

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COBIA COMMITTEE

**Town & Country Inn
Charleston, SC**

September 28, 2017

SUMMARY MINUTES

Committee Members

Ben Hartig, Chair
Mel Bell
Mark Brown
Doug Haymans, Vice-chair
Robert Beal
Tony DiLernia

Dr. Michelle Duval
Zack Bowen
Dr. Roy Crabtree
Jessica McCawley
Rob O'Reilly

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Charlie Phillips
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John Carmichael
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Chip Collier
Kelsey Dick
John Hadley
Roger Pugliese
Amber Von Harten
Christina Wiegand

Observers/Participants

Leann Bosarge
Rick DeVictor
Dr. Bonnie Ponwith
Mike Schmidtke

Dr. Jack McGovern
Monica Smit-Brunello
Erika Burgess
Rusty Hudson

Other Observers and Participants attached.

The Mackerel Cobia Committee of the South Atlantic Fishery Management Council convened at the Town & Country Inn, Charleston, South Carolina, Thursday morning, September 28, 2017, and was called to order by Chairman Ben Hartig.

MR. HARTIG: Good morning. Welcome to the Mackerel Cobia Committee. The members of the committee are myself, Michelle Duval, Anna Beckwith, Mel Bell, Zack Bowen, Mark Brown, Roy Crabtree, Doug Haymans, Jessica McCawley, Robert Beal, Rob O'Reilly, Tony DiLernia, and Dewey Hemilright.

The first item we have on the agenda is the Approval of the Agenda. Are there any changes to the agenda? I have one thing in the document that I will bring up towards the end of the meeting. Seeing no changes to the agenda besides mine, the agenda is approved. Next is Approval of the Minutes. Are there any corrections to the minutes? Seeing none, the minutes are approved. All right. That brings us to Status of Commercial Catches Versus Quotas, and that would be Rick DeVactor.

MR. DEVICTOR: (The beginning of Mr. DeVactor's presentation is not audible on the recording.)

As I was saying, we tried to explain this further by sending out the Fishery Bulletin, and I called some council members to describe what was happening -- We are moving forward with closing the fishery, and, like I said, we put a note on our webpage, because a lot of people look at the webpage, and we tried to explain it there, and we're doing the Fishery Bulletin to explain why we're moving forward with the closure, and so that concludes my landings report.

MR. HARTIG: Thanks for your explanations early on. Are there any questions of Rick?

MR. HAYMANS: Rick, I know you're not up here for recreational reports, but we have finished with the May/June wave, and any indication that you can give us on recreational landings?

MR. DEVICTOR: I just wrote yesterday asking for Wave 3, and Wave 3 is delayed, and so we don't have Wave 3 data, and I don't have Wave 1 and 2 in front of me right now, but I will look into that farther, because Mark was asking me. I will see what I can find.

MR. HARTIG: I appreciate that, Doug. Any other questions? Seeing none, that brings us to Status of Amendments Under Formal Review, and I believe, Rick, you're going to do that as well?

MR. DEVICTOR: Thank you, Mr. Chairman. I have two amendments that I want to report on. The good news is both have been put into place, and so the first one is Framework Amendment 4, and, of course, this is for cobia. This establishes a recreational bag limit of one fish per person per day and six per vessel and a size limit and a commercial trip limit and changes the AM. The proposed rule published on February 21, and that comment period ended at the end of March, and the final rule published on August 4, and the regulations were effective on September 5. That's CMP Framework Amendment 4 for cobia.

Next is CMP Framework Amendment 5. This is the amendment, as you recall, that removes the restriction where a vessel that has a commercial Spanish mackerel permit may not possess a bag limit if the commercial season for that one is closed. The final rule published on August 1, and the regulations were effective on August 31.

MR. HARTIG: Thank you, Rick. Any questions? I appreciate that. The next agenda item is the ASMFC Updates on Interstate Cobia Plan, and that's Attachment 2 in your briefing book.

MR. BEAL: I will give a brief update, and, if there are some specific questions, Mike Schmidtke, the FMP Coordinator, is here, and so he can answer a lot of the detailed questions better than I can. The general timeline on where we are is we're in the middle of a public comment period right now. I think Mike did the last hearing the other night, or Tuesday night down here, and so the public comment period is open for about another ten days, twelve days, and so, if there is comments that the council would like to submit to ASMFC, we're happy to take those.

The plan, moving forward, is that ASMFC is going to have its annual meeting in October, the week of October 16, and, on Thursday of that week, the commission will make the final decision on what the interstate FMP for cobia looks like and decide on all the details of that plan, and so we're nearing the end of the development of the ASMFC plan, which is good. Hopefully it will complement the federal plan, and, moving forward, I would say the commission will work with this council, as this council goes through the amendment process, to decide how they want to manage cobia moving forward.

There is obviously a big range of options in front of the council, and so just what to do next, including removing cobia from the portfolio of species managed by the council and transitioning that to ASMFC, and there is other options in the middle, and I think those are going to be talked about today, and so that's timeline that we're on.

Again, the intent of the commission plan, as it stands now, is to complement the federal plan between the states, essentially within the 620,000-pound overall recreational harvest limit, and allow the federal waters to stay open and just do a better job, collectively, of managing the recreational harvest at the state and federal level, so the states down south that need the federal waters open can have access to those fish, and so that's the overall, again, quick summary of where we are with the plan, and I am happy to answer any questions. If they're hard questions, I will pass them to Mike.

MR. HARTIG: Just a comment. It was great to sit in at the public hearing and have that information moving forward. It was very informative, and you did a great job, and I appreciate that.

MR. O'REILLY: This is really something that is in the document that you really don't see all the time, but it did catch my eye at the beginning of the document that was put together by the Atlantic States Marine Fisheries Commission, and, in the statement of the problem, the situation where cobia management has historically been considered precautionary through the CMP FMP and both sectors of the fishery have been managed with a two-fish possession limit and a thirty-three-inch fork length minimum size since formal management began in 1982.

Now, Virginia went to a recreational limit of one in 2002, and so I mean that makes it even more precautionary. What I am interested in, and I don't need an answer today, because I am pretty far removed from the stock assessment world. I have participated sort of in an ancillary fashion with the ASMFC, but, in 2013, when the ABC was set, the OFL and the ABC, it would seem that the precautionary management resulted in a landings scheme that was fairly under control, that was

very -- That being the case, it seems that the difficulties we faced off and on back in the mid-2000s, certainly in 2015 and 2016, part of that is that ABC had to be tied to the landings stream. I guess I don't know exactly how that worked out, as far as how that was derived.

I know when our updates -- When the Mid-Atlantic Council, for example, and I don't want to get in trouble here, but, when they do their updates, or even a benchmark, they have previous information, and they assume that the ACL is taken fully, and, depending on the species -- It's a question about was the ABC in 2013, was that really moderated, because of the precautionary management that has been in place for cobia? If someone sends me an email, that will be fine. I don't want to clog things up today, but, when I went back through this document, that jumped out at me, and I said, let me check into that, and so thank you very much.

MR. HARTIG: (Mr. Hartig's comment is not audible on the recording.)

DR. DUVAL: Maybe just a clarification, Rob. When you say was that ABC moderated by the precautionary approach to management, are you asking if the ABC that came out of SEDAR 28, which was completed in 2013, if that was influenced by the two fish per person and thirty-three inches and that that might not be as reflective of the total stock biomass? Is that kind of what you're getting at?

MR. O'REILLY: That's exactly it, and then, of course, I recognize that the last assessment, as we all do, going through the data year 2011, does show a decline in the SSB, and so there is certainly something there as well, and all of it just reinforces why stakeholders are constantly talking about the need for a stock assessment as expediently as possible, and I think we all understand that's something that everyone wants, and so thank you, Michelle.

DR. DUVAL: I think Ben is right. I think, to provide you a more thorough answer, we would need to go back to the assessment itself, but there are obviously some data streams beyond landings that go into that.

MR. HARTIG: Any other questions of Bob? I am not seeing any. Thank you. We appreciate the update. All right. We will pause here for just a second. There's a new face at the table here, Christina, and I am going to let Kari introduce Christina to you all.

DR. MACLAUHLIN: This is Christina Wiegand. She is the new Social Scientist, and so you have two of us for two more days, and she will be taking over Mackerel Cobia, and you are in very capable hands. She is a very quick learner, and she's really digging into it, and so she's going to be great. She will be your contact if you have cobia questions.

MR. HARTIG: I appreciate that. Welcome, by the way.

MS. WIEGAND: Thank you.

MR. HARTIG: The next item of business is Atlantic Cobia 2017 State Reports. I think we will start with Michelle and go in that direction.

DR. DUVAL: Thank you, Mr. Chairman. North Carolina's recreational cobia season ended August 31. We were at a four-fish vessel limit for both private recreational as well as for-hire

boats, and it was a one-fish per person and a four-fish per vessel limit. I think, anecdotally, talking to anglers and captains, the fish kind of showed up early this year, and the season went through fairly quickly. I think, as folks know, we were trying -- At the direction of our commission, we tried an approach for voluntary reporting at our citation stations, and so those are stations that we can use to register citation fish.

Just looking at I think the most recent report from that, I think we had reports through the end of June, and so I think we had a total of -- I want to say we like fifty-two reports that were registered. We have been trying to also keep track of the raw intercepts of cobia that we have had throughout the season as well, but we're also awaiting Wave 4, Wave 4 data, and so, preliminarily, it looks like the measures that we put in place for the season in North Carolina have constrained harvest to the target, or at least the target we were aiming for. Of course, the devil is in the details of the July/August Wave 4 information, which won't be available until October sometime.

We also had our -- We just had our Atlantic States Marine Fisheries Commission Draft Cobia FMP meetings last week. We had one in Morehead City and one in Hatteras Village. It was a very, very lively, active group up in Hatteras. This is a really important fishery to those folks up there, and so I think I would be remiss in not saying that people would really prefer to go back to the two fish at thirty-three inches that they have been used to and that the fishery was built on and that they've always had, but understand that the draft FMP is moving forward, and so I think they came around to the idea that options in there probably offer them the best opportunity for flexibility. If anybody has any questions, I will do my best to answer.

MR. BROWN: Michelle, do you think that, by changing the regulations, the way the state did, that it possibly cut that harvest in half?

DR. DUVAL: Do you mean between this year and last year or between --

MR. BROWN: Yes, from before, before you changed the state regulations.

DR. DUVAL: Are you talking from 2015, when there was that big spike? There were different regulations in place in 2016 as well, which I think were a little --

MR. BROWN: Yes, that's what -- I am trying to indicate was there a difference in harvest level, as far as what the state did in being proactive and going forward with a different type of measure for management for cobia. Did it seem like it changed the harvest level? You said that it sounded better for the year.

DR. DUVAL: Definitely in 2016 the harvest was reduced. It was like over 300,000 pounds compared to the previous year, in 2015, according to MRIP information, that North Carolina pretty much caught the entire Atlantic cobia ACL all by itself, and, this year, it's only at 160,000 pounds so far this year, but I will have to go back and look at just the preliminary Wave 3 MRIP data, but, yes, it is vastly reduced compared to what it was in 2015.

MR. BOWEN: Michelle, you said fifty-two reports, and that's not fifty-two fish, but that could be anywhere from fifty-two to 208 fish?

DR. DUVAL: All I was saying is that we have fifty-two voluntary reports through that reporting system.

MR. HARTIG: All right. Any other questions of Michelle? Before I get too far away from the ASMFC report, we asked Mike if we could get a copy of his presentation. Have we been able to do that?

MR. SCHMIDTKE: I still need to talk to our Executive Director about having it up on the website, but I think it's a doable thing.

MR. HARTIG: Okay. I just wanted to follow up and make sure that that happens. All right. Now we'll go to Rob O'Reilly.

MR. O'REILLY: Thank you, Mr. Chairman. Similar to this last situation in North Carolina, at least through Wave 3, there has been a drop-off, both in numbers of fish and in the poundage. To give you an idea, and I will try to get through this, so you don't have to wait too long, but we're about 5,500 fish in 2015, 6,200 in 2016, and this is just Wave 3 now, and 3,100 in 2017 Wave 3, and so that's all Wave 3. The poundage went from 263,000 pounds in Wave 3 of 2015 to 168,000 in Wave 3 of 2016 and 25,000 pounds in 2017.

It looks like the intercepts declined for Wave 3 from nineteen in 2015 to ten in 2016 to four in 2017, and these are the A intercepts, and so these are the fish that were actually either measured or they were put in and they weren't measured. They were put in as imputed, and so we have to wait for, as Michelle said, Wave 4, because that was the wave that really was the bonanza last year, and, despite the fact that we don't have that data yet, we are expecting the regulations to have some effect.

We had like regulations in both 2016 and 2017. The difference is there is a three-fish vessel limit in 2017, compared to two in 2016. We had an identified season in 2017 of June 1 that ended September 15, just fairly recently. It's the same size limit, forty inches total length, and the same situation where you're only allowed to have one cobia over fifty inches within your possession, and, of course, the one personal limit was maintained, and it has been since 2002.

The other situation to mention is the federal closure of the commercial fishery. Our commission met this previous Tuesday, and so we were able to also close landings from the commercial fishery. Through September 30, landings will be allowed. That's as quickly as we could do something, and so that will be closed as well.

There aren't a whole lot of commercial landings after September, but there are some. There's some here and a couple hundred pounds there, depending on which year it is, and so, in any case, we wanted to be compatible with that situation, just like we had been previously. I think it was 2015 that the season closed on December 6, and our commission in Virginia did likewise.

I have two other things to report, which should be of interest, and I will be happy, if you send me an email, to give you all the particulars. One is mandatory reporting of the recreational cobia fishery. I have mentioned this before, and we're fortunate, at VMRC, to have someone who walked into the cobia world and has spent half his time on cobia since he walked into that, and

that's Ryan Jiorle, and so he works very hard on staying up on everything and making sure that the commission has the right information.

The mandatory reporting system has had success, overall, but, as you can imagine, one time is not going to mean total success. The data are that there were, by private boats, in 2017, about 4,700 trips, 1,600 with no catch, and these are all reports that you see. They're coming from reports. There were 1,800 individuals with trips reported and 2,200 cobia kept. There were 7,200 cobia released, and about 1,600 reports of no activity.

However, the bottom line is, for the private sector, it's about a 51 percent compliance, because we have 6,589 permits that we issued in Virginia. The charter/headboat, and we don't distinguish, there were 290 permittees and 460 trips, six with no catch. There were forty-seven permittees with trips reported, 588 cobia kept and 1,095 cobia released and twenty-five no activity reports.

The end of that is about a 35 percent compliance rate, and so some work is to be done. What we have talked about at VMRC is we want to get to a situation where, even if we don't have 100 percent compliance, we at least have enough data that we can certainly come up with good estimates of catch rates and effort, and I think that will happen.

I also think we'll have better compliance. Right now, the way the regulation is written, if you don't report, then you face not receiving a permit the next year. We're a little wary about that at this point. As you can imagine, there are out-of-state folks, and there is tourism. There is all sorts of things that are wrapped up into this, and what we're going to do is go back to our commission in October with a report on the feasibility of the problem of mandatory reporting, as far as not giving out permits.

A strong idea right now is to set up a line where they can call, wondering where the heck is my permit, and I didn't get a permit, and they will be directed to a message that says that as soon as you turn in your report that you will receive your permit. We have the ability to turn on and off the permits for anyone. They will be turned off for non-reporting. In order to be turned back on, there will have to be a report.

Now, as Ryan just told our commission, that generates certain levels of non-compliance, and we can all think about what that might be. Are they reporting all their trips or are they just reporting or what are they doing? That's typical, in a lot of situations, but I wanted to at least give you that information. I think it's a positive step. It's not confined to cobia. We also have it for our trophy striped bass, but it's going to take a little time, but it's the right direction.

The last thing that I want to indicate is was there was interest in Virginia Institute of Marine Science research studies, and these research studies were funded through our Recreational Fishery Advisory Board and approved by our commission. It's a little early to tell too much, because they started on January 1. There is an economic study, and there is also a genetic study, and there is also a trophy fish study that I think that John Carmichael knows a little bit about, because he's been maybe contacted by VIMS about how to decide about trophy sizes and what type of evidence you really need. Can you use photographic evidence, for instance?

Those all started in January. The genetic study is one where there has been a few problems collecting fish in the Gulf, as reported by Dr. McDowell from VIMS, and, of course, lately, there

has been a situation with collections with the interesting weather events that some of you have experienced more than others. I certainly understand that you've had a tough time there.

The next thing that I would report is that they have identified twenty-three loci genetic reports. Those of you do genetics, that might mean something good. I don't know, but that's the report so far, but I will keep you updated on those reports. I think they are important. The most important thing is that a bad situation has generated a lot of good interest, both on the research end and in the regulatory arena, and so thank you very much.

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

MR. BOWEN: Rob, thanks for that. Can you tell us or maybe elaborate a little bit on how your mandatory reporting -- First of all, I need to commend you on that program. I think that's great, even though your compliance is just above 50 percent, but can you maybe tell us what landings you are showing, as far as mandatory reporting on that, in relation to what MRIP is showing for Wave 3?

MR. O'REILLY: If next time around we have Wave 4, I think we can do a better sort of estimate on that, but what I reported, essentially, with MRIP is, for example, in fish terms, even though everything is in pounds that we're being managed by, 3,165 for Wave 3. What we have for the reporting system is 2,229 cobia kept in the private sector and 588 cobia kept for the charter/headboat sector, but that's for the entire 2017.

When you heard the compliance of 51 percent for the private and 35 percent for the charter, we obviously have to get more information there before we can really give you an idea for MRIP in parallel. The idea with MRIP, and Dave Van Voorhees did call about our program. He was interested and offered to help in any way. We, at this time, certainly are not ready to do any sort of tag-along to change the face of MRIP as it comes out. However, that is a possibility as we go forward.

I remember clearly that, in Maryland, back in the late 1990s or early 2000s, they had a situation with striped bass where they had charter logs, and the MRFSS data at that time were determined to be highly unusual, and Maryland was authorized by the ASMFC to use the log reports for charter, and so I think, although I can't tell you the direct correlation right now between the two, I can tell you that there is an avenue to utilize this data. If we have a little bit of disappointment, it's about the charter fleet, because they were the proponents of saying we've got to do this and we've got to have some sound information and we need to know a little more than we do for MRIP, but that's going to have to take a little more time.

MR. BOWEN: A follow-up, if I may, Mr. Chairman. Maybe you can offer some rationale, but your private is at 51 and your charter is at 35 percent compliance, and I am perplexed by that. That seems awkward to me.

MR. O'REILLY: Color me perplexed too, because when we had our meetings, we would have about forty individuals at the meetings, which is nice. It's great to have the public attend, or the fishermen attend, and I would say that more than half, or about half, were in the charter fleet, and they were the ones, again, who really wanted to have this system to be counted, and so I agree with you.

MR. BELL: Mark had a question about overall landings. Your fishery continues into July and August and September, and he was looking for early MRIP stuff.

MR. O'REILLY: September 15 was the closing date, and June 1 was the opening date.

MR. BELL: Yes, and so we don't have landings yet for July and August.

MR. O'REILLY: That is correct. Usually that's October 15 is the actual date to get those landings.

MR. BROWN: Rick just pulled up the preliminary for MRIP, and it was 350,000 for May and June.

MR. O'REILLY: Could you say that again?

MR. BROWN: I said that Rick just pulled up the MRIP preliminary numbers for May and June, and, for the recreational private, it was 350,000 pounds so far.

MR. O'REILLY: That's everything?

MR. BROWN: Yes.

MR. O'REILLY: Thank you.

MR. DILERNIA: Rob, is there a penalty for for-hire for non-compliance for those permits?

MR. O'REILLY: Right now, Tony, there is a penalty in place for everyone, that they wouldn't be receiving a permit in 2018. However, having been part of the mandatory reporting system for the commercial fishery that started in 1993, I can tell you, with that system, it took several years to work out the bugs, if I may, and so we are expecting that our commission will take our advice and, rather than have an automatic rejection of someone asking for a permit in 2018 if they didn't report, that we will have an alternate system that will allow an individual who did not report to file a report, even though it's going to be way late, and, once that report is filed, then we would let the individual have the permit, because you can imagine the agency receiving about 3,000 phone calls of unhappy folks because they can't get their permit, and so we're going to work on that, Tony.

MR. DILERNIA: I think it might take just a little bit of arm-twisting on the part of the agency to get people to play, but the amount of information and how useful it could be and the benefits to the regulatory management system are so great. The benefits are so high that, if you have to twist some arms, I would suggest that. Don't break them, but just twist them a little bit, and folks will get the idea real fast, and they will begin to comply. Thank you.

MS. BOSARGE: I was just wondering, and is it a trip-level reporting system or is this like one report for the whole season? Really, 51 percent isn't all that bad compared to some of the programs that we've been seeing in the Gulf. They have been implemented for mandatory reporting for recreational fisheries on the state side, in a couple of the states, but, for some reason, after year three or four, that compliance level is just dropping off, but, anyway, is it trip level?

MR. O'REILLY: Yes, Leann, it is trip level, and the regulation the commission wanted was that you report seven days after the trip. You have seven days after your trip to report. I haven't looked at the frequency histogram recently, but there is a core of reporting that does occur in the seven days and then, after that, it starts to be places where there is a lot longer time to report, and so, again, with Tony's encouragement, that's something we will do, but we do get a trip report.

MR. HARTIG: Any other questions for Rob? Thank you, Rob. We appreciate that. Mel.

MR. BELL: Thank you, Mr. Chairman. On the recreational side, it's fairly simple for us in 2017. South Carolina had no recreational cobia fishery in 2017, and that's due to the fact that South Carolina, for a number of reasons, adopted federal regulation as state law by statute, and so we're in automatic sync with the federal side on cobia, and since, recreationally, there was no allowed harvest, there was no allowed harvest in state waters as well, and so I have no recreational landings to report.

On the charter side, there is catch-and-release still allowed, and they were there, out in federal waters on the artificial reefs primarily, and the charter boat data that we have, since we have our own charter boat reporting system, showed a significant decrease in the number of trips that were classified as for cobia, obviously. People still like to catch them, and as a catch-and-release fish, it's a nice fighting fish, and there is that opportunity, and so we had -- I think there were thirty-one trips targeting cobia this year, and that's significantly down from the somewhere around 400 or more trips targeting cobia, and so that was a big change in the charter component of the recreational sector. As you can imagine, this is not a popular thing with our fishermen.

The commercial fishery, of course, remained open in federal waters. South Carolina has no commercial fishery for cobia in state waters. It was declared a game fish several years ago, and so there is no commercial harvest in state waters, but there is a little bit of a federal fishery still. Landings this year through August on the commercial fishery were actually 70 percent higher than the average of the previous three years for commercial landings. That's total landings.

The number of fishermen attached to those landings is actually down almost 60 percent, and so fewer fishermen were actually catching fish from federal waters, and the number of dealers involved was down by about 15 percent, and so, in terms of -- We had a ramping up of our enforcement effort out there, both state DNR folks as well as the Coast Guard, making sure that things were going along in accordance with the law.

A number of contacts were made, a lot of contacts on the water, for cobia. As far as I know right now, there were no actual hard tickets written for anybody, and so it seems like they were complying. They might not have been happy, but they were complying, and so that is a quick summary of the fishery for this year.

We still are moving forward with -- We have initiated some work in the previous years related to the tagging of cobia with acoustic tags, and that is still going on and genetic work, and, actually, Dr. Tanya Darden is actually interfacing some with I think the folks up at VIMS, and they're talking about sampling and things. The twenty-three loci and all, they realize they're actually kind of using the same methodologies, and that's a good thing. I think the more we learn about genetics overall is a good thing.

Really, since we have no recreational fishery, there is not a lot to report. I have mentioned the commercial, and so that's sort of it for us. We are, of course, interested in a path forward where we can reinstitute a fishery, a recreational fishery, whatever it's going to be through the ASMFC and council processes, however that goes, but obviously the transition from what we have now to what we may have in the future, we're going to have to navigate through that.

In South Carolina, of course, we do not have a commission as Virginia or North Carolina has, and so, if we have to do modifications of our statutes, at some point, that's what it's going to take, and so we will have to go to our legislature and tweak the things that need to be tweaked in order for us to comply with whatever will come out of this process and move forward, and so the transition will be challenging, and it's not real simple for us. We can't do things really quickly. It's just the way we're structured, but we look forward to being able to have a recreational fishery. It would be nice to have one next year, and so we're looking forward to working through this process that will enable us to do that. Given that there's not much of a fishery, there's not much to say beyond that. I would take questions, if anybody has any.

MR. O'REILLY: Thank you, Mel. I guess I'm wondering about economic impacts, and I couldn't tell, when you indicated the forty-one trips targeting cobia catch-and-release, how does that stand relative to when things weren't shut down? That's one question, and then I have one other question after that.

MR. BELL: We haven't analyzed any of that, but, just for example, and, of course, remember in 2015 that we had some bumps in there too, and so, for comparison purposes, we were looking at some data, and we've had as many as, in the past, in previous years, 500 trips designated with cobia as a target, and we ask them what are you fishing for as part of the survey, and so I'm looking at the table where I see things in excess of 500 trips in a year, and it's forty-one for this year.

The other thing I will mention too, going back into our past, is that we had -- The majority of our landings, the majority of our trips, at one time were state waters, and we fished what has been classified as this distinct population segment, our cobia that we knew were spawning in the southern sounds. Like clockwork every year, they would come in and spawn, and they were so abundant that it was like fish in a barrel, and we fished them and fished them and fished them, and, realizing that we were fishing on a spawning aggregation, but we did that, and then what happened was eventually the fishermen realized that they're gone.

That is something that we've seen before, the concept of the appearance of just plenty, but then what you're doing is -- We experienced that ourselves, and, again, that was in state waters, in our sounds, and it was certainly not on the scale of North Carolina or the Chesapeake Bay, but I would just point that out to folks, is that, when you are putting a lot of pressure on spawning aggregations of fish and you do that for decades, as we did, that's what happens, and so some of this decrease is kind of what's going on now in the fishery, but some of the decrease has been all of that effort that we were targeting those fish in state waters, they are gone.

The charter guys are running offshore now, and so fewer charter guys have the bigger boats. When it was in state waters, the smaller charter guys with the small boats could go out there and run multiple trips, and that's what they were doing. Now those fish are gone, and, from catch-and-release efforts, and this is anecdotal, but law enforcement talking to people and all, the abundance of boats targeting cobia in state waters, in the sounds, they are gone too, because the fish are gone,

but you occasionally see fishermen out there, and they're tell you that it's just not here and they're gone.

I would just point that out, and I'm not talking gloom-and-doom, but I'm just saying you have to be very careful about what your fishermen are doing and perhaps learning from our example, and I use that as a precautionary, is that we realized it perhaps a little late to close down all fishing for cobia, retention of cobia, at the very peak of that spawning aggregation, and so the spawners that are showing up now, we have adjusted the state law to back off on them.

There is no retention allowed during the month when this is taking place, and so that's just our experience, and I am just pointing that out, but part of the decrease in the charter effort has to do with the smaller guys that were targeting them, the smaller inshore guides, and they're not there to target them anymore, and some of the guys have moved offshore, but, some of the guys that didn't have large enough boats to shift to offshore are just targeting other things, and so that's just my comments on that.

MR. O'REILLY: I think you just started to answer what I was going to ask you about the charter fleet, and you get reports, and I don't expect that you have anything, but I was wondering what else they're doing, and so do they have an opportunity to be in other fisheries? That is certainly something that you probably know just anecdotally or have some information on to compensate for the lack of cobia fishing.

MR. BELL: Right, and, I mean, that's a very good question, and we honestly -- We have a lack of staff and all, and we haven't really probed into that, but it's something that we could do, but certainly Mark and some of the guides can tell you that there are other things that you can shift towards, but that fishery, at one time, was extremely unique, and it was very easy for guys in a relatively small boat to just go into the sound and put people on cobia, and it was easy. They were like fish in a barrel, but, yes, some of them have obviously shifted toward red drum or trout or whatever, or flounder. Some of them may have just given up, but I don't have those data, but it would be interesting to kind of probe a little bit more into that, specifically in terms of trying to gauge the economic impact.

MR. BROWN: Rob, shark fishing has become very popular with a lot of inshore guides.

MR. HARTIG: All right. Any other questions for Mel? Thank you, Mel. Doug.

MR. HAYMANS: Thank you, Mr. Chair. Georgia hasn't changed any of its regulations to date. We do have a moderate amount of landings in 2017, fourteen fish through MRIP, 288 pounds, with a 112.4 PSE, and so that's probably about as reliable as the zero that we had last year, for what it's worth. It's a very small amount of commercial landings in the past, and they're confidential, because there is only one person who buys them. There are none reported in 2017, to date.

That's about it. Anecdotally, we have talked to a lot of anglers, and they didn't seem to go out and chase them this year like they have in the past, because they knew they couldn't keep them. Usually, you see Facebook plastered with cobia during this time of year, and you just didn't see it this time around. I think folks just gave up, for natural reasons, and so, anyway, that's it.

MR. BOWEN: To add to Doug's presentation, I make it a point to try to keep up with fish that are being caught, and those numbers -- I know of, and, again, we have a small coastline, and I know of one fish that was actually harvested this year, one fish.

MR. HAYMANS: Well, we've got a few reports of fish caught in state waters, but none of them ended up coming through the MRIP intercepts.

MR. HARTIG: Thanks. Any other questions for Doug? Seeing none, the next agenda item is Request for Recalculation of 2015 and 2016 Recreational Landings for Atlantic Cobia, and those are behind Attachments 3a and 3b, and that is National Marine Fisheries Service, if I'm not mistaken. Never mind. Kari is going to lead us through that.

DR. MACLAUHLIN: Just a reminder that at your June meeting you had directed staff to draft a letter to NOAA Fisheries to recalculate the 2015 and 2016 recreational landings of Atlantic cobia using alternative approaches that had been presented to the SSC. We received a response that they were not able to complete that request in the timeframe but that they look forward to working with you and your SSC to determine some good approaches for these rarely-encountered species.

DR. PONWITH: I just want to draw -- First of all, the letter was to the person who leads MRIP, Dave Van Voorhees, and the response is from him as well, and so just the distinction that we don't do those estimates, but I do also want to draw the distinction that we couldn't do the assignment in the amount of time. There are cases when the council requests something that is analytically intensive, and you can't meet the deadline, but this is different than that.

It's MRIP has a set of protocols that they use to generate estimates that are carefully devised and very carefully peer-reviewed, and to do it in this amount of time isn't just that the buzzer went off on the deadline, but it's to make a change to that, so that the estimates that they get become the estimates on the record that are used for the long-term time series. That's a kind of change that they don't do without a great amount of care, and so I just wanted to differentiate between couldn't get it done by the 21st versus this is a really big change, and it's the kind of change that you would bring statistical experts in to look at. I think that's his point, that -- As I read it, it sounds like he is willing to do that, but it takes more than just sitting down and saying, well, let's do it this way and generate a second set of numbers and then end up with two numbers causing confusion.

MR. HARTIG: If that's the case, then certainly I would like to write a letter back to Dave Van Voorhees saying that we would like them to do this in the time it takes you to do them, basically, if that's the case. I didn't get that sentiment from the letter. I mean, if that's the way you explained it, then I would go back and re-ask the question and give us a time, approximate, that they can complete the request.

DR. DUVAL: Obviously I'm disappointed. I touched on this a little bit during the SEDAR Committee. The difficulty that we have in the fact that the MRIP surveys are not designed for these pulse fisheries, and they're not designed for these rarely-intercepted species, and I know that Dr. Van Voorhees and Dr. Foster are well aware of that, and I did speak with them on the phone about this, and they are committed to going forward and examining other approaches.

They are well aware of our frustration with our issues with the lack of ability to be able to really appropriately track harvest against our annual catch limits to ensure that, if we're triggering

accountability measures, that we're triggering them when we need to and not when we don't need to, and that was the point that I made again to Dave and to John, and they understand the distinction between estimates that are used in the stock assessment versus something that is used to track harvest against an annual catch limit and the uncertainties associated with the use of recreational harvest information is different in each of those instances, because, when you're using those recreational harvest estimates in the stock assessments, it's across a greater area, and so your uncertainties are different and can be handled by the model.

In this case, when we're using them to track against our ACLs, that's not necessarily the case, and so I expressed my disappointment, and they understood my disappointment. They informed me that they were actually having a meeting of the steering group that is convening to address these types of issues, and that was a couple of weeks ago. It was actually, I think, right before we were supposed to have our originally-scheduled September council meeting, and so the agency is moving forward to address this. Obviously it's never going to be good enough for our needs, and we recognize that, and so I think Bonnie wanted to speak to that.

DR. PONWITH: I do want to say that we have not dropped that ball. We had a meeting to discuss how do we move forward on this and what's the way to start addressing not only the cobia estimation process, but also the bycatch discard estimation process that you have also raised concern about.

We scheduled that meeting, and had all the right people lined up for it, and the meeting ended up to be the day that we closed the Lab to evacuate under mandatory evacuation orders for Irma, and that caused a setback, and some of us would have been available to phone in, but some of us were actively fleeing that area, and so it just didn't work out.

MRIP folks have reinitiated that discussion, and we're looking for a date that we can actually schedule to get that meeting going, and so we have not dropped this. We are still interested in it. I will tell you that it's not a simple process. In my experience with MRIP, when they do something, it takes a long time, by design, so that there is stability in the program and that those decisions are carefully considered, but they have expressed a willingness to look at these problems, and I take them at their word that they have an intent of tackling this, because they understand the implications of the statistics around these numbers, and those numbers are supposed to be serving us, and that presents a challenge.

DR. DUVAL: Just to follow up, I know there is a dual purpose to the track that the agency is undertaking in terms of developing methodologies for our pulse fisheries and these rarely-intercepted species, but I am just shameless lobbying that the more urgent process is being able to track harvest against an annual catch limit, so that we ensure that we're only implementing accountability measures when we need to.

MR. HARTIG: Okay. Any other questions? Seeing none, moving on, and that brings us to Coastal Migratory Pelagic Amendment 31, and that's Attachments 4a through 4c, and the first item is Scoping Comments Summary by Kari MacLauchlin.

MR. BELL: Just a quick question before you transition to this. I am just looking for some guidance as to the appropriate time to discuss this, but it's tied to ASMFC. The concept has perhaps evolved into a complementary plan, and what we're looking at is that transitional process

and how that occurs and when that occurs and some questions about it, and is this -- Do you want to wait until later? Just your guidance on when to kind of deal with things like that, how one transitions from a current system into a complementary plan.

MR. HARTIG: Why don't we hold that until we get into the amendment itself, and I'm sure we will talk about transition.

MR. BELL: Okay. That's all I needed. Thank you.

DR. MACLAUHLIN: I have a presentation similar to what Myra used as kind of the overview of the decision document, and then I am going to do a review of the comments that you received, and then we'll kind of start to dig into purpose and need and the actual alternatives that you want to include in here.

What you did in June was direct us to start work on this amendment with alternatives to remove Atlantic cobia and alternatives for complementary management of Atlantic cobia. The potential timing here is reviewing scoping comments and approving the actions and alternatives to be analyzed in December, reviewing the draft amendment, maybe selecting a preferred alternative, if you're ready, and then modifying it and approving it for public hearings, which should be held in January of next year.

In March, you will take final action on the amendment. In April, the Gulf Council takes final action on the amendment, and we'll be keeping them up to date, and we'll be sending it over for their January meeting, if they wanted to do a recap, but, right now, their schedule that they are expecting is approving for formal review at their April meeting. Then we will transmit it for secretarial review and, in late 2018, there would be implementation.

What needs to be done at this meeting to meet this potential timing review is that public input, and we're going to talk about the MSA requirements for deleting a species in a federal management plan, and so you have to think about if it would be appropriate for you to consider removing it from the federal FMP, review and approve the purpose and need, and review and approve those actions and alternatives that you want analyzed.

We have the MSA considerations. We can go into this a little more in-depth when we are walking through the decision document, but it's really the importance of the fishery, condition of the stock, the extent to which the fishery is managed or could be managed by the states, the need to resolve any competing interests and user conflicts, the economic condition of the fishery and if an FMP helps that, the needs of a developing fishery, and a federal FMP can foster orderly growth, and then the costs associated with having a federal FMP balanced with the benefits.

There is also the Atlantic Coastal Fisheries Cooperative Management Act in place, and so I just have a couple of sections of that to point out, that there is federal support for state and federal fisheries programs, so that, if ASMFC has sole management of Atlantic cobia, NOAA Fisheries still continues to provide the scientific support for that management and then also how federal regulations in the EEZ would work. If there is no federal fishery management plan under the MSA, the Secretary can implement regulations that are compatible with the ASMFC's plan in the EEZ, as long as those are consistent with the National Standards and the MSA.

Then we talked a little bit about the interstate management plan, but just so that everyone knows, it includes limits for commercial and recreational harvest, the recreational at one per person and up to six per vessel, and the minimum size limit of thirty-six inches fork length. Commercial is possession limit of two per person, up to six per vessel, with a minimum size limit of thirty-three inches fork length, and so those are compatible with the Framework Amendment 4 regulations that were implemented.

Then the draft plan also includes a potential system where there are state-by-state annual recreational quotas with options for *de minimis* states. They will have a separate quota and limit in there, and so there were several options that the ASMFC is considering that would take that 620,000-pound recreational ACL, and those have a 1 percent set-aside for those *de minimis* states, and then, for Georgia, South Carolina, North Carolina, and Virginia, we have in this table here some different options for potential poundage that would be allocated to each state, and so this is something that the fishermen -- When we were scoping, they were specifically interested in, if there is no federal management, how would this work under the ASMFC plan.

We also included some information about the landings in state versus federal waters. This does fluctuate from year-to-year. It does depend on if federal waters are closed and at what time of year, but, in general, the landings for state waters has been increasing in recent years.

We also have included this timeline of this would work if Atlantic cobia remains in the federal FMP, and so what we wanted to show you was, with the stock ID workshop and the implementation of ASMFC's plan and the stock assessment that is coming up -- In September, the Framework Amendment 4 regulations went into effect, the one per person and up to six per vessel, and, in October, the ASMFC plan would be final action. If that is approved, it would be April of 2018 when those are expected to be implemented for state waters.

January 1 of 2018, recreational harvest in the EEZ hopefully will open, and then, in March, you guys will consider approving for formal review complementary management or removing Atlantic cobia. Then the summer or fall of next year is when the stock ID results will be presented to you, and so that may include a change in boundary, if that is the result of the stock ID workshop. Then you will have Amendment 31 implemented.

The stock assessment will take place in 2019. If Atlantic cobia is still a part of the federal FMP, the SSC would review that in the spring of 2020. They would present that to you in June of 2020, and you could initiate an amendment to change anything based on those assessment results, update the ACL, et cetera, but you probably wouldn't take final action until 2021, maybe in March or June, and then any changes for the ACL or changes as a result of the stock assessment would not be implemented until late 2021, and so just that everybody knows, with the stock ID workshop and the stock assessment plans, if Atlantic cobia is still in the federal FMP, it will be probably several years before you could make any changes to the ACL, if your stock assessment results indicate that you need to do that.

We will review the draft purpose and need, and then we'll go through the actions and some draft alternatives that we have and make sure that those capture what you want to do, and we have all of the alternatives in there. We have the no action alternative, an alternative to remove Atlantic cobia from the federal FMP, and then we have an action to establish some kind of process for complementary management if you decide to retain Atlantic cobia in the federal FMP, and we

have a couple of options where either council action in an amendment would be required or maybe setting up some kind of process where NOAA Fisheries would just implement compatible regulations in the EEZ. We will have to adjust the timing as needed, depending on what you guys decide to do here. Now that we are all refreshed, I am going to go over the scoping summary.

MR. HARTIG: Do you want to entertain some questions, if there are any, or do you want to wait?

DR. MACLAUHLIN: I want to wait until we get into kind of the depth of the purpose and need and what actions and alternatives you want to include, but I do want to go over your scoping summary in there. We had a scoping webinar on August 15, and we had good turnout, but we only had three individuals who spoke on the record at the scoping webinar, and we do have those minutes, and we had a Q&A. Then we had six online comments that came in.

Overall, some of the comments are addressing management measures, like bag and vessel limits, and we think maybe -- There is so much going on with cobia throughout the whole Southeast. We have FWC's Gulf cobia meetings, and I think that maybe some of our Florida comments maybe were more addressing those, because they were focused on bag limits and vessel limits and things like that, and then we also had the commission's draft interstate plan open for public comment, and so what we were looking for was do you want the council to be involved in the management of Atlantic cobia in federal waters or do you want the commission to take that over, and people were also talking about other items that they were interested in, and so some bag limit and size limit recommendations came in.

There was concern about the current stock boundary, and you guys have heard some recommendations from the fishermen about that and about additional data. That will be incorporated into that stock ID workshop. There was concern about MRIP data and about the annual catch limit and how landings are tracked. There were three commenters that recommended that the council and the commission delay any action until after the stock assessment, and so, showing that timeline, that would be several years down the road before you guys would get the results of the stock assessment.

Two commenters noted that, because cobia are migratory, and there will be some changes, probably, in availability in the future, because of the way those move, that both federal and state management is necessary. Some folks were -- They were supportive of ASMFC management, because there was a faster process for management and the ability to use other data for the recreational landings and then also maybe not being held to some of the federal mandates, such as the ACL, and that that would be beneficial and they would be supportive of ASMFC management. Mostly, even if they were supportive, most of the comments that came in, as few as they were, supported waiting until after the stock assessment. Then we had one commenter that recommended a slot limit, and so another management measure recommendation.

We also had two comments that came in on another comment form from the North Carolina Watermen United. They oppose complementary management, and they expressed the delay in the next stock assessment, and to wait until that new information is available. Then we did have a commenter from Georgia who expressed some concern about details, which we are in the scoping process, and so that was very broad, and that will be provided down the road in public hearings to the public and then also making sure that there is lots of opportunities for public involvement.

We have a couple online form comments, and not a lot. Again, there was support for ASMFC management, but wait, and then there were some more recommendations for management measures. You also received a letter from the VMRC that supports ASMFC management, but they also recommended waiting until after the stock assessment.

MR. HARTIG: Are there questions of Kari?

MR. PHILLIPS: Thank you, Kari. I was going back to the timeframe with all the colored boxes, I guess. I guess my question is -- I think it said that it would be 2021 if we do the stock assessment, even though we're going to see some of that this spring. Would there be an option, since there would be new information, that we could possibly -- Would there be a window in there where possibly an emergency amendment -- If we needed to change an ACL and had some wiggle room, that we could actually have an increase in the ACL in 2020? Is there a window in there, as an option?

DR. DUVAL: Charlie, it sounds like you're asking as to whether or not the coastal migratory pelagics framework procedure would allow for implementation of a new annual catch limit based on the results of the stock assessment, similar to the process that we have, the framework process that we have, in the Snapper Grouper FMP, where you can implement a new ACL in an expedited fashion, and I think that's a question for Monica, is do we have that in the CMP FMP?

MS. SMIT-BRUNELLO: Thanks for reframing that. I was reading the Virginia Commission's letter, but let me check. I believe we do have that. I believe CMP FMP Amendment 18 gave you a framework to set up that kind of thing as well, but I will double-check.

DR. MACLAUHLIN: One thing that you would want to consider is the framework would allow -- A framework amendment would move faster, unless the boundary changes, and I think that would require a plan amendment.

MR. HARTIG: Okay.

MR. O'REILLY: I just wanted to be sure -- At the end there, the indication about the VMRC letter, the request was related to sole management, and so, if transfer of management to the ASMFC should occur after the stock assessment, it wasn't related to complementary management. Thank you.

MS. BOSARGE: If the South Atlantic passes the torch to the Atlantic States Commission to manage cobia, and you do that before the stock assessment, because I think we have a complementary stock assessment timeframe in the Gulf for cobia, and so we're going to get our results, too. If I was a betting woman -- We don't? They're pretty close. Okay.

Well, besides that, if I was a betting woman, I would bet we're probably going to have some issues with cobia with that stock assessment in the Gulf. We have an ACL of like 1.6 million pounds, I think, and it's predominantly a recreational fishery, and I think our landings maybe last year were like a little under 300,000 pounds, and so it's a popular fish and it's not because we're not fishing for it, but those were our landings, and so we're pretty far off.

Anyway, my question is, if you pass the torch and we get our stock assessment back and you have the genetic studies and we have to shift the boundary line somewhere, the Gulf would end up doing some sort of plan with the Atlantic States Commission, or how does that work, because we Gulf people are hard to get along with, and I feel sorry for you all.

DR. MACLAUHLIN: Right now, you are managing Gulf cobia all the way around to the Georgia/Florida line, and so, if the boundary moves and the Gulf cobia stock is still a part of the federal FMP, then you still would continue to manage that jointly, wherever that boundary was, and the Atlantic States Commission, if we remove Atlantic cobia, would have sole management all the way -- If it gets moved further south, then that would be their -- They would be managing cobia. It's going to be interesting and complex if the boundary changes significantly.

MS. MCCAWLEY: Along the same lines of what Leann is saying, if I look at these timelines -- I expressed this concern at the last meeting, my concerns about the timing of this, and I am not in favor of transferring management to ASMFC at this time, and so, if I understand the timing, it looks like the amendment that the council is working on is scheduled to be completed in April of 2018. The stock ID workshop won't be completed until fall of 2018, and the assessment won't be completed until late 2019.

I expressed my concerns about knowing the results of the stock ID and the stock assessment before I feel that I can make an informed decision about whether this should stay with the council or go to ASMFC, and, just like Leann is saying, there is no precedent for ASMFC formation with the Gulf Council, and so, right now, there is a precedent, and we are jointly managed between the Gulf Council and the South Atlantic Council. I have concerns about these timelines, and I'm not onboard with this amendment, because I feel like this amendment is going to come before we know the answers to these important facts about where that boundary is, and that affects Florida.

DR. DUVAL: I disagree. All the same concerns that Jessica has expressed stand if there is complementary management, which is what ASMFC is moving forward with right now and is what this council has supported and requested.

Everybody did, including Florida, and so I think those issues of the boundary, or concerns about the boundary, they exist regardless of whether ASMFC/council management of Atlantic cobia or whether there is complementary management of Atlantic cobia, and, right now, in terms of the management of the Gulf stock and the Atlantic stock, I mean, it's a joint fishery management plan, but the Gulf does their thing, and we do our thing, and I think the only issue is that, if Florida is still part of the Gulf stock, then there is just a conversation, similar to what we had last time, about what chunk of that Gulf stock is allocated to Florida for setting up those management measures, similar to what we did last time.

It seems to me like the council would still have the ability to develop whatever management measures are available for Florida, for the Gulf stock, the way that we've done right now, and so I guess that I disagree, and I would like to see this move forward.

MS. MCCAWLEY: Thanks for those comments, but I stand by what I said. I still don't want this to move forward, and I feel like, depending on where that boundary ends up, it's going to depend on whether Florida stakeholders have a say in that or not, and so I feel like there's a lot of moving parts here, and I am not ready to support moving forward with this amendment. I said that at the

last meeting, and I stand by it at this meeting, and a lot of it has to do with the timing. I was told that this would take a long time, and I was told that these other pieces would come first, and that's not what I see in this document.

MS. SMIT-BRUNELLO: Just to get back to Charlie's question, your abbreviated framework process in this FMP allows you to do a number of things. It's less restrictive than the snapper grouper one. Snapper grouper was pretty much pointed to ABC, ACL, and ACT, but your abbreviated process in this FMP allows you to do a lot more.

MR. HARTIG: Thank you.

MR. HAYMANS: I am in agreement with Michelle, in that I would like to see it move forward. We have been known, in times past, when things changed, that we stopped work on an amendment, and that can happen, but I think the discussion is not fully informed unless we begin working and moving through this document.

The commission can manage through other metrics, and I find that it might be interesting, if the stock does move further into -- If the boundary moves further south than Georgia/Florida, that creates interesting dynamics of how we may manage some different metrics with the commission versus maintaining the ACL in south Florida, but I want to see it move forward. I am completely interested in seeing us divest ourselves of cobia management and moving it into the commission process.

MS. BOSARGE: I don't have any issues with your document, and I will be honest that I haven't read every page of it, but if that could be laid out in your document before we see it again in the Gulf, that process for the Gulf, in the case where you pass the torch and interface somehow with Atlantic States. If that is laid out and spelled out in the document, that might be helpful, because we have no plans right now for certain things when we have to make shifts and changes, and so, if it could be spelled out that that's the way that it would work with Atlantic States -- I don't know if you could do that, but --

DR. DUVAL: I am not sure that there would be any interfacing with Atlantic States. There is a biological boundary decision that is made as a result of the stock assessment, and so that biological boundary stands regardless, and so I feel like, whenever that boundary is, the Gulf manages to that boundary, and so you wouldn't have to interact with Atlantic States, the way that I see it, unless there is some administrative procedure that needs to take place if there is a change in the stock boundary on the Atlantic States end. Bob might be able to answer that, and I don't know if it would just require an addendum to indicate that the stock assessment has indicated that this boundary has now moved from X to Y.

MR. BEAL: I will give it a try. The way I envision would be -- I am not pushing any direction. Whatever the council decides is up to the council, but the way I would envision it is that once the stock ID is established, and, hypothetically, if there is a line at Cape Canaveral or wherever that might be, then everything below that is coordinated with the Gulf Council and the State of Florida.

The ASMFC would not be involved with that portion of it, and anything above that line, the states would work collectively together, through the ASMFC process, to manage everything above that line, and so we would love to work with the Gulf states, but that may add some complexity that

we don't have the ability to handle. Not knowing where that line may or may not be makes this conversation a little bit hard, but I think, down the road, if that line is somewhere along the coast of Florida, I would not envision the need to have the Gulf Council coordinate with ASMFC on this. I think we can keep those separate. Florida is on the Gulf Council, and you guys would have to manage that. Everything south of the line really is up to Florida how to manage that, and everything above that would be the collective states putting their heads together on how to manage it, or that's the way I see it anyway.

MS. SMIT-BRUNELLO: I think Leann's question is a really interesting one, and this is a joint plan. The FMP is joint with the Gulf. You manage these species jointly with the Gulf Council, and I understand there are divisions and the plans created divisions for the different councils to do their things, but I think it's a real legitimate question that we should definitely put in the discussion of the document, and we'll make sure that that gets in there, so that everybody is aware of the ramifications.

MR. DILERNIA: I always say that I learn new things when I come here, and I'm about to hopefully learn something else. How is it now that Florida is included in the Gulf management process and not in the South Atlantic process? How did that occur from the beginning? Can anyone explain that to me?

MR. HARTIG: Tony, it's simply a matter of how the stock was split up because of the genetic and tagging information that we had from the assessment. The assessment -- There were life history and other groups that made the call on where to move the line, based on the assessment. Yes, the line is a little farther north than it probably should have been, and it became kind of cumbersome in the assessment, and so there was some remaining uncertainties about where that line actually was, and so it was drawn at the Florida/Georgia border, basically.

MR. DILERNIA: Can't you just leave it be, leave Florida where they are and have the commission manage right to the Florida/Georgia line and leave Florida the way it is? If you've been doing that all along, why can't you -- You're talking about turning over South Atlantic management to the commission, and South Atlantic management ends at the Florida/Georgia line, doesn't it?

MR. HARTIG: No.

MS. MCCAWLEY: No, sir.

MR. HARTIG: No, South Atlantic management goes all the way to the --

MR. DILERNIA: I mean for cobia though. I am saying, for cobia, does the South Atlantic management end at the --

DR. DUVAL: Tony, we get a chunk of the Gulf stock ABC that is specific to the east coast of Florida to manage, and so, even though biologically it is a Gulf stock, there is an allocation of that Gulf ABC to the South Atlantic to establish management measures off the east coast of Florida, and so this council establishes the management measures for that portion of the Gulf stock that exists off the east coast of Florida, and so that's what Monica is referring to.

MS. SMIT-BRUNELLO: I agree, but also it's not a bad idea to keep in mind, as you go down the road, that National Standard 3 allows you to draw that boundary for different reasons and not just biological, right? When you make your choice of the management unit boundary, it depends on the focus of the FMP's objectives, and you organize them by biological, geographic, economic, technical, social, and ecological perspectives. It's not always just where the biological division is. You've got more information to your decisions than that.

MR. BOWEN: Maybe this was mentioned earlier and I missed it or something, but I have heard there is talk about, and this is hypothetical, if that line shifts south, but, with the fish seeming to be moving north, what if that line goes to -- I know it's speculation, but maybe somebody will talk to me about it, but what if that line moves to the Savannah River, where it's the Georgia/South Carolina line instead of the Georgia/Florida? Can somebody tell me what happens then, as far as if this moves forward and if it's complementary management?

MR. BEAL: I think, wherever that line is, the conversation at ASMFC has been, the intention has been, to manage the stock unit above that line, and so everything below that, theoretically, would still be the set-aside, if you want to call it that, from the Gulf stock that is based on the east coast of Florida now. I think that set-aside would be managed through this council, or that's how I would view it, and then the ASMFC would still work with the states on everything above the line through the commission process.

MR. BOWEN: To that point, if -- I know this doesn't happen often, but I am tending to agree with Jessica, and we won't know until we have that stock ID workshop.

MR. BEAL: There is a lot of uncertainty, obviously, and I think some of Georgia's concerns are what happens in federal waters, in terms of you guys need access and those sorts of things, and, if the commission is not involved with that portion of the stock, then we can't participate in that process, and so it's up to the states on how you want to chop this thing up.

MR. BREWER: If we were talking about moving that boundary line in earlier discussions, I missed it, because I did not realize that that was in play. If that is in fact in play, I have -- Well, I have severe problems with going forward with this amendment until such time as I know where that line is, because the State of Florida at this august body has three votes. At the ASMFC, the State of Florida has one vote, with all of the other states that are involved also having one vote. This is something pretty important to the State of Florida, and, as you move -- Actually, it's very important to Florida, and I am very uncomfortable going forward until I've got a better idea about where this thing is going.

MR. WAUGH: Sorry for jumping in, but I think it would help it if we just back up a little bit and think about the migratory group that you're managing. We're dealing with the Atlantic migratory group, and the Gulf is managing the Gulf migratory group, similar to king mackerel and Spanish mackerel. What we have asked ASMFC to do is to develop a plan for the Atlantic migratory group, and, if you focus on that, yes, that boundary may shift, but, regardless of where that boundary shifts, it would still be under the authority of the Atlantic States Marine Fisheries Commission or us, depending on what you do with this amendment.

I think, to me, you want to be less concerned with where that boundary is. It may shift a little bit, but what we're talking about is who manages the Atlantic migratory group of cobia, and the Gulf

still manages that Gulf migratory group, regardless of where the boundary is, and, yes, that will have to be implemented in an amendment if we define a new boundary, but it doesn't change the management authority. The Gulf will always manage the Gulf portion and the South Atlantic will manage the Atlantic group or ASMFC.

MR. O'REILLY: Pretty good comments, and I understand the reticence about the lack of finality with the stock ID, but I really think Monica's comments about the management unit is what's going to hold out at the end run. I can't look forward and know how the genetics work out, but I know management units are really a pervasive part of fisheries management, and so, just to turn this out, I think Gregg's comments are good, and, about the Atlantic migratory stock, the problem we have is there is National Standard about fair and equitable, but it's also part of our commission and our law, and probably part of every state's laws, about fair and equitable management, and I don't think we have that right now.

I think all we're asking at this time is to try to achieve a more fair and equitable approach to our management, because certainly when a state or states have no fishery, that, to me, is a problem. A June 20 closure is a problem, and we have the ability, through the ASMFC, to look at ways to manage a little fairer, and I think the idea is we're watching this stock, and the state waters component has increased quite a bit over the last few years, which makes sense to try and work with that. We know we're going to still have the ACLs for 2018 that we have had, and we're just looking for ways to work with that in a little better manner, and I think that's the emphasis. Thank you.

MR. BELL: Following up on that, under the current regime, under the current management system, South Carolina and Georgia basically have no access, and so what Rob said about no access is correct. We have had no access at all, period. That's it, and so a fishery that is 90 percent or whatever it is in state waters begs for that ASMFC involvement, but, because of what's going on right now in the current management regime, the way things are set up, we have no access, and so, until something changes, which is why -- I understand Jessica's concern about where is that line, and so, right now, the line between the two, as we're doing it right now as the Gulf group and the Atlantic group, the line is not really kind of bothering Florida, but we've got -- Whatever it takes, we need to move forward quickly.

In fact, even this timetable isn't quick enough, because we had no fishery whatsoever in 2017, from a recreational standpoint, or the ability to retain fish, and so I am very interested in seeing us move into a new way of doing this, and the sooner the better, because, until that happens, we're stuck. We have zip for access, because the fish are in federal waters.

South Carolina has put a lot of effort into establishing artificial reefs and things for anglers to enjoy and to access these fish where they tend to be, and we're basically left completely out of it, and so I'm all in favor of moving forward, I guess, and I understand Jessica's concern about where that boundary is, but, if the boundary shifts to a county down in Florida or whatever, it will still be managed like we said. There will still be a Gulf stock, and there will still be the Atlantic migratory stock, and that's the way it will go, but I'm all for moving forward.

MR. HARTIG: Kari has got a question for Rob, and then I will get Tony, and then we're going to move on.

DR. MACLAUHLIN: This might be for Bob, or both of you, maybe. I am thinking about, with the -- Right now, the way that the ASMFC plan is written, it's assuming that the boundary is at the Georgia/Florida line. The allocation is on the ACL, the federal ACL, is the allocation, and the ASMFC plan is, as far as we can tell, moving forward and will be everything implemented this spring, and so, if the stock ID workshop results that will be available late next year come back and indicate that the stock boundary is another place, then would the ASMFC revise that plan to include the entire range of the Atlantic?

For example, if it's moved north, as Zack suggested, which ASMFC would only manage from the Georgia/South Carolina north, because that would be the range, or, if it's moved further south into Florida, then they would extend the plan to include whatever portion of the Florida east coast?

MR. BEAL: The intention of the ASMFC plan is to manage that Atlantic migratory group, however that's developed. It may take an addendum or some other process within the commission to adjust that line, but that is the intention, just to manage that stock, however it's defined, and I can't guarantee that, but it seems likely that they would adopt the outcome of whatever the stock ID workshop said.

DR. MACLAUHLIN: I guess my point is, because the ASMFC plan is moving forward and what you guys do with this amendment at this time does not affect that plan moving forward, that, regardless of what you do, if you keep it or not, and specifically if you keep it or you delay moving forward at all with an amendment for a while, as long as it's in the federal management plan, the ASMFC may revise their plan where the state waters are managed regardless, because that stock ID workshop is going to happen, and they're going to have those results next year.

When you get the results from the stock assessment and there is a federal ACL still, because cobia is in the federal FMP, then they will also be revising to be sure that landings overall don't -- They will be allocating that federal ACL, and so my point is that, because the ASMFC plan is moving forward, the effects on Florida or having to manage just a portion of the Florida east coast through the ASMFC plan, that is going to happen anyway, right?

MR. HARTIG: I am going to get Tony and then Doug, and I had Leann in there too, but we do have to move on, and so be brief.

MR. DILERNIA: Thank you, Mr. Chairman. When I heard Monica speak, she started to go through the National Standard Guidelines, and she is absolutely right. I was surprised to hear that at first, but Sub-Section 2 of the National Standard Guidelines, National Standard 3, clearly says that the measures may not be identical for each geographic area within the management unit if the FMP justifies the differences.

You could, in effect, create a separate set of management measures for Florida that is, again, consistent with managing it through the Gulf stock, and so I think there is some wiggle room here in order to transfer this to the commission and still let Florida -- Again, as I said earlier, leave Florida alone. Leave it be. I think the National Standard Guidelines does give you that wiggle room.

MS. BOSARGE: What Kari was just explaining there, like if there is a different boundary between the Gulf stock and the South Atlantic stock, and all of your discussion, obviously, is revolving

around Atlantic States, and so she gave an example where the Atlantic States is going to now, say, well, this is the new boundary line.

Well, if you say something like that in the Gulf and we have no input in it, like go back to our king mackerel in Amendment 26. When there was a change in that, we had a joint amendment, and we had a discussion between the South Atlantic and the Gulf of where do we want this line to be and how is this going to line up, and there's a lot more that goes in there than just this is what the stock assessment says and so that's it.

There is enforcement considerations, and there is all kinds of stuff, and those details have to be worked out and come to an agreement that works for everybody, and so that's all I was thinking, is that that's probably going to need to be spelled out in the document, so that, if we come to a situation like that, how we interface with them, so it's not only one person making the decision, and that's all.

MR. HARTIG: Basically, the stock ID is going to come from the stock ID workshop. It's not coming from the assessment, and so it comes from the stock ID workshop, and the council will still be involved in that. Well, at some level at that time, or the ASMFC would take over the stock ID workshop, the results, and then, through public comment, I would imagine, use everything in National Standard 2 and -- Am I right, Monica? Would they be bound by that or not?

MS. SMIT-BRUNELLO: I am not an expert on the Atlantic Coastal Act, and so I will ask Bob a question. I believe you have to abide by the National Standards under the Atlantic Coastal Act, correct, or be consistent with the National Standards?

MR. BEAL: No, the Atlantic Coastal Act doesn't include the National Standards, but it gets very blurry when you're doing complementary and joint management with the councils, and so we have summer flounder, scup, and black sea bass plans, and sorry to bring this up, with the Mid-Atlantic Council, and, by default, we're bound by the National Standards, because those are your plans, but, if we're trying to complement what happens at the council, and this council maintains their role in the management of the Atlantic migratory group of cobia, then I think, by default, those National Standards apply. If this council makes the decision to remove the Atlantic portion of cobia from their portfolio, then the National Standards would not apply to the commission management.

MS. SMIT-BRUNELLO: Then I think it would be good to also have that in the document as well, so that everybody understands. Thank you.

MR. HAYMANS: Along that very line of questioning, Bob, I don't want to ask you to predict what the commission may do, but, as soon as we move forward with this amendment and it passes, and then we have an assessment in 2019, it's entirely possible that the commission will choose a different management metric besides ACLs to manage cobia. I mean, it's entirely possible that they will choose that, correct?

MR. BEAL: It's possible, but I think a lot of that would depend on what this council decides. If we're going to complement this council, we may maintain a relationship with the state management and ACL that the council has.

MR. HAYMANS: My question presumes that we're going to divorce ourselves from Atlantic group cobia and hand over the sole management to the commission.

MR. BEAL: Then, yes, that's absolutely a possibility, and the commission manages recreational fisheries in a number of ways, F-based targets and a number of other things that could be considered by the commission, and I can't guarantee it.

DR. DUVAL: Just one thing about the boundary issue, which has precipitated this whole discussion that we've had about cobia, and, I mean, that's a biological boundary issue. It came out of SEDAR 38, and the councils had no say in that. There was no public comment in that. Mackerel was a little bit different, in that the results of the stock assessment said, hey, guess what, the mixing zone is only the Florida Keys.

It's only Monroe County, and so, from a scientific perspective, you could draw the line on one side of the county or the other, and so that's what the councils had to decide, was who was going to manage the mixing zone, because you could have drawn a boundary at Miami-Dade/Monroe County, or you could have drawn it on the other side, and I forget where that boundary is on the other side of the Keys, on Key West, but we elected to draw the boundary at the Miami-Dade/Monroe County line and allow the Gulf to manage the mixing zone.

With cobia, we didn't have that choice. There was just a biological boundary. That was the decision, and that's what we went with, that we were stuck with, and so there wasn't any public comment available for that, and there has certainly been plenty of public comment at this end about that biological boundary, and that's really what has brought us to this point, but I just wanted to make it clear that we didn't have a choice in there, and it was a little bit different than the mixing zone with mackerel, where we had to have a conversation between the councils about which council was best suited to manage that area. Who knows how this -- It might be that we have a mixing zone for cobia, and I don't know, but --

MR. HARTIG: I've got Mark and then Monica, and then I am moving on.

MR. BROWN: I will be quick about it. Bob, I've got a quick question. If we blow through the ACL for cobia in 2017, and then we move -- I know the commission is meeting on this in October, and, with our state, like Mel said, we've got to go through some legislative process to be able to get the state waters back open and make sure all of that plays out, but, as far as federal waters go, when would the decision be made to where this transition happens and how long before it would - - I mean, is there anything that you could say that it would be definite that we would know that this was going to happen, or would the impact of an overage have any effect on it, or does it start clean, with new management and a new way to look at it?

MR. BEAL: I don't know if I can say anything definite, but I can share some ideas. I think once the commission makes a decision at its October meeting, they will have an idea of where the states' regulations are going to end up for next year, and so we'll know what that general suite of regulations from Georgia through Virginia are going to look like.

Then it will be up to the federal government to react to that. In other words, does the federal government feel that the state regulations are conservative enough not to blow past the 2018 ACL and allow federal waters to be opened? I don't know if we can answer that, or we can't answer

that comfort level of the federal government until we get there and we know what the 2017 landings look like, and so there is some uncertainty, obviously, in what's going to happen this year. As you were looking at earlier, there is a pretty high rate of landings coming in already, and so there is a chance that the states will end up going past the 620,000 for this year, and I just can't predict how the federal government will react to the landings level and the speed of state regulations for 2018.

MR. BROWN: That's why I asked Michelle earlier about her state regulations changing, and I didn't know if that was going to have enough of an effect on the projection of how this was going to play out.

MR. BEAL: I think the reduction in landings in a lot of the states up and down the coast will -- It will result in the states being closer to the 620,000 compared to some of the overages that we have had in the last two or three or four years, and so I think, overall, the recreational landings will be definitely reduced from the high levels that we had in some years, but will we constrain them to the 620,000 or not, we have to sort of see what Wave 4 looks like, I think.

It's a bit of a waiting game, and you're right that there's some uncertainty there as to what next year is going to look like, and next year is going to be the awkward one, or the most awkward one, in that the commission plan will get implemented, but the federal government and this council still has the ACL or the recreational harvest limit in place. We don't have the new stock assessment, and we don't have the new boundary, and so 2018 will be kind of piecemealed together as best we can, I think, is how I would describe it, which is -- The uncertainty is bad, and we all know that, but hopefully it's better than what we had this year.

DR. MACLAUHLIN: I do have one thing. I want to clarify that the commenters from the webinar, including Bill Gorham, and he's on our Cobia Sub-Panel, when I say that they support ASMFC, it's sole management by ASMFC with a delay until after the stock assessment. That is similar to what Rob clarified also, and I just wanted to be sure. All right, and so I guess the next question is do you want to move forward on this amendment, and, if so, we can start going through and approving language, purpose and need, and alternatives.

MR. HAYMANS: **I would answer that question by making a motion that we accept the IPT's recommended wording for the purpose and need.**

MR. HARTIG: There's a second from Michelle. Is there discussion? **Is there objection to accepting the purpose and need? I see two objections. The motion passes with two objections.** Thank you.

MR. HAYMANS: For the record, I think you had three. There was Charlie, Jessica, and Zack that were opposed, and so, just for the record, you had three.

MR. HARTIG: Thank you, Doug. I didn't see Charlie, because you never raise your hand above your head. I would correct the record. **The motion passes with three objections.** Thank you. All right, Kari.

Just to remind you, the committee members are Michelle Duval, Anna Beckwith, Mel Bell, Zack Bowen, Mark Brown, Roy Crabtree, Doug Haymans, Jessica McCawley, Robert Beal, Rob

O'Reilly, Tony DiLernia, and Dewey Hemilright. **Charlie, you are not on the committee, and your vote did not count, and so we will re-correct the vote that the motion passed with two objections.** Thank you.

DR. MACLAUHLIN: Okay, and so, right now, there is one action to revise the management system for Atlantic cobia. We have the no action alternative that retains Atlantic cobia in the FMP, and then we have Alternative 2 that would remove Atlantic cobia from the CMP FMP. The Atlantic States Marine Fisheries Commission would manage cobia through their interstate management plan. Essential fish habitat for cobia would no longer be identified and described.

I have a note in there that discussion about this alternative will refer to the Atlantic Coastal Fisheries Cooperative Management and that, in the absence of a federal fishery management plan, the Secretary could extend regulations into the EEZ or in that interstate plan. Then, also discussion would indicate that NMFS will continue to provide the scientific support and the stock assessments for Atlantic cobia.

We will also include discussion about how the State of Florida and the Gulf Council would be affected if the boundary changes under the stock ID workshop and make sure that we make that clear, so everybody understands how it would work if you removed Atlantic cobia from the CMP FMP, and that would mean removing Atlantic cobia for the range that is indicated by the stock ID workshop and the stock assessment.

MS. SMIT-BRUNELLO: Can I just make a suggestion, Kari, under Alternative 2 to remove that discussion of essential fish habitat for cobia would no longer be described, and I would put that in the discussion, because, if you remove it under Alternative 2, none of the Magnuson Act requirements are going to apply and not just EFH. I think it's important for the public and everybody to know about EFH, and so I would suggest that you move that into the discussion instead of in the language of the alternative.

MR. HARTIG: Thank you.

DR. MACLAUHLIN: The next alternative is Alternative 3, and so this is where we would need -- The IPT would be able to craft the language for you, but we need to know what kind of process for complementary management of Atlantic cobia. Therefore, Atlantic cobia would stay in the CMP FMP, under this alternative, and NMFS would continue to apply the annual catch limit and any accountability measures, as necessary, and the South Atlantic Council would establish the ACLs through the CMP FMP and with the joint plan with the Gulf Council, as needed.

The ASMFC would establish the management measures for cobia harvest in state waters, and so the states that apply for the Atlantic cobia, and the harvest, the overall harvest, would be subject to the Atlantic cobia ACL. Then the council would update the CMP FMP to provide consistent regulations for cobia harvest in federal waters through the amendment process with Gulf Council approval of actions that can't go into a framework amendment, and so any plan amendment would need to go through the usual process with the Gulf Council, and so that is one alternative, and it's basically status quo, the way that you guys have been doing it, where you go through your amendment process to set those regulations in the EEZ.

We have another option before you, and that is to establish some kind of process where NOAA Fisheries would update the federal regulations to be consistent with the ASMFC plan without direct action by the councils, and so, with spiny lobster, we have the process that we're updating in this next amendment, as you guys will see in December, and it's been set up for a while with the State of Florida, so that there is no direct action by the councils through the amendment process to set up any regulations for the EEZ that complement the FWC regulations for spiny lobster.

You guys are going to talk about that a little more, to just update the protocol, but you could set up some kind of a process where the councils would be consulted, and, if you concurred, then NOAA Fisheries could make sure that any MSA or NEPA requirements were met and just go ahead and implement those, so you wouldn't have to go through your amendment process. I guess the question is, if you want to keep Atlantic cobia in the federal FMP, do you want it to go through your usual amendment process, or do you want to set up some way that it's more between the commission, the states, and NOAA Fisheries?

DR. DUVAL: A couple of things. It seems, to me, like what would be more efficient is a process similar to what we have right now with spiny lobster, and so I would be supportive of that, and I think that would allow for states to have their state measures extended into federal waters. That's kind of the way that I see that working.

Then the other thing is that I had also -- I am not making a motion right now, and I'm being clear about that, but I would like to add an alternative to this action that would remove Atlantic cobia from the FMP, but after the stock assessment is completed. I think we got public comment on that, and that is a reasonable alternative. It is not one that we support, but it is a reasonable alternative, and so, at some point, I think we should add that.

MS. SMIT-BRUNELLO: Just a question, Kari, of why the council has to choose the exact process, under Alternative 3, of which way they want to go right now without seeing additional analysis and really fleshing out these various -- Why do you suggest that they pick right now? Doesn't it seem a little premature?

DR. MACLAUHLIN: Yes, I think I understand. We could have alternatives where there is complementary management with the amendment process and then complementary management without requiring any direct council action, like the spiny lobster protocol. I guess that -- I mean, if you guys are interested in having both of those, we definitely could have alternatives for both of those types of complementary management for people to discuss.

MR. HARTIG: I would like to see it move forward in that fashion. I am seeing heads --

DR. MACLAUHLIN: With both? Okay. You know that I always try to minimize alternatives.

MR. O'REILLY: The Alternative 3, which you're just talking about, I don't know where that ends up, as far as any delay or not, but the amendment process, in the first part of that, would seem to be a penalty for federal fisheries, whereas the alternative, which the spiny lobster example is provided, that could be much better in that case, because I assume the amendments are taking a little time. The other thing that I wanted to mention is I didn't quite hear, Michelle, what you said about Alternative 2, even though I am six feet away from you.

DR. DUVAL: All I was saying, Rob, was that it would be my intent, based on public comment, to add an additional alternative similar to Alternative 2 to remove Atlantic cobia from the CMP FMP, but not until the stock assessment was complete, and so that's based on public comment that we received, and so I wasn't making that in the form of a motion, but I was just putting the committee on notice that I may make a motion at some point to do that.

MR. O'REILLY: Thank you, and that supports the VMRC position as well. Thank you.

DR. MACLAUHLIN: Okay, and so I have five alternatives for you to review. If you guys are okay and we have everything you need in there, then you can approve Alternatives 1 through 5. We have a no action alternative, and we have Alternative 2 to remove Atlantic cobia from the CMP FMP.

Alternative 3 is do not remove Atlantic cobia from the CMP FMP and establish a process for complementary management, and then we have just the regular amendment process, where the councils would be involved. Alternative 4 is the complementary management process, and we can draft you guys, for your next meeting, kind of a protocol that's based on that spiny lobster protocol. Then you guys can review that and see if that sounds good, but it will be something like that, where Alternative 4 doesn't require any council action, even though there will be council consultation and you guys will be aware of anything before NOAA Fisheries extends the regulations into the EEZ. Then another alternative that removes Atlantic cobia from the CMP FMP after the stock assessment is complete, and I just added that sentence.

MR. HAYMANS: Because, Michelle, you based that off of 2 and not 3.

DR. MACLAUHLIN: If we could just get a motion to, if you guys are good with these alternatives, a motion to approve Alternatives 1 through 5.

MS. SMIT-BRUNELLO: On Alternative 5, how would that work, exactly? So you would be deciding in this amendment that the effective date for removing cobia would be after the stock assessment is complete? So you would be binding the council in the future, and so I guess we'll know it when we'll see it, because we'll flesh this out, and, next time you see it, it will be more developed, because I guess the current council would decide this. However, the future council, down the road, after the stock ID workshop, could decide they don't want to do that, and then they would need a new amendment or a new FMP, and I don't know. I'm just kind of thinking ahead of practically how it would work.

DR. DUVAL: I was just trying to be responsive to public comment and indicating that we are interested. This is one of many paths that we could take and that the council would want to express that it would want to go ahead and move forward with transfer of management of Atlantic cobia to the ASMFC once the stock assessment is complete, and that would expedite that process, because my sense is that -- Well, my experience is that stakeholders want things to happen quickly, and so, once the stock assessment is done, they're going to see that happen.

MR. HAYMANS: Procedurally, I sort of see this as, if Alternative 5 were chosen, that we move through the entire process except for the forwarding to the Secretary for final review. We see the stock assessment in 2019, and basically the amendment is completed and put on the shelf until we

see the assessment. Then you can choose to either move it forward for review, or, at that time, that future council could change it. That's kind of the way I read Alternative 5.

MR. HARTIG: We need a motion to approve the alternatives.

MR. HAYMANS: **So moved, Mr. Chairman.**

MR. HARTIG: Second by Michelle.

MR. HARTIG: Do you want a little more of some more words in there? **The motion is to approve Alternative 1 through Alternative 5 in CMP Amendment 31.** Is there discussion? **Is there objection to that motion? The motion passes with one objection.**

Okay. Then we're done with that item. That brings us to the Framework to Adjust King Mackerel Trip Limits, and that is Attachment 5, and I will let Kari give you the background on that item.

DR. MACLAUHLIN: What you did in June is you reviewed some potential options, because you had some input from our Mackerel Cobia Advisory Panel. Some of the members had recommended that there be a little tweak in the Atlantic king mackerel trip limits for the Southern Zone, and these were recently implemented, in May of this year, through Amendment 26.

You reviewed some potential options, but then there was a little hesitance. The regulations had just been put in place, and to maybe wait a year, but then you did direct staff to bring back an options paper for you, similar to what we did before, and so here is some potential timing if you guys wanted to move forward with this amendment right now.

We would start work on a framework amendment in December, and you could review the draft amendment and select the preferreds, and you could approve it for public hearings, if you wanted to do that in January. It could be just one in-person hearing, because it's a very specific area, maybe around Cocoa, go to meet with the fishermen there and get their input, and then you could take final action in March, and it could be implemented, but it still would probably be late 2018, and so this is not going to get in place for a while. The CMP Amendment 26 trip limits will apply to them for this next year.

What needs to be done, if you want to move forward with that, is we're going to review the options and then get those alternatives in place and then direct staff to start working on the amendment and the analysis. We had come up with a couple of alternatives for you last time, after meeting with some of the fishermen, and so this is the no action. These are the trip limits that were implemented through CMP Amendment 26.

When the management boundary for king mackerel was modified in Amendment 26 and the ACLs, what we were trying to do was kind of set up a trip limit system for the Southern Zone, and specifically the east coast of Florida, that mirrored what was in place under the shifting boundary that we used to have, the system that we used to have, so that their trip limits that they were working under didn't change that much.

It was a little trickier, because there are split seasons, and they start in March, and so it wasn't exactly the same, and then also there was a -- For Season 1, the March 1 through March 31, there

was a fifty-fish limit put in place, and that was to kind of keep, for a potentially big month of the year, very productive month of the year, restrict it somewhat, so they wouldn't blow through so much of the Season 1 quota in that first month. Then, on April 1, it would go to seventy-five fish, with a potential step-down when 75 percent of that quota was met, and this is south of the Flagler/Volusia line.

Then Season 2 would be fifty fish, with a potential step-up that last month, so they could max out that Season 2 quota if they needed to with the winter fishery, and so what this all kind of focuses around is Volusia and the folks in Daytona, and, north of that is 3,500 pounds year-round, and now Volusia, with the former, pre Amendment 26, Volusia did have access to a 3,500-pound quota, and that was in part because they will go further offshore, and it was to allow them to maximize those trips.

For the winter fishery, they were included in those winter fishery trip limits of fifty fish or seventy-five, because they were participating more in that, and it was to restrain the harvest, so they wouldn't blow through so much of their quota so quickly, and so this is really focusing a lot on Volusia. I did have one error in there, where it said "March 30", but it is for the entire month of March.

Alternative 2, and this is one that we had kind of talked about, is shifting that boundary, in which, just for that month -- This would be moving the boundary to the Volusia/Brevard line starting on April 1. For the month of March, which is through March 31, obviously, south of Flagler/Volusia, and so that would include Volusia, would be subject to that fifty-fish limit. Then, for the rest of that spring and summer season, they would be able to access that 3,500-pound limit. Then, for the winter fishery, starting on October 1, the line would shift back up, and Volusia would be working with that fifty-fish limit. Then Alternative 3 is similar, except it just steps the line up, the Volusia/Brevard line, and so all of March 1 through September 30, Season 1, Volusia would have access to that 3,500-pound limit.

Now, you did get some comments on the comment form, and you also got a comment yesterday. You got four comments on the comment form, and a couple came in this morning, and with some folks that were supporting, in some way, allowing Volusia to access that 3,500-pound limit starting April 1 through September 30, so they could maximize those trips, and then there was also one suggestion to change that March 1 through March 31 to seventy-five fish.

The rationale for that, from the commenters, is that the stock is very healthy and that it could handle that higher trip limit in March, and that's a very important month for them price-wise and availability-wise, and they would like to see all of Season 1, and so starting on March 1, kick off with seventy-five fish. You don't have that alternative in here at the moment, but that may be something you want to add if you want to move forward.

MR. HARTIG: Questions, any questions of Kari?

MS. MCCAWLEY: When is the next mackerel stock assessment?

DR. MACLAUHLIN: 2019. It will be 2019, and it will be U.S. information only.

MS. MCCAWLEY: Do we know how many people would be affected by this change?

MR. HARTIG: In the Volusia County area, how many fishermen would be affected, and it's not a lot, to be frank, but it's enough that it is important to them, and the other competing aspect of this is our stock is getting better. Fishermen are allowed to fish under the way they used to, and there are some fishermen that stay on the east coast in the coming years and do not go to the Gulf, not having to go away from their families and things of that nature. Our stock is progressing nicely, but it's just that the fish are small right now.

MS. MCCAWLEY: Is this a joint amendment with the Gulf?

DR. MACLAUHLIN: Because it's just suggesting the trip limits, it would just be a South Atlantic framework action.

MR. HARTIG: Yes, because I know you had concerns about going back to the Gulf, but go ahead, Jessica.

MS. MCCAWLEY: I heard concerns from Rusty, and I just feel like not everybody is onboard with this change, and so there was already a meeting with the fishermen? I heard him say something about a meeting in January to discuss this, and I don't know what he's talking about.

MR. HARTIG: I brought the fishermen together to a meeting down in Salerno, and we talked about this, and this is when the change occurred. This was when we changed that date. The fishermen there are concerned about the market change and the opening. In March, there can be a lot of fish caught, and, if you had that 3,500 pounds available in March, you would be taking a lot of small fish out of the population in that March timeframe.

That is kind of what has hurt this. They wouldn't be opposed if you moved it to April, because the fish change their behavior. They're getting out of the overwintering behavior, and then you get into scattered fish into April, and that's the whole reason why they wanted to move that line, because the fish are not as available, and they're hard to catch, and they're farther offshore, and they wanted to have some access to more than seventy-five fish at one time.

DR. MACLAUHLIN: Rusty talking about a meeting in January, that would be this January. He and I were talking about that Christina could go down and just meet with the guys there and be sure that everybody is clear about what they're recommending and what the council is recommending. It's just easier just to go there and meet with them, and so that's what he is referencing.

MR. HARTIG: To be clear on that, there was a meeting prior to going into the assessment that we did have in Salerno, the fishermen who were adamantly opposed to the seventy-five fish in March and wanted to see that changed, but, like I said, one month makes a big difference, and they don't have a problem with it.

MS. MCCAWLEY: I am just still fuzzy about the problem that we're trying to solve here, partly because I don't even think we've been through a March/April season yet under the new regime, and that's why I am confused as to how we already know that there is going to be a problem.

MR. HARTIG: The fishermen that have to fish on seventy-five fish in Volusia County are at a disadvantage from April 1 on, because seventy-five fish is not enough to go out for the amount of area they have to travel, and they need more fish for that time. They're used to making two-day trips, at least. They don't normally catch 3,500, but they catch more than seventy-five, and so it's an economic burden on them if they have to come in after catching seventy-five and go back. That's a long way to travel, and it's a lot of fuel, and it's a lot of expense, and that's the problem, as it has been explained to me, on why they want this for April 1.

MS. MCCAWLEY: How come we didn't hear this when we were going through the amendment the first time? I mean, that's my confusion. My confusion is we didn't hear this when we talked about this amendment this whole time, and I felt like we were on this amendment forever on mackerel, and then now we haven't even been through a March/April season and we're taking an action about what we think is going to happen, and do you see my confusion?

MR. HARTIG: Yes, I do, and the willingness of the fishermen -- It all changes with the willingness of the fishermen in Volusia County to move from March 1 to April 1. If you move that one month, the guys in the south are happy, but we didn't have that option in that last amendment. We didn't have that, for whatever reason. Sometimes we go through things and you find out, after that goes into effect, that some fishermen were adversely affected that didn't realize it, and that's the problem we're trying to fix now, is that one month where they can fish at 3,500 pounds.

DR. MACLAUHLIN: I can elaborate just a little. We were trying to set up the system to be exactly the same, trip-limit-wise, as it was before Amendment 26. Even though, where there was a shifting boundary, we had that in there, but you will remember that we had three different possible ACLs, based on high, medium, and low recruitment.

We had season options, trip limit options, and, when we took it to public hearing, and our AP even, they couldn't tell you what alternatives they wanted. They just could tell us what trip limits they wanted and at what time of the year, and I think there was just some confusion about what to support, and they kind of ended up picking alternatives to support in the AP and then also during the public hearing that supported a line that didn't shift, and they thought they were still going to have the shift around Volusia, so that the Volusia guys could access the 3,500 pounds. I think it was just a very complex analysis, and it was hard to communicate to them, and I think it was -- It will probably happen with the visioning amendment, too.

DR. DUVAL: I think that was the thing when we thought we would -- I think we thought that we could address everything with just a different trip limit rather than like a splitting of the quota between two seasons, and so, by the time everybody got through that, because I share your frustration, Jessica. We just got through this amendment. The rules just became effective this year in May, and so I think it was -- I think people understood the shift in the trip limit, but didn't understand that it wasn't coming with a shift in the line, and that's really what they didn't understand or were slow to react to.

MR. HARTIG: I am going to bring Rusty up to the table for a point of clarification.

MR. HUDSON: Thank you, Mr. Chairman. Kari is right about a lot of the unknowns as we were commenting. The biggest difference is that we have a March 1 start date, and that used to be our end month, the twelfth month. The seventy-five fish versus the fifty fish, whether that's south of

the Brevard/Volusia County line, the whole point is that some of the fellas down there want the seventy-five fish to start the season now, now that they know that's there and now that they know what the quota is and everything.

We didn't have that information. We had, like she said, low and medium and high and all these different cases, and, by the time the SSC and everybody considered everything, then here we are with a March 1 start date, which, as you know, Ben, is extremely important, because of Lent and the better prices then.

The other factor is that not just the Volusia County permits for coastal migratory pelagics are affected. Just like we have boats that go into the Gulf of Mexico to fish, we have boats that come up our way and fish the 3,500 pounds, and so that's what we're trying to resolve here, because we're got to go through this whole year constrained by a number of fish, where our distance, as you said, is so far out there that some of these guys trying to go and fish, going on up toward St. Augustine -- That's what we're trying to get back to, what we used to do with the 3,500, and the seventy-five fish was triggered by a percentage, and, right now, I don't see us hitting that percentage, because, as all of you know, we divided a north and a south section in an earlier amendment, so that we have the ability to carry anything that unused from the north, or vice versa, to help, and so we've got a lot of positives here, and that's just what we're trying to do, is optimize the positives. Thank you.

MR. HARTIG: Thank you, Rusty.

DR. MACLAUHLIN: The Alternative 2, especially with the maps, which I think maybe will be helpful in communicating this and making sure that everybody is onboard with it, is, with the exception of the month of March having a fifty-fish limit south of Flagler/Volusia, it is almost -- I'm pretty sure it's exactly like what they were fishing under before 26, as far as what trip limits they were allowed, and I think that is what they were trying to kind of get back to, but there is concern about the month of March being like the good month and everybody eating a lot of the Season 1 quota up, because it's so high, and the fifty-fish limit will constrain them, and that's why that is in place.

MR. HARTIG: The fifty-fish limit was something that I was going to talk about. Basically, what we've seen, since 2012, and we were in the assessment in 2012 talking about it, is we saw a good year class of age-zero fish in 2012 in October in the area where I fish, which is very unusual, by the way, but we saw that, and what has happened, to make a long story short, is 2012 has transferred into the fishery, and they're about twelve-pound fish now, and we see good numbers of that year class and good numbers of six to eight, and we see good numbers of four to six, and we see good numbers of sub-legal fish now as well, and so there has probably been at least four recruitment events since the assessment has happened in the fishery.

Now, there are larger fish in the fishery as well, which is a good thing as well, but the bottom line here, and why I pushed for the fifty-fish limit, is to keep the time when they catch the smallest fish, in that month, at fifty fish, and it was to protect these smaller animals for a period of time until they move into the larger size classes. That's one reason that I want the fifty fish now, but I'm a little reticent now -- I would be happy to change it in a couple of years, when these fish move into larger size classes, and so that's my real concern, is the impact on the stock.

I mean, it's critical to move some of these fish we have now into the older age classes. Some of them are there now, at about twelve pounds, but we need to get them even bigger than that in order to have some insurance for our stock, and that's a little bit why I am reticent to change the fifty fish.

MS. MCCAWLEY: When I read the timing, and that's the other thing that is kind of throwing me off, is it seems like we're moving quickly, and it made me think that, okay, we're trying to get this in before March, but, when I look at the timing, it won't be ready until late 2018, and so it wouldn't be ready until the 2019 season, and do you see what I am saying?

MR. HARTIG: Yes, but the other thing is this falls under the priorities of the council. This would go into the priority assessment we have in the council, and I don't know when it's going to be done. It would be a priority thing. Kari laid out a timing that might happen, but there is a lot of other pressing issues that this council has to resolve, and so this would go into the priority, and, where it ends up, we'll deal with it as it does, but it is a problem, but I don't know how you all want to proceed.

MS. MCCAWLEY: Okay. Thanks.

DR. MACLAUHLIN: Do you want to move forward with it or --

MR. HARTIG: Well, I mean, essentially, we need to know whether we want to move forward with it, and then how it falls into the priority will be determined at Executive Finance, and so, if we want to move forward with this, we would need a motion to move forward, or what do we need?

DR. MACLAUHLIN: I would say a motion to direct staff to start work, pending where you guys decide to put it in the priorities, but for staff to begin work on a framework amendment and include Alternatives 1 through 3, if those are okay with you guys, that are in there. Then we'll see what the priority is, and then we'll figure out the timing after that.

MR. HARTIG: Is there any intent to make a motion on this?

MS. MCCAWLEY: **I will make that motion that Kari was just talking about, that we would start work on this amendment and approve those three alternatives.**

MR. HARTIG: There's a motion by Jessica and a second by Zack.

DR. DUVAL: Kari, you had mentioned some public comments came in late on the comment form, and so do we need to add anything to any of these alternatives to address -- Was it seventy-five fish for the month of March? Right now, it's just Alternative 2 is fifty fish for the month of March, and Alternative 3 is all -- We need to add something to one of these alternatives to allow for seventy-five fish during the month of March.

DR. MACLAUHLIN: Yes, and you maybe could just direct staff to add that option in there and then the IPT can figure out how to craft those alternatives and where they make sense.

MR. HARTIG: Thank you.

DR. DUVAL: Then we could do that.

MR. HARTIG: All right, and so we're clear on that. We've got a motion on the floor, and it's been seconded. Is there any more discussion? We have had some pretty substantial discussion.

MS. MCCAWLEY: I just want to note my concerns about the timing. If staff's intent is to talk to people in January, to me that's before the new season that we approved in 26 would already go through, and I wonder if we should try to talk to people after March/April, to know that this is how it really affected me, and I thought it could work or whatever, and so it seems like they should go out after that. I also have concerns about just going to say Volusia County, because I think that people south of this area might have some concerns about this change that I would want to have staff talk to them, too.

MR. HARTIG: Okay. **Is there any objection to this motion? Seeing none, that motion is approved.** Is there any other business to come before the Mackerel Committee?

MS. WIEGAND: I just wanted to say that I am really looking forward to working with you all, and I have spoken to a lot of you this week, but please feel free to come up to me and chew my ear off about anything, and I will do my best to fill the big shoes that Kari is leaving.

MR. HARTIG: Absolutely. We are adjourned.

(Whereupon, the meeting adjourned on September 28, 2017.)

Certified By: _____ Date: _____

Transcribed By:
Amanda Thomas
October 19, 2017

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Thursday 9/28/17 Public Sign-In

Name	Last	How do you participate in fisheries in the South Atlantic?	How do you participate in fisheries in the South Atlantic?	How do you participate in fisheries in the South Atlantic?	How do you participate in fisheries in the South Atlantic?	How do you participate in fisheries in the South Atlantic?	If Other, please provide more information:
david	bush						ncfa
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Dean	Foster					Non-Governmental Organization (NGO)	
Lora	Clarke					Non-Governmental Organization (NGO)	
Leda	Cunningham	Private Recreational Angler				Non-Governmental Organization (NGO)	
Leda	Cunningham	Private Recreational Angler				Non-Governmental Organization (NGO)	