

FINAL
MEETING REPORT
MACKEREL COBIA ADVISORY PANEL AND COBIA SUB-PANEL
SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
North Charleston, South Carolina
April 16 – 17, 2018

The Mackerel Cobia Advisory Panel (MC AP) and Cobia Sub-Panel (Sub-Panel) met jointly to discuss topics supporting management of the coastal migratory pelagics fishery, including Atlantic (GA-NY) cobia, Florida east coast zone cobia, Atlantic Spanish mackerel, and Atlantic king mackerel. Below is a summary of the group's discussions and recommendations. The MC AP/Sub-Panel approved motions for recommendations to the Council, but a summary of all viewpoints relevant to each motion/recommendation are included.

AP Members

Ira Laks, Chair
Stephen Swann, Vice Chair
Stephen Donalson
Steve English
Cpt. Skip Feller
Ryan Howard
Bill Kelly
Robert Olsen
Greg Peralta
Gary Robinson
Tom Roller
Randy McKinley
Keith Bowen
Dr. Chris Elkins

Cobia Sub-Panel Members

Wes Blow
Bill Gorham
Bill Weeks
Patrick Link
Collins Doughtie

Council Members

Ben Hartig, Mackerel Cobia Committee Chair
Mell Bell

South Atlantic and SEDAR Staff

Christina Wiegand, CMP Lead
Julia Byrd
Kimberly Cole
Dr. Chip Collier
John Hadley
Kim Iverson
Cameron Rhodes
Amber Von Harten
Dr. Brian Chevront
Gregg Waugh

SC Division of Natural Resources

Dr. Tracey Smart

United States Coast Guard

Lt. Jerry Brown

The Advisory Panel approved minutes from the April 2017 meeting and the agenda.

Update on recent Coastal Migratory Pelagics amendments

Council staff provided an update on amendments currently being developed for the Coastal Migratory Pelagics Fishery Management Plan (CMP FMP).

Coastal Migratory Pelagics Amendment 31

Recreational landings of Atlantic migratory group cobia (Atlantic cobia) exceeded the annual catch limit (ACL) in 2015 and 2016, resulting in subsequent shortened recreational seasons in 2016 and 2017. After the 2015 overage and subsequent shortened 2016 recreational season for Atlantic cobia, the South Atlantic Fishery Management Council (South Atlantic Council) requested that the Atlantic States Marine Fisheries Commission (ASMFC) consider complementary management for Atlantic cobia, and the Commission began work on an interstate management plan.

In May 2017, the ASMFC's South Atlantic State/Federal Fisheries Management Board approved a motion to request that the South Atlantic Council transfer sole management of Atlantic cobia to the ASMFC, which would require that Atlantic cobia be removed from the federal fishery management plan. In June 2017, the South Atlantic Council directed staff to start work on an amendment with options to remove Atlantic cobia from the federal fishery management plan, or for complementary management of Atlantic cobia with ASMFC.

In December 2017, the Committee reviewed a draft document for CMP Amendment 31, which considers alternatives for complementary management of Atlantic cobia with ASMFC or removal of Atlantic cobia from federal management through the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The South Atlantic Council chose a preferred alternative (Alternative 2: Remove Atlantic cobia from the CMP FMP) and approved the document for public hearings. In March 2018, the South Atlantic Council reviewed comments from the public hearings. Majority of comments supported removing Atlantic cobia from the federal management unit and taking final action as soon as possible.

The South Atlantic Council chose to delay taking final action on the amendment until the June 2018 meeting when preliminary results from the Cobia Stock ID Workshop and comments from the MC AP and Sub-Panel would be available for consideration. Additionally, the South Atlantic Council requested more information on how ASMFC intends to address regulations in federal waters under the preferred alternative before the amendment's approval.

Points raised in support of removing Atlantic cobia from the CMP FMP include:

- Mid-Atlantic states do not have a vote on the South Atlantic Council (they do have two voting seats on the Mackerel Cobia Committee). This is particularly problematic for Virginia, where a substantial portion of Atlantic cobia are harvested. Full management by ASMFC would provide the Mid-Atlantic states with better representation in the management process for Atlantic cobia in state and federal waters. Fishing in Maryland and New Jersey has increased in recent years, making adequate representation of Mid-Atlantic states increasingly important.

- Continued overages and poor recreational landing estimates from the Marine Recreational Information Program (MRIP) illustrate that the South Atlantic Council has been unable to properly manage Atlantic cobia. Full management by ASMFC would provide necessary flexibility.
- The South Atlantic Council cannot regulate harvest in state waters. While some fishing does occur in federal waters, majority of Atlantic cobia is harvested in state waters and would be more appropriately managed by ASMFC.
- Complementary management does not address the problem with MRIP landing estimates for a pulse fishery like Atlantic cobia.

Points raised in support of complementary management with ASMFC include:

- ASMFC manages several species in both state and federal waters and they have a good track recorded with species cooperatively managed with the regional councils.
- It would be prudent to wait until results from the upcoming stock assessment (SEDAR 58) are available before considering a transfer of management to ASMFC. Pressure north of the North Carolina/South Carolina line is high and it would be better for regulations to be more restrictive now and less restrictive in the future. The accountability measures required by the Magnuson-Stevens Act are important for preventing overfishing of Atlantic cobia.
- The South Atlantic Council should continue to have input in the management of Atlantic cobia because a portion of the fishery does occur in federal waters.

Additional considerations related to Atlantic cobia:

- Currently, there isn't a federal permit required for the commercial harvest of cobia. As a result, recreational fishermen can purchase a state commercial license and fish under the commercial trip limits and size limits. This has been used as a means of getting around the federal closure.
- In Southern Florida (Atlantic side) there has been a drop in the number of cobia. One plausible reason for this is that rays no longer come through the Keys and cobia are staying in deeper water to follow sharks.
- In Florida, an MC AP member indicated that the popularity of cobia fishing has increased as a result of the red snapper closure.
- In Virginia, Sub-Panel members report seeing an increase in smaller cobia, and a possible shift north in the fishery.
- In South Carolina, a Sub-Panel member recommended caution when fishing the inshore populations of cobia in North Carolina and Virginia. In Port Royal Sound, South Carolina, the popularity of cobia fishing increased, and fishing techniques improved. As a result, fishermen started to see more fish and eventually fished the population down by targeting large females.

The following motions were made by the MC AP and Sub-Panel:

MOTION #1: SUPPORT CMP AMENDMENT 31 PREFERRED ALTERNATIVE 2 (REMOVE ATLANTIC MIGRATORY GROUP COBIA FROM THE COASTAL MIGRATORY PELAGICS FISHERY MANAGEMENT PLAN).

MOTION FAILS (5 IN FAVOR-10 OPPOSED-1 ABSTENTION)

MOTION #2: ADOPT ALTERNATIVE 4 (ESTABLISH A FRAMEWORK PROCEDURE IN THE CMP FMP FOR AN ENHANCED COOPERATIVE MANAGEMENT SYSTEM WITH THE ASMFC THAT ALLOWS CHANGES TO ATLANTIC COBIA MANAGEMENT THROUGH NMFS RULEMAKING) AS THE AP'S PREFERRED ALTERNATIVE. MOTION APPROVED (8 IN FAVOR-7 OPPOSED-1 ABSTENTION)

Coastal Migratory Pelagics Framework Amendment 6

The new regulations for king mackerel established in CMP Amendment 26 became effective on May 11, 2017, including updated commercial trip limits for the Atlantic Southern zone. Stakeholders and the MC AP/Sub-Panel have recommended that the South Atlantic Council consider revising the trip limits to allow for a higher trip limit north of the Volusia/Brevard county line, which would mirror trip limits prior to Amendment 26. To address those trip limits, the South Atlantic Council approved CMP Framework Amendment 6 for scoping at the March 2018 Council meeting. The Council received several comments both online and during public comment at the meeting in support of moving forward with the framework amendment. Based on those comments, the Council directed staff to continue developing the amendment for review at the June 2018 meeting.

Points raised during the discussion include:

- Amendment 26 was reviewed during their April 2016 meeting which was shorter than typical AP meetings. Due to the complexity of the amendment and the quick review time, the problem with the proposed trip limits for the Atlantic Southern Zone were not immediately identified.
- In the wintertime fish are found in tight schools and are easy to catch. However, by April the fish split up and are not as easy to catch. As a result, it is highly unlikely that anyone is going to catch 3,500 pounds of fish. Fishermen from Sebastian and the Cape will often travel north and fish for multiple days and need a high trip limit to make those trips worthwhile.

The AP and Sub-Panel approved the following motion:

MOTION #3: SUPPORT CMP FRAMEWORK 6 PREFERRED ALTERNATIVE 3. MOTION APPROVED (16 IN FAVOR-1 OPPOSED-1 ABSTENTION)

Update on SEDAR Stock ID Workshop for Atlantic cobia

Julia Byrd, SEDAR staff, provided an overview of SEDAR and the stock assessment process including the types of assessments and the role of fishermen in the process.

The AP and Sub-Panel were given an update on the Cobia Stock ID Workshop, which took place in Charleston, SC on April 10-April 12, 2018. Preliminary results from the workshop suggest the existence of two distinct stocks (Gulf and Atlantic) with the Gulf migratory group starting south of Brevard County, Florida and the Atlantic stock starting north of Brunswick, Georgia. There is a transitional zone between the two stocks, however not enough data exists to further refine that zone. The current data does not refute the placement of the assessment boundary used for SEDAR 28 at the Florida/Georgia line. A Stock ID Review Workshop will take place June 5-7, 2018, with the final Stock ID resolution complete by the end of August 2018. Planning for the

remaining stages of SEDAR 58 (Data, Assessment, and Review) is underway now. AP and Sub-Panel members indicated if they were interested in serving as commercial or recreational fishing representatives for the assessment.

SEAMAP Coastal Trawl Survey

Dr. Tracey Smart of the South Carolina Department of Natural Resources (SC DNR) presented king and Spanish mackerel abundance trends in the Southeast Area Monitoring and Assessment Program - South Atlantic (SEAMAP-SA) Coastal Trawl Survey. The Coastal Trawl Survey is an annual fishery-independent monitoring survey that focuses on nearshore, trawlable habitat. Data from previous surveys has been included in SEDAR assessments for king and Spanish mackerel.

The survey shows an increasing trend in the abundance of king mackerel juveniles over the last five years. For Spanish mackerel juveniles, the survey shows abundance has been lower than the long-term average over the last five years. This trend could indicate changes in spawning effort, number of fish or the survivorship of fish that are spawned.

United States Coast Guard enforcement priorities

Lieutenant JG Jerry Brown, USCG Sector Charleston, addressed the MC AP and Sub-Panel to request input on areas of high fishing activity and/or timeframes, that would assist the USCG to focus enforcement efforts related to Living Marine Resources (LMR), particularly off South Carolina and Georgia.

MC AP and Sub-Panel members has the following feedback:

- Enforcement during tournaments can be frustrating. Anglers don't want to pull up lines for a 30-minute safety inspection after paying for a tournament.
- When targeting king mackerel, vessels often fish in a fleet of boats. An AP member suggested the USCG vessels sit inshore of the fleet and catch them as they are coming in as an alternative to sending small boats out for safety inspections.
- It would be helpful if the USCG was familiar with for-hire safety requirements, which are rarely monitored. Drug test cards are also rarely enforced, even when renewing your captain's license.
- Multiple MC AP members expressed concern about individuals that solicit people to fish with them through online forums and social media. These individuals often do not have the necessary for-hire permits and as a result do not have to abide by for-hire safety and harvest regulations. There needs to be a way to differentiate between a person who takes money to offset the cost of a trip (i.e. friends who chip in for gas) and a for-hire trip. It was suggested that this might be dockside enforceable and that social media could be a useful law enforcement tool.

Regulatory reform for CMP species

On February 24, 2017 the President issued Executive Order 13777 as part of efforts to lower regulatory burdens on the American people by implementing and enforcing regulatory reform. The NMFS requested that each of the fishery management councils identify a process to review/evaluate existing regulations by the end of December 2017. Each Council is to conduct the review/evaluation and provide recommendations on rules to be removed by the end of June 2018.

The MC AP and Sub-Panel has the following recommendations:

- Eliminate king and Spanish mackerel tournament sales. The regulation is rarely enforced, and the fish could be donated to charity (50 CFR 622.386(e)).
- If you hold a federal commercial permit and for-hire permit and have three people on board your vessel, you are automatically considered a charter and must adhere to recreational regulations. This unfairly penalizes individuals who hold both permits (50 CFR 622.2).
- It would be better to allow recreational fishermen to retain cut-off fish not subject to size limits. An increase in the shark population has resulted in an increase in cut-off fish, which must be thrown back under the current regulations. (50 CFR 622.381).

Fishery Performance Reports

The MC AP and Sub-Panel were asked to provide information to develop a fishery performance report (FPR) for Atlantic king mackerel and Atlantic Spanish mackerel. The purpose of these FPRs is to assemble information from AP members' experience and observations on the water and in the marketplace to complement scientific and landings data. The FPRs include information on catch levels over the last five years, effectiveness of current management measures, environmental conditions and ecology, and social and economic influences. The FPRs will be provided to the Scientific and Statistical Committee (SSC) and the Socio-Economic Panel (SEP) to complement material being used in assessments and to inform future South Atlantic Council management. The FPRs will also be made available on the South Atlantic Council's website.

Spanish mackerel gill net size and measurement recommendations

The minimum mesh size for Spanish mackerel gillnets is 3.5 inches (8.9 cm), stretched mesh. The MC AP and Sub-Panel discussed revising the minimum mesh size, and ways to clarify and standardize how mesh size is measured. MC AP members noted that the mesh size specification was put into place to control landings when there were no trip limits, quotas, or minimum size regulations in place. Now, fishermen in the South Atlantic operate under trip limits with a minimum size limit of 12 inches fork length. MC AP members discussed the need for variation in the mesh size regulation based on the weight of the webbing as well as the limited vs. unlimited Spanish mackerel fishery.

Additionally, because there have been changes in the fishery over the years, the way that mesh size is measured requires a tool (gauge that measures eleven-foot pounds) that isn't consistently utilized. Currently, the regulations do not specify a specific method for measuring stretched mesh. Clarification of the mesh size requirements and standardization of how mesh is measured will help in enforcement and compliance.

The MC AP and Sub-Panel approved the following motion:

MOTION #4: RECOMMEND THAT THE COUNCIL CONSIDER CHANGING THE MESH SIZE REQUIREMENTS FOR ATLANTIC SPANISH MACKEREL GILLNETS TO BE:

- 3 INCH MINIMUM SIZE MESH – MEASURE BY STRETCH TILL CENTER NOTCH TOUCHES, UP TO .277 MM.
- ANYTHING GREATER THAN .277 MM WILL NEED TO BE 3.5 INCH MINIMUM MESH SIZE.

APPROVED BY AP (13 IN FAVOR-0 OPPOSED-2 ABSTENTIONS)

Citizen Science research priorities

As part of the South Atlantic Council's Citizen Science program development efforts, the Citizen Science Action Teams have been working on developing different components of the program including how to establish appropriate topics and research ideas that could be addressed using citizen science. To help outline citizen science topics and research ideas for the Program, the Teams used the Council's Research & Monitoring Plan to inform the development of a draft Citizen Science Research Needs document. The draft document outlines specific topics and research needs for projects developed under the Program.

Feedback provided by the MC AP and Sub-Panel on additional topics/research needs included:

- Target species for age sampling should include: Spanish mackerel, cobia, and greater amberjack.
 - North Carolina Division of Marine Fisheries (NC DMF) has been working with fishermen to obtain otoliths from large Spanish mackerel.
 - Otolith sampling has been important for the management of Atlantic cobia. Sampling is currently being conducted through the Virginia Marine Resources Commission (VMRC), Old Dominion University (ODU), and SC DNR.
- Working with tackle shops and tournaments might be an effective way to obtain fin clips for genetic sampling.
- Mapping of bottom habitat is important in the southeast, particularly after large hurricanes which can cause substantial changes to the ocean floor.
- An AP member expressed concern about opening areas to recreational volunteers. There are areas considered to be secret and increased pressure may have consequences.

Other Business

Limited-entry for commercial Spanish mackerel permits

The federal commercial permit for Spanish mackerel is currently open access and is required for commercial harvest of Spanish mackerel in the Gulf, South Atlantic, and Mid-Atlantic.

Points raised during this discussion include:

- The commercial Spanish mackerel fishery is growing, and the commercial ACL has come close to being caught. Participation in the fishery is going to continue to increase and limited entry would address issues before they became a serious problem.
- A limited entry system would give the Council an easier way to regulate the commercial sector and would professionalize the fleet.

- When there are a limited number of fish available, there should be a limited number of fishermen. It is always useful to define the universe of participants.
- Many other South Atlantic Council commercial permits are limited access, including king mackerel.
- An AP member noted that the Gulf is not experiencing the same issues with Spanish mackerel as the South Atlantic. It was suggested that, since the commercial Spanish mackerel permit covers the Gulf, South Atlantic, and Mid-Atlantic that a separate permit or endorsement could be required for harvest in the South Atlantic region.

The MC AP and Sub-Panel approved the following motion:

MOTION #5: REQUEST THE COUNCIL CONSIDER A LIMITED ENTRY SYSTEM FOR ATLANTIC SPANISH MACKEREL.
APPROVED BY AP (11 IN FAVOR-0 OPPOSED-3 ABSTENTIONS).

Revisions to commercial king mackerel trip limits

Current commercial king mackerel trip limits for the Atlantic Southern Zone, as established in CMP Amendment 26, are as follows:

North of the Flagler/Volusia line (29°25'N): 3,500 pounds year-round.

South of the Flagler/Volusia line (29°25'N) to the Miami-Dade/Monroe line (25°20'24"N):

- *March 1 – March 31 (Season 1):* 50-fish
- *April 1 – September 30 (Season 1):* 75-fish, unless NMFS determines that 75% or more of the Season 1 quota has been landed, then, 50-fish
- *October 1 – January 31 (Season 2):* 50-fish
- *February 1 – end of February (Season 2):* 50-fish, unless NMFS determines that less than 70% of the Season 2 quota has been landed, then, 75-fish.

Points raised during the discussion include:

- During the winter months, fishermen are only able to fish a small number of days due to the weather. When the weather is decent, it would be helpful if fishermen had access to a higher trip limit to make the trip worthwhile.
- Due to changes in the fishery, more fish are on the market during certain times of the year resulting in lower prices. This can make it challenging to make a profitable trip.
- A 600-pound trip limit would still be lower than trip limits in the surrounding waters and would likely only add an additional 150-pounds per trip. However, in the winter months that extra amount can make a significant difference.
- The 50/75-fish trip limits were originally put into place to extend the commercial season.

The MC AP and Sub-Panel approved the following motion:

MOTION #6: REQUEST THE COUNCIL CONSIDER A 600-LB TRIP LIMIT FOR KING MACKEREL IN THE SOUTHERN ZONE SOUTH OF FLAGLER/VOLUSIA.
APPROVED BY AP (UNANIMOUS)

Latent commercial king mackerel permits

The federal commercial permit for king mackerel is a limited entry permit and is required for commercial harvest of king mackerel in the Gulf, South Atlantic, and Mid-Atlantic. In a previous amendment, the South Atlantic and Gulf of Mexico Fishery Management Councils considered removing king mackerel commercial permits that did not meet a minimum landings requirement. However, they chose not to move forward due to public opposition.

Points raised during the discussion include:

- There are quite a few permits, especially in the Atlantic Southern Zone, that are not fished. When the fishing improves, numerous individuals will jump into the fishery. This drives the market price down and disrupts the core fishermen who target king mackerel year after year. This pattern has resulted in significant instability in the commercial king mackerel fishery.
- The current price for a commercial king mackerel permit makes it easy for individuals to enter the fishery.
- The MC AP suggested implementing 2-for-1 permit requirement that would be implemented until a set number of permits were reached, at which point the 2-for-1 requirement would be removed.
- MC AP members would like to see up-to-date information on the number of latent commercial king mackerel permits, and when increases in permit use are occurring compared to landings and market price.

The AP and Sub-Panel approved the following motion:

MOTION #7: REQUEST THE COUNCIL LOOK INTO SOLUTIONS TO LATENT COMMERCIAL KING MACKEREL PERMITS, INCLUDING 2-FOR-1 WITH A THRESHOLD.

APPROVED BY AP (UNANIMOUS)

Atlantic cobia recreational vessel and size limits

In federal waters, recreational fishermen targeting Atlantic cobia are subject to a 1-fish per person or 6-fish per vessel limit, with a minimum size limit of 36-inches fork length.

Points raised during the discussion include:

- There is tremendous pressure on Atlantic cobia and adjusting the regulations to allow only one Atlantic cobia over 50-inches total length per vessel would help protect the breeding stock. This would be consistent with regulations in Virginia state waters.
- More information on how increasing (or decreasing) the size limit for Atlantic cobia would impact the breeding population would be beneficial.

The AP and Sub-Panel approved the following motion:

MOTION #8: REQUEST THE COUNCIL CONSIDER ALLOWING ONLY 1 ATLANTIC COBIA PER VESSEL OVER 50 INCHES TOTAL LENGTH FOR THE RECREATIONAL FISHERY. SUGGEST TO ASMFC.

APPROVED BY AP (11 IN FAVOR-0 OPPOSED-2 ABSTENTIONS)