

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **MACKEREL COBIA COMMITTEE**

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

**December 7, 2017**

### **SUMMARY MINUTES**

#### **Committee Members**

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

Doug Haymans  
Anna Beckwith  
Zack Bowen  
Dr. Roy Crabtree  
Charlie Phillips  
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Dr. Chip Collier  
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Roger Pugliese  
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Kathleen Howington

#### **Observers/Participants**

Jim Estes  
Rick DeVictor  
Dale Diaz  
Dr. Mike Larkin  
Dr. Jack McGovern  
Dr. Cisco Werner  
Rusty Hudson

Lieutenant Commander Trish Bennett  
Nik Mehta  
Erika Burgess  
Monica Smit-Brunello  
Dr. Bonnie Ponwith  
Dr. Louis Daniel

Other observers and participants attached.

The Mackerel Cobia Committee of the South Atlantic Fishery Management Council convened at the DoubleTree by Hilton Atlantic Beach Oceanfront, Atlantic Beach, North Carolina, Thursday morning, December 7, 2017, and was called to order by Chairman Ben Hartig.

MR. HARTIG: It's good to see the Mackerel Cobia Committee around the table, and we're going to bring that committee to order. The committee members are myself, Doug Haymans, Robert Beal, Anna Beckwith, Mel Bell, Zack Bowen, Mark Brown, Roy Crabtree, Michelle Duval, Jessica McCawley, Charlie Phillips, Rob O'Reilly, Dewey Hemilright, and Tony DiLernia. The first order of business is Approval of the Agenda. Are there any changes to the agenda?

DR. DUVAL: I just had one item under Other Business that I wanted to bring up.

MR. HARTIG: Okay. Thank you. If you give me a little latitude, I am going to change 4 and 5 around, just for the flow to go a little bit better, and that's all. With those noted changes, the agenda is approved. Next is Approval of the September 2017 Minutes. Are there any changes to the minutes? Seeing none, the minutes are approved. That brings us to Status of Commercial and Recreational Catches Versus ACLs. In your late materials, you have some additional updated landings.

MR. DEVICTOR: Thank you, Mr. Chairman. Yes, I'll be going through the commercial king mackerel, Spanish mackerel, and cobia landings, and then Dr. Larkin is going to call in and walk through the recreational landings. Tab 9, Attachment 1a had landings through November 14, and we have updated those landings, and that's on the screen there, and so that includes landings through November 30.

Walking through king mackerel first, preliminary landings of king mackerel from the Science Center quota monitoring system, and, again, the fishing year begins March 1, and the Atlantic group ACL for 2017/2018 is 5.9 million pounds. Then you can see what the Northern Zone quota is and the Southern Zone quota, and the Southern Zone quota, as you know, is split into two seasons. The first season just ended, and that was March 1 through September 30, and we were at 53.3 percent of Southern Season 1. Then Season 2 just got underway, and we're at 3 percent. For the Northern sector, we're at 24.2 percent, and so, total, we're at 31.1 percent.

Moving on to Spanish mackerel, and, again, this is the same thing, where we have preliminary landings of Spanish mackerel from the Science Center, and this is landings through November 30, and this fishing year also begins on March 1, and it's important to point out here that we did have a transfer of quota. NMFS received a letter dated October 30 from Florida requesting a transfer of 100,000 pounds of the quota, and that is allowed, per the regulations and the fishery management plan, and so this quota transfer occurred from the Southern Zone to the Northern.

Going through where we are at with Spanish mackerel, for the North, we're at 96.2. For the South, we're at 26.2, and, in total, we're at 42.2, and so we explain a bit more in the note below the table of that transfer.

Finally, moving on to cobia, this is preliminary landings of cobia through November 30 also, and this fishing year begins on January 1. The Atlantic group quota for 2017 is 50,000 pounds, and so, moving on down into the table, you can see, for cobia, where we ended up for 2015 and 2016, and, currently right now, we're at 55.3 percent. Then we have a note down there that we did close

on September 5 of this year, and we talked about that last time we met on why we did that closure, even though it's showing 55.3 percent.

The Science Center projected that it would close, and they looked at landed pounds, pounds that have not been reported from federal dealers, that have not submitted reports, and they estimated unreported pounds from dealers that do not have a federal dealer permit, and we explained this in the Fishery Bulletin that we put out, and we put it on our website also, a note explaining it, because people were asking why it was showing fifty-such percent and we did go ahead and close, and that concludes my report.

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

DR. DUVAL: First, I just wanted to thank Jim Estes and Jessica McCawley for coordinating the Spanish mackerel quota transfer from the Southern Zone to the Northern Zone. I think folks are aware that transfers are -- It lays out in the regulations that transfers are to be coordinated between those two zones by the states of North Carolina and Florida, and so we very much appreciate the State of Florida's efforts in moving forward with that quota transfer, and I think we're seeing changes in this fishery right now, particularly off of North Carolina.

The water is staying warmer for longer, and so those fish are in the water for longer, and we had Spanish mackerel harvest the past couple of years. If not for Hurricane Matthew last year, we probably would have asked for a quota transfer last year as well, because we were getting really, really close to that Northern Zone quota, and the same thing for cobia, and so I didn't bring this up at our September meeting, but, quite honestly, the closure of the commercial cobia ACL could not have come at a worse time.

It's really hard to explain to fishermen, and I happened to be going up to Hatteras for a public hearing just a couple of weeks after this closure occurred, that these closures due to quotas due to ACLs being met are to prevent the stock from becoming overfished and from incurring significant biological impacts, but, when they -- I should back up and say, in the fall, North Carolina has a small state waters king mackerel gillnet fishery, and it occurs north of Cape Lookout.

This is a day-boat fishery, and it's just off the beach, one to two miles off the beach, and these guys are targeting king mackerel, but cobia is a bycatch in that fishery, and it has been a bycatch in that fishery. One net may not catch any, and one net may catch five, and so, this year, those guys have been seeing more fish, a broader size range of fish, and they're seeing more bigger fish this year than they ever have.

The problem is not that the fish are getting gilled, but it's that they're so big that their mouths are being pinched shut by the net, and so there is nothing that fishermen hate worse than to have to waste fish, and so it's been extremely difficult for me to explain to these guys why, right before the peak of the king mackerel fall gillnet season, this closure has occurred when what's ending up happening is that they're probably wasting more fish than if it had stayed open.

I have had fishermen texting me and begging me to be able to at least bring these fish in to feed soup kitchens and not for sale, but just so that they wouldn't have to waste these fish, and so there are a lot of changes that are occurring out there on the water with regard to these migratory pelagic fisheries, and I guess -- I think the other thing is I really want to thank Bonnie and her staff for

helping me out with an explanation as to why the closure occurred and the process that they're trying to undertake to try to keep better track of the state-reported harvest versus those that are coming in from federally-permitted dealers, and that was very helpful. I was able to pass that on to fishermen. It doesn't make them any happier, but it at least explains the process that the Science Center is going through to try to keep track of those landings.

I think the thing that is bothering fishermen the most is that, when they look at that ACL monitoring webpage on the Regional Office website and they see 56 percent or 55 percent of reported federal landings, they want to know where the rest of it is coming in that's causing the closure, and so Jack was able to work with me to get a little bit of extra language added there to at least indicate that the remainder is coming from landings that are being reported by the states, but it's tough when fishermen see 56 percent and the commercial sector is faced with a closure and then they look at the recreational monitoring webpage for blueline tilefish and they see that we're at over 100 percent of the recreational ACL, and it's out-of-season landings that have occurred in Wave 2, and yet, when the fishery is not even supposed to be open, and yet that fishery is not shut down, and so that's the disconnect.

I think we all understand the error in the estimates associated with MRIP tracking of recreational landings versus the weekly reporting of commercial landings, but it's sort of an optics thing, and fishermen are unhappy about that when they see what they perceive to be inequitable treatment, and I apologize, Mr. Chairman, for having gone on so long, but I didn't have a chance to say this in September, and I really wanted to make sure that I brought it before you all before the year-end. Thank you.

MR. HARTIG: I appreciate that, and I will get to Rob in a second, but I want to follow up on the transfer. When the smoke clears and all the landings come in from NMFS, is there a way to transfer the remainder back to Florida, because North Carolina is closed on Spanish right now, and so, if there's anything left after the final landings come in, or as best approximation as possible, can we transfer the remainder of that back to Florida, because it's not an insubstantial amount, and even 1 or 2 percent, with the number of fish we have in that quota.

DR. DUVAL: The whole Northern Zone is closed, and we complemented that closure in state waters, but, yes, absolutely. When all the landings are reconciled, if there is anything left over from that 100,000 pounds that was transferred, we can certainly transfer it back.

DR. CRABTREE: I guess, then the accounting is all in, that North Carolina could send us a letter asking us to transfer quota to Florida. I don't see why -- The process is there to allow states to request transfers.

MR. HARTIG: Yes, and, I mean, this is the first time we've done that, and so it will be interesting to watch how it happens, because North Carolina is closed, and so they won't have any more catches, and I don't know how long it takes, but we won't need that until near the end of our season anyway, and so you have plenty of time. Sorry, Rob. Go ahead.

MR. O'REILLY: It's quite all right. If you wait long enough, a lot of your points will be brought up. Thank you for the report, Rick, and I was responding to a situation in Virginia where we closed the commercial cobia fishery as soon as we could, which was the fourth Tuesday in September, and we did receive some upsetment about that.

Traditionally, October and November are not a high amount of cobia activity, but that doesn't mean that those who are participating didn't think that they lost opportunity, and so my question is, Rick, you indicated that you are able to, with 57 percent reported from the federal side, you were able to get enough information on the state landings to enact the closure, or to promote the closure, and I know, last year, I asked why there is this apparent, and maybe it's not there, but apparent difficulty with getting the state data.

The first question goes back to how did you get that information to be able to know that you were in a situation that there had to be a closure, and the second question is just sort of maybe an idea from you on what needs to go forward, so that we don't have the situation that Michelle talked about in the second part of her message there, and that I'm talking about now, that fishermen need to know really more closely what the landings are, and so, if you wouldn't mind, that would be great.

MR. DEVICTOR: Thanks, Rob. I think I will be looking to the Science Center for help on some of this, because we receive the projections from the Science Center. My understanding is we do receive monthly data from the states, but it's not considered final until May, and that's where we need to wait and look at the previous couple of years of what was landed and try to project, and so I can't respond to how we can fix this in the future, but that's my understanding of the process and why we're in the situation we're in.

DR. CRABTREE: As to the fix to this, I guess there are a couple of ways. One we'll talk about later this morning, which is, if cobia were removed from the federal FMP, then the states would deal with it. The other would be to establish a federal commercial cobia permit and require that they report to federally-permitted dealers so that their dealer reports went in through the same system as everything else we do, but we have never established a federal permit for cobia, and that's part of why we have this problem.

MR. O'REILLY: Thank you, Roy, and that's something we've talked about, in that, for spiny dogfish, for example, you have to sell to a federal dealer, and so that would be the similarity there. I guess, if we're talking about projections and we're worried about preliminary data, I would think that somehow you would wonder about the projections then, and so, I mean, it's almost as if to wait for finality in May, or April, whenever that is, whenever the data are final, is one thing, but, if you're doing projections on preliminary data, it's almost as if a decision has to be made with a caveat that these are preliminary data, but there is very good reason, through the projections, that there is an overage already, or there's about to be an overage, or 90 percent, whatever you do, and so I'm just a little bit uncertain as to the worry over preliminary data compared to doing projections off that data, and so thank you.

DR. PONWITH: I think it would be good to get the data people together and talk about this, because there are solutions that can be explored. Right now, the way the landings are received, the state landings are -- Those data are controlled by ACCSP, and they hold them until the next calendar year, in May, until they've had a chance to go through that QA/QC procedure, and so they're not visible to us until they've gone through that process.

We can visit that decision to determine whether that's the best way, or the other way we can do is the algorithms we use for missing data include an algorithm that uses past-year data, and

sometimes past-year data are an excellent predictor of what's going to happen this year and sometimes they're not, and that's why we have multiple algorithms we use and run them together and take a look at central tendencies and take a look at what would be the rationale for picking one over another in dealing with data that are missing, but that kind of hind-cast is really valuable.

We can go back and look at is the hind-cast good enough, is last year's data a good enough predictor, or is it better to use the non-QA/QC data in the projections or use them both and see how different they are from one another to try and make that decision, but I think that that would be a really good discussion for the data people to have in helping to put together some alternatives to make the approach to an ACL more visible to the people that are involved in the fishery.

MR. HARTIG: Okay. Any other questions of Rick? I just would like to say that king mackerel, at least in the last year, or possibly two, we're seeing increases up and down the coast now. We saw it in Florida initially, but we've seen that up and down the coast. North Carolina had a pretty good season, and I think they actually were still catching them not too long ago, and so that's great signs. The numbers are up, even though the percentages are down. Because we added a lot of fish, the numbers are up, and so that's a great thing. All right. Recreational catches, Dr. Larkin.

DR. LARKIN: This is for king mackerel, Spanish mackerel, and cobia, and it's very similar to the update that I gave two days ago. The landings are summarized using MRIP or MRFSS, depending on how the ACL was calculated, and then landings were post-stratified, if needed. For example, like the mackerel, we will get more than just the South Atlantic, and, for cobia, they have their own area, from New York to Georgia, and that's what I mean by post-stratification. The data is up to Wave 4 of 2017, and all 2017 landings are preliminary, and landings include either the MRFSS or MRIP and also the headboat landings.

King mackerel and Spanish mackerel have the different fishing year, but cobia do not, and so it's kind of confusing, but you will see that cobia in this case, the New York to Georgia, that's January to December of 2016, and the same with the east Florida cobia, but then king mackerel is March 1 through February 28, and then Spanish mackerel is from March 1 to February 28. In this case, it would be March 1 of 2015 to February 28 of 2016, but you can see that cobia in the 2016 calendar year was 116 percent over the ACL, and I highlighted that there in yellow, and that was closed on June 28, 2016, the federal waters.

Then this is the 2016/2017, but, in this case, for cobia, it's actually the 2017 landings, and, surprisingly, we're getting actually lower landings this year for cobia. We're currently up to Wave 4, and we only have about 400,000 pounds, which, at that time in previous years, we were much higher, and so you can see, for cobia in 2017, that we're at about 71 percent of the ACL, and that was actually closed in federal waters on January 24, 2017. Then all the other ones are below the ACL.

For king mackerel and for Spanish mackerel, this would be March 1 of 2017 through February 28 of 2018, for those fishing years, and there's actually a mistake on here. I need to update the ACL for king mackerel, and there were other changes, the boundary change, and king mackerel recently changed from MRFSS to MRIP, because of the last assessment, but, anyway, in both cases, the results are still the same. In this case, you can see it's at 23 percent of the ACL, and, when I did the calculation, it's currently at 14 percent of the ACL, and so, in both cases, king mackerel are below the ACL, the recreational ACL, for the 2017/2018 season, and I will update that next time.

This is the setup that I showed you before, and the gray was done in the MRFSS landings, but now, we're just recently -- Because of Amendment 26, that switched to MRIP, and so I will update that the next time around, but this is just the king mackerel landings broken down by fishing year and by mode, and so charter, headboat, private, shore, and total.

In this case, it's the same figure as before. Landings are over on the Y-axis to the left, and the effort is over on the Y-axis to the right. Just to point out again that this is the general effort for MRIP angler trips and headboats, and those are not effort-specific to king mackerel. Those are just general effort estimates for the area where the stock is landed. Then, again, you can see the landings in the bars there. Some of the landings are below the dashed line, which is the ACL, up top there. That also needs to be updated for the new ACL for Amendment 26, and so I'll update that next time around.

Spanish mackerel, it changed from MRFSS to MRIP in the 2014/2015 season, because it goes from gray to where the shading stops, but then this is just the landings broken down by mode. Then you can see, again, in this case that the landings are below the ACL in all cases there. Then the cobia are broken down by mode. Atlantic cobia, this is the New York to Georgia stock, and you can see the high landings in 2015/2016, but then the drop in landings in 2017, the current fishing year. In this slide, you can see the high landings in 2015 and 2016, and then we currently have low landings in 2017, and so you can see it's currently below the ACL and the big drop there from 2015/2016 down to 2017. Then that's it, and I would be happy to take any questions.

MR. HARTIG: Thank you, Mike. Are there questions for Mike?

MR. PHILLIPS: Thanks, Mike, and I appreciate you pointing out that those are general efforts, like on the Spanish mackerel and the kings, because they duplicate some of the golden tile and the mutton effort and stuff, and I guess I would -- Can you give us a graph of just the total landings of the species that are being targeted under this like general effort, so we can just see if effort is going up or just the landings in general are going up, so it just kind of gives us an ecosystem, maybe, based picture of, if effort is going up, landings should be going up. If they're not, something may be going up, and is that possible?

DR. LARKIN: Yes, and, if I understand correctly, you're asking for the directed effort, like the trips that go out and what was the primary and secondary species for those king mackerel, and is that what you're asking, to plot that instead, the directed effort?

MR. PHILLIPS: No, because I think, when people go fishing, they go fishing, and they may direct at one thing, but they're going to take what they get, and I would just like to kind of see if total effort and total catch, the really big picture -- Does that kind make sense?

DR. LARKIN: So total catch, you're saying total catch for more than one species? What do you mean by total catch?

MR. PHILLIPS: Yes, that's what I'm talking about. Like when we had the mutton and yellowtail and vermilion and golden tile, they all had the same effort, but, if we could add all of those up and the --

DR. LARKIN: I've got you. Okay.

MR. PHILLIPS: Now do you see what I'm talking about?

DR. LARKIN: Yes, but you still want it by FMP, right? You're saying like total catch for the pelagics and total catch for the snapper grouper, or no? Just include all of them?

MR. PHILLIPS: I would have to leave it up to your professional discretion as to how to make the table, because that's above my paygrade, but I think you know what I'm asking for.

DR. LARKIN: Yes, I can dig into that, Charlie. Okay.

DR. DUVAL: Mike, I appreciate the presentation. You may not be surprised that I have a question about the cobia landings recreationally, and so do you have the breakdown of how the 2017 harvest thus far breaks down by state?

DR. LARKIN: I do, and I looked into it briefly. Do you want me to give you a quick overview?

DR. DUVAL: Yes, that would be great, because we have -- I mean, obviously, we have heard, many times before, about the Science Center's alternative weighting estimation procedure, and so what we're seeing here, what you have displayed, is lower than what is being displayed on the MRIP website right now, and so we've had some pretty significant discussions about this at the South Atlantic State/Federal Board at ASMFC, and I think this just has some implications for how the states move forward with their complementary management implementation plans for cobia for 2018.

DR. LARKIN: I haven't dug into those real deep weeds there, but just keep in mind the MRIP website includes headboat, but that's small potatoes for cobia. I think you're looking at less than 50,000 pounds, and so it's maybe not a huge difference, but, anyway, the MRIP just has the MRIP landings, but, anyway, I just looked really quickly at that drop, just comparing 2016 and 2017.

The first thing that jumps out at me is the federal landings have dropped quite a bit, which makes sense, because it was closed mostly for the whole season, and so, typically, we have -- Typically, 20 percent of landings come from the federal, but now we're dropping down to only 5 percent of the landings or less -- Actually, it's 4 percent in federal waters, and so we're looking at actually just 20,000 pounds of landings in federal waters in 2017.

By state, South Carolina didn't have any landings so far. Keep in mind everything in 2017 is preliminary, but South Carolina didn't have any landings, and they typically contribute about 100,000 pounds, and so this year, in 2017, they didn't have any cobia landings, and I believe that's because they follow the federal regulations, and so, when the federal waters close, the South Carolina state waters close as well.

North Carolina went from 330,000 down to 200,000, and so they had about a 30 percent drop in their North Carolina cobia landings, but the big one is Virginia, and so you're looking at actually just over 900,000 pounds for cobia in Virginia, and that dropped to a little bit over 200,000, and so they're at like a 75 percent decrease in landings in Virginia from last year, and so that's just my quick-and-dirty look at what I've seen so far.



DR. DUVAL: I appreciate that, Mike, and I guess my urging is that -- I know there's been conversations about this in the past between the Science Center and MRIP staff, but just if we could maybe come to some resolution on the weight estimation procedure, and I know that, Bonnie, your staff and the staff in the MRIP program have had this discussion before, but I just think, the sooner we can come to some common resolution on the best way to deal with that, the better.

I think, clearly, from what Mike had said, and after the Science Center's processing of these numbers, seeing this number I think is probably more reflective of what stakeholders feel like they have caught with the regulations that were in place this past year, but still, when folks go to that MRIP website and they see the numbers that are different -- There's about a 100,000-pound difference between what is shown for North Carolina's harvest for 2017 this year versus what Mike just showed us.

DR. PONWITH: I am empathetic to that. That makes a lot of sense, and we've talked for a long time about the rationale for the additional analysis that the Science Center does to the MRIP, and it's clear, because of regulatory reasons, because of the improved methodology for accounting for missing cells and weight, but the step we have made is to have the conversation with MRIP and have them say, yes, we think having one number is a good idea. Now it's just a matter of getting that done.

I will send them a note today and remind them that we need to keep that in the queue, and I know they're being laser-point focused on getting those calibrations done, and they're being pretty militant about not letting things distract them from an on-time delivery, because there is just so much at stake for getting those numbers done, but I will remind them that it continues to cause confusion to have two federal websites with two different numbers for the same metric, and see if we can use that as a catalyst to get that in the queue.

DR. DUVAL: I appreciate that, Bonnie, and I guess maybe the point that would also make is that that weight estimation procedure is also very important for those recalibrated estimates as well, and so all the more reason to keep it front and center.

MR. HARTIG: Thanks.

MR. BOWEN: Good morning. Mike, I missed Georgia. Can you tell me how many landings for Georgia?

DR. LARKIN: Georgia, in 2016, had about 200 pounds. In 2017, they had almost 400 pounds, 376, and so Georgia, I guess, has been small. Actually, give me one second, Zack. Let me make sure that I am reading this correctly here. They did have about 60,000 pounds in 2015, if you go back further, but, in 2016 and 2017, it's less than 500 pounds in both cases, 2016 and 2017, for Georgia.

MR. BOWEN: Thank you.

MR. O'REILLY: Thank you for the report, and I guess I didn't hear everything, and I can't quite see everything, but it looks like 425,348 pounds. Am I doing okay with my vision test? Is that what you have up there? I was close. Okay. So, both Virginia and North Carolina -- From what

you said, Virginia was just over 200,000, and, for MRIP, the indication is 272,000-plus, and so both states behaved the same way, but what I wanted to comment on was the weight, the average weight, and that sort of perplexed us for a while in Virginia.

As I reported earlier, we did have our first complete year of mandatory reporting with a permit system, and certainly what we're finding is that we have a lot of lengths, and we have a historical, which goes back and forward into the present, collection of cobia, to where we have length-weight relationships, and so I think that might help a little bit, at least in Virginia, because I know we were stuck on a -- I think it was a thirty-four-pound average weight, when the ASMFC first started its amendment, and that was one of the reasons that we went to numbers of fish.

I agree that it would be nice to get some reconciliation of the two approaches, and I think, once again, there seems to be a consistent bias, positive bias, with MRIP, based on what I see in cobia, in terms of the landings, the final landings, according to what you derive, and is that pretty similar to what you think?

DR. LARKIN: I was listening, Rob, but your question is whether I think the landings match up in average weight?

MR. O'REILLY: It seems, at least from 2015 on, that the final estimates from MRIP have been higher than what has been proposed by you, and I am wondering if that is the case, and that's all the more reason, as we go forward, first with this complementary approach with ASMFC and perhaps later on in a different way, and it becomes really important for us to, as Bonnie said, to get some sort of -- If not a calibration, but some agreement or one dataset.

DR. LARKIN: I don't want to interrupt you, but, when you say final landings, you're talking about like the website, the S&T website? Is that you mean by the final MRIP landings, what they have on that, the query search? Is that what you're talking about?

MR. O'REILLY: I mean what you report on the website, and I mean what has been used to close the fishery for the last two seasons.

DR. LARKIN: I agree that I think it would be very beneficial to have them using the same methods, especially with the weight estimation procedure. I have a bias, I guess, towards the Science Center's method, where they use a minimum of thirty samples before they calculate an average weight, and so I think that's more statistically robust, and so I think it would be very beneficial to have everyone on the same page and doing the same method.

MR. O'REILLY: Mike, one last question. How do you see the data that have been collected by the states being maybe a helpful hand in this process, in that there is not a weight data, usually, but there is a lot of length data, especially this year out of Virginia, and is that something that might help this along a little bit? I understand your bias towards the data that you're producing with the thirty samples and everything, but is that something that you could look at as well?

DR. LARKIN: Yes, absolutely, especially even with the lengths. You can convert all of those with the length-weight equation and then calculate an average weight what that, and so that would be something that I would be interested in looking at and comparing. You may find out in the end that the Science Center, actually, with their method may be -- That one may be thirty pounds, but

with yours, they're actually twenty-five pounds, just to give an example, but I think the more data -- It would be good to look at and see if there is a big difference, or maybe there isn't, and so I think it would be good, and I would be very interested to look into that.

MR. O'REILLY: Thank you very much, and I know the staff with VMRC have been in touch with you already, and so we'll continue that, and I appreciate it.

DR. LARKIN: Thank you.

MR. BROWN: Rob, since you put that program in place with VMRC, did you compare the numbers to MRIP?

MR. O'REILLY: I should probably say that there's a lot of things that we did compare to MRIP, and it doesn't suggest the amount of harvest, but it's the first year, and there is a 42 percent non-compliance, and that's to be expected. I mean, I think anyone here would say that's to be expected, and so it's not my forte, but there are a few sources of bias that you have to overcome with the program, and it won't happen in the first year, and I will try and make this fairly short, but what we had decided was -- We had originally said, if you don't report, you don't get the permit the next year.

We realized, frankly, what a stir that might cause. There are tourists who depend on coming to Virginia, and you can imagine if we said, nope, can't have a permit, and so our decision, and it was done at the commission, at our commission level, was this first year is over. If someone did not report, and they want a permit for 2018, they are going to be flagged. When they try and go online and get that permit, it's going to say that you need to report before you get a permit. We're going to introduce some bias, in that a lot of people will just say that I didn't fish, and there's a source of bias.

The main thing is, if we extend this process out for about three years, the amount of compliance is going to increase, because anglers are going to get tired of having to go through the hassle of waiting until the end and finding out they can't get a permit and then reporting, and so there's a design in place to increase the compliance.

The sources of bias can be underreporting, overreporting, not reporting for all the trips, as you're supposed to, and these are all things that have to be looked at statistically, but, all in all, we're very pleased to have put this in place, and we think it will be helpful. It also, as I mentioned, generated a lot of length data, which can be fit to length-weight regressions to figure more out about our fishery, and I think we'll have more to tell you once we get into 2018 as to what our steps forward are, but it is good.

The things that bother me is we do have some anglers that really wanted to have this program, and some of them turned down MRIP. Those kind of things are a little troubling, and so we need to work on that end as well. I mean, not a lot, but some who are the most ardent cobia fishermen for some reason have got in their heads that if I don't report that it will be better that way. That's why, when I hear that the charter is -- I forget the exact words that Mike Larkin used, small potatoes perhaps, but we find that in a lot of our fisheries. We find that in striped bass, and we find that in summer flounder, and I think, if anything, that's something that also MRIP needs to look at more

closely, because we get the sense that the charter is not really small potatoes for cobia. Does that help?

MR. BROWN: Yes, and thank you.

MR. HARTIG: All right. We're going to move on to the Update on ASMFC Interstate Plan for Atlantic Cobia, and that's behind Attachment 2, which is in your late materials documents. It's not in the old late materials, and it's in the new late materials, and you have to go on the website to get it. That's by Robert Beal.

MR. BEAL: Thank you, Mr. Chairman. I've got a few slides that I will go through pretty quickly on where the ASMFC stands, but Jim Estes is the Board Chair, and Dr. Louis Daniel is in the back of the room as well, and he's the Chair of the Plan Development Team that pulled this together, and so, if there's any real detailed questions, I may have to refer to those folks, who are down in the weeds a little bit more than I was.

The bottom line is the commission approved their Interstate Fishery Management for the Atlantic Migratory Group of Cobia in November, and so the plan is done at the commission level, and it's been approved. We're still dotting some I's and crossing some T's, as far as the actual final document goes, but it's been approved by the commission.

Overall, the plan just complements what the council has done. That's the intent of this as this level, and then we'll see where the council goes, and the commission would react accordingly, but, overall, Framework 4 and our FMP both have a 620,000-pound ACL, or recreational harvest limit, and a thirty-six-inch size limit. The states are allowed to implement a total length equivalent instead of fork length, if they would like to, and one fish per person, no greater than six fish per vessel. The states have the ability to go lower than that if they want. They can always be more conservative under an ASMFC plan, but six will be the maximum vessel retention.

Overall, the states are going to define -- The states from Georgia through Virginia will define their own seasons and harvest control measures, size limits and bag limits, within the parameters that we just talked about, and so there is going to be some flexibility afforded to the states, and we don't know their final plans yet, but we're going to get those, and I will talk about that in a minute.

Overall, the recreational quota, or recreational harvest limit, was divided up into state-by-state soft quotas, or soft recreational harvest targets, is what're calling them. There are some provisions for what we call *de minimis* states, and those are the states that have sporadic, but low, levels of cobia landings, and those are the states from Maryland north through New York, for the most part. There is some cobia landed up farther than that, but it's even smaller and less frequent.

We're using the average annual landings, using a three-year time period, to average the landings together for what states landed, as well as overharvest is going to be paid back over a three-year period, and, if any states underharvest, they are going to be allowed to potentially relax their regulations.

The next slide is a slide with the state-by-state shares that the four southern states will get under this plan. The way these were developed is kind of equal weighting of the last five-year data and the last ten years' worth of data, and so the board talked a lot about how you divide up the pie here.

620,000 pounds is way below what we've been landing, and so how do you chop this up? What they decided to do was 50 percent of the quota is based on the most recent five years, and another 50 percent is based on the previous ten years of average landings, and so a little bit of new and a little bit of old kind of smeared together to come up with these shares. It's basically 40/40/10/10, if you want to look at it, and there is a little bit of tweaking there, but that's kind of what the numbers work out to be, and that's what the states are going to be shooting for.

The commission took 1 percent of the recreational harvest limit and set that aside for the *de minimis* states, and the four states here will be working off of a recreational harvest limit of 613,800 pounds, and so it's a little bit reduced, but we needed to recognize that there is some landings in the states north of Virginia.

On the commercial side, the commission plan essentially mirrors what is included in Framework 4, a 50,000-pound ACL and a thirty-three-inch size limit, up to six fish per vessel. The commission also included a no more than two-fish per person possession limit as well, and so that's again, mirroring what the federal government did.

*De minimis*, again, this is something that ASMFC plans include a lot, which is states that land some of these animals, but not a whole lot, and so how do you treat those? They shouldn't have to go through all the biological sampling and all the rigorous annual adjustments to regulations and other things that the primary states have to go through, and so we've come up with what we call *de minimis*, and, as I mentioned earlier, 1 percent of the quota has been set aside for these *de minimis* states.

This seems to be reasonable right now. It's a very low occurrence in those states, but it's increasing, and the MRIP data -- They have trouble getting a good estimate of cobia landings in the states from Maryland through New York, just because they are so infrequent, but they are sporadic, and it can be episodic and a big slug of landings will come in. If you expand that across all the trips, it looks like a big number from some of those states, but it doesn't, overall, appear to be a whole lot of landings coming from those states, but it's something we need to consider.

The *de minimis* states have kind of an option of how they implement their regulations. They have two choices. One is they can implement a one-fish per vessel per trip twenty-nine-inch minimum size and implement that year-round, and so the states can just say, if you go out and you see a cobia, you can catch one per vessel per trip, and then you're all set.

The other option that states have is to implement or match the non-*de minimis* state that is adjacent to that state, and really what that works out to be is Virginia, because that's the state that is closest to all the states a little bit farther to the north, or the Mid-Atlantic states, and so, if a state wanted to, they could implement the regulations that Virginia has in place to serve as their *de minimis* standard, and so I think many of the states may opt for the one-fish per vessel per trip at twenty-nine inches, just to allow the fishery to be open all year and allow that occasional fish to be caught when they do come across those, and so that's the quick summary of *de minimis*.

As I mentioned earlier, we don't know the final regulations for the states, and the reason that is the states have to submit their proposals on how they're going to achieve these recreational harvest limits by January 1, and we're going to have those approved and implemented by April 1, and so the states are still working on how they're going to achieve those regulations. Obviously, the states

have taken pretty significant cuts and changes over the last couple of years, but that's an overall plan for where the commission is going.

The FMP does set up a framework to allow the commission to adjust to any actions taken by this council, and so, if the council decides down the road to either adjust their FMP or decide to remove the Atlantic migratory group from the federal FMP, the commission's plan allows the states to adapt to that and react through the addendum process rather than a full amendment, so it can be done relatively painlessly for cobia, which it's all painful, and so that's a quick overview of the FMP.

As I mentioned earlier, this is just for the Atlantic migratory group, and so from the Georgia/Florida line now northward, and Florida is not affected by the commission plan at this time. We'll have to see where the stock ID in the next assessment goes, to figure out if that line moves and if there are any changes to that, but, as it stands now, it's just Georgia north, and it essentially mirrors what is included in the FMP, the council's FMP. With that, I can take any questions or provide any other details, if folks need them.

MR. HARTIG: I appreciate that, Bob. Are there questions of Bob?

MR. O'REILLY: Thank you, Bob, and I have a question. I didn't hear everything at the ASMFC about the three-year situation. In other words, landings over three years would be monitored and looked at, and, if changes had to be made, they would, but I guess what I'm wondering is does that mean that the states would have the responsibility to make changes within the three years, or is it a situation that, even though three years is the timeframe to look at the landings, would there be an annual event where the technical committee would, as with summer flounder, the recreational fishery, that the technical committee would also be looking at what the states plan?

Let's say a state is 50 percent over after the first year, and the state knows it, and ASMFC knows it, and does that just stay put and the second year happens, or do you see that there would be a process where the ASMFC would be looking on an annual basis at how things are going with the different states?

MR. BEAL: I might opt to phone a friend and see if Louis is willing to come up and answer that one, but I think the short answer is the commission will look at landings each year and not let them get too far afield, but, Louis, can you comment on that?

DR. DANIEL: The concept of the three-year was to recognize that the MRFSS landings were very variable and that, based on the landings streams, we would see big peaks and valleys in the landings, and so a state could come in way over or way under and then adjust the next year, and that's your responsibility, as a state. If you're 50 percent over, you had better do something, or you're going to be in a scrape in three years. If you end up 100 percent over, you're going to have to close your fishery down, and so there is no specific provision in the ASMFC plan to do annual reviews. That's your responsibility.

MR. O'REILLY: Thank you, Louis.

DR. DANIEL: My pleasure.

MR. HARTIG: Any other questions of Bob? Thank you, Louis. I appreciate that.

DR. DANIEL: My pleasure.

MR. HARTIG: Seeing none, the next agenda item is the Requested Timeline for MRIP Recalculations of 2015/2016 Recreational Landings for Atlantic Cobia.

MS. WIEGAND: Just as a refresher for you guys, back in June, you had requested MRIP recalculate the 2015 and 2016 cobia recreational estimates. In September, you received a response from them, indicating that that's not something they were able to do in such a short timeframe. It's something that requires extensive review and resources, but could be available at a later date.

Back in October, as requested, we sent them a letter asking for a timeline for these recalculated estimates, and we have now received a response. We did on Monday, and that response is in the late materials folder online, and it's Attachment 3b, but that response, again, reiterated that any alternative estimation method would need to go under extensive review before any cobia estimates could be released, and it would need to be rigorously evaluated, but that they were looking at joint planning within the agency for 2018, and they would involve the councils and the SSCs at some point, but there is no set timeline for completion at this time.

MR. HARTIG: I am sure they're up to their something in alligators, based on the MRIP recalibrations that are occurring, as Bonnie mentioned previously, and so I'm sure that's part of why we can't get what we want, but any other questions or observations about the letter? Seeing none, that brings us to -- I am going to go to Item 5, and that's Coastal Migratory Amendment 31, Cobia Management, and that's behind Attachments 5a and 5b, and I am going to turn it over to Christina.

MS. WIEGAND: At the last meeting, you guys reviewed public input from our scoping webinars, and you approved the purpose and need. You added Alternatives 4 and 5 to the action as well as approved the action and alternatives to be analyzed, and this is the timeline we're looking at if we choose to move forward as planned. You guys are going to review the draft amendment, select your preferred alternatives, and then modify the document as necessary and approve it for public hearings at this meeting. We will hold public hearings in January, and you guys would then take final action in March, and the Gulf would take final action in April, and we would submit it for secretarial review in April, and we would be looking at implementation sometime in late 2018.

Now, before we get into everything with the amendment, I did want to go over some additional timelines. There is a fair amount of concern about what happens if the stock boundary changes, and so I wanted to go through our process if that happens as well as the options that ASMFC would be able to go through to address that change in stock boundary.

This is the timeline as it is now, assuming that there is no stock boundary change from the workshop, and we would be implementing Amendment 31 in late 2018, after receiving the stock ID workshops in the fall. They would do the benchmark assessment all through 2019, and the SSC would review those results in 2020, and then, if we do not remove Atlantic cobia from the FMP, we would then initiate a new amendment based on those assessment results, and ASMFC would receive those assessment results at their February meeting and proceed as they see fit.

If there is a change in the stock boundary, ASMFC has two options. They can go through an addendum process or an amendment process, and their board has the choice to do either, regardless of the size of the change, but, from talks with staff there, the board would be willing to hear what the council recommends, as far as process, and so, if there is a stock boundary change and ASMFC goes through the addendum process, again, we receive those stock ID workshop results in the fall, and we would begin an amendment to address the boundary shift at our December meeting. ASMFC would wait until they received the assessment results, and they would put out a draft addendum, which they would be taking final action on in the summer of 2021, with implementation in early 2022.

If they choose to go through an amendment process, again, they would wait until they had gotten the results from that benchmark assessment in 2019, and they would put out a public information document, which would be approved in May of 2021. Then they would take final action on the amendment in the fall of 2022, with implementation in late 2022, and so that's just to outline those processes a little more clearly.

There is our amendment process, which you guys are, of course, intimately familiar with, and ASMFC's addendum process is very similar to our framework process. There is opportunity for public comment when the board approves the draft addendum, and then they do go out for public comment periods at any state that requests a hearing, after which the board reviews those comments and the addendum is implemented.

Their amendment process is very similar to our amendment process. They're going to put out a public information document, which would be similar to our scoping document, and there would be public comment and hearings, as well as that going to their advisory panels for comment, and the board would then give direction on what to include in the draft amendment.

The draft amendment would be reviewed and sent out for public comment with a minimum of three public hearings, and the board then reviews those comments and approves options, and then we look at implementation after that, and so those are the different options for what could happen if there is a change in the stock boundary, and so there is plenty of opportunity for public comment well into the future, should that happen.

MR. HARTIG: Any questions about the timeline? That was pretty cool.

DR. DUVAL: I want to thank Christina for putting this together, and so I had asked her if she could consider doing something like this, because whatever -- If I was a stakeholder in Florida, I would want to know, if a, then b. My concern that I expressed to Christina and to Gregg and to Jim and to Jessica is that I feel like everybody has got to be onboard if we move forward with this amendment.

I mean, certainly, from North Carolina's perspective, we feel like moving forward with this amendment is very important, but, if was a stakeholder in Florida, I would want to know exactly, if there is a boundary shift, what are my options to be able to weigh-in on that public process, and so I would want to know that, when the results of the stock ID workshop are received in the late summer, I guess end of July or early August, that I'm not going to be instantaneously subject to the ASMFC Interstate Cobia FMP.



I would want to be able to weigh-in with my views as a stakeholder on how I feel the cobia stock within the State of Florida, whichever part it might be, would be managed, and so I appreciate Christina's efforts, and I appreciate Bob and Toni working with Christina to create these alternate timelines. I think what's clear is that this council would need to work with the Gulf Council to undertake an amendment process to respond to any stock boundary change, no matter what that might be, and I think that was something that we haven't really thought about or discussed, and so I just wanted to make sure that everybody is really clear on what the process might be moving forward. Thank you.

MR. BOWEN: To Michelle's point, not only Florida, but Georgia, because, if that stock boundary moves north, then that puts us where Florida is now, and so I just wanted to put that on the record.

DR. CRABTREE: I think it's important to remember that, before the stock boundary moves anywhere, the council is going to have to do a plan amendment, and you're going to have to make a decision about whether you're going to move it and where you're going to move it, because I read through the minutes of the last committee meeting, and I wasn't here, and it made it sound like the council has no voice in where we move this too, and you do, because you've got to amend the plan to make this happen, and so there will be a whole public process. It will also go in front of the Gulf Council too, and so anything that happens that affects Florida is going to go through a lot of public comment and review before any change is made.

MR. HARTIG: Well, I mean, that's certainly refreshing to hear. I wasn't sure that that was the way things worked and that we had a lot of input. I know we have in the past set boundaries, but we set boundaries not really based so much -- Well, I guess we did, but --

MS. SMIT-BRUNELLO: Just remember, because I think I brought this up last time, that National Standard 3 talks about management units, and it says, to the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, but it also says management unit -- The choice of a management unit depends on the focus of the FMP's objectives and may be organized around biological, geographic, economic, technical, social, or ecological perspectives, and so I think you have a little more flexibility than what I am hearing around the table.

DR. CRABTREE: If I could, some of this -- We have had this discussion before, of how disruptive moving these boundaries are, and so it also is going to come to how certain are they about where the boundary ought to be, and I think you're going to have to make a decision of is there enough certainty there to justify moving it or how far is it going to be moved, and, if it's not that much distance, does the benefits of doing it justify it?

I think there's a definite role in here, because we cannot get into a position where these stock boundaries are moving every four to five years. It is far too disruptive, and it creates too many problems, and so I think those are all things that you're going to have to weigh, and, ultimately, you and the Gulf Council will have to make the decision about it.

MR. ESTES: That all makes sense, and I have some comfort that we have a pretty good process at the ASMFC to get stakeholder input, but, regardless of all that, we are talking about taking action on this framework right now, and we're due to send this, whatever we do, send this amendment in April to the Secretary, and that's before the stock ID workshop happens, and that's before we do any of this stuff, and so I would prefer that we find a way to slow this down a little

bit so that the stakeholders -- Right now, the stakeholders in Florida are looking south. They are thinking they're not part of this, and they won't have input on this, I don't believe, and I would like to slow this down a little bit, at least until the fall, so that we know what we're talking about.

MS. BECKWITH: This question is back to Roy, if he would. Based on your comments, I am a little concerned that the stakeholders are going to hear what you just said and sort of perceive that as this council would have had the power to stop this stock boundary change, but this was a biological stock differentiation, and so we did not have the power, around this council table, to stop that from moving forward, at least I didn't feel like we did.

DR. CRABTREE: This council moved the boundary. You voted on it and amended the plan and moved the boundary. If the council had not moved the boundary, then it would not have been moved, and so I don't think it's fair to say that it was just a biological decision. As Monica just said, there were a lot of other things that weighed into it. Now, you would have had to justify your decision not to move it, presumably, but it's not like the boundary was just automatically moved. It requires a process, and it required a council decision and a council vote. How you weigh how much say all of the parties involved had on that is up to you, but, ultimately, we voted on moving the boundary.

DR. DUVAL: Grr. I guess I take exception to that, and I tend to disagree with Roy a bit, because this was a decision that was blessed by the SSC, and so, for us to not take action to actually shift that boundary would have been like giving the SSC the finger and saying that we're not bound by their advice, and that's not what the law says, and so --

DR. CRABTREE: They are advisory to you. The law says you cannot exceed their catch level recommendation, but they are advisory to you, and I don't think it's accurate to say that you had no discretion in the decision about the boundary. I think you did have some.

MS. BECKWITH: But their catch level recommendations were based on two different biological stocks.

DR. CRABTREE: I am not saying that if you had chosen not to move it that it would have not created some issues and problems that we would have had to resolved. All I am saying is what I read in the minutes last time that implied that it was just purely a biological decision and you had no say on it is wrong. There was discretion there, and you voted, and we moved it through a plan amendment.

Now, I am not trying to look back in the past and all that, but I think it's important for you to understand that you do have a voice in this, and you do have some say in this, and it will require a plan amendment, and, ultimately, you will have to decide whether to vote to move the boundary or not. Now, if you choose to go against your scientific advice and ignore it, that is a problem, and that creates a lot of vulnerabilities for you, and you're going to have to some real good reasons not to do that, and I am not implying that anyone should ignore the SSC and things, but, ultimately, you're going to have to decide that about that, and, as Monica said, it's not just a biological decision. It involves a lot of other components in addition to that.

MR. BELL: I was just going to say that I think all Roy is doing is just describing the process, and the process is, yes, the council does have to -- To move a boundary, the council has to follow

through with a plan action, and that is based on science. You want to make sure that, whatever the boundary is, you're basing it on the science, and the science, of course, would come to you from the SSC, and so I think he's just describing how it works, and I didn't really take that, I guess, in a negative way.

MR. HARTIG: No, and I appreciate that, and the last word on this is going to be that we didn't have this in-depth discussion at the time when we started moving the boundary. From my perspective as the Chairman of this committee, I was not aware that we had as much leeway as what we had, and we worked within the confines of science to set that boundary at that time, and, frankly, did not know we had the flexibility to do what Roy has said, but, now that we know that we can do that, we will carry that into the future, and we will move on.

MS. WIEGAND: Again, at this meeting, what you guys will need to do, if you want to move forward, is review the draft amendment and modify it as necessary and select your preferred alternatives and approve it for public hearings. Just a couple of things to refresh your memory that you're going to want to consider when we're talking about these different alternatives.

These are the guidelines that NMFS has set up within the Magnuson-Stevens Act for including a species in a fishery management unit. You have to look at the importance of the fishery, the condition of the stock, whether or not it can be adequately managed by the states, the need to resolve competing interests, the economic condition of the fishery, fostering orderly growth, and, of course, the costs and benefits that are associated with keeping a fish in the FMU.

Again, if Atlantic cobia is removed from the FMP, the Atlantic Coastal Fisheries Cooperative Management Act does give federal support to ASMFC for state coastal fisheries programs, and this includes analysis of data, law enforcement, socioeconomic research, biological research, as well as management planning. Additionally, if Atlantic cobia is not in the FMP, the Secretary does have the ability to implement regulations to govern fishing in the Exclusive Economic Zone.

I am not going to go over this in detail, but this is just a summary of ASMFC's plan. If you guys have questions on it while we're talking, we can throw this slide back up for reference, and so the IPT has made some pretty substantial recommendations for language changes to the purpose and need as well as the alternatives, and we hope that this simplifies the language while still getting at your original intent.

For the purpose of the action, the IPT is recommending to remove the phrase "to reduce the complexity of management", and that is simply because there are some alternatives within this action that may result in inconsistent regulations in state and federal waters, which could increase complexity, and so we're recommending that it read: "The purpose of this action is to facilitate improved coordination between state and federal management of Atlantic cobia."

We are also recommending to change the need so that it reads: "The need is to constrain harvest of Atlantic cobia to the ACL while providing for an equitable distribution of harvest throughout the stock's range." It's written this way simply to make reference to National Standards 3 and 4. You guys will need to review and modify the suggested purpose and need statements and accept or not accept our recommendations.

For Action 1, we are simply changing it so that it says, “continue the current management of Atlantic cobia” as opposed to “retain Atlantic cobia”, and these changes to all the alternatives were made after lengthy discussions between council staff and Regional Office staff as well as General Counsel.

For Alternative 2, we’re just simplifying it by removing any reference to ASMFC, so that it simply states “remove Atlantic cobia from the CMP FMP”. This is how Alternative 3 originally read, with all of these bullet points, and we were under the understanding that this was meant to be set up so that you guys would need to go through the full amendment process if you wanted to make federal waters consistent with any ASMFC regulations, and so we got rid of those bullet points, to make it less complicated, and now it reads: “Establish a policy in the CMP FMP for complementary management of Atlantic cobia with the Atlantic States Marine Fisheries Commission.”

This is thought to update the FMP to acknowledge ASMFC’s new role in managing Atlantic cobia as well as to assume that you guys will make decisions about making regulations consistent in federal waters on a case-by-case basis, and you would need to go through the full amendment process.

Alternative 4, we believed your intent was to set this up in a way that was similar to how spiny lobster is set up and so it now reads: “Establish a framework procedure in the CMP FMP for an enhanced cooperative management system with ASMFC that allows changes to Atlantic cobia management through NMFS rulemaking.” We believe this to mean that ASMFC is able to propose rules directly to NMFS, and so you wouldn’t have to go through the full amendment process every time, but you would retain the ability to make changes in federal waters as you saw fit.

Then you guys had added Alternative 5 to remove Atlantic cobia after the stock assessment is complete, and the IPT is recommending that we remove that alternative, because, for analysis purposes, it’s not substantially different than Alternative 2, and we felt a discussion of waiting until the stock assessment is complete is more appropriate to be discussed under Alternative 2.

You guys will need to review all of those and make any modifications and approve any changes and pick alternatives and approve the document for public hearings. If we do all of that, we’re still on the same timeline that is looking at final action in April and implementation sometime in late 2018. Unless anyone has any questions, we can dive right into it.

MR. PHILLIPS: Considering the conversation that we just had a few minutes ago about moving the line and the stock’s range, and let’s say they move the line somewhere, but we decide to do a fishery management plan and not move it, and so, theoretically, we could have the line moved for the stock’s range, but we not want to change our regulations, because of economic reasons or something, and would it make any difference, or just a new plan would cover it, and not necessarily this one? Do you see what I’m saying?

MS. WIEGAND: I believe so. If we decide to, regardless of what the stock ID workshop says, we decide to not change the boundary, to leave it at the Georgia/New York line, then I believe this amendment can continue to go through as is.

MR. PHILLIPS: Okay. Just checking.

MR. HARTIG: Any other clarifications?

MR O'REILLY: Thanks, Christina, and I guess I have one question. I managed to print everything out, but it truncates the end of it, and so I guess I didn't have my margins right, but the part about Alternative 2 versus Alternative 5, and I can see that 2 is pretty terse, as far as what I can see here, compared to 5, which adds the stock assessment, and was there anything else indicated there with the different analysis that was talked about? That's one question. Is that pretty much it?

MS. WIEGAND: Going through the analysis, as far as biological, economic, and social effects, there is no difference between Alternative 2 and Alternative 5, and the thought was, if you guys wanted to wait until after the stock assessment to move forward with this amendment, then we would just sort of pause work on this amendment until that point in time.

MR. O'REILLY: A different question. We've got three elements that are really important, the stock ID, the assessment, and the boundary line issue. The assessment is going to follow the stock ID, and so that doesn't really -- That is covered here in Alternative 5. The boundary change, I thought, Bob, if I can ask you, that this conversation came up at a previous meeting, what would happen if the boundary line changes, and I thought your response was that we would just have to make that incorporation, make that shift, make that change, but, again, I think that's what you were talking about when you were asked that question previously.

MR. BEAL: The commission would have to go through an addendum or an amendment process to incorporate the change of the boundary, should one come out of the assessment, or the stock ID workshop, and so we can -- As was talked about earlier, we can do it pretty quickly through an addendum, or you can draw it out and have two rounds of public hearings and scopings and other things through an amendment, but I think that needs to be done in concert with what the council ultimately decides to do as well with the management of this species, and so I think the commission and the council has to work together on -- Once the stock ID workshop is complete, how do both bodies want to react to that information, and I think that's the key.

DR. CRABTREE: I think Christina said if you were -- If you want to go the Alternative 5 route, which is wait until after the assessment is done, then you're just not going to take action on this amendment until you have all of that information, and then you're going to have to incorporate into this amendment whatever changes in catch levels and everything else come out of the stock assessment. If that means moving the boundary somewhere, we would presumably do it then.

DR. DUVAL: Let me try to propose some compromise here. I understand what Rob is getting at, in terms of his concern about the IPT's recommendation to remove Alternative 5. We put that in there to respond to stakeholder concerns and make it just abundantly clear that that was a path that we could take, was to not approve the amendment or to wait on making a final decision on removal of this stock from the federal FMP until after the stock ID workshop or the stock assessment was complete.

I think, if Alternative 5 is removed and we take this out to public comment, there would need to be some very clear language in whatever presentation is put together by staff to indicate that that's like almost a sub-alternative under Alternative 2. I guess my concern would be that the public would not see that and they would just see that we have put aside consideration of waiting to make

a decision until after the stock ID workshop is complete, and I am very concerned about that being clear in a document.

Then I also wanted to address Jim's concerns and try to propose a compromise. I mean, I will say that, from North Carolina's perspective, we would like to see this move forward as quickly as possible. I guess one thing I will throw out there for folks to consider is to move forward with taking this out for public comment during the January/February timeframe that we would normally do and then wait to take final action until later, after the stock ID workshop is complete, so that it could at least go out to the public with this additional information on timelines in there, so that people could see and understand what the different timelines are and what the different public processes are for them to weigh-in on.

My concern about waiting until the fall is that we're then like a year behind of moving things around. If we end up having the flexibility that Roy and Monica have indicated, and so if there's a small stock boundary change, I'm not sure it's worth all the upheaval to shift stuff down one county line. I am not going to presuppose what the science says.

We're still going to get into the difficulty that Anna pointed out of the SSC is going to make a recommendation based on that biological boundary, and so, anyway, I just throw that out there as sort of an alternative timeline, and, again, I am just trying to find a compromise that allows those states that are interested in moving forward with this to move forward and still address the concerns of Florida stakeholders. Thanks.

MS. WIEGAND: If that's the way that the committee and the council decide to go, that is something that staff can make clear in any public hearing presentation.

DR. CRABTREE: I think you can make that clear in the document, that the council is debating on whether to proceed with this now or delay, but Alternative 5 is, to me -- I'm not sure we could even do that, because, if you submitted that to us now, we would be determining that we're going to do this, and I think it's a couple or three years from now, and we're going to ignore all the new information that comes and just automatically do it, and I don't think we could really do that, and so I don't think Alternative 5 is really workable, but I think you could lay out in the document that one of the decisions that the council has to make is to do this now or just hold off and not do anything, and so I think there's another way to get at what Michelle wants to do.

MR. O'REILLY: I have a previous letter that I provided to the council really supporting waiting until after the stock assessment, and so that's from a previous meeting, or a previous time. What I was trying to substantiate was, of all the things that need to be done, the three main components that need to be taken care of, since the workshop will be before the assessment is done, I don't think that that's going to cause any problems.

It sounded as if the boundary was starting to become a sticking point to me, and what I was contending, by asking Bob, was that really I don't think the boundary should be, regardless of the direction that it moves or doesn't move or whatever happens there, I don't think that's holding us hostage to go forward, and so that mainly was what I wanted to get across. Thank you.

MR. HARTIG: I appreciate that.

MR. ESTES: To kind of Michelle's point, and maybe a little bit to Rob's, I appreciate the compromise, but help me here. I still say that, if we take this out to public hearings in January, that people from Jacksonville south aren't going to pay attention to it, because it doesn't affect them, and so I don't know to get around -- I appreciate the comment, but I don't know how to get around that part, and they're not going to pay attention to it even if we delayed the final action until the fall, and I get that, but they're not going to be engaged, I don't think, and so help me figure out how to do that.

MR. HARTIG: I would say one thing to your point is that people know what's going on with cobia, and the people in Florida, that I have talked to anyway, they want to know what's going on with cobia and what about this boundary, and I have heard a number of fishermen who have come to me and made comments regarding what's going to happen in this, and so a number of them are aware.

Whether or not they're going to come to the public hearings or not, that I don't know, but they are aware, and you would think that, if they were aware, that they would want to come and find out what was happening, and so at least I know some of them will probably come to the hearings, and how to reach the rest of the people -- We may want to figure that out in Florida, try and see how we -- Go ahead, Chester.

MR. BREWER: Following up on what Jim said, I had a number of people come and talk to me, and they weren't talking about the boundary, but what they were talking about is they had heard about these early closures that were taking place up north, and they wanted to know whether that was going to affect them, and I routinely said to them, no, because we're governed under the Gulf cobia plan and not the Atlantic, and those plans -- You've got a line between them that's at the state line between Georgia and Florida, and so I agree exactly with what Jim is saying.

Those people are going to -- Certainly the people that I talked to are going to say, well, this doesn't really affect us, and it's not going to affect us, and I don't know that people are that aware that there is a potential that that line is going to shift. I wasn't aware of it until the last meeting, and so I think that is a very valid concern.

MS. WIEGAND: I just want to make it clear that, if we remove Atlantic cobia from the FMP, the South Atlantic will still have management jurisdiction over whatever part of the Gulf stock is along the east coast of Florida, whether that's all of Florida or whether that line shifts, and that's still within the South Atlantic's purview.

DR. CRABTREE: Bear in mind that you could easily argue that this amendment doesn't affect the east coast of Florida. It doesn't make any changes there. It would be a subsequent amendment that might. Just say hypothetically that the assessment came out, the stock ID came out, and said it's all one stock, Gulf the whole way up.

A reasonable decision for you to make if that happened would be, all right, we're going to move the boundary back to the Gulf/South Atlantic boundary and we're going to take the catch level that comes out of the assessment and allocate so much to the Gulf and so much to the South Atlantic, and we're going to take the whole east coast out of the FMP, which means we do another amendment and take Florida out of the FMP and turn it all over to ASMFC.

Now, if Florida and the council didn't want to do that, you could say, all right, we're going to leave Florida east coast in the FMP, and it's going to be federally managed, and we're going to take the east coast portion of the yield and allocate so much up to the ASMFC and so much to Florida, and it would be administratively cumbersome, and I wouldn't really want to do that, but there are lots of ways this could go, but this amendment doesn't really do anything that's going to change what's happening on the east coast of Florida. That's all going to happen in a subsequent amendment, which presumably they will then pay attention to and want to comment, and you'll have to decide where to go with it.

MR. HARTIG: I appreciate that, and I see Jim shaking his head, and so that did provide some clarification for me as well about the future impacts on Florida fishermen, and so thanks, Roy. Okay. Any other questions? Seeing none, Christina, where are we? Are we back to purpose and need?

MS. WIEGAND: Let's go back to the purpose and need.

MR. HARTIG: Okay. We have some purpose and need recommendations from the IPT. By consensus, do we want to go ahead and approve those? I am following Michelle's lead with what she did in Snapper Grouper, and would you rather do it by a motion, or do you want to do it by consensus?

DR. DUVAL: I would just correct, in the IPT recommendation, the need is "constrain" and not "constraint" harvest of Atlantic cobia.

MR. HARTIG: Thanks for that correction, but, for as far as the intent of the wording?

DR. DUVAL: I guess I do have a question about that. I mean, that need doesn't necessarily seem to line up, depending on the alternative that is selected, and so, in other words, Alternative 2 would remove Atlantic cobia from the fishery management plan, and so I am having a hard time understanding how the need of constraining harvest of Atlantic cobia to the ACL matches up with that. I mean, it seems like you could say that the need -- I agree with the purpose to facilitate improved coordination between state and federal management of Atlantic cobia, but it seems like the need might be -- I think I like the original need better, to provide for effective management of Atlantic cobia without negatively impacting the stock.

MS. WIEGAND: I see what you're saying with why constrain harvest of Atlantic cobia to the ACL is perhaps not appropriate for the need, and I think the concern of the IPT was we wanted reference to equitable distribution of the stock, because there's a lot of discussion within the document about how inconsistencies in state and federal regulations has created a situation where there is restricted access in some areas and not restricted access in other areas, and so we wanted reference to that equitable distribution of stock.

DR. DUVAL: Then my suggestion would be like the need is to provide for effective management and equitable distribution of harvest throughout the stock's range.

MR. HARTIG: That sounds like it will accomplish what we need to do.



MR. O'REILLY: I can agree partly with what Michelle is saying. I have been wondering what equitable means since the 1976 Magnuson Act, and everyone else has been wondering as well. It may set some of those just making cases that you're not being equitable, and I think what happened here, and at least I'm guessing, and I don't know, but the constraint is because of what has occurred with the fishery in 2015 and 2016.

I have come from different forums, where stakeholders get a little bit upset about "constraint", because they feel it should say achieve the ACL, and so I think the original is pretty good. Even though my page is cut off, it says "without reducing", and I assume that says "protection to the stock", and I think once we start putting in "equitable" that we invite a problem that we really would like to see. Everyone wants everything to be fair and equitable, but it's still not really something that anyone can say what that is, and so thank you.

DR. CRABTREE: The language that's used most often in the statute and the guidelines is "fair and equitable", and so I would probably suggest that it say, "fair and equitable". I grant you that different people can have very different views of what that means, but there is a lot of guidance, and there is a lot of language about it, and I agree with Michelle that clearly part of the problem we have right now is Georgia and South Carolina were essentially shut down, and other states were harvesting a lot of fish, and so I think it does need to be in there, and it's clearly part of what we're trying to do.

DR. DUVAL: Anna just reminded me that, really, instead of "fair and equitable distribution of Atlantic cobia harvest", what we've heard most is "fair and equitable access". I mean, we don't really have much control over how many fish or how much harvest is occurring off of each of the states. To some extent, it would really be fair and equitable access to harvest opportunities for Atlantic cobia, rather than fair and equitable distribution of the harvest itself.

MR. O'REILLY: I certainly like that better, because "opportunity" is the word that I'm thinking of, and so Michelle has captured that as well, and so I think that's good. It's a small situation, perhaps, but not when you get the public involved and they try and figure out what really you're saying to them, and so thank you.

MR. HARTIG: Okay, and so we've had a lot of discussion about the purpose and need. Is there anything else? Are we happy with the wording we have now? I am going to want a motion to do this, because we've had so much discussion on it.

DR. DUVAL: **I move that we accept the purpose and need as modified.**

MR. HARTIG: Motion by Michelle and seconded by Charlie. Any more discussion about the purpose and need? **Seeing none, is there any objection to the purpose and need? Seeing none, that motion is approved.** Thank you.

MS. WIEGAND: All right, and so that takes us to the alternatives. Do you want to go through them one-by-one?

MR. HARTIG: Yes.

MS. WIEGAND: All right and so we've got the first one, and we simply changed that to say, "continue to manage Atlantic cobia via the fisheries management plan", as opposed to "retain".

MR. HARTIG: In this action, is that the only IPT change?

MS. WIEGAND: That's the only modification to Alternative 1.

MR. HARTIG: Okay, and so, if we're good with that, do we have consensus for the IPT position? I see heads nodding, and so direction to staff that the IPT directions will be incorporated within the amendment. All right. The next IPT suggestion.

MS. WIEGAND: For Alternative 2, we simply recommend that you remove any reference to Atlantic States Marine Fisheries Commission and simply say that you will remove Atlantic cobia from the CMP FMP.

MR. HARTIG: That's pretty clear. Any problem with that? Seeing none, by consensus, we will make that change.

MS. WIEGAND: Then Alternative 3, we had all of these bullet points, which the IPT thought was perhaps a little confusing, and so now it's recommended to read: "Establish a policy in the CMP FMP for complementary management of Atlantic cobia with the Atlantic States Marine Fisheries Commission."

Again, through conversation with General Counsel, the thought behind this is that it updates the FMP to acknowledge ASMFC's role in managing cobia, and it assumes that you guys will make decisions on whether or not you want to implement their regulations in federal waters on a case-by-case basis, and you will need to go through the full amendment process.

MR. ESTES: What I wonder about this one is if our stakeholders will understand -- I think probably the reason that some of these bullets were in here before, I assume, is for a little explanation. I am not so certain if our stakeholders will understand what complementary management is and if we need to explain that. I am asking a question.

MS. WIEGAND: If you would like to include that in the alternative, you can, but that's something that can be explained to stakeholders during a public hearing in detail.

MR. HARTIG: Yes, and I will be in the document. All that explanation is not going away. It's going to be right below that alternative in the document, under the discussion phase, and so it will definitely still be included, Jim. Okay, and so are we good with that one? By consensus, we can add that IPT recommendation. I don't see any objection.

MS. WIEGAND: All right, and then, last, we've got Alternative 4, and this is the one that's modeled after spiny lobster, and so we're suggesting that it read: "Establish a framework procedure in the CMP FMP for an enhanced cooperative management system with the Atlantic States Marine Fisheries Commission that allows changes to Atlantic cobia management through National Marine Fisheries Service rulemaking."

Again, like with spiny lobster, the intent is that ASMFC would be able to propose regulations directly to NMFS without needing to go through the full council amendment process, but that the council retains the ability to make any changes in federal waters as they see fit, and, again, we can make sure that that's clearly explained below this, so that stakeholders understand the intent of this.

MR. HARTIG: All right. Is there any concerns with that wording?

DR. CRABTREE: Not so much, but I guess I'm struggling to understand the nuances between 3 and 4. One establishes a policy and one establishes a process, and I'm --

MS. WIEGAND: The thought is that the difference between the two is really -- Between Alternative 3 and Alternative 4, it's how much does the council want to be involved when it comes to updating federal waters to be consistent with state regulations? If you want to go through the entire amendment process every time you need to change a regulation, that's Alternative 3. If you don't want to have to go through the entire amendment process every time, then that's Alternative 4, and the National Marine Fisheries Service would be able to implement regulations in consultation with the council without that full amendment being required.

DR. CRABTREE: If 3 is to go through the standard process, it's not clear to me how 3 is any different than 1, status go.

MS. WIEGAND: The thought is that it updates the FMP to acknowledge the Atlantic States Marine Fisheries role in managing cobia, and that was through discussion with General Counsel.

MS. SMIT-BRUNELLO: The other General Counsel. Shepherd Grimes in our office worked on this. I was thinking, Christina, that this was more like the spiny lobster situation, in which Alternative 3 was you have a policy like is set up in the spiny lobster plan. Then Alternative 4 was you have a procedure on how you're going to implement that policy, as similar to the spiny lobster plan, and my apologies, because Shepherd and I didn't talk about this in enough detail for me to comment on what his thoughts are, but he should be at the next council meeting to discuss that.

MS. WIEGAND: My impression, from conversations with him, was that Alternative 3 simply updates the FMP to acknowledge ASMFC's role, and that's it, and so the assumption under that is that you guys would then be considering their regulations on a case-by-case basis, whereas Alternative 4 is both that protocol and procedure for enhanced cooperative management, like it is with spiny lobster.

MS. SMIT-BRUNELLO: Then the protocol and procedure is discussed further in the decision document even, on the next couple of pages.

MS. WIEGAND: Yes, ma'am. It's discussed, and we're working on rewording that so that it fits with ASMFC, as opposed to what it is for spiny lobster. We're working on the language for that.

MR. HARTIG: Okay. Are we good with the language under Alternative 4, the IPT recommendations? I don't see any objections to that, and so, by consensus, we'll move that as well.

MS. WIEGAND: The question is then would you guys like to remove Alternative 5, as the IPT recommends, or would you like to maintain Alternative 5 in the document?

MR. HARTIG: We've had a lot of discussion, but, Roy, go ahead.

DR. CRABTREE: **I think the better thing to do is, with the hearings, make it clear to the public that one of the decision points we're making is whether to act on this amendment now or delay acting on it until after the stock assessment, so that they're clear that's part of the council decision process, but not have Alternative 5 in there, and so I will move that we remove Alternative 5 to the Considered but Rejected.**

MR. HARTIG: Motion by Roy and second by Charlie. Is there further discussion? **Is there any objection? Seeing none, that motion is approved.**

That brings us to a draft motion to approve Coastal Migratory Pelagics Amendment 31 for public hearings, and is that right, Christina?

MS. WIEGAND: Unless you guys wanted to pick preferred alternatives before moving it to public hearings.

MR. HARTIG: That's a good point.

DR. DUVAL: I guess I just want to make sure -- I want to have a little bit clearer understanding of how the alternatives are going to be explained to the public, because I had similar questions to Monica and Roy as to sort of the nuances between Alternative 3 and Alternative 4, and I sort of agree with Jim that I think some of those bullets are important.

I guess, Christina, what you're saying is that the -- In the original Alternative 3, those bullets are actually part of the alternative language itself, whereas what the IPT is suggesting is that would be the language of the alternative, but, on this piece of paper that Alternative 3 is shown on, you would have these bullets below there to clearly explain exactly what the alternative is, because -- This is really getting into the weeds here, and I apologize, Mr. Chairman, but I think bullets are easier for the public to read and focus on, as opposed to all of the language in the discussion that is paragraphs of stuff, and my concern is that people are going to miss the nuances if it's not sort of laid out in a fashion that they can understand it.

I guess, in whatever public information goes out, it is made clear in the background that the council is considering whether or not to move forward with removal of Atlantic cobia at this time or wait to take action on this until after the stock ID workshop is complete or after the assessment is complete, and so those are just my concerns about aesthetics, Mr. Chairman.

MS. WIEGAND: The IPT was under that impression that, as originally written, those bullet points were a part of the alternative, and we wanted to clarify the language just for the alternative and sort of simplify it, but, for any public document, we can include bullet points underneath those alternatives that explain the exact intent, to make it clear, but we just didn't feel that that was appropriate for the actual alternative language.

MR. HARTIG: No, and I think that's good. I'm glad you made that point, because I agree with you about as far as it gets hidden in the document, in a lot of verbiage, and it's not really clear, in a succinct way, what we're actually trying to accomplish.

MR. HAYMANS: Mr. Chairman, I will just say that I struggle to see the benefit with complementary management. All of the players that are involved at the council table are involved in the commission process, and it just seems to me sort of an example of governmental waste that we sit and debate this amongst the council and the commission, and my preference would be to select Alternative 2, to move this out of the council process, and let the public know that that's the direction that we're going in, and just take this all up at the commission, but that's just my preference. It's not a motion.

MR. ESTES: I almost can't believe I'm going to say this, but bullet points, as Michelle pointed out, and I pointed out earlier, there's also another place in here that -- In the spiny lobster, in Alternative 4, in our process in our spiny lobster plan, we identified the things that we are going to have that process for, and so which things can change, and I don't know if we need to explain that in here or how we do it also, but similar to how we do lobster. It's very specific things, so that the public knows here's the things that we are going to create a process for.

MS. WIEGAND: We do have that written into the document, and I can pull it up, the specific things that can be pushed through via that protocol and procedure, and we can make that clear in bullet points for Alternative 4 as well.

MR. BOWEN: **I am prepared to make a motion that we select Alternative 2 of Action 1 as our preferred.**

MR. HARTIG: Motion by Zack and a second by Michelle. Do you want to give any explanation, or are you good with what we've got in the document?

MR. BOWEN: Mr. Haymans gave it for me, but he just didn't make the motion.

MR. HARTIG: Okay.

DR. CRABTREE: I am going to support the motion. It does seem, to me, that this fishery is exactly what ASMFC was set up to deal with. It's predominantly state waters, and I think 85-plus percent in state waters, and the only way that it can be successfully managed is by the states, and so this does seem to make sense to me. I have participated in almost all of the commission meetings where we've talked about this, and I think they have a good plan, and I think it will have a better result than what we've had over the last couple of years with just federal management, and so I'm going to support the motion.

MS. BECKWITH: I just wanted -- I had asked Bob to clarify a point in his presentation earlier for me, and I was just wondering if you had gotten a chance to clarify that point.

MR. BEAL: Doug and I were having a little sidebar, but I think you were asking about the paybacks and how the ASMFC plan works and those sorts of things, and is that right? Okay. Yes, I looked over the plan, and I talked to Louis a little bit, and the way it works is the commission is going to look at the recreational management on sort of three-year stanzas. After the first three

years, if a state's average landings exceed their recreational harvest limit for that state, then the state's recreational harvest limit in the next three years would be reduced by their average overage of the recreational harvest limit, and so, for example, we'll use North Carolina, since we're here.

If North Carolina is 2,000 pounds over, on average, for the first three years of the cobia plan under ASMFC, then, the next three years, North Carolina's recreational harvest limit would be reduced by 2,000 pounds to offset the overage from the previous three years, and so the way it reads is -- If you want to read it, it's the middle of page 45 in the commission's FMP.

If a state wanted to reduce their quota by 6,000 pounds in year-one and go back to the recreational harvest limit that's in the plan, they can do that, and so the states have some flexibility how they want to account for that, but the idea gets back to I think what Rob asked earlier, which is what happens during the first three years, and so the state is just kind of fishing and no one is checking in, and Louis's answer was, well, basically, the states need to keep an eye on what their landings are during the first three years of the plan and adjust as needed, and so that's how it will work. It's three-year stanzas and looking at average landings across that, and the notion is cobia landings -- There is some uncertainty in the data, but that's why we're looking at it in three-year increments.

MS. BECKWITH: To that point, because I think I'm a little bit confused. My understanding, originally, and Michelle is showing me the language, was that, at the three-year review, if the states were over -- We typically don't think that paybacks of overages are a good idea, at the council level, and my understanding was, at the three-year review, if the states were having trouble achieving their targets, that they would have to adjust their vessel and bag limits and seasons accordingly to achieve the targets, and so the nuance that Michelle just told me was to achieve the new target.

To me, it was not clear that a new target meant payback of an overage, and I am not really sure how to handle that, but I think that is not something that we put in our plan, and I think that's not something that the council would be supportive of, nor the public, because, when we went out to public hearings, that wasn't necessarily how we explained it to our constituents. We explained that the Atlantic States Marine Fisheries Commission could provide additional flexibility and that we could bring in additional sources of information to help with the monitoring.

In this idea of sort of recognizing that we have these fluctuations of abundance and we might have years of higher catch and years of lower catch, that, after a certain amount of period, if it was deemed necessary to readjust those states' measures in order to retain that target and protect the species, then that's what would happen, but there was -- To my knowledge, and I don't know if I was the only one that misunderstood, there was never a discussion of a payback which would create a new target, and I would not be in support of that, and I legitimately think that much of the support that the fishing community has provided for this would actually fall away, because we do have these years of high abundance and low abundance.

Maybe it's just my misunderstanding, but I do need that on the record, and I do sort of need to understand how it would work and if there's some flexibility in that plan moving forward to readjust that idea of a payback, because I'm not sure that that is something that our constituents have clearly understood.

DR. DUVAL: Bob, I am just reading, at the bottom, from the draft FMP that went out to public comment, and so this is on page 37 of the draft FMP. It says: "After each specified time period, if a state's average annual landings for that time period are greater than their annual soft harvest target, that state will adjust their season length or vessel limits for the following specified time period as necessary to prevent exceeding their share in the future." It didn't say anything in the draft about reducing a state's harvest target, and so I think that's the confusion that we're seeing.

MR. BEAL: I don't know if I can solve this today, but I will look at the minutes from the board meeting when they made these final decisions and see what flexibility there is and compare the draft that went out for public hearings that Michelle is mentioning and the final wording here. As I mentioned, we're still dotting the I's and crossing the T's on the document that is included in the late materials for the council, and so let me go back and sort it all out, and I will get back to the council.

MR. HAYMANS: In my way of thinking, regardless, North Carolina or anyone else has as much ability to affect change of that plan through the commission process as it does here, and, to me, that doesn't affect the decision that we're about to make on this alternative.

DR. DUVAL: I agree with you. It was just since it was brought up for discussion, and I just wanted to make that point. Thank you.

MR. BEAL: Anna, you also asked if there was flexibility to make some adjustments along the way, and absolutely. One of the good things about the commission is the MRIP numbers, for now, are going to be what steers the decisions and what the states are evaluated against, but other states, including Virginia, they are starting to collect different data, and the states can also look at MRIP numbers and was there an outlier in that data or was there something that was in that dataset that the states felt didn't necessarily reflect what was going on in the fishery, and the commission can take all of that into account and adjust as necessary, and so there is a fair amount of flexibility in the commission system, but we do need to work out this wording, but, just in general, it's a fairly flexible process.

MR. ESTES: Back to the discussion of the motion. For the reasons that I mentioned before, I think -- That's public input, but I think Roy made me feel a little bit better about that. I appreciate it, and we'll see if we can get to that later, Michelle's compromise, but I'm still uncomfortable doing this, and there's an additional issue. I know that we use the number of 20 percent, that we think the 20 percent of the fishery is prosecuted in the EEZ, but that changes from year to year, and we've seen that.

My other concern is that -- Some of us complain about this, and other times, depending on what we want to get done, we compliment it, but we have Magnuson that I think puts a little bit of teeth into what we're doing, and I do have some concern that, because of -- With the Atlantic States Marine Fisheries Commission, I could see that we could allow the fishery to become overfished, not through any fault, but we're not constrained, and so I don't -- I am going to vote against this motion.

MR. O'REILLY: I support this as the preferred alternative, and I just wanted to add that nothing is solid yet as far as how we look down the road a little bit with cobia and that, although it's great that 2017 looks as if, at least from the data, either from MRIP or from SERO, that we are not going

to eclipse the ACL, I think that probably we will again and again, and so I think ASMFC is the right place as well for this.

I spent many years working with recreational summer flounder, from 1999 until a few years ago, and the adjustments were always size, bag, and season. I expect that that will turn out to be same way once we get started with cobia at the ASMFC, and then you have to keep in mind that assessments change things. The status of the stock changes the measures as well, and so there is nothing that is completely static, but there is a pretty good track record at ASMFC on the recreational summer flounder.

It didn't make a lot of people happy all the time, because it was like a yo-yo. One year you liberalize, and one year you are reducing, and so, at the same time, I can speak for the Virginia angling clubs, many of them that we got together, and they at least felt that they had some say in what happened. They had some say in their destiny, and so I think we need to wait a little bit before we get too worried. I wouldn't be too worried about what a payback means now, because, really, there is a lot of variables that go into each season, and so thank you very much, and I do support Alternative 2 as the preferred alternative.

MR. BELL: I was just going to point out that perhaps we're a little unique, but our fishery is -- When we had a fishery, our recreational fishery shifted, in about 2009 to 2010, to predominantly federal waters, and so what fishery we have left is pretty much a federal waters fishery. The commercial fishery is a totally federal waters fishery, and so I am just trying to -- It's not that I'm not saying that we wouldn't end up in this place, but, right now, in terms of selecting this as a preferred, I just have some -- We have a lot of questions, I think, related to how we as a state are going to basically manage a fishery from federal waters given the authorities we have right now and how we're set up.

There would have to be some changes that would need to be made, in terms of our ability to do certain things through our legislature, but South Carolina's cobia fishery is pretty much predominantly federal waters, and assuming that the recreational piece comes back, and so I'm not necessarily right now ready to jump onboard with this as a preferred for us until we kind of think through some of this, but I fully understand everybody else's views. Thanks.

LCDR BENNETT: My question is the enforceability side of it. I get the states, and the majority of the fishery is in the state waters, and so the states can enforce, but, if you do as Mel just pointed out and have a federal fishery, or the predominant fishery occurs in federal waters, who is enforcing that?

There is nothing for us, once it becomes a state fishery, for the Coast Guard to enforce, and so if you have users abusing that, the Coast Guard is not going to come and enforce state regulations. That's not our jurisdiction. To top it off, I get all the states, with the exception of North Carolina, have a joint enforcement agreement with NOAA, and so, yes, that gives those states the right to go out in federal waters and help enforce federal regulations, but, when it comes to North Carolina, if the fishery is occurring in federal waters, does North Carolina have the right or the authority to go out into those federal waters to enforce their state regulations? My concern is, again, the enforceability. You're not going to have a federal entity enforcing any of the regulations that ASMFC comes up with.



DR. CRABTREE: I think, when we do this in the removal process, we'll lay out some rules about how the states interact with federal waters, and we can do that. I mean, I think, generally speaking, for recreational fisheries, the vast majority of the enforcement occurs at the dock, and I think what we have in place now with a closure outside of three miles, but it's open inside of three miles, poses, in my judgment, a much more difficult enforcement scenario, because it makes enforcement at the dock problematic, but I think we'll have to try and address some of those concerns about what the rules in federal waters are under the ASMFC plan, but I think we can do that, and I think we've done it in other instances with ASMFC plans.

MS. SMIT-BRUNELLO: Just to add to that, I think that the document should discuss all of those concerns too, and so the next version you see, or that the public will see, hopefully will discuss those kinds of things, because that's a great point and really a valid issue that the council should think about.

MR. HARTIG: I appreciate the Coast Guard liaison pointing that out. Thank you.

MR. BEAL: Just very quickly, the commission staff is happy to help out with that, some of that language, and how the enforcement issues are handled in other fisheries. The Atlantic Coastal Act does provide the authority for the federal government to implement regulations in federal waters in the absence of a Magnuson FMP. American lobster, for example, is solely managed by ASMFC. However, there are regulations throughout the EEZ, all the way out to 200 miles, that the federal government has implemented, and so it just depends on what this thing looks like at the end of the process, but we can help out with some of those examples and wording.

MR. HARTIG: Thanks, Bob.

MS. SMIT-BRUNELLO: Bob, just to follow that up a little bit, the Magnuson Act says, right now, if there is no FMP in federal waters, under the Magnuson Act, a state can regulate state-registered vessels out into federal waters, and so I guess that's an option. Then another option is similar to maybe red drum and what was done, is that the Atlantic States Commission would establish regulations in federal waters, which would cover not just the state-registered vessels of that particular state, but it would cover all registered vessels. I guess I can talk about this later with you and we can figure that out.

MR. BEAL: Yes, and you're exactly right. There's a lot of different scenarios. Summer flounder is yet again even different, where there is a federal FMP, but the federal government recognizes the state recreational measures and carries those forward into federal waters, and so there's five or six different scenarios that can be explored.

MR. HARTIG: Any other discussion on the motion? **All those in favor of the motion, raise your hand, nine in favor; opposed, two; abstentions, one. The motion carries.**

All right, and so we have a preferred alternative. The next thing we need would be to approve this for public hearings, I believe.

DR. DUVAL: **I move that we approve Coastal Migratory Pelagics Amendment 31 for public hearings.**

MR. HARTIG: Motion by Michelle and seconded by Anna. Is there any discussion on this motion? **Is there any objection to that motion? The motion passes with one objection.**

MS. WIEGAND: Just to make this clear for me when we're putting together a public hearing document, this committee's intent is to move forward with public hearings, but wait to take final action until after the stock ID workshop or no?

DR. DUVAL: I think that's what we want you to include in the document, is we would like the public's input on that as well, since we removed Alternative 5. Based on the Regional Administrator's input on the inability to really analyze that, I think we need to very clearly state that the council would like the public's input on whether or not to continue to move forward or to wait until the stock ID workshop is complete or to wait until the assessment is complete. Thank you.

MS. WIEGAND: Okay. Thank you. That helps.

MR. HARTIG: So we're all good? Any other discussion points? All right. Seeing none, that concludes our discussions on Amendment 31.

DR. CRABTREE: Just before we leave cobia, I wanted to talk a minute about what we're going to do with federal waters next year. Our intent is that we will put out a Fishery Bulletin shortly after this meeting announcing that federal waters will open up on January 1, and it will make some reference to the ASMFC plan and that recreational fishermen need to comply with the state plans in the area, and we're going to work on the belief that the states will, through the ASMFC plan, will keep the harvest within the ACL for next year, and so our intent is to open back up and let this plan do its magic and hopefully have a successful fishing year.

MR. BOWEN: Dr. Crabtree, if I can request -- You may be thinking this anyway, but can we leave out bag limits and per person size limits and everything, since that may differ from state to state, to save some confusion?

DR. CRABTREE: Yes, and I think what we'll do is just announce that the federal waters are going to open back up, but fishermen need to comply with the ASMFC plans.

MR. HARTIG: I appreciate that, Roy. Thanks for that and giving us the heads-up on how that's going to proceed. That's helpful to the anglers in the room and those online as well. Okay. That brings us to -- We've got six minutes, and we're not going to cover the next agenda item in six minutes. It's not going to take a whole lot of time, but I was thinking that we could cover this in Full Council, during the committee report. It won't take all that time, but what does the rest of the committee think? It's a mackerel issue, Framework Mackerel 6, I believe. I see heads nodding, and so, with that, is there any other business to come before this committee?

DR. DUVAL: Just really quickly, I wanted to just quickly review tournament landings, king mackerel tournament landings, and so, when we approved I think it was 20A that eliminated bag limit sales of king and Spanish mackerel, with an exception for tournaments, and North Carolina has had a tournament license for a long time, but we also indicated that we would review those landings after like three years, to see what they looked like.

I am bringing this up because we had concern from fishermen, commercial fishermen, in Ocracoke with regard to those tournament landings counting against the commercial ACL. I mean, they are sold, and so they go into commerce, and that is how they are counted for, is against the commercial ACL, and we have seen an increase just in the last few years of the proportion of the total landings coming from tournaments compared to the rest of our commercial harvest, and so I realize the other states are probably not prepared to say anything like that, but, Mr. Chairman, perhaps at a future meeting, we could look into that a little bit more and have a discussion, but we've seen ours increase from like just a couple of percent back in 2011 to about 7 or 8 percent in the last couple of years.

MR. HARTIG: Okay, and so I know Doug had really, when we had this discussion before -- He was the one who wanted to wait three years before we took a look at this, and so what you're doing is asking direction to staff to bring this -- For those on the webinar, Michelle was in conference, and so she's back.

DR. DUVAL: I'm sorry, Mr. Chairman. I was not paying attention. What was the question or the request?

MR. HARTIG: What do you want to do? What's the direction? You would like to have us move forward with this review of all the state landings of tournament-caught --

DR. DUVAL: Yes, please. I think if maybe the states are prepared to provide what those are, tournament harvest, in March, that would be great.

MR. BELL: Zero.

MR. HARTIG: Thank you for that update. All right. We will do that. Is there any other business?

MS. WIEGAND: I wanted to, very, very briefly, talk to you guys about CMP tracking units. Back in June, you had requested a letter sent to the Gulf, so that we could get some consistency in how they're reported, because, right now, it's just as reported, and there were concerns that that makes it hard to track an ACL.

At that meeting, you guys had requested king mackerel in gutted weight and Spanish mackerel in whole weight, and conversations among our staff, as well as staff at the Gulf, have indicated that the Gulf might prefer whole weight for both, and so I wanted to see if whole weight reporting for both is something you would be comfortable with, and, if not, if you would prefer gutted weight for king mackerel, to get some rationale for that.

MR. HARTIG: Michelle, this was the issue that you brought up. I mean, how does North Carolina track that, and are you comfortable with Christina's suggestion?

DR. DUVAL: It's gutted weight, but I brought it up because of the discrepancies that we were having in -- Really, it was like tracking of cobia harvest, because all CMP species are as landed, and so I had some conversations with Science Center staff about their ability to access as-landed quantities from ACCSP when they are pulling landings down, and there was a discrepancy in how the tool that was built to map our landings to the data warehouse were being recorded. Our units were not being -- Our landed units were not being mapped into the appropriate category, and so,

instead of pulling as-landed weight, it was all whole weight, because that's how North Carolina reports out our landings annually. Everything gets converted to whole weight.

We record the units that it comes in in, whether it's gutted or ungutted, and so it was really a combination of me plus Science Center staff saying it's really -- It is tough to track these things in an as-landed condition. Personally, I think we would prefer the condition that most of the fish come in, which is gutted for king mackerel, but --

MR. HARTIG: If you report them as whole weight now, I mean --

DR. DUVAL: We convert them to whole weight. That's probably what I should have said.

MR. HARTIG: That was the discussion I had of, and why the Gulf wants them in whole weight, I'm not exactly sure, but I don't really have a problem, as long as the conversion factor is good and updated within the last period of time, and I worked with FWC, with an FWC researcher, to update some of those king mackerel conversions, and so I know that there has been work done on that, and I don't have a problem with going to whole weight, if that's what the Gulf wants to do, to be consistent.

DR. DUVAL: I don't have a problem with going whole weight either. Like I said, this is how we report all of our landings and our landings bulletins, and so it's not a problem. It was just having some consistency, and I guess I would like some rationale for why the Gulf is asking for whole weight, that's all.

MS. WIEGAND: Okay, and this is just conversation that we've had amongst staff. I know that staff there would want to discuss this with their council as well, but, in having conversations with them, I just wanted to be clear about where this committee stood, as far as what they wanted for tracking of CMP species, and so thank you.

MR. O'REILLY: I will switch back to cobia for a second, if I may. There is some confusion, and it happened at our advisory meeting a week from this past Tuesday, as to the baseline, and so, when we're going through this three-year period? Is it that you just move forward to 2018, and what data source are you going to use as your baseline? Are you going to use the previous three years?

There is a lot of different scenarios going on right now and conversations between the ASMFC Technical Committee a little bit and different staffs, from what I know, and so the idea is what is going to be the starting point in this three-year approach? Is it going to be a three-year baseline? How will that work, or will it be just moving from 2017, and so that's a big question, maybe. Perhaps Bob has talked about it to his staff, and I don't know, but it certainly was something that was talked about a couple of Tuesdays ago.

MR. HARTIG: Do you have any insight on that, Bob?

MR. BEAL: I don't think the board has tackled that yet. I think the plan sort of is forward-looking, rather than backward-looking, and so I'm not sure if we would consider looking at the three previous years to move forward, and I think it will be setting regulations in 2018, 2019, and 2020.

That will be the first three-year stanza, and that's what we'll use to evaluate the landings for the next three years.

MR. O'REILLY: Just so we understand, so that I can take this information back, at least tentatively, you move from 2017 to 2018 and there is an ACL still in place, and it's that ACL which has been sub-divided to the states that they will configure measures, management measures, to get that share, and am I getting close?

MR. BEAL: Yes, and I think, obviously, the performance of the fishery in 2017 and the regulations that the states have in place now will be used to evaluate what the states can and should adopt for 2018, and so, if Virginia has regulations in place that are 100,000 pounds under, they can relax a little. If they're 100,000 pounds over, they're going to need to clamp down a little, and so it will be -- Part of the proposal that each state submits to ASMFC on January 1, those details on what the states looked at to come up with their 2018 regulations, need to be spelled out in that proposal.

MR. O'REILLY: Okay. Thank you.

MR. HARTIG: All right. Is there any other business to come before the Mackerel Committee? Seeing none, thank you, all. I really appreciate the great input, and we'll stand adjourned.

(Whereupon, the meeting adjourned on December 7, 2017.)

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December 7, 2017

THURSDAY EVENING SESSION

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The Mackerel Cobia Committee of the South Atlantic Fishery Management Council reconvened at the DoubleTree by Hilton Atlantic Beach Oceanfront, Atlantic Beach, North Carolina, Thursday evening, December 7, 2017, and was called to order by Chairman Ben Hartig.

MR. HARTIG: We're going to bring the Mackerel Committee back to order. The one issue that we didn't get to was the trip limits and Coastal Migratory Pelagics Framework Amendment 6, king mackerel trip limits, and I will turn that over to Christina to give you an overview.

MS. WIEGAND: At the last meeting, you guys reviewed something that resembled an options paper and directed us to begin work. You approved three alternatives and asked for an option for seventy-five fish for that first month of March. This is the timeline we're sort of looking at. If you guys decide to move forward and approve it for scoping, you guys are going to be looking at reviewing the comments and approving the actions and alternatives in March. Then you will see a draft amendment in June, send it out for public hearings in July, and take final action in September. We would be looking at implementation around late 2018.

Today, you will need to discuss the language for purpose and need, which you haven't seen before, discuss the language for the actions and alternatives, which you did see in September, and then, if

you decide that you want to move forward, we need you to approve Framework Amendment 6 for scoping, because we're sort of getting past the point of the appropriate time to be doing scoping.

This is how we've drafted the purpose and need. The purpose is to modify the commercial trip limit for Atlantic king mackerel in the Atlantic Southern Zone. The need is to provide anglers with a trip limit sufficient to support fishing activity while constraining harvest to the ACL and providing for year-round access. We will want you guys to review and modify that and approve as you see fit.

Then we've got the alternatives, and so Alternative 1 is the no action. This is what was implemented in Amendment 26. Bear with me here while we go over this. We've got the line set at the Flagler-Volusia County line year-round. North of that line, the trip limit is 3,500 pounds year-round. South of that line, in March, the trip limit is fifty fish. From April 1 to September 30, that limit goes up to seventy-five fish with a step-down to fifty fish once 75 percent of the Season 1 quota is met. Then, for Season 2, south of the Flagler-Volusia line, that limit is, again, fifty fish, with a step-up starting in February if 70 percent of the Season 2 quota has not been met, and, to illustrate that for you guys, we've got these maps. Again, that line is at Flagler-Volusia County year-round for Amendment 26.

Alternative 2 starts with adjusting just the Season 1, and so, for March, that line is still at Flagler-Volusia, 3,500 pounds north of it and fifty fish south. Then, for April 1 through September 30, that line is going to shift down to the Volusia-Brevard line. North of that would be 3,500 pounds, and south of that would be seventy-five fish, with the step-down. Here is that mapped out again, and it's just that April 1 to September 30, where that line shifts down to Volusia-Brevard.

Then we've got Alternative 3, and this is the seventy-five fish option that you guys asked for, and so, from March 1 to March 31, south of that Flagler-Volusia line, it's now seventy-five fish instead of fifty fish, and then, again, from April to September 30, that line shifts to Volusia-Brevard, and they have 3,500 pounds north of that line and seventy-five fish south, with a step-down. That is that step, and, again, it's seventy-five fish in March for south of the Flagler-Volusia line, and then, from April to September, that line shifts to the Volusia-Brevard line and then shifts back up to Flagler-Volusia for Season 2.

Alternative 4 shifts that line down to the Volusia-Brevard line for all of Season 1, and so 3,500 pounds north of that line and fifty fish south of that line, and here is that mapped out, and so Volusia-Brevard line for Season 1 and Flagler-Volusia line for Season 2, and so you guys will want to review and discuss this action and alternatives and approve them and then approve this amendment for scoping. If you guys continue along that timeline, again, we'll hold the scoping webinars in January, and you will be looking at a draft amendment by June of 2018.

MR. HARTIG: Thank you. That was a great presentation. Before we start the discussion, I think I would like to ask Rusty just to come to the table to just confirm that what we have is what the fishermen had asked for. I'm pretty sure it is, but I just --

MR. HUDSON: Thank you, Mr. Chairman. Yes, they definitely would like to return to the 3,500 pounds for Brevard-Volusia north, instead of being hung up as we are right now. It's the historical way that those people did, and it's not a great volume of people, and so I don't think you have to

worry about the impact of the 3,500, because of the distance that it has to be traveled going out of Ponce Inlet and returning into that same region.

At the same time, I have heard from a lot of the fishermen, to start the season, the seventy-five fish for March was definitely another thing. Now, let me be clear that there is the limited number of boats that are from Volusia County that operate in the king mackerel fishery, but there is a certain fleet that works their way up, because it's a little bit bigger boats, because, if you're familiar with the boats in the Sebastian and Fort Pierce -- We call them the mosquito fleet for a reason. They're pretty small, and they can't really go out there and spend day and night, a couple of days and nights, and stuff like that, and so that's pretty much the short of it. They feel a little bit disenfranchised. King Seafood hurt a lot from some of the traveling boats, and I could name names, but it's better just to let them speak for themselves, and so thank you very much.

MR. HARTIG: I appreciate it, Rusty. Thank you. All right. That brings us back to the purpose and need statement. Are there any modifications to the purpose and need? If not, I would entertain a motion to approve the purpose and need statement.

MR. BROWN: **I would like to make a motion to approve the purpose and need for this amendment.**

MR. HARTIG: Motion by Mark and second by Charlie. Is there discussion? **Is there any objection? Seeing none, that motion is approved.**

That brings us into the actions. I believe, for scoping, that we don't need any preferred alternatives, correct?

MS. WIEGAND: Correct.

MR. HARTIG: All we have to do is, if I get to the bottom, is to approve the actions and alternatives.

MS. WIEGAND: The only wording change was for the no action alternative, and there were no substantive changes. I just adjusted it so that it matches all of the other alternatives, to make it easier to follow.

MR. HARTIG: **I am looking for a motion to approve the actions and alternatives.**

DR. DUVAL: **So moved.**

MR. HARTIG: Motion by Michelle and second by Roy. Is there discussion? **Is there any objection? Seeing none, that motion is approved.**

The last thing, I believe, is to approve for scoping. I would need a motion to approve Coastal Migratory Pelagics Framework Amendment 6 for scoping.

DR. CRABTREE: **So moved.**

MR. HARTIG: Motion by Roy and second by Mark. Is there discussion?

MR. ESTES: Our issue is we haven't had this in place for a year, and I talked to Ben about this, and I know that -- We would like to go talk to the fishermen after they've been through this, as we talked, and so, for us to approve this for scoping in January, I guess, is the plan, we think it's a little bit ahead of things, and we would like to have an opportunity to talk to the fishermen down there after they've had the fishing year under their belt and make sure that we're all on the same page, and I trust -- Ben has been talking to folks, and Rusty has been talking to folks, and we would like to join them in doing that somehow, and there is concern that January might be too quick, and I would like to hear a little discussion about that, if we could.

MR. HARTIG: I appreciate that, Jim. I mean, as soon as we passed this amendment, I got calls. Fishermen knew they weren't going to be able to fish in that Brevard-Volusia area, and they said we need that area in the summertime, when the fish are more scattered and we make maybe not three or four-day trips, but more than one day. I mean, they will catch more than seventy-five fish, a lot of times, on one day and stay out overnight and catch what they catch in the morning and come back home.

They don't normally catch 3,500, on average, but they catch more than seventy-five, and they knew that this was going to impact them adversely immediately, and so I got calls from John Polston and Robbie, one of the king fishermen who always talks about snapper grouper, and Roy would know him well. I can't remember Robbie's last name, unfortunately, but there was Mason and a number of other fishermen who got in touch with me, and they said that we need to get this changed as soon as possible, and so they fished under it, and they know they were impacted, and they knew they were going to be impacted as soon as we put it in place.

They asked me why in the world did this get done, and it was kind of a mix of how we tried to accomplish the concerns of the fishermen in the south and the fishermen in the north under not knowing what the catch limits were at the time. The fishermen in the south were worried about getting cut out of the fishery later in the season, but, with the limits the way they are, that's not going to happen, and so at least based on average catches over a long period of time.

The fishermen in the south even said that we support this, and Ira has got onboard. Ira said that he supports this, and he thinks these guys ought to be able to do this, and so that's why we brought it back to you as it is now, and I don't know that you're going to get anything different from those guys. Like I said, they were impacted this year by this, and they knew they were going to be impacted, and they want to see it change as soon as possible, and we're not going to be able to do it in 2018, but, if we wait much longer, we could have some problems even into 2019, and so I'm trying not to slow this down any more than it is.

MR. ESTES: I think that's the question. If we waited until after March, and we went down there and talked to folks, is that going to affect the 2019 season? I think that's really what the question is.

MR. HARTIG: I am not sure, and I don't think Christina has got a timeline out that far that we would know, but it would certainly be later than what we have now by -- Well, what is it now? I am trying to think of the timing. Four or five months, and, given what I know about this, I don't have the problem that the state does, I really don't, and the fishermen don't, the ones that I have



talked to. I don't know that you gain much by going to talk to them, because they already know it impacts them. That's the key.

MR. ESTES: Can we see the timeline again, please, because I had not studied this, and this is kind of a discussion, and so I think that we think that we would be exercising due diligence though from our end of it, and I understand what you're saying.

MR. HARTIG: I appreciate that. I appreciate your concern about whether or not we need to do this or whether fishermen were impacted, but they were impacted.

MR. ESTES: It looks like that we would have an opportunity, before we selected the preferred alternative, if we went down there a little bit later in the year, if I am reading that right, and is that correct? We're not going to be selecting the preferred alternative until June, and so it looks to me like if we went down there after this somehow that we could satisfy ourselves, I guess.

MR. HARTIG: Well, another way you could do is find out during scoping. If we approved it for scoping, you could find out the same things you want to know by an additional meeting with fishermen during the scoping process, and am I wrong about that?

MR. ESTES: I think that the issue is we would like them to finish the fishing, so we could find out what they learned while they were doing it, after they have done it, and that's the issue.

MR. HARTIG: Okay, and so the timeframe of when the amendment went in was May, and is that correct? It was May 11. The regulations would have changed for them on April 1, or did it change for them before that? For that particular boundary change -- The boundary didn't change, but, if it did change under the April 1, they would have been able to fish into May, June, July, August, September, October, and so they've got a pretty good season under their belts now under the regulations we had, and so you want to know if it impacted them, and I can tell you that it did, but that doesn't solve the problem. If you all want to wait and you're really strong on that, and we'll see what the committee wants to do, we can do that. As long as we get it in place by 2019, I don't have a problem with that.

MR. ESTES: Okay. I would like to wait, if it's possible.

MR. HUDSON: A clarification. What is April 2018 between September and late 2018 all about?

MS. WIEGAND: Once the council has taken final action on it, it will go out to secretarial review, and they will publish a proposed rule and a final rule.

MR. HARTIG: Thank you. Any other thoughts around the table?

DR. DUVAL: I guess just a question for Jim. What is your rulemaking process like? You guys, I think, had just finished rulemaking, or the rules had just gone into place, when the possibility of changing this was brought up, and so I was just curious how long it would take you all to go through that process again.

MR. ESTES: It depends. I think that this would probably be a priority, and so our rulemaking process -- We have five commission meetings a year. If we get in a hurry on something and there's

not lots of controversy, we can do this in one commission meeting, and so we could do it in a couple of months.

MR. HARTIG: Okay. I am willing to give Florida the benefit of the doubt, although I think I know what the fishermen want, but they still want to find out, and so whatever -- We don't have to approve this for scoping, and that's what you're asking us now, and so we would approve it for scoping in March?

MS. WIEGAND: Then, presumably, you would be looking at taking final action then in December of 2018.

MR. HARTIG: Okay, and that should give us enough time, I believe.

DR. CRABTREE: Should I withdraw my motion?

MR. HARTIG: I don't know if you can withdraw it after all the --

DR. CRABTREE: I would like to say that I'm going to oppose my motion.

MS. SMIT-BRUNELLO: I am not trying to get into the mix of things here, but you can also scope it at your March meeting. That has been done before.

MR. HARTIG: Yes, and that's a possibility, because those guys aren't that far away from where we're going to be meeting.

MS. SMIT-BRUNELLO: Or your June meeting. I mean, you can scope these things at a council meeting as well.

MR. HARTIG: Right. True, and this would be, presumably, done by webinar anyway, if we don't scope it at a meeting, but I think a meeting would be a great idea, a great way to do it, in either March or June, and we put it back -- The earlier, the better, and so I would shoot for March, for sure, to scope it at March. We're in south Georgia, and so we're three hours, or two-and-a-half hours, away for most of the fishermen that would be impacted, and so it's not that far, and so that makes a lot of sense. I appreciate that. Let's just dispense with Roy's motion. We just have to vote on this motion, correct, Chester? I am looking at you as our new parliamentarian.

MR. BREWER: Unless you have a substitute, you vote on the motion. You've got a motion, and you've got a second. The motion now belongs to the committee.

MR. HARTIG: All right. **The motion is to approve Coastal Migratory Pelagics Framework Amendment 6 for scoping. All those in favor, raise their hand, I see none. The motion fails.**

Now I would need a motion to -- I think, the way this conversation has gone, a motion to scope this amendment in March, at the March council meeting, would be appropriate.

MR. ESTES: **So moved.**

MR. HARTIG: Okay. We will let Christina get the motion written. **The motion is to approve Coastal Migratory Pelagics Framework Amendment 6 for scoping at the March 2018 meeting.** It was seconded by Charlie. Is there any more discussion on this motion? **Is there any objection to this motion? Seeing none, that motion is approved.**

I believe that takes us to the end of this document, and we have already done Other Business, and so I will turn it back over to you, Mr. Chairman.

(Whereupon, the meeting adjourned on December 7, 2017.)

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

Transcribed By:  
Amanda Thomas  
January 3, 2018

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(Thursday 12/7/17)

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