

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COBIA COMMITTEE

**Sawgrass Marriott
Ponte Vedra Beach, FL**

June 15, 2017

SUMMARY MINUTES

Committee Members

Ben Hartig
Anna Beckwith
Zack Bowen
Dr. Roy Crabtree
Jessica McCawley
Rob O'Reilly
Tony DiLernia

Dr. Michelle Duval
Mel Bell
Mark Brown
Doug Haymans
Robert Beal
Dewey Hemilright

Council Members

Charlie Phillips
Chris Conklin

Chester Brewer
Tim Griner

Council Staff

Gregg Waugh
Dr. Brian Chevront
Kimberly Cole
Mike Collins
John Hadley
Dr. Kari MacLauchlin
Cameron Rhodes

John Carmichael
Myra Brouwer
Dr. Chip Collier
Dr. Mike Errigo
Kim Iverson
Roger Pugliese
Amber Von Harten

Observers/Participants

Dr. Jack McGovern
Monica Smit-Brunello
Dale Diaz
Rick DeVictor
Steve English

Dr. Bonnie Ponwith
Erika Burgess
Jeff Radonski
Ira Laks

Other Observers/Participants attached.

The Mackerel Cobia Committee of the South Atlantic Fishery Management Council convened at the Sawgrass Marriott, Ponte Vedra Beach, Florida, Thursday morning, June 15, 2017, and was called to order by Chairman Ben Hartig.

MR. HARTIG: Good morning. We will bring the Mackerel Cobia Committee to order. The first item of business is Approval of the Agenda. Are there any changes to the agenda, other than what I have? What I would like to do is insert, as Number 4, a discussion on the ASMFC letter requesting transferring management authority of Atlantic cobia management from the council to the commission, and so that's one of the changes that I have. With that change, is there any objection to approving the agenda? Seeing none, the agenda is approved.

The next item of business is Approval of the March 2017 Mackerel Cobia Committee Minutes. Is there any changes, corrections, or deletions to the minutes? Seeing none, the minutes are approved.

That brings us to the next item, which is the Status of Commercial and Recreational Catches Versus the ACLs, and those are under Attachments 1a and 1b, and I'm sure they have updated numbers, as usual, and I will turn it over to Rick.

MR. DEVICTOR: Thank you, Mr. Chair. This is Attachment 1a, I believe, in your briefing material, and it's on the screen here. I will go through king mackerel, Spanish mackerel, and cobia commercial landings, and so, starting off with king mackerel, preliminary landings of king mackerel from the Science Center quota monitoring system, and these are landings through June 9, and the fishing year begins on March 1. Now, we reformatted this table, because of the changes that went into place through Amendment 26, with the change to the ACL and the change by adding the Season 1 and Season 2.

Atlantic group ACL for 2017/2018 is 5.9 million pounds. The Northern Zone quota is just over 1.3 million pounds, and the Southern Zone quota is just over 4.5 million pounds, and you can see there that we list the Southern Zone quota for Season 1, which is March 1 to September 30, and the Southern Zone quota for Season 2 is October 1 through the end of February.

Going down into the table, you can see that we show historic landings. In the Northern Zone, you can see just over 32,000 pounds have been landed so far, and that's 2.4 percent of the quota. Season 1, again, which is March 1 through September 30, 11.2 percent has been reached so far.

Moving down to Spanish mackerel, you can see we have the ACL for 2017/2018, and it's just over 3.3 million pounds, and we have listed the Northern quota and the Southern quota. Going into the table, again, we have historical landings for the Northern Zone, and 23 percent has been landed so far of that quota, and Southern is 13.5, and the total is 15.4.

Finally, moving down commercial landings for cobia, we show both the Atlantic Group, Georgia up through New York, and then the Florida East Coast Zone. The quota for 2017 is 50,000 pounds for the Atlantic Group quota, and then the Florida East Coast quota is 70,000 pounds. You can look, and we have historic landings in 2015, 2016, and 2017 for Atlantic Group, and just over 14,000 pounds has been landed of the Atlantic Group so far. For the Florida East Coast Zone, that's just over 15,000. That concludes my report.

MR. HARTIG: Thank you, Rick. Any questions of Rick? I would add one thing, an interesting kind of tidbit, kind of like our fishery reports evaluation for king mackerel. I have been biting my nails for the last six or seven years about recruitment in that fishery. We had seen some evidence of age-zeroes in 2012. I am happy to say that some of that translated into the spawning stock, finally, the first year, this year, in May.

We have seen three different size classes, actually, in that spawning stock this season. It looks like actually probably three different recruitment events, which is really, really good news for a fishery that's been struggling on the recruitment side for a long time, and so that's great news. The bad news about that, and Steve can certainly corroborate when we bring him up here a little later, is that the critters are so bad, between the sharks in Jupiter, trying to live-bait fish, which was the predominant way those animals were caught in the spring -- The sharks have, effectively, probably curtailed at least 50 percent of the harvest.

Now, they haven't eaten every one of those. A number of us will not continue feeding those animals to the sharks, and we will leave the area where we are and take a reduced harvest or go do something else, like Steve has done, but the other thing is, for the trolling fishery, we have considerable marine mammal interactions with bottlenose dolphin, and that continues to be a problem, and it continues to be a significant source of decreased landings, and it's the same thing.

We don't sit there and continue to feed, or at least most of us don't, king mackerel to dolphins. We will move, and so it impacts our total catches at the end of our run, and so the bottom line is, while the stock looks good from a recruitment standpoint, the landings aren't going to be indicative of that, because of the problems that we have, and, additionally, the environmental impacts with the cold water.

That's continuing to be a problem again this season. We were hoping, since the winter was so stable, that wasn't going to happen, but it has happened again this year, in earnest. It's a little bit later in the season, but we've still got an eddy there now that's continuing to cause problems, and it's been there for ten days. We are fighting environmental effects and critters, and that's just an update on why landings may not be a very indicative indication of stock health going down the line.

MR. BREWER: Are you saying the dolphin are eating the bait or eating the king mackerel?

MR. HARTIG: They will eat your bait, too. They will pick the sardines off the hook. I mean, it gets to the point of ridiculousness, as far as interacting with those animals, but they will eat the sardines off of your hook, and they will eat the animals, the king mackerel, certainly, after you hook one, and so we end up all day running around and trying to avoid them, and it's a problem.

MR. BREWER: It used to be dolphin wouldn't touch a bait that had a hook in it.

MR. HARTIG: No, they grab it, and they slowly pull on it, and they slowly pull it off. They know exactly what they're doing. Any more questions of Rick? All right. That brings us to the recreational numbers. Rick, are you going to do those, too?

MR. DEVICTOR: Yes, Mr. Chair, I will do it. Dr. Larkin is on a plane right now, and so I will give the presentation for him.

MR. HARTIG: Thank you.

MR. DEVICTOR: This presentation is in the briefing materials. It's Attachment 1b, I believe. This is the updated South Atlantic recreational landings update for CMP species. Landings are summarized using MRIP or MRFSS calibrated from MRIP, depending on how the ACL is calculated. Landings were updated by NMFS SERO to be consistent with ACL monitoring and include data through Wave 1 of 2017, and so this is the first two months of 2017. All 2017 landings are preliminary, and landings include MRFSS, MRIP, and also headboat landings.

Here is a slide showing 2014/2015 recreational landings and ACLs. You can see cobia, New York through Georgia, the fishing year starts on January 1, and the ACL is 630,000 pounds whole weight, and 247 percent was reached for that fishing year. East Coast Florida was 42 percent, king mackerel was 19 percent, and Spanish mackerel was 32 percent.

Moving on to 2015/2016 landings and ACLs, you can see the ACL for cobia, Georgia through New York, was 620,000 pounds, the ACL, and 216 percent was reached. Of course, we closed down on June 20, because of what happened in the prior year. Cobia East Florida, 54 percent was reached. King mackerel was 16 percent, and Spanish mackerel was 30 percent.

Here is 2016/2017 preliminary landings and ACLs. Again, this is Wave 1 only. It's zero landings for Wave 1 cobia in New York through Georgia. Again, we closed on January 24 of this year, because of what happened in the previous years. Cobia East Florida, 3 percent has been reported. King mackerel is at 30 percent, and I believe that ACL is the old ACL. I don't think Dr. Larkin has updated that ACL in this slide. Again, king and Spanish start on March 1. Spanish mackerel, 35 percent of the ACL has been reported.

Then we have tables in here showing more historic data, and so you can see it starts in 2007 and going on through the present year, and you can see it has decreased over time, the total landings, with an uptick in the last year. Here is a graph showing that same information. You can see the blue is charter boats, red is headboats, green is private, purple is shore, and so these are all the different modes. The black dashed line is the ACL, and you can see how landings have changed over time. They're all below the ACLs.

Here is Spanish mackerel recreational landings in whole weight. Again, it's the same idea, starting in 2007 and going on down to the present year. It decreased over time, and it's still below the ACLs. Here's a graph showing similar information, and you can see the black dashed line is the ACL. The landings, and then, on the right-hand side, that Y-axis is showing MRIP angler trips and headboat angler days.

Moving on to Atlantic cobia, here is recreational landings in whole weight. As we talked about before, here is the landings, with the increase in 2015 and 2016 and the zero shown for 2017. Here is a graph showing that same information, and it's over the ACL in 2015 and 2016. That concludes my report.

MR. HARTIG: Thank you, Rick. Are there questions for Rick? Go ahead, Rob.

MR. O'REILLY: Thank you, Mr. Chairman, and thank you, Rick. I don't know how deeply you get into these data, but my question is we've had sort of a standardization of the old MRFSS data, and I think -- I haven't thought about it for a while, but MRIP really came out full force starting in 2011, I think, and then, initially, there was some standardization or calibration, whatever the term might be, back to 2008, and I may have the years screwed up, but, anyway, the idea is that now we're showing past data.

For example, you started in 2007/2008. In 2006/2007, we would probably find even higher cobia landings, and so I'm asking about cobia specifically, and how confident should we be in what has occurred in -- I will call it standardizing the MRFSS to MRIP and using that directly? The reason I am asking that is there are some proposals on cobia that are going to be talked about later that involve a ten-year timeframe.

Realistically, if MRIP, even since 2011, is still changing, still improving, still evolving, what kind of approach should really be used, in your opinion, with these older data when we're looking at more than just trends, which is what MRFSS used to say that was what the data were for, trends, but specifically now, later on, we're going to be talking about allocation and looking at timeframes for allocation, and so, if you're not the right person, I apologize, but I didn't know whether I would get a chance to say this later on. If I do, I will bring it up again. Thank you.

MR. DEVICTOR: I'm really not the right person. I don't dig into the data so much. Dr. Larkin would certainly be better. I am not aware of the conversions that are being used at this time, but this is something that I can certainly get back to you about, or maybe others around the table have a better idea.

DR. CRABTREE: I think it is complicated by the changes in the surveys, and there are various calibrations that have been developed to try and adjust for that, and I think, as we move forward with the analyses in the document, we just need to take care that we're comparing like quantities across years and that the appropriate calibrations have been applied to those. Then, beginning next year, the mail survey is going to be what's in place, and there are calibration workshops that are ongoing, I think this year, and so we're going to have yet one more change in the survey that we'll have to deal with.

MR. HARTIG: Any other questions of Rick? Seeing none, just one comment. It looks like the recreational fishery is able to capitalize on both the Spanish mackerel year class we see and the king mackerel, and so those catches are going up as well, which is great to see them being able to capitalize as well.

Before we get to the next item of business, who is on our committee? It's myself, Michelle Duval, Anna Beckwith, Mel Bell, Zack Bowen, Mark Brown, Roy Crabtree, Doug Haymans, Jessica McCawley, Robert Beal, Rob O'Reilly, Tony DiLernia, and Dewey Hemilright. Those are our committee members. The next agenda item is the AP Summary Report, and I will turn that over to Ira Laks, and here he comes. Sorry. We haven't done the Status of Amendments Under Review.

MR. DEVICTOR: I am going to go through three amendments, CMP Amendment 26, CMP Framework Amendment 4, and CMP Framework Amendment 5. As you are aware, CMP Amendment 26 adjusted the king mackerel ACLs, allocations, and the stock boundary. Basically,

it updated the Gulf and Atlantic king mackerel ACLs based on the results of SEDAR 38. The bottom line is the final rule published on April 11, and the regulations were effective on May 11.

Moving on to the next two frameworks, there is CMP Framework Amendment 4, and this is cobia. It establishes a recreational bag limit of one fish per person per day and six per vessel per day, and it increases the recreational size limit and establishes a trip limit and changes the recreational AMs. This proposed rule published on February 21, and the comment period ended on March 23. We are working on that final rule package now, and hopefully we'll get that moving up to Headquarters soon.

CMP Framework Amendment 5 is in the same position as CMP Amendment 4. This removes a restriction where a vessel with a commercial king or Spanish mackerel permit may not possess a bag limit if the commercial season for a zone is closed. Again, this mainly has to do with the Gulf of Mexico region. The proposed rule published on March 1, and the comment period ended on March 31, and we're working on that final rule, and, again, we hope to get that moving to Headquarters soon. That concludes my report of the three amendments.

MR. HARTIG: Thank you, Rick. Any questions about the amendments under review? Seeing none, that brings us to the Mackerel Cobia Advisory Panel and Cobia Sub-Panel Meeting Report, and that is Attachments 2a and 2b, and now I will turn it over to our esteemed Chair of the Mackerel Advisory Panel, Ira Laks.

MR. LAKS: Good morning, everyone. The Mackerel Cobia Advisory Panel and Cobia Sub-Panel met jointly on April 19 and 20, 2017. The AP and sub-panel functioned as one group. All AP and sub-panel members could speak, make motions, and vote on motions for all topics. The AP and sub-panel provided one set of recommendations and motions. Are there any questions for that?

Then we got into cobia, and the group discussed actions for emergency action for Atlantic cobia. Shep Grimes from NOAA General Counsel was in attendance to answer questions. The group approved a motion to recommend that the council request the National Marine Fisheries Service to consider emergency action to change the boundary and ACL for cobia back to those that were in place before Amendment 20B.

Next, the group received a briefing about ongoing research for cobia, including tagging and genetic studies, that will be incorporated into the next stock assessment. SEDAR staff also provided an update on the next stock assessment plans for cobia. The AP and sub-panel recommended that the council consider a limited access commercial permit for cobia, which would be available to individuals with a history of commercial sale of cobia or with any other federal permit.

There has been more interest in participation in recent years, especially due to the recreational closure for Atlantic cobia. The commercial permit requirements would clear up some of the confusion about reporting requirements, et cetera. The AP sub-panel did not want to exclude long-time participants, especially those only fishing in state waters, and so they recommended that any commercial sales of cobia would qualify a person to receive a federal commercial permit. Also, some with any other federal permits would qualify. Are there any questions about that?

The AP and sub-panel recommended that the council consider a recreational boat limit for cobia off the east coast of Florida. Some of the members felt that one per person limit would be

consistent with the bag limit in state waters and for the rest of the Atlantic coast. Other members felt that there was no need to reduce the bag limit, because the ACL had not been met. Council staff facilitated a discussion for the fishery performance report for cobia, which Kari will review.

DR. MACLAUHLIN: Really quickly, John Hadley had gone over -- He had reviewed the fishery performance report and some of the questions, and we asked similar questions that they did for the dolphin and the red grouper fishery performance report, and so I have a slide here with just some of the overall cobia findings that we included in the fishery performance report, which is at the end of the Mackerel Cobia AP and Sub-Panel Report.

The cobia are available primarily in the summer only for the Virginia/North Carolina area, and cobia are being caught further north in the Chesapeake. It's not that they're not available all over the Chesapeake, but just that they're being caught further north. There is an increase in the sight-cast fishing and number of recreational boats in the Chesapeake and North Carolina. The catch is abundant, but the size of the big cobia is smaller than it used to be, and there was some disagreement on the AP and sub-panel about that.

The females with the eggs are caught all summer long in the Chesapeake, and there's been an increase in directed commercial trips and an increase in charter demand specifically for cobia. People want to get those big fish. They want to take a picture of it, and we've been talking about that a lot. The availability is less down in southern South Carolina, around Port Royal Sound, and they will sometimes be more available for a year or two after they release the stock from the Waddell Mariculture Center, but then they kind of become rare to catch, but they have been showing up a little south of Hilton Head Island.

Then, in northeast Florida, the cobia are available nearshore for about six weeks with the rays, and then they're available year-round offshore. They move with the bull sharks down in south Florida. The group talked a lot about that, and the sizes in Florida haven't really changed. They've always been smaller than they are in Virginia and North Carolina. Then, down in the Keys, there are more cobia on the bay side than on the Atlantic side, but no change in abundance or sizes. It was a really great discussion, and I think it was good for folks from different areas to ask each other questions and get some information and learn about the fisheries in different areas.

MR. HARTIG: Any questions for Kari about the fishery performance report? Seeing none --

MR. LAKS: Under Other Business, the AP and sub-panel recommended that the council consider reporting requirements for recreational cobia. Several states already have required reporting. The data would complement MRIP data and improve accuracy in recreational landings.

The next items we went to were Spanish mackerel, and we happen to have Steve English, who is an AP member, that I am going to turn this over to real quick, because he can speak specifically to some issues probably better than I can, and so I am going to have Steve come up here and take over this next little section.

MR. HARTIG: Steve English is a long-term commercial fisherman from the Port Salerno area.

MR. ENGLISH: Good morning. I am Steve English, and I'm from Port Salerno. I actually brought this mackerel item up, the two items. The one is the mesh size, and the reason we brought

this up is it seems to be confusing to some law enforcement, especially between state and federal, and this mesh law, the one we have on the books now, was written back before we had quotas and trip limits and all of that. It was the first attempt to regulate Spanish mackerel, and it's kind of obsolete. It requires a tool to measure the mesh and all of that, and we want to simplify it and make this thing as simple as possible.

What we did on the mesh size was we came up with kind of a complicated rule, but not really. What it amounts to is the mesh size now says three-and-a-half, but you have to measure it with a tool, three-and-a-half and larger, and, when you measure it with the tool, you can actually use a three-inch, as long as you use lighter webbing, and so we want to clarify that, and what we want the rule to be is three-inch and up is allowed for Spanish mackerel, but, once you get above 277 webbing, say number-six webbing and above, you have to use three-and-a-half and larger.

What this does is it basically says the unlimited fishery boats, the big boats in the Keys that still catch 30,000 or 40,000, they have to use a three-and-a-half mesh or larger. Then the small fishery boats that are on trip limits can use three-inch and larger, and that would make the rule -- That would clarify the rule, and that would make the mesh sizes right for what the industry uses now.

The way we want the mesh size to read, to make it simple, rather than having to use a tool to measure this thing with, which nobody has anymore, is we want the mesh to be measured by pulling the mesh taut, with the two center knots touching, measured from the center of the end knot to the center of the other end knot, and we believe that would be the simplest thing there is to clarify how to measure the mesh of the net. It would just make it simple.

Also, I think, when you write the rule, you should put the intent of this rule is to allow the use of three-inch and up in the limited net fishery and three-and-a-half or larger in the unlimited net fishery, and that would further clarify it, and so that's basically what the mesh size thing is all about. It's trying to clarify it for law enforcement, so that we're not confused. We ran into quite a bit of confusion with Fish and Wildlife on several issues with nets and mesh sizes and allowable nets, and we're trying to clear these things up, so we don't run into this problem again. On the mesh size, that's the basics of that.

MR. HARTIG: Thanks, Steve.

MR. BELL: Ben, yesterday, is that what you were referring to for the Law Enforcement AP in the fall?

MR. HARTIG: Yes, and what I would love to do is bring Steve into the Law Enforcement AP, and he could bring some webbing with him. Then he could work with the Law Enforcement Committee in coming up with a way, a standardized way, at least in federal waters, that we can measure mesh size.

MR. BELL: Right. That would be a good idea, if we can pull that off, because I wouldn't want to have to explain that.

MR. DILERNIA: Captain, when you're saying a tool, are you talking about the standard tool the Coast Guard uses with the weight, the pointed weight, or are you using a gauge?

MR. ENGLISH: They used to have a gauge that measured eleven foot pounds. That's what you had to stretch the mesh to.

MR. DILERNIA: Okay. That's the tool you're speaking about.

MR. ENGLISH: Correct.

MR. DILERNIA: Okay. You will get three-inch to stretch to three-and-a-half at that thin diameter?

MR. ENGLISH: It would, yes. On a 139 thickness of webbing, it would stretch to three-and-a-half. That's why they wrote the rule like they did back in the 1970s, so that that would allow them to still use that webbing.

MR. DILERNIA: Thank you.

MR. PHILLIPS: I am not on the committee, but I am an old shrimper, and so I know a little bit about webbing, mostly nylon. Is there much of an incentive for people to use a smaller mesh, and can you buy -- I am guessing you can buy a two-and-three-quarter, or two-and-seven-eighths, and so it's commercially available?

MR. ENGLISH: Yes, it is available in two-and-seven-eighths and two-and-three-quarter, and a few people have started trying to use that. The fish houses themselves don't want that sized fish, and so that alone kind of moots that problem, but, if we set it at three-inch, that will clarify it, and that will eliminate the few people that want to use two-and-three-quarter to catch them with.

Now, with that said, let me add this, and we might ought to include it in the rule. Right now, they're using two-and-three-quarters to catch spots at the Cape. Well, they will have a bycatch of mackerel, and so there's a 500-pound limit now that says, if you're gillnetting, until you reach 500 pounds, you're not fishing for Spanish mackerel, and so you can have a bycatch up to 500 pounds, and we need to make sure that stays in place.

MR. HARTIG: All right. Any other questions for Steve? Seeing none, Steve, thank you.

MR. ENGLISH: I had one other item that I brought up, and it's a small item for the Cape fishermen themselves. We have a small commercial fleet in the Cape that fishes three miles out for Spanish mackerel, and there is about an average of twelve to twenty boats in this, and, of those boats, eight or ten of them might have kingfish permits, and, on given days, they can go out with their Spanish mackerel net on the boat and the kingfish are laying two miles offshore and the mackerel aren't there, and so they like to go out and be able to hook-and-line their kingfish, but they can't do it with the mackerel net on the boat, as of the way it is now.

We are proposing that you allow us to keep the net on the boat and go catch the hook-and-line kingfish, but the net on the boat must be three-and-a-half or smaller and 277 webbing or smaller, which won't catch kingfish, and so that's the other rule that we would like to be considered with.

MR. HARTIG: All right. Seeing no other questions, thank you, Steve. We appreciate those clarifications, and I appreciate you coming up today.

MR. LAKS: I would like to thank you too, Steve. I didn't want to have to explain that.

MR. HARTIG: Our Vice Chair is also in the audience, Steve Swann, and thank you as well for showing up today. We appreciate it.

MR. LAKS: I guess we're moving on to king mackerel. The AP and sub-panel recommended that the council consider a limited access for the commercial fishery in the South Atlantic, using a control date or landings requirement to qualify. The primary area gear of concern is the Florida east coast gillnet fishery. It is possible to establish a limited-entry gillnet endorsement for the Florida east coast under open-access permits.

Just to follow with the Spanish, it's unlimited. Anybody can get into it. I know Steve would really like the group of guys that he was talking about to be able to have an endorsement, but, if it's open access, it's something that we didn't know if that could happen. That was another issue that was brought up.

Moving on to kingfish, the AP and sub-panel recommended that the council consider options to address latent commercial king mackerel permits, including permit stacking, two permits on one vessel, for a higher trip limit and a two-for-one requirement. There was some concern about how latent effort would be defined. Permit stacking would allow a reduction of the participating vessels while also allowing some vessels to have a higher trip limit, two times or one-and-a-half times or et cetera.

The east coast fishermen for king mackerel, for years, have really regulated themselves into what they can catch to try and keep their price point high, and they have been asking for a two-for-one for as long as I can remember, just to get some sort of stability in the fishery, so that, when it does get good, we don't get a bunch of people that jump in and jump out, and so that's been an ongoing concern.

The AP and sub-panel recommended that the council consider a hook-and-line limit for king mackerel, and we discussed that with Steve. Under Other Business, the AP and sub-panel recommended that the council review the Atlantic trip limits recently implemented through Amendment 26. There has been some concern from fishermen about the seventy-five to fifty fish trip limits impacting Volusia year-round instead of just the winter fishery.

When we did Amendment 26, there was a lot of lines and numbers and dates and trip limits, and kind of something got a little overlooked, where the fish moved to a lower limit than they had historically been, and there are guys that go out, and they try and make a couple of day trip that were under a 3,500-pound trip limit.

Not that necessarily they were coming even close to that, but, if they went out for a day trip and they caught sixty fish, you're not going to stay overnight to catch another fifteen fish, but, if they had the ability to catch more fish, they could stay out overnight, and it's just something they historically have done, and it sort of just was a little bit of a mistake when we were trying to throw this all together, that we overlooked one of the lines, and so that would be something that would be important for them to get straightened out.

In Other Business, the AP specified the term for the Chair and the Vice Chair would be three years. The AP also honored myself and Steve Swann, who is back there, as Chair and Vice Chair for the next three years. The AP also recommended that the council's Cobia Sub-Panel members become AP members. They joined in the conversation for every issue, and they participated fully, and we just felt that, if they're going to be there and contribute, they should be a sub-panel. They should be just part of our panel. We found what they had to say valuable, and so, as a group, we decided it would probably be best to put them in.

One thing that I would like to go back to that is kind of a pet peeve of mine, and I know I've heard you guys as we talk about it, is where you can sell what and what you are when you're doing other things and the need for a limited access in the cobia fishery, or a permit, at least, at this point. There is a lot of confusion, and a permit would clear it up.

From my understanding, having a permit wouldn't affect any state fishermen. If they didn't want to get a permit, they can still sell to the non-federally-permitted dealers that they have always sold to in state waters, and so it wouldn't be a problem if they didn't fish offshore if they didn't want one, and it's just that there's a lot of confusion, and I think Jessica could say, on the east coast of Florida, we're in the Gulf group, and the Gulf group appears to be having some problems.

There is a lot of evidence that the guys in the Gulf aren't seeing them, and, anecdotally, we're not seeing them on the east coast either as much as we have, and so that's coming down the pipe, and I believe, Jessica, aren't you guys doing like a workshop?

MS. MCCAWLEY: Thanks, Ira. Yes, we did some public workshops in the Gulf, and we're actually taking a draft rule proposal to our commission at the July commission meeting. Right now, the proposal is just to make changes on the Gulf side and just give them an update on what is happening on the Atlantic, as of right now, but, yes, we already had those workshops, and it's on the table to start rulemaking at the next commission meeting.

MR. LAKS: Thank you. I just feel that, if we can get moving on this, if there is any potential problem down the line, that at least we can have the world of those people in the EEZ who are able to sell fish, and we don't have this constant confusion about who can and who can't and what's a commercial fisherman and what's a non-commercial fisherman, and you also run into the same problems that I've heard you guys discuss about the HMS, which is, if you're selling fish, they have to have all of their stuff, and it's just -- It's such a small little quota for the commercial cobia.

The area that I fish, off of south Florida, we have -- Technically, it's a recreational boat, and they will go out, and they will have five or six spear fishermen. They will jump in the water and bag their eight or ten cobia, and, as long as one guy on the boat has a saltwater products license with a restricted species, he can run them right off to the restaurant, and so it definitely would help the true commercial fishermen and set some boundaries to what is a commercial fisherman.

MS. SMIT-BRUNELLO: I had a question for Jessica. What kind of measures were you going to bring before the commission? Were they for a permit or an endorsement or whatever you all call that in the state?

MS. MCCAWLEY: No, it was changes to the size limit and the vessel limit, I believe, but I would have to look up the specifics, because we actually haven't released that information yet, but, no, no changes to any type of permit.

MR. LAKS: Are there any questions?

MR. PHILLIPS: Again, I'm not on the committee, but I was looking at the motion for permit stacking. Basically, what I'm hearing is you all just wanted a way to be able to land more fish than the current trip limit, and so did you talk about multiday trip limits, or did they really care, as long as they could figure out a way to catch the fish they needed to catch for a longer trip?

MR. LAKS: On the east coast, a multiday trip is not really something that is done too much in the winter fishery. Most of the fish are caught close to shore. In the weather, you don't want to sit out all night if you don't have to. Part of it was to be able to access more fish for the core group of fishermen who are in the fishery full-time, and it also gives them the opportunity to clean up their own fishery and to absorb some of those latent permits that are out there that allows them to diminish some of the latent permits and also improve their economic value on their own boat per trip, and so it was just -- Like I said, they've been asking for two-for-one for a long time, and there's a lot of permits sitting on the sidelines, and we're hamstrung, especially off the east coast, because we have such small limits that we're really at the mercy to the pressure of those permits jumping in the fishery and diluting the price, and it's hard to set your management when you don't know what's going to come through, and this would allow those guys to just have an option to clean up their fishery.

MR. BREWER: The reason that we set up the Cobia Sub-Panel, one of the reasons, was that there was a concern with regard to cost and adding a bunch of, quote, new AP members and the cost of doing that to the council, travel expenses and that sort of thing. I am concerned that, if we take our sub-panel that exists right now and just put it into the main AP that we have not, I guess, accommodated or dealt with the fears of the increased cost, and do you have any thoughts on that?

MR. LAKS: Not knowing the costs associated, per se, but understanding it's expensive, they did also join in the conversation about Spanish mackerel particularly, because they interact with those fish, and there is a lot of people on APs that come from one specific fishery that have input on one aspect of a fishery, and so we're not -- I don't think the idea was to necessarily add more people to the AP, but maybe roll them into the existing AP.

MR. HARTIG: Chester, we had discussions earlier this week in talking specifically about that, and I think what we have decided, at least as long as we maintain management of cobia, is that, when we bring in the sub-panel, the AP would, functionally, act as a single AP, but we're not going to bring the Cobia Sub-Panel in every time, to every meeting.

We looked at their recommendations, in trying to find a way to move forward, and I think what we talked about was that, functionally, they would act as one AP, which I think is great, because they all have information to give about all the different species that we manage, but that we wouldn't necessarily bring in that sub-panel and then have a Chair and Vice-Chair of that sub-panel, since they would all act, functionally, as AP members.

MR. BREWER: Right, and I think that's great. The part I was missing here is that they would not necessarily be called in at every single AP meeting.

MR. HARTIG: Okay. Ira.

MR. LAKS: If there no other questions, thank you.

MR. HARTIG: Thank you very much for a very good report. That brings us to our new agenda item, which is Discussion of the ASMFC Letter Requesting Transferring Management Authority of Atlantic Cobia from the Council to the Commission. Am I going to go to you or am I going to go to Bob for the initial discussion?

DR. MACLAUHLIN: Me first and the Monica and then --

MR. HARTIG: All right. Kari has got it under control.

DR. MACLAUHLIN: I can just go over, Bob, the letter, and then we put together kind of pros and cons, and the Monica wanted to speak. Is that okay?

MR. BEAL: Yes.

DR. MACLAUHLIN: Okay. Great. This document is in your late materials folder or email, and it's under Tab 12, Attachment 6, and so it came in late, because it came in after the commission's meeting in May. We have in here -- The first few pages are a discussion paper, and we kind of raised some of the ins and outs of how this would work.

The South Atlantic State-Federal Fisheries Management Board of the ASMFC approved a motion to request that the South Atlantic and Gulf Councils consider transferring management authority of Atlantic migratory cobia stock to the commission. The ASMFC sent you a letter, and that's attached at the end of this document, requesting that you start a discussion at this meeting about removing Atlantic cobia, just Atlantic cobia, from the federal fishery management plan.

We have a few benefits, pros and cons I guess, that we've talked about, and the PDT, the plan development team, for the commission's plan talked about. One would be increased flexibility for the states. It would remove -- The ASMFC would be able to design that interstate plan without the constraints of the federal requirements, and so there would be no MSA requirements for Atlantic cobia, and one of those requirements would be the annual catch limit and the accountability measures. The ASMFC may choose to use some kind of recreational harvest limit similar to ACLs, even if there is not that MSA mandate in there.

There would be reduced regulatory complexity for Georgia through New York for the Atlantic cobia. We did talk about, last time, how the Mid-Atlantic and the commission have a joint plan for summer flounder, and they have to meet every year to determine those coast-wide measures, or their conservation equivalency, and keep the landings under the summer flounder ACL, and this can get very complex, and so, if had set up some kind of process for each year after the commission -- After we get the ACL, then the commission would make the coast-wide management measures, and the South Atlantic Council would be involved in that process. If you removed Atlantic cobia, that would not be necessary.

It would also open up -- Removing Atlantic cobia from the federal FMP would open up alternatives to using MRIP data for monitoring recreational harvest, and so the states have started mandatory reporting, or in a couple of the states, and so they're getting information about recreational landings, and the commission would maybe be able to look at alternative means to track the recreational landings of cobia.

The challenges are that there may be negative effects on the stock without those MSA mandates, and so we have the ACL and the accountability measures in place, and, if those are not used, there may be some long-term negative effects on the stock from keeping those landings under -- Trying to keep those landings under the ACL and using the accountability measures to keep those in place.

We also have to consider the Gulf cobia and the Florida east coast cobia, and so, right now, all the cobia caught on the Florida east coast are considered Gulf cobia, and the South Atlantic Council does set up the management measures for those, and this would not change anything about the Florida east coast cobia as long as they are considered Gulf stock.

There could be, after the next stock assessment, if there is a determination that the boundary needs to be revised, that is also going to introduce some complexity into where the commission would be managing maybe a part of the Florida east coast and then the council would be managing the rest.

We also have essential fish habitat designated for Atlantic cobia, and, if we remove that from the federal FMP, it's going to remove those EFH designations. Then also there is the question of the stock assessment responsibility. As of right now, it's a priority species for the South Atlantic Council, and NMFS is charged with providing the assessment support to the commission, like they do for menhaden. If it's removed from the federal FMP, that may change the council's priorities, and it may put additional -- They may need additional resources to do any stock assessments for cobia that's managed just by the commission.

Then also I just want you guys to keep in mind the timing of this. This is going to take a plan amendment, and so the Gulf will have to approve this also, and that's probably going to take a year, or maybe eighteen months, to get through the whole process for that, if you guys wanted to do a plan amendment. You also have your stock ID workshop and your assessment schedule in place, and also keep in mind that any decision about if and how you want to move forward with this request, the commission will need to know that, so they can coordinate their interstate plan as they're moving along, and so lots to keep in mind while you're talking about cobia throughout the rest of this meeting, I guess, and I will hand it over to Monica now.

MS. SMIT-BRUNELLO: There is a number of things to be considered, I guess, and I would think, even from a NEPA perspective, there are probably a number of reasonable alternatives that you would want to consider in terms of making any change to cobia management. One of them could be like the commission has asked to remove cobia from the Magnuson Act FMP as you have it now.

Another one might be not necessarily joint management. Maybe that's reasonable, but I am not sure that you want to go down that road, like they do with summer flounder. I read how they do

that with summer flounder, and it sounds a bit complicated, and so perhaps you would want to take a brief look at it and decide initially whether you wanted to pursue that any further.

Another one would be would you want to delegate the management to a state. It's more complicated, and it would require some more legal analysis to determine, under the Magnuson Act, when it talks about delegation to a state under Section 306, are we talking multiple states here or how would that work, because obviously you have more than one state involved on the South Atlantic and up the Atlantic, through New York.

Another one could be where you implement some sort of complementary measures. I guess the Atlantic States would be working on a fishery management plan for cobia and then you all have your management plan for cobia and how would those actions complement each other and how would you work that out, and that's a possibility, in terms of some sort of management options.

If you consider removing it from the FMP, we have some really helpful guidance on that, I guess, through the National Standard Guidelines, and it's actually in the general section now, as opposed to some previous discussion in various National Standard Guidelines, I think 7 and then the guidance for 3 and all of that, but, when they recently amended the National Standard Guidelines, they put all of that in a central place in 50 CFR 600.305, which is just the general section before you ever get to National Standard 1 and all of that.

They talk about stocks that require conservation and management and that the Magnuson Act requires a council to prepare an FMP for each fishery under its authority that is in need of conservation and management, and then it talks about when you consider even removing a species from your FMP.

They have a number of factors to consider, like the stock's importance, how much is caught in state waters and federal waters and all of those sorts of things, and I don't know that you need me to lay all of this out here, but there is some real helpful guidance on that, including, when you're considering removing a stock from the FMP, they even weight those different things you should consider.

There is some very helpful discussion in the response to comments that was received on this rule, that the Fisheries Service received comments on this particular section, on removing stocks from an FMP. I think there's been some litigation on not managing certain stocks. A council, and I believe it's the New England, or maybe the Mid-Atlantic. Anyway, it's north of here. One of those councils got sued on deciding not to add a stock to an FMP, and so there is some really helpful information out there for the council to consider that I would work with staff to put into some sort of amendment, if you want to go forward with this kind of approach.

MR. HARTIG: Thank you, Monica. I appreciate that detailed explanation. Before I get to you all, let me ask Bob if he has any follow-up on what we have presented.

MR. BEAL: Great. Thank you, Mr. Chairman. I don't have a whole lot to add. I think Kari and Monica obviously covered the background really well. Real quick, on how we went from complementary management, as the council initially asked us, to this notion of sole ASMFC management -- It's kind of like I was telling Louis Daniel. You guys kind of let us borrow your

car, and now we're taking it and we're not giving it back. We stole it, and so sorry about that, but you guys have the final decision on that.

Our board was having the conversation in reviewing the latest draft, the latest work, on the interstate fishery management plan for cobia at our May meeting, and they were going round and round on some of the options, and, frankly, they had just witnessed about an eight-hour Summer Flounder Board meeting the day before, and so some of them had that taste in their mouths still, and summer flounder is pretty complicated.

I think the South Atlantic states of our commission were trying to figure out is complementary management potentially too cumbersome and it doesn't -- As Kari stated, it does provide the Magnuson-Stevens provisions and requirements, which are rigorous, and they're good, and the teeth of the Magnuson-Stevens Act are bigger than the teeth of the Atlantic Coastal Act, but I think the South Atlantic states were looking at ways to manage cobia and allow for some additional flexibility.

They clearly stated on the record, a number of times, that this isn't an attempt to overfish the stock and ignore the ACL. They want to see if there's ways to sort of dampen out the highs and lows, and summer flounder and black sea bass and some other fisheries that we manage jointly with the councils -- There is a lot of ups and downs each year in trying to chase the ACL numbers, and there is uncertainty in MRIP data. I am not saying it's bad data, but it's just the nature of it. There is uncertainty in it.

The South Atlantic states were saying, if ASMFC solely managed this, could we implement provisions that extended into federal waters that sort of dampened out the highs and lows from year to year and allowed for some consistency across the stock while still providing the conservation for the species, and so that's the background of how they kind of came up with this motion at the last meeting, and they fully realize there is a lot of issues to talk through here.

What are the legalities of taking a species out of the Coastal Migratory FMP down here, and what happens with stock assessment work and the science going forward and a number of other things that need to be sorted out, and that's kind of why the letter and the motion really said to let's have the discussion and see if it's worth it. Is it a good way to go or is it not a good way to go, and we're not -- I am not personally sure if it's the best way to go.

It may or may not be, but that's kind of the thinking at our South Atlantic Board when they passed this motion, to just have a conversation, and would ASMFC managing this species solely, without complementary management at the council -- Would that be better for the fishery? By fishery, I mean the individuals fishing for the animals and the stock. Would it be better for the fishery or not? I think that's the conversation we need to work through and figure that out.

MR. HARTIG: Thanks, Bob. First, I would like to ask if there any questions directed to what Bob has just put forward. Seeing none, I have Rob, and then I have Tony.

MR. O'REILLY: I am here to represent the Mid-Atlantic Council, and there are joint management plans, but I also know, from being a participant in the ASMFC, that they sometimes are not viewed as permissive enough, from the ASMFC perspective. It's the setup that Monica has mentioned with summer flounder, scup, sea bass, and spiny dogfish, and others, where there is joint

management. It's still the specifications and the ACLs, and, in our case, the recreational harvest limit are set by the council.

I think the ASMFC, early on, from what I heard at the meetings, sort of rejected the idea of joint management, and the two choices in the beginning were complementary or sole management, and so it's really not a new avenue. It's just, at the time, it was new to the ASMFC, and it was an open forum. It didn't just contain the states up to New York. It was opened up to the ASMFC, and, at that time, that's why the complementary management was chosen.

I think that it shouldn't be viewed as a new situation here with ASMFC perhaps assuming management responsibility, and so I think the most important thing that I've heard today, and have read it previously, is under the timing. No matter how things go forward, it's crucial to have this benchmark stock assessment and the stock ID workshop, because not everyone is infatuated with the ASMFC taking authority over cobia, and I think that views may change on the boundary.

That's still a big issue, and I'm not going to bring that up in any great detail today, but that's still a haunting boundary question out there that pervades us in Virginia, and I think, once the assessment and workshop are complete, it's going to help the situation no matter what and provide some needed information.

In the meantime, I guess I do have a question for Monica, because I don't remember, and I don't know how many years ago it was, and it may not be completely analogous, but red drum was assumed by the ASMFC. I almost want to say thirteen or fourteen years ago, but time is running away, and I am wondering about the mechanics of that process. Does it have any footing, in terms of what you would look at in terms of what is being proposed by the ASMFC for cobia? Thank you.

MS. SMIT-BRUNELLO: Sure, it's got some relevance, and what was done with red drum -- I can't remember the exact year, but remember that harvest was closed in federal waters, and so, ultimately, the council decided, through a fishery management plan amendment, to withdraw the fishery management plan. There was a red drum fishery management plan.

We went through the amendment process and looked at different alternatives, and the council withdrew that fishery management plan, and they did it through the normal Magnuson Act. They put out a notice that this was this amendment to withdraw, or I guess it was an amendment to withdraw the plan, and then there was rulemaking done to withdraw it.

At the same time the final rule went into effect that withdrew the council's fishery management plan, there was a rule for the Atlantic States Marine Fisheries Commission to extend their authority for red drum in federal waters, and so it was almost a simultaneous rulemaking, if you will, and I believe you have all kept that closed in federal waters, but, regardless, yes, there is some analogies, absolutely. This is a little bit different, just in terms of the species is being harvested in federal waters, where red drum wasn't, and so we have some of those concerns, but it would probably be a somewhat similar kind of thing, except we wouldn't be withdrawing any FMP. You would just be removing a species from the FMP.

MR. DILERNIA: Monica is right, in that the joint management between the commission and the council can be cumbersome, but I believe there are differences between the summer flounder, scup,

and black sea bass fishery and perhaps this cobia fishery, and so the reason the summer flounder, scup, and black sea bass we have, in a sense, co-management between the commission and the council, that's because primarily the recreational fishery occurs in state waters for those three species, and the commercial fishery for those three species is primarily in federal waters.

From what I understand to be the fishery for cobia in the South Atlantic region, it appears that it is primarily, both commercial and recreational, in state waters, although I understand that perhaps South Carolina or Georgia, I guess perhaps the way the coast comes, or the way the beach comes close, some of it is in federal waters.

I think that -- Again, my first pass at it would be that the commission management of cobia would be a good thing. It would allow additional flexibility and alleviate the council and the fishermen from some of these constraints that exist under Magnuson. Again, I understand that the Atlantic Coastal Act requires that primarily -- In the absence of a federal fisheries management plan, the provisions of an ASMFC plan do extend out into the EEZ, and so joint meetings of the council and the commission, while I welcome all my commission members at a council meeting, it gets to be very large, and it can be complicated, and we have to have co-motions. If one motion -- If the motion from the council is not supported by the motion by the commission, even though the council members want to do it, the commission members can, in a sense, block it, and so it does get complicated.

I am not sure that level of complexity is necessary for the cobia fishery, and so please take that into consideration. I think that, again, my first pass at it would be that management of cobia by the commission would make things easier for the fishery, for the fishermen, and for both the council and the commission. Thank you.

MR. HARTIG: Thank you, Tony.

MR. CONKLIN: I am not on the committee, but I just wanted to ask, if we did relinquish some management of this fish, what would happen to the commercial fishery that we have?

MR. HARTIG: Michelle can address that.

DR. DUVAL: It's like we're having a little mind-meld, Chris, because that was one of the things that I was going to speak to, but, from my perspective, I see more benefits to the commission taking on cobia management. I think I will note -- Tony has spoken of this, about the commission extending regulations out into federal waters, and one of the things that's been done under the commission's weakfish plan is to extend some regulations for the commercial weakfish fishery out into federal waters.

In federal waters for weakfish, the commission requested that the Fisheries Service implement a hundred-pound bycatch limit, and I think it's a hundred-pound undersized fish limit as well, and so that applies to the commercial fishery in federal waters.

One of the things that I was going to suggest that the council consider is that, if we were to move forward with transferring or removing cobia from our fishery management plan and essentially transferring management to the commission, would be a request to maintain the framework amendment for commercial regulations in federal waters, and so that would be maybe a condition

of moving management over to the commission, or a strongly-worded request that we would really like to have, and so that would be my recommendation, because I understand the concerns that folks would have about the commercial fishery continuing to be able to operate as more or less a bycatch fishery in federal waters.

MR. CONKLIN: I am thinking about like our ACLs and the possibility of political outside pressures from states to absorb what little bit of ACL we have, and is there any chance of that happening? I am not real familiar with how you guys operate, but I know that you have a lot of industry up there that you take care of, but I also know that my flounder price, when I buy it at the market right now, is two-dollars a pound higher than it's ever been at this time of the year, and so I'm a little uneasy about it, but sell it to me.

MR. PHILLIPS: I think, basically, what Chris is asking is allocation and can it change and how is that done.

MR. DILERNIA: Folks that know me know that I was not a fan of the commission's state-by-state allocation process, and, upon my return to the Mid-Atlantic Council in 2013, I worked very hard and advocated a change from the state-by-state system to a more regional approach. I am happy to say that we were able to have states agree to a regional management approach.

I believe that there are -- People that know me know that I believe that there are pitfalls in a state-by-state allocation system, particularly as climate change affects movements of fish, and, should you go down the road of a state-by-state quota system, which would recommend against, but, should that occur, I would encourage that somehow a mandatory review process of those allocations be built into that system, because, whenever you have a state-by-state allocation system, you have winners and losers.

As the fish move, people want to change the state allocation system, and the winners don't want to change it, because they may lose fish, and the losers want to try to change it to gain more fish, and so the state-by-state allocation system is something that I would speak very strongly against. A regional system requiring a timely review of the allocations to the regions, that is something that I would recommend.

Also, in the state-by-state system, you can have neighboring states with significantly different regulations. The best example I can give is, a few years ago, the States of New Jersey and New York -- New Jersey had a seventeen-inch minimum size limit on summer flounder, while the State of New York had a twenty-one-inch minimum size limit, and boats fishing side-by-side would have significantly different size limits, and it created quite a bit of dissatisfaction amongst the state with the larger size limit.

If there is going to be an allocation system, my recommendation is do not go state-by-state. If anything, go regional, but approach it from a regional point of view, but, again, I believe that, understanding what I do about the cobia fishery, I think that having it managed by the commission would be a good thing.

DR. CRABTREE: One thing that is apparent, I think to all of us at this point, is federal management of cobia is not going to be successful. We're having large overruns of the ACLs, and federal waters are closed, and there is really little we can do right now to affect management. This

is predominantly a state-water fishery, and so I think it is appropriate, in this case, that the states be the lead on this fishery.

It does seem to me that the choice we have is remove it from the FMP and turn it over to ASMFC for management, or this co-management with compatible plans, but not the summer flounder methodology. It seems to me that no one wants to go down that path, and I don't think there's any question but that the least complicated way to do this would be to simply turn it over to the Atlantic States and remove it from the FMP, and it was apparent to me, in the discussion at the last ASMFC meeting, that the states were looking for flexibility and were trying to think outside the box of how to make management -- Some of it, I think, to get to what you're talking about, Tony, which was to avoid the need for these explicit allocations.

That discussion became very difficult to figure out how to tie that into management under an ACL kind of complex, and so that's really where this sparked from, is that, from an efficiency point of view and the maximum amount of flexibility, it seems to me that would be to turn it over to ASMFC, but I think, one way or another, ASMFC needs to become the lead on managing this fishery, because that's where -- The fish are being caught in state waters.

Now, I understand that, in Georgia and probably South Carolina, there is a substantial fraction of the fishery that's taking place in federal waters, but the bulk of this fishery occurs in North Carolina and Virginia, and I think 85 percent or so of the overall fishery is coming out of state waters.

The red drum model is one way to look at it, but that is different, because, in that case, we were withdrawing an FMP, and I think the better model to look at was our ACL amendment that we did, and, in that case, we removed three or four species from federal management, basically to turn them over to state management by Florida, and I think a lot of the rationale with that was that they were predominantly state-water fisheries and so it was appropriate to have Florida be the lead with that.

I think that the FMP that the council would need is much simpler if it's remove it from the FMP and turn it over to ASMFC. If we decide to go with the compatible plans, then we're going to have to continue to set ACLs and decide what parts of the fishery is the council going to set and then what parts will be done by ASMFC, and I think all of us understand that there is some degree of urgency with all of this, because I believe there is a desire to have some better way of managing this fishery in 2018, by the time fishing gets going, typically in May sometime.

What we have now results in some geographic inequities, and the federal closure, no doubt, impacts Georgia, and probably South Carolina, much more than it does North Carolina and Virginia, and so, as quickly as we can make some of these decisions and work with ASMFC to get this done, I think that would be a benefit, to try to resolve some of those inequities.

One more statement that I would like to make. This came up at the ASMFC meeting, and I had a discussion with Sam Rauch, who is the Acting Assistant Administrator now, and we're not in any way trying to reduce the level of science support that we're providing on cobia, and so, in my judgment, we're going to continue to be participants in these cobia stock assessments, one way or the other. This is really about trying to find the most effective and efficient way to manage the fishery.

MR. HARTIG: Thanks, Roy. I am going to go back to my list, because there is some discontent, and I can understand it, and I'm sorry for that. The next person on my list is Michelle.

DR. DUVAL: I was after Chris, and so I had already spoken.

MR. HAYMANS: Three things. First, I had asked Mike to send around a copy of the Federal Register. That transfer was in 2008, the red drum transfer was in 2008, and so it wasn't quite ten or twelve years ago, and so you weren't so bad there. I wanted to ask Michelle, because I didn't quite catch what you were suggesting about commercial management, and so if you could repeat that for me. The third part of my question then is, if we're just talking about the northern portion being transferred, the southern is still managed by ACLs, just as it is through the management plan as it is? Just an affirmation of that.

DR. DUVAL: What I was suggesting is that the council could request removing cobia from the federal FMP, recognizing the concerns about the commercial fishery had kind of been on autopilot and it's been managed as primarily a bycatch fishery, and that we could request that the commission request the Fisheries Service to implement rules in federal waters for commercial harvest, similarly to what has been done through the Weakfish FMP at ASMFC, and simply implement those Framework 4 measures that we voted on last September for the commercial fishery, which would be two fish at thirty-three inches, no more than six per vessel.

I think we could request that the commission do that if we were to turn over management of the species. I don't know if I'm the person to answer the third part of your question, which was the remainder, and the Gulf stock would still be managed under federal management, would be my understanding.

MR. BELL: Just another thing to think about in transferring to ASMFC is the behavior of these fish are similar, in some respects, to other species that they already deal with. I know they're not anadromous, and they're not like shad and herring and all totally, but they do, at least in our region, let's say in the Carolinas, and I would say probably Virginia, what you're seeing is a movement up and in. There is a movement into state waters, or at least close to state waters, for spawning, which is what they're doing, and so state waters, certainly in our case, and I would think in other states, to some degree, are important for their spawning behavior.

Then they move out and down or whatever, some combination, but they have this migratory aspect, like shad, and so, years ago, we did -- Of course, that kind of was one of my concerns. With ocean, they kind of did away with the ocean shad fishery, and it all became state-waters-related fisheries, and so I had concerns about what happens to the commercial fishery as well, which would remain in federal waters, certainly, we are.

Just because of how the fish operate, there is some similarities to what ASMFC is already dealing with, and the recreational landings, of course, are predominantly in state waters. Ours used to be predominantly in state waters, and then we had some issues there that we're trying to deal with, and so there is some logic, in terms of ASMFC already kind of deals with fish that do things like this, and they're just kind of atypical for some other species that maybe the council is used to dealing with, to some degree, and so there is some logic, from that perspective, just based on how they behave.

The other thing is the fisheries themselves, the peak recreational fisheries for sure, are geared on those times when the fish are aggregating to spawn. That's just the way it's set up, and that's why they're easier to catch, because that's what they're doing, and so, anyway, I would agree with the concept of shifting over to ASMFC, in terms of management, but, again, and Michelle has explained the mechanism, perhaps, but I do want to make sure that we can protect the commercial fishery and the fishing for us. Now, all we've got left is federal waters. Until our DPS in the southern sounds is rebuilt, and we're hoping it will rebuild, we're totally federal, in terms of our access to the species.

MS. MCCAWLEY: From Florida's perspective, I feel like this conversation is a little bit premature, without having the stock ID workshop. Right now, the Atlantic coast of Florida is coming in with the Gulf right now, and so we don't really have a full understanding as to what is going to happen following that stock ID workshop, and so let's just pretend that the boundary is moved somewhere in the middle of the Florida coast. Then part of Florida is going to be managed by the Gulf Council, and, if it's transferred to ASMFC, then part is then managed by ASMFC.

I don't feel like there is an existing mechanism, nor has there been a history of coordination between the Gulf Council and ASMFC. In the Gulf, there is no intent of transferring management of cobia over to the Gulf States Commission, and the Gulf States Commission does not have regulatory authority to put rules in place and enforce those rules. They do not have the same authority that ASMFC does.

From Florida's perspective, I just don't feel that it's a good plan. I think it's premature right now, because we don't have that stock ID workshop, and I just don't see as a good plan to try to coordinate between ASMFC and the Gulf Council. We already have an existing mechanism between the South Atlantic Council and the Gulf Council to coordinate the management of this stock, and I just have a lot of concerns about moving this over to ASMFC at this time, and, if there is a motion to do that, I will be voting against it.

MR. BREWER: What Jessica said. I would like to question whether there is any other options, an Option 3, and I would like to put another option in, which is to defer a decision until after the 2018 assessment and workshop.

MR. HARTIG: Is that a motion now?

MR. BREWER: No, it's an option.

MR. HARTIG: Just an option. Thank you. To that point, Monica?

MS. SMIT-BRUNELLO: Just to the point that -- Hopefully it's to that point, but you are not deciding today to turn it over. What you would be deciding is to have, potentially -- It would be to request staff to start working on an amendment that would include that as an action. I would think you would have other reasonable actions to consider as well, and maybe not joint management, like Tony said, but perhaps something else.

Remember you are not deciding today to turn it over, because you've got a good discussion paper in here that Kari talked about, but that's -- You've got all the other information that you know about, the harvest, the overruns, the closures, federal closures, and so you've got information

before you, but you don't have all the analyses before you at all, because there is no amendment that's been developed to work on those, and so that's what you're talking about today, whether you want to consider this at your next meeting or whatever, whether you want to have staff start working on it. It's not a decision today to turn it over, because that's really premature.

MR. HARTIG: I appreciate that.

MR. O'REILLY: The discussion is kind of amazing, but I do think that Jessica has a good point about how early things are, and I am sitting here thinking, as I said before, that, if you look at the information that Kari went over, in terms of the timing, everything does seem to be revolving around the outcome of the assessment and the stock ID workshop, but that shouldn't keep us from putting the plan into effect, putting the amendment process in effect, so that we're at least -- I will say poised, and I don't usually say that, but we're poised to go forward, and so I think that's the most important thing.

I did want to say, to Chris, that it's too early as well on the commercial fishery. There are certainly situations where, if that's the outcome with the ASMFC -- Of course, Bob Beal is the authority on the approaches there, but certainly there are species that are held to a quota that is coast-wide and everyone is chipping in.

Weakfish is an example that Michelle mentioned that was sort of a laissez-faire fishery until 1995. Then, after that, everyone had a similar approach to reduction. The reduction may have worked too well, because weakfish are, as you probably know, still not doing well at all, and so I wanted to let you know that, too. Thank you.

MR. HARTIG: Thanks, Rob. I've got Bob and then Charlie, and then I'm going to wrap this up. We're way over time on this one.

MR. BEAL: Thank you, Mr. Chairman. I will be real quick. I just wanted to get back to Chris's question about what happens with the commercial fishery, and I can't predict where any of this is going or what the final answer will be, but, so far, the states, in the draft FMP that the commission is working on, more or less mirrors Framework 4, and so the states haven't really given any indication that they want to make any wholesale changes at all to the commercial fishery and to have that continue on very similar to what it looks like right now and then really have the flexibility and the adjustments come on the recreational side more than the commercial, and so, like I said, I can't predict where it's going to go, but that's sort of the early read of the states on the draft FMP we're working on. Louis is in the back, and he can give you a lot more detail if you really want it, but that's kind of the direction they appear to be going.

MR. PHILLIPS: Maybe we might want, instead of an amendment, because we're already -- Our staff is packed full of amendments of stuff to do, and we might want to just develop the white paper and have it done and work out the issues.

When I asked about allocation, I wasn't specifically asking about allocation between states and stuff. I was asking about -- A part of it was allocations between commercial and recreational. Will that change and can it change and how would it go about changing? I would be more inclined to have a white paper, which would have pretty much the same stuff that the amendment would have, but it might take a little less staff time and be more flexible. Thank you.

MR. HARTIG: All right. We've had a lot of discussion here. What does the committee want to do with this?

DR. DUVAL: I would like to keep this conversation open. I appreciate the concerns that Jessica has raised. I admit that I'm a little bit confused, because I see we're walking down the road of complementary management right now, and I don't see any of that changing under complementary management. We're still moving forward with a new stock assessment and a stock ID workshop, and so I think that, even under complementary management, you would face those same challenges that you brought up, and so I'm just saying that, but I think it's worth keeping the conversation open, because it's not a fast process to do anything.

MR. HARTIG: Okay. The next agenda item is the emergency discussion on Atlantic cobia. Roy.

DR. CRABTREE: I think we need some resolution as to where we're going, and it seems to me that a white paper isn't what we need now. It seems what we need now is to start working on a plan amendment that would evaluate an option for complementary plans and an option to remove cobia from the FMP, because I think there is a need to move forward and get this done, particularly, Charlie, given the impact that this is having on Georgia at the current time.

I would make a motion to direct staff to begin work on a plan amendment to address cobia and evaluate options for a complementary plan with ASMFC as well as removal of Atlantic cobia from the management unit.

MR. HARTIG: Second by Doug. Okay. We've had a lot of discussion on this already. Is there any other discussion on this motion? **All those in favor of this motion, signify by raising your hand, nine in favor; all those opposed, two opposed; abstentions, one abstention. That motion passes.** That brings us to the Emergency Action for Atlantic Cobia.

MR. O'REILLY: I had a question first. Just to be accurate here, the amendment process starts, and it's going to take some time, and it seems to me, based on the conversations today, there is a lot of interest in the assessment results and the workshop results, and so I just want those in Virginia to understand that those results will be forthcoming in this process and this is not something that's going to be done in six months, and it's not something that's going to be complete in a year. This is something to get started with the planning, and so thank you.

MR. HARTIG: I appreciate that clarification. All right. Next, I will turn it over to Kari for her great document that she did on emergency action for Atlantic cobia.

DR. MACLAUHLIN: This is under Attachment 3. It's a discussion paper for emergency action to remove the stock boundary and ACLs for cobia implemented in CMP Amendment 20B. This was a motion approved by the AP and sub-panel, with six in support, five opposed, and four abstaining, to recommend the council request NMFS consider emergency action to change the stock boundary and ACLs back to those established in Amendment 18, and so that would be the stock boundary at the previous boundary in south Florida.

We have, in this document, the relevant background and the different amendments that established the ACLs, the AMs, and everything that we've been over, and so I'm just going to get to the main

points. This was mostly based on the conversation at the AP and sub-panel meeting with Shep Grimes. He was there, and we worked on this document together, just to get all the information together for you and for the public about how emergency action would work in this situation.

In the context of the recreational season for Atlantic cobia and the closures, the circumstances under consideration would be, in the guidance for emergency action, is that it must be due to recent unforeseen events or recently discovered circumstances. Emergency action cannot be based on administrative inaction to solve a long-recognized problem. Then, also, it must present serious conservation or management problems in the fishery, and that includes economic and social, and so that's how this would apply, probably, for Atlantic cobia.

It can be addressed through emergency regulations for which the immediate benefits outweigh the value of advanced notice, public comment, and deliberative consideration of the impacts on participants, to the same extent as would be expected under the normal rulemaking process, and so this says there is benefit to the process that we use, even though sometimes it seems like it takes a long time to get anything through, but the purpose of that is so the public has lots of opportunities to provide comment and the council has a lot of opportunity to consider that. When there is an emergency action, you are saying the benefit of allowing all that public involvement is not as great as getting this emergency action into place.

Last, there must be an administrative record justifying emergency regulatory action and demonstrating its compliance with National Standards, and so we went through some of these in the discussion paper, and so I'm going to go over some of the main points. It has to be recent and unforeseen events, and so, at the AP and sub-panel meeting, they did talk about that, and one thing that Shep brought up was that these overages and the closures in recent years do not clearly represent recent unforeseen events or recently discovered circumstances.

The stock assessment was in 2012, and it was determined to be the best scientific information available. It went through the whole review process that we have for the stock assessments. 20B went into place in 2015, and that went through the whole process, including evaluation of if it was the best scientific information available, and there was always the possibility of exceeding the ACL, and that was in there in Amendment 20B, because it's a pulse fishery, and then, as soon as the closure went into place, the council initiated Framework Amendment 4 and then also requested that ASMFC start work on the interstate plan, and they did, and so there hasn't been inaction because of a long-withstanding problem that has just gone unaddressed.

There has been lots of actions, and this has been going on for a while, and, now, recently, the council and the commission started work on this. It seems that these do not generally support that there were underlying circumstances that were recent, unforeseen, and newly discovered.

The expected harm and disruption to a fishery or a community, there have been significant impacts on the cobia fishery and the communities. We have heard a lot of public comment from these folks, but one question that comes up is there has been continued harvest allowed in the state waters for Virginia and North Carolina, and then, also, the council hasn't received the same level of input and recommendations for emergency action from the folks in South Carolina and Georgia, who haven't really had an opportunity, especially this year, to fish at all. We haven't heard anything from them about emergency action and negative impacts on them that would warrant emergency action.

Additionally, if we change the boundary back to what it was before Amendment 20B, this could give adverse economic impacts to the Florida fishing communities. It would have resulted -- Even if there was one ACL for the whole coast, that could have resulted in an early closure that would also affect the entire coast, and so it's unclear whether economic loss potentially prevented or the opportunity salvaged by any kind of emergency action is sufficient justification.

The last was the administrative record considerations, and so there has to be an administrative record to support emergency action implementation, and so, at this juncture, NOAA GC let us know that no such record exists to support reverting it back to the prior stock boundary, and that would take a while to actually develop this record.

Then it would include reconsideration of all the past scientific and policy decisions, and so, when the council went through the stock assessment review and Amendment 20B -- They would have to basically say we are going to go back and reevaluate all the scientific information that went into the stock assessment and the amendment, and the administrative record supporting the decisions made in 20B is very strong, and it's very long. 20B stuck around for a while, and you took final action on it three times, I think.

To develop a comparable and equally as defensible administrative record for the emergency action, that would take almost as long as development and approval of an amendment without any opportunity for public comment, and there also is another one about the scientific basis for changing the stock boundary through emergency action.

The AP and sub-panel did receive some information from Mike Denson at South Carolina DNR about the ongoing cobia research, and there is genetic -- There are studies that support the existing stock boundary, and all of that is going to go into the stock ID workshop, or the stock assessment workshop, and there is also tagging results that support the existing stock boundary.

We will pass it over to you, but I did want to point out that, on the online comment form, you have received, as of this morning, fifty-six comments that supported the council requesting emergency action, and then there were a few other cobia comments about concerns about the stock boundary and requesting that the EEZ be reopened.

Then some of the main points in the comments that you have received, they were similar, most of the comments. It would be that reverting back to the CMP 18 boundaries would reduce the economic hardship and increase access to cobia. The council hasn't done everything in their power to minimize the negative economic impacts until they request emergency action.

The comments also included a point to request that NMFS use a smoothing model for MRIP estimates and then also several of the -- All of the comments point out that there is new scientific information available that they feel support changing the boundary back to 20B, and all of that information, of course, will be incorporated into the next stock assessment, along with all of the other research that's been going on.

MR. HARTIG: Thank you, Kari. That was a great synopsis of the emergency situation.

MR. HAYMANS: Just one point that Kari mentioned back in the economic harm or disruption of fishing communities, and I will just let you know that, on February 14, the State of Georgia, the Department of Natural Resources, did send a letter to the National Marine Fisheries Service indicating harm, and not to a specific level, as well as many other factors and requesting that waters be reopened, and we received a reply back from Dr. Crabtree that that wasn't possible.

That was followed up at the end of March by a resolution from our Georgia legislature, basically stating the same thing, the harm that was there, and so the State of Georgia has gone on the record twice of the harm that was caused by the inability of Georgia fishermen to fish in the federal waters.

MR. HARTIG: Thanks, Doug, for that clarification.

MR. O'REILLY: I am not familiar with some of the procedures at the South Atlantic Fishery Management Council, but I know, at the Mid-Atlantic Fishery Management Council, if General Counsel gives an indication that something is not a direction to take, what is the situation here at the South Atlantic Fishery Management Council? I didn't sense that there is ambiguity about the information concerning the administrative record that was just read, that Kari read, and then what also I think is important is we're looking at a situation where, again, without the stock ID and perhaps the assessment, this time secondarily, we're in a situation where it's a will to change the boundary without the scientific basis, I would guess.

I will say there are many that would see that as the panacea to this whole problem, and it's cited over and again. I mean, if you look at the east Florida situation, the fishery there the last couple of years, you can well imagine that everyone could come out of this, from Georgia to New York, saying, well, we came pretty close the ACL, because that's what it would be. It would be over if you combined those ACLs, but it would be pretty close.

I am just trying to get a sense here about the previous conversations that took place that I wasn't part of. I just heard that the council, from the public comments, the council recommended this, and my understanding is the AP recommended this. The council, last time though, requested to have a white paper, and so do I have things tied up a little bit?

DR. DUVAL: Rob, at the last council meeting, because there was discussion about an emergency rule and the fact that stakeholders have been bringing forward a request for an emergency rule, our discussion at the end of the last council meeting was it would be -- We really wanted, and stakeholders were asking for, some type of white paper response, which I think Kari just ran through here, with regard to why this would or would not qualify as an emergency action, and that was part of the conversation at the advisory panel, was why or why not such a request would or would not meet the emergency rule criteria. I think that's why this paper was put together, to try to answer those questions.

MR. BREWER: I am not sure exactly of the proper motion, but this is not the road for us to go down, absolutely not, and, if you're representing the State of Florida, you would resist this at every turn.

MR. HARTIG: Any other discussion about the emergency action document that we have?

DR. DUVAL: I am definitely -- We are sensitive to the concerns that have been raised by stakeholders about economic impact, and we certainly appreciate the comments that Doug made with regard to Georgia being on the record there, and I think, in my mind, sort of the real emergency, although it does not qualify under the emergency rule criteria, is really the issue that MRIP was not designed to accurately track and sample these pulse fisheries or rarely-intercepted species.

We just finished and sent in a letter regarding our concerns about the survey's ability to measure those catches with some degree of precision, and I think, when you ask MRIP staff, they absolutely acknowledge that this was not what the survey was designed for, for these pulse fisheries or rarely-intercepted fisheries.

To their credit, they have gone out and developed some alternative catch estimation techniques to try to address the precision around those estimates that would use annual estimates of catch rather than wave estimates of catch multiplied by an annual estimate of effort and also multiyear estimates of catch multiplied by multiyear estimates of effort, and I think I am just -- We have been raising the issue of this particular problem, in regards to our species here in the South Atlantic, since at least 2013.

I think that was one of the first letters that we sent in on this, and so I think my frustration and disappointment is that, although the MRIP staff have gone forward and developed these techniques, I am kind of disappointed in, I think, what I would see as -- I will apologize for this, but a lack of leadership at the agency level to apply those methods when there are known problem species for which we are not accurately measuring that catch.

The techniques have been there, but there has not been action at the leadership level within the agency to actually apply those, and I think there's a disconnect, because, last year, when finalizing the 2015 MRIP numbers everywhere coast-wide, those were delayed until like August of last year, because of a very specific problem up in the Northeast, specific only to the for-hire sector, that had to do with very low sample sizes of charter boat estimates for bluefish and black sea bass.

The agency went out and consulted with their statisticians at Colorado State and quickly developed an alternative methodology for addressing that, because they saw that there were estimates of catch that were extremely high, that appeared to be outliers, and similar concerns were brought forward by the State of New York, and so the agency itself took the initiative to go and address that, and that's where I think -- Like I said, it doesn't qualify under the emergency rule criteria, but, to me, that's the real emergency, is the lack of -- The survey was not designed for this. It's a known problem, and there are methods that could address it. I recognize that we're having a workshop in the fall that is broader, but, to me, we need some re-estimates of the 2015 and 2016 cobia harvest using these other techniques now.

MR. O'REILLY: I agree with Michelle, and I think many others should too. Obviously there are fishermen in Virginia, stakeholders in Virginia, who have been revolving around this issue of the boundary for quite some time. It's more clear today than ever that a lot of us need to know about the information that's going to be produced by the stock ID workshop and the assessment. I think that is really the most important component in trying to figure out the direction, but, in the meantime, I do support movement into the ASMFC process, and I think, again, everyone has to have some patience as this progress occurs.

I do also want to say that there has really been a lot of thought put into this, and I really am thankful to the council for reevaluating their schedule and how they would come forward with the assessment. At one point, I was thinking that it would be 2020. Just two meetings ago, I thought, well, it's going to be 2020, and so there's been a lot of effort on behalf of cobia by this council, and I appreciate that.

The last meeting, my comments about the white paper, getting forward to a white paper, were concerned with Georgia and South Carolina. We all share a resource, and, at that time, and at this time, I am very aware that there is some pain involved that Georgia and South Carolina felt, and that is troubling, and I think that that type of situation is one that is very unfortunate, and I think that probably, moving this along through the amendment process, we can avoid that in the future, and so, again, I ask for patience. Thank you.

MS. BECKWITH: Michelle's data concerns are, for me, one of the main reasons that I am also interested in going to the Atlantic States Commission with this issue. Opening up alternative data sources and ways for monitoring and adding flexibility makes sense for this fishery.

MR. HARTIG: Okay. Any other discussion about the emergency action topic? I am going to go sidebar here with our Chairman for a second. All right. We've got a plan, and the next item of business is the Update on the ASMFC Interstate Plan for Cobia, and that is Attachments 4a and 4b, and that is by Bob Beal.

MR. BEAL: I think the update on the cobia plan is that we're continuing to move forward with a complementary plan. Louis Daniel is still drafting the plan, taking the lead on that, and we've been working with the states quite a bit. As it stands now, we are working with the notion that, no matter what happens at this council, that's going to take some time to potentially shift the authority to ASMFC, and so, for 2018, and likely 2019, we're going to still move forward with that plan, with the notion that there will still be some federal provisions in place that we're going to need to interact with.

The plan, right now, or the timeline, is to have the draft available for our board to review in August and, assuming it gets approved in August, we'll have public hearings between our August meeting and our October meeting. At the October meeting, it will be the final approval of that document, and our October meeting is in Norfolk, Virginia, for better or for worse, but that's where it is, and so that's the timeline and the summary, and I think we talked about a lot of the details earlier, but I can go into more if folks want to talk about it.

MR. HARTIG: I appreciate that, Bob. Are there questions for Bob? Thank you very much. I think we have -- Here is what I would like to do. I would like to go ahead and take the state reports, but I want to emphasize that they need to be relatively brief, if possible, and so I guess we'll start with Doug.

MR. HAYMANS: I really have nothing new to report since the last time. We're still open, and we do have one fish from state waters that hit APAIS, and we have one that is outside of it, and so there is a couple of legal fish in state waters caught. We do have a much-needed seafood dealer license coming online July 1, although it will be sort of a soft opening over the next eight months, until we hit the April 1 mandatory date, but we hope that having a seafood dealer license will help

us capture the commercial landings that we have a hard time getting to right now. Otherwise, there is no change since the last time we reported.

MR. HARTIG: Thanks, Doug. Mel.

MR. BELL: Nothing new. One thing of note, I guess, is that -- Recall that our state waters are already closed during the month of May, which is our peak season related to cobia, and the hope was that the southern DPS, which was the backbone of our state waters fishery, would rebuild, and that's going to take time, but, this year, it's a bit disappointing, in terms of what showed up.

It's smaller fish, apparently, and not many of them, and so it's not looking particularly promising this year at this point, and so the other thing going on was the interest in commercial landings from federal waters right now, and we've already talked about some of the confusion related to conflicting federal regulations related to, if you're going to sell cobia, who they have to be sold to, a federal dealer or a state dealer, and we've talked about that earlier.

We are still probably at the tail-end of that, because our peak is normally May, and then offshore a little bit into June, but we're still trying to work through that, in terms of -- We have no landings to report or anything, but it didn't look very good inside the southern sounds, just from the catch-and-release aspect. They're just not there.

MR. HARTIG: Thanks, Mel. Rob.

MR. O'REILLY: I sent around the Virginia cobia fishery report, and, really quick, in 2016, everything is on that paper that I sent around. It does have a flip side, a back side, and the 2017 measures is there as well as the 2016 performance, and so you have that. There is no need to talk too much about that.

What I would be interested to tell you, and I can send it to Michelle, I guess, a little bit later, but Ryan Jiorle and Joe Cimino in my office have been working a lot on cobia as well, and they're really the primaries, and one thing that Ryan put together was an encapsulation of the current reporting system, and so we are off and running with a mandatory reporting system for cobia, the recreational fishery, and we have 4,176 permits out there.

So far, we have had just under 700 trips reported, and the individuals are a little bit less, and so, in Ryan's words, it's promising that we're getting this input, and we're hoping that it doesn't end up like our trophy striped bass reporting, which has been going on since 1995 and has never really blossomed into a situation where we can be confident, but I think cobia will do a little bit better, and all of the -- When I send this to Michelle, perhaps she could send it around to everyone. All the modes are there, as far as the permits and the reporting and everything else, and so I will keep everyone posted on that system. Thank you very much.

MR. HARTIG: Thanks, Rob. Michelle.

DR. DUVAL: Really quick, we're a year behind Virginia, but we have a voluntary cobia reporting program this year, and so, as of this morning, we have had forty-three cobia that have been reported through the online system. Sadly, we have only received twenty paper catch cards, but over a hundred cobia citations.

Recall that our commission had made a motion to require that anglers report all cobia through the citation weigh stations, the saltwater fishing program citation weigh stations, which is a voluntary program, and so lots of cobia citations, but not very many paper catch cards being reported, and so very low compliance there, unfortunately.

We have been out there tagging, both the division and volunteer taggers, and we have conventionally tagged around fifty fish. We did tag three this year with acoustic tags, and so I was fortunate enough to be on that tagging trip, which was great, and then actually, just in terms of intercepts, we had a lot of fish that were released in the early part of May, mostly from being undersized, and so I will leave it at that. Thanks.

MR. HARTIG: Thanks. Jessica, do you have anything further?

MS. BURGESS: I believe this was just for Atlantic cobia.

MR. HARTIG: Thanks. All right. The next item of business we have was Consider Framework to Adjust King Mackerel Trip Limits. I will turn that discussion over to Kari.

DR. MACLAUHLIN: The Amendment 26 just recently became effective, on May 11, and this kind of -- It revised the stock boundary for Atlantic and Gulf king mackerel and put the new ACLs in place and then kind of reorganized the trip limit system for the Atlantic Southern Zone. That used to be the Florida East Coast Sub-Zone in the winter, and so we had tried to set it up to kind of mirror that system, but we've had some input from some folks that fish around Volusia, and then it also was raised at our AP meeting, that recommended that the council look into revising those trip limits, and so there are a couple of alternatives that we can look into, and I believe we can do it through a framework amendment, because it is an adjustment to the trip limits.

We drafted some potential alternatives, and so, right now, there is kind of a boundary that sets the trip limits at the Flagler/Volusia line. North of that is 3,500 pounds year-round. South of that, it kind of goes back and forth between fifty fish or seventy-five fish. There is, in Season 1, a step-down when 75 percent of the Season 1 quota is met. In Season 2, there is a step-up if, in the last month, less than 70 percent of the Season 2 quota hasn't been met.

What I think that the fishermen want to consider is kind of a shifting boundary in Season 1 that would allow -- It would move it down the Volusia/Brevard line. Basically, what this would do, is it would let folks that are fishing out around Daytona and up around Volusia County -- They would have access to that higher trip limit. I will let Ben continue on.

MR. HARTIG: I think what I would like to do is bring this back to you at our next meeting, so we make sure exactly what we have. I mean, we talked to the fishermen and we talked to Barrett, and we pretty much straightened it out, but it isn't, in my mind, fleshed out as well as it could be, and so we will bring it back to you at the next meeting, and I will leave it at that.

Next is Common Units for Tracking of Coastal Migratory Pelagic Landings, and that's Attachment 5, and we have a presentation by NMFS SERO and the Southeast Fisheries Science Center. Bonnie, were you going to talk about this or do you want us to talk about it?

DR. PONWITH: I've got it. This is just a one-slide presentation. Basically, the council asked how hard would it be to create a common set of units for reporting, and, as you can see in this slide, there are many different ways that landings can be reported, and, happily, the answer is yes. If you tell us how you want those reported, we can make that adjustment in the CLM system and report them in any units that you desire. It's just a setup using the correct correction and putting that into the CLM system, and we can report them any way that you wish. If you give us direction, we will set it up that way, and it will be reported from that point on.

MR. HARTIG: Thank you, Bonnie. Any questions about that?

DR. DUVAL: The way we track -- This is about tracking landings against the ACL, and so, the way we track them now, it's as landed, and so you have both gutted and ungutted fish coming in for all of those species, and so this would -- If you convert those, because the ABCs, I believe, are in whole weight, in pounds whole weight, and the ACLs were not clear, I think, in the amendment how they were -- The ACL was not specified. This would change, and you could potentially reach the ACL quicker if you're tracking things in whole weight across everything.

MR. HARTIG: So we've got the Science Center saying they -- Go ahead, Bonnie.

DR. PONWITH: If you have an ACL in one unit, we, of course, would want to monitor the approach of that ACL in that unit. If fish are being landed in a unit other than the unit that the ACL is in, we would do a conversion, so it's an apples-to-apples, and so we would never set an ACL in whole weight and then tell you in gutted weight when you hit that whole weight. We would convert gutted weight to whole weight. Is that the concern?

We would make sure that the units are calibrated in, so you're not -- If it's in gutted weight, if your ACL is in gutted weight, and then we report it in whole weight, it would be whole weight in terms of gutted weight, and so, again, this is a conversion, and whatever we would -- The way the ACL would be monitored is relative to the units that the ACL is in.

MR. HARTIG: I guess my question would be, as the ACL landings come in as gutted or whole weight, and the Center sees what they're in, is the conversion done during the process of ACL calculation?

DR. PONWITH: Yes, we have a series of conversion factors for all of these different ways that a fish can come in, so that, when we accumulate those landings, they are being accumulated in the units that the ACL is set in. What you see in the reporting, whatever set of units are the most valuable for you to see, the progress towards hitting that ACL can be reported in those units, because it's simply a matter of making that conversion.

DR. DUVAL: So we just need to state which set of units we would like, and this doesn't affect the Gulf Council at all? I guess that was my question, is if this has been brought before the Gulf Council, because I think that was the remnant of the conversation we had last time, is that, since it's a jointly-managed species, that we might need to do that, but I wasn't sure, given that we have a Gulf stock and an Atlantic stock. It seems like we could specify how we would our stuff monitored on the Atlantic side without bothering the Gulf.

DR. PONWITH: What I would say is specify the way that you would like to see it, and then I will work with the data people, and I will communicate with the Gulf, to see if there are any unintended implications, but knowing what you want at least helps to prepare us for that conversation.

DR. DUVAL: Okay. Then how about gutted for king and whole for Spanish, and you can take that back and see how that impacts things. Just Atlantic.

MR. HARTIG: Okay. Is there anything else under that? I see Michelle shaking her head no, and so that brings us to Other Business, and I know Monica had an item that she wanted to explain. I don't know that we have time for much discussion on it, but she did want to offer an explanation, and so, Monica, you're on.

MS. SMIT-BRUNELLO: I will try to real brief and kind of correct what I said the other day, or make it more clear. Back to cobia and the sale of cobia. Part of the problem is, of course, that you don't have a commercial permit, and we have a commercial permit for almost every other species you manage, and part of the problem is also that, until, I believe, Framework 4 goes into effect, you have the same amount of cobia that can be harvested, the same restrictions for harvest for the commercial sector and the recreational sector. You chose, in CMP Amendment 20A, not to require a federal permit to sell cobia, and so that's all clear.

I think that, on the federal side, that we made things even more complicated than they already were, because there was rulemaking going on at the same time to implement Amendment 20A, but also to implement the dealer reporting amendment. In fact, I looked at the timing of those rules, and they were almost right together, maybe a month apart or so, and so, inadvertently, an inconsistency was created in the regulations that Mel is very aware of, and he and I have spoken of often, an inconsistency regarding the sale and purchase of cobia harvested in federal waters.

While it was clear that you all, as a council, and the Gulf, chose not to require a federal permit to sell cobia harvested from federal waters, the dealer reporting amendment requires that a federal dealer can only buy coastal migratory pelagic species, and that includes cobia, harvested in federal waters from a vessel with a federal coastal migratory pelagic permit, and that means a commercial king permit, a commercial Spanish permit, or a commercial for-hire permit.

Those regulations are inconsistent, and we intend to -- I have talked to Mike McLemore, the Section Chief in my office, on how to make those consistent, and we intend to figure out whether we can do that to fulfill the council's intent and whether we can do that through a technical amendment or whether we can tack it on to some rulemaking, the next one that goes through, to make those regulations consistent.

I just wanted to bring that to your attention, and it shed a lot of light on it, for me, once I went back through and we figured out what the heck happened to get those rules slightly off kilter, and those rules meaning the dealer reporting amendment and then the coastal migratory pelagic amendment. The dealer reporting amendment, those regulations are fine everywhere else, because there is a commercial permit to harvest every other species, but, when that kind of language was put in for coastal migratory pelagic species, and cobia doesn't have a permit, it created a problem. I know it's probably a problem for some of the folks out there, the fishermen as well, and so we're going to try to correct that as soon as we can.

MR. HARTIG: Thanks, Monica.

MR. HAYMANS: I know you don't have much time for discussion, but just to clarify. If a federal for-hire permit holder, assuming they were -- They could potentially sell?

MS. SMIT-BRUNELLO: Remember that we're talking about the commercial quota. Right now, you can have -- If you don't have a federal permit, you are allowed to go commercially harvest your two cobia in federal waters, right, because there is no commercial permit required to harvest cobia, and so those for-hire folks, I am assuming, could commercially harvest. We're going to work all of this out, but it's made more complicated by no permit.

MR. HAYMANS: As a state, we require a state commercial license, for everyone on the vessel to be state-licensed, the vessel to be licensed, and, if you're trying to sell, you're in commercial mode, and you're not going to be recreationally fishing, just for the record.

MS. SMIT-BRUNELLO: The idea is to make sure that these fish harvested in federal waters are accurately counted for the ACL and for all the other purposes that we use that for, and so, Doug, we'll be looking at that, too.

MR. BOWEN: I would like a little more clarification. I have federal for-hire CMP permit. I have the required state commercial fishing license, and I have the required state boat commercial license on my vessel. It is legal for me go to harvest two cobia and bring them back? I am asking.

MS. SMIT-BRUNELLO: And sell them to a federally-permitted dealer, because you have a federal permit.

MR. BOWEN: Yes.

MS. SMIT-BRUNELLO: Yes.

MR. BOWEN: Thank you.

MR. HARTIG: Thank you, Monica. All right. Is there any other business to come before the Mackerel Cobia Committee? Seeing none, thank you all very much.

(Whereupon, the meeting adjourned on June 15, 2017.)

Certified By: _____ Date: _____

Transcribed By
Amanda Thomas
July 17, 2017

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
2017 COMMITTEES (continued)

INFORMATION & EDUCATION

Mark Brown, Chair
Charlie Phillips, Vice-Chair
Chester Brewer
Michelle Duval
LT Tara Pray
Staff contact: Amber Von Harten

LAW ENFORCEMENT

Mel Bell, Chair
Anna Beckwith, Vice-Chair
Mark Brown
Ben Hartig
Doug Haymans
LT Tara Pray
Staff contact: Myra Brouwer

MACKEREL COBIA

✓ Ben Hartig, Chair
✓ Michelle Duval, Vice-Chair
✓ Anna Beckwith
✓ Mel Bell
✓ Zack Bowen
✓ Mark Brown
✓ Roy Crabtree
✓ Doug Haymans
✓ Jessica McCawley
✓ Robert Beal, ASMFC Representative
✓ Mid-Atlantic Liaison, Rob O'Reilly
✓ Mid-Atlantic Liaison, Dewey Hemilright/
Tony DiLernia
Staff contact: Kari MacLauchlin

PERSONNEL

Jessica McCawley, Chair
Michelle Duval, Vice Chair
Mel Bell
Doug Haymans
Charlie Phillips
Staff contact: Gregg Waugh

PROTECTED RESOURCES

Wilson Laney, Chair
Jessica McCawley, Vice-Chair
Mel Bell
Zack Bowen
Michelle Duval
LT Tara Pray
Staff contact: Chip Collier

SSC SELECTION

Charlie Phillips, Chair
Wilson Laney, Vice-Chair
Chris Conklin
Roy Crabtree
Michelle Duval
Staff contact: John Carmichael

SEDAR

Michelle Duval, Chair
Charlie Phillips, Vice-Chair
Mel Bell
Zack Bowen
Chester Brewer
Mark Brown
Robert Beal, ASMFC Representative
~~Chris Conklin~~
Staff contact: John Carmichael

SHRIMP

Charlie Phillips, Chair
Mel Bell, Vice-Chair
Roy Crabtree
Tim Griner
Doug Haymans
Wilson Laney
Jessica McCawley
Staff contact: Chip Collier

(Continued)

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
2017 COUNCIL MEMBERSHIP

COUNCIL CHAIR

✓ Dr. Michelle Duval
NC Division of Marine Fisheries
3441 Arendell Street
(PO Box 769)
Morehead City, NC 28557
252/808-8011 (ph);
252/726-0254 (f)
michelle.duval@ncdenr.gov

VICE-CHAIR

✓ Charlie Phillips
Phillips Seafood/Sapelo Sea Farms
1418 Sapelo Avenue, N.E.
Townsend, GA 31331
912/832-4423 (ph); 912/832-6228 (f)
Ga_capt@yahoo.com

✓ Robert E. Beal
Executive Director
Atlantic States Marine Fisheries
Commission
1050 N. Highland St., Suite 200 A-N
Arlington, VA 20001
703/842-0740 (ph); 703/842-0741 (f)
rbeal@asmfc.org

✓ Anna Beckwith
1907 Paulette Road
Morehead City, NC 28557
252/671-3474 (ph)
AnnaBarriosBeckwith@gmail.com

✓ Mel Bell
S.C. Dept. of Natural Resources
Marine Resources Division
P.O. Box 12559
(217 Ft. Johnson Road)
Charleston, SC 29422-2559
843/953-9007 (ph)
843/953-9159 (fax)
bellm@dnr.sc.gov

✓ Zack Bowen
P.O. Box 30825
Savannah, GA 31410
912/398-3733 (ph)
zackbowensafmc@gmail.com

✓ W. Chester Brewer
250 Australian Ave. South
Suite 1400
West Palm Beach, FL 33408
561/655-4777 (ph)
wcbsafmc@gmail.com

✓ Mark Brown
3642 Pandora Drive
Mt. Pleasant, SC 29466
843/881-9735 (ph); 843/881-4446 (f)
capt.markbrown101@gmail.com

✓ Chris Conklin
P.O. Box 972
Murrells Inlet, SC 29576
843/543-3833
conklinsafmc@gmail.com

✓ Dr. Roy Crabtree
Regional Administrator
NOAA Fisheries, Southeast Region
263 13th Avenue South
St. Petersburg, FL 33701
727/824-5301 (ph); 727/824-5320 (f)
roy.crabtree@noaa.gov

✓ Tim Griner
4446 Woodlark Lane
Charlotte, NC 28211
980/722-0918 (ph)
timgrinersafmc@gmail.com

✓ Ben Hartig
9277 Sharon Street
Hobe Sound, FL 33455
772/546-1541 (ph)
mackattackben@att.net

(Continued)

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
2017 COUNCIL MEMBERSHIP (continued)

✓ Doug Haymans
Coastal Resources Division
GA Dept. of Natural Resources
One Conservation Way, Suite 300
Brunswick, GA 31520-8687
912/264-7218 (ph); 912/262-2318 (f)
haymanssafmc@gmail.com

LT Tara Pray
U.S. Coast Guard
909 SE 1st Ave.
Miami, FL 33131
305/415-6765 (ph)
tara.c.pray@uscg.mil

Dr. Wilson Laney
U.S. Fish and Wildlife Service
South Atlantic Fisheries Coordinator
P.O. Box 33683
Raleigh, NC 27695-7617
(110 Brooks Ave
237 David Clark Laboratories,
NCSU Campus
Raleigh, NC 27695-7617)
919/515-5019 (ph)
919/515-4415 (f)
Wilson.Laney@fws.gov

Deirdre Warner-Kramer
Office of Marine Conservation
OES/OMC
2201 C Street, N.W.
Department of State, Room 5806
Washington, DC 20520
202/647-3228 (ph); 202/736-7350 (f)
Warner-KramerDM@state.gov

✓ Jessica McCawley
Florida Fish and Wildlife
Conservation Commission
2590 Executive Center Circle E.,
Suite 201
Tallahassee, FL 32301
850/487-0554 (ph); 850/487-4847(f)
jessica.mccawley@myfwc.com

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
COUNCIL STAFF

Executive Director

✓ Gregg T. Waugh
gregg.waugh@safmc.net

Deputy Director – Science & Statistics

✓ John Carmichael
john.carmichael@safmc.net

Deputy Director - Management

✓ Dr. Brian Chevront
brian.chevront@safmc.net

Fishery Scientist

✓ Myra Brouwer
myra.brouwer@safmc.net

Admin. Secretary /Travel Coordinator

Cindy Chaya
cindy.chaya@safmc.net

Purchasing & Grants

✓ Kimberly Cole
kimberly.cole@safmc.net

Fishery Scientist

✓ Dr. Chip Collier
chip.collier@safmc.net

Administrative Officer

✓ Mike Collins
mike.collins@safmc.net

Fishery Biologist

✓ Dr. Mike Errigo
mike.errigo@safmc.net

Fishery Economist

✓ John Hadley
john.hadley@safmc.net

Public Information Officer

✓ Kim Iverson
kim.iverson@safmc.net

Fisheries Social Scientist

✓ Dr. Kari MacLauchlin
kari.maclauchlin@safmc.net

Senior Fishery Biologist

✓ Roger Pugliese
roger.pugliese@safmc.net

Outreach Specialist

✓ Cameron Rhodes
Cameron.rhodes@safmc.net

Financial Secretary

Suzanna Thomas
suzanna.thomas@safmc.net

Fishery Citizen Science Program Manager

✓ Amber Von Harten
amber.vonharten@safmc.net

SEDAR Coordinators

Dr. Julie Neer - julie.neer@safmc.net
Julia Byrd - julia.byrd@safmc.net

Observers & Participants in Council Meeting

✓ Dr. Jack McGovern

✓ Dr. Bonnie Ponwith

✓ Monica Smit-Brunello

✓ Erika Burgess

✓ Dewey Hemilright

✓ Tony DiLernia

✓ Gulf Rep: Date Diaz

Dr. Marcel Reichart

✓ Rick DeVictor

Jeff Rando ~~ski~~

Ira Laks

Steve English

JUNE 2017 COUNCIL MTA DAY 4

Last Name	First Name	Email Address
Abeels	Holly	habeels@ufl.edu
Austin	Anthony	redress@ec.rr.com
Bailey	Adam	adam.bailey@noaa.gov
Bianchi	Alan	Alan.Bianchi@ncdenr.gov
Blow	Wes	wesamy2000@cox.net
Bowen	Zack	fishzack@comcast.net
Brennan	Ken	Kenneth.Brennan@noaa.gov
Brown	Mark	capt.markbrown@comcast.net
Buckson	Bruce	bruce@bbuckson.net
Byrd	Julia	julia.byrd@safmc.net
Cheshire	Rob	rob.cheshire@noaa.gov
Clarke	Lora	lclarke@pewtrusts.org
Conklin	Chris	conklincc@gmail.com
Cox	Jack	dayboat1965@gmail.com
Crosson	Scott	scott.crosson@noaa.gov
Cunningham	Leda	lcunningham@pewtrusts.org
Davis	Sarah	sayraj75@gmail.com
DeVictor	Rick	rick.devictor@noaa.gov
Diaz	Dale	Saltwaterlife@live.com
Erwin	Gwen	gwen.erwin@myfwc.com
Exley	Gary	river92@bellsouth.net
FRENCH	JONATHAN	FRENCH60WASP@GMAIL.COM
Fitzpatrick	Eric	Eric.fitzpatrick@noaa.gov
Fitzpatrick	Kelly	kelly.fitzpatrick@noaa.gov
Foss	Kristin	kristin.foss@myfwc.com
Foster	Dean	dfoster@pewtrusts.org
Franco	Dawn	dawn.franco@dnr.ga.gov
Geer	Pat	pat.geer@dnr.ga.gov
Giuliano	Angela	angela.giuliano@maryland.gov
Godwin	Joelle	joelle.godwin@noaa.gov
Gore	Karla	karla.gore@noaa.gov
Gorham	Bill	Getbowedup40@gmail.com
Helies	Frank	frank.helies@noaa.gov
Hudson	Rusty	DSF2009@aol.com
Iverson	Kim	kim.iverson@safmc.net
Jiorle	Ryan	ryan.jiorle@mrc.virginia.gov
Knowlton	Kathy	kathy.knowlton@dnr.ga.gov
Lambert	Deb	deb.lambert@noaa.gov
Lee	Jennifer	Jennifer.Lee@noaa.gov
Link	Patrick	patricklink11@gmail.com
MacLauchlin	Kari	kari.maclauchlin@safmc.net

MacLauchlin	Bill	billmac@charter.net
Mahood	Bob	rmahood@mindspring.com
Malinowski	Rich	rich.malinowski@noaa.gov
Mehta	Nikhil	nikhil.mehta@noaa.gov
Neer	Julie	julie.neer@safmc.net
Pulver	Jeff	Jeff.Pulver@noaa.gov
Raine	Karen	karen.raine@noaa.gov
Ralston	Kellie	kralston@asafishing.org
Records	David	david.records@noaa.gov
Sedberry	George	george.sedberry@noaa.gov
Seward	McLean	mclean.seward@ncdenr.gov
Shipley	Krista	krista.shipley@myfwc.com
Shipman	Susan	susanshipman@att.net
Siegfried	Katie	kate.siegfried@noaa.gov
Smart	Tracey	smartt@dnr.sc.gov
Stillman	Karolyn	Karolyn.stillman@noaa.gov
Surrency	Ron	captronacc@gmail.com
Takade-Heumacher	Helen	htakade@edf.org
Travis	Michael	mike.travis@noaa.gov
Williams	Erik	erik.williams@noaa.gov
bell	mel	bellm@dnr.sc.gov
brewer	chester	wcbsafmc@gmail.com
brouwer	myra	myra.brouwer@safmc.net
cimino	joe	joe.cimino@mrc.virginia.gov
collins	m	mec181@yahoo.com
poland	steve	steve.poland@ncdenr.gov
pugliese	roger	roger.pugliese@safmc.net
sandorf	scott	scott.sandorf@noaa.gov
thomas	suz	suzanna.thomas27@safmc.com
vara	mary	mary.vara@noaa.gov

Name	Last	Select a Cl	Email (if y	Mailing Ad	How do yo	How do yo	How do yo	How do yo	How do yo	How do yo	How do yo	Other	If Other, pl
Rusty	Hudson	Contact Inf			Private Rec	Charter/He	Commercie	Seafood De				Other	Fisheries C
steve	English	Contact Inf					Commercie						
Dean	Foster	Contact Inf								Non-Gover			
Will	Bransom	Contact Inf			Private Rec								
Lora	Clarke	Contact Inf								Non-Gover			