

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **MACKEREL COBIA COMMITTEE**

**Bahia Mar Doubletree by Hilton  
Fort Lauderdale, Florida**

**June 14, 2018**

### **SUMMARY MINUTES**

#### **Mackerel Cobia Committee Members**

Ben Hartig, Chair  
Robert Beal  
Mel Bell  
Mark Brown  
Dr. Michell Duval  
Charlie Phillips  
Dewey Hemilright

Doug Haymans, Vice-Chair  
Anna Beckwith  
Zack Bowen  
Dr. Roy Crabtree  
Jessica McCawley  
Rob O'Reilly  
Tony DiLernia

#### **Council Members**

Chester Brewer

Tim Griner

#### **Council Staff**

Gregg Waugh  
Dr. Brian Chevront  
Kimberly Cole  
Mike Collins  
Dr. Mike Errigo  
Kim Iverson  
Cameron Rhodes  
Christina Wiegand

John Carmichael  
Myra Brouwer  
Dr. Chip Collier  
Kelsey Dick  
John Hadley  
Roger Pugliese  
Amber Von Harten

#### **Observers and Participants**

Monica Smit-Brunello  
Dr. Clay Porch  
Ira Laks  
Erika Burgess  
Dr. Erik Williams  
Tracy Dunn

Shep Grimes  
Dale Diaz  
Dr. Jessica Stephen  
Dr. Jack McGovern  
Rick DeVictor  
Karla Gore

Other observers and participants attached.

The Mackerel Cobia Committee of the South Atlantic Fishery Management Council convened at the Bahia Mar Doubletree by Hilton, Fort Lauderdale, Florida, Thursday afternoon, June 14, 2018, and was called to order by Chairman Ben Hartig.

MR. HARTIG: I will call 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? Due to Rob's schedule, and he's got a real tight turnaround, we're going to move the cobia actions before the mackerel actions, and so, after Ira gives his report, we'll go right into cobia.

The next item of business is Approval of the Minutes, and are there any changes or corrections to the minutes? Seeing none, the minutes are approved. That brings us to Status of Commercial and Recreational Catches from NMFS SERO, and that's behind Attachment 1a and 1b, and Rick will give the commercial, I'm sure, and Jessica will give the recreational. All right. You're on deck, Rick. Go ahead.

MR. DEVICTOR: All right. Thank you, Mr. Chairman. Yes, I'll give the first half, and Dr. Stephen will give the second half. On king mackerel commercial landings, they are in your briefing book, Attachment A1a, and we have updated landings up there on the screen, and these are through June 8. Atlantic group ACL, and that should say the 2018/2019 fishing season, because this is a March 1 start date, is 5.2 million pounds. You can see what the Northern Zone quota is and the Southern Zone quota.

If you go down to the table, we show historical landings, and then we show what the landings are currently. Again, this is a March 1 start date, and so where we are so far is 4.5 percent in the Northern Zone. For the Southern Zone, we're at 22.4 percent, and that's a for a total of the north and south at 11.3.

Moving on down to Spanish mackerel, and, again, this also is a March 1 start date, the ACL for 2018/2019 is 3.33 million pounds. Then we show the Northern quota and the Southern quota. Going down to the table, you see, for the Northern Zone, we're at 15.9 percent, the Southern is at 14.1 percent, and the total is 14.4 percent.

The last species that I will report on is cobia, Atlantic group cobia, and so the Atlantic group quota is 50,000 pounds, and then you can look at the table and see where we're at for 2018, for the January 1 start date. So far, reported to the Science Center is 13,947, and we're at 28 percent of the quota.

MR. HARTIG: Thank you, Rick. Any questions for Rick? We appreciate it. Go ahead, Rob.

MR. O'REILLY: Thank you, Mr. Chairman, and, earlier, when I read through this, and I'm trying to find it now, the total for 2017, and what I noticed is it was in the four-hundred-plus-thousand pounds, and is that correct?

MR. DEVICTOR: You're asking the total for cobia, the South Atlantic group?

MR. O'REILLY: Yes, the Atlantic migratory group for 2017.

MR. DEVICTOR: Right, and so what was reported to the Science Center was 28,407. Then reported to the states was 33,269, and that's for a total of 61,676, and so that's 123 percent of the quota.

MR. O'REILLY: Okay, and so I may be goofing this up, but what I was looking at was the pounds, and my question really revolves around I thought there was an indication that there might be a little bit of a difference there, but I'm in the wrong place right now, and so you will have to pardon me. I just pulled it out, and so I'll wait for the recreational information, because I'm talking about the recreational.

MR. HARTIG: All right. Recreational landings update and Jessica. Michelle, I'm sorry.

DR. DUVAL: Just one quick question for Rick. Rick, the commercial landings are -- Are they as landed, or are they whole weight?

MR. DEVICTOR: They're as landed.

MR. HARTIG: Okay. Any other questions? Seeing none, Jessica.

DR. STEPHEN: For the recreational landings, I just want to make a note that the landings are summarized using MRIP, and the landing estimates were updated by NMFS SERO to be consistent with the ACL monitoring, which includes such things as poststratification of the estimates, and we have data through Wave 6 of 2017. At this point, all 2017 landings are final, and they include both MRIP as well as headboat landings.

The 2015 season for the cobia and king mackerel are shown here, and I want to point out that the cobia stock from New York to Georgia was 216 percent, and we closed it on 6/20/2016. The landings for the 2016/2017 season, none of the stocks were over the ACL when we closed cobia on 1/24/2017 at 73 percent. Preliminary landings for 2017/2018 are shown here for both king mackerel and Spanish mackerel. At this point, they're at 18 and 28 percent, respectively.

Now we'll get into the tables and charts aspect of it, and so here are the landings for king mackerel through the 2017/2018 season and the graphic representation of it. Again, the black lines indicate the ACL, and the different colors indicate the different sectors and their landings. I do want to point out that, in 2017/2018, the ACL did jump up pretty dramatically. For the Spanish mackerel, the table of landings from 2008/2009 to 2017/2018 and the graphic representation of those landings. Cobia landings from 2007 to 2017 and the graphic representation, and that's all I have for now, if there are any questions.

MR. HARTIG: Rob, are you good over there? Are you ready?

MR. O'REILLY: I am now in step. It may not be relevant in the future about the different data sources, but, at one meeting, I thought there was a conversation about the Southeast Center and MRIP and sort of not reconciling the two datasets, but figuring out a way of really getting the best information and, depending on whose home team you're on, you're going to say that's the best information.

I did see 440,000-plus thousand pounds for the recreational cobia for the AMG, and I know that MRIP produces an estimate of 507,000. Is this something that's just going to not be looked at in the near future, the two sort of data sources, or what are the thoughts on that? Again, I am very aware that, depending on the disposition of the Amendment 31, that will change things as well and there may not be a need to really have any juxtaposition of the two data sources, and I guess that's the question.

MR. HARTIG: I was looking to Clay to give us some insight on that.

DR. PORCH: We go with the numbers -- When it comes to the numbers that we present for cobia or any other species, we're taking into account the number of weight observations that are actually made, and we use different ways of pooling across strata when we have fairly few weight observations, and so we stand by that approach, as opposed to the historical way that MRIP has generally done it. Those will be reconciled with the newer numbers, I think, starting in 2019.

MR. HARTIG: Clay, it was my -- Somewhere along the line, I heard that it was going to be reconciled -- The methodology that you use was going to be used by MRIP as well, pooling across waves to get enough weights to get an average weight, and is that correct, that MRIP is going to be the number in the future?

DR. PORCH: You should have the same thing. I am not absolutely sure that we're 100 percent aligned on the computation of total weight. Typically, we work with the number more than the weight on the assessment side of the house, but that is the goal, is to reconcile that as well, but I just can't remember if we're there yet or whether there will be a little more work before it gets to 2019.

MR. HARTIG: Thank you. Rob, does that answer your question?

MR. O'REILLY: Yes, thank you very much, and thank you, Clay.

DR. DUVAL: Mr. Chairman, you probably remember it, because we talked about it earlier this week, even though that seems like years ago right now, that we discussed the reconciliation of best scientific information available with regard to the method that's used to estimate the weights.

MR. HARTIG: Thanks, Michelle.

MR. BOWEN: This question may be for Clay as well, and why I just thought of this is because of the eighty-five pounds for 2017 for the headboat, but when, if you're not already, will you stop using estimates for headboats, because they're reporting now, or are you using what they report with some validation? Could you maybe just explain that in a little detail for me?

DR. PORCH: I may have to defer that question to tomorrow when Dave Gloeckner comes, because I'm not sure on the answer to that.

MR. BOWEN: Okay. Thank you.

MR. HARTIG: Any other questions for Jessica? Seeing none, thanks, Jessica. We appreciate it. Let me read the committee members before we get Ira. That's myself, Doug Haymans, Bob Beal,

Anna Beckwith, Mel Bell, Zack Bowen, Mark Brown, Roy Crabtree, Michelle Duval, Jessica McCawley, Charlie Phillips, Rob O'Reilly, Dewey Hemilright, and Tony DiLernia. The next item of business is the AP Report, if I'm not mistaken, and, for that, I'm going to turn it over to Ira. We had a great AP meeting, by the way. There were a lot of people there and a lot of good conversation.

MR. LAKS: We did have a really good meeting, and we started out with Coastal Migratory Pelagics Amendment 31 and the recreational landings of the Atlantic migratory group cobia, or Atlantic cobia, exceeded the annual catch limits in 2015/2016, resulting in a subsequent shortened recreational season in 2016/2017.

After the 2015 overage and subsequent shortened 2016 recreational season for Atlantic cobia, the South Atlantic Fishery Management Council requested that the Atlantic States Marine Fisheries Commission consider complementary management of Atlantic cobia, and the commission began work on an interstate management plan. In May of 2017 -- You all know this.

The points that were raised in support of removing Atlantic cobia from the CMP, one of them was that the Mid-Atlantic states do not have a vote on the South Atlantic Council, and they do have two voting seats on the Mackerel Cobia Committee. This is particularly problematic for Virginia, where a substantial portion of the Atlantic cobia are harvested. Full management by the ASMFC would provide the Mid-Atlantic states with a better representation in the management process for Atlantic cobia in state and federal waters. Fishing in Maryland and New Jersey has increased in recent years, making adequate representation of Mid-Atlantic states increasingly important.

Continued overages and poor recreational landing estimates from MRIP illustrate that the South Atlantic Council has been unable to properly manage Atlantic cobia. Full management by the ASMFC would provide necessary flexibility. The South Atlantic Council cannot regulate harvest in state waters. While some fishing does occur in federal waters, the majority of Atlantic cobia is harvested in state waters and would be more appropriately managed by the ASMFC. Complementary management does not address the problem with the MRIP landing estimates for a pulse fishery like Atlantic cobia. Are there any questions? Okay.

There were points also raised for complementary management with the ASMFC. The ASMFC manages several species in both state and federal waters, and they have a good track with species cooperatively managed with regional councils. It would be prudent to wait until results from the upcoming stock assessment are available before considering transfer of management to the ASMFC. Pressure north of the North Carolina/South Carolina line is high, and it would be better for regulations to be more restrictive now and less restrictive in the future. The accountability measures required by the Magnuson-Stevens Act are important for preventing overfishing of Atlantic cobia. The South Atlantic Council should continue to have input in the management of Atlantic cobia, because a portion of the fishery does occur in federal waters.

Additional considerations related to Atlantic cobia are, currently, there isn't a federal permit required for the commercial harvest of cobia. As a result, recreational fishermen can purchase a state commercial license and fish under the commercial trip limits and size limits. This has been used as a means of getting around the federal closure.

In south Florida, on the Atlantic side, there has been a drop in the number of cobia. One plausible reason is that rays -- Well, some people had said the rays no longer come through the Keys and the cobia are staying in deeper water following the sharks, and I can attest to that. In my area off of Jupiter, they sit on the sharks now, and we don't hardly see them on the beach.

One of the members indicated that, since the closure of red snapper, cobia fishing has increased, because they can't catch the red snapper. In Virginia, sub-panel members report seeing an increase in smaller cobia and a possible shift north in the fishery. In South Carolina, a sub-panel member recommended caution when fishing the inshore populations of cobia in North Carolina and Virginia. In Port Royal Sound, South Carolina, the popularity of cobia fishing increased and fishing techniques improved. As a result, fishermen started to see more fish and eventually fished the population down by targeting large females. Any questions?

The following motions were made by the Mackerel Cobia AP and Sub-Panel. Motion Number 1 is support CMP Amendment 31 Preferred Alternative 2, and that motion failed five in favor, ten opposed, and one abstained. Motion 2 was to adopt Alternative 4 to establish a framework procedure in the CMP FMP for an enhanced cooperative management system with the ASMFC that allowed changes to Atlantic cobia management through NMFS rulemaking as the AP's preferred alternative. The motion was approved eight in favor, seven opposed, and one abstained. Are there any questions? Okay.

Then we're going to move on to Coastal Migratory Pelagics Framework Amendment 6. The new regulations established in CMP Amendment 26 became effective on May 11, 2017, including updated commercial trip limits for the Atlantic Southern Zone. Stakeholders and the Mackerel Cobia Advisory Panel have recommended that the South Atlantic Council consider revising the trip limits to allow for a higher trip limit north of the Volusia/Brevard County line, which would mirror trip limits prior to Amendment 26.

To address those trip limits, the South Atlantic Council approved CMP Framework Amendment 6 for scoping at the March 2018 council meeting. The council received several comments, both online and during public comment at the meeting, in support of moving forward with the framework amendment. Based on those comments, the council directed staff to continue developing the amendment for review at the June 2018 meeting.

Points raised at the meeting were Amendment 26 was reviewed during the April 2016 meeting, which was shorter than typical AP meetings. I will just add to that that we had like a four-hour meeting, because we tried to put it in with a public hearing, and we didn't really get it right, and we had so much going into that.

In the wintertime, fish are found in tight schools and are easy to catch. However, by April, the fish split up and are not as easy to catch. As a result, it is highly unlikely that anyone is going to catch 3,500 pounds of fish. Fishermen from Sebastian and the Cape will often travel north and fish for multiple days and need a higher trip limit to make those trips worthwhile. Basically, that's just, at seventy-five fish, it's not worth staying out overnight to catch forty in one day and stay overnight to catch thirty-five. Any questions? The AP and Sub-Panel approved the following motion to support CMP Framework 6, Preferred Alternative 3. The motion was approved with sixteen in favor, one opposed, and one abstention.

Update on SEDAR Stock ID Workshop for Atlantic Cobia, Julia Byrd, SEDAR staff, provided an overview of SEDAR and the stock assessment process, including the types of assessments and the role fishermen play in the process.

The AP and sub-panel were given an update on the cobia stock ID workshop, which took place in Charleston, South Carolina on April 10 through April 12 of 2018. Preliminary results from the workshop suggest the existence of two distinct stocks, Gulf and Atlantic, with the Gulf migratory group starting south of Brevard County, Florida and the Atlantic stock starting north of Brunswick, Georgia.

There is a transitional zone between the two stocks. However, not enough data exists to further refine that zone. The current data does not refute the placement of the assessment boundary used for SEDAR 28 at the Florida/Georgia line. A stock ID review workshop will take place June 5 through 7, 2018, with the final stock ID resolution complete by the end of August 2018. Planning for the remaining stages of SEDAR 58, the Data, Assessment, and Review, is underway now. The AP and sub-panel members indicated they were interested in serving as commercial or recreational representatives for the assessment. I can tell you that I sat through those workshops, and I now know how to ID a cobia.

We also had a presentation of a SEAMAP coastal trawl survey. Dr. Tracey Smart of the South Carolina Department of Natural Resources presented king and Spanish mackerel abundance trends in the Southeast Area Monitoring and Assessment Program South Atlantic Coastal Trawl Survey. The coastal trawl survey is an annual fishery-independent monitoring survey that focuses on nearshore, trawlable habitat. Data from previous surveys has been included in SEDAR assessments for king and Spanish mackerel.

The survey shows an increasing trend in the abundance of king mackerel juveniles over the last five years. For Spanish mackerel juveniles, the survey shows abundance has been lower than the long-term average over the last five years. This trend could indicate changes in spawning effort, number of fish, or the survivorship of fish that are spawned.

We also had a presentation from -- Well, we had an enforcement priority workshop, or not a workshop, but a little thing with Lieutenant Jerry Brown of the U.S. Coast Guard Sector Charleston. He addressed the Mackerel Cobia AP and Sub-Panel to request input on areas of high fishing activity and/or timeframes that would assist the Coast Guard to focus enforcement efforts related to living marine resources, particularly off of South Carolina and Georgia.

The Mackerel Cobia AP and Sub-Panel members has the following feedback. One was that enforcement during tournaments can be frustrating, that anglers don't want to pull up their lines for a thirty-minute safety inspection after paying for a tournament. Another suggestion was that, while targeting the commercial king mackerel fleet, vessels often fish in a fleet of boats, and one of the AP member suggested the U.S. Coast Guard sit inshore of the fleet and catch them as they are coming in, as an alternative to sending small boats out in the middle of fishing for a safety inspection, and, basically, what this is, it's, when you're king mackerel fishing, they can be biting fast and furious, and, if you lose a half-hour, that could be the difference between making it or breaking it in a day.

It would also be helpful if the U.S. Coast Guard was familiar with for-hire safety requirements, which are rarely monitored. Drug test cards are also rarely enforced, even when renewing your captain's license.

Multiple Mackerel Cobia AP members expressed concern about individuals that solicit people to fish with them through online forums and social media. These individuals often do not have the necessary for-hire permits, and, as a result, do not have to abide by for-hire safety and harvest regulations. There needs to be a way to differentiate between a person who takes money to offset the cost of a trip, i.e., friends who chip in for gas, or for a for-hire trip. It was suggested that this might be dockside enforceable and that social media could help as an enforcement tool.

Basically, what that's talking about is, if you go on any of these fishing forums, you will see people soliciting the general public for a certain price to go fishing with them, and I understand if your neighbor, Bob, wants to pitch in for beer, but, when you're soliciting a stranger, it tends to be a different game.

MR. DILERNIA: Could you describe to me how that occurs? What do you mean he solicits? Can you give me a little more -- I don't think I see that up in the Northeast, and that's why I was wondering.

MR. LAKS: For example, if I was to go on to say *Florida Sportsmen Magazine's* forum, and they have these things that want to fish or need to fish, these little posts, and people will post on their thing that, hey, I'm going fishing on the 28<sup>th</sup> and who wants to pitch in \$150 apiece for gas or fuel or whatever, and, to me -- That, to me, is soliciting a stranger as a charter rather than your neighbor pitching in to help you go fishing.

MR. DILERNIA: Our Coast Guard representative is not here, but it would seem to me like, if you're contributing that much towards the operation of the vessel, at that point it becomes a for-hire trip.

MR. LAKS: Several members were concerned about that, and so that's why we brought it up.

MR. DILERNIA: Mr. Chairman, while I have the mic, you mentioned that the Coast Guard has asked you for advice regarding areas for enforcement, and do you know if there's been any follow-up since you had that conversation with them?

MR. LAKS: Not that I know of. Like is in the report, it was more for the South Carolina area, and so I don't know if he's followed up with any of the fishermen in that area, but, as far as general policy, I don't know if there's been any follow-up.

MR. HARTIG: Ira, if you don't mind, since we've hit the cobia points, and Rob has got a time certain, we can go through the cobia issues, and then we'll come back to you for the completion of that. Is that okay?

MR. LAKS: Absolutely.

MR. HARTIG: I appreciate your indulgence. Thank you. That will bring us to Coastal Migratory Pelagic 31, if I'm not mistaken, and Christina.



MS. WIEGAND: All right, and so I'm going to go over an overview of everything going on with CMP Amendment 31, and this is a bit of a longer overview than you're used to, because there are so many moving parts, and so I will bring up an issue and then pause for questions, and we can sort of move along like that.

In March, you guys reviewed the draft amendment document, and you requested a few revisions based on comments from NOAA GC, and you also sent a letter to the commission to get more information on how they intended to deal with management of cobia in federal waters under the current preferred alternative to remove cobia.

This is the timing we're looking at for this amendment. You guys are set to take final action at this meeting, and the Gulf Council would be looking at taking final action at their meeting next week. Amendment 31 would be submitted for secretarial review around fall of 2018, and then we would be looking at removal of regulations under the Magnuson-Stevens Act and implementation of regulations under the Atlantic Coastal Act sometime in early 2019, mid-2019.

One of the first moving parts with this amendment is the SEDAR 58 stock assessment for Atlantic cobia, and, as you guys know already, the Steering Committee recommended a benchmark assessment be conducted for Atlantic cobia and, along with that, a stock ID workshop. That stock ID workshop was completed on April 10, 11, and 12, and preliminary results from that workshop indicated that there were indeed two distinct genetic stocks of cobia, one that runs from approximately Brevard County south into the Gulf and then one from Brunswick, Georgia north. Then you've got this area where there isn't really enough data to refine further, but the cobia stock ID workshop came up with the recommendation that the movement of where the assessment boundary was set, that Florida/Georgia line in 28, there was nothing to warrant moving that boundary, and the report from that workshop is included. It's Attachment 4b in your briefing book.

The stock ID review workshop met last week, June 5, 6, and 7, and, in general, they agreed with the results of the stock ID workshop. They didn't make any specific recommendations for the assessment boundary. They felt that those who were going to be conducting the assessment should look at the available data sources and determine what was going to be best with what was available, but, in general, they did agree that you've got these two distinct genetic stocks and this sort of unknown area from Brunswick, Georgia to Brevard County, Florida.

We'll expect final results from that sometime in the fall of 2018, and the full data, assessment, and review process will take place throughout 2019, with results to the SSC hopefully in the fall of 2019 or spring of 2020, which would get them to the council in December of 2019 or June of 2020 and then to the commission in February of 2020 or May or August of 2020, depending on timing and what different meetings are scheduled. Does anyone have any questions about SEDAR?

MR. DILERNIA: As of now, they are still recommending that the group from the Florida/Georgia line south and around into the Gulf be managed or is a separate group than the group of cobia from the Florida/Georgia line north, and is that correct?

MS. WIEGAND: Ultimately, the management decision would be the decision of this council. The workshop said that there was no information to refute the placement of the assessment boundary that they're going to use for the assessment at the Florida/Georgia line.

MR. DILERNIA: Okay, and, Mr. Chairman, the amendment that we're considering, where there would be a transfer of cobia to the commission, would that be for just the stock from the Georgia line north, or would it include the State of Florida also?

MS. WIEGAND: That is just for Atlantic cobia, and so the Florida/Georgia line north.

MR. DILERNIA: Thank you.

MR. HARTIG: Any other questions so far? All right, Christina.

MS. WIEGAND: All right. Then I will move on to the next moving part, which is the commission. At their spring meeting, they passed a motion to start work on Amendment 1 to their Interstate Fisheries Management Plan, which intends to address management of cobia in federal waters. This is the timing for that amendment, and you can see it runs a similar pattern to our amendment process. They're going to be looking at a draft public information document in August of 2018, which they will then take public comments on and go through the process, and they would be looking at taking final action on that sometime in August of 2019.

Here is all of the timing for this amendment, the commission's amendment, and SEDAR put up on the screen, which is a little hard to read, but the important thing to note is that, in response to the letter that we sent the commission, they responded, requesting that current federal regulations remain in place under the Atlantic Coastal Act until Amendment 1 is complete, and I know there might be some discussion about that, and I'm going to go ahead and turn it over to Bob to give a bit more detail on what's going on on the commission's end of things.

MR. BEAL: Thank you, Mr. Chairman. Honestly, I don't have a whole lot to add. The commission, in anticipation of this council potentially approving Amendment 31, did initiate an amendment to take over the sole management of the Atlantic group of cobia, which is currently defined from the line of the Florida/Georgia line north, and we're trying to move this through our process as quickly as possible, and, as Christina said, we'll get this done in August, and so a little over a year from now, and with implementation for probably the next fishing year, 2020, and so we can move fairly quickly, but I think the implementation timing is going to need to be coordinated with the Southeast Region.

The commission did say that we would like to maintain the current regulations in federal waters, under the Atlantic Coastal Act, or under the federal FMP, but there's going to be a timing issue. The federal FMP can -- Cobia can be removed from the federal FMP at the same time regulations are implemented under the Atlantic Coastal Act or some combination of those changes, and part of that is just going to depend on action taken by this council today and how quickly the council can get the amendment over to the Southeast Regional Office and how quickly the Regional Office can process that and how quickly the ASMFC actually gets done with our amendment, but I think it's going to be a pretty straightforward amendment.

All those things are going to happen as quickly as possible on our end, and the amendment is really going to only have two components. The first component is, in the absence of a federal annual catch limit, how is the commission going to set annual specs for cobia on the recreational and commercial side, and the second component is what are we going to ask the federal government

to do, under the authorities of the Atlantic Coastal Act, for federal waters, and so those are the two pieces of this amendment.

It's pretty straightforward, and I don't expect it to be a really long document, by any means, and we can get into the detailed provisions of what federal water management might look like after the commission's amendment is done if you want, but there are some details that are still going to have to be worked out, and I know Mel brings up questions about state borders and when a boat is in federal waters and what provisions are they obligated to fish under in federal waters and those sorts of things. Process-wise, I think we're on track to get something done by a little over a year from now, fourteen months or so.

MR. HARTIG: Thanks, Bob. Any questions?

DR. CRABTREE: If you would like to talk about the timing of what we're doing and how we perceive it going, assuming the council, at this meeting, takes final action to remove cobia, Atlantic cobia, from the FMP, then, in your -- In the briefing book, in the late documents, there is an updated Amendment 31 codified text, and that codified text includes the language taking Atlantic cobia out of the federal regulations, but then it also has the regulations that would go in place under the authority of the commission.

Basically, what it does is it retains the commercial quota and commercial trip limit and size limits and things, and it includes, I think, a recreational size limit, and Shep can correct me on these, and then it has language that recreational vessels have to comply with the regulations in the state that they're landing in, either the more conservative of the federal regulation or the state, and it maintains some state or federal regulations in federal waters, and Shep, again, can go through it in more detail if you want.

The thing it doesn't still specify is a recreational ACL or any closure, and we're deferring to the states, under the state-by-state plan with their allocations, to constrain the recreational harvest that way. On the commercial side, we would still track the commercial quota, and then, if it's caught, we would close that down, I believe, and so that's roughly the gist of it. Then, timing-wise, if we take action at this meeting, our goal would be to have this done by the end of the year, and we would have it come out of the federal FMP simultaneous with implementing the regulations under the authority of the Atlantic Coastal Act, and that would be done in one final rulemaking.

MR. HARTIG: Thanks, Roy.

MR. GRIMES: Just to state it somewhat more simplistically, we were requested, in the letter, status quo while the commission continues to work. What's in your briefing book, in terms of the Atlantic Coastal Act regulations, is status quo except for a recreational ACL and accountability measure. The logic behind that is that the states have taken action consistent with the current commission plan to change their recreational management measures, and we believe that those management measures will be successful at constraining catch to the ACL that we currently have. Therefore, we no longer need those measures. The commercial measures, we have maintained the commercial quota, or we would maintain a commercial quota, and quota closure, because we have had overages, and, if we didn't have that provision, we wouldn't necessarily expect the size and possession limits to constrain catch to the ACL. Thank you.

MR. PHILLIPS: You're going to track the landings of cobia through MRIP still, just like we're tracking them now, or are you going to use MRIP plus some other things?

DR. CRABTREE: Well, I believe the plan -- The states, I expect, will continue to use MRIP to track it, because I don't believe any of the states, at this point, have an alternative means of tracking, but, ultimately, that would be determined by the states and the commission at that point. The thing we have to bear in mind is when -- The plan is that the Fisheries Science Center, NMFS, is going to do the assessments for the foreseeable future, and so we have to make sure that the programs used to track the recreational catches are consistent with the programs and the estimates of the catches that are going into the stock assessments, so that, when we deliver the catch level estimates to the commission for the states to work on, they're all working on a common set of data.

MR. PHILLIPS: Okay. The problem I see is we've got issues with what MRIP gives us for landings, like when Zack pointed out that we had zero landings for scamp in Georgia for recreational, and I think the charter/headboat was like 77,000, which was probably eight or ten times higher than it's been in previous years. We're going to transfer cobia to the states, and they're still going to use MRIP, and so you're still going to give them landings, but they don't have to have accountability measures, because they're not under Magnuson, but everybody else is still using MRIP, and we're stuck with equally -- I don't want to say flawed data, but data that is not good enough for cobia, but everybody else has to use the same kind of data, and I'm worried about the accountability measures, but that's just me.

DR. CRABTREE: Well, if I could, this doesn't fix everything, and so there are still issues with the precision of the recreational catch estimates for cobia that will have to be addressed in the future, and this doesn't care of it. The accountability measures that will exist for cobia will now be under the Atlantic States' Interstate Management Plan, and the states will have to stay within their state-by-state allocation, or I guess they could be ruled out of compliance or whatever through that process.

Bear in mind that our federal accountability measures are not proving to be effective for cobia at the moment, because, as Ira pointed out, the majority, I think eighty-plus percent, of the fishery is taking place in state waters, and so where we've ended up is federal waters are just closed, yet we're still exceeding the ACL through state waters, and so there is no such thing as perfection in fisheries, but I think that we will do a lot better job of constraining the catches to the quota under the interstate management plan than we have been able to do for the last couple of years with federal management, but it's just this is predominantly a state-water fishery, if you look where most of the landings are coming from, and I think that requires state management, and I think this is the kind of fishery that is exactly what ASMFC was designed and set up to deal with.

MR. GRIMES: Just to add that we have, at least preliminarily, determined, in terms of accountability measures, that would be unnecessary, at this point anyway. The states have changed their management measures, and, at least on paper, those management measures should be successful in constraining catch to the ACL.

MR. O'REILLY: I think Roy covered several of the points that I wanted to make, but having the commission with the full authority over the recreational cobia fishery is not the easy way out. The commission is very good at accountability. A number of us here have gone through with

recreational fisheries, such as summer flounder and black sea bass, to where you constrain the landings to the RHL.

Shep's comment there is true. Something looks good on paper, and, well, it won't look good on paper the next time around, and so summer flounder was a perfect example from 1990 until 2013, where all the states had to put in plans. If they were successful, whether by state or by regional approach, then that was great. If they weren't, it was back to the drawing board, and they had to achieve that accountability. It is a state-water fishery, and it is important that everyone recognize that there will be accountability and also that MRIP is going to still be a challenge for a little while. Thank you.

MR. DILERNIA: I have to agree with probably everything Roy just said regarding the transferring of cobia to the commission, and let me just add this. When the Atlantic Coastal Act was first passed, and I was a council member, I was very suspicious of what that would mean, and I was very reluctant to cooperate with that, and, over the years, I see that there has been benefits to it and my suspicions were poorly founded at that point, and I think that it was a good move that we did what we did.

Regarding the MRIP and the accountability measures, I think that you will have a little more flexibility regarding accountability measures if it's under the commission and especially when we get into these rare events. I am not sure at what level intercepts become rare-event intercepts versus just regular intercepts, but, as we go further north, the number of intercepts become less and less, and they become more rare events, and that can cause problems, I think, in the federal system, and I think there's a little more flexibility in the state system. Ultimately, I would support transferring the management of recreational cobia to the commission. Thank you.

DR. DUVAL: To address Charlie's concern, and I think some of the statements that were made during the advisory panel meeting, I think the accountability measures required by the Magnuson Act didn't prevent overfishing of Atlantic cobia. I mean, they did nothing to prevent overfishing, and I think that's a perspective that some folks are failing to take into account, and the reason they failed is because the majority of harvest does occur in state waters, and so there's just no recourse for the Fisheries Service under the Magnuson Act to try to mitigate that harvest. It's really the teeth of the Atlantic Coastal Act that are going to keep the states in line.

I think Anna pointed out yesterday that Atlantic cobia is the one fishery where North Carolina failed to complement the recreational federal closure, and that's the only time that that has ever happened, and having management under the Atlantic Coastal Act is really going to prevent something like that from happening again, and, just for the record, that was not a result that was recommended by the department. The department recommended either complementing the federal closure or going with one of something like eight different options that Roy's shop had worked up for Virginia and North Carolina, and that didn't happen.

I think the other thing, in terms of accountability measures, is I would just remind folks that, in the document that we just went over earlier today, the approach that we crafted at the commission table for cobia of looking at total harvest over a three-year period in comparison to a total annual catch limit over that same time period is one of those pieces of flexibility that we're trying to give ourselves just for our council-managed species here. Thank you.

MR. PHILLIPS: I don't argue that the states shouldn't manage it, that they're better at doing stuff in their state waters. I totally agree. I am inclined to fall more like where the advisory panel did and have some kind of complementary management, but still have the states do what they need to do in their states. That, to me, would be the sweet spot, but that's just me, and I will stop.

DR. DUVAL: Charlie, the Atlantic Coastal Act requires the commission to consult with the appropriate councils prior to proposing regulations for the EEZ, and, ultimately, that's up to NOAA Fisheries.

MR. DILERNIA: To support what Michelle just said, in the Mid-Atlantic, they consult with us quite a bit, to the point sometimes where we wish there weren't so many consultations. We have forty-something members around the table at times, forty-something.

MR. HARTIG: All right. Is there anything else about that issue? What we're going to do is get the stock assessment ID report from you, and is that what we're going to do? You can lay it out.

MS. WIEGAND: The stock ID workshop report is in the briefing book, and it's Attachment 4b. If you guys have any more questions about that, other than what I've already went over, I will do my best to answer them, and, if I can't, I will holler at John Carmichael to come answer them.

MR. BEAL: I was just going to make a quick point that this is a council decision on Amendment 31, but keep in mind that this council does have a voting seat on our South Atlantic State/Federal Management Board. John Carmichael or Gregg Waugh always come to those meetings, and they can bring forward any concerns or thoughts that this council has, and obviously the southern states that are represented here are what make up our board, and so is a pretty easy avenue for a lot of information to flow back and forth, and, if the council has concerns -- Should this go forward, if the council has concerns, hopefully we can accommodate all of those through that process.

MR. HARTIG: Let's get back into the document.

MS. WIEGAND: All right, and so, at this meeting, you guys, are, again, reviewing this amendment and voting whether to send it to the Secretary of Commerce for approval, and I did want to go over one thing, real quick. You guys had asked us to address some NOAA General Counsel concerns in the document, and so I wanted to briefly go over what's been added to the document to address those concerns, and a big thanks to Shep and the IPT, who spent a lot of time going over this.

We did a step-by-step analysis of the Magnuson-Stevens Act considerations, the ten factors that I have shown you at every meeting, and determined that these factors weigh in favor of retaining Atlantic cobia in the CMP FMP, and those include that the stock is an important component of the marine environment, the stock is caught by the fishery, the stock is a target of a fishery, the stock is important to commercial and recreational users, the fishery is important to the nation or to the regional economy.

On the other hand, these factors do not support retaining federal management of Atlantic cobia in the CMP FMP, and those include whether an FMP can improve or maintain the condition of the stock, the need to resolve competing interests and conflicts among user groups, the economic condition of the fishery, the needs of a developing fishery, and the extent to which the fishery is

already adequately managed by states, by state/federal programs, or by federal regulations pursuant to other FMPs or international commissions, consistent with the requirements of the Magnuson-Stevens Act and other applicable law.

Going over this and looking at the record that you guys have provided, we determined that Point 3 and Point 10 are sort of the big, heavy factors weighing in support of removing Atlantic cobia from the CMP FMP, and I won't go into them in too much detail, because you guys have already discussed it quite a bit, but, given the situation with the accountability measures not really preventing overfishing of Atlantic cobia, it sort of spoke to Point 3, whether the FMP has been able to maintain or improve the condition of the stock, and then, of course, with the commission getting into management, the extent to which the fishery is adequately managed by the states.

These are your action and alternatives, and I can go over them in more detail if you would like me to, but, just briefly, Alternative 1 would maintain management of Atlantic cobia in the CMP FMP. The commission would manage the state waters, and we would manage in federal waters. Preferred Alternative 2 would remove Atlantic cobia from management under the CMP FMP, and the commission would implement regulations through NMFS under the Atlantic Coastal Act.

Alternative 3 would acknowledge the commission's role in managing cobia, and, should the council want to change federal regulations to be consistent with commission regulations, they would need to go through the full or regulatory framework amendment process, depending on the regulation, and then Alternative 4, or the spiny lobster alternative, would set up a situation in which the commission could propose rules directly to the National Marine Fisheries Service, and the council would still have a say in those rules, but they wouldn't need to go through the full amendment process to implement them. I can pull up the decision document, but we're at the point of considering final action.

MR. HARTIG: We have a preferred.

MR. O'REILLY: First of all, let me say that I don't usually ever like to leave a meeting early, and I heard me mentioned to get this going, but my choice is to get home at 9:00 p.m. or 2:30 in the morning, and so that's why I'm kind of stuck today, but I wanted to read a couple of things, page 21 in Chapter 2 in the amendment, and this is written very objectively, but you can't help but notice certain elements here.

We talked just recently, Roy and Tony and others, about the situation we have with the state-water fishery and how this will operate through the Atlantic States Marine Fisheries Commission, and so, on page 21, it says, regardless of which alternative is selected, the ASMFC has approved and implemented the interstate FMP, and so we know about that.

When it talks about the regulations under the Coastal Act to replace the Magnuson-Stevens Act, it indicates the difference between Preferred Alternative 2 and 1, 3, and 4 would be that Preferred Alternative 2 would allow for a more efficient use of resources, since Atlantic cobia would already be managed by the ASMFC. It goes on to tell us, from the perspective of minimizing potential regulatory complexity resulting from inconsistent regulations, which we all know about from 2015 and 2016 and 2017, between state and federal waters and resulting administrative costs, Preferred Alternative 2 would be the most beneficial, followed by Alternatives 4, 3, and 1. That is just sort

of a subset of information from the document that really characterizes the benefits of this preferred alternative. Thank you, Mr. Chairman.

MR. HARTIG: I appreciate it, Rob. Anyone else? Is there a motion to approve the document for formal review?

**DR. DUVAL: I move that we approve Coastal Migratory Pelagics Amendment 31 for formal secretarial review and deem the codified text as necessary and appropriate. Give staff editorial license to make any necessary editorial changes to the document/codified text and give the Council Chair authority to approve the revisions and re-deem the codified text.**

MR. HARTIG: It's seconded by Anna. Is there discussion?

MR. BELL: I am fine with moving forward with this, but I would just like to point a couple of things out, and Bob made reference to it. First of all, the problem that we had back in, or potential problem, that we had back in March, thanks to the quick work of our General Assembly, we managed to basically -- Where we set up where we were basically adopting by reference federal regulation in South Carolina law. Therefore, when federal regulation went away, we were going to have a problem, but they have remedied that, and so we have actually codified the federal regulations in South Carolina law, and so we're fine right now for the transitional period. Everything is good.

The issue that we do have is sort of the borders with our states, and so Roy mentioned, and others did, that, yes, indeed it is predominantly a state-waters fishery, except for South Carolina, and I guess Georgia maybe, but I know that South Carolina is predominantly -- Our fishery is a federal-waters fishery, and that is because the very robust state-water fishery that we had at one time we no longer have, and that was primarily the fish that we have identified as genetically distinct or the distinct population segment in the southern part of the state.

Back in 2016, the state did take action to put some pretty stringent conservation measures in place to try to rebuild -- To assist in the rebuilding of that distinct population segment of those fish, and, three years into it, we're not seeing a lot of improvement yet, but they were stringent enough measures that we actually had no retention during what was previously the peak month of our landings, which was May, and that is the peak of the spawning activity in the southern sounds.

The fishermen were concerned enough in South Carolina that that's what they wanted their legislators to do, was to, in effect, shut the take down in that fishery during their peak -- What was previously their peak landings, and then, also, it's very similar to the federal regulations, except we have a three-fish boat limit rather than the six-fish boat limit, when you do have retention allowed, and so that's what is in place currently in South Carolina south of a particular latitude in what we call the southern cobia management zone in state waters.

The issue we have, as we move forward, is that the fish don't stay in state waters all the time, and so there is documented movement back and forth between federal waters and state waters in the southern part of the state, particularly out to several artificial reefs off the southern part of the state in federal waters where cobia are targeted, and that's where the bulk of our landings are coming from, those artificial reefs off the southern cobia management zone, but on the federal waters side.



The issue we have is that the -- Whether it's in Magnuson or the ACFCMA, I don't know that there is a remedy, but our fishermen, because they would be landing fish in South Carolina, would be held to the South Carolina standard of a three-fish boat limit. Fishermen coming out of Savannah and returning to Savannah, right across the border, would be able to retain six fish and land six fish in Georgia, if that's the way Georgia has it, or the same for North Carolina as well and that border.

I am just pointing out that our ability to, as a state, take responsibility for trying to rebuild that distinct population segment, which is a component of the overall stock we're managing, is confounded, perhaps, by heavy fishing pressure or higher mortality than we can control just by cross-border issues, and so it would be ideal if somehow we could extend that southern cobia management zone, the regulations, out into federal waters, because the fish don't care where the state and federal boundary is. They go back and forth.

If we conserve them, protect them, while they're in our waters, great, but, if we catch them while they're in federal waters, which is what we're doing, at a higher level particularly if they go across the border, then it's going to confound our rebuilding schedule, and it was already in a scary enough condition that our fishermen are the ones that adopted these pretty conservative conservation practices and actually got the General Assembly to do this.

That's just an issue that we have, and I know there is other fisheries where working across state borders can be problematic, but it's not just a state-to-state. It's kind of state-to-state via federal, and so we still have that federal connection, but we don't seem to have a mechanism to work on that conservation problem once the fish go out into federal waters, and so that's sort of the only loose end that we have in terms of our -- Or a big concern we have, and you will find that our fishermen, and they have gone on the record in terms of input in the hearings and things and on the AP, expressing a concern that, particularly right now, they are big proponents of a three-fish boat limit, whereas in federal it's six, and in other states it's six, and so that is sort of the social issue, but it's also a conservation issue, just based on the ability to help that DPS recover. I just point that out, and we're in favor of moving on with this, but, if we could somehow seek a remedy for that in the future, that would be great.

DR. CRABTREE: I can't think of any reason why, Mel, that couldn't be brought up at the commission level, and the commission could ask us to put some unique regulations around that portion of the EEZ with respect to cobia that would take care of that for you. It seems to me that we could do that.

DR. DUVAL: Mel, I just wanted to correct one thing that you said about the other states' limits. In North Carolina, our charter vessels are held to a four-fish vessel limit and private boats, right now -- During the month of May, they could have two fish, but, June through December it's just one fish per boat, and so that's actually more restrictive than South Carolina.

MR. BELL: Okay. Good. Well, thank you. I was looking at more of Georgia as more of the issue.

MR. DILERNIA: Mel, welcome to my world and having conflicting regulations on either side of the state line. I think the battles between New York and New Jersey are legendary regarding summer flounder, and that is, or that has the potential of, an issue or a problem with the state-by-

state management system, but it can be resolved, and the way that we resolved it in summer flounder if we went to -- We got away from state-by-state management and we went into what we call regional management, in which we had shared waters or border waters between two states and we had basically the same set of regulations, but we had to do that through regional management, and that's the advantage of having it at the commission.

The first step, having it state-by-state by the commission, could be a disadvantage, and I agree with you on that. That could be a disadvantage, but the commission process allows you to go beyond that, and they could then create a regional management system in which states can share regions in which there would be the same regulations, regardless of which state, provided they're in the same region.

An example would be Raritan Bay, the waters between New York and New Jersey, or Long Island Sound, the waters between New York and Connecticut, in which two different states share that body of water, but they have essentially the same regulations, but that only came after a lot of negotiations, the regional management, but it is possible, and the commission process allows for that. Thank you.

MR. BOWEN: To Mel's point, our fishery is predominantly prosecuted in federal waters as well, and Doug has told me, at the last meeting -- Since you brought up the boat limits, we're at -- In this transition, we're going to be at six. Going to three, and maybe four, like North Carolina has done, just for the record, it would effectively kill the for-hire charter business for cobia off of Georgia, and so applaud Doug for keeping it at six, and that's just at one per person.

MR. BELL: We have had that discussion before, and our charter guys will tell you that they can live with three fine, but if they're different -- I think, for clarification also, this would -- So our limit, boat or otherwise, during the month of May is zero, and so we have no retention during the month of May, and so it's three other than the month of May, but it would actually be down to zero, and zero would probably even be worse than three.

MR. O'REILLY: Just to be part of the gang, if you look at the Attachment 4e, page 3, it gives you what the current measures are, and so Virginia has a three per vessel, and so that's on there too, and so all elements are there.

MR. HARTIG: Thanks, Rob. Is there any more discussion? All right. **All those in favor of approving the document for formal review, raise your hand, eight in favor; all those opposed, two opposed.**

MS. MCCAWLEY: Why isn't this on a roll call vote?

DR. DUVAL: We're in committee. We're not in Full Council.

MR. HARTIG: **Abstentions, one. The motion passes.**

That brings us back to Ira and his AP committee report.

MR. LAKS: Thank you, Mr. Chairman. The next thing we discussed at the AP was the regulatory reforms required by the new administration, and the few things we came up with was to eliminate

the king and Spanish mackerel tournament sales. I know, in my area, it's rarely enforced, and I know it's a hard thing to enforce, to see who has got the permit and all that, and one thing that has become aware to me is -- I fished a tournament last June and came back to the dock, and there were these kids, and they call it Fillet for Friends, and I believe you guys have them on your Facebook page, Jessica, right, the FWC?

It's one of those things that warms your heart. The kids are collecting these fish at tournaments and giving them to homeless shelters and needy people, and it just was -- For a jaded old charter captain, it was a smile on my face, and so I would suggest that we do eliminate that and maybe promote these kids and see if this is something that we can do up and down the coast. It's just a great thing.

The other regulation would be -- It's 50 CFR 622.381, and what that regulation is -- If you get a cutoff kingfish, and so, if you get like a twenty-eight-inch kingfish and a shark eats the tail off and it becomes twenty-three inches, and you are no longer allowed to retain it. With the shark interactions we're having now, it just seems so ridiculous. You don't eat that last few inches of the kingfish anyway. It's stringy and small, and we're having a lot of shark interactions, and, as a charter boat captain, it makes me have to kill another fish to replace that one, because it's a perfectly viable fish to keep and eat. As a matter of fact, it's already bled for you, and so it just seems like a regulation -- I know some people might take advantage and cut a small one, but I think, overall, you would benefit by me not having to kill two for one. That was our recommendations for that. Then we had the fishery performance reports, which you have for them in the document, right?

MS. WIEGAND: I think I mentioned this during Spiny Lobster, but, for the fishery performance reports, we did have the AP complete them for king and Spanish mackerel, and staff is looking to do a bit more -- Have a few more conversations about how to format that document in a way that is going to be useful for management and assessment purposes, and so, after we've had that internal conversation, then we'll be having those out to you guys.

MR. LAKS: Then the next thing we covered was the Spanish mackerel gillnet size and measurement recommendations, and I really wish that Steve English was here, because I know it has something to do with the way they had regulations in the past and the way they measure the net, whether you stretch it or not, but I think that's about the best I can do, unless you can add something to that.

MR. HARTIG: Well, essentially, they came -- Yes, Steve wants it to be, instead of the stretching tool that was used previously that he had talked about, they just want to measure it knot to knot, and I will let you read the motion they made in accordance with that discussion, Motion Number 4.

MR. LAKS: Motion Number 4 was to recommend that the council consider changing the mesh size requirement for Atlantic Spanish mackerel gillnets to be a three-inch minimum size mesh measure by stretch until the center knot touches, up to 0.277 millimeters. Anything greater than 0.277 millimeter will need to be 3.5-inch minimum mesh size. It was approved thirteen in favor and two abstained.

MR. HARTIG: The 0.277 refers to the diameter of the mono that's used in the gillnet.

MR. LAKS: That affects the stretch of it, right?

MR. HARTIG: Yes.

MS. SMIT-BRUNELLO: Karen Raine, with Enforcement in GC, and I have talked about this, because some of this has come up recently, and so we would have a few -- If you're going to go ahead with that idea and put it in an amendment, we would have some other additions to that, just in terms of how you measure, how you stretch it. For example, in the Endangered Species Act regulations concerning measuring nets, they say stretch mesh size means a distance between the centers of the two opposite knots in the same mesh when pulled taut. "Taut" means a condition in which there is no slack in the net webbing. Right now, we really don't have regulations on how to measure the size, and so we would be happy to work with the council, if the council wants to go forward with that.

MR. HARTIG: That would be great, if the council does want to move forward with that, and I recommend that they do, and that we work with you guys and get something done. I mean, I appreciate the offer.

MR. LAKS: From there, we went on to the citizen science research priorities, and some of the feedback we got was target species for age sampling should include Spanish mackerel and cobia and greater amberjack. There were comments that North Carolina Division of Marine Fisheries has been working with fishermen to obtain otoliths from large Spanish mackerel. Otolith sampling is important for management of Atlantic cobia. Sampling is currently being conducted through the Virginia Marine Resource Commission, Old Dominion University, and South Carolina DNR.

There was also suggestions to work with tackle shops and tournaments, and that might be an effective way to obtain fin clips for genetic sampling. Mapping of bottom habitat is also important, particularly after large hurricanes, which can cause substantial changes to the ocean floor, and, also, an AP member expressed concern about opening areas to recreational volunteers, and there are areas considered to be secret, and increased pressure may have consequences.

Then we went on to Other Business, and limited entry in the commercial Spanish mackerel fishery came up. The points that were raised during this is that the commercial Spanish mackerel fishery is growing, and the commercial ACL has come close to being caught. Participation in the fishery is going to continue to increase, and limited entry would address issues before they became a serious problem. I think, in North Carolina, they caught theirs, and I know, in Florida, that there is a lot of effort involved in that fishery. The fishermen just felt that it would be a good idea.

They also commented that a limited entry system would give the council an easier way to regulate the commercial sector and would professionalize the fleet. In talking with fishermen, there is a lot of consensus for that, and they would really like to see that go into a regulatory amendment or whatever kind of amendment that would have to go through, but there is a lot of support for that.

When there are a limited number of fish available, there should be a limited number of fishermen. It is always useful to define the universe of your participants. Many other South Atlantic Council commercial permits are limited access, including king mackerel. An AP member noted that the Gulf is not experiencing the same issues with Spanish mackerel as the South Atlantic.

It was suggested that, since the commercial Spanish mackerel permit covers the Gulf, South Atlantic, and Mid-Atlantic, that a separate permit or endorsement could be given for the South Atlantic region. Again, this is more of a requirement just for the east coast South Atlantic fishermen that are looking to have this, and they're not trying to push it on everybody else. Motion 5 was request the council consider a limited entry system for the Atlantic Spanish mackerel. It was approved by the AP with eleven in favor, zero opposed, and three abstentions.

What we covered next was revision to the king mackerel trip limits, and I am not going to go through what there is right now. The points that were raised during the discussion was that, during the winter months, fishermen are only able to fish a small number of days, due to the weather. When the weather is decent, it would be helpful if fishermen had access to a higher trip limit to make the trip worthwhile.

Due to changes in the fishery, more fish are on the market during certain times of the year, resulting in lower prices. This can make it challenging to make a profitable trip. A 600-pound trip limit would still be lower than trip limits in the surrounding waters and would likely only add an additional 150 pounds per trip, on average. However, in the winter months, that extra amount of money can make a significant difference. The fifty and seventy-five-fish trip limits were originally put into place to extend the commercial season.

Basically, what is happening is, since the last amendment for kingfish, there is more fish on the market, especially in what we now call Season 2, in the late fall and early winter, because the northern Gulf is open, and them guys are fishing at fifty fish, at an average of six or seven or eight pounds, and they're getting \$1.65 or a \$1.85. When you start taking your fixed and variable expenses out on that, there is not a whole lot left, and so, due to the weather that we're seeing, and that seems to be getting worse and worse every year, it would be helpful if they can get a higher trip limit, to make up for the days they can't get out, and actually have a profitable trip.

Again, the fishermen would love to see that go into a regulatory amendment. It's something that's very important to them. As we change these trip limits and other things, and the fishery is evolving with those trip limits, it's getting harder for the guys on the east coast to make it during that time of year.

The next thing we brought up was latent permits in the king mackerel fishery, and there's been an ongoing request from the king mackerel fishery. This is not something that was just brought up. I have been in this fishery for twenty-five or thirty years, and there has always been a request to try and limit that effort that comes in when it gets easy. It's already a crowded fishery, and there is a lot of tight fishing areas and hot tempers, and this is not something that we -- We want to see a bottom on this.

If we did go to something like a two-for-one, we're not wanting to see it dwindle down like the snapper grouper fishery. Informal conversations with fishermen and the AP members who are involved in that fishery were something like a thousand permits, from the around 1,400 there are now. I think, going back to some of the analysis in other amendments, those are the permits that are on the sideline.

There has been other suggestions on how to do that, but I think fishermen realize, at this point, that two-for-one is not taking anything away from anybody. We do realize some of the other issues, but it's becoming increasingly harder, as the amount of days get tighter and the fishermen get more and more crowded, and, again, it's something that we would really, really like to see in a regulatory amendment.

The last motion we did discuss, and it was back to cobia, was we had a request for the council only allowing one Atlantic cobia per vessel over fifty inches total length for the recreational fishery, and that should be suggested to the ASMFC, and that was approved by the council eleven in favor and none opposed and two abstentions.

MR. HARTIG: All right, Ira. Thank you very much for that extensive report. That was very, very good, and, like I said, that was a really, really good meeting, and we had a lot of great input. Are there any questions of Ira?

DR. DUVAL: Maybe not a question, but just Ira brought up the Spanish fishery, and I really appreciate Steve English being there. I mean, he fishes in North Carolina, and he fishes in Florida, and so we had mentioned that we're sort of lacking a little bit of commercial representation from North Carolina, and I have reached out to one of our Outer Banks fishermen, to see if he would be interested. He has expressed interest, and I sent him the application form to be on the AP, and I think he would bring a tremendous wealth of knowledge for how those fisheries operate, because, typically, the fishery peaked kind of in March in the southern part of the state, and then the peak of the fall fishery off the Outer Banks and the northern part of the state is in October. That's been shifting up a little bit, and the fish have been staying around longer, as we've had this warmer weather.

That is what -- As I noted back in December, that is what has contributed to the increased harvest of Spanish, and I think the other thing that has also happened is we've always had a gillnet fishery in Pamlico Sound for Spanish mackerel, and it's interesting, when you look at how the fishery peaks by water body, sort of the southern part of the state peaks in the early part of the year, and the fishery in Pamlico Sound tends to peak more in the summer months, like May and June, and that May/June peak for Pamlico Sound has gone up.

Crabbing has not been as good, and more people have shifted to fishing for Spanish during that time, and so, again, we were grateful for being able to coordinate with Florida last fall to transfer 100,000 pounds just to cover the overage that occurred in that Northern Zone quota for Spanish. Handily, the closure occurred just after the peak of the fishery, but one of the things that we've talked about, in trying to reach out to the fishermen and what has been brought forward, is sort of the adjusted quota system that you have in the Southern Zone for Spanish mackerel.

That is something we're trying to get a little bit of feedback on. Whoever is sitting in this seat next time around will be talking about that as well, I'm sure, and we kind of wanted to wait and see what was going to happen this year. We've had a cold winter, and it will be interesting to see how the storm season moves along and how it impacts the fishery this year, but, as I indicated, we may come back and try to approach the council about something like that.

I think a gillnet endorsement is something that has come up over and over again for that fishery over the years, and the difficulty that we have with something like that is 95 percent of our

commercial harvest comes from within state waters, and we have -- We have always encouraged fishermen to get the federal permit, because it is an open access permit, particularly if they're operating in ocean waters, and I know a lot of the -- A lot of folks who shrimp trawl have that permit, but I would be really reluctant to move forward with something like that. I don't think it would be very well supported in North Carolina, and I'm just saying that.

Similarly, we've had the same conversation about latent permits in the king mackerel fishery, and I think it's important to note that we have tended to be kind of at the northern end of that range, and so the access to the fish has waxed and waned, just as the environmental conditions have waxed and waned over the years, and so sometimes the fish are there and sometimes they're not, and I think it's less about getting into it when it's good and not being in it when it's bad, but this is -- King mackerel is a component of a portfolio that fishermen fish in North Carolina, and so thank you, Mr. Chairman, for your indulgence.

MR. LAKS: Just on a personal note, I would like to thank Michelle and Charlie and Zack and Ben for their service. Ben, thank you for putting up with me all these years, and I think I want to thank you for encouraging me to get involved in this, but I'm not sure, but thank you, all, very much for what you do. It means a lot.

MR. HARTIG: I appreciate it, Ira. If there's any other questions of Ira, he'll be around this afternoon. Thank you. That takes us to the MRIP landing effort estimates from tournaments.

MS. WIEGAND: If you guys will remember, at the last meeting, you had talked about tournament sales for king and Spanish mackerel, which are allowed in the South Atlantic, and the proceeds are donated to charity, and where those landings were counted and concern about double-counting, if they were being counted against the commercial ACL but also picked up in MRIP, and you had asked that staff get a bit more information on how tournament landings were being handled in terms of ACL tracking.

I spoke with some people at the Science Center and some people at MRIP, and the short summary is this. MRIP surveys do note when the Access Point Angler Intercept Surveys are being conducted. If a tournament is going on, it is noted on the form that the tournament is occurring, and then the sampler surveys as they normally would. When that catch is then taken to a dealer to be sold, so that the proceeds can be donated to charity, the dealer reports that are coming in mark on the dealer report that it's tournament catch, and so tournament catch on commercial dealer reports is pulled out before commercial landings are calculated for ACL tracking. They remain in the MRIP estimates, and so, currently, king and Spanish mackerel tournament landings are being counted against the recreational ACL and not against the commercial ACL.

MR. HAYMANS: Just while you're on that point, I was rather embarrassed in March to be able to report that I had nothing to report, and so I sat down with my four tournament organizers last month, and, for one, I have got the past four years of reports from two of them, and I'm still waiting on the past four years from two others, and I've got a commitment from these guys that they're going to play by the rules from here on out, and we'll see whether that happens or not. Don't shake your head too hard there, Charlie, because, when we went back in, even though the fish from those four previous years had gone through a dealer, they hadn't been reported through that dealer. That's why we're trying to get those reports back and figure out -- They may have been reported from the dealer, but they didn't get reported as tournament fish.

To Ira's point earlier, and I guess Ira is gone, and so it doesn't make a difference now, but there is more than one charity out there. There is one more than one heartstring to be pulled. I mean, when I told -- I initially told my tournament organizers that they could not sell their fish this year and they had to give them back to the anglers, and that's what caused us to have a sit-down, because then they started rattling off the litany of groups that they give to, and it's not all 501(c)(3)s that they're giving to, but families whose homes have burned, and they're buying bicycles for kids for Christmas presents and all that sort of stuff, and it's worthwhile expenditures that these guys are spending on. Anyway, we're trying to get better.

MR. HARTIG: Thanks, Doug. Anything else about that issue? That takes us to the last issue of this committee today, and that is Framework Amendment 6.

MS. WIEGAND: Framework Amendment 6 addresses the Atlantic king mackerel trip limits. At the last meeting, you guys reviewed scoping comments, and you approved the range of actions and alternatives to be analyzed, and you also selected a preferred alternative based on those scoping comments.

This is the potential amendment timing that we're looking at. You guys are going to be, I guess, confirming your preferred alternative at this meeting and approving it for public hearings. We could hold public hearings in the summer, and then you would be looking at taking final action in September of 2018 and then, hopefully, we're working on getting this implemented prior to the start of the mackerel season in March.

There is one action in this amendment to modify the commercial trip limit, and there are four alternatives. The first would leave the trip limits as they were established in Amendment 26. Alternative 2 would move that boundary between the 3,500-pound year-round limit and the trip limits that switch between fifty fish and seventy-five fish to Volusia/Brevard instead of Volusia/Flagler. Alternative 3 would allow for a seventy-five-fish trip limit in March and then move the boundary to Volusia/Brevard. Then Alternative 4 would move the boundary to Volusia/Brevard for the entirety of Season 1.

I will pull up the decision document. We have changed -- You will notice the alternative language looks a little bit different. In this, the alternatives have remained exactly the same, but we just sort of reorganized it to hopefully be a little bit more clear about where these lines are shifting and then to match the regulatory language.

Additionally, the IPT also made some small edits to the purpose and need statement. The purpose reads that the purpose is to modify the commercial trip limit for Atlantic king mackerel in the Atlantic Southern Zone. The IPT has proposed to change the need to say that the need is to provide a commercial trip limit sufficient to support fishing activity and revenue opportunity while constraining harvest to the ACL and providing for year-round access. The IPT wanted to make these modifications, one, because "anglers" typically refers to recreational anglers, and we wanted to make sure that it was clear that this was addressing a commercial trip limit and then to address the bigger problem that had been discussed, which is revenue opportunities for these guys if they are making multiday trips.



MS. MCCAWLEY: **Mr. Chairman, I move that we accept the IPT's recommended changes to the purpose and need.**

MR. HARTIG: Is there a second to that motion? Second by Doug. Is there any discussion on that motion? **Is there any objection to that motion? Seeing none, that motion is approved.** All right. Moving on.

MS. WIEGAND: All right, and so then you've got the actions and alternatives, and this is how we've changed the language, and so you will notice that it specifies the three different areas, and so, under Alternative 1, north of the Flagler/Volusia line, it's 3,500 pounds year-round. South of Flagler/Volusia line to the Miami-Dade/Monroe line, you've got the March limit of fifty fish, which then switched to seventy-five fish, with a step-down to fifty fish once 75 percent of the Season 1 quota has been landed. Then we start off Season 2 in October with fifty fish. Then, in the month of February, it's fifty fish with a step-up if 70 percent of the Season 2 quota has not been landed. Then it's seventy-five fish.

Under Alternative 2, we've got it broken up into now three different areas. Again, north of the Flagler/Volusia line, it's 3,500 pounds year-round, and then you've got this area which is basically just Volusia County, and so it's south of the Flagler/Volusia line to the Volusia/Brevard line, and then a third area, which would be south of the Volusia/Brevard to the Miami-Dade/Monroe line. For Alternative 2, the only change from no action is from April 1 to September 30 the area between Flagler/Volusia and Volusia/Brevard would have access to the 3,500-pound trip limit.

Then, under Alternative 3, again those three different areas, the difference between Preferred Alternative 3 and no action is that, in March, the area from Flagler/Volusia to Volusia/Brevard and the area from Volusia/Brevard to Miami-Dade/Monroe would have access to a seventy-five fish trip limit. Then, from April 1 to September 30, the area between Flagler/Volusia and Volusia/Brevard would have access to the 3,500-pound trip limit. This preferred alternative most closely mirrors what was in place prior to Amendment 26.

Then you have got Alternative 4, and the only difference between Alternative 4 and the no action is that the area south of Flagler/Volusia to Volusia/Brevard would have access to 3,500 pounds from March 1 to September 30, and so those are your four alternatives.

At the last meeting, you selected Preferred Alternative 3 as your preferred, and so we would be looking for any modifications to the actions and alternatives that you guys may deem necessary and then approval for public hearings and, if you did want to approve it for public hearings, whether you would want us to conduct webinar public hearings or conduct public hearings at the September meeting, similar to what we did for scoping for this amendment.

MS. MCCAWLEY: **Mr. Chairman, I move that we approve this document for public hearings.**

MR. HARTIG: Thank you. Motion by Jessica and seconded by Michelle. Any more discussion?

DR. DUVAL: Christina, I think just -- I was noticing, on the graphics that you have, I think the greater-than signs should be less-than signs. If you scroll to the graphics -- I am looking in the decision document, and, like under -- Where it talks about Season 2 for -- Like the no action

alternative. If greater than 70 percent of the Season 2 has been landed, then the trip limit returns to seventy-five fish, and I think it's if less than 70 percent of the quota has been landed, and so I think that is the case for all three of those graphics, that that greater-than sign should be a less-than sign.

MS. WIEGAND: I will fix that. Thank you.

MR. HARTIG: Great spotting. Okay. Is there any other discussion? **Is there any objection? Seeing none, that motion is approved.**

MS. MCCAWLEY: I have another question. Christina asked us if these should be in-person or webinar, and I would look to you as to whether or not a webinar is sufficient. I think it is, but you know the fishermen better than I do in that area.

MR. HARTIG: Yes, basically, what I would say is, when you go to the September meeting, just have a public hearing at the September meeting and approve it then.

MS. MCCAWLEY: Okay.

MR. HARTIG: That's what we did for scoping, and so that makes it real simple and easy, and you already had quite a bit of public comments at your last meeting in support of this, and I don't know how many people are going to come out in September, but -- Ira.

MR. LAKS: If they have commented on the comment forms, they're not going to drive over.

MR. HARTIG: Yes, that's an interesting way to -- Ira had said that they could comment on the comment forms, and so that would be appropriate as well. You could read those comments in September, and, if that's what you would like to do, we'll do it that way. Anything else to come before the Mackerel Committee? Seeing none, we are adjourned.

(Whereupon, the meeting adjourned on June 14, 2018.)

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

Transcribed By:  
Amanda Thomas  
July 11, 2018

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Mark Brown  
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Thursday Public Comment Sign In 6/14/18

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Rusty	Hudson				Fisheries Consultant
robert	palma			Commercial Fisherman	
Robert	Lorenz			Private Recreational Angler	NGO
Leda	Cunningham				NGO
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