

DRAFT
MEETING REPORT
MACKEREL COBIA ADVISORY PANEL AND COBIA SUB-PANEL
SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
Webinar
April 6, 2021

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

AP Members

Ira Laks, Chair*
Tom Roller, Vice Chair
Stephen Swann
Stephen Donalson*
Steve English
Skip Feller*
Keith Bowen
Robert Olsen*
Greg Peralta*
Gary Robinson*
Dr. Paul Rudershausen
Rusty Hudson
Aaron Kelly*
John Mallette*
Brad Phillips*
Thomas Newman
Charles Locke

Council Members

Mell Bell, Council Chair
Steve Poland, Council Vice Chair
Chris Conklin

Council Staff

Christina Wiegand, CMP Lead
Dr. Mike Schmidtke
Dr. Chip Collier
Cameron Rhodes
Allie Iberle
John Hadley
Myra Brouwer
Julia Byrd
Cindy Chaya
Kim Iverson
Kathleen Howington

*Not in attendance.

The Mackerel Cobia Advisory Panel approved minutes from the November 2020 meeting and the agenda.

Report from the Council's Mackerel Cobia Committee Chair

Steve Poland, chair of the Council's Mackerel Cobia Committee, addressed the MCAP. He provided updates on recent Council discussions relevant to Coastal Migratory Pelagics (CMP). Additionally, he thanked MCAP members for taking the time to provide the Council with their expert feedback, especially during these uncertain and challenging times.

Coastal Migratory Pelagics Amendment 34 (Atlantic king mackerel catch levels and management measures).

An update to SEDAR 38 was completed in April 2020 and included assessments for Gulf and Atlantic king mackerel. In April 2020, the SSC reviewed the results of the updated SEDAR 38 and provided recommendations for new ABCs for Atlantic king mackerel. At their June 2020 meeting the Council received presentations from the SEFSC and the SSC chair regarding the completed assessment. The Council directed staff to begin work on an options paper that would include consideration of sector allocations and catch level adjustments based on SSC recommendations the recent stock assessment update. Considering input from public comment and the Mackerel Cobia Advisory Panel, the Council approved actions and alternatives for inclusion in the amendment at their March 2021 meeting. Council staff presented a summary document with approved actions and alternatives for AP discussion.

The MCAP provided the following input on Coastal Migratory Pelagics (CMP) Amendment 34:

Action 1. *Revise the total annual catch limit for Atlantic migratory group king mackerel to reflect the updated acceptable biological catch level.*

- AP members expressed concern about use of the new MRIP FES numbers in the stock assessment, and whether the significant increase in ABC was warranted.
 - It was noted that discussions related to the use of new MRIP-FES are being had throughout managed fisheries in the United States.
 - Catch is going to increase under the new FES numbers and that should be considered when discussing whether or not a buffer between ABC and ACL is appropriate.
- Some AP members felt that a 10% buffer (Alternative 4) was appropriate, while others felt that a 5% buffer (Alternative 3) was more appropriate.
 - There is enough room for a 10% buffer given the large increase in ABC and given uncertainty with MRIP numbers it would be wise to be precautionous.
 - While commercial landings are a census, recreational landings are not, and they come in two months waves and are often delayed. We won't know what the recreational landings are in year one until year two.
 - From a statistical standpoint, a 10% buffer is not substantial.
 - A 5% buffer would be ideal because the commercial fishermen have been heavily restricted for many years. There are also fish left on the table due to hurricanes and bad weather. The commercial industry could catch more fish if allowed.
 - A 5% buffer would still be safe if recreational landings increase due to the change in bag limit and size limit proposed later in the amendment.
- Commercial fishermen feel like their seeing a reoccurring theme with the new FES numbers. The new numbers result in a higher ABC/ACL and the entire increase is given to the recreational sector despite how heavily restricted the commercial fishery has been over the years.

***Action 2.** Revise sector allocations and sector annual catch limits for Atlantic migratory group king mackerel.*

- Even though percentage allocation between the sectors may change, the poundage for the commercial sector will increase.
- Need to have a bigger discussion about what the recreational sector would like their fishery to look like given some of the unharvested quota (what regulations needs to change and what does the recreational sector value).
- Due to the change in MRIP numbers to FES currency, the no action would essentially result in reallocation to the commercial sector and quite a windfall.
 - Everyone knows to the pound what the commercial sector is landing. Isn't a windfall, it is a reward for putting in the work (restrictions) for rebuilding the stock.
- Commercial AP members expressed concerned about losing percentage allocation. Specifically, they were concerned that that if the ABC/ACL is lowered in the future then commercial fishermen will be pushed out of business due to the low percentage.
 - There is concern that one a percentage is gone; it is gone forever.
 - A low percentage could be especially detrimental as other things change in the commercial fishery, such as participation.
- Council members need to look at the entire history of the commercial and recreational fishery. There is no reason the entire increase should go to the recreational sector and not the commercial sector and fish-eating public.
 - For example, in the Atlantic Spanish mackerel fishery, the commercial sector has regularly been closed early due to meeting the ACL while the recreational fishery has not touched the extra poundage they were allocated.
- The commercial fishery has been restricted and shut down, but now the new MRIP data is showing that the stock was much larger than originally believed. The Council should reallocate to the commercial sector to make up for all the years they were heavily restricted. There is room for the fishery to expand and they should be afforded some quota to see what they can accomplish.
- There should not be any reallocation until the private recreational fishermen are reporting their landings in real time like the commercial sector.
- If the recreational sector closes, they can still go out and catch and release. It isn't the same for the commercial sector, who rely on access to fish to support their family and pay their bills. Commercial fishermen need a guaranteed poundage so that they can continue to go fishing.
 - The Council should guarantee that the commercial sector will never be blow their 20-year average (poundage), then reallocation can be discussed. Otherwise, too much is up in the air and it is challenging to make long-term business decisions.
- It is important for the AP and the Council to make recommendations and decisions based on the hard numbers available. The commercial sector numbers are reliable, and the recreational sector (MRIP) numbers may or may not be high or low. The goal should be to come up with real solutions for both sectors as opposed to playing politics.
- The Council should consider allowing transfer of quota between the sectors for the next few years while we see how the MRIP numbers are going to play out.
 - A soft quota would be better than a hard quota that is codified.

- The Council should consider creating a common pool allocation wherein whichever sector needs additional quota could pull out of the pool.
 - Due to how recreational landings come in, a common pool allocation may end up serving as more of a payback for the recreational sector.

MOTION 1: RECOMMEND THE COUNCIL SELECT ALTERNATIVE 1 (NO ACTION) AS PREFERRED.

MOTION APPROVED (6 IN FAVOR, 1 OPPOSED, 1 ABSTENTION, 10 NOT IN ATTENDANCE)

***Action 3.** Revise the recreational annual catch target for Atlantic migratory group king mackerel.*

- The AP had no comments on this action.

***Action 4.** Increase the recreational bag and possession limit for Atlantic migratory group king mackerel in the exclusive economic zone off Florida.*

- It would be prudent for the recreational sector to have the choice of 3-fish per person because everyone else in the management area has the option.
- Consistency in regulations would make things simpler.
- The MCAP members representing the commercial sector indicated that they support the recreational representatives view on this issue.
- It was noted that while not a lot of MCAP representing the recreational sector would in attendance, this has been discussed at previous meetings.

***Action 5.** Reduce the minimum size limit for recreational and commercial harvest of Atlantic migratory group king mackerel.*

- Dealers in Florida are concerned that smaller king mackerel are going to have a lower value.
 - The commercial sector is already allowed to possess undersized king and Spanish mackerel in quantities that do not exceed 5% by weight.
- In Florida, there are giant groups of undersized king mackerel. There may be a lot of pressure on those fish if the minimum size limit is decreased or removed. The current minimum size limit has been working just fine for the commercial sector.
- It is important to make sure that the smaller females are protected, as they are the future of the stock.
- In North Carolina, small king mackerel are not directly targeted but they are often caught during other activities, such as trolling for Spanish mackerel. Both mackerel species are fragile and can end up as dead discards.
 - Only a few small king mackerel are caught, but the AP would like to see more data on how lowering the recreational size limit may increase harvest.
- The Council may want to consider separating this action by sector to allow a different minimum size limit for commercial and recreational fishermen.

**MOTION 2: RECOMMEND THE COUNCIL SELECT ALTERNATIVE 1 (NO ACTION) AS THEIR PREFERRED FOR THE COMMERCIAL SECTOR, RECOMMEND SPLITTING THE ACTION BY SECTOR
APPROVED BY CONSENSUS**

Action 6. Modify the recreational requirement for Coastal Migratory Pelagic species in the Atlantic region to be landed with heads and fins intact.

- This action just makes perfect sense. There is a big issue in North Carolina and Florida with sharks and barracuda. Fishermen regularly must throw back fish that meet minimum size limits because they've been damaged. This regulation should have been in place long ago.
- Some fishermen are already keeping damaged fish that meet minimum size limits, there is some confusion among law enforcement.
- Need to make it clear during public comment that this provision applies to Atlantic king and Spanish mackerel and not cobia.

**MOTION 3: RECOMMEND THE COUNCIL SELECT ALTERNATIVES 2A AND 2B AS THEIR PREFERRED.
APPROVED BY CONSENSUS**

Coastal Migratory Pelagics Amendment 32 (Gulf cobia catch levels and management measures to end overfishing).

An update to SEDAR 28 assessment for Gulf cobia was completed in July 2020. The results indicate that Gulf cobia is undergoing overfishing, which puts the stock at risk of becoming overfished without management action. The Gulf SSC reviewed the results of the updated SEDAR 28 and provided recommendations for new ABCs for Gulf cobia. At their March 2021 meeting the South Atlantic Council reviewed draft actions and alternatives, selected preferred alternatives, and requested staff develop an action to address sector allocations for Florida East Coast Zone cobia. Council staff presented draft management measures to end overfishing of Gulf cobia and update the CMP framework procedures to clarify language about the responsibilities of the South Atlantic and Gulf Councils.

The MCAP provided the following input on Coastal Migratory Pelagics (CMP) Amendment 32:

- *Action 5.2:* The commercial sector is currently, able to catch two fish per vessel, but they've never caught the full quota. Cobia is just bycatch for commercial fishermen, but it helps with covering expenses.
 - At ASMFC, they have a different trip limits for the for-hire vessels. Maybe something that should be considered by the Council as for-hire vessels do regularly target cobia.
- *Action 6:* In east Florida fishermen regularly catch 34-in and 35-in cobia. If the minimum size limit is increased from 33-in FL, it will hurt the fishery in this area.
 - It is important to consider the disposition of cobia that are discarded. Many fishermen use to use a gaff to get the fish on the boat, which results in high discard mortality.

- Need to work on educating anglers and encourage them not to gaff cobia.
 - Cobia tagging program at NCSU shows you can get high survival of large fish, but all of boated with a large net and not gaffing.
 - In general, it's hard to get a 35-in cobia on the boat and measure it without injuring the fish.
- *Action 7:* Alternative 2 makes the most sense and ensures that the South Atlantic Council doesn't lose control of the fishery.

Structure of the Mackerel Cobia Advisory Panel

During its September 2020 meeting the Council reviewed appointments to the Mackerel Cobia AP and decided to further discuss the structure of the advisory panel. The Council directed staff to put together a white paper detailing how the Advisory Panel structure can be modified to better work with different regions and management organizations, such as the Gulf of Mexico Fishery Management Council and the Atlantic States Marine Fisheries Commission. The Council reviewed the white paper at their March 2021 meeting and recommended working with the Gulf Mackerel Cobia AP chair as needed and working with the Atlantic States Marine Fisheries Commission to hold joint MC AP and ASMFC Spanish Mackerel AP meetings to discuss Spanish mackerel issues as needed.

The MCAP provided the following input on the structure of the advisory panel:

- AP members expressed their appreciation of the Council's robust discussion of this issue.
- The AP was comfortable with the Council's proposed path forward noting that this work will become increasingly important as scenario planning for climate change is discussed
- If the Council does not work with ASMFC, management will be ineffective. Management of mackerel species is a mess, and it is key to have meetings with the states to come up with a uniform way to manage Spanish mackerel.
- CMP species are moving farther north, especially Spanish mackerel. Seasons are going to get cut short as other states get into fishery. Working with ASMFC and New England states needs to be a Council priority.

Fishery Performance Report Spanish Mackerel.

The intent of Fishery Performance Reports (FPRs) is to assemble information from Advisory Panel members' experience and observations on the water and in the marketplace to complement scientific and landings data. The FPRs are provided to the Scientific and Statistical Committee (SSC), the Socio-Economic Panel (SEP), and the Council to assist in their discussions. With input from the MCAP FPRs were completed for Florida East Coast cobia in 2017 and Atlantic king and Spanish mackerel in 2018. All three FRPs were updated by the MCAP in October 2019. During this meeting MCAP members provided updates to the previously completed FPRs for Atlantic Spanish mackerel. Council staff will use notes and meeting minutes to compile information provided by MCAP into a final FPR document.

Other Business

- The MCAP expressed their condolences to all those who knew Captain Ryan Howard, AP member from Savannah, Georgia, who passed earlier this year. His valuable input and passion for fishing will be missed.

Webinar Attendees List

First Name	Last Name
Julia	Byrd
Mel	Bell
Keith	Bowen
Myra	Brouwer
Cindy	Chaya
Chris	Conklin
Rick	DeVictor
Stephen	English
Dawn	Glasgow
Martha	Guyas
John	Hadley
Hannah	Hart
Kathleen	Howington
Rusty	Hudson
Allie	Iberle
Kim	Iverson
Charlie	Locke
Natasha	Mendez
Thomas	Newman
Kelli	O'Donnell
Steve	Poland
Brian	Prewitt
Cameron	Rhodes
Tom	Roller
Paul	Rudershasen
Michael	Schmidtke
McLean	Seward
Steve	Swann
CJ	Sweetman
Chip	Collier
Mary	Vara