

# Atlantic States Marine Fisheries Commission

## South Atlantic State/Federal Fisheries Management Board

*February 6, 2019*  
*11:15 a.m. – 12:15 p.m.*  
*Arlington, Virginia*

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

- |   |            |
|---|------------|
| 1. Welcome/Call to Order ( <i>P. Geer</i> )   | 11:15 a.m. |
| 2. Board Consent  | 11:15 a.m. |
| • Approval of Agenda  |            |
| • Approval of Proceedings from October 2018   |            |
| 3. Public Comment   | 11:20 a.m. |
| 4. Draft Amendment 1 to the Cobia Fishery Management Plan   | 11:30 a.m. |
| • Progress Update ( <i>M. Schmidtke</i> )   |            |
| • Provide Guidance to Plan Development Team to Develop Management Options ( <i>P. Geer</i> )                                |            |
| 5. Consider 2018 Fishery Management Plan Review and State Compliance Reports for Spot ( <i>M. Schmidtke</i> ) <b>Action</b> | 12:05 p.m. |
| 6. Other Business/Adjourn   | 12:15 p.m. |

The meeting will be held at the Westin Crystal City, 1800 S. Eads Street, Arlington, VA 22202; 703.486.1111

# MEETING OVERVIEW

## South Atlantic State/Federal Fisheries Management Board Meeting

**Wednesday, February 6, 2019**

**11:15 a.m. – 12:15 p.m.**

**Arlington, Virginia**

Chair: Pat Geer (GA) Assumed Chairmanship: 02/18	Technical Committee (TC) Chairs: Black Drum: Harry Rickabaugh (MD) Cobia: Vacant Atlantic Croaker: Chris McDonough (SC) Red Drum: Vacant	Law Enforcement Committee Representative: Capt. Bob Lynn (GA)
Vice Chair: Robert H. Boyles, Jr.	Advisory Panel Chair: Tom Powers (VA)	Previous Board Meeting: October 25, 2018
Voting Members: NJ, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS, SAFMC (12 votes)		

### 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 25, 2018

**3. Public Comment** – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

### 4. Draft Amendment 1 to the Cobia Fishery Management Plan (11:30 a.m. – 12:05 p.m.)

#### Background

- In May 2018, the Board initiated Draft Amendment 1 to the Cobia FMP to reflect removal of Atlantic cobia from the South Atlantic and Gulf of Mexico Fishery Management Councils' Coastal Migratory Pelagic Resources FMP and establish recommendations for measures in federal waters.
- In October 2018, the Board reviewed public comment on a Public Information Document (PID) and gave direction to the Cobia Plan Development Team (PDT) on options to be included in Draft Amendment 1.
- The PDT held two conference calls on which they developed several options for inclusion in the Draft Amendment. However, the PDT also resolved that additional Board guidance

was needed in developing accountability options and developed a memo requesting this guidance (**Briefing Materials**).

**Presentations**

- M. Schmidtke will present an update on Draft Amendment 1 development.

**Board actions for consideration at this meeting**

- Provide guidance to the PDT for management options to include in Draft Amendment 1 to the Cobia FMP.

**6. Consider 2018 Fishery Management Plan Review and State Compliance for Spot (12:05 – 12:15 p.m.) Action**

**Background**

- Spot State Compliance Reports are due on November 1. The Spot Plan Review Team (PRT) has reviewed state reports and compiled the annual FMP Review. New Jersey and Georgia have requested *de minimis* status (**Supplemental Materials**).

**Presentations**

- M. Schmidtke will present the FMP Review.

**Board actions for consideration at this meeting**

- Consider approval of the 2018 FMP Reviews, state compliance, and *de minimis* requests for spot.

**7. Other Business/Adjourn**

**DRAFT PROCEEDINGS OF THE**  
**ATLANTIC STATES MARINE FISHERIES COMMISSION**  
**SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD**

**The Roosevelt Hotel**  
New York, New York  
**October 24, 2018**

Draft Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting  
October 2018

**TABLE OF CONTENTS**

Call to Order, Chairman Pat Geer .....	1
Approval of Agenda.....	1
Approval of Proceedings, August 2018 .....	1
Public Comment .....	1
Review of Public Comment for the Summary of the Cobia Draft Amendment 1 for the Public Information Document.....	1
Provide Guidance to the Cobia Plan Development Team on Options for Inclusion in Draft Amendment 1 .....	3
Consider 2018 Fishery Management Plan Reviews and State Compliance Reports .....	7
Black Drum.....	7
Spotted Sea Trout .....	8
Spanish Mackerel.....	9
Advisory Panel Nomination.....	10
Other Business .....	11
Adjournment .....	11

These minutes are draft and subject to approval by the South Atlantic State/Federal Fisheries Management Board.  
The Board will review the minutes during its next meeting.

**INDEX OF MOTIONS**

1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of August 2018** by Consent (Page 1).
3. **Move to accept the 2018 FMP Review and State Compliance Reports for black drum** (Page 8). Motion by Lynn Fegley; second by John Clark. Motion carried (Page 9).
4. **Move to accept the 2018 FMP Review and State Compliance Reports for spotted sea trout, and approve de minimis requests for New Jersey, Delaware, and Georgia** (Page 9). Motion by Spud Woodward; second by Tom Fote. Motion carried (Page 9).
5. **Move to accept the 2018 FMP Review and State Compliance Report for Spanish mackerel and approve de minimis requests for New Jersey, Delaware, and Georgia** (Page 10). Motion by Spud Woodward; second by Tom Fote. Motion carried (Page 10).
6. **Move to approve the nomination of Glenn Skinner to the South Atlantic Advisory Panel** (Page 10). Motion by Chris Batsavage; second by Jim Estes. Motion carried (Page 10).
7. **Motion to adjourn** by Consent (Page 11).

Draft Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting  
October 2018

**ATTENDANCE**

**BOARD MEMBERS**

Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Spud Woodward, GA (AA)
Tom Fote, NJ (GA)	Doug Haymans, GA (GA)
John Clark, DE, proxy for David Saveikas (AA)	Jim Estes, FL, proxy for J. McCawley (AA)
Lynn Fegley, MD, proxy for D. Blazer (AA)	Marty Gary, PRFC
Pat Geer, VA, proxy for S. Bowman (AA), Chair	John Carmichael, SAFMC
Chris Batsavage, NC, proxy for S. Murphy (AA)	

**(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)**

**Ex-Officio Members**

**Staff**

Toni Kerns  
Robert Beal

Mike Schmidtke  
Jessica Kuesel

**Guests**

Jack McGovern, NMFS

Mike Millard, USFWS

The South Atlantic State/Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission convened in the Terrace Ballroom of the Roosevelt Hotel, New York, New York; Tuesday, October 25, 2018, and was called to order at 10:45 o'clock a.m. by Chairman Pat Geer.

#### **CALL TO ORDER**

CHAIRMAN PAT GEER: Welcome everybody to the South Atlantic State/Federal Fisheries Management Board. My name is Pat Geer; from Virginia. As always, we seem to be rounding out the meeting week; so let's try to get this done as soon as possible, because we've got a lot of people that want to get on the road and start traveling.

#### **APPROVAL OF AGENDA**

CHAIRMAN GEER: First of all the agenda, approval of the agenda, are there any changes to the agenda? Chris.

MR. CHRIS BATSAVAGE: I think it's probably already on staffs radar; but at the end if we could consider the Advisory Panel nomination that was in the supplemental material.

CHAIRMAN GEER: I believe that was in our materials; but it was not listed on the agenda, and we will add that on there. I guess Tina will be in the room for that one. Are there any other changes or modifications to the agenda; any objections? Seeing none; the agenda is approved by consent.

#### **APPROVAL OF PROCEEDINGS**

CHAIRMAN GEER: Moving on to the proceedings from the August meeting; any additions, modifications? Hearing none; the proceedings are approved by consent.

#### **PUBLIC COMMENT**

CHAIRMAN GEER: Is there any public comment of anything that is not on the agenda? We didn't have anybody sign up.

#### **REVIEW PUBLIC COMMENT FOR THE SUMMARY OF THE COBIA DRAFT AMENDMENT 1 FOR THE PUBLIC INFORMATION DOCUMENT**

CHAIRMAN GEER: Okay, moving right along. Item Number 4; Review the Public Comment for the summary of the Cobia Draft Amendment 1 for the Public Information Document. We had several public meetings that weren't very well attended; and Mike will tell you about that. Dr. Schmidtke, you have the floor.

DR. MIKE SCHMIDTKE: All right, so I will be going through the summary of public comment for the Public Information Document for Draft Amendment 1 to the Atlantic cobia fishery management plan. Before I get into the PID topics and public comment, just a quick reminder of the timeline that we're working on for this draft amendment, today the Board will review public comment and provide direction for the PDT to develop Draft Amendment 1.

That is scheduled to be reviewed for public comment in May of next year; and ultimately considered for approval in August of next year, using that current timeline. At the last Board meeting Public Information Document for Draft Amendment 1 to the Interstate Cobia FMP was released for public comment. The PID stated the need for an amendment to the FMP; to continue management of Atlantic cobia in the absence of a federal FMP. In order to accomplish this, language for several measures originally written as complementary to the coastal migratory pelagics FMP, needs to be changed, and a Board recommendation for management by NOAA Fisheries in federal waters should be developed. Additionally, the Board expressed desire to consider different management strategies through this Amendment as well. The PID outlined and requested public comment on three main issues; recommended management for federal waters, establishment of a harvest specification process, and biological monitoring requirements.



Written comments were received through October 10 of this year. We received 39 written comments; the majority of which were submitted as signatures to a form letter from the Virginia Saltwater Sportfishing Association. Six public hearings were held for New Jersey and jurisdictions from Maryland through Georgia.

A total of ten public attended these meetings, with zero public attending a joint hearing for PRFC and Maryland, and the North Carolina hearing held in Moorehead City. A conference call was held for the AP. A response to the Doodle Poll requesting availability for this call was limited; and only two members joined that call.

The members that were unable to attend were encouraged to submit comments via e-mail; but no additional comments were received in that media. No comments were provided on the AP call. One of the attendees did not desire to provide comments; and the other was satisfied with previously submitted written and spoken comments that were given at the Virginia hearing.

It's possible that the timing of the storms that happened late this summer across the southeast may have had some impact on the participation there. But as you can see it was fairly low participation for hearings; as well as the AP call. Several current policies were supported for continuation by all or nearly all of the comments that were submitted.

These include current coastwide minimum size and bag limits; the process for allowing states to adjust vessel limits and seasons to achieve their recreational harvest targets, the three-year-harvest evaluation process for the recreational fishery, use of a coastwide commercial quota, and recreational harvest target, and current allocation percentages for the coastwide RHL.

Comments on recommended management for federal waters were split geographically. The majority of comments coming from Virginia and

North Carolina supported management based on regulations of the state of landing; whereas comments that came from South Carolina supported management based on latitudinal extension of state boundaries into the EEZ.

There was also some support from South Carolina stakeholders for zoning off certain areas of the EEZ for specific regulations. The majority of comments on a potential harvest specification process supported a three-year time period for evaluating and specifying recreational harvest; and some form of multi-year time period for evaluating and specifying commercial harvest.

Nearly all comments supported evaluation of recreational harvest in numbers rather than pounds; and several comments expressed concern with differences in regulations between commercial and recreational sectors, especially those that would potentially lead to recreational fishermen having higher vessel limits than commercial fishermen. A couple topics concerning harvest specification had comments that were also split geographically. The majority of comments from Virginia and North Carolina desired stability in annual fishing regulations; with no Board ability to make in-season changes. They also supported continuation of the current coastwide recreational maximum vessel limit of six fish. The majority of comments from South Carolina supported the Board's ability to react quickly to changes in the fishery; and consideration of a lower coastwide recreational maximum vessel limit, specifically suggesting three or four fish as that vessel limit.

The majority of comments supported voluntary but no mandatory biological monitoring programs. The states from Florida through Georgia all have some form of sampling program in place currently through their state agencies. There was a general opinion that these programs were adequate and should continue; but not become requirements that would burden the states or individual fishers in those states.

Several comments outside of the issues of the PID were also submitted; these included establishment of cobia regulations in all areas of the management area from Georgia through New York. Most states this has already been accomplished; I'm not sure if New York has regulations in place for cobia right now.

The comments also wanted inclusion of the east coast of Florida in the management area; or shifting of some amount of quota from the east coast of Florida to the current management area. Additionally, specifically for Virginia, there were comments requesting a change in the commercial regulations from a per-license-holder limit to a per-vessel limit.

As a note to that second point concerning the east coast of Florida. Because Florida is not currently in the management area of the Interstate FMP, cobia in that area are managed by the South Atlantic Council. Any inclusion or shifting of quota from the east coast of Florida cannot be initiated by the Commission. That would have to be initiated by the Council; in order to accomplish that.

The most the Commission would be able to do in that regard is send some form of letter; but the Council would have to transfer that over to the Commission in some form. At that point I can pause and take any questions on the public comment portion; and then I do have a couple additional slides, as far as asking for the Board's direction on writing of the document.

CHAIRMAN GEER: Are there any questions for Mike? I'm not seeing any hands go up. All right, Mike.

**PROVIDE GUIDANCE TO THE COBIA PLAN  
DEVELOPMENT TEAM ON OPTIONS FOR  
INCLUSION IN DRAFT AMENDMENT 1**

DR. SCHMIDTKE: In providing direction for the development of the draft amendment document, I've condensed some of the issues that were brought up through public comment into categories of policies that were generally

supported for continuation from the current FMP. These may not need to be included in draft Amendment 1; they can just be carried over from the initial FMP.

Then the second slide will show those that need to be included; due to the removal of cobia from the federal FMP, and finally, those policies that had multiple opinions or would oppose potential changes to the current FMP. Here we see a list of current policies that were generally supported for continuation. These include the recreational minimum size and bag limits, use of a coastwide commercial quota, use of a coastwide recreational harvest target allocated to non de minimis states, and evaluated as three-year averages with state ability to set seasons and vessel limits, to achieve the allocated targets and current recreational allocation percentages.

Items that need to be addressed by Draft Amendment 1 include a recommendation for federal waters; with options of regulations by state of landings, or regulations by fishing location in some form, either with the state regulations extended latitudinally, or some form of zoning off of the EEZ with regulations in certain areas.

Additionally, another topic that needs to be addressed is how harvest regulations will be specified in the absence of a federal FMP. Right now the commercial quota, as well as the recreational harvest limit is both tied to federal ACLs that will be taken away once cobia is removed from the federal FMP.

If a harvest specification process is established, then options must be chosen that define which measures are subject to Board specification without action through an amendment or addendum, as well as how frequently the Board will be specifying these measures. Finally there are issues that would be changes or additions to the current FMP that could be considered for inclusion in Draft Amendment 1.

These issues are not tied to the federal FMP, so exclusion of any of them would still allow the Commission to manage under current policies, in the absence of a federal FMP. These include biological monitoring requirements. These would be in consideration of the comments that were submitted; and the already established state programs.

One route to go with the biological monitoring topic is to include some statement in the draft FMP that would encourage continuation of state programs; and state their value to evaluating stock health, but not make them requirements of the plan. Additionally, several changes to current measures were proposed through comments; and could be considered for inclusion, such as changes to the coastwide maximum vessel limit, commercial size, possession, or vessel limits, and evaluation of recreational harvest in numbers or pounds.

Now, I would look to the Board for direction on what issues that are listed here or otherwise should be included in the draft amendment; as well as potential options for these issues. Additionally, along with asking for direction from the Board, I also have a brief note on the composition of the Plan Development Team.

We currently have technical representatives from three states, two CESS members, and a South Atlantic Council staff member. As we move into the document development portion of this process, it would be helpful to have additional PDT members with more of a policy background, potentially a couple or a few Board members to help in constructing the management options.

CHAIRMAN GEER: Why don't we start with that last portion first? John.

MR. JOHN CLARK: Sorry, just more clarification. On that minimum size, you weren't including the de minimis minimum size, because it's still 29 inches right, in the plan for de minimis states?

DR. SCHMIDTKE: That's what it is. Nobody really commented on the de minimis minimum size; most of the comments were saying that they would want continuation of the 36 inch minimum size for the recreational. Unless there is some request for the Board that that be included in the draft Amendment that would be carried over.

CHAIRMAN GEER: Are any of the Board members present today? Would they be interested in sitting on the – I'm seeing someone being nominated, but I don't see him raising his hand, so I'm not sure I want to go there until. I will probably sit on it; but if anyone else is interested, let us know.

MR. A.G. "SPUD" WOODWARD: I will.

CHAIRMAN GEER: I see Mr. Woodward being reluctantly volunteered, and Chris Batsavage as well that's great. I think that is more than enough at this point, unless if anyone else wants to, Joe is shaking his head no, which that's okay. I think that three would be a good number. But if anyone else has any input on that or wants to join us in that process, we would greatly appreciate it. That's probably more than enough at this point. That's great. At this point if there are any comments or any questions we have. I see Joe has his hand raised up, so Joe.

MR. JOE CIMINO: Can you go back one slide. I lived cobia for a while. That evaluation of the recreational fishery in numbers and pounds is a vague and somewhat complicated issue that I think has been well looked into at this point. But I am a little bit hesitant. That is something that we need public input on. I think really that the Board consideration that has a Technical Committee recommendation, it's just a thought.

DR. SCHMIDTKE: Sorry, if that is something that the Board would want in the Amendment, then that can be part of the amending process. I guess I would just need direction from the Board that that is going to be how the fishery is

evaluated from that point forth. Even if it's not put forth as a public issue; the PDT would still need direction that that would be included.

CHAIRMAN GEER: As Joe said; that was a recommendation from the TC. If there are no objections from the Board that is probably the way we should go, and not even make it an option when we're developing the plan. Just say that we want these assessed, monitored by numbers instead of pounds. I see nodding of the heads. Okay. I will go with Chris and then I've got Lynn.

MR. BATSAVAGE: For the federal waters management issue. We heard comments from the Board and the public about either making cobia harvest in federal waters subject to the state where you're from or fishing from, or extending jurisdictional boundaries by latitude into federal waters. As far as an option, is it possible that we can have one that does both? Meaning, like the southern states have an option where the latitudinal boundaries are extended out, and the northern states where it may not be feasible to do that we hold the vessels to whatever limit that they fished out of. It's kind of an option where both, it was pretty clear from the comments that there were two different options, depending on where people were on the coast. I think we're all trying to get to the same place; which is we don't want different federal measures than what we have in the state, but maybe have two different methods of doing that depending on where we are along the coast. It's just a thought as far as whether that's something feasible to explore as an option.

DR. SCHMIDTKE: I think the feasibility; I mean theoretically it sounds like that's something that we could develop as an option. I would think that we would probably want to get some Law Enforcement input on that. That would probably be the biggest source of answers, I guess for the feasibility issue, because you're going to have those varying requirements by location or who is fishing, things like that. But

that is something that we can include and try to take forward with future discussions.

CHAIRMAN GEER: Chris, I think what that would be is it would be a third option. You know we have Option 1, Option 2, and a combination of 1 and 2, which we can put forth in the plan. Then I have Lynn.

MS. LYNN FEGLEY: Just to follow along John's comment, I just would like to approach with some care how we handle the de minimis states. You know we kind of threw that little bit of a hail Mary, where we were able to take on whatever regulations that Virginia did; which was really a life saver for our charter fleet.

If we had wound up with one fish per vessel per day, it would have been kind of tough when the Virginia fleet has more liberal rules. That really was helpful; and I would just say that as we go forward, if we can take care to address the de minimis states and allow them some ability, a little bit of flexibility as we did under the current plan that would be good.

CHAIRMAN GEER: Are there any more? I see Spud.

MR. WOODWARD: Yes, I thought maybe it would be good just to remind everybody. As the state that's living on the border with Florida. I mean we're already dealing with the fact that we have a latitudinal boundary extending out into the EEZ. I mean you've got that is the dividing line between the Atlantic group and Gulf group.

You've got a 33 inch minimum size limit for the Gulf group; I believe that's correct, and then we now have a 36 inch minimum size limit in Georgia. We're already dealing with situations where we routinely have fishermen that leave a point of origin, go into a whole completely different regulatory jurisdiction. They've got to resolve that.

I mean the way we've always treated it in Georgia is when you land it in Georgia, you're

bound by whatever Georgia's regulations are and vice versa, same way in Florida. I mean we've already done that. I mean we've already got latitudinal extensions. Now the problem that comes, you know if you start dividing that at every state border; you know is this going to get into some unwieldy, really cumbersome problem or not. But I guess it should be considered; although I've always been a fan of wherever you land it that's what you're bound by.

CHAIRMAN GEER: Are there any more comments or any more discussions or additions you want to see moving forward? I mean I kind of think the boundary issue is going to be something that is going to be discussed further. I think that's something that when we move into this and we sit down back in May and discuss the plan. That's probably going to be one of our largest discussion items.

I know nobody is here from South Carolina; but I know how they feel about it as well. Chris provided a third option; which is a possibility, as Spud just said, if we can all come to some consensus on that that would be great. But we'll develop the plan and see what comes up with that. Hearing no other additions to this; we don't have to do an action on this. Mike has one more thing. I'm sorry.

DR. SCHMIDTKE: I guess I just wanted to get some I guess explicit direction to include or not include. Example, the items that are listed as examples, those are things that the public commented on. We received comments on those. Are there any Board members that want the coastwide maximum vessel limit, or the commercial size possession, or vessel limit, any of those items to be included and up for changing through this draft amendment?

CHAIRMAN GEER: I see Doug's hand went up.

MR. DOUG HAYMANS: Well, I am interested in seeing the commercial size limit brought up to the minimum recreational size limit. I definitely would want that one included.

CHAIRMAN GEER: Chris.

MR. BATSAVAGE: I think that's a good option to include. The possession or vessel limit for the commercial fishery, I think is also a good one to at least consider at this point, especially when at least under the current ACL, we keep having to close the commercial fishery early. I don't know if this will be an opportunity to try to avoid these early closures; try to ration out that catch limit to avoid regulatory discards later in the fall.

DR. SCHMIDTKE: Then also for the biological monitoring portion, the impression that I've gotten from talking to folks is that they would rather not see that as a requirement; but possibly some statement in the draft Amendment that says we hope that these programs continue; they're valuable sources of information for evaluating stock health. Is that the will of the Board to just have that as more of an encouragement and not a requirement?

CHAIRMAN GEER: I'm seeing nodding heads; and I would tend to agree. I see Lynn's hand come up.

MS. FEGLEY: Yes, I definitely agree. As a de minimis state we would probably fall under that anyway; but I think it would be tough to implement another monitoring program. But I did want to ask. Would that encouragement of collection also include collections for genetic analysis? Is that something? I know there has been a lot of conversation about where these fish in Chesapeake Bay are coming from. If that's something that we want to do to include that and encourage the states to get some genetic samples when they can.

DR. SCHMIDTKE: I can include that. That wasn't the original motivation of the thought behind biological requirements. The original thought was if we shift over to managing in numbers, what if the average weight changes? How are we going to be able to notice that the weights are changing?

That may be indicative of some problems in the stock. But I think since it's not becoming a requirement, we can add that other sources of information that would be useful going forward would be additional information on like stock identification, and things of that nature.

CHAIRMAN GEER: Is there anything else, okay hearing nothing, thank you everyone for your input on that.

**CONSIDER 2018 FISHERY MANAGEMENT PLAN  
REVIEWS AND STATE  
COMPLIANCE REPORTS FOR BLACK DRUM,  
SPOTTED SEATROUT, AND  
SPANISH MACKEREL**

CHAIRMAN GEER: All right moving forward we're in the home stretch. We're going to hear from Mike on Plan Review and Status Compliance Reports on black drum, spotted sea trout, and Spanish mackerel.

DR. SCHMIDTKE: Okay, so we have a suite of FMP reviews to go through. This may get repetitive by the last one. I apologize for that. But I will try to keep it as brief as possible.

**BLACK DRUM**

DR. SCHMIDTKE: First we'll go through the Black Drum 2018 FMP Review. In July of this year, as all of you are aware, MRIP recalibrated recreational harvest estimates from the telephone survey to the mail survey.

Here you see a comparison of the recreational harvest by these two different calibrations; and that is for black drum. On average the FES calibration increased estimates by about four times. As this species is not managed based on the weight of recreational harvest, or recreational harvest as a total quota, the recreational estimates shown today will use the FES survey.

But it should be noted that the last assessment for black drum did use the telephone survey estimates; and will need to be updated in the future. The following graphs represent black

drum harvest within the management unit from New Jersey to Florida. They did not include landings outside of that area.

Total landings throughout the time series are heavily recreational; and range up to 11 million pounds in 2008, 2017 landings were 6.6 million pounds, which is a small decrease from 2016. Commercial landings have been low and fairly consistent throughout the time series; composing 4 percent of the total in 2017 at 294,000 pounds.

This was a 35 percent increase from 2016; and North Carolina harvested the majority of the commercial landings at 62 percent. Recreational harvest has fluctuated pretty widely; but without much of a long term trend since 2000. Harvest in 2017 was 6.3 million pounds or 1.7 million fish; that is a 5 percent decrease by weight and a 15 percent decrease by numbers from 2016.

Florida harvested the majority of recreational landings by weight at 65 percent; and by numbers at 60 percent. The percentage of recreational releases has increased drastically throughout the time series. Over the last four years over 70 percent of the recreational catch has been released; and that really coincides with the establishment of the black drum FMP. In 2017, 78 percent of recreational catch or 6 million fish was released. This is an increase by both number and percentage from 2016. Recreational discard mortality is estimated at 8 percent. This amounts to about 486,000 dead recreational discards. The last benchmark stock assessment for this species was done in 2015. The median biomass was well above what's needed to produce maximum sustainable yield. The median overfishing limit from this assessment was 4.12 million pounds. Just as a reminder, this is using telephone survey recreational estimates.

This assessment determined that the stock is not overfished nor experiencing overfishing. The five year trigger for the next assessment is coming up in 2020; and so the Plan Review

Team did want to put that on the Board's radar for future consideration in the stock assessment schedule. Black drum is currently managed under the original FMP.

Earlier this year the first Addendum to this FMP was approved. That Addendum allowed Maryland to reopen their commercial fishery in the Chesapeake Bay. Here we see a table that is shown in Table 1 of the report. It has the state measures in it. All states met the possession and size limits required by the FMP in 2017.

The Plan Review Team found all states in compliance with the FMP. States are able to request de minimis; but no states requested de minimis this year through the annual reporting process. The PRT recommends that the Board approve the 2018 Black Drum FMP Review and State Compliance Reports.

There are additional recommendations for management, research, and monitoring in the FMP Review Report, and also the PRT would recommend that the Board schedule an assessment or update coinciding with the 2020 trigger that's coming up. Hopefully that this assessment update would incorporate recalibrated MRIP estimates. With that I'll take questions.

CHAIRMAN GEER: Are there any questions or comments for Mike? We're going to do each one of these motions separately; because they've been written that way. We're going to have to have a motion to approve this. Let's go with Lynn.

**MS. FEGLEY: I move to accept the 2018 FMP Review and State Compliance Reports for black drum.**

CHAIRMAN GEER: Okay I need a second; John Clark is there any objection, any discussion? Hearing none; I'll read the motion. Move to accept the 2018 FMP Review and State Compliance Report for black drum. Motion by **Ms. Fegley and seconded by Mr. Clark, hearing no objection, approved by consent.**

## **SPOTTED SEA TROUT**

CHAIRMAN GEER: Let's move on to spotted sea trout.

DR. SCHMIDTKE: Now we'll go through the Spotted Sea Trout FMP Review for 2018. Here we see another figure of the MRIP calibrations for telephone and mail-based surveys; this for spotted sea trout. The FES calibration on average increased estimates by about three times; and again as the species is not managed based on total recreational landings in a given year, the estimates that are presented today will use the FES Survey.

The assessments that are done for spotted sea trout are generally done by the states; so the PRT would give a recommendation that states in future assessments conduct those using the FES estimates. Here we see a figure of landings for the commercial and recreational fisheries for spotted sea trout. Total landings in 2017 were 7.3 million pounds; that is an 18 percent increase from 2016. Commercial landings were 371,000 pounds; North Carolina harvested the majority of those at 81 percent.

Commercial landings have shown a gradual decline since about the 1980s. Here we see recreational harvest; as well as releases in catch. Harvest is shown in red; and as you can see that's been about stable throughout the time series, with a 3.5 million fish average, 2017 harvest was 4 million fish, or about 7 million pounds.

This is a 10 to 15 percent increase from last year; and North Carolina and Georgia had the largest recreational harvest. Recreational releases have increased since the 1980s; but without much of a trend since about the mid-2000s, 82 percent of recreational catch was released in 2017, and that is about the same proportion as has been released on average over the last ten years.

Due to the disproportionate number of releases versus harvest, the trends in recreational catch largely follow those of releases; increasing since

the 1980s, and annually fluctuating but about stable for the past ten years. In 2017, 22 million fish were caught recreationally; and that is approximately the same as what was caught in 2016.

There is no coastwide stock assessment for spotted sea trout; due to their life history and lack of migration between areas, as well as data availability in certain portions of their range. But several state assessments have been conducted. The most recent assessment that was completed was finalized in this year for Florida; that had data going through 2016 that determined that the northeast Florida and southeast Florida populations were above the biomass threshold, but below the target biomass, and overfishing was not occurring in either of those areas.

Table 1 in the report shows the various state regulations for spotted sea trout. De minimis can be requested by states for spotted sea trout; and it's calculated as a three-year average of the total landings. States that will qualify has less than 1 percent of the total landings; New Jersey and Delaware both requested de minimis, and both states qualify for this designation.

The Plan Review Team found all states to be in compliance with the FMP; with all of them establishing at least a 12 inch minimum total length size limit. The PRT recommends that the Board approve the 2018 FMP Review, State Compliance Reports, and de minimis status for New Jersey and Delaware. There are additional research and monitoring recommendations that are in the FMP Review Report as well. I can take questions on spotted sea trout.

CHAIRMAN GEER: Are there any questions for Mike? No comments? Okay I'll entertain a motion on this. I have Chris.

MR. BATSAVAGE: See if they have one up on the board, here we go thanks. **Move to accept the 2018 FMP Review and State Compliance Reports for spotted sea trout, and approve de**

**minimis requests for New Jersey and Delaware.**

CHAIRMAN GEER: I have a second by John Clark. Is there any other discussion; any objections? I'll read the motion. **Move to accept the 2018 FMP Review and State Compliance Reports for spotted sea trout, and approve de minimis requests for New Jersey and Delaware. Motion by Mr. Batsavage and seconded by Mr. Clark. We heard no objections and no other comments; so approved by consent.** Okay, moving along.

#### SPANISH MACKEREL

DR. SCHMIDTKE: All right, last FMP Review for the day is for Spanish mackerel. Here is the calibration comparison for Spanish mackerel. Unlike the other two species that I've talked about today, Spanish mackerel is managed based on an annual quota that includes recreational weight. The units that are going to be shown in all of the figures today are still using the telephone survey; and the telephone survey will be used moving forward, until that species is assessed again. That next assessment is scheduled for 2020.

Total landings of Spanish mackerel in 2017 were 4.2 million pounds. This was a 200,000 pound decrease from 2016; and below the most recent ten-year average. The commercial fishery accounted for 80 percent of the 2017 total. This was on the high end for a commercial percentage; but it's not atypical for the composition of the total catch between sectors.

The switch over to the FES estimates would change the typical catch composition to be about 50/50, with 2017 being about 60 percent commercial. Commercial harvest outside of 2010 and 2011 has been below 4 million pounds since 1995. This was when Florida banned entanglement nets. Florida is historically the largest commercial harvester.

Coastwide commercial harvest in 2017 was 3.5 million pounds. This was a 300,000 pound



increase from 2016. Florida had the largest commercial harvest at 76 percent; and North Carolina had 24 percent. The 2017 recreational landings were 632,000 Spanish mackerel, or 751,000 pounds. This was a 44 percent decrease in numbers from 2016.

North Carolina landed the greatest percentage of fish with 61 percent; and Florida was second with 29 percent. The releases have generally increased over time; but they leveled off for the past 20 or 25 years. In 2017, 38 percent of the recreational catch or 391,000 fish were released. The most recent stock assessment for Spanish mackerel was in 2012.

This assessment determined the stock is not overfished nor experiencing overfishing. The next assessment is scheduled through the SEDAR process for 2020; and this will include the updated MRIP estimates. Spanish mackerel is primarily managed by the South Atlantic Council. The Commission manages in cooperation with the Council; currently through the Omnibus Amendment to the Spanish Mackerel FMP.

In 2013, Addendum I introduced a pilot program that allows states to reduce the minimum size in their commercial pound net fishery from July to September. This program has been used and extended for North Carolina through the 2018 fishing year. No state regulatory changes occurred in 2017.

The South Atlantic Council and the Gulf Council passed Framework Amendment 5 to the Coastal Migratory Pelagics FMP. This impacts permitting regulations; but does not influence the regulatory measures of the Interstate FMP. The PRT finds that all states have implemented the requirements of the FMP. New Jersey, Delaware and Georgia have requested de minimis status and they qualify with three-year average total landings that are less than 1 percent of the coastwide total.

The PRT recommends that the Board approve the 2018 Spanish Mackerel FMP Review, State

Compliance Reports and de minimis status for New Jersey, Delaware, and Georgia. There are additional research and monitoring requirements in the FMP Review Report; and I'll take questions on Spanish mackerel.

CHAIRMAN GEER: Are there any questions or comments for Mike? Hearing none we need a motion. Spud.

MR. WOODWARD: All right, give me something to read. **Move to accept the 2018 FMP Review and State Compliance Report for Spanish mackerel and approve de minimis requests for New Jersey, Delaware, and Georgia.**

CHAIRMAN GEER: Second by Tom Fote. Is there any further discussion on this; any objection? I'll read the motion. Move to accept the 2018 FMP Review and State Compliance Report for Spanish mackerel, and approve de minimis requests for New Jersey, Delaware, and Georgia. Motion by Mr. Woodward and seconded by Mr. Fote. **Hearing no objection the motion is carried by consent.**

#### ADVISORY PANEL NOMINATION

CHAIRMAN GEER: Moving on to hopefully our last item is the AP nomination. Tina.

MS. TINA BERGER: I have one AP member for your consideration and approval to the South Atlantic Species AP; and that is Glenn Skinner, a commercial gillnetter from North Carolina.

CHAIRMAN GEER: That is Mr. Skinner, right. Chris, do you want to add anything about him?

MR. BATSAVAGE: Glenn Skinner I think would be a strong AP member; he is a gillnetter targeting spot, spotted sea trout and Spanish mackerel, so he's kind of rounding out some of the species in the South Atlantic Board that we could always use some more representation on. **With that I would make a motion to approve the nomination of Glenn Skinner to the South Atlantic Advisory Panel.**

CHAIRMAN GEER: Second the motion by Jim Estes. Is there any further discussion; any objection? **We'll consider the motion carried by consent.**

#### **OTHER BUSINESS**

CHAIRMAN GEER: Is there any other business to come forth this Board at this time? Jack.

DR. JACK McGOVERN: I just wanted to update you on the Secretarial Review of Coastal Migratory Pelagic Amendment 31 that removes Atlantic cobia from the federal plan; and the notice of availability for that amendment published on October 11, and the comment period ends on December 10. We expect the Proposed Rule to publish probably next week on that. That will have a 30 day comment period, and that's it.

#### **ADJOURNMENT**

CHAIRMAN GEER: Is there anything else; any other comments? I'll take a motion to adjourn. I see hands going up. We are adjourned and thank you very much, and everyone have safe travels home.

(Whereupon the meeting adjourned at 11:30 o'clock a.m. on October 25, 2018)



# Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201  
703.842.0740 • 703.842.0741 (fax) • www.asmf.org

---

## MEMORANDUM

January 18, 2019

**To: South Atlantic State/Federal Fisheries Management Board**

**From: Cobia Plan Development Team**

**Subject: Additional Guidance on Accountability Options for Draft Amendment 1**

In October 2018, the South Atlantic State/Federal Fisheries Management Board (Board) provided guidance to the Cobia Plan Development Team (PDT) on options for inclusion in Draft Amendment 1 to the Cobia Fishery Management Plan (FMP).

In January 2019, the PDT met twice via conference call to begin developing and formalizing these options. However, the PDT was not able, from the previously provided Board guidance, to formalize options concerning accountability measures, particularly with respect to the recreational fishery.

Many Commission FMPs do not include accountability measures for the recreational sector. However, under complementary and previous Council management, accountability measures have been in place in the form of closures when the annual catch limit (ACL) is projected to be met. With the use of these closures, the ACL is reset to the same value each year, and no payback is required. Previous Board discussions and public comments suggest that options including potential for early closures are unlikely to be preferred for Draft Amendment 1. Additionally, both fishing sectors have recently proven difficult to manage relative to an ACL through closures, with overages in two of three years (2015-2017) for the recreational and all three years for the commercial since ACLs were established in 2015. Landings for 2018 are not currently available.

The initial question the PDT would like guidance on is: **Does the Board want to include options that establish accountability measures through Draft Amendment 1?**

If not, the PDT will not pursue further development of these options.

If so, please provide guidance on what those options should be. Factors the PDT would seek guidance on include:

- Are there any options that should not be considered?
- Should accountability measures apply to the recreational, commercial, or both sectors?
- Should accountability measures apply on a coastwide, state, or both levels?
- What are potential accountability triggers (e.g. Exceeding the average/cumulative recreational harvest target over a 3-year period [status quo])?

M19-003

- What are potential actions in response to triggers (e.g. Regulation changes to achieve targets [status quo], paybacks)?
- Should targets be set, or should “wobble room” be allowed?
  - The PDT discussed, with respect to the recreational fishery and variability associated with MRIP catch estimates, the possibility of some interval being set about harvest targets to inform management responses to landings evaluations.

The PDT requests that this question, along with any additional guidance, be addressed at the upcoming Winter Board Meeting so that the current timeline of having Draft Amendment 1 reviewed to be released for Public Comment at the May meeting can be maintained.