

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COBIA COMMITTEE

**Westin Jekyll Island
Jekyll Island, Georgia**

March 8, 2018

SUMMARY MINUTES

Committee Members

Ben Hartig, Chair
Robert Beal
Mel Bell
Mark Brown
Dr. Michelle Duval
Charlie Phillips
Rob O'Reilly

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

Council Members

Chester Brewer
Tim Griner

Chris Conklin

Council Staff

Gregg Waugh
Dr. Brian Cheuvront
Kimberly Cole
Mike Collins
John Hadley
Roger Pugliese
Amber Von Harten

John Carmichael
Myra Brouwer
Dr. Chip Collier
Dr. Mike Errigo
Kim Iverson
Cameron Rhodes
Christina Wiegand

Observers & Participants

LCRD Trish Bennett
Shep Grimes
Dr. Erik Williams
Erika Burgess

Monica Smit-Burnello
Dr. Jack McGovern
Leann Bosarge
Rick DeVactor

Other observers & participants attached.

The Mackerel Cobia Committee of the South Atlantic Fishery Management Council convened at the Westin Jekyll Island, Jekyll Island, Georgia, Thursday afternoon, March 8, 2018, and was called to order by Chairman Ben Hartig.

MR. HARTIG: The first item of business is Approval of the Agenda. Are there any changes to the agenda? Seeing none, the agenda is approved. The next order of business is Approval of the December 2017 Committee Minutes. Are there any changes or corrections to the minutes? Seeing none, the minutes are approved. That brings us to Status of Commercial Catches Versus ACL and NMFS SERO and Rick.

MR. DEVICTOR: Thank you, Mr. Chairman. As I normally do, I will go through commercial landings for king mackerel, Spanish mackerel, and cobia. The landings report is Tab 9, Attachment 1 in your briefing materials, and that's of February 12. What is displayed on the screen are more updated landings. The thing is the fishing year begins on March 1, as we all know, and so we don't show landings that are eight days into the season, and so these are landings from last season that started on March 1, 2017.

King mackerel, you can see that the Atlantic group ACL for 2017/2018 was 5.9 million pounds. Then we show the Northern Zone quota and the Southern Zone quota, which is split into two seasons, March through the end of September and October 1 through the end of February. If you look at the table up there, you can see what the landings were for the Northern Zone. 43 percent of the ACL, or quota, was reached. For the Southern Zone, Season 1 was 53.2, and the Southern Zone Season 2 was 38, and the total cumulative was 46 percent of the quota for king mackerel.

Scrolling down, you can see Spanish mackerel. That ACL for 2017/2018 is just over 3.3 million pounds, and, of course, as we talked about in the past, there was transfer of Spanish mackerel quota from the Southern Zone to the Northern Zone, and so where we ended up with that for the last fishing season was 97.2 percent of the Northern Zone. The Southern Zone was 91.6, and the total was 93 percent for Spanish mackerel.

Finally, moving down to cobia, this is a little different. The fishing season start date is January 1 on this, and so you can see what the 2017 landings were. It was 55.3 percent of the quota. Of course, we're still waiting for some data to be reported from the states, and that typically comes in around May, and so we'll have a better idea of what the final landings for the cobia Atlantic group were, and then you can see what the numbers are for the cobia Gulf of Mexico east coast Florida stock. That concludes my report.

MR. HARTIG: Thank you, Rick. Any questions of Rick?

DR. DUVAL: Not a question, but really just more of a comment, I think in regard to Spanish mackerel. Again, we really appreciate the quota transfer that Florida was able to arrange for the Northern Zone. That helped out tremendously. I think we've been looking at Spanish mackerel landings over the years, and we have been doing a little bit of outreach with our fishermen to see if we could basically adjust some trip limits just within our internal waters. The importance of this fishery has changed into users in Pamlico Sound versus the more traditional offshore fall fishery as well, and so we're trying to see if we could make some trip limit adjustments.

I will just note that the commission has a complementary Spanish mackerel FMP that allows us to be more restrictive, and so we're just looking to see if we could do something like that. We have had a couple of fishermen express some interest in the adjusted quota type of approach that the Southern Zone has, and so I'm just letting folks know that we're talking about things that we could do in North Carolina to meet the needs of the fishermen, but also try to stretch out that quota. Thanks.

MR. HARTIG: I appreciate that, and I talked to a fisherman that fishes in North Carolina for Spanish, in particular in that Pamlico Sound fishery and also in the fall fishery, and his concern was about the number of people there that are starting to target Spanish and that North Carolina is going to continue to have problems with pushing up against the quota with the interest in Spanish mackerel fishing there is now in North Carolina. Any other questions or comments for Rick?

Then the next item of business is King Mackerel Tournament Sales Versus the Commercial ACL Update, and that's behind Attachment 2. Christina, are you going to go into that before we get to the states, or no?

MS. WIEGAND: I can give you a little overview of sort of why we're talking about this. If you guys remember, back in Amendment 20A, which became effective in 2014, I believe, you prohibited the sale of bag limits for king and Spanish mackerel with an exception for those mackerel that were harvested or possessed under the bag limit during a fishing tournament, and those fish can be donated to a dealer, who will then sell those fish and donate the proceeds to a charity.

Those sales are counted against the commercial ACL, and, back when you implemented this amendment, you indicated that you would want to review those landings after three years, and so we have reached that three-year point, and I know South Carolina has dealt a little bit with this, and Michelle has some figures that illustrate landings for North Carolina, and so I will go ahead and let them tell you what's been going on in their states with king mackerel tournaments.

DR. DUVAL: I think, in Attachment 2, we just show some graphs that illustrate total king mackerel landings by type, whether they are tournament landings or what we're calling regular commercial landings over the years, and you can see that tournament landings have been a relatively small proportion of overall harvest. It has ranged from less than 2 or 3 percent all the way up to 7 percent. I think, if you look at Figure 2, which has the orange bars that show the percent of annual king mackerel landings from tournaments from 2000 to 2016, that tournament harvest, that proportion of overall harvest that is attributed to tournaments, has gone up over the years, but, scrolling down to Figure 3, you will see, on average, it's about 4 percent over all the years.

Then we also provided tables showing both the regular commercial as well as tournament landings over the past seventeen years, from 2000 to 2016, and then also the total number of king mackerel trips by trip type, and so trips, with regard to tournaments, and so this is actually the -- It's really the number of trip tickets, and so you could have a king mackerel tournament where you have -- Maybe it goes over an entire weekend, or maybe it's like a three-day or four-day or five-day tournament, and so you can have multiple purchases, and so, therefore, multiple trip tickets coming from that same tournament, and so it's not reflective of the number of tournaments, but we do -- In terms of the total number of tournaments over the years, it has ranged from eight all the way up

to twenty or twenty-one, and so it just depends. The total number of tournaments over the past few years has decreased a bit.

It's been really more around eight to twelve king mackerel tournaments per year, and so I think that's the breakdown. This was an issue that had been raised during the development of 20A, and, also, we had fishermen, commercial fishermen, in North Carolina who were concerned about tournament sales and had recently raised this issue to me again, wanting to know what the total proportion of harvest is. They don't approve of tournament landings being counted against the commercial ACL, and so that's why I asked Christina about having the opportunity to present this, since we had indicated that we wanted to review this after about a three-year timeframe, and so I'm happy to answer any questions.

MR. BOWEN: Dr. Duval, when you say they had concerns, are they wanting this to continue, or are they wanting this to discontinue? Is there some more specificity to those concerns?

DR. DUVAL: I think they would prefer that they not be counted against the commercial ACL at all. It's really -- It has nothing to do with the magnitude of the harvest that's being counted against the ACL, but it's really more a matter of principle that there is a pretty hefty recreational ACL out there and it's not being met, and they would just prefer that those not be counted against the overall commercial quota and, if there was a way to differentiate that, they would -- Such that it would not be counted against the commercial ACL, that's what they would like to see.

MR. HARTIG: Any other questions for Michelle? I appreciate the detail that you guys provided. That's very, very interesting, and informational as well.

MR. CONKLIN: I was just wondering if in the Gulf of Mexico they allow the sale of tournament king mackerel as well.

MR. HARTIG: It looks like we'll have to get back to you.

MR. BELL: Since Christina mentioned us, we actually dealt with this back in 2010, before 2014, and we dealt with it as a state more holistically for all the fisheries, and there were concerns back then that -- Our primary concerns are legal ones related to when a -- For a fish to enter commerce or to be sold, it has to be a commercial fisherman, per law, and it has to go through a dealer, and the dealer can only buy from a commercial fisherman, and so we tried various ideas to try to work around that, and we met with some of the king tournaments, primarily, back then. We did this for cobia as well, or it was being done for cobia as well as even flounder, southern flounder.

Back in 2010, we were tasked by our Marine Advisory Committee to look into it, and we looked into it and talked to tournament directors and all, and we basically just steered clear of it, and so we just go by the law, and we don't allow it. When we got to 2014, we already didn't allow it, and so our answer to the question of how many since 2014 is zero. That is just the way it is. When a fish enters commerce, there is a specific way it has to happen, and you would have to change some serious amount of law in the state to make that happen, and so we just stayed away from it.

The king tournaments have adapted, I think, and we also worked out a mechanism where, as a recreational angler, those are your two kings, let's say, and they're in your possession. If you

wanted to donate them to the fish fry or something that the tournament was having, there was even a paper trail where you donated those fish, but, in terms of entering commerce, no.

MR. HARTIG: Thanks, Mel. Are there any questions for Mel? Seeing none, Doug.

MR. HAYMANS: Thank you, Mr. Chairman. First, apologies for not sending in this stuff after it was asked for much earlier, but I would just tell you that the compliance with the minimal permit that we put in place after this became effective has been abysmal. We have between four and six tournaments every year, and, the first year, I had all four apply and get the permit, and I had one report landings. The second year, I had two apply for the permit and no reported landings. This past year, nobody applied for it, and then there's the enforcement part, which we really haven't been backing up like we should.

Of the one reported landings, of a typical tournament, and that was back in 2014, was 340 pounds, and so I'm not really concerned about the fact that there's a ton of fish being caught and sold illegally. It may wind up being 1,200 or 1,500 pounds, or maybe 2,000 pounds, over the entire course of these four to six tournaments, but, if I can't figure out a way, in the near future, to get compliance with -- It's a very minimal permit. It's a free permit. They just need to sign up for it, but we may come back and back up on the opinion that we've had for a long time about tournament sales.

MR. HARTIG: Jessica, did you have anything for Florida?

MS. MCCAWLEY: Sorry, but we didn't send this in either. For 2016 and 2017, we're talking 366 pounds and a total of five tournament permits issued in that time period.

MR. HARTIG: Thank you.

DR. CRABTREE: The regulations for the state-permitted tournaments say king or Spanish mackerel harvested in a state-permitted tournament in the South Atlantic, Mid-Atlantic, or the Gulf may not be sold for profit, but may be donated to a state dealer or federal dealer. The dealers have to be permitted, and they must comply with all reporting requirements, and the proceeds from the sale have to be donated to a charitable organization, and so it appears the regulations apply in the Gulf and in the South Atlantic. The requirement that the dealers meet the reporting requirements means that they're going to be included on dealer reports and trip tickets, and so they get counted against the commercial quota, I think.

MR. HARTIG: I appreciate that, Roy. Thanks for your staff looking that up.

MS. MCCAWLEY: I have the Gulf numbers too, if you would like that, Mr. Chairman.

MR. HARTIG: Go ahead.

MS. MCCAWLEY: On the Gulf, twenty-eight tournament permits were issued between 2016 and so far in 2018, and so more on the Gulf. The landings between 2016 and 2017 were 17,280 pounds, and so significantly more in the Gulf than in the Atlantic.

MR. CONKLIN: I am just curious to what Roy was saying. Does that make it legal in all states, or just like South Carolina doesn't have a state tournament permit for the sale of saltwater products, but you do have to apply for a marine event to get a permit to have a tournament. I am trying to figure a way out around this.

DR. CRABTREE: If a state doesn't want to issue a state permit for a tournament, then you wouldn't be allowed to do it in that state, and I think the states could call the permits various things.

MR. BELL: That was part of the decision process back in 2010. We chose not to develop -- I think North Carolina had a system in place for a while, but we chose not to develop that permit or offer it. The permit he is referring to is just a -- It's a marine event permit just to have -- That's about boats on the water and things, and it has nothing to do with what happens with fish or anything, but it's just a general permit for marine events.

MR. HARTIG: All right.

MS. BOSARGE: Roy, based on what Jessica said, in the Gulf, our commercial fishery is up against its ACL, and the recreational fishery typically catches somewhere around half or so, let's just say, generally speaking, on average, of their ACL, and we have tried to reallocate, or even just borrow, some of those recreational fish, because we would like to catch more, and there is a market for it. You're telling me that now we have recreational fishermen catching king mackerel in tournaments and then that's getting counted against the commercial ACL?

DR. CRABTREE: It does say that dealers must report tournament-caught king and Spanish mackerel as tournament catch and comply with all federal and state reporting requirements, but, to the best of my knowledge, they are not being backed out, and they are being sold, and so, because they're being sold, this would meet the Magnuson Act definition of commercial fishing.

I would have to check with the Center and the folks who track these things to see if there is a way to handle them differently, but, as far as I know, they would be reported, and they would be counted. Then, to the extent that MRIP picks this up, they are likely to be double-counted. They may be counted against both quotas, and so, many, many years ago, we set aside some proportion of the quota to account for recreational sales, and I don't know if any of that accounts for this or not.

MR. HARTIG: I've got Michelle and Doug, but, before I go there, Leann, the intent of this whole conversation was, three or four years ago, Doug made a motion that we should look at the volume of tournament sales throughout the region and back that out of the recreational quota in the future, and so that's why we're discussing it now, and so you might want to think about something like that as well.

DR. DUVAL: We have had a requirement for a tournament license in place for a long time, and so I think, for us, compliance is actually really good. You have to pay \$125 for the tournament, and so the license itself is in statute, because all of our license information is in statute. The regulations, with regard to reporting requirements for tournaments, are in rule, and so I think we do get good compliance on it, and we do have the ability to -- Otherwise, I wouldn't be presenting this to you. Obviously, we have the ability to capture those landings as tournament landings.

Leann said something that jogged something in my brain that I was going to mention, but now I have lost that brain cell, and so I can't even remember what it was, but I think it had something to do with -- The double-counting. When our samplers are going around, when they get their MRIP sample assignment, if there is a tournament, they don't -- That's one of the questions. That site assignment is not -- It is noted specifically that there is a tournament there, and so that is accounted for in the MRIP intercept sampling. That's all I wanted to say. There is no double-counting that is occurring. We dealt with that a long time ago.

MR. HARTIG: Thank you.

MR. HAYMANS: Going back to those meetings, and I guess they were in Savannah, three or four years ago, when the representatives from SKA came and presented, and this was when we were considering shutting down all sales, and they were asking for some transfer of quota from recreational to commercial, like 250,000 pounds or something. It was some very large number, if I recall, and so the reason we said that they had to report tournament landings was so that we could get a handle on what those landings actually were, so that, at some point in the future, we could consider moving some allocation from one side to the other to account for them, but we didn't want to go just off of SKA's recommendation, but I failed in that process over the last three years, and North Carolina and Florida seems to be doing the best at it.

DR. CRABTREE: I would want to check with the MRIP program about it, because I get Michelle's point that they're not doing the dockside sampling at the tournaments, but, to the extent the effort survey goes to people who fished in the tournament, it could show up. That effort could be showing up, and then it would be expanded against the other dockside sampling, which seems like it could potentially interject a bias and things, although it would be probably pretty small, but I would want to check with the MRIP folks and see if it's being handled consistently and if they have a protocol for doing these kinds of things through the South Atlantic and the Gulf Regions.

MR. HARTIG: Mel, you've got the last word on this, and then I want to find out what the intent of the committee is.

MR. BELL: I was just going to add a little more, and Roy made me think of this, about that act of selling. If those fish are sold, regardless of whether it's for a donation or a worthy cause, for our law, if something is sold, trade, bartered, or benefit is derived therefrom, then it's commercial, and, for commercial, then that takes you down that road. That's why that was structured in that way.

The other thing is that we did, at one time, have a couple of guys that were actual king fishermen and would land them with hook-and-line, and these things were -- These slugs of king coming in would flood the market and depress the price, and then, at points, sometimes the tournaments couldn't even -- They couldn't really market them. They just weren't getting the price, and then there was a concern -- We, again, were dealing with this generically as the state, and we had already done some things with cobia, which was a little scarier, and flounder, and we didn't want to incentivize, basically, these large catches for money, regardless of the worthy cause or whatever.

MR. HARTIG: What is the intent of the committee? We have some of this information, and we don't have it all, but what do you want to do from here with this item?

MR. PHILLIPS: It's not a lot of fish. Now, granted, the Gulf is bumping up against their allocation, and maybe we need to do something about making sure that recreational fish go against recreational fishing somehow, pull it out or change the TAC, whatever we need to do. I don't know if it's, for this little bit of fish, if it's worth the time and effort it would take to do an amendment. It may be.

As far as competing with other sales, when I used to buy tournament fish, and it's been a few years since I have bought anything, almost all of them were large fish, and it was generally not what the mackerel fishermen are targeting, and they went to a totally different market, and so I don't think that they really interfered with the price, for the most part.

You all absolutely don't want twenty and thirty-pound fish, and that's a lot of what we got, and it's always good for the charities to get some money, and we did it, because even the fishermen didn't want to take those big fish home. If they wanted to eat a fish, it wasn't going to be a twenty or a thirty-pounder.

MR. HARTIG: Just to your point, Charlie, in the past, there have been years when recreational sale actually depressed the prices to us, and so, to me, somewhere down the line, and nowhere near now, we ought to re-look at this again, but go ahead, Roy.

DR. CRABTREE: I think it's clear to me that these are recreational fish, and they ought to be counted against the recreational quota, and they're being donated, and so I don't think it neatly fits the definitions in the Magnuson Act, and so I think it's more just a matter of the council being clear about how you want it to be counted and then making sure that we have some way to track them and figure out how to do that exactly.

MR. O'REILLY: I can talk a little bit about Virginia's situation, such as South Carolina, and the real eye-opener today, that Roy talked about, involves several species and quite a few tournaments that we do need some information on MRIP on how they handle that, especially since now it's no longer the coastal county and random digit dialing household situation, because that could have a slight, but noticeable, impact, maybe, for some species, especially for cobia, which we're going to talk about, which is sort of a rare event, in terms of MRIP, but you get that effort information and maybe it's not so rare, and so I think, to me, I'm glad that was brought up today, and I hope that that will be followed up on. It seems like there is a few other questions about this process, and so that's my input.

MR. HARTIG: Thanks, Rob. What do we want to do? I see nodding of nothing at the moment, but I would like you all to come back and revisit this at some time when you can, when you have all the information in front of you about catches and things, and I don't want it to go completely off the radar forever. I will remind you. I will come back and remind you that, at a time appropriate, that we should probably take up this issue. For right now, guidance to staff is -- Rob.

MR. O'REILLY: Whenever you are finished, I wanted to ask a question not related to this, but back to the commercial data, and I'm sorry to go backwards for just a second.

MR. HARTIG: Sure. One thing we do need to follow up on, that both Roy and Rob have pointed out, are the MRIP estimates and how that's done, and I think we should give guidance to staff to follow up on that.

MR. HAYMANS: Just to that point, I was reminded by Dawn Franco of our office that they do sample tournaments and that it's recorded as a tournament sample.

MR. O'REILLY: Is it all right to go back for just a second? It won't take long.

MR. HARTIG: Sure.

MR. O'REILLY: Okay. Thank you. I missed the opportunity to comment on Mr. DeVactor's report there in relation to what's reported to the states, and I think, about a year-and-a-half ago, it seemed a little perplexing to me that there was difficulty getting the cobia commercial data on a timely basis and in more of a routine fashion, and I'm just wondering, now that ACCSP is part of ASMFC, if it's going to be worked out that that's a little more readily available on the commercial cobia.

We had some situations with ACCSP and a different species, where they indicated, by May 1, they have final data. They indicated that sometimes there is some delinquent data, a minor amount of delinquent data, but May 1 is the time when ACCSP feels they have the final data, and so I'm just wondering if there is something that's been worked out for that in terms of the state reports and getting us part of the commercial cobia information. Thank you.

MR. HARTIG: I don't see Rick there, but I see serious discussion between Roy and staff, and so do you guys have anything to add to that?

DR. CRABTREE: As I recall, the issue with the commercial landings had to do with the fact that we don't have a federal permit requirement for cobia, and so they can sell them to non-federally-permitted dealers, and then we've had delays and difficulties getting the landings reports from them. Now, if we end up taking cobia, the Atlantic stock, out of the FMP, then it would become a state responsibility to track all of this, and they could establish whatever permitting requirements they felt necessary to do that, but that's my memory of what -- It was because the state dealers didn't have to report into the federal dealer reporting system, and so you had to get the landings from the states, and that took a while.

MR. HARTIG: The ACCSP portion of it, maybe Rick will have some light on that when he comes back.

MR. O'REILLY: Thank you, Roy, and so I just want to make sure that we're talking about the same thing, maybe. That is, I think, for 2016, there was over 20,000 pounds which were in delay, or very delinquent, for quite a while. At the time, I had asked, at the meeting, what was the coordination process to make sure the state data reached the right -- At that time, reaching you, I guess, or reaching your auspices, to have the final data, and I didn't think that things were as coordinated as maybe they could be, but I could be wrong about that, but that's what I was talking about.

I don't think it only involves the federal permitting situation. I think it was just a matter of the state data wasn't being incorporated on nearly a timely basis, and so maybe that's been smoothed out, but I like your answer that, if there is a time when it's strictly under the ASMFC, that would certainly remedy the problem, but, in the meantime, with the accountability measure the way it is,

it doesn't put the states in jeopardy, but, nonetheless, I know in Virginia, we're making an issue that the ACL has had overages for a few years here now, and that's important to get data to substantiate that, and so does that sort of track -- If I may ask, Roy, if that tracks what you were trying to describe.

DR. CRABTREE: To the best of my knowledge, that's the issue, and I think it remains an issue, but I would have to talk to the Science Center folks who track the quotas to know.

MR. HARTIG: Okay. We've given direction to staff to at least look at the MRIP information. Are we clear on that? Absolutely. Then, moving on, the next agenda item is Update on State Implementation Plans for ASMFC's Interstate Fishery Management Plan for Atlantic Cobia and Bob Beal. That's behind Attachment 3.

MR. BEAL: Thank you, Mr. Chairman. I don't have any slides, but just a quick update. I think, at the December meeting, I reported out that the ASMFC approved the Cobia FMP, the interstate FMP, at their November meeting, and the states have until April 1 to implement the provisions of the interstate plan for cobia.

Overall, the commission's plan is designed to complement the federal plan, as it stands right now, and so one of the major things that the ASMFC plan does is allocate about 620,000 pounds of recreational ACL to the four states, and so Virginia through Georgia. Generally, it's about 40 percent to North Carolina and Virginia, each state, and 10 percent to Georgia and South Carolina, in round numbers, and so it's pretty close, and so each state gets their own harvest target, is what we're calling them.

If you guys recall, at the December meeting, Anna Beckwith asked me a question about paybacks and future reductions in state harvest targets, and she was asking, rightfully so, asking about the near final wording of the FMP at the December meeting, and that wording has been changed. There is no payback in the ASMFC plan. If a state goes over the recreational harvest for cobia, what happens is -- We're working on a three-year average, but, in the future, the state will be asked to ratchet back to their current recreational harvest. There won't be a repayment, and the recreational harvest target won't be reduced for future years, and so the commission doesn't have a payback provision, but it does have kind of a recalibration provision to adjust the state regulations to ensure that we don't keep going over the recreational harvest target for a state. I just wanted to say that on the record, that the plan has been updated to reflect that.

At the commission's February meeting, the management board, the South Atlantic Management Board, reviewed state proposals from the four states and approved at least one option for implementation in the four southern states, and so those states have the ability to go home and implement those, and each of those options do achieve the harvest target at the state level. Following that meeting, North Carolina has submitted a new proposal, and what they want to do in the new proposal is increase the -- Let me know if I get this right, Michelle, or let me know if I get it wrong.

It increases the vessel limit for for-hire vessels and decreases some of the season length for the private boat and private angler, and so that proposal is currently out for review by our management board and being voted on by the board right now. The proposal that North Carolina submitted does use the same methodology that the other proposals that have already been approved used, and

I think there is already enough votes to approve that, but I just haven't seen the final vote count on that, and so I don't want to get too far ahead of ourselves here, but I assume -- I am pretty confident that the North Carolina proposal will be approved, given that the same methodology was used.

Virginia, actually yesterday, Virginia submitted a request to use some state-level average weights to project the 2018 harvest rather than using some of the federal-level average weights. They would use some of the state-level average weights that have been collected by the Commonwealth of Virginia, and so, all-in-all, the states are moving forward.

It looks like all the states are going to have their regulations implemented by April 1, and we should be in good shape with the ASMFC plan. Some of the states had multiple options that they could select from approved by the board, and I'm not sure exactly what all those states have selected yet, but it looks like we're well on our way to implementing state-level recreational and commercial regulations that will keep us consistent with the federal FMP at this time, and so that's my quick update, and I'm happy to answer any questions if you have them, Mr. Chairman.

MR. HARTIG: Thank you, Bob.

MR. PHILLIPS: Thanks, Bob. What I heard was you're going to run it for three years under the current regulations and nothing will change. If you're over for like three years running, then you will recalibrate, and there won't be a payback. Can you recalibrate for the catches in that fourth year, or is it going to take a year to do it and you'll end up recalibrating for the fifth year? What I am hearing is a potential three years, or maybe even four years, and it depends on how good you are at figuring out what the regulations really should be.

MR. BEAL: That's a good question. The final MRIP data, or not even the final, but the Wave 6 MRIP data is usually available in mid-February, and so a three-year average, and, in year-four, we'll know what the projected third-year landings will be by mid-February, and so we can recalibrate after that, but I think each of the states are going to keep an eye on this.

If there is any state that really is blowing by their quota or their harvest target in a year, I think those states may make some adjustments prior to the three-year averaging. They're not just going to sit back and say, well, we don't have to do anything for three years and then life is good. The federal ACL is still out there, and so we've got to be mindful of that, and, if a state is going way by their quota, or their harvest target, they're going to probably take some action to adjust and try to get closer to the right number, but you're right that it may -- Depending on the timing of the MRIP data, it may spill over into a subsequent year, if we don't do anything for the first three.

MR. O'REILLY: Just a couple of things, and Bob Beal referenced the memo that was sent to him by the VMRC, and it's all about the projections that are done using certain average weights and the Southeast Fisheries Science Center's small sample size. They had to get thirty fish, and it's a 34.4-pound average weight versus our state data, which is from freezer collections over time, and we're looking at 2011 through 2015, and that was the time series that the states used to do their projections and come up with the measure of 30.8 pounds on the state data.

From everything we've been able to figure out, and in talking to ASMFC and also with discussions with SERO, this is a situation that the ASMFC is going to be able to allow that to go forward, and it still brings everything to options. I mean, the difference is there might be able to be a short time

period in May, rather than starting on June 1, and it's hard to say. I know that we have some folks who are working pretty hard at VMRC on these issues since 2015, and the recent meeting they held with advisors and stakeholders -- I was glad to see that there seems to be consensus that a three-fish boat limit is preferred over four fish. I think that's good. I don't think we want to start out wide open, by any means.

On the other part, I do want to say I really appreciate everyone who has been involved with this, both here and at the ASMFC, because this is going to be similar to what the states did for recreational summer flounder for years, with a little difference. The emphasis is on the state. Typically, with summer flounder, the ASMFC, each year, would come up with -- I will call it a quota, but it was a recreational harvest limit, and states had to put in plans that would meet that recreational harvest limit, which was part of the target for them, and so you might have a target of 400,000 summer flounder, and you had to have a plan, size and season and bag limits, that would reach that plan.

If it didn't work out, you're right back the next year doing it again. Trust me. Eventually, it always works out. With this situation with cobia, it's going to be incumbent on the states to be able to have their stakeholders get together, have everyone get together, and decide if there's an overage the first year. This is sort of akin to what Charlie was asking. If there is an overage, what do they want to do? Do they want to be risky, or do they want to look for change for the second year? That should continue right on through the third year.

If states are conscientious, and I hope that's the case, there shouldn't be a system where we find that there's a real problem after three years, and I do like this, because cobia is one of those species that has involved more of the public and the stakeholders than any other species that I can remember in the last probably eight or ten years, and I think that's good, and so thank you, Mr. Chairman.

MR. HARTIG: Thank you, Rob.

MR. BELL: Just, as Bob mentioned, South Carolina, in terms of compliance in our plan moving forward with ASMFC, our current suite of regulations is actually a combination of federal regulations and state law, and so we're in good shape right now, and so, depending on what happens in accordance with the next agenda item, Amendment 31, that's where we run into issues, and it's a timing thing for us.

We're in good shape right now, and we basically looked at the impact on the fishery, and we'll stay within the target. We're confident we'll stay within the target, but, at the point in time in which -- If federal regulations do go away, then we'll have an issue, because we'll only have state regulations, or state law, in one small area of state waters, and so, for us, it's a timing issue, and we can talk about that under Amendment 31, if that's better to talk about, but, right now, we're in good shape this year, at the moment.

MR. HAYMANS: Mel, that's not an insurmountable challenge for you. You just have to go back to the legislature and ask for a change, similar to sheepshead, right?

MR. BELL: We're working on that, and I was going to talk about that, but I just didn't know if you wanted to talk about it now or talk about it under Amendment 31.

MR. HARTIG: Let's talk about it under Amendment 31, so we can get into there. If there is nothing else, that's where we'll go. Before we get there, let me just remind you of the committee members. It's myself, Doug Haymans, Robert Beal, Anna Beckwith, Mel Bell, Zack Bowen, Mark Brown, Roy Crabtree, Michelle Duval, Jessica McCawley, Charlie Phillips, and our liaisons of Rob O'Reilly, Dewey Hemilright, and Tony DiLernia. Having said that, we will move over to Christina, who will give us an update on the public comments, I believe.

MS. WIEGAND: If you guys will remember, in December, you approved the draft document for public hearings, and we held three different public hearings in January. We held them via webinar, but each state also had a minimum of one listening station for one of the nights, including Virginia, and, of course, we took comments online as well.

We had sixty-six total online comments and twelve comments provided during the webinar, and the majority of those respondents were private recreational fishermen, and the majority of those respondents were from Virginia, followed closely by North Carolina. Sort of a quick summary of the comments, the majority of commenters were definitely in support of removing Atlantic cobia from the federal management unit and felt that action should be taken as soon as possible. However, there were a few commenters that did express concern over the upcoming stock ID workshop and benchmark assessment and how that might ultimately affect cobia management in other areas.

The commenters that wanted to remove cobia as soon as possible indicated that it was necessary for the stability of the fishery. They also felt that management measures were varying too much from season-to-season and because there were so many entities involved between the South Atlantic Council and the commission as well as the states looking to implement new plans. It was getting confusing to know where to make their public comments and who to talk to regarding what when it came to cobia.

There were a few commenters that felt that management should be left up to the states entirely until the benchmark assessment was completed, and they had requested that the South Atlantic Council write a letter to the commission requesting that they wait to implement their management plan, and their concerns were that the MRIP data used to track recreational landings isn't appropriate, as well as concern about where the stock boundary was set after SEDAR 28, and so they felt that ASMFC would be able to better make state-by-state allocations after the benchmark assessment.

The commenters that were concerned about moving forward, there is a concern from a Florida fisherman who felt that more information needed to be provided to stakeholders in Florida, since, depending on the outcome of the stock ID workshop, any management decisions made by the council following that could ultimately affect stakeholders in Florida.

There were a couple of comments that weren't necessarily directly related to this amendment. There seemed to be disagreement about whether cobia may or may not be overfished among stakeholders, and there were several comments about bag limits, vessel limits, and size limits, and I'm guessing this is part of the confusion with the states getting ready to put forth their implementation plans to the commission at the time. We had a commenter that supported stocking

of native cobia and a moratorium on fish farming and then another commenter that supported a tagging or permit system for cobia.

MR. HARTIG: Thank you, Christina. Any questions about the public hearing comments? Seeing none, the next order of business is Overview of the Decision Document, and I will turn it back over to you.

MS. WIEGAND: All right, and so we'll get into the nooks and crannies of Amendment 31 now, and this overview presentation is a little bit longer than some of the other ones, but I just wanted to make some things clear and bring up some topics for conversation, where you guys are looking at making a decision.

In December, you reviewed the draft document, and you revised the purpose and need and approved the revised alternatives based on IPT recommendations and then approved the document for public hearings. This is part of the timing we're looking at. If you guys choose to take final action at this meeting, then the amendment would go to the Gulf, since this is a full amendment and a joint plan with the Gulf, and they must also approve and take final action on this amendment. We would be looking at submitting this for secretarial review sometime after the Gulf Council meeting, around June, and then we would be looking at implementation maybe around late 2018 or early 2019.

In relation to the amendment timing, there is one note that I want to make. If you guys will remember, you first received the letter from the commission about considering transfer of sole management in May. Your advisory panel meets in April, and so the advisory panel has not reviewed this amendment specifically. That being said, at their April 2017 meeting, they did get in-depth on all of the issues currently surrounding cobia and the issues that were leading up to this amendment. Additionally, I've been conscious of keeping them informed after each council meeting of what's going on and when there would be opportunity to make public comment and submit.

As you guys also know, Atlantic cobia is getting ready to undergo a stock assessment. The SEDAR Steering Committee had recommended a benchmark assessment be conducted, and that will include a stock ID workshop. That stock ID workshop is scheduled for the beginning of April. The review workshop is the beginning of June, and that June review workshop is the week before our June council meeting, and we're anticipating results from that sometime in the fall of 2018.

After that stock ID workshop, we'll get into the full benchmark assessment, and that is scheduled to take place throughout 2019. Firm dates have not been set for that yet, because a lot of that will be dependent on the outcome of the stock ID workshop, but, tentatively, we're looking at getting results to the SSC in either fall of 2019 or spring of 2020, which means the benchmark assessment results will be coming to the council in December of 2019 or June of 2020.

If you guys will remember, I showed you similar timelines back in December, and I have updated them a little bit, and so this would be a situation, if there is no stock boundary change and there is no need to deal with an amendment that would change that stock boundary, and so we're here. If you guys take final action in March, it's going to go to the Gulf, and, like I said, we would be looking at implementation somewhere in early 2019 and then, after we've gotten the benchmark

assessment workshop, we would initiate an amendment to address information from that stock assessment, but that would not be necessary if Atlantic cobia is removed from the FMP.

Now, if there is a change in the stock boundary, and, again, this is all still assuming -- This is a tentative timeline, and so we're still assuming here that you guys are taking final action at this meeting. Once you got the stock ID workshop results, the Gulf Council and the South Atlantic Council would have to initiate an amendment to address that boundary shift, and that could be done right after the stock ID workshop. Typically, what's done is you wait until after the benchmark assessment, so that you have new numbers to be dealing with these reallocations and changing ABCs and ACLs based on the assessment. It could be done either way, and that would be sort of left up to the discretion of the council.

Once the councils have addressed this shift in boundary, the commission would then have to begin a process to address that, and, if they go through an addendum process, they would be looking at receiving the assessment results, optimistically, by their May meeting. Then, if they go through an addendum, they would be looking to implement regulations that address that shift by mid-2021. They would also have the option to go through a full amendment process for their interstate FMP, and that would look at implementation for them around early 2022.

I just wanted to sort of make a note that here is the important part. If there is a change in the stock boundary and the councils decide to go through an amendment to move the management boundary, there would be the South Atlantic's amendment process, and, additionally, there would be an addendum process for the commission, which is similar to our framework process, or an amendment process for the commission, and that's similar to our amendment process, and so there would be an amount of time that would have to pass for us to get through these different regulatory actions, and there would be ample opportunity for public comment along the way, and so you guys are familiar with our process, and, again, their addendum process is similar to our framework process. Let's get into what you guys need to do at this meeting. You will need to review the draft --

MR. HARTIG: Hold on, Christina. We have a question from Leann.

MS. BOSARGE: In that process, let's say we do have a change in the boundary. I understand how the Gulf and the South Atlantic function together in a joint amendment, but how exactly, at that point, does the Gulf ensure -- If the South Atlantic isn't managing it anymore and you took it out of your FMP, how does the Gulf ensure that what we decided in that joint amendment fleshes out and matches with what the commission is going to do? We have never done anything jointly like that with the commission, and how does that process work?

MR. HARTIG: I think it would be dependent on where that boundary was and whether it impacted just Florida or it possibly impacted the Gulf as well, and, if that happens, I am not sure.

MS. WIEGAND: I would keep in mind that the council has the leeway to set that boundary.

MR. WAUGH: Christina is right. The decision on where to put that boundary would be up to the South Atlantic and Gulf. It would be done in an amendment, a joint amendment, and it's just like we did with king mackerel. The South Atlantic and the Gulf set the boundary for king mackerel, and then whatever is left as that Atlantic group for cobia, then it would be up to the Mid-Atlantic

Council to amend their plan to put in regulations to cover that new area, if you will, depending on where that process takes place, but it would be up to the councils to set the boundary between those two groups.

DR. DUVAL: Not the Mid-Atlantic Council though. It would be the ASMFC. I think you meant the ASMFC.

MR. WAUGH: Sorry. That's correct.

MS. BOSARGE: I'm sorry, but it just confuses me. If the South Atlantic Council says we're not managing this species anymore and we just took it out -- We took this Atlantic stock out, and say we get an ID or a stock assessment or whatever that says it's all Atlantic stock, all those fish in the Gulf and all the fish in the Atlantic are the stock, and you all aren't managing that stock anymore, then don't we, the Gulf, have to interact with them? At that point, it's more than just a shift in boundary, but we're making allocation decisions with them, and I'm just wondering -- I just want to plan for the worst. Hope for the best and plan for the worst and understand how we're going to come to that mutual agreement.

DR. CRABTREE: Well, right now, the South Atlantic is looking at taking the Atlantic stock out of the FMP. If the end result of all of this is that there's only one stock, that stock would still be in the FMP, because the Gulf stock -- There would be just a new stock now, and then we would have to figure out what to do with it. What I think would happen, if we figured it's just one stock, is we would get some catch level for the stock, and then the two councils, the Gulf and the South Atlantic, would have to agree how to allocate it, who gets how many pounds.

Then the ASMFC plan would manage, as it's set up now, Georgia north, but I think what the council would want to look at doing is having Florida go into the interstate plan, and then the council would have to decide whether they want to manage cobia at all anymore, but I think, because we would have these allocation issues to deal with, it would make it a more difficult thing for the council to step out of the picture, because it's not clear to me how the commission and the Gulf Council would be able to decide on allocations.

MS. BOSARGE: What you all are really wanting to do is to give the Atlantic States Commission the authority to manage from the Florida/Georgia line north, to wherever that -- The way it's worded is the stock, and I guess that's what --

DR. CRABTREE: That's the Atlantic stock, is Georgia north. Now, if the boundary just moves a little bit, the council would have to decide whether they're going to even deal with that or leave it where it is. If it comes out that the Atlantic stock goes all the way down to Florida, then we're back probably to the council boundaries, and then this council could decide that they're not going to manage cobia anymore, and the Gulf would manage their stock, but it just depends on how it comes out.

DR. DUVAL: Roy covered some of what I was going to say. Quite honestly, given the state of the science right now, I would be surprised if it ended up being all one stock again. I mean, that's how it started out, years and years ago, and then, in Amendment 18, we drew a boundary that was informed by science at the jurisdictional boundary between the Gulf and the South Atlantic Councils, and so, as Roy said, should the science come out that there is just one stock of cobia up

and down the coast, I would suspect that that's how the councils would decide to do things, is to simply go back to a boundary between the two councils, so that the Gulf could manage within its jurisdiction. It would still take joint action by the councils to move that boundary, and then it would take a subsequent action by the ASMFC to respond to whatever the councils did.

MR. DILERNIA: A different species, but, with monkfish, between the Mid-Atlantic and the New England Councils, we have one stock of monkfish, but there is two -- We have one group of monkfish, but we have a distribution. We have a New England group, and we have a Mid-Atlantic group, and the boundary basically seems to be Georges Bank.

What we've done is, with the joint plan with the New England Council, the Mid-Atlantic and the New England Council, is we have given the -- While it's one plan, it's a joint plan, the New England Council basically sets the management measures for the area north of Georges Bank, and the Mid-Atlantic Council sets the management measures for the monkfish south of Georges Bank, in the Mid-Atlantic Region. I would assume that that would be similar to what you're talking about here with the cobia. Thank you.

DR. CRABTREE: We have had the two migratory groups with king mackerel, and we've had that boundary shift around over the years. It's been kind of painful, but we've dealt with it.

MR. HARTIG: Yes, exactly.

MR. O'REILLY: I am going to follow up on Leann's premise about planning for the worst, and this council was involved in setting the boundary that currently exists, and I noticed, the last meeting, that at least a couple of council members were surprised when Roy said that, yes, you were involved in making that decision.

I think what would be really good, if it's possible, is to have a document of conditions that, once the stock ID workshop is done and the peer review happens, that, all of a sudden, everyone is not scrambling to figure out what the next steps are, but, since there's already been experience in setting the boundary and what those conditions were, it would be awfully good to see a document, before all of those decisions were made, as to what will it take to change the boundary. What are the conditions that it's going to take?

I think it would ease the minds of a lot of the stakeholders, because this has certainly been the calling card of many of the stakeholders that have been unhappy about the way things are in several states for quite some time, and so, if that's possible, I think that would really help. We're going to go through the upheaval of the MRIP calibration, and that's going to spill over into 2019, and so it would be nice to not have everything be sort of cataclysmic at that point, and, if there's some way that someone can think about a way of sort of prepping for this boundary situation by conditions that would change it, make it different, what are they? I know we don't have the answer yet, but, nonetheless, that doesn't mean we can't have the questions or the conditions, and so thank you.

MR. BEAL: Just a quick comment. I think Michelle is right. I don't think we're going to end up with one big stock all the way from -- Catches are happening in New York all the way through Texas now, and so I think there is going to be a break in there somewhere. I don't think those animals are that mixed throughout that range, but Leann's point is well taken, in that, Leann, you're

great, and your colleagues on the Gulf Council are great, but I don't think we can set up a scenario where ASMFC and the Gulf Council are negotiating quotas. That would be a mess. There would be way too many people involved.

I think, if that worst-case scenario were to happen and it is one stock, then we would have to figure out sort of Plan B, but I imagine there is going to be a line somewhere from Key West north, up through the Florida/Georgia border, where the stock breaks. Wherever that line is along the east coast, I think above that line is what ASMFC is currently in the management business for, is just that chunk of fish above that line, which is currently the Florida/Georgia border, and may stay there, and I don't know, but the premise of one commission and one council negotiating sort of outside of each other's turf is not going to work, but nothing personal, but I think that is the worst-case scenario, and we'll worry about that when we get there, but I don't think we're going to get there.

MR. HARTIG: Thanks, Bob. We need to move on, and so I will turn it back over to Christina.

MS. WIEGAND: I will get back into what you guys need to get done at this meeting. You're going to review the amendment, review some IPT-suggested changes to the purpose and need, and modify as necessary and approve, and then we're to the point where you would be voting to send this amendment to the Secretary of Commerce for approval.

Just a couple of things to help remind you of, and I know we've gone over these a couple of times before, and so I won't dwell on them, but the Magnuson-Stevens Act has considerations for whether or not a species should be included in a fishery management unit, and those include whether or not the stock is an important component of the marine environment, whether the stock is caught by the fishery, whether the FMP can improve or maintain the condition of the stock, the stock is a target of a fishery, the stock is important to commercial or recreational users, the fishery is important to the nation or regional economy, the need to resolve competing interests and conflicts among user groups, economic condition of the fishery and whether an FMP can produce a more efficient utilization, the needs of a developing fishery, and the extent to which the fishery is already adequately managed by the states or some other state or federal program.

Since, right now your preferred alternative is to remove Atlantic cobia from the management unit, I wanted to talk about a couple of other times that this has happened. If you will remember, way back in 2005, the council decided to have NMFS repeal the Atlantic Coastal Red Drum FMP and give sole management over to the commission. This was done because harvest takes place primarily in state waters, and the council felt they had done all they really could to protect the juvenile stock, which was in state waters, and they felt that having this fishery managed under a single fishery management plan would help minimize management costs and confusion. As of the 2017 stock assessment for Atlantic red drum, it indicated that overfishing is not occurring.

Then, a little bit more recently, Snapper Grouper Amendment 27 removed blue runner from the snapper grouper plan, and this was done because it's primarily a bycatch fishery with landings that were occurring primarily in the state waters of Florida, and FWC indicated that they would be interested or willing to manage blue runner in federal waters, and so they established a recreational bag limit and commercial license requirements for federal waters, and they did this by using the phrase "within or without Florida waters" in their regulations.

Digging into the document, this is the purpose as you currently have it written. The purpose is to reduce complexity of management and facilitate improved coordination of state and federal management of Atlantic cobia, and the IPT is recommending that you have a slight wording change for the purpose and change it to management of Atlantic cobia in state and federal waters, since the current preferred alternative would actually remove federal management.

This is the need that you approved at the last meeting. The need is to provide for effective management of Atlantic cobia and fair and equitable access to harvest opportunities without reducing protection to the stock. You guys will need to review the suggested purpose and need statements and modify as necessary and approve.

MR. BOWEN: The IPT is recommending that we include what's highlighted in yellow or remove what's highlighted in yellow? I was just a bit confused.

MS. WIEGAND: Include what's highlighted in yellow and remove what's in red and struck-through.

MR. BOWEN: Thank you.

MR. HAYMANS: **Mr. Chair, I move that we accepted the IPT's recommended wording change.**

MR. HARTIG: There is a motion by Doug and a second by Zack. Any discussion on the purpose and need, the IPT recommendations? **Is there any objection to that motion? Seeing none, that motion is approved.**

MS. WIEGAND: Okay, and here is the one action in this amendment and the alternatives, as you guys approved at the last meeting. You've got your no action alternative, which would continue the management of Atlantic migratory group cobia via the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic region, and so, under this alternative, the council would continue to manage in federal waters and the commission would manage in state waters.

Your currently selected Preferred Alternative 2 would remove Atlantic migratory group cobia from the CMP FMP, and, in this situation, sole management would be with the commission. There are a number of ways the states or the commission could extend regulations into federal waters, but I did want to mention, in talking with some of the states, and I will let them get more into this if they see fit, and I know North Carolina, Virginia, and Georgia have landing limits, and so, once you are in state waters, you have to abide by state regulations for those states. Additionally, the Magnuson-Stevens Act does allow states to enforce state-registered vessels in federal waters in the absence of a federal fisheries management plan.

You've got Alternative 3, which would establish a policy in the CMP FMP for complementary management of Atlantic migratory group cobia with the commission, and so this alternative is simply meant to update the fishery management plan to acknowledge the commission's new role in managing cobia, and the intent is that the council would review commission regulations for implementation in federal waters on a case-by-case basis, and, anytime they wanted to make a

change to federal regulations to align with commission regulations, there would be a need to go through a full amendment process.

Alternatively, Alternative 4 would establish a framework procedure in the CMP FMP for an enhanced cooperative management system with the commission that would allow changes to Atlantic migratory group cobia management through the National Marine Fisheries Service rulemaking, and so, if you were listening in to any of the spiny lobster conversation we were having, this alternative is meant to be modeled after how the council and FWC interact for spiny lobster.

In this scenario, the commission would be able to propose rules to the National Marine Fisheries Service, and those rules would still meet Magnuson-Stevens Act and federal FMP objectives. The council would get an opportunity to comment on whether or not the proposed rules were meeting those requirements, and, additionally, they would retain the ability to make changes in federal waters through the full amendment process.

Those are the alternatives, and so you guys will need to discuss whether you want any change in your preferred alternative, and then we're looking at approving this document for formal review. Again, this is the sort of tentative timeline we're looking at. If we approve it at this meeting, it would then go to the Gulf for final action at their April meeting.

MR. HARTIG: We have our Coast Guard liaison over there who has her hand up, and I will recognize you right now.

LCDR BENNETT: Can you just clarify the states' ability, per Magnuson, to go out into federal waters to enforce state laws? Does it have to be a state-registered vessel or a vessel with state permits?

MS. WIEGAND: My understanding is that it has to be a state-registered vessel.

LCDR BENNETT: If it's a non-state-registered vessel and a federally-registered vessel, because they're out there, and do they want a COD and not a state registration, or what do you do in that scenario?

MS. WIEGAND: I am going to defer that to Shep, and I don't mean to put you on the spot.

MR. GRIMES: The easy answer is the state could regulate it, but I don't know -- My understanding is all states require vessels that are coming in and out of their waters -- They are registered in that state, even if you have a certificate of documentation, and you still have the state registration, which would give the state jurisdiction, but then only for vessels that are registered within that state. If you're from Georgia and you're fishing in the EEZ off of Florida, Florida is going to have no jurisdiction over that vessel, not until it comes into state waters, and vice versa.

DR. CRABTREE: I think the expectation here is that enforcement is going to happen at the dock and not at sea, which I think is, in reality, the way it is now, by and large.

MR. GRIMES: I would just add that the ASMFC has the ability to regulate in the federal waters. You would ask -- I believe there's a process, through your enabling legislation, that you ask the

Department of Commerce to establish regulations in state waters, which would not be restricted based on where the vessel was registered.

DR. CRABTREE: Bob and I have talked about that, and my expectation is that, if we move forward with removing cobia from the FMP, we will end up with some federal regulations based on ASMFC types of authority that could, for example, specify that any vessel fishing in the EEZ is subject to the regulations of the state where they're landing and figure out a way to address some of these issues.

MR. HAYMANS: Shep, does a joint enforcement agreement not get at enforceability by other states? Can Georgia, through its joint enforcement agreement, not enforce a South-Carolina-registered boat that's in federal waters off of Georgia?

MR. GRIMES: That's a state law issue, and I couldn't tell you, but our joint enforcement agreements with the federal government and states allow joint enforcement of federal law. If you remove it from the FMP, there is no federal law to enforce anymore. There is only state law, and the question becomes how do states enforce those laws in the EEZ for vessels that aren't within that state's jurisdiction?

MR. BEAL: It's important to keep in mind that the Atlantic States Marine Fisheries Commission operates under the Atlantic Coastal Fishery Cooperative Management Act of 1993, which is a unique animal. It doesn't happen in the Gulf States, and it doesn't happen in the Pacific States. That law that Congress passed provides for -- If there is an absence of a federal Magnuson fishery management plan, and so American lobster, I think, is the best example.

It's a species that is managed solely by ASMFC, and there is a significant portion of that fishery that occurs in federal waters, and, through the American Lobster Plan, ASMFC requests that the Department of Commerce implement specific lobster regulations in federal waters, and the federal government goes through a series of rulemaking processes, and there are federal rules and laws in place for American lobster in federal waters, and those are enforced at the federal level and through JEAs, the joint enforcement agreements.

A similar thing can be done with cobia if the council, and it's your decision, if the council removes the Atlantic migratory group from the council FMP. The ASMFC could request that the Department of Commerce implement complementary regulations through the authority of the Atlantic Coastal Act in federal waters. Those would be federal rules that could be enforced by the federal government, but they would hopefully mirror and complement what happens in state waters, and so size limits and other things would be carried out into federal jurisdictions for those state vessels, regardless of where they are fishing.

It is a unique set of laws, but it does provide -- The Atlantic Coastal Act does provide the federal government the authority to implement regulations in federal waters absent a Magnuson-Stevens FMP. That makes it probably more confusing than it was, but that's the authority that's out there.

MR. HARTIG: I appreciate that explanation, Bob. Thank you.

MR. BELL: Sort of to that, what Bob was describing with the process is the commission would request that, I guess, but I was thinking, on a state-by-state basis, that the individual state, like I

have talked to Jessica about, would petition the Secretary or whatever for the ability to extend the state reach out into federal waters absent a federal plan. I guess there is more than one way to do that. It's the same result.

MR. BEAL: Yes, I think so. The other example is summer flounder, and Tony knows it all too well. Recreational fishing for summer flounder is complicated, but it's a joint plan between ASMFC and the Mid-Atlantic Council. The federal government has recognized the ASMFC rules under conservation equivalency, and, whatever the state implements, those state vessels are bound by those size limits, bag limits, and seasons, regardless of where they're fishing.

If Tony's New York vessel leaves a New York port and goes fishing anywhere, he is bound by those New York regulations, regardless of where he is fishing, because he's coming home to New York, and he is bound by those regulations, and so there are a lot of different ways that it's been done, this interaction between ASMFC and federal waters, but the bottom line is there are tools where it's not just a free-for-all in federal waters and you only get in trouble if you come home with something illegal. There are provisions where state laws extend into federal waters, and it's very clear to point out that state jurisdiction doesn't change. It's still at three miles, but the rules kind of go with the vessels out into federal waters.

MR. BELL: One reason I brought this up, and we're just trying to think through this, is that South Carolina's current laws related to cobia, we apply a one fish per person per day and a three-fish boat limit. Our neighboring states might have six-fish boat limits, and so, if a Georgia boat comes out of Savannah, let's say, and goes up and fishes on artificial reefs off of Hilton Head or something, then they could take six fish per boat, I gather, or a North Carolina boat out of Little River Inlet comes down and it's the same thing.

We wouldn't have -- We, South Carolina, wouldn't have the ability to enforce that three-fish boat limit out in federal waters, because those boats might not be South-Carolina-registered boats. They are a North Carolina boat or a Georgia boat. That would create a little concern with some of our fishermen, I think, to the degree that that might happen. When you have those borders and perhaps different approaches, that's just another thing, and it's a detail that we have to work through.

MR. O'REILLY: I will be quick, because of the time, but perhaps, Bob, in a later setting, you can also include weakfish, which had National Marine Fisheries Service -- It was a Mid-Atlantic Fishery Management authority over weakfish. It was turned over to ASMFC, and that could be included with the red drum scenario, and it's certainly much different than the authority over lobster, but it would be good to get those all out. Thanks a lot.

LCDR BENNETT: In terms of -- This is why I was kind of comparing cobia in my head to summer flounder, because what ends up happening is, when conservation equivalency goes into effect, typically in May and June, all of those federal regulations that the Coast Guard might enforce on recreational boats go out the window.

There is nothing for us to enforce, and that's kind of where I think cobia is going to go, where if you know of a boat that keeps skirting between -- If you're sitting at the state boundaries in the EEZ, there is nothing for us to do, unless it's like striped bass, which is prohibited in the EEZ. That's easy to enforce, but, if you have, in the EEZ, a federal bag limit that mirrors kind of what all the states are doing, coast-wide management measures, then that's something that we can

enforce, but, if it goes down the conservation equivalency path, like summer flounder, we don't enforce anything in the EEZ when that is in effect.

MS. BOSARGE: I was just going to say I noticed that what you have on the board now is just a little different from what was in that PowerPoint slide. In your preferred alternative on the board now, it only says remove Atlantic cobia from the fishery management plan, and the PowerPoint slide said remove Atlantic migratory group cobia, and I don't know if it matters, but I just thought I would throw it out there.

MS. WIEGAND: I am guessing that -- We, originally, in the amendment, we were using abbreviations, and so Atlantic cobia is CMP FMP, which is not with the amendment formatting guidelines, and so I spread it all out, so that it wasn't using any abbreviations, and I just have just missed Atlantic cobia, and so, if the council is comfortable with it, I will go ahead and add in "Atlantic migratory group cobia".

MR. GRIMES: I was going to provide my advice and guidance on whether or not you should take final action at this meeting, and I don't want to preempt any ongoing discussion that you had, and so if we're ready to move to that stage.

MR. HARTIG: Are we ready for that now or not?

MR. DILERNIA: I have a question. Does this action sunset? Is there a sunset provision in this action?

MR. GRIMES: From my perspective, my advice is that you not vote to take final action at this meeting. It seems premature, to me, and I will tell you a number of reasons for this. For one, I think there are some additional analyses that need to be included in the document. We are just approving some stuff, and we have some new information that we obtained.

South Carolina, as I understand it, doesn't have -- It isn't in the position to take over management in the EEZ even of its own state-registered vessels. I remember reading that South Carolina has cobia designated as a gamefish, and so any removal from the FMP is going to effectively preclude commercial harvest in the EEZ off of South Carolina, and that is discussed nowhere in the document, and it's at least a reasonably foreseeable future impact that we would need to analyze under NEPA. Again, none of this is intended to be a criticism or discouraging you from making the underlying decision that you seem to be inclined towards making, and that's removing it from the FMP. That's fine. It's really just a matter of timing.

My other issue is just a boundary issue, that we just had a long discussion leading in this that leads me to the conclusion that you're voting to remove something that you haven't even adequately defined at this point, because you don't know what that stock is. You know what it is at this moment in time, but you have an ongoing assessment, and there is at least some possibility that that's going to change, and that could change significantly, and that would alter your decision, I expect, and especially since you're going to get that information before your next council meeting, and I don't understand why we wouldn't wait until we had that information to make the decision.

The next aspect is timing. As we heard, right now, Atlantic States is in complementary management mode, as I understand it, and, if the council is -- If there is a clear consensus that the

council wants to remove it from the FMP, then you could provide that signal to ASMFC, which would allow you to be better positioned to quickly take over everything as soon as we accomplished the rulemaking that removed the species from the FMP and the regulations from the Code of Federal Regulations.

To sum it all up, I really don't see much harm in waiting. If you wait and take final action at the next meeting, when you have a more complete picture, and you do the same thing that you seem to be inclined to do now, what's the cost? I still think you could get the rulemaking done and get the action taken certainly early in 2019 and before you would be looking at any federal ACL closure that year. It just seems most prudent to wait, and that's what my advice to you would be. Thank you.

DR. DUVAL: I guess, first, a question for Shep and then some comments. What is the additional -- When you say additional analysis, are you talking about this gamefish thing with South Carolina? Is that what you're referencing?

MR. GRIMES: Yes, that's part of it, and the NEPA analysis, but we've also added to the document a section that goes through the ten factors that the National Standard Guidelines strongly encourage the council to have a detailed analysis of to support the decision to remove. I looked at it, and there is a lot of that in there, but, in reviewing it on my way up, or in preparation for this meeting, I think there is some additional details that we could include, and we could include that regardless of whether you take final action. We routinely do finish up and make editorial adjustments to documents, and so that, in and of itself, is not a big deal, but, since I was articulating all the things I could in support of my guidance to you, I wanted to throw that in.

DR. DUVAL: I guess I don't like to disagree with Shep, because he's a pretty likable guy, but I think I am going to respectfully disagree with waiting on transferring management. I think we walked down the road of requesting that the commission get involved in this, I think in recognition of the fact that the federal system really can't respond to the needs of a pulse fishery like cobia in a timely fashion, where the characteristics of the fishery vary so much up and down the coast and from jurisdiction to jurisdiction.

I think we need to kind of turn our eyeballs inward and take a look at our performance, and I think the 2015 recreational overage has to be one of the most spectacular overages since we've had implementation of annual catch limits, and I think that was when the states had consistent regulations with federal regulations, and I think, even though the council responded with Framework Amendment 4 to try to address the issue, it was a full year between when we approved that amendment and when it was implemented, and I realize that it got caught up in some of the change in administration, and I recognize that, and I think, in contrast, the commission developed and approved a fishery management plan in a year and three months.

I think, additionally, we also had NOAA Fisheries Staff that served on the plan development team for this, and so I think, if there were concerns, they should have been raised at that point, and I feel like the biggest obstacle to the success of the ASMFC FMP is really the fact that, and I'm not trying to be harsh here, that it's using NOAA Fisheries data when the MRIP staff have repeatedly stated that the recreational survey is simply not designed for pulse fisheries like cobia.

Not to mention a couple other things like sort of what I see -- I got on my soapbox about this a little bit at the last commission meeting, and that was sort of conflicting views of best scientific information available and that we have the MRIP weight estimation procedure and we have the Science Center weight estimation procedure, and it's been a continuing frustration, and not just for cobia, but for all species, but, for a pulse fishery like cobia, it absolutely impacts it more. I mean, there's like a 60,000-pound differential between the MRIP and the Science Center weight estimation procedures.

The Fisheries Service hasn't addressed that, and that would be one of the most helpful things it could do, and so -- I know some others have expressed concerns about I think the states maybe taking a walk on the wild side, but it's not the existence of a federal FMP that is going to prevent that. I mean, we don't -- The fishery does not meet the 306(b) Magnuson statute, because the majority of the harvest is actually occurring in state waters. It's the Atlantic Coastal Act that is really going to keep states in line with the compliance requirements.

I know that the Fisheries Service does play a significant role in the upholding of any noncompliance findings by the commission, and I think what Christina mentioned in her overview about transfer of management of other species to other states, I think holding off on this is a little bit inconsistent with that.

We have never questioned other states' abilities to manage species that have been transferred previously, and so I'm a little bit concerned about this, and I also think that, with the increasing presence of cobia in states like Maryland and New Jersey and New York -- I mean, one of our New York council members noted that the bottom of New York Harbor was covered with cobia, and I really have doubts about this body's ability to address those needs of the states, and so I think that's why I would urge that we continue to move forward.

I have talked to Jessica about this, and I absolutely understand the concerns of Florida and the boundary issues, and I think those are two separate issues, whether we're addressing management of the existing Atlantic stock of cobia and, as outlined, it's going to take a couple of different actions to deal with any boundary issue, and that's -- I understand why Florida is not going to support moving forward with this. I do, and it's not a -- If I was in Jessica's shoes, I would probably be voting the same way, but I just wanted to lay out my reasons for why I think the commission is a more effective management organization. Thanks.

MR. O'REILLY: I am in the same camp, and so I won't really reiterate anything there, but I do note that the boundary issue is a big issue, and I understand that, and I have understood that for several years. 306(b) was looked at pretty carefully by a number of people, and I wouldn't downgrade the importance of federal waters fisheries at all, but this is mainly predominantly a state-water fishery, and I think a delay is not necessary. I don't think those ten conditions are preventing us from going forward, and I think other conditions that were mentioned on the South Carolina side will be patches to this procedure, just as Executive Director Bob Beal told us the last meeting.

Back to the boundary. If it changes, then the ASMFC has the ability to provide an addendum to make sure that everything is working properly, and I think we've come a long way, and I haven't changed my mind on the Preferred Alternative 2, and so thank you very much.

MR. HARTIG: Anybody else?

MR. BELL: A couple of points about our situation. Shep is right that cobia are designated as a gamefish. The particular code section says in state waters, and so, technically, they are a gamefish in state waters, and they are not technically a gamefish in federal waters, but that's the only thing that we have on the books related to gamefish.

Now, if the General Assembly so chose, in a year or so, it might wish to extend -- Again, if South Carolina is managing out into federal waters, I can't say whether they would or wouldn't want to extend gamefish status into federal waters, particularly related to that southern cobia management zone. The history of that is that we have that distinct population segment that was identified in the last stock assessment, and these are fish that are coming into our southern sounds to spawn, and, for decades, we fished those fish heavily, to the point where they disappeared, and that's why we implemented, in 2016, a specific state law to basically try to help those fish recover, which includes basically a no retention of those fish during the peak month of the -- Well, what was the peak month of the fishery, or their presence, and so there is concern about those particular fish and trying to rebuild that DPS.

That is also tied to the previous topic of tournament sales, which is, of course, was for king mackerel, but that's part of how we got ourselves in trouble, I think, down in that southern cobia management zone, was decades of these heavy-duty fishing tournaments that were extracting a lot of fish out there, and so there is concern about that group of fish.

There could be a desire to extend protection for them out into federal waters, which would look very different from our Georgia neighbors, or anybody else, and so those sorts of differences are just the kinds of things that we might find ourselves facing, and then there is the question I was -- I had asked Monica, and, of course, she talked to Shep about some of this stuff earlier.

The angle of the dividing line, what we're calling Georgia waters and what we're calling South Carolina waters, or North Carolina, how you draw that line kind of depends on how -- It affects us, but, in terms of trying to move forward with this, we were trying to prepare ourselves. Of course, anything we do to adjust our state laws has to go through the General Assembly, and so we have been working on -- The General Assembly started in January, and they go through May.

We have a draft bill for them to consider, but we don't have a -- We kind of don't have a mechanism yet to -- Whether or not it would actually go through this year, but the purpose of this is to basically establish in state law what we have right now, just kind of hold what we've got, with the current federal regulations and then what we have in the state and just kind of freeze that. Then that gives us time to figure out what we might want to do in the future.

What we were responding to, in terms of concern, was the statement that implementation could be as early as late 2018 or early 2019. Well, implementation, does implementation mean the federal regulations go away or -- I gather though, from some of the discussion of timeline here, that might not be for a while, but that's the concern we have, primarily, right now, is, if federal regulations were to go away, and South Carolina has not, through the General Assembly process, put something in place, we would have state regulation only of just the southern cobia management zone in state waters, and there would be nothing. In fact, we would lose our size limit, because

our size limit ties to the federal size limit. We would be in a bad position, in terms of having nothing in place until we resolve that.

MR. GRIMES: First, I would just like to say that “Shep is a pretty nice guy” is the nicest thing that anyone has ever said about me at a council meeting. I’ve been doing this for almost seventeen years, and so thank you, Dr. Duval.

To answer your question, in terms of what would happen with implementation, I guess the agency could delay the effective date of the regulations, but, as soon as this amendment is approved and we go through the notice and comment rulemaking process, there is no more federal management of Atlantic cobia in the EEZ. If we have worked something out and had a timeline set up, to where we knew ASMFC or South Carolina is going to backfill, then we could delay the effective date to a date certain, but we generally -- I have never seen us delay it for a year or six months. Those would be long delays, in my experience.

MR. PHILLIPS: Like Michelle doesn’t like to disagree with Shep, I don’t like to disagree with Michelle either, but I heard Shep’s argument, and, yes, I -- The states have done a lot, and the regulations they have put in place are going to go a long way, if not totally take care of these overages we’ve had.

I listened to Mel talk about what they’ve got to do in South Carolina, which is going to take some time, and there is still some moving pieces going on with the states, and so I really think that just slowing it down, at least until we can get the workshop done, and that takes a lot of the questions off of the table. I am not saying that we don’t need to go there, because it may be, and it probably is, the best way, but there is still some moving pieces on the table and that big question of what’s going to happen with the workshop. It would be my inclination that we at least wait and get that information and let the states fine-tune what they need to do and let South Carolina figure out a better plan, and so thank you, Mr. Chair.

DR. CRABTREE: I support the ASMFC plan, and I really thank Bob and all the members of the South Atlantic Board for putting the time in to work on this, and I agree with Michelle and what you said, and I think ASMFC is best equipped to manage this fishery. This is a state-water fishery, and that’s what ASMFC is set up to do.

If we had a comparable legislation in the Gulf of Mexico for the Gulf States Marine Fisheries Commission, I would support taking it out of the FMP in the Gulf of Mexico and letting the states manage cobia, but we don’t have that there, and I agree with the preferred alternative in the amendment, but I haven’t really heard a lot of downside to why it’s urgent to take final action at this meeting, as opposed to coming back in June and voting for it.

Given the concerns that our attorneys have raised and some of the questions about enforcement and the situation in South Carolina and the stock ID workshop coming in, which could change things, I guess I just don’t see what we lose by waiting until June and finishing up the document and coming in at that point and taking final action on the document. I support all of this, and I want to keep moving forward, but I think my preference would be to come back in June and take final action at that meeting.

MR. HARTIG: A point of clarification for Bob. Regardless of what happens here, ASMFC is poised and ready to put your plan into effect starting when?

MR. BEAL: April 1.

MR. HARTIG: Starting April 1, the ASMFC plan will go into effect for the respective states.

DR. CRABTREE: Even if you vote it up today, we wouldn't get through the process of implementation until fall, and so the state seasons would be over before this happens anyway.

MR. BELL: One point is that our fishery is predominantly a federal-waters fishery. It wasn't at one time, but it is now, and so our big concern -- I mean, we're onboard with the whole plan and the shift, but it's just timing, and so I can't guarantee -- If this bill could actually get traction in the current session and slide through, it could be in effect by -- If, by 1 July 2018, but, if not, and we can't submit it until the next session next year, it would be 1 July 2019, but, again, because that's an act of the General Assembly, we have no control over it, and there is no guarantee, but those are sort of the two -- That's why, we started talking about it, I wanted to make sure that I understood. When we say implementation by 2018 or implementation by 2019, implementation means that the federal regulations go away?

DR. CRABTREE: Yes, we would have to go through the process of a Notice of Availability and all of that and then a rulemaking to change the regulations, and all of that typically takes six months or so. As we've heard from Shepherd, there is still work that has to be done on the document before it could be transmitted, and so it would be late this year before it happened, and I recognize that the fishery off of South Carolina, and maybe even Georgia, is predominantly federal, and I was just looking at the overall landings, where they come from.

I don't know what we do, Mel, if you guys can't get something through your legislature until 2019, and I don't think anybody is going to want to hold off that long, and so hopefully it will happen before then, but I am just not sure what it changes if we implement this late this year or we implement it early the next year.

MR. O'REILLY: I just want to make sure that I understood the stock ID peer review process, because I wrote things pretty quickly, but was that June 5 through 7, Christina? Is that when the peer review takes place?

MS. WIEGAND: That's the technical review, and that's the week before our council meeting.

MR. O'REILLY: Everything would be prepared in time for the June council meeting? Is that the expectation?

MS. WIEGAND: It wouldn't be the final results, but we would have a general idea of what the data was saying from the review workshop and the technical review.

MR. O'REILLY: Is that strong enough for those who wanted to at least see that process go through and maybe, if it's not absolutely final, at least you will have a pretty good indication, and is that strong enough on that issue for everyone?

DR. CRABTREE: I think we'll know whether we're looking at a major shift in the boundary or it's most likely to stay put, and I think that will be good enough for me, and I can't speak to Florida's concerns.

MS. MCCAWLEY: I guess it depends on what the outcome looks like, and so I can't give you a condition on how we would feel until I see what that is. Is it splitting Florida? Is it down at the Gulf/South Atlantic boundary or what? As people around the table have spoken for me, I have been on the record that I am definitely against this until I can see the results of that stock ID workshop, and I share the concerns of Shep, and I share the concerns of Leann, and I have brought these points up every time we've discussed this.

MR. BELL: I just want to make sure that I am absolutely clear here. Let's say that implementation is early 2019. That means that federal regulation is gone at that point?

DR. CRABTREE: The federal regulations that are in place under the FMP will be gone, but, if we work through Bob and decide to implement some compatible federal regulations under the authority of the commission, we would then try to get those where they come onboard when our regulations come out, but we still have to decide what those compatible regulations need to be to do that, but the best way for this to happen would be to have it happen simultaneously, but, again, that takes more time.

If you look at it right now, the state plan is effectively managing this fishery this year, and we're looking at the states to be the accountability measure and constrain the catches this year, and so, for practical purposes, and from what fishermen are going to see, it's effectively going to be managed this year like it would if the FMP was already withdrawn, and I expect that will be the case next year too, but the federal regulations and what we need to do there is one of the things that we need to try and work out, and my hope would be, when we came in in June, we would have a much better idea of where they're going, and then, if you need to rely on some federal regulations, we would have some. They would just be under a different authority.

MR. BELL: Right, and we're trying to tease that apart and not have to depend -- Right now, that's all we have, and it's basically we adopt the current federal regulations from state law, by reference, and so, if those go away, there is nothing, and that's what I'm afraid of. I don't want a period of time, and particularly if this happens say in early 2019 and we couldn't do with you what you described with Bob, we would basically have no size limit whatsoever in South Carolina for cobia, and we would have no bag limit whatsoever in all federal waters and all state waters north of 32, 31. We don't want to be in that position, and so we are dependent upon the existence of those regulations.

DR. CRABTREE: Right. I understand, but you think that it's possible that your legislature will take some action later this spring, and that would resolve this, but I think that we need to get our attorneys and talk to the commission and see if we can work out a contingency plan that would allow us to move forward and keep some federal regulations in place for some period of time to allow your rules, under the interstate management plan, to be effective and solve this problem, but we just haven't gotten that done yet, but I understand the situation.

MR. BELL: Yes, and we're trying. I can't guarantee what will happen this year. I think, if we were assigning probabilities, it's a low probability at this point. Next year is a higher probability.

MR. HAYMANS: I certainly don't want to suppose what the fine statesmen in Columbia would do, but, if we pass this now, it tells them, for certain, that the plan is going to be removed this year, and it might prompt action this year. I don't want to force that hand, but that would be my preference, is to let's go ahead and do this, and, that way, South Carolina knows what the plan is. If you wanted to entertain a motion, Mr. Chairman, I would make one.

MR. HARTIG: Yes, I would, and I wanted you to be the last word on this, and so thank you, Doug.

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

MR. HARTIG: We have a motion by Doug and second by Michelle. Any further discussion? **All those in favor of the motion, signify by raising your hand, six in favor; opposed, five. The motion passes. Were there abstentions? One abstention. The motion passes six to five with one abstention.**

I will re-identify the committee members. It's myself, Doug Haymans, Robert 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. Do you want to re-vote? I see heads shaking no. Okay. The motion passes six to five with one abstention. All right. We are going to power on through Coastal Migratory Pelagics Amendment 6 behind Attachment 5, and I will turn it over to Christina.

MS. WIEGAND: Switching gears away from cobia and back to king mackerel, Framework Amendment 6 looks at addressing Atlantic king mackerel commercial trip limits in the Southern Zone. If you remember, at the December meeting, you guys discussed this framework amendment, and there was some concern about moving forward, given that Amendment 26 was only implemented in May of 2017.

You wanted to get a feel from the fishermen about what it was like operating under Amendment 26, and so, in order to achieve that, you approved the framework amendment for scoping at this meeting. I know you guys received a couple of comments last night, and, in addition, there are a number of comments that came into the online comment form late last night and early this morning, and the general consensus, from these comments, has been that fishermen support moving forward with this framework amendment and that their concern is that they make longer trips offshore, sometimes multiple-day trips, and so those guys in Volusia County are looking to have that higher trip limit. That is a brief summary of the online comments that came in last night.

This is sort of the potential amendment timing. You approved it for scoping at this meeting, and we talk about the comments and the actions and alternatives that you guys have approved. If you decide to move forward, the IPT would be prepared to bring you a draft document to your June meeting, and we could then have public hearings, and we would be looking at taking final action by September. What needs to be done at this meeting is we just need some guidance from the

committee on whether or not they would like staff to move forward with developing this amendment.

This is the purpose and need, as you guys approved at the last meeting, and the purpose is to modify the commercial trip limit for Atlantic king mackerel in the Atlantic Southern Zone. The need is to provide anglers with a trip limit sufficient to support fishing activity while constraining harvest to the ACL and providing for year-round access. Again, we did send this out to the IPT, via email, for them to review and get their comments, and the one note was that there would need to be, included in the document, some rationale as to why this purpose and need is not being met under Amendment 26.

I will go through the alternatives that you have approved for the one action in this amendment, which is modifying the commercial trip limit for Atlantic king mackerel. Currently, under Amendment 26, north of the Flagler/Volusia line, there is a year-round trip limit of 3,500 pounds. For south of the Flagler/Volusia line, in March, it's fifty fish. From April to September, it's seventy-five fish with a step-down to fifty fish once 75 percent of the Season 1 quota has been met. Then, for Season 2, south of the Flagler/Volusia line, it stays at fifty fish until February 1, in which case there is a step-up to seventy-five fish if 70 percent of the Season 2 quota has not been met. Here is, again, a visual representation for this, and you've got that line at Flagler/Volusia year-round.

Alternative 2 would adjust the commercial trip limits in Season 1. For March, north of the Flagler/Volusia line, it's 3,500 pounds. South of the Flagler/Volusia line, it's fifty fish. For April and September, that line would shift down to Volusia/Brevard and would give those guys in Volusia County access to that 3,500-pound trip limit. Then, for Season 2, it would bump back up to Flagler/Volusia. Again, for March, the Flagler/Volusia line. For the second half of Season 1, April to September, it moves down to the Volusia/Brevard line. Then, for Season 2, it moves back up to the Flagler/Volusia line.

Alternative 3 mirrors Alternative 2. The only difference is, for the month of March, south of the Flagler/Volusia line, they would have a seventy-five-fish trip limit instead of a fifty-fish trip limit. Again, here is a map. It's the Flagler/Volusia line for March with a seventy-five-fish trip limit south of that line, and then the line shifts to Volusia/Brevard with the 3,500-pound limit north of that. Then, for Season 2, it shifts back up to Flagler/Volusia.

Then, finally, the last alternative, Alternative 4, would shift that line down to Volusia/Brevard for the entirety of Season 1. Season 1 would be the Volusia/Brevard line and Season 2 shifts it back up to Flagler/Volusia. This is the purpose and need and the action alternatives that you guys have approved, and so staff is just looking for direction on whether you would like us to proceed with developing this amendment.

MR. HARTIG: One thing that I would add, before we go there, is that we did have a meeting with fishermen, and Erika Burgess came down, and I really appreciate Erika's -- She interacted a lot with the fishermen at that meeting and asked a lot of good questions and answered the FWC queries about whether or not this was something that the fishermen really wanted or not, and I think Erika -- There was forty fishermen who were there, and it was unanimous support for Alternative 3, and so thank you, Erika. Thanks for coming down there. I appreciate it. What's the intent of the committee? Do you want to proceed with developing this?

MS. MCCAWLEY: Mr. Chairman, I want to thank you for meeting with the fishermen and having that meeting, and, yes, I'm glad that Erika could attend the meeting as well. I would like to proceed with developing this amendment, and I think I am prepared today to make a motion for a preferred alternative.

As I said before, I do like the fact that, in looking at the timeline, we're talking about late 2018 implementation, and so we'll be able to get through one season, which we've been going back and forth on is it going to work or isn't it going to work. We had been talking about this before the season ever got here, and so I feel like the full timeline shows that this wouldn't be implemented until after we had already been through one season, and we will see that it is not going to work as we, I think, originally intended.

MR. HARTIG: Do you want to make a motion?

MS. MCCAWLEY: Sure. **I would move that we choose Alternative 3 as our preferred alternative.**

MR. HARTIG: Okay. Motion by Jessica and seconded by Charlie. Is there further discussion?

MS. WIEGAND: I would just note that you're welcome to pick a preferred alternative right now, but what we would be looking to do in June is to bring you back a full document with the analyses for all of these different alternatives for you to consider and then taking it out for public hearings after that.

MS. MCCAWLEY: I am fine picking the preferred alternative now, based on everything that we -- All the discussion that we've had at the multiple meetings about this and what I heard during public comment, and I feel comfortable that I think that's the one that we're going to end up settling on. That's the one that it appears that folks want.

MR. HARTIG: Okay. Within that, picking preferred alternatives, to me, it's logical that staff is going to go ahead and develop the amendment, and so thank you. All right. Is there any more discussion on that motion? **Is there any objection to that motion? Seeing none, that motion is approved.**

That, I believe, brings us to the end, unless you have anything else, Christina. The only thing I would add is that I sent the full council out the results of that meeting we had with the fishermen, and there is some discussion in there about what's going on in the Gulf and price impacts and economic impacts that will be recurring now that those major changes in the Gulf have happened, and so there was some discussion about trip limits and things of that nature that will come up at a later time, and so, to me, I said it would be logical to wait until after the assessment. Let the fishermen fish another year under these new economic conditions and then we'll have a better idea of how to address that fishery in the future, and so thank you. Any other business to come before the Mackerel Cobia Committee? Seeing none, we are adjourned. Thank you, all, very much.

(Whereupon, the meeting adjourned on March 8, 2018.)

Certified By: _____ Date: _____

Transcribed By:
Amanda Thomas
March 22, 2018

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
2017 COMMITTEES continued

INFORMATION & EDUCATION

Mark Brown, Chair
Charlie Phillips, Vice-Chair
Chester Brewer
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Staff contact: Cameron Rhodes

LAW ENFORCEMENT

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LCDR Jeremy Montes
Staff contact: Myra Brouwer

MACKEREL COBIA

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✓ Charlie Phillips
✓ Mid-Atlantic Liaison: Rob O'Reilly
Mid-Atlantic Liaison: Dewey Hemilright & ✓ Tony DiLernia
Staff contact: Christina Wiegand

PERSONNEL

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Staff contact: Gregg Waugh

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Wilson Laney, Chair
Jessica McCawley, Vice-Chair
Mel Bell
Zack Bowen
Michelle Duval
LCDR Jeremy Montes
Staff contact: Chip Collier

SSC SELECTION

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

SEDAR

Charlie Phillips, Chair
Mark Brown, Vice-Chair
Robert Beal
Mel Bell
Zack Bowen
Roy Crabtree
Michelle Duval
Ben Hartig
Staff contact: John Carmichael

SHRIMP

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

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
2017 COUNCIL MEMBERSHIP

COUNCIL CHAIR

Charlie Phillips
Phillips Seafood/Sapelo Sea Farms
1418 Sapelo Ave
N.E. Townsend, GA 31331
(912)832-4423
Ga_capt@yahoo.com

VICE-CHAIR

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

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

✓ 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)
haymanssaafc@gmail.com

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

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

LCDR Jeremy Montes
U.S. Coast Guard
909 SE 1st Ave.
Miami, FL 33131
305/415-6788(ph); 305/710-4569(c)
Jeremy.J.Montes@uscg.mil

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

LCDR Trish Bennett
Mica Smit-Brunello
Shep Grimes
Dr. Jack McGovern
Dr. Erik Williams
Leann Bosarge
Erika Burgess
Rick DeVictor

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
COUNCIL STAFF

Executive Director

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

Deputy Directory-Science & Statistics

✓ John Carmichael
John.carmichael@safmc.net

Deputy Director-Management

✓ Dr. Brian Cheuvront
Brian.cheuvront@safmc.net

Fishery Scientist

✓ Myra Brouwer
Myra.brouwer@safmc.net

Outreach Specialist

Kathleen Howington
Kathleen.howington@safmc.net

Admin. Secretary/ Travel Coordinator

Cindy Chaya
Cindy.chaya@safmc.net

Public Information Officer

✓ Kim Iverson
Kim.iverson@safmc.net

Purchasing & Grants

✓ Kimberly Cole
Kimberly.cole@safmc.net

Senior Fishery Biologist

✓ Roger Pugliese
Roger.pugliese@safmc.net

Fishery Scientist

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

Outreach Specialist

✓ Cameron Rhodes
Cameron.rhodes@safmc.net

Administrative Officer

✓ Mike Collins
Mike.collins@safmc.net

Financial Secretary

Suzanna Thomas
Suzanna.thomas@safmc.net

Outreach Specialist

Kelsey Dick
Kelsey.dick@safmc.net

Citizen Science Program Manager

✓ Amber Von Harten
Amber.vonharten@safmc.net

Fishery Biologist

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

Fishery Social Scientist

✓ Christina Wiegand
Christina.wiegand@safmc.net

Fishery Economist

✓ John Hadley
John.hadley@safmc.net

SEDAR Coordinators

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

March Council Mtg 2018 Day 4 3/8/18

Last Name	First Name	Email Address
Bailey	Adam	adam.bailey@noaa.gov
Batsavage	Chris	chris.batsavage@ncdenr.gov
Beaty	Julia	jbeaty@mafmc.org
Bennett	Patricia	patricia.m.bennett@uscg.mil
Bianchi	Alan	Alan.Bianchi@ncdenr.gov
Blow	Wes	wesamy2000@cox.net
Bubley	Wally	bubleyw@dnr.sc.gov
Byrd	Julia	julia.byrd@safmc.net
Clarke	Lora	lclarke@pewtrusts.org
Conklin	Chris	conklincc@gmail.com
Cox	Jack	dayboat1965@gmail.com
Cunningham	Leda	lcunningham@pewtrusts.org
DeVictor	Rick	rick.devictor@noaa.gov
Dick	Kelsey	kelsey.dick@safmc.net
Dukes	Amy	DukesA@dnr.sc.gov
Exley	Gary	river92@bellsouth.net
Fitzpatrick	Eric	Eric.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
Geer	P	pat.geer@dnr.ga.gov
Gerhart	Susan	susan.gerhart@noaa.gov
Godwin	Joelle	joelle.godwin@noaa.gov
Gorham	Bill	Getbowedup40@gmail.com
Hadley	John	john.hadley@samfc.net
Hart	Hannah	hannah.hart@myfwc.com
Hartig	Ben	mackattackben@att.net
Helies	Frank	frank.helies@noaa.gov
Howington	Kathleen	kathleen.howington@safmc.net
Iverson	Kim	kim.iverson@safmc.net
Jiorle	Ryan	ryan.jiorle@mrc.virginia.gov
Laks	Ira	captainira@att.net
Larkin	Michael	Michael.Larkin@noaa.gov
Lupton	Dee	dee.lupton@ncdenr.gov
Mehta	Nikhil	nikhil.mehta@noaa.gov
Merrifield	Jeanna	jeannam@wildoceanmarket.com
Neer	Julie	julie.neer@safmc.net
PUGLIESE	ROGER	ROGER.PUGLIESE@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
Revere	Justin	hatterasfishingadventure@gmail.com
Rhodes	Ray	rhodesr@cofc.edu
Schnettler	Erin	erin.schnettler@noaa.gov
Sedberry	George	george.sedberry@gmail.com
Seward	McLean	mclean.seward@ncdenr.gov
Shipley	Krista	krista.shipley@myfwc.com
Simmons	Carrie	carrie.simmons@gulfcouncil.org
Smart	Tracey	smartt@dnr.sc.gov
Stephen	Jessica	jessica.stephen@noaa.gov
Takade-Heumacher	Helen	htakade@edf.org
Travis	Michael	mike.travis@noaa.gov
bowen	zack	fishzack@comcast.net
brennan	ken	kenneth.brennan@noaa.gov
brewer	chester	wcb safmc@gmail.com
brouwer	myra	myra.brouwer@safmc.net
cimino	joe	joe.cimino@mrc.virginia.gov
colby	barrett	bcolby3@cfl.rr.com
knowlton	kathy	kathy.knowlton@dnr.ga.gov
o reilly	Robert	rob.oreilly@mrc.virginia.gov
poland	steve	stephen.j.poland@gmail.com
rindone	ryan	ryan.rindone@gulfcouncil.org
sandorf	scott	scott.sandorf@noaa.gov
thomas	suz	suzanna.thomas@safmc.net
vara	mary	mary.vara@noaa.gov
Chaya	Cindy	candrchaya@hotmail.com
FARMER	NICHOLAS	nick.farmer@noaa.gov
Hudson	Rusty	DSF2009@aol.com
Meinhold	Timothy	timmeinhold4020@gmail.com
Parrish	Joshua	jeparrish@liberty.edu
Reynolds	Reggie	reggiereynolds@protonmail.com
conklin	chris	conklinsafmc@gmail.com
dilernia	tony	tony@rocketcharters.com

March Council Mtg 2018 - Day 4 - 3/8/18

Name	Last	How do you participate in fisheries in the South Atlantic? (Check all that apply)					If Other, please provide more information:
Robert	Crimian					NGO	
Robert	Lorenz	Private Recreational Angler					
Robert	Lorenz	Private Recreational Angler					
Dean	Foster					NGO	
Leda	Cunningham					NGO	
Susan	Shipman						
Lora	Clarke					NGO	
Amy	Dukes						SCDNR
Bill	Weeks		Charter/H eadboat/F or-Hire				member Cobia sub committee advisory board