and you basically catch another fish to get to your bag limit, and so it seems, from a conservation standpoint, that it has some benefit to it as well, and so that's it.

MR. WOODWARD: All right. Thank you. Kerry.

MS. MARHEFKA: I'm hoping we can move forward with a preferred today, but, when law enforcement does look at this, which I assume they will, what I would hope to get out of them is very specific concerns, and not sort of -- Jessica, I'm not picking on you or what they said, but not just that it's a slippery slope, and I would like to hear this is a circumstance in which this could be a problem, because I am having a hard time wrapping my brain around, if it's legal length, and you measure it, I don't understand how it's not more black-and-white than that, but that might be because I'm not smart enough to think of those things, and so let's make sure they have clear guidance that we want to know specific instances in which this would cause them problems.

MR. WOODWARD: All right. Trish and then back to Chris.

MS. MURPHEY: I was just going to add that North Carolina adopts federal rules by reference as well, and so I don't think that it will be an issue with us either.

MR. WOODWARD: All right. Chris, last word on this.

MR. CONKLIN: So like the only thing I can think is if somebody has a fish, and the tail is still on it, and it's actually short, and so maybe we need to get some kind of clear guidance from the law enforcement that it would actually be bitten off, because somebody could be like, well, the fork length on this whole, intact mackerel -- It's just broke off, and, I mean, that's -- It's all up to the law enforcement officer, but they all have to be able to figure it out, and I'm just thinking too much.

MR. WOODWARD: Yes, and I think it's -- That would get into, well, we have to define what "damaged" is, and it's sort of like when we went down the road on descending devices, and

remember how much time it took us to find a definition of that that we all could live with and could be enforced, and so most of these things create another challenge, but we can get through it. John, go ahead.

DR. WALTER: Thanks. I think, in terms of consistency, and law enforcement has already had to deal with this for yellowfin tuna and bigeye, where HMS just put in an allowance for you to keep bit-off yellowfin or bigeye, as long as there is twenty-seven inches of fish left, and so I think they've already dealt with that, and probably seen it for related species, and, as we're dealing with depredation issues, it seems like more frequently, it seems like a relatively straightforward thing that they've already dealt with and probably could work on what's left of a king mackerel, too.

MR. WOODWARD: Thanks, John. All right. I am going to -- There seems to be no interest in tabling or postponing, and so I'm going to call the question. **All those in favor of the motion to select Alternative 2, Sub-Alternatives 2a and 2b, as preferred, raise your hand, eleven; all those opposed, like sign, one; abstentions.** Chester and Tom.

MR. ROLLER: I voted for it.

MR. BREWER: I abstained.

MR. WOODWARD: All right. **We have twelve yes, one no, and one abstention, and so the motion carries.** That will be our preferred alternative. All right. I think that's the last on Amendment 34. Shep, go ahead.

MR. GRIMES: Thank you, Mr. Chairman. Just to backtrack a little bit on what I said earlier, and so I've been talking about this with my counterparts, and this will require Gulf approval, but so would our discussion of removing an alternative or an action to Considered but Rejected, and that is also something that would require Gulf Council concurrence, and so maybe just think about, time-wise, maybe it would make more sense to remove it to Considered but Rejected at this meeting, to avoid having to go back and forth with the Gulf Council. If they saw it next time and didn't do it, didn't agree, then you would know, and you wouldn't have to have that second round of back-and-forth, but just think about that and decide in Full Council whether it makes more sense to do it one way or the other. Thank you.

MS. WIEGAND: Shep is exactly right, and so here's the timeline for CMP 34, and we can always discuss this again in Full Council, but, just so you're clear, all of the actions that we've taken at this meeting are then going to go to the Gulf at their January meeting, and so, specific to Actions 5 and 6, if you guys were to make a motion and say, you know, we're not going to review these actions again, and we don't want to talk about it again, we can move it to Considered but Rejected. We would then take that action to the Gulf, and, if the Gulf concurred to remove it to Considered but Rejected, those two actions would be removed from the amendment and put into that appendix, and then it will come back to you guys in March for final action back to the Gulf in April for their final action.

MR. WOODWARD: The Gulf is going to have to respond to the decision we just made on the cut-off fish, too.

MS. WIEGAND: Correct.

MR. WOODWARD: Okay. Jessica, go ahead.

MS. MCCAWLEY: I guess the part that's confusing me a little bit is that we have other actions besides 5 and 6 that we have selected no action on, like the allocation, and I think there's one other one, and so we would be keeping some of them in the document and moving others to Considered but Rejected, and so the fact that we're not treating them equally is just a little strange.

MR. WOODWARD: Go ahead, Christina.

MS. WIEGAND: Monica and Shep can help me out with this, but that's correct, and it's because of the way we've started to do these actions and alternatives for specifically adopting the ABC, setting the ACL, setting allocations, and setting the ACT, and the reason we haven't moved Action 2 and Action 3, which you guys have selected no action on, is we don't move those to the Considered but Rejected Appendix because they do actually -- That no action does actually constitute a change, because it's tiering off of that original Action 1.

MR. WOODWARD: It's the no-action action alternative. Go ahead, Shep.

MR. GRIMES: Thank you, and I would just note that allocation is different too, because no action is, in effect, a change to the current -- That harvest allocation that has occurred.

MR. WOODWARD: Don't start looking for logic in a lot of this. We do what we do. All right. Are we good on 34? All right. Let's deal with an easy one next, good old 32, and move on.

MS. WIEGAND: All right, and so we're switching gears and jumping into Amendment 32, and this looks at modifications to Gulf cobia catch limits, possession limits, size limits, and the framework procedure. Again, just a quick little bit of background, and I know we've talked about this amendment at many meetings, but just to reorient you, and this amendment is coming, again, off the backs of an assessment, and this was the SEDAR 28 update assessment, and it found that, while Gulf cobia was not overfished, it was undergoing overfishing, and so action does have to be taken to end overfishing.

If you will remember, this is just addressing Gulf cobia, and we no longer manage Atlantic cobia, and that's managed by the commission, and Gulf cobia runs from the Florida/Georgia line around through the Gulf of Mexico, and so, as always, I am going to try to be very explicit when I'm talk about this. When I'm talking about Gulf group cobia, that's the entirety of the migratory group, including Florida. When I talk about Florida East Coast Zone cobia, that refers to just the cobia that fall within the South Atlantic Council's jurisdiction on the east coast of Florida, and Gulf Zone cobia are the cobia that fall within the Gulf Council's jurisdiction, and I will try to be as explicit as possible when talking about the two different groups, management groups.

Let's hop on down to the actions in this amendment. Again, like we were sort of talking about earlier, these tier off of each other, and we've got the Action 1, which is the Gulf group OFL, ABC, and ACL, and then we talk about the apportionment between those two zones, and then we talk about specifically the Florida East Coast Zone and breaking up sector allocations. There are no sector allocations in the Gulf, which is why we don't have an action addressing that.

The goal for this meeting is I'm going to review the public hearing comments with you, and then we're at the stage where we'll be considering this for formal review. The Gulf Council did approve this for formal review at their October meeting.

I will start with the purpose and need statement, and it remains unchanged from the last time you saw it, and so no action is required, but I will just pause briefly, to make sure that everyone is still comfortable with this purpose and need.

MR. WOODWARD: Any comments or concerns? We've got a thumbs-up from Jessica, and so I think we're good to go.

MS. WIEGAND: All right. Cruising right along, here is Action 1, and this updates the Gulf group cobia, and so that entire migratory group, their catch levels, and ends overfishing based on the results of the SEDAR 28 update assessment, and the current preferred alternative, which is Alternative 2, and it's the preferred alternative for both the Gulf and South Atlantic Council, was chosen to provide this increasing yield stream that you see as recommended from the SSC. Alternative 3, which is not currently selected as the preferred, does set a constant catch from the 2021 fishing season forward, or until modified.

The environmental consequences, again, remain unchanged from the last time you saw them. We did have some comments on this, and I will remind you that both the Gulf Council and the South Atlantic Council conducted public hearings for this amendment. We did them in-person in the South Atlantic, and we went to the Florida Keys, south Florida, mid-Florida, and north Florida to talk to fishermen. The comments here are summarized as comments from both regions, but they are, again, in that larger report broken out, and that report does provide more detail, if you guys would like me to reference it.

We did receive comments, in the Gulf particularly, that felt that the cobia population had decreased significantly in recent years, though, on the other hand, we also received comments that the cobia population was healthier this year than it has been in past years, and there were two commenters, in particular, from the Gulf side that did provide support for Alternative 3, that constant catch, because they felt like it would give the fish additional time to rebuild. There is no action required for Action 1, but I will go ahead and pause here as well.

MR. WOODWARD: Any questions on Action 1? Any concerns? Any desire to change anything? I don't see anything, Christina. I think we're good.

MS. WIEGAND: All right. Action 2 looks at modifying the apportionment of Gulf cobia between the Gulf Zone and the Florida East Coast Zone, and, again, similar to allocation actions, these are being revised because the new FES numbers were incorporated in the updated assessment. The current preferred alternative for both councils is Alternative 3, which would modify the apportionment to 63 percent to the Gulf Zone and 37 percent to the Florida East Coast Zone, and this is based on the years 1998 to 2012, and those years are the same years that were used to originally set the allocation that you see there, or the apportionment, excuse me, that you see under Alternative 1 of 64 percent to 36 percent. All that happened here was those numbers were rerun to include the FES updates, and it essentially results in a 1 percent transfer.

Scrolling down to public comment, because, again, the environmental consequences have not changed since the last time you've seen them, and there were no comments specific to this action received.

MR. WOODWARD: Okay. Action 2, any concerns or interest there? No, and so let's roll along.

MS. WIEGAND: All right. Next up is sector allocations for the Florida East Coast Zone, and, again, we're looking at this because of those FES numbers, as well as because of the South Atlantic's allocation trigger policy. The current preferred alternative is Alternative 3 for both the Gulf and South Atlantic Councils, and it would retain the current percentage allocation of 8 percent to the commercial sector and 92 percent to the recreational sector.

The rationale on record from you guys right now is related to sort of how complicated Alternative 4 is, and it was similar to the idea that I talked about with king mackerel, this desire to make sure the commercial sector did not experience a poundage lower than what they were currently experiencing, which is 70,000 pounds right now, and, when you run the math on that, it results in an allocation somewhere, depending on the alternative you chose in Actions 1 and 2, to be right around like eight-point-zero-some percent, and so it's roughly equivalent to Preferred Alternative 3, and you felt that Preferred Alternative 3 was easier to understand, and so that's the rationale that you currently have on the record for your current preferred alternative, Alternative 3.

MR. WOODWARD: Okay. Opportunity for questions or input on Action 3. I don't see anything, Christina, and so I think we're good.

MS. WIEGAND: Okay. We'll cruise right along to Action 4, and this looks at updating the annual catch targets, and, currently, your preferred alternative is Alternative 2, and this alternative would use the Gulf Council's ACL/ACT Control Rule to set ACTs for the Gulf Zone and the recreational sector in the FLEC Zone, and, again, just as a reminder, the reason we're not considering an ACT for the commercial zone is because it's not codified in the accountability measures, and so it would essentially just be a number without any sort of management effect, and so that's why Alternative 3 wasn't selected as a preferred, but, if you did want to add a commercial ACT, we would have to add additional actions to this amendment to modify the AMs, and it would slow it down, and we did not receive any public comment on this specific action.

MR. WOODWARD: All right. Anything from the committee on Action 4? I don't see anything.

MS. WIEGAND: Next up is Action 5, and this looks at modifying the possession, vessel, and trip limits. Action 5.1 is specific to the Gulf Zone, and so, again, just that part of Gulf group cobia that's in the Gulf Council's jurisdiction, and the current preferred alternative is to reduce the daily possession limit to one fish per person for the recreational and commercial sector, regardless of the number or duration of trips. Also, to create a recreational vessel limit of two fish per trip and a commercial trip limit of two fish.

Again, you've seen the environmental consequences before, and they have not changed since the last meeting, but we did receive quite a bit of public comment on this, and most of the comments on this, since this is specific to Gulf Zone cobia, were from the Gulf public hearings, but several fishermen that were in attendance at their hearings did note that they were in support of the council's current preferred alternatives. However, other fishermen did not support the current

preferreds, and there were concerns about a recreational vessel limit that would hurt charter and headboat businesses, and a note that headboats that have trips with multiple people need more than two fish per vessel per trip.

There was also a note that there should be no vessel limit for the commercial sector, because commercial fishermen harvest only a small portion of the available cobia and that the vessel limit does not result in a significant reduction in harvest, but would harm individual businesses. There were notes of support for a six-fish-per-vessel limit and a note that the Gulf Council should consider sector allocations.

There were also several additional management measures suggested, such as designating cobia as a gamefish, a three-year moratorium on cobia harvest, a one-fish-per-vessel-per day limit, and a two-fish-per-person-per-year limit as well, and then there was a note from fishermen that requested that states move to match cobia regulations in federal waters, and I will note that that has been one of the council's goals with this amendment.

MR. WOODWARD: All right. Any questions about this one? Obviously, some divided public opinion about this, and not to be surprising, and so any discussion or any interest in changing anything? I don't see anything, and so let's go ahead.

MS. WIEGAND: All right. Then moving on to a very similar action, Action 5.2 looks at doing the exact same thing for the Florida East Coast Zone. Currently, the preferred alternatives selected under Action 5.2 match those in Action 5.1, which would create consistency in management measures in federal waters throughout the Gulf group cobia range.

We did have some public comment on this at our public hearings, and fishermen suggested additional analysis on a three-fish-per-trip limit for the commercial sector, in order to help fishermen on the few days that they do actually encounter cobia. There was a fisherman that felt the commercial sector should not be impacted, because, really, it's a recreational fishing issue, and they would prefer a one-fish-per-person bag limit and a four-fish vessel limit.

There was support for reducing the bag limit to one fish per person in federal waters for the recreational sector. However, the commenter would like to see commercial fishermen at two fish per person, because most commercial fishermen are operating on vessels alone, while recreational fishermen typically have multiple people onboard.

MR. WOODWARD: Okay. Any questions or comments about Action 5.2? I don't see anything, Christina.

MS. WIEGAND: Next up, Action 6, this looks at modifying the Gulf group cobia minimum size limit. Currently, the minimum size limit is thirty-six inches fork length in the Gulf Zone and thirty-three inches fork length in the Florida East Coast Zone, and the current preferred alternative would retain the minimum size limit in the Gulf Zone and would increase it in the Florida East Coast Zone to thirty-six inches fork length, so that it would be thirty-six inches fork length throughout the management area.

We did receive public comment on this as well, and so some fishermen were in support of the current preferred alternative, and they noted that the Gulf Council only recently took action to raise

the minimum size limit, and they did this via Framework Amendment 7, which occurred a year or two years ago, I believe, and that they supported consistency between the Gulf Zone and the Florida East Coast Zone, and they didn't want to see a minimum size limit higher than that thirty-six inches, out of concern for discards.

There were several fishermen at our public hearings that were against raising the minimum size limit in the Florida East Coast Zone. The concern was that the average cobia is between thirty and thirty-seven inches fork length and that raising that minimum size would really hurt the fishermen, and that they wouldn't be able to keep as many fish, but that they don't catch cobia often, and, when they do, it's sort of a prized catch, and it helps them cover expenses.

There were some fishermen in the Gulf that were supportive of a higher minimum size limit, closer to thirty-nine or forty-two inches fork length, in order to give Gulf cobia more time to reproduce, and they felt that it would lead to a much greater estimated percent reduction in harvest. Additionally, people suggested looking at a slot limit for cobia, removing the minimum size limit altogether, or prohibiting the use of gaffs or requiring nets to land cobia. However, there some concerns that it can be challenging to net larger fish.

MR. WOODWARD: Okay. Action 6, any comments or concerns about that one? I don't see anything, Christina, and so last, but certainly not least.

MS. WIEGAND: Last, but not least, we've got Action 7, which looks at modifying the framework procedure. Under the no action, the South Atlantic Council is allowed to change only a few things for management of Gulf cobia, whereas, under Preferred Alternative 2, the South Atlantic Council would have the responsibility to set these things that you see highlighted on our screen for Florida east coast cobia, and the important thing to remember is that, even with this modification, any action that would affect Gulf group cobia as a whole, things like the apportionment between the two councils, or the setting of the ABC and ACL, that would still require both councils to agree.

MR. WOODWARD: Okay. Any questions about that? We've talked about it, I know, previously, and hopefully everybody understands what the purpose of that is, to improve the efficiency of the joint management structure. Any questions or concerns? I don't see any, and so I think we're at the finish line, aren't we?

MS. WIEGAND: You are. There are just a couple of other things that I wanted to note. There is that additional administrative change that's going to go through with this amendment, and it's meant to change a mistake that was in the codified text, and hopefully I can explain it again in a way that's clear, but the regulations require dealers to purchase cobia from a vessel with a CMP permit, and so king mackerel or Spanish mackerel or headboat permit, and there is no commercial permit for cobia.

It also requires federal dealers to purchase from federally -- Or federally-permitted vessels to sell to federally-permitted dealers, and this creates a situation where say I have a snapper grouper permit, and I've caught a cobia, and I am now required to sell it a federal dealer, but that federal dealer cannot purchase it from me, because I don't have a CMP permit.

That was an error that was put in, I believe, during the generic dealer reporting amendment, and so this additional administrative action will just correct that, and it will allow federally-permitted

dealers to accept Gulf cobia harvested in the EEZ from any vessel, regardless of permit status. Keep in mind that there are still state regulations that are in place that require commercial permits, for example, to sell commercially-harvested fish, and so I just wanted to, again, bring your attention to this administrative change that will be included in the rule for this amendment, should you guys move forward.

MR. WOODWARD: So, in plain speak, basically, we're trying to remove an obstacle out of the pathway, so fish can be sold and accounted for properly, but not in a way that is burdensome. Okay.

MS. WIEGAND: Then I just wanted to note, at public hearing comments, there was a note specifically about this issue and for the Gulf and South Atlantic Council to realize that recreational cobia can then be caught and sold from the EEZ in state waters, and there was a request to make the sale of Gulf cobia better regulated. There was also a note about how shark depredation has affected the cobia population and a note that fishermen on unpermitted vessels were often operating as charters in federal waters and targeting cobia illegally.

Then just a few other things that they talked about in the Gulf Council that may be coming back at some point in the future for us, and they did pass a motion to direct staff to create a document to prohibit the sale of Gulf cobia caught under the recreational bag limit in or from the EEZ of the Gulf of Mexico or South Atlantic, and then they also had a discussion to direct staff to review the framework procedure, in order to look at ways to simplify or reduce the need for some of these joint amendments, to streamline management.

That is it, and I do have a draft motion on the board, and you can take that up now as a committee and again in Full Council, or you can delay until after public comment and just take it up in Full Council.

MR. WOODWARD: What's the will of the committee? Do you want to take it up now? I will entertain this motion now, or we could do it at Full Council, and it really doesn't matter. I don't think we're going to hear public comment that's going to steer us on a different course, but we can certainly delay. What would be your preference, Christina?

MS. WIEGAND: If you only want to vote on it once, you can wait and hear public comment and vote on it in Full Council.

MR. WOODWARD: Okay. Voting is such a delicate subject these days in this country, and we certainly don't want to create any more unnecessary problems, and so all right. Thank you for that, Christina, and we're going to take a fifteen-minute break, so we can do some reorganizing here, and so let's be back at 3:11.

(Whereupon, a recess was taken.)

MR. WOODWARD: All right. I think we've pretty much got everybody back, and so I'm going to turn it over to Ryan Rindone from the Gulf Council, and he's going to walk us through a presentation on Amendment 33, and so take off, Ryan.

MR. RINDONE: All right. Thank you, all. Amendment 33 is a joint plan amendment between our councils to look at Gulf migratory group king mackerel catch limits and sector allocations in the wake of the SEDAR 38 update stock assessment on Gulf king mackerel, which found that, albeit there's some pretty dismal recruitment in the last ten years, the stock remains in an overall healthy condition, in that it is not overfished and not undergoing overfishing.

This is using data through the 2017/2018 fishing year, and so you can see our look at our current fishing mortality over fishing mortality at MSY, which is using a proxy of 30 percent spawning potential ratio. It's still below one, and the current spawning stock biomass, as of the 2017 fishing year, over SSB at MSY, at still above one, and so it's still in good shape.

The Gulf Council is interested in modifying a couple of things about king mackerel as a result of this, including catch limits, and so the overfishing limit, acceptable biological catch, and annual catch limits, and also looking at sector allocations between the commercial and the recreational sectors. The commercial sector in the Gulf is also divided into some zones, which I will talk about in just a little bit, and the Gulf Council is not presently considering revising the commercial zone allocations.

Our purpose and need right here, the purpose is to revise catch limits for Gulf kingfish and to review recreational and commercial allocations in response to new information on the stock provided in the update. The need is to ensure that these catch limits are based on the best scientific information available to prevent overfishing while achieving optimum yield and to increase the social and economic benefits for Gulf kingfish through sustainable harvest in accordance with Magnuson.

I am going to assume that you guys -- I know that everyone has a different presentation style, and I will stop the moment that I am interrupted, and so please feel free to stop me whenever you would like to ask any questions or make any points or anything like that, and I will stop talking.

As far as modifying the catch limits, the Gulf SSC reviewed SEDAR 38's update in September of 2020, and they provided catch limit recommendations for the 2021 to 2023 and subsequent fishing years, and you can see those in that table right there, and you can see ours are much lower than you all's, but ours are also indicative of a stock that has had some less than stellar recruitment in the last ten years, and is also over a smaller area.

The ABC is set at the projected yield at the fishing mortality at optimum yield, or 85 percent of the fishing mortality at an SPR ratio of 30 percent, and this is to account for uncertainty not captured in the model, and so an important thing to remember for kingfish, when we're talking about our projections and things like that, is that, in the Gulf, the projections are not dependent upon the sector allocations, and so the two are mathematically divorced from one another. Changing one doesn't have an effect on the other, except so far as, if the projections are updated, and it results in a different catch limit, then that's then applied to the allocation, and that's what those sectors would get.

Currently, our catch limits are monitored in MRIP's Coastal Household Telephone Survey data currency, and these values are in millions of pounds whole weight, and we have a split between the recreational and commercial sectors, which gives 68 percent of the catch to the recreational sector and 32 percent to the commercial sector, and this commercial allocation includes a 2 percent

shift from the recreational sector to account for the sale of kingfish by the for-hire sector, and these have been in effect -- These catch limits have been in effect for almost as long as I've been alive, and so the majority of the catch history for the Gulf kingfish stock is biased by these sector allocations.

The SEDAR 38 update catch limits are using MRIP's Fishing Effort Survey data currency, and these new recommended catch limits, while higher than the current ones, also assume that increase in recreational fishing effort is endemic to FES, and so these limits actually represent a decrease in harvest from the status quo, and part of that decrease is also due to a model correction to the virgin biomass estimate.

The first action in the amendment looks at modifying the catch limits, the OFL, the ABC, and the ACL, and so our no action alternative is shown here, and this particular alternative is not viable, because it uses an old Coastal Household Telephone Survey data currency, but an interesting thing to look at is to look at the comparison of what the catch limits would have been had we had MRIP-FES when we originally did the SEDAR 38 stock assessment back in 2014. You can see those numbers in the bottom row there of that table, just to give you a frame of reference from where we would have been coming from from the original assessment to where we are now looking at going in Alternative 2.

Here is Alternative 2, which suggests revising the OFL and the ABC for Gulf king mackerel, as recommended by the Gulf SSC, for the 2021/2022 through 2023/2024 and subsequent fishing years. The total ACL is set equal to the ABC, and an annual catch target is not used. It's customary for the Gulf Council not to use an annual catch target when the stock is not considered to be overfished or undergoing overfishing, and this is not a binary decision, and, of course, there are always exceptions.

The catch limit values shown here are in millions of pounds whole weight, and so you can see these catch limits increase marginally with time, and this presumes that recruitment will improve a little bit from where it has been, which, like I've been saying, is not great, and, eventually, these catch limits will reach an upper asymptote. I guess I will stop here on purpose, and are there any questions about the catch limits and the SSC's recommendations?

MR. WOODWARD: Any questions for Ryan? Go ahead, Andy.

MR. STRELCHECK: Thanks, Ryan. I should have probably asked you this previously, and so, on the slide that shows Alternative 1, you showed the MRIP-FES equivalent at 12.6 million pounds for the overfishing limit. Then, when we go into Alternative 2, you're showing the OFL is less than that amount, and, if I understood you correctly, that's due to a change in how that's being computed by the stock assessment model for virgin biomass, because my expectation would be that, because we're not overfishing, and the stock isn't overfished, that the current OFL equivalent would be similar to what we would then be setting the new OFL at.

MR. RINDONE: It's partly due to that. The other thing that it's due to is the depressed recruitment, and so -- I don't have this figure in here, but the recruitment for Gulf kingfish, for about the last twelve years, if my memory is serving me correctly, and I think I'm close to it, and so the last twelve or thirteen years has been below the long-term average, some years substantially so.

That depressed recruitment, of course, means that there is fewer fish that are being born and that are available to enter the fishery, and, because of this, it has driven the total spawning stock biomass for Gulf kingfish down. Now, it hasn't driven it down so far as to say that the stock is overfished, of course, but it has decreased it, and it's also presuming that that recruitment isn't going to just immediately jump right back up to what the long-term average has been, and so that explains part of that difference.

The other part of it, like you mentioned, is also because of the revision in the estimate of virgin biomass from SEDAR 38 to the update, and we can revise that estimate of virgin biomass down, and so it's saying the amount of fish that we originally started with is actually smaller, and so that, combined with the increased estimates of recreational catch and effort, and then combined with the depressed recruitment, that leads us to the numbers that you guys are seeing on Slide 7 in front of you now. Again, the stock is still considered healthy, and, all other things being equal, the expectation is that it will continue to marginally improve, and we just have to keep an eye on it.

MR. WOODWARD: All right. Any other questions for Ryan? I don't see any, Ryan, and so you can proceed.

MR. RINDONE: Okay, and so sector allocations are shown here, and so these allocations for Gulf kingfish were based on average catches for the time period of 1975 to 1979, and, of course, MRIP didn't exist back then, and, frankly, neither did MRFSS, and so we just used the data that we had available to us, and these were the years for which we had complete commercial and recreational data at the time.

This resulted in approximately 70 percent recreational and 30 percent commercial allocation, and it was established in CMP Amendment 1 back in 1985, and so this would have been eight days after I was born, and this set the allocations at 68 percent recreational and 32 percent commercial, with that 2 percent shift that accounts for those occasional sales, and so this allocation, like I said, has been in place for quite some time. It's been in place for almost the entirety of the FES-corrected time series, and certainly within the entirety of the time series for which we would normally use recreational data, which tends to be 1986 and forward. Allocation decisions, based on landings, of course, are going to be biased by this particular allocation scenario.

The unfortunate thing is that, in the case of Gulf kingfish, and, like I said, mathematically, the projections for the catch yields and the allocations, the sector allocations, are mathematically divorced from one another, and so we don't have to worry about the effect of changing sector allocations on what the total OFL and ABC would be for the stock, and so that's a good thing.

We have our recent landings history shown here on Slide 9 for the 2012/2013 fishing season to the 2019/2020 fishing season, and you can see, in the second-from-the-left and third-from-the-left columns, the recreational landings in CHTS and FES, and the commercial landings down the center there, and then the total landings, using the recreational CHTS and FES landings, and it's important to note here that the Florida East Coast Zone is excluded from these commercial totals, so that these comparisons all make sense.

That Florida East Coast Zone was removed from the Gulf migratory group following the SEDAR 38 assessment, the catch limits for which went into effect in May of 2016, and so that's why you

see those asterisks for the fishing seasons prior to that. If we're looking at that right-most column there, you see the percent increase to FES, and so that just details for you the percent increase in landings estimated from going from the CHTS values in the third-from-the-right column to the FES values in the second-from-the-right column.

If we're looking at the percent of the sector ACL that's been landed, we want to look to the grouping of the two columns in the second column from the right, the percent of sector ACL landed, and, generally speaking, what we can see here is that, under CHTS, which is what these values use, the commercial sector has been more or less landing its allocation.

If you were to average all of that out, the commercial sector has been catching the fish that it's been given to catch. The recreational sector has oscillated from landing anywhere from just under 30 percent to a little over 50 percent of its catch, with the caveat that, for the 2014/2015 year, that the catches for that particular fishing year were quite a bit above the catches for the surrounding years, enough so that council staff certainly noted, and the council noted, and we've poked and asked a lot of questions about that year, but, in general, the recreational sector hasn't been landing its allocation, which has left quite a few fish in the water, and, seemingly despite that, despite those fish being left behind, we're still in this peculiar recruitment situation in the last twelve years or so.

Action 2 in Amendment 33 would modify the sector allocations and the commercial zone quotas for Gulf kingfish, and I told you guys before that we're not reevaluating the commercial zone quotas, and what I mean by that is we're not evaluating the percent that each of those zones gets from the commercial ACL, but, by default, if we change the allocation for the commercial sector as a whole, then the pounds that those zones are going to ultimately get is, obviously, going to change.

Alternative 1 would maintain the current sector allocation of the total ACL for Gulf kingfish between the commercial and recreational sectors at 32 percent commercial and 68 percent recreational. Now, normally, we wouldn't be able to do this, because of making the transition from CHTS to FES and the effect that changes in allocations have on projections, but, again, we don't have to worry about that with Gulf kingfish. Those things are mathematically separate.

Alternative 2 would modify the sector allocations by reallocating to the commercial sector a percentage of the average difference between the total landings from the 2016/2017 fishing year through the 2019/2020 fishing year using the MRIP-FES data and the total projected ACL for the 2023/2024 fishing year from Action 1, and so we have options here to reallocate 25 percent, 50 percent, 75 percent, or 100 percent of this average difference.

You can see how all of this would shake out in these tables here, and, while you guys are looking at that, I am actually going to pull something up and describe to you a request by the Gulf Council at its last meeting. At the Gulf Council's last meeting in October, one of the council members had asked that we reevaluate the way that we were actually doing the calculations for Alternative 2, and, instead of comparing that percent average difference, using the FES data to what the Alternative 1 2023/2024 ACL would be, they asked that we compare it to what it would have been had we used FES for SEDAR 38.

There is an appendix in the document, Appendix B, that contains within it an analysis that was done by the Southeast Fisheries Science Center that ran this exact simulation, and, basically, what it did is it kept the terminal year of the 2012/2013 fishing year, and it retained the estimate of shrimp bycatch mortality, and it, instead, substituted, for the recreational data, the FES data, through the 2012/2013 fishing year.

This results in, obviously, a much higher projected catch limit for the time, and so, in an updated draft of the document that you guys will see the next time that you see this, we've made some of these modifications to the math here, and so just to let you know that that's coming, but, for the sake of this, we wanted to show you guys what the Gulf Council saw at its October meeting. Any questions on this?

MR. WOODWARD: Any questions for Ryan about this? I don't see any, Ryan, and so go ahead.

MR. RINDONE: The short story about what the effects of this would be are that, by assuming that the use of FES in the original SEDAR 38 assessment, it actually results in a larger difference, a larger average difference, and so, instead of it being about two-and-a-half million pounds, it ends up being about 4.1 million pounds, and so you can imagine, in your mind's eye, how that all maps out, based on the percent of the average difference you say that you're going to reallocate to the commercial sector.

Again, part of the reason for not reallocating to the recreational sector, since that's not being considered as part of Action 2, is the recreational sector is open year-round and has not been landing its catch limit, and so it does not currently require additional fish in order to stay open year-round and for the fishery to continue to operate in the manner in which it has. I think I kind of rambled through what's highlighted here, Christina.

Alternative 3 would do the exact same thing as Alternative 2, except that it uses a longer time series, from the 2010/2011 fishing year through the 2019/2020 fishing years, and we included this alternative originally just to be able to provide some options to the councils to consider, but the problem with this particular alternative is that the years that are included in it account for two different states of management, if you will, once in which the Florida east coast zone is included as part of the migratory group and one in which it is not.

To be able to account for what effect this change in spatial management would have on the calculations, it would be puzzling, to say the least, and seemingly not necessary, as the Gulf Council -- At least in the mind of the Gulf Council, as it decided to move Alternative 3 in Action 1 to the Considered but Rejected Appendix, and so you can see what the percent difference would have been there, if we spread it out over a longer time series, and the average difference is a little bit less, but, again, we're accounting for two regions at the same time, and one of those is no longer part of the contemporary management strategy for Gulf kingfish.

This just shows you how some of those allocations might shift, depending on what option is chosen, and, as far as -- Like from a NEPA standpoint, because there are four options in Alternative 2, removing Alternative 3 doesn't put us in any kind of a peculiar situation with respect to providing a sufficient amount of alternatives for the councils to consider in Action 2. I guess, Christina, one of the things for the South Atlantic Council to consider is whether it agrees with the Gulf Council on removing Alternative 3 in Action 2 to the Considered but Rejected Appendix.

MR. WOODWARD: All right. Thanks, Ryan. I know we've had a little bit of time to look at some of this. Any further questions for Ryan? If not, then we've got, before us, consideration of supporting moving Alternative 3 in Action 2 to the Considered but Rejected Appendix. If there is not any questions, I would entertain a motion to that effect from our committee.

MR. BELL: **So moved.**

MR. WOODWARD: All right. We've got a motion from Mel. Do I have a second?

DR. BELCHER: Second.

MR. WOODWARD: I have a second from Carolyn. Okay. Any discussion on the motion? Any questions about it? **Any opposition to the motion? Seeing none, the motion carries.** Okay, Ryan. We've taken care of that.

MR. RINDONE: Thank you, all.

MR. WOODWARD: Anything else on that, Christina? All right. Very good. Thank you, Ryan. We appreciate the update. Okay. We're going to go to Other Business, and, during our pre-meeting discussion, we talked a little bit about the delays in SEDAR 78, which is Spanish mackerel, and I wanted to ask Christina, and Chip can certainly join in if he wants to, kind of what the consequences of that is going to be and how it's going to affect our timeline, and then we can have a little bit of discussion about it.

MS. WIEGAND: I can provide the broad strokes, but I might need Chip for any of the more nitty-gritty details, but, essentially, there's been a delay in the assessment. The Center has asked for about a one-month delay, but what that ultimately means is that we won't be able to make the spring SSC meeting, and so that sort of leaves the council with two options. If it's delayed, then can have a special SSC meeting to talk about just this amendment specifically. Otherwise, it wouldn't be able to come to the council until after the October SSC meeting, which would get it to you guys in December, and it would delay development of the associated management measures coming off of that assessment, but, Chip, I don't know if there's anything you would like to add.

DR. COLLIER: The only thing I would like to add is this is not just a South-Atlantic-managed species, and it's also managed through the Atlantic States Marine Fisheries Commission, and then have been delaying actions on this species as well, and so it's not just a South Atlantic issue, and it goes a bit broader than that, and it is an important species.

MR. WOODWARD: Thank you, all. As Chip mentioned, I serve on the Atlantic States Marine Fisheries Commission, and we're sort of in a holding pattern, and we've heard from the public, at several of our meetings, concerns about the need to update management to reflect what's going on in the fishery. I mean, none of us can predict exactly what that stock status determination will be, and I think we're optimistic that it will good news and we will see some increases in ABC and ACL, and so I think it's really important that we do everything possible to prevent any delay, if it at all.

I think there's a lot at stake here, and we've got stakeholders that want to see us do something, and I think it's important, and COVID and lots of other things have caused delays, but, in this case, I agree, and I would certainly like to see the Center move this forward, and I think, if they can't, and that's just absolutely impossible, that we do consider a special session of the SSC, so that we do whatever we can to keep things on track and moving forward, and so, with that, I will open the floor for any discussion, and I think this can be talked a little more at the SEDAR Committee as well, but I wanted to bring it before this committee, just so everybody knew where things were, and so any questions or concerns? There's no action necessarily required, other than just us articulating the importance of keeping this on track and staying the course, and so I will certainly open it up for any comments. Go ahead, John.

DR. WALTER: Thanks for the opportunity to weigh-in here. Yes, this assessment is an important one, and it's been ten years since we've done it, and there is actually a fair amount of new data that's going to go into it, and so, while it's an operational, adding ten years of data is not an inconsequential task, and it's not just an update, and so that's one of the reasons, and we just are going to need that extra month. Unfortunately, that month is one of those -- It bumps things down the line.

We're going to work as hard as we can to get it done, but we just can't promise that we can make that spring SSC, but we will proceed as much as we can on getting it done and getting the data incorporated and we're open to if there is something, like a special SSC, and I think we had one already in July, I think, and there was a July one, right, and so we found that those can be effective and useful when they have to be there. Thanks.

MR. WOODWARD: Go ahead, Mel.

MR. BELL: It seems like it's just a one-month delay, but I guess everybody understands the trickle-down effect, in terms of impact on other things, and, yes, we could perhaps look at a special, focused SSC meeting, and again remember that the SSC folks' schedules are a bit challenging, with their day jobs and everything else going on, and so that's certainly something we could look at, and we would need to explore the feasibility of that, and I guess it could be done fairly quickly, in terms of the length of the meeting, but it would be a matter of when we could do that and get the SSC together, but we would prefer to keep it on track, but we certainly understand what we're facing, in terms of the data and having the data ready.

DR. COLLIER: John, I think I heard you say that it might be possible to get it done in April, and so that's more encouraging than I've heard in the past, and so should we begin to start scheduling it for the April SSC meeting? We had scrapped it from there, assuming that it was only going to occur in May, and so it's exciting to hear that we could potentially get it done. I know the first SEDAR meeting went really well, and it was held a couple of weeks ago, and I saw a series of emails saying what a great job your staff had done in being prepared and having all data in-hand, and they seemed like they were ready to go, and so that was very encouraging.

DR. WALTER: I hate to be the voice of caution there, and I think we just don't know. I think the data input went fairly well, but we just don't know, because we don't know what we might encounter, adding ten more years to the model, and so, in terms of scheduling it, we're still a number of months out, and I hope we'll get some information along the way that might say whether we are on track, but I can't promise at this point that we're going to be there.

MR. WOODWARD: Go ahead, Dewey.

MR. HEMILRIGHT: Given that, for Spanish mackerel and this council, in the last few years, it's a pretty urgent species, and the different factors involved and stuff like that, and, if at all possible, hold an SSC meeting, an emergency SSC meeting, to address this, because I think there's not only stakeholders, but Atlantic States and this council and different entities that are looking with interest to this species, and it would be good if -- I realize that people have got jobs and busy time, but, if that could be at all possible, and so therefore it would give the fishers and I know particularly maybe some interest of increasing quota or something like that. Thank you.

MR. WOODWARD: Thank you, Dewey. Again, that was just to give everybody kind of a status on where we're at, and we can keep moving forward as best we can. Any other business to come before the Mackerel Cobia Committee? Seeing none, we will stand adjourned.

(Whereupon, the meeting adjourned on December 6, 2021.)

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Certified By: _____ Date: _____

Transcribed By
Amanda Thomas
January 31, 2022

SAFMC December Council

Attendee Report: Meeting (12/6/21 - 12/10/21)

Report Generated:

12/07/2021 06:15 AM EST

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Actual Start Date/Time

12/06/2021 10:24 AM EST

Attendee Details

Attended	Last Name	First Name
Yes	Antonaras	Manny
Yes	BROUWER	MYRA
Yes	BYRD	01JULIA
Yes	Batsavage	Chris
Yes	Bianchi	Alan
Yes	Blough	Heather
Yes	Brame	Richen
Yes	Bubley	Walter
Yes	Burgess	Aurora
Yes	Calay	Shannon
Yes	Candelmo	Allison
Yes	Chaya	01Cindy
Yes	Cheshire	Rob
Yes	Conklin	The Real Chris
Yes	Copeland	00 Robert
Yes	Cox	Derek
Yes	Crosson	Scott
Yes	Curtis	01Judd
Yes	DeVictor	Rick
Yes	Diaz	Dale
Yes	Dukes	Amy
Yes	FRANCO	DAWN
Yes	Finch	Margaret
Yes	Foor	Brandon
Yes	Foss	Kristin
Yes	Gentry	Lauren
Yes	Godwin	Joelle
Yes	Gore	Karla
Yes	Griffin	Charles
Yes	Guyas	Martha
Yes	Hadley	01John
Yes	Helies	Frank
Yes	Hemilright	Dewey
Yes	Herrera	John
Yes	Hiers	Homer

Yes	Hoke	David
Yes	Howington	Kathleen
Yes	Ingram	Jamal
Yes	Iverson	01Kim
Yes	Karnauskas	Mandy
Yes	Kelly	Aaron
Yes	King	Heidi
Yes	Kittle	Christine
Yes	Klasnick	01Kelly
Yes	Klibansky	Nikolai
Yes	Kolmos	Kevin
Yes	LARKIN	Michael
Yes	Laks	Ira
Yes	Lewis	Selby
Yes	Lindh	Ryan
Yes	M TARVER	TIM
Yes	McCallister	Kevin
Yes	McCoy	Sherylanne
Yes	McLemore	Michael
Yes	Mehta	Nikhil
Yes	Merrifield	Jeanna
Yes	Muffley	Brandon
Yes	Neer	Julie
Yes	Nesslage	Genny
Yes	Newman	Thomas
Yes	O'Donnell	Kelli
Yes	OShaughnessy	Patrick
Yes	O'Brien	Lauren
Yes	Peterson	Cassidy
Yes	Porch	Clay
Yes	Powell	Jessica
Yes	Pugliese	01Roger
Yes	Rawls	Kathy
Yes	Records	David
Yes	Reeder	Kelly
Yes	Reichert	Marcel
Yes	Rhodes	01Cameron
Yes	Roller	00Tom
Yes	Runde	Brendan
Yes	Sanchez	Joseph
Yes	Sauls	Beverly
Yes	Sawicki	Kim
Yes	Schlick	CJ
Yes	Scott	Tara
Yes	Seward	McLean
Yes	Shireman	Camilla
Yes	Siegfried	Katie

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