

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COBIA COMMITTEE

Webinar

June 17, 2021

TRANSCRIPT

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Rick DeVictor
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Other attendees and participants attached.

The Mackerel Cobia Committee of the South Atlantic Fishery Management Council convened via webinar on Thursday, June 17, 2021, and was called to order by Chairman Steve Poland.

MR. POLAND: Good afternoon, everyone. I will call the Mackerel Cobia Committee to order. I don't see a need to run through the committee members list. You know if you're on here, and the agenda is in front of you, with the names. The first order of business is Approval of the Agenda. There was one item of Other Business that Chester brought to my attention, which is a quick discussion on an EFP to the GARFO region for a purse seine fishery. Chester, do you want to speak to it, briefly?

MR. BREWER: This is something that came up very, very recently, and certainly after the agenda had been prepared, and it's under Other Business, and so I guess we should take it up at the end of the committee meeting, but, very briefly, it's a request for an exempted fishing permit for Lund's Fisheries, which is out of Cape May, New Jersey, to go out and purse seine what we call greenies, and they are red herring, actually, but it's something that has raised a lot of concern in the, I guess, conservation area, and we can get into it more later. Thank you.

MR. POLAND: Thank you, Chester. We'll add that to Other Business. Is there any other business to come before the committee for the agenda? Tony, was this to the EFP?

MR. DILERNIA: Mr. Chairman, yes, it is. I had notified leadership yesterday that I would be taking my wife for a medical procedure at 3:00 today, and so I will be leaving the committee meeting today at 3:00, and so I can speak briefly to this motion now, or this topic now, if you wish, sir, but, at 3:00 today, I will be forced to leave the council meeting, and so it's at your discretion, sir. I could probably give less than a five-minute description of what's occurring regarding this request for an experimental fishery permit.

MR. POLAND: All right. Thank you for that, Tony. I will say let's leave it at the end of the agenda, but, if it seems like we're running up close to three, we've got a few opportunities, in between other agenda items, and we maybe can move that up. All right. Are there any other modifications to the agenda? Hearing none and seeing none, is there any objection to approval of the agenda? Hearing none and seeing none, the agenda stands approved.

Next is Approval of the March 2021 Committee Minutes. Are there any modifications to the minutes from our last committee meeting? I'm not sure if Shep is on the line, but I'm sure he's read them. All right. Hearing none, and seeing no hands, is there any opposition to approval of the March 2021 committee meeting minutes? Hearing and seeing none, the minutes stand approved.

All right. We'll start with a report from the Mackerel Cobia Advisory Panel meeting from this past April, and we have AP Chair Ira Laks on the line, and so, Ira, whenever you're ready, take it away,

MR. LAKS: Good afternoon. The Mackerel Cobia Advisory Panel met by webinar on April 6, 2021. I would like to apologize to my fellow AP members and council members and staff for missing that meeting. The meeting started out with a report by Committee Chair Steve Poland addressing some of the coastal migratory pelagic issues that are going on and with him thanking the AP for their service, especially with COVID and all that, and so we do appreciate that.

Getting right into Coastal Migratory Pelagics Amendment 34, the AP did not make a formal motion for this, but there was concern, especially with the MRIP FES numbers, and I know there is concern from everyone with that, but, in that concern, there was also concern from the commercial fishermen that we're not going backwards in time in the commercial fishery. The discussion centered around whether a buffer would be appropriate, and most of the conversation seemed to be somewhere a 10 percent and a 5 percent buffer would work in this fishery. There was back-and-forth, and, like I said, there was no formal motion made, but they do believe that some sort of buffer would be good for conservation, especially with the unknown FES numbers. Are there any questions?

MR. POLAND: Any questions from committee members? It doesn't look like it, Ira.

MR. LAKS: Okay. We'll move on to Action 2, which is to revise sector allocations. The commercial industry was very concerned at the percentage change. With the FES numbers, and going back in time, there needs to be a conversation on how the king mackerel fishery was restricted in the past and not able to fulfill probably more fish than we were allowed to catch. In the past, the fishery was under extremely low limits, especially off of south Florida, as low as fifty fish per trip. In the last assessment before this, we also had a change in stock status, where, at one point, we have thought to fish under Gulf fish and not all Atlantic stocks, and so, in the past -- Under today's rules, we would have had an opportunity to harvest many more fish.

We also had a season change that allows us to harvest more fish now, and we impose self-restrictions on our own fishery, just so we can keep the market and the ACL open for higher-marketable fish at certain times of the year, and so, when you look back in the past, there is great concern from the commercial AP members that we were hamstrung in what they can catch in both situations.

You also have plenty of conversation on what climate change is doing to this fishery, and these fish are definitely ranging further north, and we don't know how that's going to affect the productivity of this stock, and the concern, in the future, is that we have another assessment that comes back not as good, and, with the lower percentage, it will not be enough to effectively prosecute the fishery for most fishermen. Those were some of the main things that were the concerns of the fishermen. They are very fearful that, when that percentage number is changed, they can't get it back, and they are very concerned that, the way the fishery was prosecuted in the past, with the opportunities that we have now are not looked at as an equal foot, and that, if we had the opportunities that we have today in the past, we would have had a better history.

I know that, again, the FES is a concern, and that people realize it. One is a survey, and one is a census for the commercial fishermen, and that also played into their decision that there should be no change in the percentage. They also had mentioned that there could be some sort of pool of quota that keeps the commercial fishermen at the same level they are now, whether that's a common pool or something that is shared, and they would like to see something like that maybe explored. There was a motion, and the motion recommended that the council select Alternative 1, no action, and that was six in favor, one opposed, and one abstention. Are there any questions?

MR. POLAND: Thank you, Ira. It looks like Dewey has his hand up. Go ahead, Dewey.

MR. HEMILRIGHT: I was just curious, and it seems like, in listening to what the concerns of the commercial industry was, it was similar to a back-calculation that had been brought up at the last council meeting, and is it possible for staff to go back, and it ain't a back-calculation, but just see -- You know, if the stock was larger back then, it seems like that the commercial industry were constrained and that that was a problem, because they weren't able to catch whatever the quota was, because it was constraining their catch, and I was curious if there's any way the staff can go back and look at the numbers, where you started with the recreational industry, maybe in 1981 or whatever year it was, and see the changes that was constraining the commercial catch, to give an idea, because this clearly has the effect, because you wasn't able to reach up to your potential, because your harvest was restrained, and so I was curious if it's possible to have staff look at something like a white paper, particular to -- It might be king mackerel and both Spanish mackerel, just to look at that. Thank you,

MR. POLAND: Thank you, Dewey. Christina.

MS. WIEGAND: I'm not sure if this gets at exactly what you're talking about, Dewey, but, in the process of looking at the years to pick for allocations, which, once we get into the decision document, we'll talk about in more detail, but staff did go back in time, to see if there were instances of the commercial sector closing, and so harvest would have been restricted, and it's a little complicated to do, because, like Ira said, depending on where you were fishing, it's possible that, back in time, you were actually fishing on what is considered Gulf stock fish now, but, to the best of our ability, going back, I believe there hasn't been a closure for what we consider the Atlantic stock now since I think 2000, and I can't remember off the top of my head, and it's in the decision document. The reason we did that was to make sure that any of the years we pulled for allocation, that fishermen weren't restricted by anything but the ACL, that there hadn't been an early closure.

MR. LAKS: Christina, if I could just add to that, there were times in the past, under the old way we were fishing, where they were considered Gulf fish, that the industry self-contained itself, because we were trying to get into March, which was generally Lent season, which was the higher prices, and so there was reduced effort by the industry, and so, even while we didn't technically close the fishery, we might have left fish in the water because we were trying to fish them when we got a much better price, and those are things that have to be calculated. The industry definition -- There were times we could have shut that fishery down in a more rapid rate, but the market prices dictated that we try to leave quota to when the price is the best.

MR. POLAND: Thank you, Christina. Thank you, Ira.

MR. HEMILRIGHT: Mr. Chairman, can I follow-up?

MR. POLAND: Yes, one quick follow-up, Dewey. Go ahead.

MR. HEMILRIGHT: I was just curious, and, even though it might not have been a closure, but how about that there was a limit, is what I'm also asking, and am I to believe that there was no limits? There was a limit imposed back then, even though the quota might not have been reached, and, so had the quota been higher, you might have had a higher limit.

MS. WIEGAND: Yes, you're correct, Dewey. There has been either an ABC or a total allowable catch, whichever term you want to use, for the king mackerel fishery since the FMP was instituted back in the 1980s, and so, yes, there would have been some type of limit on the commercial and recreational fisheries.

MR. LAKS: As a matter of a fact, back in time, we were at a fifty-fish limit, per trip, on the east coast of Florida.

MR. HEMILRIGHT: That's what I was referring to, a trip limit.

MR. POLAND: All right. Thank you, Dewey and Ira and Christina. I mean, those are all good points to consider when the council has this discussion. The way I see it, even if there was not a fishery closure, or an ACL, that appeared to be constraining decisions made by the council on things like catch limits and that kind of stuff back in time, they were certainly made in the context of what the current, or the past, ACL fishery performance was, and so that's what makes these allocation decisions, especially looking back in time and trying to use that to infer, difficult, but I did enjoy the discussion by the AP at this meeting, because they did bring up a lot of good, valid points, and even some points that we've already discussed today when discussing allocations in dolphin wahoo. John Sanchez, I see you have your hand up. Go ahead.

MR. SANCHEZ: Thank you. Yes, I do recall some very heated discussions, back in the day, between the Gulf fishermen and the east coast fishermen, when we were trying to increase, on the Gulf side, the trip limit, and, for all the reasons already stated, the east coast fishermen wanted a lower trip limit, to make sure their season extended into Lent, and the feeling that they were going to get a better price for their fish in not having them all come in at once, and so that's a very accurate depiction of history.

What I do think that we're not hitting on clearly, and it's fairly simple, is the notion of foregone commercial opportunity, because, in my mind, as we go through these MRIP-FES recalibrations, and they result in increases in ACL, yet there seems to be a tremendous difficulty in going back in history and generating FES-equivalent historical ABCs, or ACLs, and that still doesn't ignore the bias in this MRIP-FES approach, where the commercial guy arguably -- Had they wanted to, they could have caught those fish that now, going forward, the recreational sector is going to be benefitted by.

They never had that opportunity, solely because they were constrained by a more directly accountable reporting methodology, and so, in my mind, we're going to have to figure out how to calculate, somehow, that foregone opportunity, and that has to enter into these allocation discussions. Otherwise, this approach, in my mind, is biased. Thank you.

MR. POLAND: Thank you for that, John. Chris, go ahead.

MR. CONKLIN: Everything John just said is pretty much what I've been saying all along. We've got to do something about the foregone opportunity to the commercial fishermen, and it just doesn't make any sense how you can reward a sector who isn't accountable, and has a great risk of overfishing stocks, and it's not their fault, but it's just how the fish are counted, and we're sitting over here abiding by the federal laws, and shutting down, and trying to feed America, the people

who own the fish, and we're closing down, and these other guys are just getting more fish, and it just doesn't make any sense to me.

MR. POLAND: All right. Thank you, Chris. Are there any more questions for Ira? All right. I'm not hearing any, Ira.

MR. LAKS: Okay. That will move us on to Action 3, to revise the recreational annual catch target for Atlantic migratory group king mackerel, and the AP had no comments on that action. That brings us to Action 4 to increase the recreational bag and possession limit for the Atlantic migratory king mackerel group in the EEZ off of Florida, and that would just make it three per person for the whole management area. I think the AP was just very supportive of it, and it's just an equal opportunity and consistency for all, and I don't think there was a whole lot of discussion, and it's just something that made sense to them. Any questions?

MR. POLAND: I don't see any, Ira.

MR. LAKS: Moving on to Action 5, which is to reduce the minimum size limit for recreational and commercial harvest of migratory group king mackerel, the commercial industry is not in favor of this at all. The smaller fish just are not marketable, and they really don't see any need to go smaller than what we have. I think they were pretty adamant about that.

There is some recreational fishing in North Carolina that does interact with Spanish mackerel fishing, and there was some talk about maybe reducing some discards, because you break the necks on several of them when you catch them, but, if that is explored further, it should be removed from the commercial fishery and only dealt with in the recreational fishery, and that was the feeling of the AP on that. Any questions?

MR. POLAND: No hands.

MR. LAKS: All right. Moving on, we're moving to -- There was a motion made for that, and it was approved by consensus that the commercial sector recommends splitting the action by sector, and that was approved by consensus.

Now we'll move on to Action 6, which is to modify the recreational requirement for coastal migratory species in the Atlantic region to be landed with head and fins intact, and this is just another one that makes sense. With all the shark and barracuda interactions that you have while you're king mackerel fishing, it's very easy to have a twenty-eight or twenty-nine-inch fish, and you get a couple of inches cut off at the tail, or three inches, and you have a perfectly good fish to eat, in the recreational fishery, and it's pretty much already bled out, and it's very good table quality, and there's just no sense killing that fish and then having to kill another one to replace it. I think the AP just thought it made sense, and they made a motion and approved it by consensus. Any questions?

MR. POLAND: No hands, Ira.

MR. LAKS: That brings us to Coastal Migratory Pelagics Amendment 32, and the AP did have some comments on it. The commercial sector, right now -- Well, in Action 5.2, the commercial sector is able to catch two fish per vessel, and they have never caught a full quota, or they might

have once or twice in the past, but I don't believe recently. Cobia is a bycatch for commercial fishing, and it helps with expenses.

The issue with cobia, and, if I was at the meeting, I would have brought this up a little more, but I am going to bring it up now, is that it is confusing as to who can sell it, as to where you can sell it, and I think the consensus now is that, if you're in the EEZ, you should have one of the CMP permits, or, if you do have one of the CMP permits, you have to sell it to a dealer, but the issue becomes that, if we end up reducing the bag limit on these fish, and the way that you're able to sell them -- For example, if I had two boats, and I chartered a boat, or my boat was chartered on Monday, and I had three fish that were left to me in the morning and three fish that were left to me in the afternoon, technically, I could sell those six fish.

As a commercial fisherman, the next day, if we reduced the limit, I would only be able to sell one, and that just seems unfair and inequitable. It might be worthwhile looking into keeping it a two per person commercial limit, if you have one of the commercial CMP permits, and, again, those would be at least having to be logged on a VTR, as opposed to the for-hire permit, which is going to be double-counted.

Also, I think something that needs to be discussed in all of that is what is a bag limit, and what is a trip limit, and what is a possession limit, and those need to be really discussed, to figure out how you're going to go forward with what an individual can sell from each vessel that goes out. I think the AP's decision that commercial fishermen should be able to keep two fish, as is current, was their preferred choice. Any questions on that?

MR. POLAND: No hands, Ira.

MR. LAKS: That moves us to Action 6, which is east coast Florida size limits, and there was some thought, by the AP, that, if the size limit is increased from thirty-three inches, it will hurt fishermen, particularly in the southeast Florida corridor, where a lot of our fish are thirty-four or thirty-five inches.

As a charter operator, I can tell you that, after time, you get pretty good about what's keeper and what's not, just not only looking at the length, but the overall size of the fish, and it is not an easy fish to take out of the water and measure on your measuring stick on a crowded boat, and I think the consensus from the AP was that you keep that at thirty-three inches on the east coast of Florida. They also had commented that it is important to consider the disposition of cobia that are discarded. Many fishermen still use gaffs to gaff them, and maybe a little more outreach into using a net, to reduce discard mortality. Any questions on that?

MR. POLAND: No hands, Ira.

MR. LAKS: Okay. I believe they also commented that Alternative 2 makes the most sense and ensures that the South Atlantic Council doesn't lose control of the fishery. That moves us on to the structure of the Mackerel Cobia Advisory Panel, and I know, as a body, that we are appreciative of the council looking to add more voices, especially with these fish expanding their range, and jointly working with the Atlantic States Marine Fisheries Commission and having a good census on what these fish are doing up and down the coast.

I know the AP members were very appreciative of it, and they seemed to like the path the council is going forward with, and they think it's very important to work with the ASMFC, especially in a fishery like the Spanish mackerel, where there's issues that are coming up, and, speaking for the AP, we do appreciate the work of the council to do that. There was also a fishery performance report for the Spanish mackerel, and that I don't know if we're doing now, Christina, or it wasn't completely finished, if I'm correct.

MS. WIEGAND: The AP did go through and complete the fishery performance report for Spanish mackerel. I haven't summarized it into a formal fishery performance report document yet, but, once I do, it will be on the website, and all of the council members will have access to it, and it will be passed along to be considered during the stock assessment process.

MR. LAKS: Okay. Great. I'm looking forward to seeing that. In Other Business, the AP expressed their condolences for Captain Ryan Howard. Ryan was a good guy, and we're going to miss him on the AP, and miss him as a friend, and I'm sure that his friends and family are missing him, and I just wanted to express my personal condolences and the AP's. If there's any questions that I can answer, fire away.

MR. POLAND: Thank you, Ira. Are there any additional questions for Ira on the AP report? Ira, I'm not seeing any hands. As always, it was a pleasure to have you give the report, and I know you've got to run, because I think you said you had a charter at 2:00, and so good luck, and it's good hearing from you.

MR. LAKS: All right. I will be listening, and I can call in if anything comes up.

MR. POLAND: All right. Thank you, sir.

MR. LAKS: Take care.

MR. POLAND: All right. Next, we're going to move into a review of CMP Amendment 34, and, Christina, whenever you're ready, you can take it away.

MS. WIEGAND: All right. I will get us rolling. Since you guys just talked about it, I don't want to delve too long on why we're doing this amendment, but, just as a quick refresher to orient you, this amendment is coming off the heels of the updated SEDAR 38 stock assessment, which found that Atlantic king mackerel was not undergoing overfishing, nor was it overfished. You've got your SSC recommendations right here, and then there are additional actions in this amendment that came from the advisory panel, asking you guys to consider.

There are six actions in this amendment. Just as a note, you're going to see some of these highlights on the way through, and that's just showing you how some of the language in these actions and alternatives have changed. They won't be significant changes, in terms of what the actions do, and, of course, before we take final action on this, you guys can go through and re-approve the language for all of these.

What we're going to ask you to do at this meeting is review the draft amendment and preliminary analysis, select preferred alternatives, and consider whether or not you're comfortable with what is currently contained in the amendment going out for public hearings.

This is our current timing. You guys are reviewing it this week, and we're also going to be taking this to the Gulf Council next week, and I believe they're talking about this on Tuesday morning, and, if you will remember, that's because this is a full plan amendment, and so the Gulf Council must also approve the actions and alternatives as well. We'll be looking at taking it out for public hearings in the summer, if you guys so feel, moving on from there with us reviewing it again in September and the Gulf reviewing it again in October. Does anyone have any questions about the timing and taking this to the Gulf Council before I dive into the actions and alternatives? All right. I see no hands going up, and so I will get us down into the purpose and need statement.

There's just been one small change here, to note that we're revising the annual catch limit and annual optimum yield in Action 1, and I will pause here, real quick, again, so that you guys can read through that. You already approved it, and, if no one has any modifications, we can move into Action 1.

MR. POLAND: Does anyone have any suggestions or any heartburn?

MS. WIEGAND: No hands. Excellent. We'll dive into the meat of this amendment. Here you go with Action 1. Like I said a second ago, we are adding -- We do need to also revise the optimum yield here, and so now it reads "annual catch limits and optimum yield for Atlantic migratory group king mackerel is set equal to the current ABC".

Again, you've got Alternative 2, which sets the ACL and ABC equal to each other, and Alternative 3 would set a 5 percent buffer, and Alternative 4 would set a 10 percent buffer, and, again, those buffers came as recommendations from the advisory panel, and Ira just talked about the discussion they had.

You've got your preliminary effects analysis, and revising the ACL is not expected to result in any negative biological impacts, because there are always accountability measures which prevent the ABC and OFL from being exceeded, and, of course, while none are expected to really lead to any changes in harvest or fishing behavior, based on recent average landings, ACLs that do offer a larger buffer between ACL and observed landings do allow for higher potential landings and reduce the likelihood of those AMs having to be triggered, and, of course, accountability measures can lead to short-term negative social and economic effects.

Ira went over your advisory panel comments, and so I'm not going to dwell on those, and so what we're really looking for here is for you guys to select a preferred alternative. It would be helpful for staff, in terms of putting together additional analyses for these tiered actions, and so, for example, Action 2, which is sector allocation, is dependent upon what's chosen in Action 1, and so selecting a preferred alternative here would be helpful for staff in finishing up analysis on this amendment, and, with that, I will turn it back over to you, Chair.

MR. POLAND: All right. Thank you, Christina. Committee, I'm looking for some discussion on this action. If we can, it would be nice to select a preferred, since we will potentially be sending this out for public hearing. Does anybody have any thoughts? Jessica, go ahead.

MS. MCCAWLEY: Thank you, Steve. **I would make a motion to select Alternative 3 as the preferred under Action 1.** Do you want me to wait for a second?

MR. POLAND: Yes. Do we have a second?

MS. BECKWITH: I will second.

MR. POLAND: Thank you, Anna. Go ahead, Jessica.

MS. MCCAWLEY: I think that this goes along with what the AP was suggesting how they thought that the assessment might have been a little bit too rosy of a picture, and they were wanting to add in a little bit of precaution, and so this would add a small amount of precaution on the management side here, following the stock assessment.

MR. POLAND: All right. Thank you, Jessica. Art, go ahead.

MR. SAPP: I was just trying to second.

MR. POLAND: Okay. Thank you. Mel, go ahead.

MR. BELL: Along the lines of what Jessica said, and noting the AP's recommendation, that does apply a buffer, as they had recommended, which you don't see happen every day, and so I think we're fine there.

MR. POLAND: All right. Thank you, Mel. Chester.

MR. BREWER: I was just trying to second as well.

MR. POLAND: All right. Thank you, Chester. Is there any more discussion? There's not a lot of our stocks where we apply a buffer like this, and so I think Jessica laid out an appropriate rationale, and so I would be looking for any other comment from the committee. **If there's not, is there any objection to approval of this motion? Hearing or seeing none, that motion stands approved.**

MS. WIEGAND: All right. With that, it will move us on to Action 2, which is revising sector allocations and sector annual catch limits. I do want to make a note here, now that you guys have picked a preferred under Alternative 1, the numbers you're going to see here will change, and so, right now, the numbers I'm going to show you reflect Alternative 2 in Action 1, which was no buffer. Now that you guys have selected a preferred alternative, we will go and update this, so that the numbers you're seeing reflect your preferred alternative in Action 1, and so just remember that they will be slightly lower than what you're seeing now, by 5 percent, and I will get to this in more detail in a second, but there are no closures anticipated under any combination of Action 2 and Action 1 alternatives.

Diving in, you have Alternative 1, which would retain the current sector allocations of 62.9 percent to the recreational sector and 37.1 percent to the commercial sector. These allocations for king mackerel were set back in Amendment 1 to the CMP FMP, and, as such, they're based on landings from 1979 to 1983, and so one thing you won't see in this amendment that you have seen in other amendments addressing allocations is an alternative that would simply update the landings for these years, based on new FES numbers. We got guidance, if you will remember, guidance from

the Science Center, at the last meeting that data that far back in time is no longer supported, and so it's not possible for us to just sort of update based on FES numbers and see what percentage allocations would come out from back in 1979 to 1983, and so there is no alternative to do that.

Next up is Alternative 2, and this one is a little complicated. These percentages will change, and that's because Alternative 2 is done making sure that the commercial sector never experiences an ACL lower than what they're experiencing now, and, because the king mackerel ABC recommendations from the SSC slowly decrease each year, we calculated this making sure that the commercial poundage allocation that they're seeing currently is the same poundage that they would experience during the 2026/2027 fishing season, which is the last season we have ABC recommendations for from the SSC, and then we calculate the percentage based on that. That's how that was calculated, and it's a little complicated. If I need to go over it again, I'm happy to.

Alternative 3 looks at allocations from the year -- Looks at a landings stream from 2004 to 2019, and that results in 70.95 percent of the ACL going to the recreational sector and 29.05 percent going to the commercial sector. Alternative 4 considers a shorter and more recent time period for the years 2014 to 2019, resulting in 68.9 percent to the recreational sector and 31.1 percent to the commercial sector.

Then, last, Alternative 5 looks at an equation that balances historical catches, and so 2000 to 2008, with more recent landings of 2017 to 2019, and this equation should look familiar to many of you who have been on the council for a long time, and it results in 72.92 to the recreational sector and 27.08 to the commercial sector.

I've got this table here, and I know that the language in the alternatives can be a little wordy, but this table should outline exactly what the resulting allocations are, as well as how we calculated those allocations, and, again, the percentages that you're seeing under Alternative 2 will change slightly when we update all of this to reflect your preferred alternative in Action 1. Again, here's a table with all of the allocation laid out, going forward in time. Again, these will change slightly once we update based on your preferred alternative.

Your preliminary effects analysis, the biological effects are not expected to vary between the alternatives, because, again, the total ACL is in place, and AMs are in place, to ensure that landings are held to that level. Based on the new FES recreational landings, none of the proposed recreational ACLs are expected to be exceeded, and, again, that includes any combination of Action 1 and Action 2 alternatives. The same with commercial landings for the past five years. None of the proposed commercial ACLs are expected to be exceeded under any combination of alternatives.

For economic effects, in general, ACLs that allow more fish to be landed result in increased positive economic effects, and the ultimate effects of this action on the economic environment will depend on which alternative is selected in Action 1. As for social effects, these will change a lot as perceptions form, but, of course, in the past, there has been some resistance to further decreasing a given sector's percentage allocation.

Before I open it up for discussion, one thing that I did want to note, from the IPT, especially since we've talked about dolphin wahoo recently, is to remember that this allocation discussion is coming off of the back of an updated stock assessment, and the increase in ABC is also reflecting

total biomass and spawning stock biomass estimates that have been steadily increasing since 2013, plus four years of recent high recruitment that you're seeing, in addition to the FES numbers, and so it's important to remember here that the increase that we're seeing in ABC is not solely reflective of the change to the MRIP-FES method, and it's that in combination with changes in stock biomass, and so that's something important to consider.

With that, I will scroll to the table, which I think is a little bit easier to follow, and what we're asking here is for you guys to talk and consider, one, if you would like to keep all of these alternatives for consideration, and then, of course, whether or not you would like to choose a preferred alternative at this time.

MR. POLAND: Thank you, Christina. I feel like Table 3 and 4 pretty well show the difference between all the alternatives. All right. Tim, go ahead.

MR. GRINER: Thank you, Mr. Chair. I would be supportive of Alternative 1, no action, as the AP suggested. I really -- There would be no effect on either sector, and I don't see the need to do anything different, based on these ACLs. Thank you.

MR. POLAND: All right. Thank you, Tim. Jessica.

MS. MCCAWLEY: I am supportive of no action. I am also supportive of Alternative 4, because it's the next closest, it looks like, to the current. They just are looking at two different time periods, and one is looking at average landings from 1978 to 1983 and the other one is taking a more recent time period, but I just wanted to hear, from Christina, if it was okay for us to choose the no action alternative that the AP suggested.

MS. WIEGAND: We've actually been talking about this a little bit internally, to try to figure out the best way to organize these, since it's not possible to update the landings stream used in Alternative 1 based on FES numbers, and so I guess my question would be to Monica or Shep, and can we maintain these percentages, even though they're based on landings streams that are no longer supported, because they're so far back in time, so long as the council has reasonable justification for why they may want to do so? Sorry to put you on the spot, Monica.

MR. POLAND: Monica, to that point?

MS. SMIT-BRUNELLO: That's okay, and I'm subbing in for a while for Shep on Mackerel, and so I think that, Christina, we have to figure out what the rationale would be and develop an adequate record to do that, based on the fact that you said that those landings streams are no longer supported, and we can't update them, and so I'm a little reluctant to say that, yes, it would be allowed, and I'm a little reluctant to say that we couldn't develop some kind of record to support it, and so I know that's a little bit of an iffy answer, but maybe, if the council really wants to go there, and it's going to go out for public hearing, we could try to come up with rationale to support that action. I think it's going to be a little bit difficult, and we'll have to have a lot more internal discussion on whether that's even a viable alternative, so to speak.

MR. POLAND: Thank you, Monica. Christina, or other staff, how many stocks do we have where we would have a similar scenario like this, where the timeframe we're basing allocations on is so far back that we don't have that data stream any longer, and is it just king mackerel, and maybe

Spanish, because I think Spanish is one where allocations were made so long ago, and are there any others?

MS. WIEGAND: Other staff can correct me if I'm wrong, but I believe this situation is likely specific to just king and Spanish mackerel, which would have had their allocations set back in the 1980s.

MR. POLAND: Okay, and so it might be beneficial if Monica and GC can look into this, because I expect that we will have a similar discussion and a similar request for Spanish mackerel, when we take that up in a year or so.

MS. WIEGAND: Spanish mackerel is actually not based on a landings stream, and so this is likely a king-mackerel-specific issues.

MR. POLAND: Okay. All right. Mel, go ahead.

MR. BELL: I had just assumed that Alternative 1 was not a possibility, and I'm not playing lawyer, but so, based on that, I was attracted to 4, just because of the more recent landings data that you're using, and so 4 seemed logical to me, if 1 wasn't a possibility.

MR. POLAND: All right. Thank you, Mel. I guess, to that point, if 1 isn't an alternative, we need to build our regular support for Alternative 4, and I'm pretty sure that our rationale of just picking Alternative 4 because it's the closest to Alternative 1, which is not a viable alternative, isn't enough. All right. Andy, go ahead.

MR. STRELCHECK: Thanks, Steve. I concur that we just ought to look at National Standard 4, and I think we could certainly justify Alternative 4 as essentially promoting conservation and the fairness and equity between sectors. With that said, I think it is a little bit tenuous of an argument to use of a very outdated and historical average landings time series, and so probably I would prefer at least looking at something that it is a little more recent and updated, based on available landings.

This is a little bit different and unique situation as well, with regard to MRIP data and the new FES numbers, in that both sectors are underharvesting, or haven't met the quotas, for the most part, in recent years, and so I think there's even maybe some additional alternatives the council could explore with regard to a broader range, shifting more to the commercial sector, relative to the recreational sector, and I'm not suggesting that's my preferred, but just that, looking at net benefits to the nation and optimizing yield, we should take that into consideration, in terms of what would be in the best interest of the fishery as a whole for that allocation and achieving that.

MR. POLAND: Thank you, Andy. Could you articulate a few of those other options that you think we could consider?

MR. STRELCHECK: I think it would require the IPT probably being involved, but I guess one of my thoughts is we heard mentioned, with the AP, constraints on the commercial sector, and the recreational sector also has some constraints, in terms of what they can catch relative to the catch limits, but, looking at the kind of overall proportion of the quotas that's being caught, and are there

some ways of shifting quota between the sectors that might help maximize yield levels and catch limits better than what they're currently caught at.

MR. POLAND: All right. Thank you for that, Andy. Spud, go ahead.

MR. WOODWARD: Thank you, Steve. I am struggling a little bit to kind of understand how Alternative 1 would be viable, and, I mean, I think, in the past, we've been told that, if you have FES recalibrated estimates, that you really need to use those in your deliberations for adjusting allocation.

Also, I would like to just say, on the record, that we need to keep in mind that, in the recreational sector, fish landed does not always equate to optimum yield. Oftentimes, the recreational sector wants encounters, and, the more fish that are in the water, the greater opportunity for encounter, and the greater opportunity for trip satisfaction, and so, when we start looking at allocations, that's something we need to keep in mind.

MR. POLAND: Thank you, Spud. I don't see any more hands, and it seems like, right now, the recommendation from the committee is to consider Alternative 1 and Alternative 4, but there's still some questions out there about the feasibility of Alternative 1, and then Andy provided some thoughts and some additional alternatives that could be considered, and so what is the pleasure of the committee? Jessica, go ahead.

MS. MCCAWLEY: Well, I might have missed what Andy was saying, but when can we hear more about whether that no action alternative is viable, I guess, and, second of all -- I mean, I think that the reason the AP is wanting no action is because that's the one that has the highest commercial allocation. I will just throw that out there, and so I just don't know if I'm ready to pick, but, since I missed what Andy said, maybe I'm not operating with all the information.

MR. POLAND: All right. Thank you, Jessica. I'm going to skip you, Mel, and go to Andy, since I believe he will address Jessica's question. Go ahead.

MR. STRELCHECK: Certainly Monica may want to weigh-in here, and she talked about the record that the council builds, and I think that's always the key component to this, and so I think there certainly is the ability to select the no action alternative, and I think the struggle, or disconnect, that a lot of us are having is that it's really anchored to a time series that we can no calculate those percentages by, and so I'm wondering if we can still refer to it as the no action, but it's kind of a continuation of an allocation that was set previously under different methodology.

There has to be some kind of clarity there, because we're not using those landings, or those landings estimates any longer, to calculate that allocation. The council is just agreeing that there is really no need to change the allocation and could build a record around that, as to why they think it doesn't need to change.

MR. POLAND: All right. Thank you, Andy. Monica.

MS. SMIT-BRUNELLO: I would try to get you more legal advice by the time this comes to Full Council, but, if that's possible, then don't pick a preferred. You don't have to pick a preferred when you go out to public hearing, if you're not certain, and you can get information from the

public, during the public hearing process. I see that the next action is to revise the recreational annual catch target, and then you're going to be talking about bag and possession limits, minimum size, heads and fins intact, those kinds of things, and so, in my mind, they don't tier, necessarily, off of you choosing a preferred for this action. You could do that in September.

MR. POLAND: All right. Thank you, Monica. Mel, go ahead.

MR. BELL: Well, now I do feel like a lawyer. That was basically what I was going to say, is that we don't have to pick a preferred, and it seems like we don't have enough information right now to solidly settle on a preferred, and so, if we don't have to, let's move it forward without a preferred at this point.

MR. POLAND: All right. Thank you, Mel. Any other comments from the committee? I am comfortable moving this forward without a preferred, to receive public comment. Are there any of these alternatives that we do not want to consider, or any additional alternatives that have not been considered yet? Tim.

MR. GRINER: Thank you. I was just going to say that we're not going to glean anything more from public comment, going out for public comment. I mean, they're not going to be able to weigh-in on Action 1 anymore, and so it seems, to me, that it would help public comment if we had chosen a preferred. That way, it gives them at least some direction of what the council's thought process is, and, again, as Andy said, we can absolutely build a record for this, and we're not doing anything different. It's basically status quo, and we're not basing it on those average landings, but we're just continuing what we're doing, and so I really don't have a problem picking Alternative 1 as a preferred, and I do think it would help the public comment process. Thank you.

MR. POLAND: All right. Thank you for that, Tim. What's the pleasure of the committee? I mean, no one has made a motion yet to pick a preferred, if some feel a preferred needs to be picked. Tim, go ahead.

MR. GRINER: **I will go ahead and make that motion to pick Alternative 1, no action, as the preferred.** Thank you.

MR. POLAND: All right. Thank you, Tim. Is there a second to that?

MS. MCCAWLEY: Second.

MR. POLAND: Thank you, Jessica. All right. Is there additional discussion? I'm not seeing any hands, and so people are comfortable moving forward with this as a preferred in the public comment? Andy, go ahead.

MR. STRELCHECK: Well, I do want to make sure we build a record here, and so I know there's been already some comments made, but it would be good, for those who are in support of the motion, to at least comment on the preferred, so that we can build a record.

MR. POLAND: All right. Thank you, Andy. Mel, go ahead.

MR. BELL: I was just going to say that we can pick that. If there's the chance that it may not work out, then we have to take it back, if we can't -- If it doesn't work out from the data standpoint or being able to build sufficient justification.

MR. POLAND: Thank you, Mel. Spud.

MR. WOODWARD: Thank you, Steve. For the reasons that Mel just said, and I just -- I'm not quite certain about all this, and I'm opposed to the motion, and so I just wanted to register my vote in opposition.

MR. POLAND: All right. Thank you, Spud. Jessica.

MS. MCCAWLEY: I think I'm kind of where Andy was, that it's almost like there's not a particular action to do exactly what we want, because it's -- This is going back to an old data stream, but we really want these percentages that happen to be based on this very old data stream that we can't reproduce into the future, I guess, and so I'm wondering if, ultimately, maybe between now and Full Council, if staff can figure out if we just need to add an action that would state this a little bit differently than just no action, because I agree that no action is based on this old data stream, but I think it's partly this percentage that we're trying to get at, and just everything that's happened in the past, on king mackerel, and, frankly, Spanish mackerel too, and I would have to go back and look at some of the history, but I feel like there was a lot of effort that went into setting these percentages in the first place.

I mean, king mackerel really is a success story, but I'm kind of suggesting, with this no action, that we don't want to mess with that. I don't have all the pieces in front of me to talk about why it was set this with, with the data stream from 1979 through 1983, but I could try to come back with that in another council meeting, if I need to help with that.

MR. POLAND: All right. Thank you, Jessica, and Andy and the staff can correct me if I'm wrong, but I don't believe we need to articulate completely our rock-solid rationale for this at the moment, but, if this is the action that we do move forward with, we will need to, like you said, Jessica, really discuss that information further at future meetings. Anna, go ahead.

MS. BECKWITH: I don't have a super strong opinion on this one, and, since this is my last bite at this apple, I was more or less abstaining from the discussion. I sort of like some of the other options that were presented, but I won't defend them one way or the other, and so I didn't want you to think that I wasn't interested, but I'm just sort of recognizing that my timing is limited here. Thanks.

MR. POLAND: Thank you, Anna. Is there any further discussion on the motion on the board? Monica, go ahead.

MS. SMIT-BRUNELLO: Just, when you're putting on your thinking caps to justify this alternative, think about why it's appropriate to base allocations on landing history that's thirty-six to forty years old, and so I understand what Jessica was saying, that mackerel has been a success story, and it's not overfished, and it's not overfishing, and so maybe there's other information that we can bring in that would justify using a four-year period, 1979 to 1983, that starts at forty years

ago, and so I'm just saying put on your thinking caps to see how we can justify using that kind of time period.

MR. POLAND: Thank you, Monica. I mean, I would personally like to see a little bit more information on what the fishery did look like back in 1978 to 1983, and was it really restricted by regulation at the time, and what was the composition of the catch, all that type of information. Andy, go ahead.

MR. STRELCHECK: I was going to say something similar to Monica, and I guess one thing I would add, and I think it would be beneficial, is to look at just the historical landings in recent years, and my recollection is that the commercial sector has come in somewhere around 40 to 60 percent of their current allocation, and the recreational sector hasn't come close to landing their portion of the allocation as well.

Kind of in line with Jessica's comments that the allocation, for the most part, has been a success, and, as far as we can tell, at least at this point, it doesn't look like either sector is going to be bumping up against their catch limits, to the point where we would be triggering accountability measures or having other negative impacts, but I certainly also agree that there will be an additional record, with the analysis and data and information that we're presented by staff going forward, with regard to net economic benefits and optimization of the yield for the fishery as a whole, and so we can look at that as we build a record. I appreciate the discussion.

MR. POLAND: All right. Thank you, Andy. Christina.

MS. WIEGAND: I just wanted to say that, if it would be helpful for council discussion, regarding these allocation percentages, I can go back to the amendment where these allocations were set and pull rationale for why those years were used, and I believe the initial rationale was simply that they were -- The most consecutive years in which they had both commercial and recreational landings available at the time was the rationale for the years.

I will say that the AP, not at their most recent meeting, but I believe it was at their meeting in November, did discuss a desire to keep the historical breakdown of the fishery together, and so that is something that the AP has discussed in the past, and I just wanted to note that, since it was at a past meeting and not the most recent meeting that Ira discussed.

MR. POLAND: All right. Thank you, Christina. Yes, I think that would be very helpful. Chip, go ahead.

DR. COLLIER: Thank you. I just wanted to point out that SEDAR does have landings for recreational and commercial broken out going back into even the 1920s, and so it is possible to break out these landings into the different sectors. Really understanding the trip dynamics back then might be a little bit more challenging, but we can look at what information was available in order to establish those catch estimates.

MR. POLAND: Thank you for that, Chip, and I do foresee a Shiny app in our future, characterizing this fishery.

DR. COLLIER: Thank you for the warning.

MR. POLAND: Any further discussion? All right. We have a motion on the table. It sounds like there will be some opposition to this motion, and so, Christina, I will just ask for a roll call.

MS. WIEGAND: I can do that. Let me pull up my committee sheet. All right. First up, I've got Mel Bell.

MR. BELL: No.

MS. WIEGAND: Anna Beckwith.

MS. BECKWITH: I'm going to have to say no.

MS. WIEGAND: Chester Brewer.

MR. BREWER: No.

MS. WIEGAND: Chris Conklin.

MR. CONKLIN: Which motion are we reading? I'm sorry.

MS. WIEGAND: The motion to select Action 1, no alternative, as the preferred under Action 2, which is the sector allocations.

MR. CONKLIN: Yes.

MS. WIEGAND: Tim Griner.

MR. GRINER: Yes.

MS. WIEGAND: Jessica McCawley.

MS. MCCAWLEY: Yes.

MS. WIEGAND: Spud Woodward.

MR. WOODWARD: No.

MS. WIEGAND: Carolyn Belcher.

DR. BELCHER: Yes.

MS. WIEGAND: Art Sapp.

MR. SAPP: No.

MS. WIEGAND: Kyle Christiansen.

DR. CHRISTIANSEN: No.

MS. WIEGAND: Andy Strelcheck.

MR. STRELCHECK: Abstain.

MS. WIEGAND: Kerry Marhefka.

MS. MARHEFKA: Yes.

MS. WIEGAND: Tony DiLernia.

MR. DILERNIA: Abstain.

MS. WIEGAND: Dewey Hemilright.

MR. HEMILRIGHT: Abstain.

MS. WIEGAND: Lieutenant Copeland.

LT. COPELAND: Abstain.

MS. WIEGAND: Then Bob Beal I don't believe is present. Give me one second to tally these up. It doesn't look like the sheet is tallying them right, and so I want to count to make -- I'm sorry. Steve Poland, did you want to vote, as Chair?

MR. POLAND: The Chair is not going to vote.

MS. WIEGAND: The Chair is not going to vote. Okay. Give me one second, to make sure I'm tabulating this right. All right. **I've got the motion failing with six no, five yes, four abstaining, five counting the Chair's abstention.**

MR. POLAND: All right. Thank you for checking that vote, Christina. What's the pleasure of the committee? We can move forward and not select a preferred, and send this out for public comment, or, if anyone else has a motion, we can entertain that. Anna, go ahead.

MS. BECKWITH: I would probably just move forward without selecting a preferred, because, like I said before, we were six-to-five on that vote, and I am not going to be here in September, and so I would hate to have something not move forward just because I voted in a particular way, and that may change the path of this. I could have as easily abstained, and so I think you guys probably have asked some questions, and you might need to get some additional information, but I think you guys are going to have a different conversation about this in September, the next time you see this.

MR. POLAND: Thank you for that, Anna. I'm comfortable moving forward not selecting a preferred for this and seeing what kind of comment we get from the public. Chester, go ahead.

MR. BREWER: Thank you. Given some of the reservations about Alternative Number 1, a lot of those reservations don't apply to Alternative 4, because 4 is based on the average landings from 2014 to 2019, and the reason I voted against the prior motion was because of these questions about it being based on these landings that are -- Some of them are twenty-three years old, and so I will make a motion. **I don't know how far it will go, but I will make a motion that we select Alternative 4 as the preferred.**

MR. POLAND: All right. There is a motion on the board. Do we have a second?

MR. SAPP: I will second it.

MR. POLAND: I believe that was Art. Thank you. Is there discussion? Any thoughts? Tim, go ahead.

MR. GRINER: Thank you. Alternative 1, I mean, I guess I understand why some of you are having heartburn over it, this business about not being comfortable that we can build a record, and I feel confident that we can, and we're not doing anything other than continuing a success story, and so can we, at this point, add another alternative that takes those percentages that were in the no action and add those as an alternative, much like Alternative 4 is 68.9 and 31.1, and can we add another alternative that goes back to the ones that were in Alternative 1? Is that possible now?

MR. POLAND: Tim, I think -- I'm not sure. I think that's kind of what Jessica was trying to get at. The way Alternative 1 is currently written, it's written in a way to justify continuing with an old data stream, as opposed to, like you suggest, just picking those percentages that are arbitrary and then justifying those percentages outside of the historic rationale for that. Christina, to that?

MS. WIEGAND: Monica can correct me I'm wrong, but, yes, I believe you can add another alternative under Action 2 that would simply allocate 62.9 percent to the recreational sector and 37.1 to the commercial sector, and there would need to be rationale for it, but there have been situations in the past -- Off the top of my head, I know for Spanish mackerel, and I believe also for red porgy, where the council has used their informed judgment to set at allocations, as opposed to an explicit landings stream, and so I do believe that's something you guys could do, provided the correct, or sufficient, rationale, but Monica or Andy can correct me if I'm wrong on that.

MR. POLAND: Thank you, Christina. Jessica, go ahead.

MS. MCCAWLEY: Can you let Monica go first?

MR. POLAND: Yes, absolutely. Go ahead, Monica.

MS. SMIT-BRUNELLO: I think Christina is right, if we could build the record. We're kind of doing this a little bit differently, right, and so what we're saying is that this is the current percentage that's in the -- That is allocated between the recreational and commercial sectors, and what we would like to do is keep that percentage, because of the success story of king mackerel, and then we would need to work out the numbers, and, obviously -- I guess, in terms of your informed judgement, put on your thinking caps as to your informed judgment, and you wouldn't be basing it on potentially forty-year-old landings history, and you would be basing it on other rationale, I

guess the way the success story has been for the fishery and other things, but, yes, I think we could come up with something like that.

MR. POLAND: All right. Thank you, Monica. I mean, I could see justifying this, and it's as simple as the current performance of the fishery we feel is appropriate, and we feel like the fishery is well utilized at this percentage, and keep it at that. Jessica, go ahead.

MS. MCCAWLEY: **I would like to, I guess, either make a motion or direct staff to add an alternative here that would set the allocation as 37.1 percent commercial and 62.9 --** Somebody muted me in the middle of speaking, and so that was fun. I would like to make a motion to add another alternative here that would set the commercial allocation at --

MS. WIEGAND: I'm so sorry, Jessica, but do you want to make a substitute motion, or are we -- Because we have a motion on the board right now.

MS. MCCAWLEY: **So a substitute motion.**

MS. THOMAS: Christina, everybody just got muted, all of a sudden, and so we're just going to quickly take care of that, okay?

MS. WIEGAND: That's fine. It gives me time to format language for the motion.

MS. THOMAS: All right.

MR. POLAND: You can take my hand down. I was raising it because I had no other form of communication.

MS. MCCAWLEY: While Christina is typing, I can go back and look at the history, and I feel like we're going to end up calling this the Roy Williams allocation, but, anyway, I wanted to go back and look at some of the history, but, based on the performance of king mackerel, the success story, all the different reasons that we're going to go back and look at this for, not just based on these old landings, but I feel like this is one of the intents here, and I'm not saying that everybody agreed with it, clearly, with that no action alternative, but this is what I meant earlier today about how I think -- When we think about allocation, we're going to think about this differently for each species.

We've have a discussion here, and part of what we would be saying is that we still agree with this historical allocation for, and then we would have the list of reasons why, and so that's why I'm making this substitute motion, which is -- My intent would be to ultimately make this the preferred, but it seems like selecting the no action made people uncomfortable, and because it was based on those particular landing years, and so, after hearing what Christina said, and hearing what Monica said, I'm offering a substitute that would select those percentages.

MR. POLAND: All right. Thank you, Jessica. Do we have a second for that motion?

MS. MARHEFKA: I will second.

MR. POLAND: Thank you, Kerry. I'm not sure, Jessica, why we would name it after a basketball coach from a rival university that's recently retired, but -- Tim, go ahead.

MR. GRINER: I was just going to second, but -- Yes, I was just going to second that.

MR. POLAND: All right. Thanks. Chester.

MR. BREWER: I was going to second it as well.

MR. POLAND: All right. Is there any further discussion on the substitute motion? We need to vote this motion up or down, and, if we vote it up, then it becomes the main motion. All right. Let's see if we can do this without a roll call. **Is there any opposition to this motion? Hearing none, the motion stands approved.**

The substitute is now the main motion. One last chance for any discussion. All right. **Hearing none, is there any opposition to the motion? Hearing and seeing none, the motion stands approved.** Jessica, go ahead.

MS. MCCAWLEY: **I would like to make this new alternative our preferred.**

MR. GRINER: Second.

MR. POLAND: Was that Tim who seconded?

MR. GRINER: Yes.

MR. POLAND: All right. I will let Christina get the motion on the board. Is there any further discussion? This motion would make the new alternative the preferred. All right. I am not hearing or seeing any further discussion. **Is there any opposition to approval of this motion? No opposition, and the motion stands approved.** Is there any further discussion on this action? Hearing and seeing none, thank you for the good discussion, everyone. You can proceed, Christina.

MS. WIEGAND: All right. Let's roll on to Action 3, which is revising the recreational annual catch target for Atlantic migratory group king mackerel. Alternative 2 would revise the annual catch target based on the updated ABC, and the current equation is the ACL times one PSE, or 0.5, whichever is greater, and Alternative 3 would set a 90 percent buffer between the recreational sector ACL and the ACT, and Alternative 4 would set -- Excuse me. A 10 percent buffer and a 5 percent buffer under Alternative 4, between the sector ACL and ACT.

We do need to update the ACT for this. It's tied to the recreational accountability measure, which says that, if recreational landings exceed the recreational ACL, and the stock ACL is exceeded, you would reduce the bag limit the following year by the amount necessary to ensure the landings achieve the recreational ACT. Preliminary analysis is revising the Atlantic king mackerel recreational ACL is not expected to result in any negative biological impacts to the stock, because overall catch is still constrained to the sector ACL, based on AMs to prevent the ABC and OFL from being exceeded.

The economic and social effects are similar, in that restricting harvest to the ACT may have some indirect effects, such as loss in consumer surplus received from harvest, and, of course, reductions can cause changes in fishing behavior and other social disruptions, but ensuring that the stock does not -- By preventing overfishing, through the ACT, it can have long-term social benefits. Again, the AP had no recommendation on this action, and so we're just looking for you guys to select a preferred. We don't have numbers for the ACT right now, but we can pull those, now that you have selected preferred alternatives under Action 1 and Action 2.

MR. POLAND: All right. Thank you, Christina. Any discussion on this? Am I correct in saying that this ACT has probably never been triggered?

MS. WIEGAND: Yes. Because the king mackerel landings on the recreational sector have not exceeded -- They haven't triggered an accountability measure at all in recent years, and so this ACT hasn't been utilized in recent years.

MR. POLAND: Okay. Another question, and so the reason we need to take action is because, currently, I guess, the ACT is codified as a number, and is there any way that we could just automate that and just reference the current ACL, so we wouldn't have to update this action every time the ACL changes, or am I not understanding that correctly?

MS. WIEGAND: That would be, I guess, a question for Monica, or even a reg writer, and so you're correct in that the reason this action is in here is because we can't -- If we wanted to get rid of the ACT entirely, we would have to update the king mackerel accountability measures as well, and so, since we're not updating the accountability measures, we would need to take action on the recreational ACT. I don't know if it's possible to write the codified text in a way that would just specify, for example, the equation under Alternative 2, or the percentage under Alternatives 3 and 4, as opposed to listing out the specific numerical amount that the ACT is.

MR. POLAND: Okay. Can anyone -- Monica, go ahead.

MS. SMIT-BRUNELLO: Christina is right that it is specifically listed, because we do use that as the target, if you will, if the ACL was exceeded the previous year. I would be happy to look into that and see if there's a way, when we go forward -- If there's a way that we don't necessarily have to codify it, and I'm thinking we -- I know we do now, and so I don't want to say that it's not that we have to, and so let me look into it, and I will get back with you, because maybe there's another way around it.

MR. POLAND: All right. Thank you, Monica. I mean, I know, at some point, the ACL would have to be codified, or the ACT would have to be codified somewhere, but I just didn't know if it was just -- If we could reference like just the general table, so to speak, of ACL. All right. Any discussion from the committee on Action 3? We don't have any ACTs for any of our stocks, and this is kind of rare, and we're really not used to dealing with them. All right. I am not hearing anything. Chester, go ahead.

MR. BREWER: Thank you, Steve. I am wondering if we could take things a little bit out of order. Tony has indicated a desire to speak to this EFP, and I know he's got to take his wife to the doctor at 3:00, and so I'm wondering if we could have Tony's comments and then we can get back to it later, and I've got some comments that I would like to make.

MR. POLAND: Thank you, Chester. We've been talking with Chairman Bell and Tony, and Tony is available tomorrow, and he will be with us for Full Council, and so I think, in an effort to just try to stay reasonably on track today, we might move the discussion of the EFP to tomorrow during Full Council, so that everyone is there and we have appropriate time to discuss it.

MR. BREWER: Okay. Thank you. That's fine.

MR. POLAND: Thank you. Tony, go ahead.

MR. DILERNIA: Thank you, Mr. Chairman. Yes, I am prepared tomorrow to give a full explanation of the EFP. I would like to thank Councilman Brewer for bringing it back up, but I am prepared tomorrow to give a full explanation. Thank you, sir, and thank you for your consideration of my time to be able to leave today at 3:00. Thank you, sir.

MR. POLAND: All right. Thank you, Tony. All right, committee, back to Action 3. I do not have strong feelings one way or another on any of these alternatives, and it sounds like we need to select something other than no action in the future. Christina, go ahead.

MS. WIEGAND: I was just going to offer, if it's helpful for the committee, and I know that these, especially Alternative 2, can seem sort of obtuse, when you don't have firm numbers to look at, and so one of the things that the staff can do, in between now and bringing this back to you at the September meeting, is take the decisions you've made for Action 1 and Action 2 and actually get you numbers, so you can see what these ACTs would look like under each of the alternatives, based on your current preferences, if you think that would help the discussion at all.

MR. POLAND: I think that would be great, Christina. I find it easier for people to react to a number. All right. If there's no further discussion, we will just leave this action as it is, without a preferred, and move on to Action 4.

MS. WIEGAND: All right. Jumping into Action 4, this is one that was included in the amendment, based on recommendations from your Mackerel Cobia Advisory Panel, to create consistency in the recreational bag limit throughout the king mackerel management jurisdiction. Currently, off the east coast of Florida, in federal waters, the bag limit is two fish per person, and this is intended to match the daily bag limit specified in Florida state waters, which is also two fish per person.

The AP has requested that the bag limit in federal waters be raised to three fish per person, which would match the bag limit for king mackerel throughout Gulf waters, as well as throughout the South Atlantic and Mid-Atlantic waters as well, and so it would create consistency throughout federal waters.

Your preliminary analysis -- Looking at the increase that this may cause, there were two methods, and one assumes that all trips that met the two-king-mackerel bag limit would also meet the three-king-mackerel bag limit. Method 2, alternatively, assumes that any trip that met the two-king-mackerel bag limit, and also discarded king mackerel, would now meet the three-king-mackerel bag limit, which would result in an increase of 14 percent for Method 1 and 3 percent for Method 2. Neither of these are anticipated to result in a closure.

Generally, angler satisfaction increases with the number of fish that can be harvested, and so an increase in the bag limit would have higher overall economic effects, and, for social effects, consistency in regulations throughout federal waters would be expected to reduce confusion and aid in compliance. However, it would then create inconsistency between federal waters and state waters of Florida, and so that's also something to consider. Here, we're looking for you to review the action and alternatives and select a preferred.

MR. POLAND: All right. Thank you, Christina. A bathroom break has been requested by council members, and so I will suggest that we take a five-minute break, and then we'll come back and jump right back into this action. Jessica.

MS. MCCAWLEY: I will be prepared to make a motion when we come back.

MR. POLAND: All right. Thank you. Come back at 2:50.

(Whereupon, a recess was taken.)

MR. POLAND: It looks like we have critical mass. We'll go ahead and get started back, just so we can keep this moving along. Jessica, I think you had a motion ready?

MS. MCCAWLEY: I do. Thank you, Steve. **I would like to select Alternative 2 under Action 4 as the preferred.**

MR. POLAND: Thank you. Is there a second?

MR. BELL: Second.

MR. POLAND: Thank you, Mel. Is there discussion? I think this is a pretty straightforward alternative, and it's something that I know the AP and public comment from Florida has asked for for a while. Jessica, go ahead.

MS. MCCAWLEY: That's exactly what I was going to say, Steve, that, yes, the AP has talked about this and discussed it, and we're the only state that doesn't have this. Not everybody has to keep three, but they would have the opportunity to.

MR. POLAND: Thank you. Mel.

MR. BELL: In addition to that, I appreciate the consistency across lines, and I think that makes the enforceability easier.

MR. POLAND: All right. Thank you, Mel. Is there any further discussion? **Is there any opposition? Hearing or seeing none, the motion will stand approved.**

MS. WIEGAND: All right. Then I will keep us rolling down to Action 5, which is looking at reducing the minimum size limit for recreational and commercial harvest of king mackerel, and, again, this was included based on recommendations from the Mackerel Cobia AP as a way to increase recreational harvest and reduce discards.

The current minimum size limit is twenty-four inches fork length. Alternative 2 proposes a twenty-two inches fork length, and Alternative 3 proposes twenty inches, and Alternative 4 proposes removing the minimum size limit entirely. For your preliminary effects analysis, negative biological impacts to the stock can be expected under Alternatives 2 through 4, since more fish can be landed under a reduced minimum size limit. Discard information was limited, but, looking at the commercial sector, discarded fish below the minimum size limit accounted for about 2.2 percent of total discarded fish.

Most of the discarded king mackerel, about 74 percent, were about twenty-nine inches fork length, suggesting that a percentage of legal-sized king mackerel are discarded in the commercial sector. For the recreational sector, we pulled information from the FWC charter and headboat data that indicated that the majority, or 44 percent, of the discarded king mackerel measured to be about twenty-three inches fork length. However, we did see discarded fish down to twenty-two and twenty inches as well.

There would be positive direct economic effects related to increased harvest, as well as positive social effects related to reduced discards and reduced waste, thus improving perception of management success, and this was noted during the AP, but the IPT also wanted to note that the commercial sector does have a provision to possess undersized king mackerel in quantities that don't exceed 5 percent by weight of the king mackerel onboard. Again, here, we're looking for you to review the action and alternatives and consider selecting a preferred.

MR. POLAND: All right. Thank you, Christina. Is there committee discussion? Jessica.

MS. MCCAWLEY: I am starting to wonder if I'm the only committee member, other than Mel, that's awake this afternoon, but a couple of things. It looks like 50 percent maturity at twenty-two inches fork length, and so I feel uncomfortable going below twenty-two inches fork length. **I am also open to separating this into two different actions, because we already have this allow 5 percent undersized by weight for commercial, but, even with all that said, I would make a motion to select Alternative 2 as the preferred.**

MR. POLAND: All right. Thank you, Jessica. Is there a second for that motion?

MR. BELL: Second.

MR. POLAND: All right. Thank you, Mel. Any discussion? No hands. I believe you two are the only two awake.

MS. BECKWITH: No, I'm still awake, but I'm just -- I'm here.

MR. POLAND: All right. Kerry raised her hand. Go ahead, Kerry.

MS. MARHEFKA: Mostly to also confirm that I'm here, but just knowing -- I just want to acknowledge that Ira had said that the AP commercial guys had said that that's really too small for market for them, and I will admit that I personally don't have enough information to sort of articulate that argument right now, and so I might not just vote on a preferred at the moment, but I wanted to make sure that we remembered that that was a recommendation from the AP, was to not include the commercial in that.

MR. POLAND: Absolutely. Thank you, Kerry. Personally, I feel like I would like a little more information on this, and I would like some history as to why it was originally twenty-four inches, when it looks like the L 50 was about twenty-two inches. Tim, go ahead.

MR. GRINER: Thank you. Is there data from SEDAR that tells what the percentage of mature fish are at twenty-four inches? I see it's 50 percent at twenty-two, and do we know what it is at twenty-four?

MR. POLAND: I am positive we do, but we just have to find that information, and I don't know if staff has it readily available.

MS. WIEGAND: I don't know that, off the top of my head, but Steve is right that I'm sure that's something we can dig up.

MR. POLAND: Yes. Jessica, go ahead.

MS. MCCAWLEY: I am also fine with direction to staff to split this out, so you have options for doing this for recreational and options for doing it for commercial. I too would like to learn about the history of why twenty-four, but, yes, there wasn't an option right now to just select this for recreational, which is what I really wanted.

MR. POLAND: Okay. Chip, go ahead.

DR. COLLIER: I am pulling up the fishery performance report Shiny app, and give me just a couple of minutes to get that, and I will get the information to you.

MR. POLAND: All right. Thank you, Chip. I am not opposed in splitting this action out and having a commercial and recreational action. We have a motion on the board right now to select a preferred out of this action, so that, if we did decide to dispense with that motion and then make another motion to split this out, I don't know how we would handle that selection of the preferred.

MS. BECKWITH: I think you would need a substitute motion.

MR. POLAND: Yes, and so I would entertain a substitute motion, if that's the desire of the committee. Jessica.

MS. MCCAWLEY: Since I made that motion, I don't know if I can also make the substitute motion. I'm not sure if that's allowed.

MR. POLAND: Is anyone willing to make the substitute motion, so we don't have to go to Roberts Rules?

MS. BECKWITH: Yes, and she's correct that she can't make the substitute motion, but I will make it on Jessica's behalf, if she wants to put some appropriate wording up there.

MS. MCCAWLEY: **I think we want to add an alternative for only reducing recreational harvest to twenty-two inches fork length and making that the preferred.**

MS. BECKWITH: Okay. **I would make that motion.**

MR. POLAND: All right. Is there a second to that motion?

MR. BELL: I will second that, if I can.

MR. POLAND: All right. Thank you, Mel. Is there discussion? Kerry.

MS. MARHEFKA: I was just going to offer my motion making services.

MR. POLAND: All right. Thank you. We've got a substitute motion to add an alternative to this action for only reducing the recreational harvest to twenty-two. That's a little bit different than separating the action completely and considering a different size limit for either or both sectors. Jessica, go ahead.

MS. MCCAWLEY: That's because I was trying to kill two birds with one stone, add the alternative and select it as the preferred, but could we have direction to staff to split out the other alternatives?

MR. POLAND: Yes, I think we can. Anna.

MS. BECKWITH: To that point, I was going to also assume that there would still have to be a range, and it just can't be just the twenty-two for consideration, and so I would expect it sort of formatted for some additional options past just the twenty-two.

MR. POLAND: All right. Thank you, Anna. Christina.

MS. WIEGAND: I think, if it's helpful, staff would be able to bring back -- If the desire of the committee is to split this into two actions, one that would address the commercial sector and one that would address the recreational sector, I don't see a reason why I wouldn't be able to bring that language back to you at Full Council, if that helps at all.

MR. POLAND: Jessica.

MS. MCCAWLEY: That sounds good, and, if we want to lay this motion on the table until we can do that, that's fine, or dispense with it, and that's fine by me.

MR. POLAND: All right. I say that we lay the motion on the table and bring it up at Full Council. What's the pleasure of the committee?

MR. BELL: Sounds good to me.

MS. BECKWITH: I'm okay with that, as the motion maker.

MR. POLAND: All right. Thank you, Anna. Is there any further discussion or any other information that the council feels like we would like to review? Christina.

MS. WIEGAND: I just have a procedural question, I guess. If we're going to -- Do we need a motion to table this motion, or is it just sort of hanging out in limbo until we get to Full Council? I'm not a parliamentarian, and I just wanted to make sure that we're going about this in an appropriate way, and so I guess I'm looking for guidance from Monica or J.C. or whoever feels like they have the correct Roberts Rules knowledge to provide comment, because it's not me.

MR. POLAND: Thank you, Christina. Good point. John or Monica, and I believe Kelly is our parliamentarian.

MR. CARMICHAEL: Kelly, do you know? I feel like tabling did require a motion.

MS. MCCAWLEY: It requires a motion, and I thought it requires like a seventy-something percent vote, and so you lay on the table until a time certain, and I believe it is more than a 50 percent vote, I believe.

MR. CARMICHAEL: You could just vote on this without seeing it, and I think you have pretty clear guidance of what you're expecting, what you're asking for, and it's not like it's a complicated type of wording situation.

MR. POLAND: Thank you, John, and so --

MR. KLASNICK: Just to clarify, what I have here, looking at the references, if you want to lay that motion on the table, it needs to be seconded, and a majority vote.

MR. POLAND: All right. Thank you, Kelly. I mean, my preference would be to not complicate things and to go ahead and dispense with the motion, the substitute and, if it stands, the main motion, and it sounds like we've given appropriate direction to staff to develop an additional action separating this out. All right.

Is there any opposition to the substitute motion? Hearing none, the motion stands approved.
The substitute motion becomes the main motion. Is there any additional discussion on the motion?
Is there any opposition to the motion? Hearing or seeing none, the motion stands approved.

I will just ask the committee just to refer to the direction to staff there, those two bullets, and make sure that they reflect our will as the committee. They look appropriate to me. All right. Hearing none, Christina, take it away.

MS. WIEGAND: All right. One last action for king mackerel. This one looks at modifying the recreational requirement for king and Spanish mackerel to be landed with heads and fins intact. Again, this is included in the amendment based on a recommendation from the Mackerel Cobia AP to increase recreational harvest and address the increase in shark depredation and barracuda depredation.

Currently, cutoff king and Spanish mackerel that are caught under the recreational bag limit may not be possessed. Alternative 2 proposes that cutoff fish that are caught under the recreational bag limit that comply with minimum size limits may be possessed and offloaded ashore, and there are sub-alternatives to allow that for king mackerel and Spanish mackerel. This provision is already

in place for the commercial sector, and the AP has requested, again, due to the increase in shark depredation, that this provision also be extended to the recreational sector.

Preliminary effects noted that allowing possession of damaged king and Spanish mackerel may minimally increase harvest. However, the fish are in a state where they're expected to be dead discards anyway, and so the biological effects to the stock would be neutral, and it would provide direct economic effects for the recreational sector as well as indirect social effects by improving stakeholder perception of the management process. Again, you heard the AP's comments in support of this action, and so, again, we're looking for you to review the action and alternatives language and select preferred alternatives.

MR. POLAND: All right. Thank you, Christina. What's the pleasure of the committee? Spud, go ahead.

MR. WOODWARD: Thank you, Steve. The council has heard my comments on this before, and I don't disagree with the logic of it, and certainly I'm always in favor of reducing waste of natural resources, but this does create conflict with state law. In the State of Georgia, any fish subject to state regulation for quantity or size has to be landed with head and fins intact, and so we are going to set up a point of conflict, and so a Georgia Conservation officer puts on his NOAA OLE JEA hat and goes, okay, that's fine, and then he puts on his Georgia Game Warden hat and goes, no, it's not fine, and so that's just something we need to be cognizant of, and I don't know that that's a deal breaker, but it certainly can create some problems.

MR. POLAND: Thank you for that, Spud, and I believe I've spoken to this before too, and we do have rules on the books here in North Carolina that also require fish to be landed with head and tails intact. When HMS modified the language requirement for yellowfin tuna, or all tunas, to account for the same issue of mutilated fish, we did have to modify our rule for tuna to account for that, and so, if this does pass, and this is our preferred, North Carolina would need to take some additional action before this is allowed to be landed in state waters, but given --

At least, from our perspective here in North Carolina, given the prevalence of shark interactions and mutilated fish, I think that might be an action that the state may be willing to pursue, just to account for this, but I can't speak for Spud for Georgia, or any of the other states, and I'm not familiar with the mechanisms in the other states on how to proceed with something like that, but I think that is a valid concern to be aware of in this discussion. Jessica, go ahead.

MS. MCCAWLEY: Thank you. I was quickly checking the state waters limits, to see if we had the same problem for Florida state waters, and we do, in that we have to land the fish whole, with head and fins intact.

However, a disallowance for we'll call it a bitten-off fish that meets the minimum size limits is in place for commercial, and so, in my mind, in order to make recreational and commercial the same, we either need to remove that allowance from commercial or add it to recreational, because it is causing confusion for fishermen as well as for law enforcement that are trying to enforce this in federal waters. I would also add that, with a number of these fish being bitten off by sharks, I think we should consider allowing it for recreational, and I will just put that out there, but, yes, our FWC rules would have to be changed as well.

MR. POLAND: Thank you, Jessica. Mel.

MR. BELL: I was just trying to read ours too, but we have the similar head and fins intact law too, and it's a matter of whether or not we also have the ability to adopt, by reference, federal regulation related to size and bag limits, and so it's all how it's worded, I think, but we might have the same problem, and our remedy for that is a little more complicated, perhaps, than you all's, because we can't just go to our commission, and we would have to go to the general assembly, perhaps, and actually institute change in law, perhaps.

MR. POLAND: All right. Thank you, Mel. Andy.

MR. STRELCHECK: I just wanted to comment on the state director input here, and so I appreciate you raising this, and I think this is an issue that can come up more often than maybe we think, and, certainly from my standpoint, I recognize the complexity that some of you have to go through with making these changes.

I guess what I would like to hear is, at the September meeting, when we come back, if you have an opportunity to talk to your commissions, to get input on something like this, and give feedback to the council as we kind of move forward. Is this an administrative hurdle that can be overcome, or is this something that is supported, but will require some regulation changes on the states' end going forward, but, the more input I think you can provide the council as a whole, I think the better we'll be informed, obviously, in terms of any sort of regulatory decisions that we're making on our end, and so thanks for your input.

MR. POLAND: Thank you for that, Andy, and I could probably go ahead and provide a little bit more input on that, from North Carolina's perspective. I mean, our mechanism is a lot easier, it sounds, compared to the other states, and it would just be a rule change that we would have to bring to our Marine Fisheries Commission and they would have to adopt, and there would certainly be some lag time, but it's common practice, here in North Carolina, to modify rules, or proclamations, as federal regulations change, and so it's something that we're accustomed to doing for other fisheries and other management bodies, and so it's not an insurmountable mountain for us, so to speak. Spud, go ahead.

MR. WOODWARD: Thanks, Steve, and I certainly don't want to belabor this, but I would just like to set a little context for why I'm particularly concerned, and that is that we have very, very little commercial landings of mackerel in Georgia, and so the opportunities for conflict with existing regulations, as it relates to commercial fishing, are pretty low, but, if this is extended to recreational fishing, then the opportunity for conflict is going to increase markedly, because we do have a high volume of recreational fishing, and for-hire and private recreational in king mackerel and Spanish mackerel, and so it's a little different for our state.

MR. POLAND: Thank you, Spud. Dewey.

MR. HEMILRIGHT: Thank you. Am I understanding that, for the recreational here, the proposal is to allow mutilated fish that's been shark bitten to be retained as catch?

MR. POLAND: Yes, as long as they meet the minimum size, as it's worded currently, yes.

MR. HEMILRIGHT: Well, as the amount of sharks are going to be ever increasing, and the less directed fishing on sharks, more species of fish are going to be eaten up by sharks, and I know it might be some administrative hurdles for different states and stuff listening here, but it would probably be good if we could work our way towards allowing -- I mean, it's pretty -- I don't know -- I would think it would be common sense to look at something that got eaten and be able to tell -- To allow them to keep it. I just think you're going to see more and more shark depredation as we go forward, and it's just going to get worse. Thank you.

MR. POLAND: All right. Thank you, Dewey. What's the pleasure of the committee? Do we want to select a preferred, moving into public hearings? I can assume which alternatives the public will probably support. I'm looking to those of you who are still awake. Mel, go ahead.

MR. BELL: Given that we kind of maybe need to do a little research, you can select a preferred if you want, but we may have to come back with a different answer from us, and we don't need to select a preferred, and we can wait.

MR. POLAND: Okay. That's understandable. Chester.

MR. BREWER: Before Mel stated that we don't have to, I was going to make a motion to select Alternative 2 as the preferred, but I don't have to do that right now.

MR. POLAND: Thank you, Chester. I mean, we certainly don't have to move forward with a preferred right now, and, since there are some hanging questions out there, or at least concerns from some of the states, as far as regulatory perspectives, and, I mean, we can certainly just move this on for public hearing and not go forward with a preferred. Spud.

MR. WOODWARD: Thank you, Steve. I would rather not set a preferred, because I do think this -- I mean, if we were to do this, it's going to set a precedent, and folks are going to want the same allowances in other federally-managed fisheries, because sharks don't eat just eat mackerel. They eat red snapper, and they eat a lot of other things too, and it's a bitter pill to swallow to throw back a bit-off snapper grouper species that would meet the minimum size limit, and so that's just something we need to think about.

MR. POLAND: All right. Thank you, Spud. All right. It sounds like the committee is in agreement to not select a preferred for this action, and then, at the next meeting, the state reps can provide a little bit more info on their specific state's regulatory process for implementing a regulation like this. All right. Anything else, Christina, on this amendment? Art, go ahead.

MR. SAPP: Real quick, I was just curious if there's any way of finding out if there's ever been a citation for somebody retaining a bit fish. I don't know who you ask, but, if we do know who that person would be, I would love to --

MR. POLAND: We were losing you there towards the end, Art, but I think we got the gist of your question. Monica.

MS. SMIT-BRUNELLO: I cannot answer Art's question, and I am going to ask Christina. The NMFS policy guidance, I guess, on allocations suggests that, when the council looks at allocations in an FMP that they might want to look at the goals and objectives of the FMP at the same time,

to just make sure that they're up-to-date and that you're following that when you consider allocations, and so maybe the larger draft amendment already contains the FMP goals and objectives, but I just think we've encountered that in a few other FMPs, that we haven't looked at them in a while, or the council had thought they updated them, but didn't actually formally incorporate it into the FMP, and so I just throw that out there to consider to perhaps, if it's not in the document, maybe add the goals and objectives, and the council could see that at the next meeting.

MR. POLAND: All right. Thank you, Monica. Art, go ahead.

MS. WIEGAND: I guess, to answer Art's question, council staff certainly doesn't have that information. I am not sure to the extent we would be able to gather it, and we would need to talk to NOAA OLE and the different states, to see if a citation has ever been issued, and so I guess, unfortunately, my answer is I'm not really sure whether or not we can gather that information.

MR. POLAND: All right. Thank you, Christina. I mean, from our state's perspective, I can certainly talk to marine patrol and see if I can get an NOV report, but that would probably mostly be state fish, and I'm not -- I don't have enough information at-hand to really answer it one way or another if we can provide that information. Jessica, go ahead.

MS. MCCAWLEY: I was trying to get to what Art was suggesting, and so I'm thinking that the violation would technically be a fish not landed in whole condition violation, and it would be difficult, at least for our state rule, to make a determination, unless it was written in the ticket specifically that the fish was bitten off, because that not landed in whole condition could be that a person started filleting it or did something other than just eviscerating the fish, since it's a violation of not in whole condition, and so it would be a little challenging to tease out if it was shark bitten or another large predator bitten off, unless that was written out on the ticket, and I just wanted to put that out there.

MR. POLAND: Thank you for that, Jessica, and I think we would have a similar issue here, because our head and tails intact rule was specific to fish that are subject to a size limit, and I know that there have been violations, in the past, where people have caught Spanish mackerel and filleted it for flounder bait and didn't realize that that was a violation, and so I don't know if we would be able, unless we went back to individual reports and saw that the officer actually reported that it was a shark bite. Patrick, I see you have your hand raised. Go ahead.

MR. O'SHAUGHNESSY: I just wanted to -- I don't have the hard data, but, just for recollection, we have written some citation for shark-bit fish, and I know we've done it for tuna, and I believe we have done it for king mackerel, but, in all of those situations, the remaining portion of the fish did not meet the legal size limit, and, in some instances, we don't think it would have met the legal size limit if it had been whole, but it was claimed to have been big enough, but shark bit, and so our cases -- We haven't written anybody specifically for shark-bit and legal size, as in not in whole condition, to my knowledge.

MR. POLAND: All right. Thank you, Pat. All right. Any further discussion on this amendment?

MS. WIEGAND: There is sort of one last question for you all to discuss, and that's whether or not you're comfortable approving it for public hearings at the current state it's in, and so, if I just

remind you of the draft schedule, right now, the schedule is to bring this to the Gulf Council in June. If you're comfortable, hold public hearings over the summer and bring it back to you guys in September, to make any modifications, and then we're looking at final approval in December of 2021, and so, really, your choice is to do public hearings now, over the summer, or we could also push it to be after the September meeting and do it in the fall and not affect the timeline too much, unless there was substantial public comment that required significant modification to the amendment in December, and so just to give you guys some information to chew on while you decide whether or not you would like this to go out to public hearings at this juncture.

MR. POLAND: All right. Thank you, Christina. I see pros and cons with both approaches. If we hold off public hearings until we review the document again in September, we'll also be able to review the input from the Gulf Council, from their meeting next week, and, in addition, we've added and modified a few actions and not selected preferreds or asked staff to provide some additional information, and so it might be a little beneficial to see this one more time before we send it out to public hearings, or we could send it out to public hearings and have a whole slew of input from the public, the Gulf, and the information coming back from staff. Mel, go ahead.

MR. BELL: It just kind of boils down to -- It sounded like what Christina said was that, if you wait a little bit, you can still keep it on track, but, if the desire is to have it as clean as possible and as close to what it's maybe going to look like as possible, then holding off could work.

MR. POLAND: Thanks, Mel, and I certainly think I'm in the holding-off camp. Any additional input from the committee? Jessica.

MS. MCCAWLEY: I'm in the hold-off camp, too.

MR. POLAND: All right. If there's no other input from the committee, is that clear direction, Christina?

MS. WIEGAND: Yes, sir. That's clear direction.

MR. POLAND: Awesome. All right. Anything else we need to dispense of in this amendment? All right. The next, and last, item on our agenda for today is Review of CMP Amendment 32, and so, Christina, whenever you're ready.

MS. WIEGAND: Switching gears, we're going to talk about cobia, and, again, we've talked about this one a couple of times, and so, in the interest of trying to get us back on something that resembles a schedule, I won't belabor what this amendment is about too much, but, again, it's responding to a stock assessment, and, unfortunately, cobia is not in the same situation as mackerel. While it's not overfished, it is undergoing overfishing, and so the councils must take action to end overfishing.

If we need to, we can go back and reference these graphs, and these just summarize landings since 1986 and show the increase you see between MRIP-CHTS and MRIP-FES numbers, in terms of recreational landings, and, again, here's your numbers for the updated stock assessment, as recommended by the Gulf Council's SSC. The difference between this and king mackerel is that, over the time period, the OFL and ABC recommended by the SSC increases over time, as opposed to the decrease you see with king mackerel.

Other than addressing the new ABC recommendations, this also addresses sector allocations, like the previous amendment, as well as includes several actions that are aimed at reducing and preventing overfishing, and then there is an action in here that would address some changes that need to be made to the CMP framework procedure.

Again, there are tiering actions in this amendment, and this graphic here sort of summarizes how those actions tier. In Action 1, you set the OFL, ABC, and ACL, which then affects the apportionment between the Gulf Zone and the Florida East Coast Zone. The Florida East Coast Zone allocation then affects the sector allocations and the resulting annual catch limit targets.

All we really need to do at this meeting today -- We're not looking to approve it for public hearings yet, and we'll be looking to approve for public hearings in September for our council and the Gulf Council, and so we're really looking to review some changes that have been made throughout the document, select any preferred alternatives, and that will be it for this amendment.

Here are some changes that have been made to the purpose and need statement. Again, it's fairly minor, and we added language in there that notes that we are revising the sector allocations in the Florida East Coast Zone. As the council requested, we added an action in last time, and then we added in language to specify Gulf group cobia, and I will try to be very explicit in talking through this amendment. When we're talking about Gulf group cobia, that's the entire migratory group, and so all of the Gulf and Florida east coast. When we're talking about Gulf Zone cobia, that's the part of cobia that falls within the Gulf Council's jurisdiction. When we're talking about the Florida East Coast, or FLEC, Zone cobia, that's the cobia that falls within the South Atlantic Council's jurisdiction. I will pause here real quick, to see if there are any questions about the purpose and need statement.

MR. POLAND: Thank you, Christina. Any questions from the committee? Hearing none, go ahead.

MS. WIEGAND: All right. Headed on down, you've got Action 1. There have been no changes to the language in this action. If you will remember, you guys selected Preferred Alternative 2 as your preferred. The other option was Alternative 3, which, instead of having the increasing yield stream for cobia, it would hold the ACL at the 2021 level.

One thing I do want to note -- So this is a joint amendment, and it's my first joint amendment, and it's the first joint amendment we've done in a long time. When it says "Preferred Alternative 2" in this document, that means that both the Gulf Council and the South Atlantic Council have agreed on a preferred alternative.

In future iterations, to make it clear, after discussion with other council members, I will probably specify that this is the South Atlantic and Gulf preferred, but, in terms of going through this document in front of us, if it just says "preferred", that means that both councils have selected it as preferred. With that, I will open it up and see if there are any discussions or changes desired for this action.

MR. POLAND: All right. Thank you, Christina. Are there comments from the committee? Are we fine with our current preferred alternative? All right. It sounds like we are, Christina.

MS. WIEGAND: All right. Continuing on, Action 2 looks at modifying the Gulf cobia apportionment between the Gulf Zone and the FLEC Zone based on the ACL selected in Action 1, and the current preferred alternative is to modify the Gulf group cobia stock ACL apportionment to 63 percent to the Gulf Zone and 37 percent to the FLEC Zone, and this is based on average FES landings for Gulf group cobia between 1998 and 2012, and this was the equation landings stream that was initially used to set the apportionment, and it was just updated based on FES landings.

That time period was selected because it included landings from the most recent fifteen years, which is the time that was the longest period, and it could capture the long-term dynamics of the stock, and so, again, both the Gulf and South Atlantic Council have selected Alternative 3 as the preferred, and there's no action that needs to be taken on this action, but I will go ahead and pause here, if there are any discussions or concerns.

MR. POLAND: Thank you, Christina. Jessica, go ahead.

MS. MCCAWLEY: I thought the Gulf Council made a motion to move Alternative 4 to Considered but Rejected. Don't we either need to approve that or make the same motion?

MS. WIEGAND: Yes, correct, and I just wanted to make sure we were good with our preferred alternative, but, if everyone is, then you are exactly right, Jessica. The Gulf Council did pass a motion to remove Alternative 4 and send it to the Considered but Rejected appendix, and, if our council concurred with that motion, we would need to pass a similar motion, in which case staff could then move the alternative to the appendix.

MS. MCCAWLEY: All right. **I would make a motion that, in Action 2, we move Alternative 4 to Considered but Rejected.**

MR. BELL: Second.

MR. POLAND: Awesome. Any discussion? **Any opposition? Hearing and seeing none, the motion stands approved.**

MS. WIEGAND: All right. Is there any more discussion on this amendment, or shall I move us on to Action 3?

MR. POLAND: Is everyone find with our preferred? Seeing no hands, carry on.

MS. WIEGAND: All right. Action 3 looks at modifying the FLEC Zone cobia allocation between the commercial and recreational sector, and so this is a new action that you guys didn't see at the last meeting, but we've added it based on direction to staff from March. Alternative 1 would retain the 8 percent/92 percent allocation between the commercial and recreational sectors, which was set based on Atlantic group cobia landings and MRIP-CHTS.

Then Alternative 2 would modify the FLEC Zone cobia allocation to 5 percent commercial and 95 percent recreational, and this is based on allocation formula which balances historical catch with more recent landings, and, again, you guys are familiar with this equation. The historical catch is from 2000 to 2008, and the more recent landings are 2006 to 2008.

Alternative 3 would retain the FLEC Zone cobia allocation of 8 percent to the commercial and 92 percent to the recreational sector, and then it would be updated and tracked in MRIP-FES, and then Alternative 4 would modify the FLEC Zone cobia allocation based on maintaining the current commercial ACL, which is 70,000 pounds, beginning in the 2021 fishing season and allocating the remaining revised ACL to the recreational sector, and then the allocation percentages that were put in place would remain the following years.

I do want to note a couple of things about this alternative, and the 8 percent that you see in Alternative 1 and Alternative 3, this 8 percent and 92 percent allocation, is based on landings for the entire Atlantic group cobia stock, and so that was originally put in place when Atlantic migratory group cobia included all of the east coast of Florida and all the way up through the Mid-Atlantic Council's jurisdiction and so that percentage reflects the proportion of landings between the commercial and recreational sector for all of Atlantic migratory group cobia, as well as was calculated using the CHTS numbers, and so that's an important historical context to remember, and so that was calculated before the management boundary was revised to the Florida/Georgia state line.

Based on the possible ACLs, a commercial closure analysis and a projection of when the recreational ACL would be met was conducted, and the recreational ACLs are predicted to be met during the month of August, and this is under the ACLs projected for the 2022 fishing year, and it's also important to note that, currently, the recreational FLEC Zone cobia does not have an in-season closure. They do have a post-season AM that states that, if the total FLEC Zone stock ACL is exceeded in one year, then, the following year, the recreational season will be projected to close when the ACT is met.

Based on an analysis of the most conservative FLEC Zone commercial sector ACLs, no closures are predicted, and so, with that, what we need from you guys here is to review the actions and alternatives and consider whether or not you would like to select a preferred alternative at this time.

MR. POLAND: All right. Thank you, Christina. Are there comments from the committee? Monica, go ahead.

MS. SMIT-BRUNELLO: Thanks. I'm not on the committee, but, Christina, if Alternatives 1 through 3 are chosen, one of those, we will have to justify and figure out how to build a record as to why it's appropriate to allocate the FLEC Zone cobia based on the Atlantic group cobia landings, correct?

MS. WIEGAND: That would be just for Alternative 3, and I guess Alternative 1, no action, but Alternative 1, no action, is not viable, and then, for Alternative 3, yes, we would need to justify why it's appropriate to allocate FLEC Zone cobia based on landings that were for the entire Atlantic cobia jurisdiction. Alternative 2 uses this new sector allocation formula that would be run just off the east coast of Florida, using new MRIP.

MS. SMIT-BRUNELLO: Thank you.

MR. POLAND: All right. Jessica, go ahead.

MS. MCCAWLEY: We're having a debate here. Sorry, and so it's a little bit difficult for us to suggest a preferred, because it's hard to see kind of a side-by-side comparison here. There is a table in the dolphin wahoo decision document, and I believe it's Table 8, and I wish we could see something like that under this action, because it's hard to see like if the poundage that we're seeing, like in Alternative 4, is similar to the poundages you would see in Alternative 3, and so I guess that we're not ready to select a preferred, or make a recommendation for a preferred, and I feel like we don't have enough information.

MR. POLAND: All right. Thank you, Jessica.

MS. WIEGAND: If it helps, I can pull up the full draft amendment document, which might have a table, and I don't know, off the top of my head, what the dolphin wahoo table looks like, but this will have tables with actual sort of poundages in them, if you think that's helpful.

MS. MCCAWLEY: Sure. If there's something in there, I would love to see it.

MR. POLAND: All right. While Christina finds that, Mel, go ahead.

MR. BELL: The Gulf hasn't picked a preferred yet? They will do that next week?

MS. WIEGAND: Correct. The Gulf Council chose not to select a preferred on this action, at the moment. Because it only affects the Florida east coast, they wanted to take our lead on this action.

MR. BELL: Okay.

MS. WIEGAND: The tables in this document can be a little tricky to follow, because the Gulf Council likes to include all combinations between Action 2, which is the apportionment between the Gulf Zone and the FLEC Zone, and so give me a second, to make sure I'm reading -- This is Action 2, Alternative 3, which is the preferred apportionment, which is 37 percent to the FLEC Zone, and, in each of these tables, as you scroll through -- This is Attachment 3(b), and this shows Action 3, Alternative 2, the 95 percent, and so these are the numbers you would want to look at right here.

MR. POLAND: All right. Jessica.

MS. MCCAWLEY: I appreciate Christina showing us that. I hadn't spent a lot of time in the full amendment, but I could be ready, at Full Council, to suggest a preferred, after looking at these tables, but I need to spend some more time with these tables.

MR. POLAND: I am not uncomfortable with that, Jessica. Any further discussion from the committee? Andy, go ahead.

MR. STRELCHECK: Just for the benefit of the group, can you go through the other tables real quick, Christina? I believe the 8 percent is the next table.

MS. WIEGAND: Correct, and so this table looks at Action 3, Alternative 2, which is 5 percent and 95 percent. If you scroll down, it moves to Action 3, Alternative 3, which is the 8 percent and

92 percent, and, again, along this side, it shows the Action 2 alternative, which is the apportionment, and your preferred alternative is Alternative 3 at this point in time, and so you'll want to be focusing on these numbers.

MR. STRELCHECK: I did just want to note, for the group, that, based on Action 2, Preferred Alternative 3, the 69,000 is kind of in line with Alternative 4, which is 70,000 pounds, but it wouldn't be then fixed, going forward, at that -- It's very comparable, essentially, in terms of an allocation.

MR. POLAND: All right. Thank you, Andy, and I agree that these tables are very helpful. They are structured a little bit different than what we're accustomed to. Is there any further discussion on this action? Again, Jessica requested some time to review these, and we may have a motion at Full Council to select a preferred for this. All right, Christina.

MS. WIEGAND: All right. Moving on down to Action 4, this looks at updating the ACTs, and, again, similar to king mackerel, we need to update the ACTs, because they are explicitly referenced in the accountability measures. Alternative 1, no action, the Gulf Zone ACT would be set equal to 90 percent of the Gulf Zone ACL, whereas the FLEC Zone ACT, or recreational ACT, would equal the FLEC ACL multiplied by that same equation that you saw in king mackerel.

Alternative 2 would standardize it and use the Gulf Council's ACL/ACT Control Rule to calculate ACTs for the Gulf Zone and the recreational sector for the FLEC Zone, and then Alternative 3 is an option to establish an ACT for the commercial sector in the FLEC Zone. The commercial sector doesn't currently have an ACT, and so, if we were to establish an ACT for the commercial sector in the FLEC Zone, we would want to also consider updating the accountability measures for the commercial sector as well.

Just based on perspective, for the time series in Action 2, Alternatives 2 through 4, the PSE for the recreational data was approximately 0.24, which would result in setting the FLEC Zone ACT at about 76 percent of the FLEC Zone ACL. For Action 2, Alternative 5, the PSE for the recreational data was closer to 0.25, and so not a big difference, and it would be 75 percent of the FLEC Zone ACL.

Alternatives 2 and 3 would update the calculation based on the Gulf Council's ACL/ACT Control Rule, and so, under that control rule, the ACTs for the Gulf Zone and the recreational sector in the FLEC Zone would be set to 10 percent lower than their respective zone ACLs, and then Alternative 3 provides an option to do the same for the commercial ACL.

While Alternative 1 results in a larger buffer, Alternative 2 and/or Alternative 3 would at least standardize the ACT calculations for the entirety of Gulf group cobia, and it would be similar to how they're calculated for other Gulf federally-managed species, which would create consistency for them, consistency among Gulf group cobia as a whole, but would create inconsistency between how we calculate ACTs for the South Atlantic.

The Gulf Council has not selected a preferred alternative under this yet, but they will be reviewing this amendment next week, and so we're asking you guys to review Action 4 and consider whether or not you would like to select a preferred alternative at this time.

MR. POLAND: All right. Thank you, Christina. I will open the discussion up to the committee. Any comments? Again, there is no preferred selected for this, and I would really look to our Florida contingent, since all these actions affect that Florida East Coast Zone. Jessica, go ahead.

MS. MCCAWLEY: We're debating here. I don't know that we have an answer for this one yet either.

MR. POLAND: Okay. Again, Christina, there is no rush to select a preferred for any of these, right? This won't get us off schedule at this point?

MS. WIEGAND: No, and so, right now, we're just sort of -- There have been a lot of changes to this document that we wanted to review with you, and you will notice that much more in the coming actions, but we're not looking at approving this for public hearings until September, and so there is still time to select preferred alternatives in September, if you're concerned about making sure you have preferreds for the public hearings.

MR. POLAND: All right. Thank you. I do not have any input to add to this action, and I'm fine moving on, unless there is other comment from the committee. Jessica, go ahead.

MS. MCCAWLEY: **We were reviewing the tables in the full amendment, and I think that I would make a motion to select Alternative 2 as the preferred.**

MR. POLAND: All right.

MR. SAPP: I will second it.

MR. POLAND: All right. Thank you, Jessica. Thank you, Art. Is there any discussion on the motion? Jessica.

MS. MCCAWLEY: I was going to try to give some rationale. I don't think that we have accountability measures associated with a commercial ACT, which is why I didn't suggest Alternative 3, but we're still looking at some of these tables in here, and I don't know that I have a full rationale right this second. You might want to go to Andy.

MR. POLAND: Okay. Thank you. Andy, go ahead.

MR. STRELCHECK: Can you scroll back up to the alternatives? You will need to come back to me. Give me a second. Thanks.

MR. POLAND: All right. Back to you, Jessica.

MS. MCCAWLEY: I don't have any more information yet. I should have just waited until Full Council to suggest the preferred, and we're studying some of the tables in the full amendment.

MR. POLAND: Okay. Since we have a motion on the board, we could dispense with the motion, and then, if there's a desire to change that preferred, we can do that at Full Council.

MS. MCCAWLEY: Sounds good.

MR. STRELCHECK: Steve, I would suggest we wait to make a decision on this. I think we need to give some more thought. I think we're all getting a little tired today, to be honest with you, and maybe we need a break and get refreshed before we move too far.

MR. POLAND: I agree, Andy. We have a motion. I mean, we can vote to table it, and Kelly provided us input on that earlier, and it would just be another motion and a majority vote to table it to Full Council. That way, we don't have to vote this up or down, and so what's the pleasure of the committee? Mel.

MR. BELL: So the idea is you would have what you need by Full Council tomorrow, and that would be sort of the time certain, and so the motion would be to table until tomorrow, and we would be okay with that?

MR. POLAND: That's my understanding. Is that correct, Jessica and Andy?

MS. MCCAWLEY: Yes, I will certainly try to have a response by then.

MR. STRELCHECK: Yes, that works for me.

MR. BELL: Okay. **If that's the case then, I would move to table until the time certain being the Full Council tomorrow.**

MR. BREWER: Second.

MR. POLAND: All right. Thank you, Mel. Thank you, Chester. Any further discussion on the motion to table? **Any opposition on the motion to table? Hearing and seeing none, the motion stands approved.**

MS. WIEGAND: Before I move on, I just want to give one other thing for everyone to consider, before we get to Full Council. Based on comments that Jessica made, if Alternative 3 is not something that the council is going to consider, you could consider sending it to the Considered but Rejected appendix. It's not something that necessarily needs to be done now, but, if we're going to revisit this during Full Council, that might be something you guys want to mull over.

MR. POLAND: All right. Thank you, Christina.

MS. WIEGAND: With that, I will move us on to Action 5. This has been changed quite a bit, and so one thing staff did is separated out Action 5 into two sub-actions. Action 5.1 addresses the Gulf Zone, and Action 5.2 addresses the Florida East Coast Zone. Currently, in the Gulf Zone, the current recreational and commercial daily possession limit is two fish per person, regardless of the number or duration of trips. There is no vessel limit or trip limit. Currently, the preferred alternative is to reduce the daily possession limit to one fish per person, regardless of the number or duration of the trips.

I did make, and this is an error on my part when I was putting this together, and I apologize, but Alternative 2 for the recreational sector has been selected as the preferred by both councils. However, at their meeting, the Gulf Council de-selected Option 2b for the commercial sector, and

so, if we want to follow what the Gulf Council did, our council would also need to de-select Option b to reduce the daily possession limit to one fish per person for the commercial sector, to be in line with what the Gulf Council has requested for their zone, and so that's one change that has been made between the last time you guys saw this and the Gulf Council's April meeting.

Then Preferred Alternative 3 creates a recreational vessel limit of two fish per trip, and Alternative 4 creates a commercial trip limit of two fish, and the reason we're considering this is to reduce fishing mortality and constrain Gulf cobia harvest to the ACL. However, preliminary analysis has shown that these reductions are likely to have minimum effect, and then, during its -- A lot of this is based on recommendations that the Gulf Council received during public testimony to establish possession limits that are similar to those established by the State of Florida, and FWC enforces a daily bag limit of one fish per person, or two per vessel, whichever is less, for cobia that are caught in Gulf state waters, and so remember that this action now only affects Gulf Zone cobia, and it does not affect FLEC Zone cobia. We'll get to that action next.

To sort of scroll down, to make it clear what the Gulf Council did at their April meeting, they removed "preferred" from Option 2b, and so, right now, our council has selected Option 2b for the commercial sector, to have a daily possession limit of one fish per person, which is conflicting now with what the Gulf Council has requested, and so hopefully that's clear as mud. I will scroll back up to Action 5.1, and I see that there are questions.

MR. POLAND: Thank you, Christina. Chester, go ahead.

MR. BREWER: Thank you, Steve. Maybe I missed it, but did the Gulf select a preferred on Alternative 2?

MS. WIEGAND: Their preferred for Alternative 2 right now is to reduce the daily possession limit to one fish per person for the recreational sector only.

MR. BREWER: Okay, and so they're not reducing the commercial?

MS. WIEGAND: Correct.

MR. BREWER: Okay. Thank you.

MR. POLAND: All right. Jessica.

MS. MCCAWLEY: All right, and so let me see if I can speak to this, because it is confusing, because, when it says Preferred Alternative 2, it makes you think that the Gulf and the Atlantic have both selected the whole everything under 2, but, technically, the Gulf has only selected this for the recreational sector, 2a, and the South Atlantic has selected 2a and 2b. I would say that my recommendation would be to maintain the South Atlantic's preferred as 2a and 2b, making the recreational and the commercial sector the same, which is what we have in Florida state waters on the Gulf side, and the FWC representative was advocating for that at the Gulf Council, but they changed their recommendation, based on some public comment, but I am suggesting to us that we maintain 2a and 2b as the preferreds for the South Atlantic.

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

MR. BELL: I would support that, and we don't need a motion to do that, but just concurrence that we would support continuing like that.

MR. POLAND: Yes, I think that's correct, and we've already selected those both as preferreds. All right. Chester, go ahead.

MR. BREWER: Okay. Thank you. Maybe I'm confused, but I thought we had to be -- Since this is apparently all one group of fish, I thought we had to be consistent between the Gulf and the South Atlantic. If that's not the case, then so be it, but I did think we had to be consistent with them.

MR. POLAND: Andy.

MR. STRELCHECK: Chester, you're correct, unless there's some geographic specificity, but even then the Gulf would have to agree with your recommendation, or vice versa. I will note, and I do appreciate Jessica's comments, because, obviously, consistency with regulations for state and federal waters is very important, and we did talk about this on the record at the Gulf Council, and I don't recall exactly the full conversation, but it was noted that, besides Florida, there was some inconsistency with regard to possession limits with other states, and so it's not a simple across-the-board answer that there would be consistency if we adopted the same possession limits for recreational and commercial for the other Gulf states, and I recognize that's the case for Florida, and so I just did want to note that, because I know this council is focused on the FLEC Zone in particular and the possession limit for that zone.

MR. POLAND: Thank you, Andy. Christina, go ahead.

MS. WIEGAND: Andy mostly covered it, but I was just going to answer Chester's question that, yes, before we take final action, the Gulf and South Atlantic Council do have to agree on preferred alternatives, and so, if there's disagreement -- For example, if we decide the council would like to keep Preferred Option 2b as their preferred, then this would go back to the council, and I would provide them, or whoever is our liaison would provide rationale, why we believe that Option 2b should be retained, and it sort of bounces back and forth until there is agreement between the two councils.

MR. POLAND: All right. Thank you, Christina. Mel.

MR. BELL: To follow all that, using that analogy, I was just following Jessica's lead and sort of returning the ball back over onto their side of the court, but, yes, it does have to be resolved before it goes final.

MR. POLAND: Thank you, Mel. All right. Chester, go ahead.

MR. BREWER: I have the privilege of being the liaison to the next Gulf Council meeting, and, Christina, would you expect this issue to come up at that meeting or at a later one? If it is expected to come up at that meeting, I need to flesh out the rationale of us doing what we're doing.

MS. WIEGAND: Yes, and so this amendment is coming to the Gulf Council next week. We'll be talking about this and king mackerel on Tuesday morning, I believe.

MR. POLAND: All right. Chester, do you feel like you have a rationale sufficient enough to explain it to the Gulf, our position?

MR. BREWER: Not really. Not really, other than that's what looks right to us, and it does look right to me, and we're trying to constrain harvest here, and it's also somewhat inequitable, and so that would be my explanation for it right now, but perhaps there's a much better rationale than what I am giving.

MR. POLAND: All right. Thanks, Chester, and certainly maybe council staff and others can help brief you before the meeting next week, and I'm sure we can go back to the record and find a little bit more rationale for our decision. Jessica, go ahead.

MS. MCCAWLEY: Yes, we can talk to Chester outside of this meeting, but one of the simple ways to put this is that these regulations are already in place in Florida state waters on the Gulf side. We're trying to get the same regulations in place in federal waters. FWC, prior to the Gulf Council taking any action, we did regulations in state waters on the Gulf side first. We workshopped this multiple times, and we went over and over and over this with our commission, and so we did a whole public process to get here.

The intention would be, after this amendment is passed, to change Florida state waters regulations on the Atlantic side, but we've already done all of this, and it's kind of like Florida state waters of the Gulf went first here, and then the assessment came, and it indicated that cobia was in worse shape than what we thought, than what the public thought, and now these are additional actions that are coming in throughout this amendment that are needed because cobia was in worse shape than what we even expected, and so, Chester, I know Martha can help you, and she'll be at the meeting next week, but we could also have a short call to discuss this outside the meeting, and we can provide you the public comment summaries that FWC got when we workshopped all this.

MR. BREWER: I would love the public comment summaries, but you pretty well -- Now that you've explained it to me, I have got a fairly good handle on why we are doing what we are doing. Thank you.

MR. POLAND: All right. Thank you, Jessica. Thank you, Chester. Is there any more discussion on Action 5.1? Hearing and seeing none, let's get into the next one, Christina.

MS. WIEGAND: All right. Scrolling on down to Action 5.2, this should look very familiar. This is the exact same action, but it just addresses the FLEC Zone, and so, right now, the council's current preferred alternatives, which have also been approved by the Gulf Council, would reduce the daily possession limit to one fish per person for the recreational and commercial sector. It would create a recreational vessel limit of two fish per trip and create a commercial vessel trip limit of two fish. Again, the data has said that this isn't going to result in a substantial decrease in landings, and the Gulf Council has supported all of our preferred alternatives.

Since it's been a minute, the Mackerel Cobia AP did talk about this action in particular at their meeting, and they noted that the commercial sector is currently able to catch two fish per vessel,

and they've never caught the full quota, and they feel that cobia as bycatch is important for commercial fishermen, because it helps in covering expenses, and they also noted that, at ASMFC, they do different trip limits for for-hire vessels and that that might be something the council should consider with regard to for-hire vessels that target cobia on the Florida east coast.

With that, I will scroll back up, and I will note that, since you did not change your preferred alternative for Action 5.1, your preferred alternatives for Action 5.2 and Action 5.1 match, and so, right now, you're proposing identical trip limits and possession limits and bag limits in the Florida East Coast Zone and the Gulf Zone.

MR. POLAND: All right. Thank you, Christina. Mr. Sanchez, go ahead.

MR. SANCHEZ: Thank you. I just wanted to digress a little bit to the discussion earlier, and, while I'm in agreement that, in Florida -- Anecdotally, a lot of people are seeing a decline in cobia, and we need to do something, and we're moving in the right direction, but I do think there's a difference in between lumping in the commercial activity into the seemingly inequity of having different bag limits, when I think they're very much justifiable, when you consider, like was mentioned, it's an opportunistic-type fishery commercially, when you get them, and two fish isn't anything crazy, or out of the realm, and, quite frankly, we're catching a tenth of the fish, typically, that the recreational sector is catching, and so to lump us in with -- Arguably, it's a lot less than if we go to FES, and that's with MRIP-CHTS.

When you consider who is really catching the fish, to impact the commercial guys with two fish, and try to drag him down to one, I don't think there's really going to be any increase, but there is going to be some impact, and so I think that is the reason for the difference, and that's the reason kind of why we left it there in the Gulf. Thank you.

MR. POLAND: Thank you for that context, John. All right. Is there any discussion on 5.2? We already have some preferreds selected. Are we find with those? All right. I am not hearing anything, Christina. Let's move on to the next action.

MS. WIEGAND: All right. Scrolling on down to Action 6, this looks at modifying the Gulf group cobia minimum size limit. Currently, the recreational and commercial minimum size limit in the Gulf Zone is thirty-six inches fork length, whereas, in the FLEC Zone, it is thirty-three inches fork length. The current preferred alternative, as selected by both councils, would be to retain the current minimum size limit of thirty-six inches in the Gulf Zone and increase the minimum size limit to thirty-six inches in the FLEC Zone, so that there's consistency between the two. Alternative 3 proposes a thirty-nine-inch fork length, and Alternative 4 proposes a forty-two-inch fork length.

Overall, commercial fishermen in both zones, and recreational fishermen in the FLEC Zone, tend to harvest larger cobia than Gulf Zone recreational fishermen, and it is thought that increasing the -- Based on analysis, increasing the minimum size limit is likely to reduce landings more than the trip limit and possession limit analysis. You can see those proposed reductions here, and so Preferred Alternative 2 would result in a 27.2 percent reduction in landings. Just so it's noted, 50 percent of cobia are thought to be sexually mature at thirty-three inches fork length.

The AP did discuss this, and, just as a quick reminder, since it's been a little bit since Ira gave the report, fishermen on the AP did feel that increasing the minimum size limit would hurt the fishery in the area they do regularly catch thirty-four-inch and thirty-five-inch cobia and that it would be important to consider the disposition of cobia that are discarded. A lot of fishermen use a gaff to get the fish onboard, which can result in high fishing mortality, and, in general, it's hard to get even a thirty-five-inch cobia on the boat and measure it without injuring the fish, though there has been research that shows that, if the fish are boated with a large net and not gaffed, that there is pretty high survival, and so, with that, I will scroll us back to the action and alternatives and see if there's any discussion.

MR. POLAND: Jessica, go ahead.

MS. MCCAWLEY: Thanks, Steve. I don't have any desire to change the preferred, but I just was going to offer a little bit of background. Full disclosure. When FWC went out to workshop in 2016 and 2017, for the same reason that the AP put forward here, about how a lot of people are gaffing these fish, how it can be somewhat dangerous to try to bring a large cobia onboard and measure it, and so, when FWC went first and took those actions for Gulf state waters, they did not implement a size limit.

Then the assessment came out, and the assessment indicated that cobia basically were in worse shape than what we thought, and so just doing the other actions in the document aren't enough to get the reduction that's needed, and that's what's Christina was saying, that, in order to really get a lot of bang for the buck here in the reduction, you've got to implement a size limit.

The intention would be, if the councils implement a size limit for federal waters, then the FWC would come back and consider this for state waters, but that's why we are supportive of the size limit. Yes, when we took it out to public workshop, back in 2017, the same concerns that we heard from the AP, but there's not really another way, with just the bag limits and the vessel limits, to get the needed reduction.

MR. POLAND: All right. Thank you, Jessica. Chester.

MR. BREWER: Thank you. I'm sorry to be taking up so much time, but, with regard to this thing about gaffing versus a net on cobia, if you try to bring a green cobia onboard, of any size really, any kind of decent size, they can break your leg, but, interestingly enough, and I don't know why this is, if you get a big net, and you net them, they don't struggle, and they don't fight. I don't know why that is, but, if you've got them in a net, you can measure them very easily, and so I just throw that out as a way to -- Maybe as a talking point to encourage people to use nets.

MR. POLAND: Thank you, Chester. Andy, go ahead.

MR. STRELCHECK: It sounds like Chester is suggesting a new gear requirement for cobia. That's good to know, Chester, and maybe a good message to get out, from an outreach standpoint. I just wanted to comment that I am in support of maintaining our preferred alternative. There was just a brief kind of flash-up of the table, with regard to reductions from the size limit, and I did want to acknowledge that it's a little bit odd, when I see that table each time, because it's showing no reduction for the Gulf, but I wanted to remind the South Atlantic Council that the Gulf Council just took action, and we implemented the size limit of thirty-six inches back in March of 2020, and

so it just hasn't had time to take effect, but, in fact, we are expecting a realized reduction from that increase in the size limit, but they're just a year or two ahead of you guys, in terms of considering that change.

MR. POLAND: Thank you, Andy. Dewey.

MR. HEMILRIGHT: I believe Virginia has implemented I thought a no-gaffing policy and where they use nets, and it seems -- I know everybody around here, a lot of people that do it a lot, they use nets, and they swear by them, a big dipnet to put the fish in there, and it calms them a lot more.

MR. POLAND: Thank you, Dewey. My experience is netting cobia is feasible, and we don't outright, here in North Carolina, require you to use a net, but we do have it in our regulations that you have to release the fish in a manner that maximizes its likelihood of survival, and so that kind of is a roundabout way to suggest that you don't use gaffs. Chris, go ahead.

MR. CONKLIN: I know the last time I got gaffed, I didn't like it very much, and, when I went in the net, it wasn't that bad, and I was pretty submissive.

MR. POLAND: All right. Thank you, Chris. Any more discussion on Action 6? All right. I'm not hearing any, Christina.

MS. WIEGAND: All right. Then I will move us on to Action 7, the last action in this amendment, and we're almost there. This looks at modifying the framework procedure. The no action alternative is lengthy, because we have included the entirety of the framework procedure, but the important part is that, under this, what the South Atlantic Council can do, with respect to changing regulations for FLEC Zone cobia only, is very limited.

As of right now, the way the framework procedure is currently written, we can only unilaterally take action for FLEC Zone cobia as it relates to vessel trip limits, closed seasons or areas, or gear restrictions. That's it, and so, for example, if we wanted to change the minimum size limit, we could not do that via the framework procedure, and it would have to be a full plan amendment, and we would have to get the Gulf Council's approval.

What Alternative 2 does is makes modifications to the framework procedure to allow the South Atlantic Council to -- Well, both councils, actually, to take action on measures that would affect only their group of cobia, and so FLEC Zone cobia or Gulf Zone cobia, unilaterally, and so without approval of the other council. You guys know we've done this with framework actions for king mackerel.

We're in sort of an interesting situation, where the Gulf Council did select Alternative 2 as their preferred, but staff is proposing to change the language of Alternative 2, and I will scroll down here to the IPT's recommended language change, and the Gulf Council is going to see this in June as well.

There seems to be a lot of confusion with the way the original Preferred Alternative 2 was worded, and there was some concerns, both from this council and from the Gulf Council, on what exactly each council could do unilaterally, and so, to remove any ambiguity with this new Alternative 2 language, we're proposing to explicitly list the actions that the South Atlantic Council can take

with regard to FLEC Zone cobia, and the proposal from the IPT is to allow the South Atlantic Council responsibility to set vessel trip limits, closed seasons or areas, gear restrictions, per person bag and possession limits, size limits, in-season and post-season accountability measures, and specification of -- I believe this should say ACLs, sector ACLs, and ACTs, and so allocation.

This would be for the east coast of Florida only. Both councils would have to concur on any recommendations that would affect the migratory group as a whole, and so we couldn't say change the stock ACL or change the apportionment between the Gulf Zone and the FLEC Zone through this framework procedure. That would still have to be done as a full plan amendment with input from both councils, but, these things listed here, the South Atlantic Council and the Gulf Council will be able to do unilaterally.

Hopefully that makes sense. What we're asking of the council today is to provide input on what's listed here under Alternative 2, if you're comfortable with the actions that are listed here, if you feel like there's anything that should be added or removed from this list.

MR. POLAND: Thank you, Christina. Anna, go ahead.

MS. BECKWITH: I am reaching back to many terms ago, and it might have been my first term, and I remember that we had a discussion about the Gulf Council wanting to change their season, month or something, and we were able to sort of stop the season change, because we had to approve their choice, even though it was not directly related to what we were doing, and the reason we did it was because it was going to impact the value of the sales of mackerel in North Carolina, and so I'm going to caution everybody that there's a reason why we have done these joint plans, and they're a pain, but having to come to some agreement between the two councils, I think, at least in that one particular situation, ended up being quite beneficial, at least to the North Carolina king mackerel fishermen, and maybe Tim has got some recollection, but I think it might have been his predecessor that spoke on that. Just based on that, I'm sort of opposed to this whole set of alternatives, but, again, I have very little say these days, and so go forth and prosper.

MR. POLAND: Thank you, Anna. Jessica.

MS. MCCAWLEY: Why don't you go to John first?

MR. POLAND: All right. John, go ahead.

MR. SANCHEZ: If that's me, I just left my hand up, is what it is. I'm sorry.

MR. POLAND: Okay. All right. Jessica, back to you, if you're ready.

MS. MCCAWLEY: **I am good with accepting the IPT edits to Alternative 2 and making that the South Atlantic's preferred.**

MR. POLAND: All right. Is there a second to that?

MR. BELL: Second.

MR. POLAND: All right. Thank you, Mel. I am interested in the history of the issue that Anna brought up, and I need some time to go back through the records and get a handle on that, but I think we can move this motion forward. Is there any more discussion? **Hearing and seeing none, is there any opposition to this motion?**

MS. BECKWITH: I'm opposed, for the record.

MR. POLAND: All right. **The motion carries with one in opposition.** All right, Christina. What's left in the document?

MS. WIEGAND: That is it in this document. I will say, if you're interested in more history of that king mackerel situation -- I'm not familiar with it, and I think it may have been before my time, but, Anna, I can get with you, and, if you can sort of direct me to the appropriate time period, I can probably dig up some information about that discussion for you all, if that would be of interest.

MR. POLAND: Yes, it would be. All right. Is that everything we need to discuss in Mackerel, Christina?

MS. WIEGAND: That is all that we had on the agenda.

MR. POLAND: All right. Thank you, and I appreciate everyone sticking with us through that committee. I have talked to Chairman Bell, and we will take a break, but we're going to move straight into Habitat and let Anne Deaton, the Habitat AP Chair, give her report, because she has to sign-off at quarter to five, and so we'll receive her report, and then I think Chairman Bell said a ten-minute break.

MR. BELL: After that, yes.

MR. POLAND: All right.

(Whereupon, the meeting adjourned on June 17, 2021.)

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July 30, 2021

SAFMC June Council Meeting

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Duration

9 hours 33 minutes

Attendee Details

Attended

Yes

Last Name

BROUWER

First Name

MYRA

Yes

BYRD

01JULIA

Yes

Bailey

Adam

Yes

Bauer

Tracey

Yes

Beckwith

00Anna

Yes

Belcher

00Carolyn

Yes

Bell

00Mel

Yes

Bellavance

10 - Rick

Yes

Bianchi

Alan

Yes

Bowlen

Joshua

Yes

Brame

Richen

Yes

Brennan

Ken

Yes

Brown

Julie

Yes

Bubley

Walter

Yes

Calay

Shannon

Yes

Carmichael

01 John

Yes

Carrodeguas

David

Yes

Chaya

01Cindy

Yes

Chesnes

Max

Yes

Christiansen

00kyle

Yes

Clarke

Lora

Yes

Collier

01Chip

Yes

Conklin

00 THE REAL Chris

Yes

Copeland

00 Bobby

Yes

Cox

Jack

Yes

Cox

Derek

Yes

DeVictor

Rick

Yes

Deaton

Anne

Yes

DiLernia

00Anthony

Yes

Donaldson

Mary

Yes

Fletcher

Brad

Yes

Flowers

Jared

Yes

Foor

Brandon

Yes

Foss

Kristin

Yes	Gentry	Lauren
Yes	Godwin	Joelle
Yes	Goodhue	David
Yes	Goozner	Zoe
Yes	Gore	Karla
Yes	Gravitz	Michael
Yes	Grimes	00 Shepherd
Yes	Gulbrandsen	Michael
Yes	Guyas	Martha
Yes	Hadley	01John
Yes	Harrison	BeBe Dalton
Yes	Hart	Hannah
Yes	Hawes	Rachel
Yes	Helies	Frank
Yes	Hemilright	00 Dewey
Yes	Hoke	David
Yes	Horton	Chris
Yes	Howell	Scott
Yes	Howington	Kathleen
Yes	Hudson	Rusty
Yes	Iberle	01Allie
Yes	Iverson	01 Kim
Yes	Johnson	Denise
Yes	Kaelin	Jeff
Yes	Karazsia	Jocelyn
Yes	Karnauskas	Mandy
Yes	Kellison	Todd
Yes	Killer	Ed
Yes	Klibansky	Lara
Yes	Laks	Ira
Yes	Lam	Elliott
Yes	Levy	Mara
Yes	Lewis	Savannah
Yes	Lyons Gromen	Pam
Yes	Marhefka	00Kerry
Yes	Masi	Michelle
Yes	McCawley	00-Jessica
Yes	McCoy	Sherylanne
Yes	McGovern	Jack
Yes	Mehta	Nikhil
Yes	Mendez-Ferrer	Natasha
Yes	Meyer	Robert
Yes	Murphey	Trish
Yes	Neer	Julie
Yes	Nesslage	Genny
Yes	O'Donnell	Kelli
Yes	O'Shaughnessy	Patrick

Yes	Porch	00Clay
Yes	Prewitt	Brian
Yes	Pugliese	01Roger
Yes	Pulver	Jeff
Yes	Ralston	Kellie
Yes	Records	David
Yes	Reichert	Marcel
Yes	Reynolds	Jon
Yes	Rhodes	01Cameron
Yes	Rock	Jason
Yes	Sanchez	Joseph
Yes	Sanchez	John
Yes	Sapp	00Art
Yes	Schmidtke	01Michael
Yes	Scott	Tara
Yes	Sedberry	George
Yes	Smit-Brunello	00Monica
Yes	Smith	Duane
Yes	Spurgin	Kali
Yes	Stemle	Adam
Yes	Stephen	Jessica
Yes	Strelcheck	00-Andy
Yes	Sweetman	CJ
Yes	Thompson	Mary
Yes	Thompson	Laurilee
Yes	Travis	Michael
Yes	Vara	Mary
Yes	Vaughan	Douglas
Yes	WHITE	GEOFF
Yes	Walia	Matt
Yes	Wamer	David
Yes	Whitaker	David
Yes	Wiegand	01Christina
Yes	Wiseman	adam
Yes	Woodward	00 Spud
Yes	berry	james "Chip"
Yes	brewer	00chester
Yes	campbell	calvert
Yes	colby	barrett
Yes	crosson	scott
Yes	emery	jeff
Yes	fabbri	jeffrey
Yes	griner	tim
Yes	joyner	woody
Yes	moss	david
Yes	poland	00steve
Yes	sandorf	scott

Yes
Yes

thomas
wilber

01suz
pace