

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **MACKEREL COBIA COMMITTEE**

**DoubleTree by Hilton Atlantic Beach Oceanfront  
Atlantic Beach, NC**

**December 8, 2016**

### **SUMMARY MINUTES**

#### **Committee Members:**

Ben Hartig, Chair  
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Anna Beckwith  
Tony DiLernia  
Zack Bowen  
Mark Brown  
Dr. Roy Crabtree

Doug Haymans  
Jessica McCawley  
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#### **Observers/Participants:**

Erica Burgess  
Dr. Bonnie Ponwith  
Monica Smit-Brunello  
Dr. Jack McGovern  
Dale Diaz  
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Tracy Dunn  
Patricia Bennett  
Dr. Jessica Stephen  
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Dr. Lewis Daniel

Addition Observers/Participants attached.

The Mackerel Cobia Committee of the South Atlantic Fishery Management Council convened at the DoubleTree by Hilton Atlantic Beach Oceanfront, Atlantic Beach, North Carolina, Thursday morning, December 8, 2016, and was called to order by Chairman Ben Hartig.

MR. HARTIG: I will bring the Mackerel Committee to order. Members of the committee are myself, Michelle, Anna, Mel, Zack, Mark, Roy, Doug, Jessica, Bob Beal, Rob O'Reilly, Tony DeLernia, and Dewey Hemilright. The first item on the agenda is Approval of the Agenda. Are there any changes to the agenda? Seeing none, the agenda is approved. Are there any changes or corrections or deletions to the minutes? Seeing none, the minutes are approved. That brings us to status reports and the status of commercial catches versus quotas for species under ACLs. That will be Rick. Thank you, Rick.

MR. DEVICTOR: Thank you, Mr. Chair. I will go through the landings of king mackerel, Spanish mackerel, and cobia. King mackerel, these are landings as of December 4, and this is in your briefing material. We are at 27 percent, and, again, that's with a March start date, and so 27 percent of the quota has been reached, about one-million pounds.

Moving on to Spanish mackerel, that's 33.7 percent of the quota has been reached, and that's at 1.1 million pounds. Finally, cobia, and this is actually through December 5, and, as you saw, we closed cobia on December 6, as we projected the ACL would be reached. Currently, we're at 93.4 percent. Of course, we expect some landings to come in after the season closes to ACCSP, in terms of non-federally-reported dealers.

MR. HARTIG: All right. Are there any questions for Rick about the commercial cobia landings or commercial mackerel?

MR. O'REILLY: Good morning, everyone. It's nice to be in sunny North Carolina today, but I heard that wasn't always the case this week, and so the fortunate part of our commission in Virginia is it has a very odd meeting time. Usually it's one meeting for November and December, but this year, because of some events previously, the meeting will be December 13, and we are set to provide our commission with a closure of the commercial fishery in Virginia, starting on December 14, by emergency regulation, which means that we'll come back in January to make that a permanent part of the regulation. That's as soon as we could possibly do it, given our commission process. Thank you.

MR. HARTIG: Thank you, Rob. All right. Without any other questions, we will move on to the recreational landings update. Jessica will be giving that.

DR. STEPHEN: This is similar to the other presentations. We have the landings summarized for recreational data, using MRIP or MRFSS, calibrated from MRIP, depending on how the ACL was calculated, and they're updated through Wave 4 of 2016, and, of course, all landings are preliminary, and they contain both the MRFSS, MRIP, and headboat landings.

Looking at the 2014 and 2015 recreational landings, we have cobia broken out into the New York to Georgia grouping, as well as the east Florida. The New York to Georgia was over by 247 percent in 2014/2015. Then we have king mackerel and Spanish mackerel, which were under their ACL. For the 2015 and 2016, we have the cobia from the New York to Georgia area, which was

at 215 percent, and we closed that on June 20, 2016. Cobia in East Florida, king mackerel, and Spanish mackerel were under their ACL.

This is, again, just a graph to give you a look at the landings through time for king mackerel, broken up by different modes. Here is a graph visualizing that, and you can see, again, we were considerably below the ACL for king mackerel throughout 2012 and 2013 and onward. There are similar landings for Spanish mackerel, and here's a graph depicting the landings.

Cobia, these are the Atlantic cobia, again, which is the New York through Georgia cobia landings and a graph of that, and you can see that we were considerably over the ACL for both 2015 and 2016. Just to give you a little bit more information, what we did is we took the landings in 2015 and we broke them down by wave and by state, and you can see the majority of the landings occur in Waves 3 and 4. We did similar work for the landings in 2016, and, again, a considerable amount of the landings are occurring in Waves 3 and 4 of that time period. At this point, I will take any questions.

DR. DUVAL: Similar to I think some of my question and concern that I had yesterday with the blueline tilefish recreational landings, I am just having a really hard time wrapping my head around the landings from Virginia, just given the regulations that they had in place. I mean, those were more restrictive, and recognizing that North Carolina and Virginia did not complement the federal closure in state waters, but I feel like Virginia's regulations were more strict than North Carolina's. They closed them earlier than we did. With the two-fish vessel limit, I'm just having a real hard time comprehending that that would be the harvest, given the regulations that were put in place, and I'm sure Rob has more to say about that, but I am just having a difficult time with that, despite the PSE.

MR. O'REILLY: If this is a good time, I can put a little context on what we know about the Virginia situation. One of the staff, Ryan Jiorle, at VMRC has worked up some information which is really helpful, and I think I will try and make it pretty quick, but, to back up what Michelle was indicating, we went from a thirty-three-inch size limit up to thirty-seven inches, essentially a four-inch increase, if you put it in the spirit of fork length, or close to it. We have always had, since 2002, a one-fish personal limit, and that stayed the same.

There was a two-fish boat limit, regardless of whether it was private, charter, or for-hire. That certainly seemed very restrictive at the time, and the season was not as restrictive. It closed August 30, and so probably that, when we look at the information, the preliminary information, from MRIP, that does tell us something. I think, if you do some comparisons, you see that the preliminary 2016 harvest, in numbers of cobia, numbers of fish, is about 6,000 more than in 2015. There was a lot of talk about the precision last year. At least these precision estimates are very tight, at about 19 percent.

Keep in mind this was the first year that Virginia was in charge of the assignments or the intercepts, and so that was the first-time occurrence for Virginia, rather than having a contractor of National Marine Fisheries Service. The weight of cobia in 2016 was slightly different, because there was a high average weight, and I know that Dr. Larkin has a different method, a different pool of fish, to do the final average weights, and so take these as very preliminary, but the average weight dropped from about forty-one down to thirty-three pounds.

If we look at the length information, it's very similar to 2015. You do realize that 2015 was an overage of the ACL, but, at the same time, the statistics are very similar. If we look at directed trip estimates, and the way that Ryan has categorized directed trips is according to the MRIP basis, and so primary directed trips are those that the angler identified as a selected species as their primary target or encountered those fish. When you look at the Type A and the Type B1 trips, it's very similar to 2015 and the preliminary 2016 estimates, just about 21,000.

That's the ones that had the cobia, either targeted or part of the A plus B1. The overall directed trips, counting those that did not have a success, was 113,000, compared to 92,000 in 2015. I think the telling information, perhaps, that will need to be worked on a little bit more is that Wave 3 and 4 had about an even spread of the number of trips, of the primary directed trips, right around 56,000 or 57,000, but, when you look at the success, the A plus B1 portion, 6,300 trips for cobia were successful in Wave 3. In Wave 4, it was a little more than double that, 13,989.

I understand what Michelle is saying. We have been wondering the same in Virginia, because, I think last time that we met or a couple of times before that, I indicated these would have been just fantastic measures if they had been in place in advance of 2015, but, nonetheless, considering that our commission had to really spend a lot of time thinking about this, they did think this was a conservative approach, and I did as well. It was not the June 20 closure, and we understand that, but it was, at the same time, much more conservation than before, and so it's a question of do you think, with the North Carolina situation, and I haven't looked at it for a while, but it was about 275,000 pounds last time I looked, a little while back, that fish moved differently? Did they move earlier? Did they move later? I think we can kind of explore those questions. This is nominal preliminary data that can certainly be refined as we go forward.

I guess the last thing to say is that I know that it's going to be some interest of what happens this year, and so what do we do this year, for 2017, and I do have preliminary information on that. It is a situation where we have a commission, and I think everyone realizes that. There are nine members appointed by the Governor.

The chair of the commission is our agency head, Mr. John Bull, and we have had conversations already. What I was reminded of by Commissioner Bull was that, last year, some of the commission members wanted to end the season at the end of July, and so that's on the record. There was actually a commission member who said, when it was posed to go to August 30, that member said, well, let's go to the end of July. Then, eventually, the wording from him was, well, let's maybe go to August 15, partway, and then it didn't end up that way. It went to August 30.

The one statistic that I am concerned with is the statistic about Wave 4. That seems to be where, with about the same amount of trips, you've got double the harvest, and so that's something to think about. There are considerations from the commission member, and I'm not going to provide any names, and so I think that I will be innocent about that, but the commission member that really promoted the measures through the commission last May, or this past May, is thinking that perhaps there could be a later closure, a later closure than July 31, if we start the season later, and so the concern there, at this point, is, once school is out, it affords time for the charter fleet to have a season.

The commissioner's thought is maybe we have a later opening and an earlier closure. Those are viable candidates. The last candidate, that I am aware of at this time, because it is early, is that the

proponent of last year's measures, who is a commission member, indicated that a one-fish boat limit, and so there would not be a two-fish boat limit and there would be a one-fish boat limit, is also a possibility.

I think, as many of you face the same challenges, recreational fishermen do not closed seasons, overall. There is going to have to be some type of a closed season, but the willingness to lower the bag, even for a boat trip, is always something that tells me that they're interested in the season, and, through the years and various species, we always hear that, that they would just about sacrifice a bag limit, a size limit, but allow there to be a fishery, and so that's the information that I have right now. It was all generated within the last few days, by checking around.

It does not mean that the other seven commission members are in the same mold, but I can tell you that it's often hard to say what a body together is going to end up doing, but, last year, it was a pretty close call as to whether the commission would actually close June 20 or go to the measures they did. It wasn't, by any means, an easy decision, and so thank you for the time, and I would be happy to come back at a later date and fill in any other information.

DR. CRABTREE: Thanks for that update, Rob. I guess my question is, because we're trying to look at what are we going to do in federal waters with the season next year, is when do you think that your commission will make a decision as to where they're going to go with this?

MR. O'REILLY: The final data is usually April, right around April 15, and so I think it could be as early as April would be the decision, and that's the fourth Tuesday in April, whatever that date happens to be. If that's something that is a stumbling block, to be in April, certainly we know that there is an overage already. 919,000 pounds, no matter how many, because there were a few last year, when the National Marine Fisheries Service adjusted the data for small sample sizes, but, even with that, it's hard to think that that estimate is going to change widely, and so, if it comes down to that, then I could ask the commissioner if it's even possible in March, but I think the safe thing to say right now is probably April.

DR. CRABTREE: Okay. I guess, if I could, Ben, I would ask Michelle if she could give us any kind of insight into what North Carolina may do and when they may decide.

DR. DUVAL: Thanks, Roy. This was not an agenda item on our last commission meeting, which just occurred the week before Thanksgiving, and I don't have any control over that agenda, but our commission next meets in February. They meet quarterly, and so the third week of February is when they would be meeting. I anticipate getting together with our recreational statistics staff and perhaps sharing some of the information that Rob has put together, to present something to our commissioners at their meeting in February, so that they can consider something.

I mean, at this point, simply because we're facing an administration change in North Carolina as well, it's going to be difficult to predict if they're going to want to take action at their February meeting. I intend to provide them information that would hopefully allow them to make a decision sooner rather than later. I mean, we have heard from our stakeholders that they would, at an absolute minimum, prefer a season of May 1 through end of August, if at all possible, just because of the different modes of the fishery. We have the sight-casting fishery, we have the bait fishery, and we have the pier fishery, and the pier fishery tends to start later.

I think that's all that I can say right now, and I apologize that I can't be more specific. I think, if the commission doesn't make any decisions about what they would want to see in February, then obviously May would be the next opportunity. I would certainly advise something before then, just because I know it would help you all in making your decisions as well.

DR. CRABTREE: Yes, because we may have to put out some sort of decision relatively soon, but certainly, depending on what decisions you guys ultimately make, we could go back and review that and revisit that, and so I appreciate it.

DR. DUVAL: I definitely intend to ask our commission liaison to request that this be an agenda item for our February commission meeting.

MR. O'REILLY: I will circle back on that, remembering that it was either March the 10<sup>th</sup> or March the 7<sup>th</sup> when the notice came out about the June 20 closure for 2016, and so, again, I think there would be a pretty good reason to make the decision in March, but I would have to ensure that the commissioner can bring that to the commission, but there is very good reasons to do that, for the reasons I stated about what the estimates are right now preliminarily, and so thank you.

DR. CRABTREE: Certainly, from our perspective, we would appreciate a decision as quickly as you can get to it. That would help us.

MR. BREWER: I am a little perplexed, because I'm looking at Wave 4 here, and you're showing landings in Virginia of 723,000 pounds, and Maryland is only showing 1,000 pounds. I understand that a lot of this fishery is prosecuted in the Chesapeake, and how can it be that Maryland's landings would be so much lower than Virginia, when they're just opposite sides of the same body of water? I don't understand it.

MR. O'REILLY: There's not a great reason, but there are differences, as you go up there into Maryland, with salinity and temperature and everything else, and cobia is not the only species where there is some pretty wide departures within the bay. Summer flounder, for example, has always been different in Virginia and Maryland.

I think the other component is that it's only recently that anyone else above Virginia has shown any landings. I looked back at the historical MRFSS data, and I think, in 1986, New Jersey was listed for about 150,000 pounds and then nothing above Virginia until recently, with the Maryland estimate. That is one factor, and I think another factor is it's just a matter of the movement of the fish and the timing of it and also maybe the avidity for cobia, but I think the consensus is that, since Maryland is gearing up to have this as a regulated species, that they are expecting to have more cobia in the future.

DR. LANEY: I'm not on the committee, but, Rob, did I understand you correctly that the size limit was increased, but the average weight went down?

MR. O'REILLY: Yes, that is correct. The average weight did drop, but, again, Dr. Larkin has a different set of data than MRIP has, and so this is strictly what comes from MRIP data, and so we'll have to wait and see what he comes up with, as far as the average weight, but, yes, there was a drop, and it was I think forty-some pounds, forty-one pounds, down to thirty-three in just a little bit.

MR. HARTIG: Okay. I would like to -- I mean, just watching and not being involved in all of this like you guys are, my gosh, for the last two years, and the working relationship that has developed is amazing between SERO and the different states and the ability to work towards a solution for this, and that's really cool to see. Any more questions? Zack.

MR. BOWEN: Thank you, Mr. Chairman. Chester, I too am a little perplexed. Wave 4, the reason that -- This is an assumption on my part, but the reason that Georgia and South Carolina are not listed there is because of the June 20 closure, which was Wave 3, correct? These landings that are shown with North Carolina and Virginia and Maryland came all out of state waters and none of those were federal waters?

DR. STEPHEN: I do know that all the Virginia were state waters. I have to check about the North Carolina.

MR. BOWEN: I will just repeat that I'm a little perplexed that those three states, in a two-month period, caught the entire ACL. That just seems extremely high.

MR. HARTIG: All right. Seeing no more hands, Jessica, thank you so much. Go ahead, Wilson.

DR. LANEY: Just that perplexity is widespread, and I will just note, again, something I've said on the record in the past, is, when we see these numbers, I wish we could also see the confidence limits. I know Rob said the precision was pretty tight on these, but that's just a point estimate, and there is a plus or minus associated with that.

DR. DUVAL: The PSEs are in the chart.

DR. LANEY: The PSEs are in the chart? Okay. Thank you.

MR. HARTIG: All right. Now, can we let Jessica go? We've got a question from Dewey.

MR. HEMILRIGHT: Thank you, Mr. Chairman. Can you go back to the previous slide, where it had the landing amounts? When you look at the landings, and you look down at the bottom, is that just a typo? When you add all of them together, it doesn't come to -- Where it's 610,000 pounds? I was wondering if that's just a miscue or something like that or was it something different?

DR. STEPHEN: It was probably a miscue, because we had probably calculated for Wave 3 before and hadn't updated it for Wave 4, and so I would say that's a typo.

MR. HEMILRIGHT: All right. Thanks.

MR. HARTIG: I am going to let you go, Jessica. Thanks. Rick, are you going to come back and give us some status reports of amendments in your shop or elsewhere?

MR. DEVICTOR: Thank you, Mr. Chair. Yes, we are currently processing three proposed packages in the Region for CMP amendments. The first one is CMP Amendment 26. This modified the stock boundary to be consistent with the stock boundary used in SEDAR 38. This

updated the Gulf and Atlantic king mackerel ACLs, based on the results of SEDAR 38. Right now, we are working on that proposed rule.

Then, moving on to CMP Regulatory Amendment 4, as you know, it establishes a recreational bag limit of one fish per person per day and six per vessel per day. It increases the recreational size limit and establishes a commercial trip limit and changes the AM, and so the council approved this to send to NMFS at the September meeting, and we are working on that proposed rule also.

Finally, we are working on CMP Regulatory Amendment 5. This removes the restriction where a vessel with the commercial king or Spanish mackerel permit may not possess a bag limit if the commercial season for a zone is closed. You approved this also in September, and we are working on that proposed rule. That concludes my report.

MR. HARTIG: Any questions for Rick? There was concern from our king mackerel fishermen about 26, about the timing of that, and that is still in your shop?

MR. DEVICTOR: Yes.

MR. HARTIG: Okay. All right. Moving right along, we are going to the Gulf Council Mackerel Committee Report, and I will turn that over to Kari.

DR. MACLAUHLIN: Okay. Just, really quickly, they met in October of this year. They reviewed Amendment 30, which was the Atlantic cobia recreational fishing year, and they selected the preferred alternative that the South Atlantic had selected and gave approval for formal review. Framework 5, they also approved for formal review, and that was submitted just last Friday to NMFS.

Then, Amendment 29, that's the Gulf king mackerel allocation quota sharing system, the Gulf Council selected preferred alternatives and approved that for their public hearings, and we'll be talking about that. Then they also received a Gulf king mackerel projections update, but their SSC did not recommend changing that Gulf king mackerel ABC at this time.

MR. HARTIG: All right. Any questions from Kari about the Gulf Council Mackerel Committee Report? Seeing none, the next item of business is Coastal Migratory Pelagic Amendment 30, the cobia fishing year, and there is some moving parts to this, and Kari did send out a couple of emails about that, and so we'll have some explanation about that now.

DR. MACLAUHLIN: You have a decision document for Amendment 30 that we can go through, and that's Attachment 4d. I do want to go through the public comments that we have received on this. We had a webinar public hearing and then we also had a public comment period, with some comments that came in on the online comment form.

However, this is the Atlantic cobia recreational fishing year, and you selected a preferred alternative to change that recreational fishing year to May 1, to start on May 1, and SERO brought up that what this would do is have a different fishing year for commercial and recreational, and you have a condition for the post-season accountability measures in which the total ACL has to be exceeded. The question comes up of how would you calculate that, if the commercial fishing year is January through December and the recreational starts May 1 through April?



We really couldn't come up with any way that this would work, and so what we would like to ask the committee is there are a couple of options for this. You could consider adding an action to change the commercial fishing year and then select preferreds for those. What would happen is that we would have to do analysis, additional analysis, on that.

We would have to do a public comment period. We could do a webinar hearing, maybe in February, and bring it back to you in March. You could review the public input, and you could decide to approve that formal review. Then we will send it back to the Gulf Council and have them also approve both of the actions and approve it for formal review. They approved it, but they only approved the recreational fishing year, and so we would have to go through that.

Then you could also come up with other ones. Maybe you could set the recreational fishing year to start January 1, to stay the same, but set some kind of closed season so that harvest wouldn't start until May 1, for example, but then the fishing year would still cut off on December 31. You could amend your accountability measures and remove that condition, to where it wouldn't be triggered unless the total ACL was exceeded, or you could wait and discuss this later and just bring the amendment back up and give some direction to staff.

I will let the committee discuss it. We can go ahead and go through some public comment about the recreational fishing year. There wasn't a lot of public comment. Then we can go through at least this decision document, and then you can make a decision about how you want to proceed. Does that sound good?

MR. HARTIG: Yes.

DR. MACLAUHLIN: Okay. You have, in your briefing book, Attachment 4b, which is the public comment summary. We didn't have a lot of people comment on this action. We had one individual for no action and then another supported Alternative 3. This is from August of 2016, when we took it out the first time, but we did have people more talk about when it would be important for them to have access to recreational cobia, and we had several people say it's very important that it's open for the month of May, May 1, that we're able to get out there. Then some people talked about May through September, May through the end of August, just so you guys at least have an idea of when it's important for it to be open, whatever else is going on.

Then we had a webinar hearing and public comment. We had a commenter that recommended a season, May 1 through September 15, and one commenter recommended a closure in June and July for all state and federal waters. There were a couple of commenters that supported the May 1 opening, the preferred, and then one that felt that the effects analysis indicated that Alternative 3 would be a better choice, because, in the analysis, the June 1 opening would make it stay open longer, under the different scenarios. Then one commenter supported June 1, because he felt that was the best alternative for Virginia fishermen, but acknowledged that that may not be good for fishermen in other states.

Then we had some other comments come up, and I always just want to bring these up to your attention, concern about the stock boundary and the data, use for the stock boundary in SEDAR 28, concern about the data for the ACLs, the MRIP data, some concerns about that management is unfair to Virginia and North Carolina, a recommendation that the council request emergency action

to move the stock boundary back, and then some opposition and support for an ASMFC cobia management plan. There were some recommendations to let the states manage the fishery and support for the council establishing state-by-state quotas and a recommendation to address the harvest of larger fish, such as to track Virginia's rule of only one fish over fifty inches per boat. I am going to move right into the decision document, Attachment 4d.

MR. HARTIG: Hold on. Zack had a question. Not right now?

MR. BOWEN: I can wait. Thank you.

MR. HARTIG: All right.

DR. MACLAUHLIN: We have some information in there, if we need to refer back to this, to Table 1, of the recreational landings. That includes the 2016 preliminary landings, and then we also have some graphics in here that show the landings by state and then by wave across the X-axis, so that you can see at what times of year usually the landings are highest for each state.

You have a draft purpose and need that I would need for you to approve, and this may come later, when you discuss if you want to add an action, because, if you do, then we're going to have to add commercial in here, so it would cover recreational and commercial. I am going to come back to that after we talk about this a little bit.

You have the one action in here to modify the recreational fishing year, with the Preferred Alternative 2 of the recreational fishing year to be May 1 through April 30. Then we have a couple of tables in here. These are similar to the tables that you saw for Framework Amendment 4, where we used two different datasets, and we have different reasons why we used those, and we also used your preferred alternatives from Framework Amendment 4, and so one per person and a thirty-six-inch fork length minimum size, and then the six per vessel and thirty-six inches fork length minimum size.

You have two sets of dates, because, really, the analysis can only really give a range of dates of when the recreational landings would reach the recreational ACL, and so it would really depend on how many people were on the vessel, and that's not something that the analysis necessarily could be very precise about, and so we give you a range. This also uses the landings data from 2013 through 2015, and so kind of a period of higher landings, and then it assumes that the regulations are the same in state waters as they are here, and so we had to make a couple of assumptions.

In the next table, we use the dataset of 2005 through 2014, and this was to show kind of a lower level of landings than we've had in the past few years. Because the landings are so dynamic and go up and down, we wanted to be able to give you an idea of how this would work during a period of just the lower level of landings, and so it used the average landings of 2005 through 2014 and also assumed that all the state waters have the same regulations.

These are not exact, because there is a lot at play here. The states have different regulations. Things can change. We may have a post-season AM kick in that shortens the seasons for the EEZ, but what it's meant to be is just to kind of show you, when you compare these, how we think that they would play in comparison to themselves, and so, if the landings are lower, like they were in

2005 through 2014, then you're definitely going to at least get through that summer period, May through September or October, but, if you go back to Table 2, where we use the period of high landings, which is what we are in right now, even under May, we would expect the landings to reach that ACL in July. One of our commenters brought this up, that, if it starts in June, we would say maybe the landings would reach the ACL in May, and I think that's really because you're going to miss out on that chunk of May landings that we would expect.

MR. BOWEN: I would have mentioned this earlier if I would have known about the modification of the purpose and need of this amendment, but I am prepared to make a motion, if it's okay at this time.

MR. HARTIG: Go ahead.

MR. BOWEN: Thank you, sir. **I would like to make a motion to add an action to change the commercial fishing season start date with an array of alternatives, but my preferred alternative would be also May 1, so it would coincide with the recreational fishing year, so the accountability measures would be across the board for both sectors.**

DR. MACLAUHLIN: Would you want the same alternatives that we have for the recreational fishing year?

MR. BOWEN: **Yes, ma'am.**

MR. HARTIG: Do we have a second to that motion? It's seconded by Michelle. Is there further discussion?

DR. DUVAL: I am willing to let this go out to public -- I mean, I would want to definitely get public comment on this. Kari has outlined that we could have webinar public comment. I am concerned, because we did have some conversation last time about why the commercial fishery would want the start date to remain January 1 instead of May 1, and so, before going down that road, I would want to definitely get some input on that.

Out of the options that Kari outlined, I am concerned about modifying the accountability measures. I feel like we worked so hard on those, and it was a lot of conversation and communication with stakeholders about how to try to craft something that would not simply automatically default to a shortened season, and I realize that the change would be removing the total ACL component of that, but I'm just sort of loath to open that back up right now.

I guess the other concern that I have also is the ASMFC, as we're going to hear, is moving forward with a public information document to develop a complementary plan for cobia, and so how would this impact or play into that plan, and I know we have other complementary plans, and, Bob, maybe you can speak to that, where there is a start date to the federal fishing year, but the states are establishing regulations, through the ASMFC plan, and I just didn't know if you might be able to say a few words on how those things work or don't.

MR. BEAL: Thank you, Michelle. We do have a variety of plans that complement or have joint management with other councils, and I guess the -- Based on those plans, we do vary start dates. We can't go any earlier than the council, obviously, but sometimes, for Atlantic herring and some

other species, the fishery will stay closed for a little while. Even though the federal fishery is allowed to open, the states won't allow landings for a certain amount of time. Then, a month or two later, the fishery will open at the state level, and that will delay the start of the fishery, essentially, everywhere. It works.

It's a little more cumbersome than only one entity handling the management, but sometimes that's what it takes to get a reasonable outcome that works for the fishermen. In the herring example, it's a bait demand for the lobster fishery and some other things, and so it just depends on -- All the fisheries are a little bit different, but, summer flounder, scup, and black sea bass, we try to stay consistent with our start times with the Mid-Atlantic Council, but that one is pretty complicated, and I don't think we want to go down that road, but, yes, there are examples that the states delay opening to spread out quota through the year.

MR. HARTIG: Okay. Go ahead, Anna.

MS. BECKWITH: I was going to echo much of what Michelle already said. I was also a little bit concerned about messing with the accountability measures, and I was trying to remember why we had not moved the commercial start date of the season. We had that discussion, and if someone can remind me what some of the reasons were, why we didn't keep them together, but I can't remember.

DR. DUVAL: I think there are some folks who are longlining for sharks that will interact with cobia in the early part of the year, and so we just wanted to make sure that that incidental catch was able to be brought in and not wasted, but I would defer to Dewey, since he participates in that fishery.

MR. HEMILRIGHT: Thank you. I don't really see a reason for needing to change it. This is going out to public comment, and I think you will get some comment back from that.

DR. DUVAL: Yes, but the reason that Zack has made this motion to change the start date of the commercial fishing year is because of the accountability measures that we've developed that require -- Before those accountability measures would be triggered, your total ACL would need to be exceeded, and so your total commercial plus recreational ACL. If you have your recreational fishing year starting May 1 and running through April 30 and your commercial year starting on January 1, then trying to add those two things together to get to a total ACL gets a little bit tricky, in terms of the timing.

MR. HEMILRIGHT: For another thing, I see that, if you open the same day, there is a good chance that you'll have more recreational for-hire fish caught that would be sold into the commercial entity that would help get the commercial quota to be caught quicker, and so I would be in favor of leaving the start of the season just as it is, because I think you have fishermen that are fishing January through May, commercial fishermen, that interact with cobia and would like to take advantage of selling them fish, instead of having the start date the same as the recreational and the for-hire, because there is fish that are sold in the commercial entity that's caught for-hire and recreational. We see that all the time, I do.

DR. DUVAL: What about those -- I mean, in North Carolina, we've had a good chunk of commercial landings occurring in the fall. We tend to have a pulse that comes through like in

October and November, and it's been pretty big. December was quite huge last year, because North Carolina caught almost the entire commercial ACL, and so, when I think about it like that and I think about modifying the start date of the commercial fishing year to May 1, you may capture those like end-of-year or beginning-of-next-year incidental harvests, and so that's just something to think about, and those kinds of concerns are exactly why I would want this to go out to the public before making any decision like this.

MS. BECKWITH: Dewey, I actually think a little bit differently. If you have them both opening up on May 1, then the charter guys that are dually-permitted won't have a reason to go out and target cobia when the recreational is not open, because, if the commercial is open in April and we get a flux of fish in, then the charter guys that are dually-permitted are going to go on a commercial trip, but, if you open the commercial and the recreational at same time, then it's less of an incentive to go on a commercial trip.

MR. DELERNIA: I have to agree with Anna. We see that problem with summer flounder up in New York, where we have for-hire vessels that have both commercial and recreational permits, and they very often -- When the fish arrive, we delay the opening of the recreational season to try to stay within the ACL, yet the commercial rod-and-reel, hook-and-line, they're out to fish for six or seven weeks before the recreational guys get a shot at them.

MR. HARTIG: Some of this stuff will be solved during the comments, if we pass this motion. I want to circle back to Rob, and then I have Chris and then Roy.

MR. O'REILLY: Thank you. I guess I will speak to the recreational aspect first, and I guess, if the season in 2016 hadn't unfolded the way it seems to have unfolded -- Several months ago, this seemed, perhaps, a way that there could be some balance, even though I distinctly remember that Doug was more concerned to have an April 1 opening. Then we talked about splitting MRIP and everything else.

I think, at this time, it is important to probably wait, at least, because I'm not sure of the impact of just changing the season dates. At VMRC, we weren't sure, even several months ago, what would be the overall benefit on the recreational side. I think that this could be something that, once we know how Dr. Daniel's work with the ASMFC and Bob Beal's work for pushing through the complementary plan that will be in effect, we hope, by 2018, that it would be a time to have this as a measure that might be more of an equity issue.

Right now, I just can't see that it is and so I'm not against -- If there's extra work to do, we all like to do extra work, but the payoff here just does not seem very substantial, not even substantial, but I had another question for something that Kari showed that I will just ask about, when I get a chance, related to the tables she showed, and so, if you could come back to me, that would be great.

MR. HARTIG: Go ahead and ask it now, while you have the mic.

MR. O'REILLY: Okay. The last time I was here, or the last time at the South Atlantic Fishery Management Council, I was told that there were a new set of tables, and, of course, those are the 2005 to 2014 tables. I sat through the meeting, and, at the end of the meeting, I went to Kari and

I said, well, is the council going to make a decision on which set of tables to use, and so she said that, no, that SERO makes that determination.

We're still showing those tables of 2013 to 2015 and 2005 to 2014 data. They are very different, in terms of management aspects, and so I guess at what point do we know that the 2005 to 2014 data will or will not be part of what is going forward, because, again, they really provide much different endings. Thinking away from the season change, we all sat here and configured a six-fish vessel limit around a season that was going to end sometime in October, and so I don't know whether I am sort of pushing on something here or not, but certainly this is the second meeting that I've seen that, and so that's why I ask.

DR. MACLAUHLIN: With the tables, as far as the time period that will be used to calculate what SERO determines to do for 2017, that is their decision. We have both sets of them in the document. That is just for the council to consider the different alternatives and be able to compare what the alternatives would look like, and that's our decision to put both of them in there.

What we wanted to do was the 2013 through 2015 is like a scenario where landings are high and then 2005 through 2014 is a period where maybe it's a little lower. Maybe that's the normal, and, since we don't know if this is the new normal or if it will go back, it's so everybody could see. When landings are really, really high, the fishing year and the size limit and harvest limits may not make a difference in slowing down harvest, when they're really high, but if goes back to a more normal place -- I just wanted to make that clear, that they're still in here because I still think they're important for the council and the public to be able to see those.

MR. O'REILLY: I think that's good, what you said, Kari, but now we're sitting in a situation where we pretty much know that the current 2016 events have really, I hope, provided everyone with the idea that there would be no shock if SERO doesn't say let's go ahead and use the 2005 and the 2014. However, what Michelle said earlier, I agree with.

There certainly have been some surprises, based on management measures that were taken, both in North Carolina and Virginia, that really make one wonder is this a high fishery or is this sort of a situation that just is endemic to 2015 and 2016 and, as we go forward with the same management measures, or even a tightening of those management measures, which I mentioned that VMRC, or at least the leadership and some of the commission members, support, does that play into the ultimate decision as to how to go forward with these two different sets of tables? I am really not trying to push too hard on that, but I can't say that I haven't been really curious about that for several months.

MR. HARTIG: Roy, this harkens back to that amberjack situation in the Gulf, where you had a much more strict size limit on the recreational fishery, and then it closed quite a bit earlier, if I remember, but anyway.

DR. CRABTREE: Yes, it did. For the purposes of our projecting season lengths and determining closures and all, we're using the most recent few years' worth of data. I think this table with the longer time period is more for illustrative purposes, but, in terms of us projecting season lengths, it's in the accountability measure that we'll use based on a moving multiyear average of landings, as described in the FMP, and I think it's the last few years that we're using to get to that.

Now, if I could, to Zack's motion, I agree, if we're going to change the fishing year, that we need to do it for both sectors, so that we don't foul up our accountability mechanisms, but, looking at Table 2, it seems to have almost no effect on the season, because there aren't really many fish caught before May 1 anyway, and so it does seem to me that, if we wanted to hold off on this and let the ASMFC process develop more, we're not really losing anything, because I don't think this is going to change much of anything. If you want to do this, I think, yes, you need to do it for the recreational and the commercial. I am not completely convinced that we need to do this at all though at this point.

MR. HARTIG: All right. You're getting into broader discussions from the motion, and so let's go back to Zack's motion. Is there any more discussion on this motion? **The motion is add an action to change the commercial fishing year start date with the same alternatives as for the recreational fishing year with a preferred alternative as May.** Go ahead, Bob.

MR. BEAL: Thank you, Mr. Chairman. Just a quick clarification question. The intent of this motion is not necessarily to link the start date of the commercial and recreational fishery, but it's just to take an additional suite of alternatives out for public comment, and so those two -- The two start dates still may be disconnected, but this is just seeking input on moving the start date for the commercial, or am I missing that?

MR. BOWEN: If I may, Mr. Chairman. My intention is so they start at the same time. Again, it's so our accountability measures -- Let me reiterate what Michelle said earlier. We worked a ton on getting those accountability measures in place that we all could live with and the stakeholders were -- The majority of the stakeholders seemed somewhat okay with them, but my intention is to keep them the same, yes.

DR. CRABTREE: The problem is the accountability measures have to do with the total ACL being hit. If the seasons get offset, that becomes a problem to make that determination in a timely enough manner, so you can decide whether you need to close the fishery or not, and so I do think, as I said, if we're going to change the fishing year, we really need to do it for both sectors or we need to leave it alone, but, if we get them off kilter, then that's going to create a problem for the amendment we voted on, I think at the last meeting, with the accountability measures.

MR. HARTIG: Okay. Is there any more discussion? **Is there any objection to this motion? Seeing none, that motion is approved.** Do you all want to eat lunch?

DR. DUVAL: Is your plan is to break for lunch now, with the understanding that this is how we're going to move forward?

MR. HARTIG: Yes.

DR. DUVAL: Okay.

(Whereupon, a recess was taken.)

MR. HARTIG: We are going to bring the Mackerel Cobia Committee back in session. The first thing is combining the action that we just passed, the commercial with the recreational, and just

have one option to go out to public hearing. I think the direction to staff would be enough to do that, Kari.

DR. MACLAUHLIN: Yes, and I was thinking about, and I recommended that, because your intention is to align them, that it would be best to just have one combined action. Since you already have selected the same preferred alternative, it would just be the one Preferred Alternative 2. That way, it would be very clear to the public that the fishing years will be the same for recreational and commercial. We just need direction to staff that the committee is okay with doing that.

MR. HARTIG: Any discussion about that? I don't see any. I don't see any objection to doing that or questions, and so the direction to staff is we'll move in that direction. Let's circle back to the purpose and need. There are a couple of changes in that, since we changed the action and combined it.

DR. MACLAUHLIN: In the decision document, there is a draft purpose and need, and I added just some -- I made a few changes, just so that it would encompass both recreational and commercial. The purpose for this amendment is to modify the recreational and commercial fishing year for Atlantic migratory group cobia to ensure consistent, stable, and equitable fishing opportunities for participants in the Atlantic cobia component of the coastal migratory pelagics fishery.

The need for action, the need for this amendment is to respond to changing fishery characteristics for Atlantic cobia while increasing social and economic benefits of the coastal migratory pelagics fishery through sustainable fishing opportunities and harvest of Atlantic cobia, and I would just need a motion. If this is what you guys need, or if this captures it, just a motion to approve that purpose and need.

MR. HAYMANS: **I would move that we accept the changed wording to the purpose and need statement.**

MR. HARTIG: Motion by Doug and second by Michelle. Is there discussion? Go ahead, Wilson.

DR. LANEY: Thank you, Mr. Chairman. I'm not on your committee, but did you want to add the "and commercial" part to the need for action as well?

DR. MACLAUHLIN: I struck through "recreational", so that it's just sustainable fishing opportunities.

MR. HARTIG: Is there any more discussion on this motion? **Is there any objection to this motion? Seeing none, that motion is approved.** The last thing Kari wanted to go through was the timing.

DR. MACLAUHLIN: Just to be clear, so everybody knows, what we're going to do is take this back to the IPT, because they will have to do the analysis for the commercial fishing year, so we can have that effects analysis, and that's going to take a little time, with workload and holiday schedules, et cetera. We are going to have that ready. Then we'll have a public hearing webinar in February. Then we'll have a public comment period and advertise that, so people can send in comments if they are not able to participate in the webinar.



Then we will bring it back to the South Atlantic Council in March. You will review that and take final action, if you're ready, and then we'll send it over to the Gulf. They will do the same in April, and then we will get that submitted, as soon as possible after the Gulf approves it, and I think implementation will be in September or so.

MR. HARTIG: Okay. Roy.

DR. CRABTREE: I am trying to think through how this would work in the first year. Federal waters will be closed certainly by September. Then, if this were to become effective in September, they would reopen in September, under a new quota, right? Would we then count all the landings that occurred since May against that quota, or would we start counting fish when it becomes effective until May 1?

If we counted starting on May 1 and we had high landings, we probably would not open on September 1, because we would have probably already caught all those fish, and we would probably then be closed until May 1, when we start on the new fishing year. It's a matter of, in the first year, do we start counting against the new quota on the effective date or retrospectively, back to May of the first year?

MR. HARTIG: We have handled this in other fisheries, I know. I don't remember what we did.

DR. CRABTREE: Correct me if I'm wrong, Jack, but I think, in yellowtail, when we changed it, we retrospectively started counting them back, but I'm not sure we have necessarily always been consistent, and I don't think we have ever actually discussed what our intent was with something like that, but it could affect whether the fishery opens in the fall or doesn't open in the fall, and I don't know if anybody would want it to open in the fall or not.

DR. DUVAL: I think, when this happened a few years ago with black sea bass, that was through Regulatory Amendment 14, which became effective in December, and so the ACL had already increased for the recreational fishery. We kept going in that same fishing year, which had started on June 1 of 2014, and kept going until March 30 and then just started the new fishing year on April 1. With black sea bass, we just kept going.

DR. CRABTREE: Does that mean -- Presumably, the ACL will be caught before this becomes effective, and so the fishery would just stay closed until we hit May 1, and then we would start fishing on a new fishing year, which is, I think, effectively counting it back to May 1 and counting those landings.

DR. DUVAL: Why do you always bring up stuff like this to think about?

DR. CRABTREE: Because I lay awake at night and can't sleep thinking about these problems. No, but it's because, somewhere, someone is going to come to me and say how do we do this, and, if I don't get something from you guys as to how you want to do it, I will just have to make up how we should do it at that point. I don't know that you need to decide it right now, because we're not taking final action right now, but it is an issue, and it could affect how we project this season, and then it could affect what happens with the fishery in May.

MS. SMIT-BRUNELLO: I was just going to say what Roy just added, which is it's great for you guys to start thinking about this now. Then, when it's brought back before you in March, I presume, although you will get to the timing and all of that, you can have your thoughts coalesced a little bit more, so we can figure out what to do, and then you can put in recommendations of what you would like to have. We could, perhaps, also bring some examples of what we have done when these kinds of changes have happened. Then that will help, too.

DR. CRABTREE: I think that would be great, what have we done in the past, and then an example of, okay, if you do it this way, here's what will happen in the first year. If you do it the other way, here is how that would work.

MR. HARTIG: That's a great idea. Okay. Are we done with this amendment? We are? Then Louis is up next. This is the Cobia Public Information Document, and we will discuss and develop guidance and comments.

DR. DANIEL: Hello, South Atlantic Council. I am Louis Daniel, and I'm here representing the Atlantic States Marine Fisheries Commission, as their plan coordinator for the cobia fishery management plan. I was asked to come and give a discussion on the public information document that is presently going through a round of public meetings.

The night before last, I was in Newport News for the Virginia hearing. Tonight, we'll be here in this room at six o'clock for one of the two North Carolina hearings. The second in North Carolina will be on the 15<sup>th</sup>, in the Manteo/Wanchese area. On Monday night, we are in southern South Carolina. Then, on Wednesday night of next week, we are in New Smyrna Beach, Florida. That will complete our round of public meetings.

Real quickly, and you will hear this again tonight, if you're here, and so I don't want to be too duplicative in what I'm going to do tonight, but just to let you know that this is the presentation, precisely as it was given to the Atlantic States South Atlantic Board in Bar Harbor back in October or November, where we talked about the current status of the plan and what you all did at your September Myrtle Beach meeting and the framework actions that were taken.

Then I went through and reviewed the PID and the proposed management issues. Essentially, and you all have been talking about this and so I will just briefly go through, but we talked about the concerns about exceeding the ACL in 2015, the impacts to the fishery, and what North Carolina and Virginia, at least, specifically did to react to the closures, by implementing various and sundry rules, with the intent to extend the seasons and lessen the impact of the closure.

I also provided them with some information from your stock assessments and the work that has been done through the Southeast Center and through the SEDAR process, with the data through 2011, suggesting that the stock is neither overfished nor overfishing is occurring, but it does suggest some overall declines in stock biomass.

I then made as best-ditch effort as I could to try to explain your new process for research track and operational track stock assessments. That is confusing and a little bit convoluted, and it would be very nice to have a specific summary done by the Science Center on exactly what that means and what that entails. I think that would very helpful for council members, but also particularly for your partners at the Atlantic States Marine Fisheries Commission, but I think, from everything I

understand about it, it sounds like it's a really interesting approach that could yield real fruit in the future, in terms of getting stock assessments done. I, for one, commend this option and idea, and I don't know if it matters.

Let me go back just one second here to the stock status. This is one of the issues that has created some concerns and confusion and heartache by the public, based on the information that I have received from the public thus far, the concern of why are we taking all this action if we're not overfished and overfishing is not occurring. I have tried to explain to these constituents that the primary intent and purpose, as I understand it, kind of goes back to when we first started trying to implement Magnuson back in 1997 and 1998, when we were setting maximum sustainable yield estimates and OYs and things, and it was a real fun exercise, believe me.

In this circumstance, by being required now to set ACLs at a specific level, it's a precautionary approach to avoid overfishing from occurring, and so I think -- I don't know that we have expressed that as specifically as I believe we need to express that, both at the council level and at the ASMFC level. Some folks may not like that, but I think the fact remains that the requirements of the Magnuson Act require these ACLs. In this specific case, it provides that precautionary management opportunity that we really have struggled and tried to provide for years.

The stock boundaries issue, obviously, is the topic of conversation at this particular moment. The new boundaries were established through you guys, in 20B, with what we call the Atlantic migratory group cobia, which is essentially from the Georgia/Florida line north to New York. That has raised a little bit of a concern, in regards to landings that occur north of New York.

I don't think we want to involve New England to manage about 500 pounds of cobia, but folks do need to be aware that there are episodic landings that occur north of Virginia. Some states may not have landings for several years, and so I think one of the questions was why not in Maryland, and I think the bulk of the harvest occurs down in the lower bay. By the time they get up past mid-Virginia, they tend to kind of fade out a little bit, in terms of abundance.

Maryland can have some good years, but there are also years where they have absolutely no landings at all, and so where the issue has come up is in the decision to exclude the east coast of Florida in the allocation scheme and the concerns that, by doing that, you have disadvantaged the states north of Florida. By including Florida in the management unit, the likelihood of closures, in their opinion, would be mitigated, somewhat. I am not so sure that is true, but they're also arguing that the genetic analysis done, primarily out of the State of South Carolina, is either incomplete or incorrect, and so there has already been a lot of discussion about needing to reexamine the genetic work.

The plan development team established by the Atlantic States Marine Fisheries Commission includes Dr. Mike Denson from South Carolina. He has been very helpful in working with us and explaining the issues.

I think there's a fairly high comfort level, or a high comfort level, with the information that Dr. Denson has provided, and I thought the presentation that he gave to you all in Myrtle Beach was excellent, in terms of justifying the boundaries that you selected and the boundaries that we're moving forward with at the present time. Also, just to try to mitigate some of the angst, we have been letting folks know that the stock ID workshop that is slated for 2017 -- You all graciously

added cobia to that list of species, so that we could have some additional discussions on the status of that genetic break.

We went through, briefly, on the framework actions, and I tried to explain to folks that those, from my perspective, and, anytime I give you my perspective, if it's not your perspective, I need to know, because I'm sort of in the middle of these hearings, and I don't want to misstate anything of the council's opinion, but, essentially, this was intended to try to immediately address the overages in the ACLs and not necessarily meant to be long-term, etched-in-stone regulations, where you reduce the bag limit from two to one and increase the size limit and limit the commercial harvest, to a degree, to address the overages that have been occurring.

Just from our folks' perspective, the short-term deadline is, right now, we are at the November 2016 to January 2017 public meetings. The board will review the public comments and direct staff on the options that they would like to include in the fishery management plan at their February board meeting. It would be my hope and expectation that working with, at this point, the technical committee and the plan development team, that having a draft FMP ready for board review, hopefully as early as the May meeting, but I don't expect that we would have regulations in place through the commission before say 2018.

The management issues for the PID, and this is what I will be accepting public comments on tonight, and people can also submit written comments, very similar to your process, is we looked at these issues, and this is what was agreed upon, moving forward. The first was complementary management with the council. Should we do that? Should we have complementary management with the council?

What federal measures should we require in the commission plan? What states should be included in the management unit? Given the upcoming genetic workshop, should we have flexibility to change management and stock units to reflect changes in science as it develops? This is one of the reasons why I believe that Florida has been so involved in the PDT development and on the PDT and holding hearings in Florida, is with that, partly at least, maybe with that expectation that those lines could change and they could become more involved in the Atlantic migratory group cobia than they are presently, based on the current stock boundaries.

The next issue is asking folks what should be the objectives in managing the fishery and providing for all the mom-and-apple-pie type of operations here of sustainable fisheries and cost effectiveness and long-term regimes and looking for long-term sustainability. Really, I think, from what I spoke about at the very beginning, in terms of having these ACLs established for stocks that aren't overfished, and overfishing is a new concept, but one that certainly -- The intent there is to provide for long-term sustainability.

Management Issue 3 is looking at coast-wide, regional, or state-by-state management. In some aspects, this may be where the rubber really meets the road in this plan, looking at consistent state-specific management measures coordinated by the commission. Are those needed for cobia? Are there regional differences? Should there be a coast-wide closure if the council's ACL is met? Should the FMP require coast-wide measures, such as size and bag limits?

One option that the commission has, and has used successfully, in my opinion, is the opportunity for what we call conservation equivalency, to where that, if a state wanted to have a different bag

and size limit, they could do that. Red drum is a great example that most of the folks around this table should recognize and understand, that you have lots of options, from one fish to five fish, and slot limits from very narrow to very broad. Depending upon the size limit that you select, you can have more fish.

Should the plan require regional measures? Should we develop basically state-by-state allocations? I think that's one of the issues that could come in and provide comfort to a lot of the folks that have grave concerns about being shut out of the fishery. The state-by-state quota shares have worked well in many other fisheries, managed by the commission at least, in my experience, and so the main thing is coming up with equitable measures to split up the quota, but then give the states the ability to manage their fishery the way they see fit, with really the main thing coming out of the council is the actual ACL and the AMs.

That takes a lot of burden off of you guys, from having to come up with these specific management measures, like what you just approved to move forward with changing the fishing year. Would that really be necessary if it were purely joint management, where you provided the science and the quotas and let the commission manage the specifics. That is certainly something that you need to be considering.

As we move over the next year or year-and-a-half, as we develop a plan, I think we need to be judicious in what additional management measures we're adding to the council plate that may or may not be necessary or may be either duplicative or conflicting with the issues that are being developed by the commission. I don't think we want to -- I think we all have enough to do to avoid doing double-duty.

Management Issue 4, this includes all the various management tools, such as size limits and bag limits and the like. We have asked the question of what are the various appropriate measures. So far, I've gotten a lot of folks do not circle hooks, which is a little bit surprising and disconcerting, especially in the dead-bait fishery on the bottom. There is also a lot of concern about not allowing them to gaff these cobia, which would seem to me to be an issue that, based on history, that could result in a lot of discard mortality, especially when you get the size limits up as high as we have them now, at thirty-six inches.

Then considering some level of *de minimis*, and this is a fairly unique concept with the commission that I don't believe we have ever even discussed at the council level, but, if you look at the states from Maryland north, I think the combined catch is less than 1 percent of the total coast-wide harvest, and so it would be appropriate to consider, in our opinion, *de minimis* status for some of those states, such as Maryland and Rhode Island and New Jersey. If they just want to have some very simple management approaches, so that they're not required to go through a lot of the data collection programs and other things required under a commission plan, they would be limited in what they were required to do in order to report.

Oftentimes, that is put in perspective by saying that, if landings do start to increase, and as some believe or disbelieve, in things like global warming and shifts in distribution and abundance, those changes may occur in that, and there should be some kind of an approach to say that, if landings do begin to exceed a certain level, it would probably kick in an amendment to address increasing harvest in areas that have been *de minimis*. Then, lastly, we ask for the public to provide any

additional issues or any additional information that they would like to present or have any other comments related to management.

What I am finding is that, at least so far, the vast majority of the discussion and the comments that I am receiving is from the recreational fishery, concerns over allocations and concerns over closures and the impacts to the for-hire sector. Those have been the dominant comments, but there have been some comments on the impacts to the commercial fishery.

We did exceed the commercial ACL one year, but it happened so late in the year that we really didn't have time to react, and so some concerns about trying to avoid that from happening are certainly some of the issues that we've heard of, at least from some of the email comments that I have received.

Then one of the final things that I wanted to bring up for you all was, in discussions with the PDT, there were some issues that were raised by the plan development team that they asked that I raise to the board, two specific issues that concern people. Number one is the delay in the stock assessment. The fact that the current terminal year is 2011 and there will be unlikely to be a new management-usable stock assessment before 2020, that has a lot of folks concerned about that delay and the lag time between the past assessment and the next assessment.

Then there was also some concerns expressed by members of the PDT on the stock ID workshop timing. I think we have mitigated that somewhat by explaining that this was not a stock ID workshop that was developed for cobia. It was a stock ID workshop that was developed and that you all added cobia to try to get additional information put out there, and I thought that was a very good decision to make.

The problem is, and it's nobody's fault, is that much of the information that may be necessary for that stock ID workshop in 2017 may not be available by the date of the stock ID workshop, and so I would just encourage the council to work closely with Dr. Denson in South Carolina, to find out exactly where he is and if there's anything any of us can do to help him move his analysis along, so that those data are available at the stock ID workshop.

That is essentially the presentation. That's what I will go over tonight and then accept comments. I guess my only comment and thought in trying to move this forward for the commission is -- There is certainly an interest at the commission level to work closely with you all. I think the more we can do to minimize overlap and duplication and have issues that are going to conflict down the road -- That's where the angst has occurred at the Mid-Atlantic joint plans.

The last thing that I want to see happen is have some of the concerns in other joint plans manifest themselves in a South Atlantic joint plan. To me, the gold standard for joint plans is the Spanish mackerel plan, where we keep good, close tabs on it together. You all provide us with the science that we rely on heavily on a coast-wide basis, and the commission implements the plans, through the South Atlantic Board.

There is excellent representation from National Marine Fisheries Service and the council on the South Atlantic Board, to make sure we don't make any missteps. The thing that concerns me is, and it's a point that I will bring up, without sugarcoating it, is, for example, like the start date of the fishing year. That is going to create some major issues at the state level if that's required, I

think. Other state directors may disagree, and that's fine, but I would at least bring that up as something to consider.

If you end up with a state-by-state share, you don't want to be -- You're not going to want to be constrained by a federal start time to the fishery, I don't think, and you're going to also want, I think, the commission to potentially set up some type of conservation equivalency tables that would allow for some more flexibility that you can't otherwise provide in a federal plan, because not everybody maybe wants a thirty-six-inch minimum size limit or a one-fish bag limit. They may want to have some different options available to them.

It's our belief, and my strong belief, that this council plan, coupled with the commission plan, will give the states the greatest amount of flexibility, in order to make sure that their folks are treated as fairly and as equitably as they possibly can in this coast-wide fishery, and so a little bit of editorializing there, which I think is important though, just to make sure that you know where we're coming from at the commission level, so that we don't end up having any surprises as we get close to finalizing an FMP.

I would like to take this time too to thank, particularly thank, Kari, who is serving on our PDT. She has been extremely helpful to me in the development, and John Carmichael and Gregg Waugh. You all have got a great staff that's working very closely with the commission, and we greatly appreciate the efforts thus far. Mr. Chairman, with that, I would be happy to take any questions that anybody might have.

MR. HARTIG: Thank you, Louis. Any questions? Zack and then Rob.

MR. BOWEN: Thank you, Mr. Chairman, and thank you, Louis. A couple of questions. It peaked my interest when you said, and I'm quoting, but you said state-by-state share. Excuse my ignorance on the level of management from this commission, but, when I hear that and I think about my state and the fact that MRIP shows zero landings for 2016, and when you couple that with state-by-state shares, that makes me a little worried, I guess, that, if it goes down that road, that I may not get much of a share, I meaning the State of Georgia.

Coupled not only with that, but then I look at these public hearings that the commission is going to have, and somehow Georgia got left off. I'm not sure why that is or what happened, but that just raises some concerns for me, and not only me, but my stakeholders in my state, in the for-hire sector, that rely on cobia for a critical part of their income.

DR. DANIEL: My experience, when there has been situations like exist with the landings in Georgia and the coast-wide plan, is that the commission gets together and the state directors and the administrative commissioners and the legislative commissioners get together to make certain that those states aren't disadvantaged.

If they've got to come up with some -- We have sat down with some knock-down-drag-out, multiday meetings just to look at allocation schemes, to make sure that everybody is treated fairly and equitably. Ninety-nine times out of the hundred, from my experience, the commission has always been able to come up with a reasonably fair allocation scheme, regardless of how complicated it is, and, if you want to talk about a complicated one, talk about eels from Florida to Maine.

If we can do eels from Florida to Maine, we can do cobia from basically Georgia to Virginia, and so I don't discount your concerns, and I would be concerned if it was from the State of Georgia, too. All I can tell you is that, from my experience, I don't believe you have a significant worry there. The second point you brought up was -- Can you remind me what it was again, real quick?

MR. BOWEN: The lack of a public hearing in my state.

DR. DANIEL: That, I have to take some responsibility for. I was trying to arrange these hearings and trying to avoid staying over for three or four days in a specific location.

MR. BOWEN: You could have stayed at my house, man.

DR. DANIEL: I know, and I love you, man, but I would have drank too much. I was trying to avoid that, but, no. The State of Georgia is big boys, and they can handle themselves, but I am just saying that -- Just, in trying to get these coordinated, I think what South Carolina did was they held a meeting when they wanted to on the 2<sup>nd</sup>, but then I also agreed to come down to the extreme southern part of South Carolina, with the hope of addressing some of the concerns about not having a hearing in Georgia.

The meeting is just out of Georgia, I think, as far as I know, down in Okatie, and so that's a long way south in South Carolina. Then the New Smyrna Beach meeting. The hope is that the southern South Carolina meeting or the New Smyrna Beach meeting will hopefully adequately allow the folks from Georgia to have a meeting close enough that they can attend those meetings, but I will take full responsibility for the scheduling of those meetings.

MR. BOWEN: To that point, I will wholeheartedly go on record saying that our previous attendance for these public meetings that we've had in Georgia has been not many, if any at some meetings, and so I understand that perspective of it, but I just -- I am trying to fight for my stakeholders that, like I say, depend on these cobia for their livelihood.

DR. DANIEL: I understand, and thank you.

MR. HARTIG: Doug, did you want to chime in from the Georgia perspective?

MR. HAYMANS: I would, and I don't want Louis to fall on the sword all by himself. I mean, the previous council public scoping that we had on cobia, we had one person, and that was a former council member, who showed up. We had difficulty trying to find a date around Christmas, knowing that we were going to be next week, and nobody is going to come to a meeting next week, and knowing that we were going to have a council meeting on cobia again, or at least the discussion, on February 1, we made the decision to let Louis off the hook for having a meeting in Georgia. Had there been more people show up at the council meeting the first go-round, sure, I would have had another meeting, but it just wasn't there. As far as the allocation, Zack, we will fight to have the 2008 Georgia landings be our standard, okay?

MR. BOWEN: I don't have it in front of me, but --

MR. HAYMANS: It's 257,000 pounds.



MR. BOWEN: But I've got you and Louis on the record, and I'm going to take you at your word, and I appreciate what you all are doing.

MR. O'REILLY: Thank you, Louis, and I'm not sure who will respond to this, but I was thinking earlier, before today, that the stock assessment would be completed and available by 2019. I saw 2020, and I don't know whether that's always been the intent or I just misunderstood something, but I think that date floated around over the course of the last six months or so.

The real issue though is, to use summer flounder as an example, NMFS did not get a chance to conduct the updated stock assessment for summer flounder in 2014. By the time we had the 2015 assessment update, there was trouble. The stock had declined and pretty much everyone was really upset, because a 45 percent reduction was proposed. It ended up as 25 percent, and it took a little bit more risk on that part of the council, and we won't even talk about what's going to happen next week, because it's further downhill.

My point is, in the interim of the stock assessment, what can be done to give some information about the status of cobia? In the past, there have been some simple things done for the recreational fishery, such as catch per trip, by region, by area, by state, where you're looking at A, B1, and B2 per trip, as sort of a way of gauging where the stock stands. John Carmichael back there could probably think of other ways, but I am not sure who is going to be doing that, because it does seem risky to wait for the assessment as the only approach to understanding this stock, where we have landings, and landings by themselves may be telling us the wrong thing.

Landings could be telling us that they're high because there is some kind of change that's in the stock beyond the movement, but even the catchability could be changing. Does anyone have any idea of how that's going to go? ASMFC is not quite in that situation, I don't think, where they're asking for any type of analyses, but maybe you have some idea, or maybe someone else, like John, might have some idea, but I don't know, but that hit me pretty good.

DR. DANIEL: Bonnie may have some idea.

DR. PONWITH: Thank you, and we're familiar with levels of uncertainty in the estimates of total landings under MRIP for the recreational, but one of the tightest statistics that we have is catch per unit effort, because that's based on dockside sampling. As long as you have encounter rates that are adequate, those tend to be a lot more statistically tight.

We can take a look in the past at that the variance about those CPUEs are and see if that variance is low enough to be informative and use that as a loose indicator of whether we can use that to at least evaluate the trends. The trick is you need to make sure that your signal-to-noise ratio is there to be able to differentiate, but we can take a look and talk to the MRIP folks and ask them if they can take a look at those CPUEs and the variance about those and consider using that.

MR. HARTIG: Okay. Are there other questions for Louis? Go ahead, Louis.

DR. DANIEL: I just want to make sure that it's clear that we are in the public information draft stage. The commission has not made any decisions on how to move forward at this point. They're

waiting to -- The whole discussion on state-by-state quota shares could be moot if that's not the direction that the commission elects to go.

I think probably the most confounding thing, and this is speaking just from an analyst and drafter of the document, is one of the issues that it would be really nice to have some discussion between the Science Center folks, the Regional Office folks, and the commission staff would be on the confusion that exists, rightly or wrongly, between the Southeast Fisheries Science Center survey landings information and the MRIP landings information.

You talk to five different people and they will give you five slightly different answers as to why MRIP has been bought into by the public, but yet we're going to manipulate it in a different way, and so, believe me, having developed this PID for the first time ever and having never done that before, and everybody should do at least one, to really get a good sense of what you staff does to help you, but, trying to explain why there is a difference between the Southeast Science landings data and the MRIP data that everybody says is the greatest thing since bubble gum, we need to have a good, solid concerted answer to that question that we all agree to and understand, please. That is my plea to the council. Thank you for giving me the chance to speak with you all.

DR. PONWITH: The elevator-ride answer to that is that the methodology that MRIP uses to translate numbers of fish into pounds is different than the process used in the Southeast Fisheries Science Center. We've been in strong discussion with MRIP, and I think we're at a point of solution, that they agree that our approach is somewhat more robust than theirs and that their intention is to shift over to using that approach, which would end that problem forever, because I agree that if you have two sets of numbers, even if there is a rational explanation for why, it just triggers distrust.

MR. HARTIG: Anything else?

DR. CRABTREE: Listening to Louis's comment, it sorts of makes me wonder whether we ought to move forward with this fishing year change or just leave it. It doesn't seem to make much difference anyway, and I wonder if we shouldn't just leave that alone and let the ASMFC go through their steps and save our staff some time and effort in putting it together, because I kind of would like to give the states as much flexibility as we can on how they want to deal with this, and I just wonder if we need to do that.

MR. HARTIG: I see a method to your madness other than that, but go ahead, Zack.

MR. BOWEN: Thank you, Mr. Chairman. Roy, would that affect our -- If we left it the same, wouldn't that affect our accountability measures?

DR. CRABTREE: If I could, if we get this in place, it's going to be at the end of 2017, and so it might kick in during May of 2018, but my hope is, at that point, we maybe have a commission plan, in 2018, and I'm just not sure this is going to have much impact on anything, and I wonder if it's worth the staff time and council time to work on this.

MR. HARTIG: I don't see any more discussion from the committee. Michelle, do you have any thoughts about that particular question?

DR. DUVAL: Given the number of days that a change in the fishing year provides you, I was somewhat lukewarm on it, but I was more than willing to let it go forward to public comment. If there is a strong desire to do it, to get additional input on changing the fishing year for both sectors, I don't really have a problem with that.

I brought up the points that Roy brought up last time, as to how it might impact the commission development of their fishery management plan. I don't really have a strong feeling either way. I think, if folks want to do away with it and postpone consideration of a change in the start date of the fishing year, I am fine with that. Maybe folks need to think about it and come back to it at Full Council. We're already thirty-four minutes behind schedule. You guys know how I like to keep on schedule. I'm kidding.

MR. HARTIG: Thank you. Okay. I didn't hear any real strong arguments from Rob to go forward.

MR. BEAL: I was trying to stay out of this discussion, but I guess I will jump right into it. I think the hardest part, for the commission, might be the uncertainty. If the commission is moving forward with an FMP and they don't know or we don't know if the start date will be January 1 or May 1 or one of the other options, then I think that may confound the states a little bit. They may feel like they're working toward a bit of a moving target or some uncertainty there, and so, again, the council could and should do what they want with the start date, but that may be something else to think about in moving forward.

MR. HARTIG: Thank you. I think we can mull this over a little more and possibly have some more discussion at Full Council on whether or not we want to move forward.

DR. DANIEL: Just a reminder that tonight at six o'clock that you will get to hear it all again. We would love to have you attend, Anna, or not. Thank you all very much. It's such a pleasure to see you guys more frequently that I did now, and so I appreciate your help.

MR. HARTIG: Thanks, Louis. The last time on our agenda is Coastal Migratory Pelagics Amendment 29, Gulf king mackerel allocations. There is some problems with the codified regulations, for one thing, and there is also some thoughts that have come out.

The AP has come out not in favor of moving forward, and some other people have as well. I don't know what is going to happen in the Gulf. Dale says there's some uncertainty in that as well. When they discuss it at their next meeting, it will come back, and I don't think we need to take action on this amendment at this time, with concurrence from the committee. Monica.

MS. SMIT-BRUNELLO: Just to be clear, the problem isn't necessarily with the codified regulations, in a way. The codified regulations revealed that there were some issues in which the Gulf Council -- In order to do the regulations the way the councils would want them to be done, I believe they need to go back to the Gulf Council and ask some questions as to how they want certain things done, and so the regulations, you're right, led to discovering, perhaps, a larger issue that should be addressed by the Gulf Council first, since these are issues, the measures in 29, are primarily within the Gulf, and so it will go to them first. Then I imagine that you will see it in March.

MR. HARTIG: We're not going to take that up, and so that's the last agenda item that I have. Is there any more business to come before the Mackerel Cobia Committee? Seeing none, thank you so much for the work you accomplished, and I appreciate all the good discussion.

(Whereupon, the meeting adjourned on December 8, 2016.)

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Amanda Thomas  
January 6, 2017

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