

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **MACKEREL COBIA COMMITTEE**

**Hotel Ballast  
Wilmington, North Carolina**

**December 3-4, 2019**

### **SUMMARY MINUTES**

#### **COMMITTEE MEMBERS**

Steve Poland, Chair  
Anna Beckwith  
Jessica McCawley  
Chester Brewer  
Tim Griner  
Spud Woodward  
Tony DiLernia

Robert Beal  
Dr. Carolyn Belcher  
Mel Bell  
Dr. Roy Crabtree  
Art Sapp  
Dewey Hemilright

#### **COUNCIL MEMBERS**

Dr. Kyle Christiansen  
LCDR Jeremy Montes

Chris Conklin  
David Whittaker

#### **COUNCIL STAFF**

Gregg Waugh  
John Carmichael  
Kelly Klasnick  
Cierra Graham  
Dr. Mike Errigo  
Kim Iverson  
Cameron Rhodes  
Julia Byrd

Dr. Brian Chevront  
Myra Brouwer  
Dr. Chip Collier  
Christina Wiegand  
John Hadley  
Roger Pugliese

#### **OBSERVERS/PARTICIPANTS**

Shep Grimes  
Monica Smit-Brunello  
Dr. George Sedberry  
Duane Smith  
Dr. Wilson Laney

Dr. Jack McGovern  
Dr. Erik Williams  
Pat O'Shaughnessy  
Erika Burgess  
Nik Mehta  
Rick DeVictor

Other observers and participants attached.

The Mackerel Cobia Committee of the South Atlantic Fishery Management Council convened at the Hotel Ballast, Wilmington, North Carolina, on Tuesday, December 3, 2019, and was called to order by Chairman Steve Poland.

MR. POLAND: I will call the Mackerel Cobia Committee to order. I will run through the members real quick, and so it's myself, Spud Woodward as Vice Chair, Bob Beal, Anna Beckwith, Mel Bell, Chester Brewer, Chris Conklin, Roy Crabtree, Tim Griner, Jessica McCawley, Art Sapp, Tony DiLernia, and Dewey Hemilright.

I propose some modifications to the agenda, since Anna was so efficient with Dolphin Wahoo and we're about half a day ahead, and so I propose to move Item 3 and Item 5 to the end of the agenda. Ira Lax is going to give the AP report via webinar, and he's not available today, and I feel that at least our discussion with Framework Amendment 9 would be helped after hearing the AP report, and so, with that, is there any opposition to the modifications to the agenda? Seeing none, that stands approved.

I hope everyone reviewed the committee minutes from September. I know I did. Any modifications? Any objection to approval of the minutes? The minutes stand approved. With that, I will pass it over to Mike Larkin to give recreational -- Are you doing commercial as well? All right, Rick. Take it away.

MR. DEVICTOR: Commercial landings are in Tab 7, Attachment A1a. We have updated landings on the screen, and this is through December 3, and so, for king mackerel, the fishing year begins on March 1. The Atlantic group ACL is 4.7 million pounds, and you can see what the Northern Zone quota is and the Southern Zone quota. If you scroll down, you can see where we are in relation to the ACL, and so, for the Northern Zone, we're at 47.8 percent. The Southern Zone, Season 1, we're at 77 percent, and Southern Zone Season 2, which just began on October 1, is 4.2 percent.

Moving on to Spanish mackerel, again, the fishing year begins on March 1, and, again, these are landings through December 3, and so, for the Northern Zone, we're at 119.2 percent, and, for the Southern Zone, we're at 51 percent. You can see the closure dates right underneath the table there and some more information on the trip limit reduction.

Finally, we have in here the cobia Gulf of Mexico migratory group Florida east coast zone, and you can see what the values are for 2017, 2018, and 2019, and we are at 45.1 percent of the quota for 2019. That concludes my report.

MR. POLAND: All right. Thank you, Rick. Any questions for Rick? All right. Seeing none, I will hand it over to Mike Larkin to give us the recreational landings.

DR. LARKIN: Thank you. This is the same format as before. Again, landings are summarized using MRIP, and I'm just going to go through the king mackerel and the Spanish mackerel recreational landings, and the 2019 landings are preliminary, and they were updated from all the way up to Wave 4 of 2019, and so it's January 1 through August 31 of 2019. All landings include MRIP and also headboat landings, and, in 2018 and 2019, the effort component of the landings changed from the phone survey to the mail survey, as we discussed earlier.

Here is the 2018, because it's not a calendar year, and both of them are from March to February, and so the 2018/2019 are preliminary, because 2019 is still preliminary, and king mackerel is at 28 percent of its ACL, and Spanish mackerel is at 45 percent of the ACL.

Then you go to the 2019/2020, and this would be from March 1 of 2019 all the way up to when we get to February 28 of 2020, but king mackerel is at 19 percent of the ACL, and Spanish mackerel is at 29 percent of the recreational ACL.

Then the same format as before, and this is the king mackerel, and so, again, the columns are the different modes, and then we switched from MRFSS to MRIP in this 2017/2018 season, and so it goes from gray to clear, and so 2017/2018 all the way to 2019/2020, those are in MRIP instead of MRFSS. Then the same figure as before. You see the landings by mode there, and, again, up top is the ACL, and you can see, for each year that they had an ACL, you can see them below the ACL. This is king mackerel, and now I'll move on to Spanish mackerel, and you can see it switched from MRFSS to MRIP in the 2014/2015 season, and that's currently in MRIP, and so Spanish mackerel, and you can see -- It's the same format as before, and you can see that, in this case, all of these are below the ACL. That's it, and I would be happy to take any questions.

MR. POLAND: Thank you, Mike.

MS. BECKWITH: I see that there was a bit of an uptick in the recreational catch of Spanish mackerel. You guys don't happen to have those numbers as compared to the FES numbers, do you?

DR. LARKIN: I do. I don't have them on me, but I could provide those.

MS. WIEGAND: Mike E. did actually put together a document, and it's not in the Office Share right now, but I could look to Mike to maybe search it down and pop it in the Office Share, and we can pull it up.

MS. BECKWITH: I don't need to see that now, and we can look at it tomorrow as well, and so no stress, but I would like to see that tomorrow, if possible.

MR. POLAND: All right. Any more questions for Mike? Thank you, Mike. Now I'm going to turn it back over to Rick, and he's going to give us the status update of the amendments under formal review.

MR. DEVICTOR: I'm on the agenda to go over the king mackerel emergency action request and the Spanish mackerel control date request, and so, first, the king mackerel emergency rule request, that published on September 30. Of course, that was the temporary rule to increase the commercial king mackerel trip limit from fifty to seventy-five fish in the Atlantic Southern Zone during Season 2, and so that's October through February. That was effective on October 1, and that will be effective through February 29 of 2020, and, of course, you're going to be talking about Framework Amendment 8 later on to continue that once this expires.

The second item is the Spanish mackerel control date request, and that published on October 15, and this notice announces the establishment of a control date of March 7 of 2019 for the commercial sector of Spanish mackerel. We did receive comments on that, and we received

fourteen comments, by my count, and there was a bunch for and some against, and some were not related to the action, and three were general comments, but, if you want to review those, those are on regulations.gov, and I can tell you where you can find all the comments verbatim.

MR. POLAND: All right. Thank you, Rick. Any questions for Rick? All right. I am not seeing them. Moving on, again, we moved Item 3 down to the bottom of the agenda, and the AP did discuss Framework Amendment 8, and, in general, they supported the council moving forward with that action, and Jessica requested that Erika come up and give us a little update on input they have received from fishermen in Florida, but I would say, before that, I will let Christina go through the document, and then we'll turn it over to Erika.

MS. WIEGAND: I am just going to give you guys an introduction to the amendment, just to refresh your memory, like we've been doing at the beginning of all of these, and so your objectives for this meeting are going to be to review the updated analysis. If you will remember, at the last meeting, you requested analysis to look at how rollover from Season 1 into Season 2 would ultimately affect closure dates, and that analysis has been done, and I will go over it. We will look at the public hearing comments, and then you guys are scheduled to consider this amendment for formal review.

Here is your purpose and need statement. The purpose is to increase the commercial trip limit for Atlantic king mackerel in the Atlantic Southern Zone during Season 2, which is October 1 to the end of February. The need is to provide a commercial trip limit sufficient to support fishing activity and revenue opportunity while constraining harvest to the annual catch limit and providing for year-round access. You guys will review that and make any modifications, as necessary.

Here is your one action. Alternative 1, we did make a slight change to this, just to specify that, currently, via the emergency rule, the trip limit is seventy-five fish, but then, after that emergency rule expires, it will be fifty fish with a step-up in February to seventy-five fish, if less than 70 percent of the Season 2 quota has been landed.

Alternative 2 would be seventy-five fish with a step-up to 100 fish. Alternative 3 is 100 fish with a step-up to 150 fish. Alternative 4 is 150 fish with a step-up to 175 fish, and then your current preferred alternative is 100 fish for the entirety of Season 2, and so with no step-up in the month of February. Again, you will be reviewing the actions and alternatives.

We did not draft council conclusions. The rationale for your preferred alternative was a little unclear in the meeting minutes, and so we'll ask that you guys provide a little bit more detail as to why that 100-fish trip limit is your preferred alternative, and then, again, this amendment is scheduled for formal review.

Then, just very briefly, and Ira can go into more detail when he gives the AP report tomorrow, but the AP did review this amendment, and there was some discussion about whether it was possible for king mackerel fishermen to catch upwards of 100 or 150 fish on a single trip, and AP members thought that, yes, that's possible, given the right conditions, and certainly not every trip would land that high number of fish, but it was possible, and it was helpful, to make the trip worthwhile, when those conditions were available.

Then there was a note that it's going to be important to balance the need of fishermen to bring in enough fish to make a trip profitable, while not bringing in so many fish that the market price is going to be negatively affected, and they did pass a motion, with eleven in favor and one opposed, to support the council's preferred alternative. With that, I can jump into the document, and I will bring up the purpose and need and ask if there are any concerns about the purpose and need, as you guys have it approved.

MR. POLAND: Is everybody fine with how the purpose and need are written? I hear it looks perfect. All right. Thank you. Do you need a motion to approve it?

MS. WIEGAND: No, and I just wanted to make sure that everyone was still onboard with the way it was written. I went over the different actions and alternatives, and I'm going to go over the analysis that Mike Larkin put together for this. If you will remember, there are sort of two methods that were done for this.

The low method assumes that any trip that harvested twenty-six to seventy-five fish would then catch the new proposed trip limit. The high method assumes that every trip, whether they harvest one, fifty, twenty-five, or seventy-five king mackerel, would now catch the new proposed trip limit, and so the truth is likely somewhere in between these two methods. This is the analysis without the rollover being considered, and so you can see that, under the high method, for your chosen preferred alternative, there would be a projected closure of January 23.

Considering the rollover, the analysis was done, and it, again, assumed that fishermen who caught fifty fish would then catch seventy-five fish, under Season 1. If you will remember, you guys approved Framework 6, which addressed trip limits in Season 1, and it has been approved, and it will be implemented as of this coming fishing season, and so, in order to project how a rollover was going to affect closure dates, first, how Framework Amendment 6 is going to affect landings in Season 1 had to be analyzed, and then we had to analyze how that rollover would affect closure dates.

The analysis predicts that those Season 1 landings are going to increase by about 6.1 percent. That might be a little bit of an underestimate. If you will remember, for the month of March, the entirety of the Florida coast, south of the Flagler/Volusia line, was increased to seventy-five fish, and then, for the remainder of Season 1, off of Volusia County, it was increased to 3,500 pounds. However, it's a bit unrealistic to assume that fishermen that were catching fifty fish are now going to start catching 3,500 pounds of fish, and so it was assumed that they would continue to catch the seventy-five-fish trip limit, to sort of balance out that unrealistic increase in landings, and that's how that 6.1 percent number was gotten at. Then here are the closure dates. Considering that rollover and currently your preferred alternative, there are no projected closure dates, with the rollover considered.

I will just briefly go over the effects again. Because annual catch limits are in place to prevent overharvesting, and accountability measures are, again, in place to take action if those ACLs are exceeded, it's not anticipated that there will be any biological effects with this amendment. For the economic effects, again, in general, trip limits that are restrictive can make trips inefficient. However, again, it's important to balance the amount of fish coming to the market, to make sure that that price, the market price, doesn't drop.

Then, similar, with the social effects, higher trip efficiency is better for fishing communities, and low trip limits often result in decreased earnings. Commercial fishermen from Florida have indicated that they have trouble carrying crew on these trips, because they're not making enough profit, and so increasing the trip limit, and, thus, likely increasing profit, is likely to improve job opportunities as well.

I went over the AP recommendations. For public comment, we got three comments. One said to make sure you're considering the time of year that fishermen can make a living and consider how small businesses work and the limited amount of fish that are available during king mackerel seasons.

There are some concerns, and one commenter was concerned that more fish on the market would mean lower prices, and, as a result, fishermen will have to work twice as hard to make the same amount of money, and they noted that they did not support the emergency rule that's currently in place or an increase to 100 fish. Then Rusty commented that his group supports Preferred Alternative 5 as the proper business solution for the commercial fishermen who operate in the Florida east coast mixing zone, or that Florida zone from the Flagler/Volusia line down the Miami-Dade/Monroe County line, particularly for a trip limit using numbers instead of a weighted quota.

MR. POLAND: Thank you, Christina. Is there any questions? All right. Then we'll throw it over to Erika. Again, Jessica requested that Erika come up and just give a summary of comments they received in Florida from stakeholders.

MS. BURGESS: Thank you, Mr. Chair. Given the low number of public comments that were received by the council on this amendment, FWC reached out to king mackerel fishermen, and that generated calls to FWC by king mackerel fishermen who wanted to weigh-in on this topic, and so some folks I called, and some folks reached out to me, and, in general, the majority of the king mackerel fishermen in the Southern Zone of the Atlantic supported the 100-fish limit throughout the Season 2 time period.

There was one person who supported a seventy-five-fish limit during this period, and there was one person who opposed an increase at all above the fifty-fish limit. He thought it was an unsustainable option.

When I asked the fishermen why they preferred the 100-fish limit and why an increase was necessary, they noted that they don't often get to 100 -- They wouldn't have the opportunity to catch 100 fish during this time period, but, during the months of October through February, weather is often poor, and I think we've seen that this year, that weather has been a limiting factor in how many fish that they can land, and so, on the days that they can go out, if they happen to run into a school of king mackerel, and they can retain more fish, that would make those days more profitable and offset the days when they can't go fishing, when the weather is poor. That was one argument that they had for the 100-fish limit, and, if you have questions about specific comments, I'm happy to share, but I think that's the gist we wanted to pass on to the committee.

MR. POLAND: Thank you, Erika.

MS. MCCAWLEY: I just want to add in that we've received some comments today from Ben Hartig, and Ben is suggesting that we don't go up to the 100 fish, that he just wants to go to the

seventy-five fish, and he's pretty adamant about it, and so I would just like to express my frustration here with what I've been saying for king mackerel and Spanish mackerel, that I feel like people are saying one thing, and then we get closer to time to take an action -- Well, first, they beg us to take an action, and then they can't seem to fully agree on what that action is, and we get closer to time to take the final action, and then people that originally wanted one thing now have changed their minds. I am very frustrated, and I would look to the committee for what they think we should do here.

MR. POLAND: Thank you, Jessica. Any comments? I just want to say, Jessica, being in my second meeting of mackerel, I still cannot wrap my head around what goes on down there in Florida, and so I feel like we need to start every meeting with just a map of the lines and how they change throughout the season.

MS. MCCAWLEY: If we don't take final action at this meeting, I don't believe that this change could be in place for the next season, the upcoming season. Remember that we just changed -- Christina, I believe it was Season 1, and now we're talking about Season 2, which I was frustrated that we even went in and changed Season 1, because we had literally just closed the door on the mackerel amendment, and then we went in and changed Season 1, and now we've asked for an emergency action here, and this is to make the emergency action permanent, and now we have people asking, even though the emergency action did one thing, to go in and possibly change it as something else, and so I'm not quite sure what to do here, but know that, if we don't take final action at this meeting, it won't be in place in time.

MR. GRINER: I was pretty sure that most of the guys that showed up and gave comments were all for the 100 fish. Did Ben elaborate on why he was so adamant about the seventy-five fish?

MS. MCCAWLEY: I will let Erika -- He spent time talking to Erika today, and so I would call Erika back up here. She's the one that talked to him.

MS. BURGESS: Ben is concerned about whether 100 fish would be appropriate for the Southern Zone, because there is seasonal movement for these fish, and so they're more available to the northern portion of the Southern Zone at the start of the year. If there happens to be a quota closure in Season 2, then it would disproportionately affect the fishermen in the southern end of the Southern Zone. That's one concern. There is also concern about the Atlantic stock being less productive than the Gulf stock, and so higher trip limits may be more appropriate in the Gulf than they would be for the Atlantic, and those are Ben's thoughts and concerns.

MS. WIEGAND: Just to make a note that, in the Gulf, they do their trip limits by pounds. In the Keys, it's 1,250 pounds, and so, if you guys are curious as to what your conversion from number of fish to pounds is for your alternatives, this table will show you what that would look like.

MR. CONKLIN: All the work that we've done on this, and we've sidelined a lot of other things to create this emergency and put out this fire, and I say that we move forward with it and see how it goes. **I will make a motion to approve Coastal Migratory Pelagics Framework Amendment 8 for formal secretarial review and deem the codified text as necessary and appropriate. Give staff editorial license to make any necessary editorial changes to the document/codified text and give the Council Chair authority to approve the revisions and re-deem the codified text.**

MR. POLAND: Is there a second? I saw Art first. All right. We'll move on to discussion.

MR. BELL: I was just going to say that I totally respect Ben and his knowledge and experience, but this fishery has so many little idiosyncrasies to it, and we've got to do something, and I think we were on the right track, and we had a lot of public input, and I think do it, and then maybe what he's suggesting happens. Maybe it doesn't happen, but I think we're on the right course in moving forward with this, based on the preponderance of the input we have received thus far.

MR. POLAND: Thanks, Mel.

DR. CRABTREE: As I recall, the AP supported the current preferred by eleven-to-one, I think is what I see, and so I'm going to support this too, but I do think that one of our -- We need to resist the urge to keep changing king mackerel over and over. We change it far too often, and it's clear that you can't make everyone happy.

MR. POLAND: All right. Is there any more discussion? There is a motion on the table right now, and this is to take final action on this. **Is there any opposition? The motion stands approved.** We will have to do a roll call vote on that during Full Council, since we're taking final action. Moving on, remember that we adjusted the agenda to move Items 3 and 5 to the end, and, Christina, are you ready to give the Florida Keys National Marine Sanctuary?

MS. WIEGAND: Sure. As it's been talked about before, there was a big Florida National Marine Sanctuary meeting, where we had a bunch of the APs listen in to the presentation and then split off into separate webinars. Only one of the Mackerel Cobia AP members attended the webinar, and he's from North Carolina, and he didn't feel comfortable making comments on the AP's behalf. He was just interested in staying up-to-date on what's involved, and so there is no comment from the Mackerel Cobia AP.

I will note that this is likely because that jurisdictional boundary for the management of mackerel is the Miami-Dade/Monroe County line, and so the AP member the furthest south in Florida is from Jupiter, and so I don't believe that many of the advisory panel members fish in the Florida Keys, because that's technically Gulf Council jurisdiction for mackerel, and we don't have anyone from the Keys on the AP.

MR. POLAND: All right. Any questions for Christina? All right. Since Ira is not available to provide the AP report, and he'll be giving it during a webinar tomorrow morning, I am going to ask Christina to go ahead and just give us an overview, or a review, of Framework Amendment 9, and I would just encourage the committee -- We can have discussion, but remember that the AP spent a lot of time discussing this, and they were split on this, and so, before we -- I would encourage the committee, before we take any actions on this, to please hear the AP report tomorrow.

MS. WIEGAND: I will go into CMP Framework Amendment 9, and this amendment was started based on the motion that you all passed at the last meeting, after reviewing the white paper on commercial effort, asking for modifications to the accountability measures for Atlantic Spanish mackerel as well as for the trip limits in the Northern Zone.

This amendment has gotten complicated, and your objectives for this meeting, assuming you would like to stay on the same timeline, which is taking final action on this amendment at a January webinar, approving for public hearings at this meeting, would be to review the analysis and draft a public hearing document. You will need to approve the purpose and need statement and approve the actions and alternatives that have been added, select your preferred alternatives, and then approve it for public hearings. We would take it out for public hearings in January, right before your webinar in January for final action.

Here is the draft purpose and need statement. The purpose of the framework amendment is to revise accountability measures and commercial trip limits for Atlantic migratory group Spanish mackerel. The need for the framework amendment is to prevent commercial in-season closures, reduce regulatory discards, and achieve optimum yield for Atlantic migratory group Spanish mackerel. I am going to stop there and pull up the document and let you guys review that and make sure that it captures the intent of this amendment.

MR. POLAND: Thank you, Christina. Does anybody have any questions or comments on the purpose and need, or do we feel like we want to wait until we move through the document and then come back? How does the committee feel? I am not seeing a lot of eye contact. Art is looking at me, and he's saying move on. All right.

MS. WIEGAND: All right, and so diving right in would be Action 1, and Action 1 is going to revise the in-season commercial accountability measures and establish in-season recreational accountability measures for Atlantic migratory group Spanish mackerel, and I will note that, if you intend to move forward with the trip limit action, the way it's designed, and we'll get to that, you do have to take action on both in-season and post-season accountability measures.

This first action is going to address the in-season commercial accountability measures, and the second action is going to address post-season accountability measures, and then your third action is going to address the trip limits, and I promise we will go over this a couple of times.

Your no action alternative, the current in-season accountability measures for the commercial Spanish mackerel is to close the Northern or Southern Zone to commercial harvest if that zone's applicable quota is reached or projected to be reached. There are no in-season accountability measures for the recreational sector right now.

Alternative 2 would remove the existing commercial in-season accountability measures, and it would close both the commercial and the recreational sectors when the stock ACL has been reached, and so that would be the Northern Zone, the Southern Zone, and the recreational ACLs combined, and so the stock ACL.

Alternative 3, again, would remove the existing commercial in-season accountability measures, and it would close the commercial fishery when 90 percent, 80 percent, or 70 percent of the stock annual catch limit is reached, and it would close the recreational sector when the total stock annual catch limit has been reached. This should look a little familiar. You guys considered a similar system when you were looking at the commercial yellowtail fishery, and so that's our in-season action. Next, we'll move on to revising post-season accountability measures.

MS. BECKWITH: My only concern with going over this document today is that we've got a lot of folks that were expecting this discussion to happen tomorrow, and I don't know if there's something else on the agenda, because I think we haven't -- I think there's a lot of people that are going to be interested in listening to this discussion, and so you guys -- We can move forward if you feel that that's appropriate, but this was on the agenda for tomorrow, and I know we have a lot of folks that are waiting to listen to us about it.

MR. POLAND: Thanks, Anna, and I share that concern, and there's nothing else left on the agenda except the AP report, and, again, I encourage the committee -- We can cut it here.

MS. WIEGAND: I'm fine with that plan, but I just want to make a note that I've put together this Story Map, and the interaction between these different actions and alternatives is fairly complex, and so Chip and Cameron have put together these two resources, and I can have this Story Map sent out to you guys, and this will allow you to go over -- This is the first resource, and it will walk you through the decisions that you can and cannot make for this amendment, based on each of the actions.

There is also a Shiny application that Chip put together, which will do the same thing, but it just provides it in a little bit of a different format, and it provides a little bit more information about the amendment, and so I can have the Story Map sent out to you, so that you have access to these, to look them over tonight, and not that I want to assign you guys work, but it's a complicated amendment, and I wanted you to know that these two resources are available to help explain things in a sort of clear, concise, outlined way.

MR. POLAND: Thank you, Christina. Yes, please send it out. It will give me something to do tonight.

DR. CRABTREE: I wonder, Steve, if you could update us on what has happened with North Carolina state waters and Spanish mackerel since our last council meeting, and then maybe Bob could update us on the Spanish mackerel discussion from the last ASMFC meeting?

MR. POLAND: Certainly, Roy. North Carolina reopened state waters, and I can't remember the exact opening date, but I want to say it was around the middle of September, at a 500-pound trip limit and a closure date of November 15, I believe, and so now state waters in North Carolina are closed to Spanish mackerel. Bob, if you want to add anything from the ASMFC meeting?

MR. BEAL: Sure. Thank you, Mr. Chairman. Just a quick comment on what the South Atlantic Board at the commission talked about at our annual meeting at the end of October, and Spud and Mel can chime in if I mischaracterize this, but, really, we sort of had to dust off the ASMFC Spanish mackerel plan. It's been sitting idle for a long time, and, when we started digging into it, there were a number of differences between the federal plan and the interstate plan, not the least of which is that we define the Northern and Southern Zones differently between what the council has and what the commission has, and so that's a big problem.

There was the impression that there was the requirement for the states to close their state waters once the federal quotas had been met and the federal fishery is closed, but, in fact, our plan doesn't say that, and so the South Atlantic Board talked about this, and, basically, they said that we need to work on this, and we need to get back in sync with the South Atlantic Council, and they are sort

of watching this council, to see how this council progresses, and then I think they will consider the follow-on action, once the council sets their course moving forward.

I mean, I think they didn't really get into the specifics of what they wanted to do, but they just wanted to see how this council was going to move forward, and we wanted to make sure that -- You know, we kind of move in lock step, so that our plan complements the federal plan and doesn't cause any problems in the relationship between state waters and federal waters, and I think defining the regions, or the zones, the same way is kind of fundamental to that. Deciding what happens in state waters once the federal closure occurs, or if a federal closure occurs, is, obviously, another fundamental part of that, and so we haven't really set any specific course, other than we know that we need to update our plan, and we want to follow along with what the council does.

MR. POLAND: Thank you, Bob.

MR. DILERNIA: Perhaps, if I may, ask a question to Mr. Beal regarding -- Bob, could you tell me what is the dividing line between the north and south regions in the ASMFC plan for Spanish mackerel? Do you know where the line is?

MR. BEAL: (Mr. Beal's comment is not audible on the recording.)

MR. DILERNIA: All right. The reason I ask is -- Christina knows.

MS. WIEGAND: In the ASMFC plan, the dividing line is the Florida/Georgia line, and, in the South Atlantic plan, it's the North Carolina/South Carolina line.

MR. DILERNIA: All right. Well, neither one of them come further up north that I was hoping that it would come up to, which will be -- If you haven't already determined it, one of my recurring themes, as I sit at this table, is the number of South Atlantic species that are coming into Mid-Atlantic waters, and Spanish mackerel is a perfect example of what is occurring.

In some cases, the headboats are catching more Spanish mackerel in the Mid-Atlantic region than bluefish, and so Spanish mackerel are becoming more and more of an important recreational species, and I'm not sure about the commercial side, and I would look to my colleague here to my right on the commercial side, but, on the recreational side, it's becoming more and more important.

As you develop this amendment, please keep that in mind, and perhaps, if the northern region can be divided into perhaps, in the future, into two separate regions, say a Northern Region A that comes from Massachusetts to perhaps New Jersey or Delaware and then a Northern Region B that goes from Delaware down to wherever the current line is, that might be something that you may want to consider, because the fish are there, and they're going to continue to come into the Mid-Atlantic region, and we're not contesting the management of this species, but we're just asking that consideration be given, because such as like what occurred with the mahi. The fishery gets closed just as the fish are entering Mid-Atlantic waters, and so please keep that in mind as you develop this amendment. Thank you.

MR. POLAND: All right. Thank you for that, Tony. Looking at the clock -- Real quick, Bob, to that point?

MR. BEAL: Just a quick follow-up, if that's okay, Mr. Chairman. I think Tony has got a good point, and one of the conversations that the commission will have to have is what is our management unit and how far up the coast will -- If state waters are going to close after federal closures on the commercial side, how far up the coast does that go? Does it go all the way to Cape Cod, or is Long Island far enough north, or what is it on the commercial side, and recreational as well, and so that management unit is going to be a big part of that conversation, how far north do we go, and so that part is not determined yet, but is part of the follow-on activity.

MR. POLAND: All right. Thank you. It's two minutes to five. I am going to suggest that we adjourn until tomorrow and come back at 8:30, and we will reconvene the Mackerel Cobia Committee. This will give time for Ira to call in and give the AP reports, and we've got half-a-day to dive into this.

MS. SMIT-BRUNELLO: I think it really would be great, Christina, if you could send around the Story Map. That would be helpful.

MR. POLAND: All right. Meeting adjourned until 8:30 tomorrow. The committee is adjourned.

(Whereupon, the meeting recessed on December 3, 2019.)

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December 4, 2019

### WEDNESDAY MORNING SESSION

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The Mackerel Cobia Committee of the South Atlantic Fishery Management Council reconvened at the Hotel Ballast, Wilmington, North Carolina, on Wednesday, December 4, 2019, and was called to order by Chairman Steve Poland.

MR. POLAND: The Mackerel Cobia Committee is reconvened. As a reminder, we were way ahead of schedule yesterday, and we've moved some things around on the agenda, and so what we have left today is the AP report and then to review Regulatory Amendment 9, and we have Ira Laks on the webinar, and he's going to give us the AP report, and so whenever you're ready.

MR. LAKS: Good morning, everyone. The Mackerel Cobia Advisory Panel met in Charleston, South Carolina on October 7 and 8 of 2019. It started out that we were given recently-submitted coastal migratory pelagic amendments, and staff briefed us on CMP Framework 6, which is the emergency action for king mackerel, and they also briefed us on the establishment of a control date for Spanish mackerel, which was sent to National Marine Fisheries Service and is under review at NOAA Headquarters.

We then moved into CMP Framework Amendment 8, which will permanently address Season 2 commercial king mackerel trip limits. You can see some of the rationale that was given by the fishermen, and the motion of the fishermen was to select Alternative 5 as 100 fish with no step-up in Season 2.

If I can elaborate on some of the thinking of the fishermen on the AP, when Amendment 26 restructured the fishery, and we went from a mixing zone of Gulf fish to Atlantic fish to all Atlantic fish, and we were given more fish, it was -- The fishery struggled to handle how the market forces and the extra fish and the extra fish in the Gulf were going to compete with us.

As of right now, I think the current projections have 60,000 pounds of approximately a two-million-pound ACL, with the rollover being caught, as of right now. Historically, that fishery doesn't really kick in until mid-November, and, with the weather patterns we seem to be having, it's just hard for the fishermen to get close to catching their ACL, and I think their feeling was, on the panel, that, in order to be able to maximize their profits, they need 100 fish per trip to even get close to the ACL. I know, further in the report, you guys will be discussing changing the accountability measures for the Spanish mackerel fishery to go over its ACL, and I think the commercial king fishermen would like an opportunity to get close to their ACL. Any questions?

MR. POLAND: Are there any questions from the committee? We had a little bit of discussion on this action yesterday, and Erika came up to the table and provided some additional comments from fishermen in Florida, and so I just wanted to give the committee another opportunity to comment on this. I am not seeing any, Ira.

MR. LAKS: Motion 1 did pass with eleven in favor and one opposed. We then moved on to the commercial effort in the Spanish mackerel fishery, with a white paper, and we were given details on the amount of fish that are being caught, and we had several comments from the AP that the original allocation was geared more towards commercial, but the feeling that the North Carolina fishermen need some more fish -- It was a lengthy discussion, and you can see some of the things that the fishermen had commented about it. I think the general consensus was that effort is expanding, and there is concern that the effort is expanding in not only the fishery, but the fish are expanding into different ranges.

We also had some of the recreational fishermen on the panel that were concerned that having those fish left in the water -- As we move on to CMP 9, we moved into some of the actions that the fishermen in North Carolina really needed those fish, as I said, and then we did have some opposition to it from the recreational fishermen, who felt that those fish were an important part of the Carolina recreational fishery and that those fish being left in the water would help as a buffer, but I don't know if there's any more questions that you have of the AP about what they thought about it.

MR. POLAND: Questions of the committee?

DR. CRABTREE: Is Ira going to come back specifically to Amendment 9, or is this the place to ask for that?

MS. WIEGAND: This would be the place to ask about Framework Amendment 9. The AP met right after the September meeting, and, at the time, we did not have actions and alternatives developed for Amendment 9, and so we reviewed the council's motion with them, and that's what they ultimately commented on, and so, if you have guys have questions about Framework Amendment 9, this would be the time to ask Ira about that.

DR. CRABTREE: Ira, I guess my question is this kind of all came up at the last council meeting, and there was a lot of concern by the North Carolina fishermen that they were closed, and there was a lot of confusion about what the ASMFC requirements for compliance were, and my sense was that some of the dissatisfaction in North Carolina was because Florida was remaining open with I believe it's a 500-pound trip limit, Jessica, and North Carolina was closed.

Since then, North Carolina has learned that they don't have to close to remain in compliance, and they reopened for a period of time, and I am wondering if that is sufficient to address the urgency of this, so that we don't have to take such a fast-paced action, where we have a tendency sometimes to get it wrong and have to come in all over again. I guess, Ira, what is your sense? Would North Carolina opening state waters give these guys enough of an avenue to fish to reduce the angst and the perceived urgency for us to do something?

MR. LAKS: Well, I would say there definitely was a feeling of unfairness between the two fisheries, that one of them felt like they couldn't do it, and there was also a concern about waste and discards of the fish that they weren't -- Especially in the gillnet fishery, where it was all dead discards.

I think the relief that North Carolina gave the fishermen has helped, and I couldn't say for sure, because I don't know if that happened -- I think that was after our meeting, and I suppose, at public comment, there might be more North Carolina fishermen up there to elaborate on that more, but I would imagine that that relief was welcomed.

DR. CRABTREE: Okay, and just one more. Jessica, help me if I'm wrong about this, but, in North Carolina, state waters are open, and they can gillnet in state waters in North Carolina, correct?

MR. POLAND: Yes, that's correct, Roy.

DR. CRABTREE: Okay. In Florida, of course, the net ban, and it's all hook-and-line.

MR. POLAND: All right. Any more questions for Ira? Again, this is where the AP provided comments on CMP Framework Amendment 9, and we will be moving into the decision document for Framework Amendment 9 after the AP report, and so we can have some further discussion, but do you have any questions for Ira? If so, please ask them now. All right. I am not seeing any more, Ira, and so you can move on.

MR. LAKS: Okay. We did pass a motion to revise Spanish mackerel accountability measures so that, when the northern commercial sector quota is met, to step down to 500 pounds. That was approved with eight in favor and five opposed. There was also another motion to consider a northern trip zone of 3,500 pounds with a step-down to 1,500 pounds, and then there was a substitute motion to consider a trip limit starting at 3,000 and step down to 1,500 when 75 percent, and that became the main motion, and that was approved with five in favor and three opposed and three abstentions.

We then moved into a discussion on limited access for the commercial Spanish mackerel fishery, and we had quite a long conversation about this, and I think the general consensus was that you do have an expanding fishery, both in effort and in range, and I think even the people on the

recreational side were concerned that, if you're going to expand the fishery with accountability measures, that they would like to see somehow a limit on the fishermen.

We discussed several different things about qualifications, and you can see that I'm not going to go through all of them, but there was ways to allow new fishermen in and have gillnet endorsements, but I think the general consensus of the AP was that this fishery is expanding, and it does need some sort of limited entry to control the fishery. Are there any questions on that?

DR. CRABTREE: Ira, if the fishery is expanding, I guess from new people getting into it and effort capacity going up, it seems logical from that that, however we adjust these things, they are likely to continue to catch it and quotas be reached and closures occur, because capacity is increasing? Is that the gist of it?

MR. LAKS: Yes, and I think we kind of figured that it's like a snowball going downhill, that it's going to expand, and you're never going to be able to get in front of it and stop it, and so we felt that it was only natural that, if you're giving more fish -- How are you ever going to meet that final goal if we keep allowing more entry in an ever-expanding fishery? Any other questions?

MR. POLAND: Any more questions? I am not seeing any, Ira.

MR. LAKS: Okay. We did make another motion that the council should consider the following when designing a limited access program for the Atlantic commercial Spanish mackerel fishery, and, again, there were some things that I had said earlier, but that motion was approved with eleven in favor and one opposed.

We then moved on to update fishery performance reports for king mackerel, Spanish mackerel, and the Florida east coast cobia. We had some discussions of concerns about the recreational mackerel fishery. One of the things that was brought up, and specifically probably by me, was that the east coast of Florida on a recreational bag limit is two king mackerel per person, and, if you look at the fishery that goes from North Carolina through Texas, in the same FMP, everywhere else but the east coast of Florida is three fish per person, and we just felt that this is a fishery that has plenty of ACL in the recreational fishery, and no one thinks that everybody might take advantage of that, but, for those fishermen who do want to catch an extra kingfish, we just thought it would be fair and equitable for the people off the east coast of Florida to have the same opportunity as the rest of the people in the FMP.

We then moved on to talking more about the Spanish mackerel, and it seemed like the trip limit is appropriate right now, and there's a big bait fishery for it, and the council may want to revise the minimum size, but we did make a motion to increase the recreational bag limit off the east coast of Florida to three king mackerel per person, and that motion was approved unanimously. Any questions?

MR. POLAND: Are there any questions for Ira? Again, they passed a motion asking us to increase the king mackerel trip limit, recreational limit, and are there any comments on that? I am not seeing any questions, Ira. Excuse me. Go ahead, Roy.

DR. CRABTREE: This might be for Christina, or even you, Steve, but can either of you tell me, on average, in the Northern Zone, what proportion of the commercial Spanish mackerel catch comes from state waters, versus the EEZ? I know it's just an approximation, but --

MS. WIEGAND: I do have that number somewhere, and I calculated it for reference at the last meeting, and I believe it's around thirty-ish percent, but I would need to look at the landings for the exact number.

DR. CRABTREE: Thirty-ish percent from state waters?

MS. WIEGAND: From state waters, for Spanish, and I'm going to look over at the people over here. The white paper that I did for the last meeting has landings that were reported through the federal system, and that will at least give you an idea of what landings are coming from vessels that are fishing in state waters and that are not federally permitted, if you just compare the total landings from the federally-permitted vessels to the total landings that are calculated at the end after states have reported.

MR. POLAND: So you're saying that 30 percent number is just for federally-permitted vessels?

MS. WIEGAND: I'm saying that, if you look at the landings that are reported at the end, after states have reported everything, and you compare that to the landings from vessels that are federally permitted, the difference is about 30 percent, and so 30 percent of the landings were coming from vessels that do not own a federal permit, and so presumably those are state-water landings.

DR. CRABTREE: I guess, if I could follow-up, Steve, do you have any impression, from the testimony and the people we've heard from, just generally -- Are they more state-licensed guys without a federal permit, or are they more fishing state and federal waters? Do you have any sort of just feel for that?

MR. POLAND: It really seems, in North Carolina, that there is at least two kinds of commercial Spanish mackerel fishermen. There are your federally-permitted ones that fish in the ocean, but they will come in and fish in state waters as well, and then we have a mostly state-water fishery, which are not federally-permitted fishermen, and, of those two groups, there are fishermen in each that target Spanish, and then there's others that will kind of target Spanish from time to time, but mostly, especially the ones in the ocean, fish sink nets for spot and croaker and also fish gillnets for king mackerel.

DR. CRABTREE: If you're fishing sink net for spot and croaker, you would be doing that normally in state waters, or might you be in the EEZ?

MR. POLAND: Off the Outer Banks, it's definitely off the beach, and mostly in federal waters now, and there are some fish landed in state waters in the southern part of the state, and in the northern part of the state, but a lot of the effort up the Banks is kind of out there around that three-mile line, out to ten or twelve miles, and certainly Dewey can provide a little bit more on that.

MR. HEMILRIGHT: It's my experience that it's more of a state-water fishery, as far as you get north, and I don't know about the middle part of North Carolina. I'm not very familiar with that,

but I know, up around Hatteras and north of Cape Hatteras, it's predominantly a state-water fishery, meaning the fish are caught in state waters, and I don't know how they are permitted.

DR. CRABTREE: Thank you, Dewey.

MS. BECKWITH: I just wanted to clarify something that I heard you say. Our federally-permitted Spanish mackerel fishermen, when the EEZ closes, are they permitted to fish in state waters? There is not that restriction that occurs in some of our snapper grouper fisheries, where they are not permitted to come into state waters?

MS. WIEGAND: Correct. Even if you're federally permitted, you can continue to fish in state waters, even when federal waters are closed. I am looking at numbers from the last Spanish mackerel white paper that I put together, and I would like to sort of couch this as being a very, very rough number, and, if we really wanted to get a good idea of the proportion of landings that are coming from state waters consistently, that would require a bit more analysis, but, looking at the total number of landings that were reported for the 2017/2018 fishing year only, and the number of landings from federally-permitted vessels, it looks like federally-permitted vessels were accounting for 56 percent of landings, and that's just one fishing year, and I'm sure it varies from fishing year to fishing year, but, a real quick analysis, that's what I got, but it's rough.

DR. CRABTREE: It's fair to assume that at least some of the federally-permitted catch is coming out of state waters.

MS. WIEGAND: Yes, sir.

MS. BECKWITH: Is that the whole east coast?

MS. WIEGAND: Yes. These would be landings from the whole east coast.

MS. BECKWITH: Do we also have those FES numbers for the recreational that we had chatted about yesterday?

MS. WIEGAND: We sure do.

MR. POLAND: I just want to pause real quick. We're in the part of the AP report discussing concerns in the recreational mackerel fishery, and that's what Ira just concluded with, and I feel like we're kind of straying into Framework Amendment 9 discussions, and so I'm going to ask Ira to move on with his AP report, and we can circle back to this. One second, Ira.

MR. DIAZ: I just wanted to make a comment. We did recently raise the bag limit on king mackerel in the Gulf of Mexico, for a lot of the same reasons that Ira just mentioned, and we had -- We generally leave about three to four million pounds of king mackerel in the recreational fishery uncaught, and a lot of the discussion around the table was to try to do something to try to give them every opportunity to catch those fish.

However, before we raised the bag limit, we did do a bag limit analysis, and the bag limit analysis showed us that we really didn't think a whole lot more fish would be landed. I think we changed that in April of 2017, and we do have a full year, and I think the bag limit analysis was generally

right. It was really noticeable that more fish were landed because of that, but I think it does give people the opportunity, that want to keep three fish instead of two fish, to have that opportunity, and there is ample ACL there, and so I just wanted to let you know what the experience was in the Gulf. Thank you.

MR. POLAND: All right. Thank you, Dale. Any more comments or questions on king mackerel? All right. Take it on, Ira.

MR. LAKS: After that, we did have an update on the Citizen Science Program, the FISHstory project, and I think the AP received it very well, and we were enthusiastic, and, of course, thought it was a great idea, and the nostalgia part was nice, too. We think that a lot could come of it, and I know some of the fishermen were very happy to be able to try to help out in any way they can.

The AP also did recommend other citizen science projects for consideration, specifically one that would be an app to take a picture of every fish that comes up with damage from a shark. We have such an interaction with sharks these days, and to be able to have some sort of verification of just how much interaction there would be we thought would be very helpful, just to have some sort of metric to really have an idea. I actually wanted to call it Did You Get A Head app.

Then we moved into Other Business, and we moved into best fishing practices, and we just sort of gave the way that we hear or help get out the information to the public and ways that the public conveys to us how they get it, and so that was helpful to hear everyone's opinion on that.

We then did talk about the commercial electronic reporting, and I believe that you guys might have touched on that yesterday or the day before, but we have been waiting for a long time to have that in the commercial fishery, and we thought that one way to bridge that gap, until we actually get to a real electronic reporting, would be somehow where maybe the Science Center can come up with a template that they can send us, where we can print out our own paper and send it to them. That way, we can have a template of all the redundant information that we have to fill out all the time, and we can actually print it out on our own computers and then send it in. That was just a thought we had, and we wondered if something like that could be done.

We then discussed -- I know everyone's eyes roll over when we talk mackerel, especially the southern region, and we know that we have made incremental changes and that it's difficult to follow, and, again, like I said earlier, after Amendment 26, we are, as fishermen, trying to feel our way through this process, with the more fish that we have and the market forces, and we do believe that, whatever number that we fall out on, there is a way to then simplify the two seasons, and maybe some of the rollovers, and we would like to discuss that going forward, to maybe clean up the CFRs a little bit.

After that, we actually discussed false albacore or bonito or little tunny, whatever you want to call it, and, back in June, I had an opportunity to take Tony DiLernia fishing, and he kind of reminded me how fun it was to catch them. I mean, I take them for granted, and a lot of people in this area gaff them and release them, and I think the fact that they're unregulated -- People don't appreciate the fishery, and we had comments that the fishery is expanding tremendously off the Carolinas as a recreational fishery, and also here in south Florida, and there was also comments that the average commercial price is seeming to hold, and the commercial fishery for them is seeming to expand.

The AP did pass a motion to consider the role of little tunny in relation to king mackerel and Spanish mackerel, as possibly an ecosystem component species, or, if appropriate, adding them to the CMP FMP, and that motion was approved nine in favor and two opposed. If I can answer any questions on anything, I would be happy to.

MR. POLAND: Thank you, Ira. Any questions on Motion 6? The AP asked us to consider little tunny, false albacore, fat albert, the whole litany of names for them, for ecosystem component, or possible full management, under the coastal migratory pelagics plan. Any comments or questions on that at this time?

MR. DILERNIA: I would just like to add to Captain Laks' report that those false albacore -- Once they swim up to the Mid-Atlantic, they are very, very valuable to the recreational fishery. They are extremely valuable. There are folks that will charter a boat and spend \$700 or \$800 to catch just one or two of them during the day, and a lot of the for-hire captains are very, very busy during that false albacore season, and so, anything that you can do to protect those fish, we would appreciate it in the Mid-Atlantic, because, again, they are very valuable to the for-hire sector up in the Mid-Atlantic. Thank you.

DR. CRABTREE: Tony, are they -- I mean, people are keeping these, and they want to eat them, or is it just catch-and-release?

MR. DILERNIA: It's all catch-and-release, and it's mostly fly rods, and I couldn't believe how easy they were to catch down off the east coast of Florida compared to what you have to do up in New York running around trying to catch them, trying to deceive them.

DR. CRABTREE: I think fishing is just way better down here.

MR. DILERNIA: They're tough to catch. They're very spooky up north, and so that's why, if you catch a couple of them, it's considered a great day.

MR. SAPP: We haven't had any shortage of them at all, but have you noticed, Tony, a reduction in quantity up your way at all, or is there an issue?

MR. DILERNIA: There's not a reduction in quantity, but it's just that -- I was amazed at the quantity that you had down here and, again, how easily they were caught, because, up north, they are very, very touchy and spooky to catch.

MR. SAPP: To that, when we get a tailing condition, there is trillions of them. I mean, I have never seen so many of any one species at one time on the surface of the ocean, and so I don't want to dive into some -- I wish they would go your way some. They become a nuisance for us, but I don't want to dive into some giant management plan on a fish that doesn't need any help right now, I don't think.

MS. MCCAWLEY: They were in the plan, and they were removed in 2011 or 2012, and it was a joint plan with the Gulf, and I think the intention was that the states were going to consider whether or not they needed to be managed in state waters, and so they were in the plan, and they have been removed.

MR. POLAND: All right. Any more questions on false albacore, or just to Ira in general, on the AP report? I am not seeing anything else, Ira. Thank you. I really appreciate that.

MR. LAKS: Thank you for the opportunity.

MR. POLAND: All right. Now we're going to move back to Framework Amendment 9. As you recall yesterday, Christina went through the document, and I think we made it as far as the purpose and need, but, Christina, I will just ask you to just kind of breeze through that again.

MS. BECKWITH: Can we look at those FES numbers first, please?

MR. POLAND: Do you have those available?

MS. WIEGAND: Thank you to Mike Errigo for pulling these together for me.

MR. POLAND: Thank you, Mike, and thank you, Christina, and so the red line is the revised MRIP landings?

MS. WIEGAND: Yes. The red line is the revised MRIP landings, and the blue line is the original, and then the green bar in the background are the commercial landings.

MR. POLAND: Okay. It looks like these are in pounds of fish, and so did you have any specific questions or comments on this, Anna?

MS. BECKWITH: No. I just wanted to get an impression of any changes that we're making in eventual allocation discussions and what percentage the recreational is actually achieving, which seems to be significant.

MR. POLAND: All right. Any more questions on the revised recreational landings? Christina, I will ask you to go back to Framework Amendment 9 and kind of give us a summary of what we reviewed yesterday, and then we'll jump into the actions.

MS. WIEGAND: I will go back over what's in this amendment for you. At this meeting, you're going to be looking at reviewing the analysis, improving actions and alternatives to be included in the amendment, and you will need to approve the purpose and need, select your preferred alternatives, and then consider approval for public hearings.

Here is your purpose and need for this amendment. The purpose of the framework amendment is to revise accountability measures and commercial trip limits for Atlantic migratory group Spanish mackerel. The need for the framework amendment is to prevent commercial in-season closures, reduce regulatory discards, and achieve optimum yield for the Atlantic migratory group Spanish mackerel.

MS. BECKWITH: I think we're probably going to have to take a step back and discuss sort of the overall goal for this amendment, since the purpose and need may not be appropriate anymore. I guess my position, at the moment, is, because Atlantic States Marine Fisheries' plan is not requiring states to close their waters once the commercial ACL is achieved, then, to me, Action 1 and 2 are actually no longer necessary, and I am concerned with codifying into our federal

regulations a precedent that would allow the commercial to access our recreational ACL once their commercial ACL has been achieved.

I think we maybe need to have a discussion of if this amendment in its totality is still appropriate, and I am still interested in moving forward with a trip limit reduction on our folks to possibly 2,000, without any step-down to the 500 codified in our federal regulations, because that is being handled through the Atlantic States. I think that I was in support of this, because I think I consider it -- What we're doing and what the Atlantic States Marine Fisheries Commission is allowing is a stop-gap measure to reduce discards and bring fairness to what Florida and our fishermen, of course, were doing in the fishery, but it is a stop-gap measure to solve a potential problem, and those actions might include the discussions of limited entry and potential reallocation discussions.

I don't get the impression that Florida and North Carolina are particularly interested in moving forward with limited entry, and so that's a bit of a concern. To me, a reallocation discussion would occur after the next stock assessment, and so that's about two years down the line, and so what we're really looking for here is a recognition that we have an open-access fishery that is expanding in effort, both by the number of people participating and in its regional expansion, and I am concerned that codifying a habitual access to the recreational ACL is not appropriate if we are going to not be really sort of tackling the next step in the short term.

While I'm okay that Atlantic States is going to continue to allow state waters to be open until we deal with this fishery via the stock assessment reallocation discussions, I think, at this time, the only action I deem appropriate in this amendment would be a reduction in the trip limit for the Northern Zone to 2,000 pounds, and so that would require Action 1 and 2 to be removed and Action 3 to be modified. I would make that motion to remove Action 1 and 2 to the Considered but Rejected and --

MR. POLAND: One second, Anna.

MS. WIEGAND: I just have a procedural question, and I'm going to look to my senior staff. Do these need to be moved to the Considered but Rejected Appendix? They are in a draft document, given how quickly we rushed into this amendment, but they have not been formally approved by the council at this point, and so do they need to be added to the Considered but Rejected Appendix, or can they just not be approved for inclusion?

MS. SMIT-BRUNELLO: I think the latter. I think you could just take them out completely.

MR. POLAND: Anna, we would not need to do a motion to remove 1 and 2.

**MS. BECKWITH: Okay, and so it sounds like we just need to modify Action 3. The modification I would make would be to change Alternative 2 to just reduce the commercial trip limit of Spanish mackerel in the Northern Zone, so on and so forth, and basically the Sub-Alternative 2a, 2b, and 2c -- Just leave the 2,500, 2,000, and the 1,500 pounds. We certainly can get rid of Alternative 3, to simplify analysis.**

MR. POLAND: All right. Does that look correct on the screen, Anna?

MS. BECKWITH: It does.

MR. POLAND: Does your motion look correct, Anna?

MS. BECKWITH: Yes, it does. Thank you.

MR. POLAND: Can you read it?

MS. BECKWITH: I would be happy to. **I move to approve Action 3, Alternatives 1 and 2, as modified, for inclusion in CMP Framework Amendment 9.**

MR. POLAND: The Chair will entertain a second. Jessica seconds. Is there discussion?

DR. CRABTREE: So we're getting rid of Actions 1 and 2 and retaining Action 3, but only with Alternative 1 and 2, and Alternative 1 is status quo. Explain to me what Alternative 2 does.

MS. BECKWITH: Alternative 2 just reduces the commercial trip limit, and so, right now, the commercial trip limit in the Northern Zone is 3,500 pounds throughout the season, and the sub-alternatives in 2 would reduce that commercial trip limit to 2,500, 2,000, or 1,500 pounds for the entire year, without any step-up or step-down.

DR. CRABTREE: Then the language that says, "until the quota is reached or projected to be reached" and then the 500 pounds, that's coming out?

MS. BECKWITH: Yes, sir.

MR. POLAND: Yes, Roy. That's as the motion is on the board.

MR. CONKLIN: The intent is to -- Are they still going to be able to fish the 500 pounds under the state's plan?

MS. BECKWITH: The state waters would be maintained open via the Atlantic States Marine Fisheries Commission plan, but it would not be codified in our federal regulations.

MR. POLAND: To follow-up on that, Chris, the states would still have the flexibility, through the interstate plan, to keep state waters open after the federal closure.

MR. CONKLIN: I remember some discussion late in the day yesterday, and it was the commission's intent to maintain that, or is there -- With some of the stuff that I heard about menhaden on Monday afternoon, that that might be a loophole that could be closed in the future, and I certainly wouldn't want to see your state's fishermen be blindsided.

MS. BECKWITH: Well, I don't know what the future intent is, because it's my understanding, and Bob can speak to this, is, once we have the stock assessment, and we have those reallocation discussions, and whatever comes out of the next stock assessment from this council, it sounds like Atlantic States Marine Fisheries Commission would take that and update their plan.

In my personal viewpoint, if we have a new stock assessment, and we've had the reallocation discussion, then I think that loophole to maintain state waters being open after the commercial has

achieved their harvest probably should be closed, but that would be up for Atlantic States Marine Fisheries Commission to make that decision at that point. In some future moment, the council could decide that the commercial ACL closes at 80 percent of the total, or 90 percent of the total, maintaining some section of that, so that they could maintain state waters open, and there's a lot of ways to handle that, but that won't be necessarily our decision until after the next stock assessment.

MR. POLAND: To follow-up a little bit on that, I think the intent, from the committee meeting in September, and from what I'm hearing from Anna, is that the council would like to wait until the next stock assessment and have a comprehensive review of our Spanish mackerel management, and that includes allocation and limited-entry zones and everything like that, and so we will -- At least it's my intention as Chair to revisit this, revisit management of this fishery, after that assessment is completed, and I believe it starts in 2021, and so we'll probably get results early to mid-2022, and, from that point, we'll probably reopen this discussion. Bob, did you have any comments to add from ASMFC's perspective?

MR. BEAL: Thank you, Mr. Chairman. Not a whole lot, and I think, as I mentioned yesterday, the commission's plan is pretty uncertain right now, or the timeline. The plan is to react to this Framework 9, and so not knowing exactly what's in here, but now it's been -- If this passes, it's been pared down a lot, and so the commission will have an easier task in reacting to this, but I think there is a difference of opinion, up and down the coast, on what should happen in state waters once the federal quota is landed, and so I don't want to count votes on our South Atlantic Board or do anything like that, or predict where they're going to go, but this will be on our agenda for the February meeting, and they will decide how the states want to react to this, but I think it seems to make sense that we are getting a new assessment, and, if this council is going to do a comprehensive review of the management program for Spanish mackerel, then that may be the appropriate time for ASMFC to take larger action than sort of a band-aid to get us through this transition period.

MR. POLAND: Thank you, Bob.

MR. CONKLIN: I just wanted to put on the record that we have our due diligence to get this right but, if we're going to revisit it again after the stock assessment, then I guess I'm comfortable with it, but we're here now because we didn't get it right in 2014, I think, and so, after the third round, I don't want to have to revisit it again.

MR. WOODWARD: Let me put on my commission hat, and so I'm trying to discern from this exactly what we need to discuss at our upcoming South Atlantic Board meeting, and it sounds like status quo, until there is a stock assessment that is the basis for potential future changes, and so is that the general consensus?

MS. MCCAWLEY: I think that you have kind of two paths here, as I see it with ASMFC, and so there's a number of federal changes that have been made that aren't in that plan. The ASMFC could implement those changes and then do it again after the next stock assessment, but I agree that maybe it's just waiting until that stock assessment is done, knowing that the plan is just very out-of-date right now, and there's multiple mistakes in there, as we talked about, I believe, at the last council meeting.

DR. CRABTREE: It does seem to me that there is some legwork that could be done to figure out what all would need to be done, and then I think the discussion about compliance, and, as Bob said, there's a diversity of opinions, and it seems to me that some of that discussion could take place, so that, when we do get the assessment and figure out where we are, we're not starting from scratch, and we've already gone through and looked at what needs to be done.

MR. POLAND: Thank you, Roy. Is there any more discussion on this?

MR. CONKLIN: So is there a need to really be changing anything until after the stock assessment? I mean, to me, maintaining status quo might be what we want to do.

MS. BECKWITH: I would like to see the trip limit reduced to 2,000 pounds, given that they are -- It would be about a 15 percent reduction, based on the numbers that we have, and they are accessing the recreational quota to reduce those discards, and so I think that's a fair tradeoff, as well as recognition that those FES numbers are showing that the recreational community is actually in fact catching quite a bit more fish than we thought previously, and so, given all that, I think the 2,000-pound trip limit for our Northern Zone is probably a decent move forward.

MR. POLAND: Thanks, Anna, and just, real quick, to add to that, it also signals the intent to try to come up with a way to extend -- Or at least constrain harvest enough to extend the season in the Northern Zone, so they wouldn't be faced with an early closure, like this year, and so this year was the third closure in three years, and this one came kind of really right before that fall peak, and so, by reducing the trip limit throughout the year, the intent was to kind of save some fish for later on in the year and reduce that chance that there would be a fall closure right in the peak, and, really, reduce discards in that fishery, because there are other fisheries that continue during that time, and it was creating an issue, where fish were turning into dead discards.

MS. MCCAWLEY: I agree with everything that you and Anna said, and so I feel like this is kind of the band-aid before we get the stock assessment, and so I think that some things are changing in the fishery, and you have other fisheries that are -- Their regs are changing, and it's affecting how people in that Northern Zone fish for Spanish mackerel, and so I feel like it's appropriate at this time to add that trip limit in that Northern Zone, to slow it down, so that you can try to keep that fishery open as long as possible, and I'm certainly comfortable with doing that, until we can get the stock assessment, and I just feel like this is the short-term fix.

MR. POLAND: I am going to throw it over to Christina. She's got a table of analysis from the full document that is going to show projected closure dates for the different alternatives.

MS. WIEGAND: We were able to get data from ACCSP, which will include state landings and all landings through the Mid-Atlantic, and Mike Larkin did an analysis looking at the closure dates for the proposed trip limits, and you can see those in this table, and so here you've got Alternative 1, which is status quo, and then your 2,500, 2,000, and 1,500-pound trip limits, and this is under no action for Action 1, and so this would be essentially status quo, in terms of accountability measures, but just reducing the trip limit.

MR. SAPP: I was loving what you guys were saying, and it sounded so responsible and a great opportunity to extend the fishery, but we're only saving a day by cutting 1,000 pounds out of the trip limit? That doesn't make sense.

MR. CONKLIN: I attended the Mackerel AP meeting, and I can't remember what the North Carolina fishermen asked for, as far as a trip limit, but I think it was around 2,000 pounds, and was that right, or 2,500?

MS. WIEGAND: I can pull back up the AP report. They did pass a motion, and they were looking to do sort of a step-down, similar to what they have in the Southern Zone. You also have a number of public comments on the webpage right now, talking specifically about trip limits for the Northern Zone, and so here it is. The AP passed a motion to consider a trip limit in the Northern Zone, starting at 3,000 pounds, with a step-down to 1,500 pounds once 75 percent of the Northern Zone quota is reached. I will note, however, that this motion was passed under the idea that Framework 9 was going to continue to move forward with that 500 pounds after the Northern Zone quota had been reached.

MR. POLAND: Christina, did staff have time to do the analysis on this step-down?

MS. WIEGAND: Not for the Northern Zone.

MS. BECKWITH: Art, the reality is that, at the 3,500 pounds, they closed in August, and so, even though it says the projection is potentially October, that's not the reality, and so they do the best they can with those projections, but the reality is often different.

DR. CRABTREE: I guess my question is would we still -- If we pass this motion, do we still need to have the webinar to vote this up to get it done in time, or could we wait until our next regular meeting?

MS. MCCAWLEY: I don't think that we need that. I think that it was based on a sense of urgency, the fact that we were moving those first two motions, and I don't think that we need to have that webinar in January.

MR. POLAND: I agree with Jessica, and Mike Larkin came up to the table to explain a little bit more about the projection analysis.

DR. LARKIN: Now, if you could look at what's on the screen here, this is the pounds per trip from state and federal and everything for the Northern Zone, and so there's a lot of trips. You can see that this is over 11,000 trips, but there's not that many trips over 1,500. You can see most of them are 500 pounds or less, and so just keep that in mind when you do look at the trip limit, and that's why the impact from the trip limit of like 2,000 and 1,500 is pretty small. You can't even really see the numbers for the ones from 1,500 to 2,000 and beyond, and so I just want to point that out for the Northern Zone. There's a lot of trips, but very few that exceed more than 1,500, and most of them are 500 pounds or less, and so I just wanted to point that out. Thank you.

MR. POLAND: Any more discussion? Any questions for Mike before we send him back to the back?

MR. CONKLIN: Well, with this information, a step-down at 75 percent doesn't look like it's going to do anything. Dropping the trip limit doesn't seem like it's going to do anything different. The only thing we still have to rely on is the 500-pound ASMFC quota. I mean, would we really

be doing anything different, based on what we're seeing here? That's what I'm saying, and I'm just kind of perplexed.

MR. POLAND: Again, and I understand what you're saying, Chris, and I think just -- You know, you have these issues every time you look at projected closure dates and look at landings in fisheries, especially a fishery like Spanish, where there is so many different gears that land these fish, and I know we did some in-house analysis at DMF, and we found similar trends, and we went as far as trying to isolate gillnets and what we felt were directed mackerel trips, and it didn't seem like -- Those landings did shift a little bit more to the right in those directed trips, but, still, landings were still kind of all over the place, but I know, when we looked at seasonal landings, it seemed like our high trips did spike kind of about when landings spike in May, and then September and October, and so I really feel like -- Looking at landings from this year, what happened was the fish showed up good, in good numbers, and basically what happened is they caught most of the quota in that first season, and so that high trip limit wasn't constraining, and this might be one of those things where the 2,000-pound trip limit might not be constraining in some years, but then, in other years, where the fish show up early and thick like that, it might be enough to constrain the fishery until the end of the season.

Any more questions? I would ask Christina to put the motion back up on the board. **Again, it's a motion to approve Action 3, Alternatives 1 and 2, as modified, for inclusion in CMP Framework Amendment 9, and it has a second.** Is there any more discussion? **Is there any opposition to the motion on the board? Seeing none, the motion stands approved.**

MS. BECKWITH: Do you want to go ahead and pick a preferred?

MR. POLAND: Well, we're just sending this out to scoping right now, and we can pick a preferred, or we can send it to scoping and --

MS. WIEGAND: It depends on the timeline that you guys would like for this amendment. It had originally been scheduled for public hearings in January and then approval at the January webinar. If you're not interested in doing the January webinar, as I think I heard, then we can slow movement on this, but we would still be -- We are sort of past scoping, now that you guys have approved an action and are considering picking a preferred, and it would be more appropriate to do public hearings. Again, it's just depending on what sort of timeline you all would like to see for this amendment.

MR. POLAND: All right. Thanks, Christina.

MS. BECKWITH: If we send this out for secretarial review in March, it probably won't be approved before the middle of the summer, and so that was part of the reason that we were doing that webinar in January, is to get the trip limit and whatever else in place before the beginning of the next season, and so I just -- I am not going to fight you guys on it, but I think it's not the worst idea in the world to have this in place before the beginning of the season.

MR. POLAND: All right, Anna, and so you're suggesting that we stay to the schedule and have this January webinar? I would look to staff to see, logistics-wise, getting the hearings done before that webinar.

MS. WIEGAND: One of the positive things is that we have simplified this amendment quite a bit at this point. The schedule that we originally had was for us to go ahead and have public hearings on January 13 and 14, I believe, or maybe 14 and 15, but directly before the webinar, and so you guys wouldn't be reviewing public hearing comments until the webinar, because it's just not feasible for us to hold a public hearing before then, over Christmastime, and I'm trying to make sure that everyone else who has to work with me on this doesn't have to work over the holidays. I would say it's possible, now that it's much simpler than we had originally planned, but it would still be very tight.

MS. MCCAWLEY: Then more questions about the process here. If we don't do the webinar, then the timeline is -- I mean, technically, I guess you could still hold those hearings that week in January that you talked about, and then it would come to March, and we could take final action in March? Okay. So it would just set us back a little bit, I guess.

MS. WIEGAND: It would, and I'm going to look to my NMFS counterparts to talk about how fast, once this has been submitted to them, we could feasibly get something implemented.

DR. CRABTREE: Do you remember when the March meeting is?

MR. CARMICHAEL: It's the first week.

DR. CRABTREE: The very first week of March, and it's a simple action, and it would be a simple rule. We have to have it done by October, and it seems to me that we should be fine to get it done, and so my guess is that it's not worth the burden and cost to have the burden on staff and all to do the webinar, and my preference would be just to come in in March and deal with it, and I think we would have time.

MR. POLAND: Roy, you're saying, if we wait until March to take final action, you are projecting probably October-ish for the final rule?

DR. CRABTREE: I think we could. We need to have the amendment finished and ready to go and the rule and everything ready to go and have it submitted over pretty quickly, but that should give us time.

MR. POLAND: So, if we do the webinar in January, we can say that we can bump October up to August, and, to Anna's point, that still probably wouldn't get this in place for this year.

MS. BECKWITH: Even for something as simple as this, Roy, you're saying that it takes seven months to get this approved and on the books?

DR. CRABTREE: No, but we need to send the proposed rule to the Federal Register, which will take, minimally, a month, and we have a thirty-day public comment period, and so that's two months, and we would then need to evaluate all of the comments and the response to comments and the final rule and get that cleared, which would be, minimally, another month, and we would send it to Headquarters, and so that's four months. Things are not moving quickly once they get to Washington, and so it's common these days for rules to take a month or more to clear out of Headquarters offices. It shouldn't take any more than four months, but I can't promise you that it won't.

MS. BECKWITH: Steve, if we approve this in March, could you guys implement the 2,000-pound trip limit by proclamation?

MR. POLAND: We have the ability to implement it by proclamation, yes. I am not going to say that we will. I mean, that's a decision that my boss -- He would need to weigh all of the options before making a determination on that, but we certainly do have that ability.

MS. BECKWITH: Okay. Given that, that the state could potentially implement this by proclamation, I'm fine waiting until March.

MR. POLAND: All right. Any more discussion?

MR. BREWER: I am just curious. If we're moving -- Don't we have the ability to pick a preferred today, and shouldn't we do that?

MR. POLAND: Christina brings up a good point, that we still need to review the purpose and need, and so how about we go back and review that before we select a preferred, since we did modify the document significantly?

MS. WIEGAND: Here is your purpose and need, as drafted, and it was originally fitting with the in-season and post-season closures, and so the purpose of the framework amendment is to revise accountability measures and commercial trip limits for Atlantic migratory group Spanish mackerel. The need for the framework amendment is to prevent commercial in-season closures, reduce regulatory discards, and achieve optimum yield for the Atlantic migratory group Spanish mackerel.

MR. POLAND: I feel like the need is still appropriate. Does anybody have any comments or suggested edits on the purpose and need?

MS. BECKWITH: I wouldn't suggest that we edit this by committee. I would suggest just sending it back to have the IPT give us an appropriate purpose and need, and we'll review it in March, and, I mean, that's not going to slow us down, looking at the purpose and need in March.

MR. POLAND: All right. Moving back to the one action, would anyone like to -- Would the committee like to select a preferred?

MS. BECKWITH: **I move that we select Alternative 2b as our preferred.**

MR. POLAND: Chester seconds. Any discussion? **Any opposition? The motion stands approved.** Let's move on down, and the Chair will entertain a motion to approve for public hearings.

MS. BECKWITH: **I move we approve CMP Framework Amendment 9 for public hearings.**

MR. POLAND: I see Mel with a second. Any discussion? **Any opposition? The motion stands approved.** With that, I think we're -- Excuse me, Christina.

MS. WIEGAND: I just wanted to make sure that I'm understanding exactly what the committee would like. You would like this to go out for public hearings before the March meeting, via webinar, and then this amendment would be slated for final approval at the March meeting.

MR. POLAND: Yes. All right. With that, I think we're done going through Framework Amendment 9, and is there any other business to come before the Mackerel Committee? Seeing none, Madam Chair, I yield back almost half a day.

(Whereupon, the meeting adjourned on December 4, 2019.)

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

Transcribed By:  
Amanda Thomas  
December 30, 2019

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
2019 COUNCIL MEMBERS

✓ Jessica McCawley, **Chair**

Florida Fish and Wildlife Conservation Commission  
2590 Executive Center Circle E. Suite 201  
Tallahassee, FL 32301  
(850)487-0554 (ph); (850)487-4847 (f)  
Jessica.mccawley@myfwc.com

✓ Mel Bell, **Vice Chair**

SCDNR-Marine Resources Division  
P.O. Box 12559  
217 Ft. Johnson Road  
Charleston, SC 29422  
(843)953-9007 (ph); (843)953-9159 (fax)  
bellm@dnr.sc.gov

✓ Robert Beal

Executive Director  
Atlantic States Marine Fisheries Commission  
1050 N. Highland St. Suite 200 A-N  
Arlington, VA 22201  
(703)842-0740 (ph); (703)842-0741 (f)  
rbeal@asmfc.org

✓ Anna Beckwith

1907 Paulette Road  
Morehead City, NC 28557  
(252)671-3474 (ph)  
AnnaBarriosBeckwith@gmail.com

✓ Dr. Carolyn Belcher

GA DNR – Coastal Resources Division  
One Conservation Way, Suite 300  
Brunswick, GA 31520  
(912)264-7218 (ph); (912)262-3143 (f)  
belchersafmc@gmail.com

✓ Chester Brewer

250 Australian Ave. South Suite 1400  
West Palm Beach, FL 33408  
(561)655-4777 (ph)  
wcbafmc@gmail.com

✓ Dr. Kyle Christiansen

150 Cedar St.  
Richmond Hill, GA 31324  
(912)756-7560 (ph)  
christiansensafmc@gmail.com

✓ Chris Conklin

P.O. Box 972  
Murrells Inlet, SC 29576  
(843)543-3833  
conklinsafmc@gmail.com

✓ Dr. Roy Crabtree

Regional Administrator  
NOAA Fisheries, Southeast Region  
263 13th Avenue South  
St. Petersburg, FL 33701  
(727)824-5301 (ph); (727)824-5320 (f)  
roy.crabtree@noaa.gov

✓ Tim Griner

4446 Woodlark Lane  
Charlotte, NC 28211  
(980)722-0918 (ph)  
timgrinersafmc@gmail.com

U.S. Fish and Wildlife Service  
Representative  
TBD

✓ LCDR Jeremy Montes

U.S. Coast Guard  
909 SE 1st Ave.  
Miami, FL 33131  
(305)415-6788(ph); (305)710-4569(c)  
Jeremy.J.Montes@uscg.mil

✓ Stephen Poland

NC Division of Marine Fisheries  
PO Box 769  
3441 Arendell Street  
Morehead City, NC 28557  
(252)808-8011 (direct); (252)726-7021 (main)  
Steve.Poland@ncdenr.gov

✓ Art Sapp

2270 NE 25th St.  
Lighthouse Pointe, FL 33064  
(954)444-0820 (ph)  
artsappsafmc@gmail.com

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
**2019 COUNCIL MEMBERS continued**

Deirdre Warner-Kramer  
Office of Marine Conservation OES/OMC  
2201 C Street, N.W. Department of State, Room 5806  
Washington, DC 20520  
(202)647-3228 (ph)  
Warner-KramerDM@state.gov

✓ David Whitaker  
720 Tennent Street  
Charleston, SC 29412  
(843)953-9392  
david.whitakersafmc@gmail.com

✓ Spud Woodward  
860 Buck Swamp Road  
Brunswick, GA 31523  
(912)258-8970 (ph)  
swoodwardsafmc@gmail.com

Rick DeVictor  
Monica Smit - Brunello  
Dr. Jack McGovern  
Shep Grimes  
Duane Smith  
Pat O' Shaughnessy  
Dr. George Sedberry  
Dr. Wilson Lancy  
Erika Burgess  
Josef Santiago  
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Nick Mehta  
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Tony DiLemia  
Dewey Hemingway

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
**COUNCIL STAFF**

**Executive Director**

✓ Gregg T. Waugh  
gregg.waugh@safmc.net

**Deputy Director – Science & Statistics**

✓ John Carmichael  
john.carmichael@safmc.net

**Deputy Director - Management**

✓ Dr. Brian Chevront  
brian.chevront@safmc.net

**Fishery Scientist**

✓ Myra Brouwer  
myra.brouwer@safmc.net

**Senior Fishery Biologist**

✓ Roger Pugliese  
roger.pugliese@safmc.net

**Citizen Science Program Manager**

✓ Julia Byrd  
julia.byrd@safmc.net

**Outreach Program Coordinator**

✓ Cameron Rhodes  
cameron.rhodes@safmc.net

**Admin. Secretary/Travel Coordinator**

Cindy Chaya  
cindy.chaya@safmc.net

**Staff Accountant**

Suzanna Thomas  
suzanna.thomas@safmc.net

**Fishery Scientist**

✓ Dr. Chip Collier  
chip.collier@safmc.net

**Fisheries Social Scientist**

✓ Christina Wiegand  
christina.wiegand@safmc.net

**Purchasing & Grants**

✓ Cierra Graham  
cierra.graham@safmc.net

**Outreach Specialist**

BeBe Harrison  
bebe.harrison@safmc.net

**Fishery Biologist**

✓ Dr. Mike Errigo  
mike.errigo@safmc.net

**Outreach Specialist**

Allie Iberle  
allie.iberle@safmc.net

**Fishery Economist**

✓ John Hadley  
john.hadley@safmc.net

**SEDAR Coordinators**

Dr. Julie Neer  
julie.neer@safmc.net

**Public Information Officer**

✓ Kim Iverson  
kim.iverson@safmc.net

Kathleen Howington  
kathleen.howington@safmc.net

**Administrative Officer**

✓ Kelly Klasnick  
kelly.klasnick@safmc.net