

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

MACKEREL COBIA COMMITTEE

**Westin Jekyll Island
Jekyll Island, Georgia**

March 3, 2020

SUMMARY MINUTES

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Rick DeVictor

Dr. Jack McGovern
Dr. Clay Porch
Duane Smith
Erika Burgess
Dr. Wilson Laney

Other observers and participants attached.

The Mackerel Cobia Committee of the South Atlantic Fishery Management Council convened at the Westin Jekyll Island, Jekyll Island, Georgia, on Tuesday, March 3, 2020, and was called to order by Chairman Steve Poland.

MR. POLAND: I will go ahead and call the Mackerel Cobia Committee to order. The first item of business is Approval of the Agenda. Does anybody have any modifications? Seeing none, the agenda stands approved. Moving on to the committee minutes from our December 2019 meeting, and I hope everyone went back and refreshed themselves on the minutes, and does anybody have any edits or any modifications to the minutes? Seeing none, the minutes stand approved. I am going to throw it over to Rick DeVictor to give us a status of commercial catches.

MR. DEVICTOR: Thank you, Mr. Chair. This is in your briefing book materials, and this is Attachment 1, the landings, but we have updated numbers that we have updated the landings through February 24. We have landings for Atlantic migratory group king mackerel, Spanish mackerel, and then cobia.

Just looking at the tables, you can see what the ACLs are and what the quotas are, and, of course, the Southern Zone has Season 1 and Season 2. What you can see are the landings through March 1, 2019 through February 24, and so, just going through the numbers, the Northern Zone for king mackerel, we are at 62.3 percent, and then there's a Season 1 and Season 2 for the Southern Zone, and Season 1 for the Southern Zone is 74.9, and Season 2 is 41.5, and so the total is 61.7 for king mackerel landings. Again, that's through February 24. Of course, the season starts over again on March 1.

Moving on to Atlantic migratory group Spanish mackerel, you can see what the ACL is, and there is a northern quota and a southern quota, and we have the adjusted quota amount there. The Northern Zone, we're at 104.8 percent, and the Southern Zone is 93.4, and the total is 95.7. Finally, we include cobia, the Gulf of Mexico migratory group, and this is the Florida east coast zone for 2020, and it's 4.6 percent.

MR. POLAND: Thank you, Rick. Are there any questions on the commercial landings? Seeing none, take it back, Rick.

MR. DEVICTOR: Okay. This will be pretty quick. This has to do with CMP Framework Amendment 8, and, of course, this has to do with king mackerel trip limits, and we received this document from the council in February, and you all took final action in December, and so we're working on the proposed rulemaking right now, and, of course, we're going to look to get that in place before the season starts in October, that trip limit change from fifty to a hundred fish.

MR. POLAND: Thank you, Rick. Any questions for Rick? I am not seeing any, and I appreciate it. All right. We'll move on, and we'll throw it over to Christina, and she's going to start our discussion on CMP Framework Amendment 9.

MS. WIEGAND: If you will remember, CMP Framework Amendment 9 addresses Spanish mackerel trip limits in the Northern Zone, and it had originally been developed to address closures in the commercial Spanish mackerel fishery and had actions in it that would have modified accountability measures. At the December meeting, you guys decided to remove the two actions that would have addressed accountability measures, and this was based on information that you

received from Robert Beal, the Executive Director of the Atlantic States Marine Fisheries Commission, and he noted that, currently, the way their interstate FMP for Spanish mackerel is written, it does not require state waters to close in response to a federal closure.

These are your objectives for the meeting. We held public hearings for this back in early January, and so we will review those comments, review the updated purpose and need statement based on removal of those accountability measure actions, review the current actions and alternatives, review any analysis in the draft final document, and you are scheduled to consider this for approval for formal review, and, if you would like this amendment to be enacted by fall of 2020, it would need to be approved at this meeting, I would guess, and fall of 2020 is probably an ambitious date at this point.

I am going to get into the purpose and need statement in a bit more detail as I jump into the decision document, but, here, just to remind you that you had asked the IPT to revise this for you to remove issues, such as accountability measures, which are no longer addressed in this amendment, and then language preventing commercial in-season closures, because the amendment is not predicted to prevent an in-season closure, and so, like I said, I will go over that in more detail in a second, but you will need to review the changes and approve a new purpose and need statement.

Here is your action, and it currently reduces the commercial trip limit for Atlantic migratory group Spanish mackerel just in the Northern Zone, and so, again, we'll need to make some small modifications to the title language. Currently, the trip limit in the Northern Zone is 3,500 pounds whole weight, and your preferred alternative is Sub-Alternative 2b, which would reduce the commercial trip limit to 2,000 pounds whole weight in the Northern Zone. Again, you will need to review our suggested edits to the action, modify if necessary, and you are scheduled to approve this amendment for formal review.

First things first, and I want to talk a little bit about the purpose and need statement. The IPT has recommended removal, of course, of the language that says accountability measures, because this amendment no longer addresses that, and to just add some language to specify that this is for the Northern Zone, and so the purpose would read: The purpose of the framework amendment is to revise the commercial trip limit for Atlantic migratory group Spanish mackerel in the Northern Zone.

Additionally, the IPT has suggested some edits to the need for action, and it currently states to prevent commercial in-season closures, and the IPT is recommending to remove that, because analysis shows that in-season closures won't be prevented. Rather, they will just extend the commercial season.

I do want to just pause here, while you guys are talking about the purpose and need, to say that we'll need some additional rationale for this amendment, because the analysis shows that the current preferred alternative, all of the alternatives, in fact, listed in this amendment, would only extend the commercial season by two or three days, and so we'll need some additional rationale as to why the council is moving forward. Additionally, there are concerns that reducing the trip limit would not reduce regulatory discards, and that's likely a leftover from when accountability measures were in place.

MR. POLAND: I see Roy has his hand up, but, before we get into discussion on this, I just wanted to update the council on some actions that North Carolina Division of Marine Fisheries plans to implement through proclamation in the next couple of weeks. At our Marine Fisheries Commission meeting approximately two weeks ago, our Director notified the commission that the division will be implementing a proclamation in the coming weeks to put some yardage restrictions on all of our small-mesh fisheries in the state.

This includes estuarine and ocean fisheries, as well as some modifications to our attendance requirements, and then initiate a thorough rule review of all of our gillnet measures in North Carolina, and this will include looking at all of our net fisheries, small mesh and large mesh, all the components of that fishery, looking at current and existing management practices, and all of this is just an attempt to modernize our net fisheries in the state, and we have a lot of issues with user conflicts, and there is always, in any net fishery, concerns about discards, and so the division decided to take a proactive approach and look at the -- In the short-term, looking at meaningful yardage limits and attendance requirements that will, in some of our fisheries, cap, and others might constrain effort, to a certain degree, and so I wanted to put that out there to the council, before we get into discussion on this.

Those measures will undoubtedly affect our Spanish mackerel fishery in the state, and that effect is still to be determined, and probably will not be determined until after at least this current fishing season, to see how those net requirements kind of played out, and so I wanted to put that out there.

DR. CRABTREE: I appreciate those comments, Steve, because I think they are relevant to all of this. I guess, when I look at this, it's not clear to me there is really a need for this amendment, and so I guess my bigger question to you, before we go through all of this, is do we -- Do you feel like there is a need to do this, or should we just leave things where they are, particularly with the changes going on in North Carolina, and be done with this?

MR. POLAND: I've got Anna, and then I will address Roy's comment.

MS. BECKWITH: Sure. I don't have a problem setting work aside on this amendment for now and seeing what North Carolina does to constrain the harvest, and we can come back to this, but I do want to make a point that I still feel that it's in everyone's best interest for Atlantic States Marine Fisheries Commission to come back and move forward to address the loophole that is allowing this commercial fishery to achieve their ACL and their ABC and then continue to fish past that, at that 500-pound limit, and so I do think that's inappropriate, and it is not codified in our regulations.

It sets a precedent that this council has thus far not taken, and it was not the intent of our original rules provided by this council, and so, while I'm okay setting aside work on this amendment, for all of our Atlantic States members sitting around this table, I do want to stress that it's at least a priority for me to see that that loophole is at least reconsidered and addressed, as appropriate.

MR. POLAND: All right. Thank you, Anna. From my perspective, as a North Carolina representative, I am leaning towards taking a step back from this action, and so I kind of view it like we're tuning a small engine. If we start turning a lot of valves and adjust distributor caps and that kind of stuff, we might not know what actually worked, if anything worked, and so, since my state is moving forward to take these actions at this time, especially given the analysis that staff

provided, showing that we're only talking about two or three days -- Granted, yes, there is a lot of variability in landings from year to year on this, and some years the trip limit might manifest in some saved days, and other years it might not, but, at this time, given actions that my state is taking, and the fact that the Mackerel Committee, the last couple of times we have discussed Spanish mackerel, has been pretty clear in our intent that, as soon as the assessment is completed in 2021 or early 2022, that we're going to revisit this fishery across both regions, and we're going to look at allocations, all these issues, and so I don't really see the need right now to take a knee-jerk reaction for some trip limits that might only be in place for a couple of seasons.

My preference is to put this amendment on hold and just kind of see what Atlantic States plans to do in the short term and wait for the assessment and have a broad discussion on the future of Spanish mackerel management.

MR. BREWER: First, a question with regard to North Carolina. Are you all going to be looking, or do you know whether you're going to be looking, at changing your netting regulations both on commercial and recreational, or is it just commercial?

MR. POLAND: Right now, we're only looking at commercial. I mean, that's not to say that we won't look at the recreational, but the small component of recreational netting we do have in the state is already limited to a hundred yards, and they have to comply with all the other area and seasonal requirements of that commercial fishery, and so, no, that's not one of the goals of this action, but that's certainly part of a future discussion, I'm sure.

MR. BREWER: That's coming from a recreational fisherman that has a real problem with recreational gillnets. The statement I wanted to make is I think that holding this is abatement is the best way to go. I don't know that we need to completely kill it and throw it away, but holding it in abeyance is a good idea, because -- I mean, think about it. Depending upon what North Carolina does, you might have some effort shift further offshore, and there might be a real benefit to trip limits in federal waters, where you would be seeing considerably more days than two or three, and so I think just hold in abeyance, and let's see what North Carolina does.

MR. POLAND: To that, Chester, there already are yardage requirements offshore in North Carolina, out in federal waters, and in state waters, and so, compared to our estuarine fishery, that fishery is already constrained, in the sense that there already are yardage requirements and mesh limits and that kind of stuff out in federal waters, and so, I mean, certainly any time you adjust gear requirements, you really don't know how, or if any benefits, and how they will manifest, because fishermen are efficient, and they can take gear and fish in other areas that are -- You know, you've got the dichotomy of you lower the amount of gear, so they can fish the gear, and so we really don't know how this is going to play out yet.

MS. BECKWITH: **I move we discontinue work on this amendment until the next stock assessment on Spanish mackerel.** If I get a second, I would just say that this does not preclude us from bringing this back earlier than the next stock assessment if we find that the constraints that the State of North Carolina is doing don't -- You know, can't get it done.

MR. POLAND: All right. I saw a second from Chester. We have a motion on the floor that is seconded. Any more discussion? **Not seeing any, any opposition to the motion on the board? Seeing none, the motion stands approved.**

MR. BELL: Just for the record, I guess, I was looking at the schedule, and so, right now, the assessment is scheduled for 2021, to be finished by 2021/2022, and that's what we're looking at.

MR. POLAND: Thank you, Mel. I think, the last time I looked at the schedule, it was supposed to finish mid-year of 2022, and so it will probably go to our SSC in that fall meeting, and we would have an ABC recommendation at our September meeting in 2022, and so approximately three fishing years. All right. That is everything on the agenda. Is there any other business to come before the Mackerel Committee? All right. Seeing none, I adjourn with half a day or more left.

(Whereupon, the meeting adjourned on March 3, 2020.)

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Certified By: _____ Date: _____

Transcribed By:
Amanda Thomas
April 3, 2020

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