

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

**The Westin Crystal City**  
Arlington, Virginia  
**February 7, 2018**

**Approved May 3, 2018**

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## INDEX OF MOTIONS

1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of October 2017** by consent (Page 1).
3. **Move that de minimis states that are mirroring Virginia only mirror those regulations that keep them in compliance with the cobia FMP** (Page 7). Motion by Lynn Fegley; second by Jim Estes. Motion carried (Page 8).
4. **Move to recommend that the TC evaluate state specific management options in pounds and numbers of fish, and to provide directions to use alternative techniques such as in the black sea bass fishery. Evaluate the best method (i.e. pounds or numbers of fish) by which to determine the harvest impact of the management measures.** (Page 12). Motion by Michelle Duval; second by Jim Estes. Motion carried (Page 13).
5. **Motion to approve the state implementation plans for the cobia FMP as recommended by the Technical Committee** (Page 16). Motion by Robert Boyles; second by Doug Haymans. Motion substituted. .
6. **Move to substitute to approve all the state implementation plans as presented today** (Page16). Motion By Adam Nowalsky; second by David Bush. Motion failed (Page 20).  
**Main motion: to approve the state implementation plans for the cobia FMP as recommended by the Technical Committee.** Motion carried (Page20).
7. **Move to approve Draft Addendum I to the Black Drum FMP for public comment** (Page21). Motion by Lynn Fegley; second by Spud Woodward. Motion carried (Page 21).
8. Motion to adjourn by Consent (Page28).

## ATTENDANCE

### BOARD MEMBERS

Heather Corbett, NJ, proxy for L. Herrighty (AA)	Doug Brady, NC (GA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Steve Murphy, NC (AA)
Roy Miller, DE (GA)	Michelle Duval, NC, Administrative proxy
John Clark, DE, proxy for David Saveikas (AA)	Robert Boyles, SC (AA)
Craig Pugh, DE, proxy for Rep. William Carson (LA)	Ross Self, SC, proxy for Sen. Cromer (LA)
Rachel Dean, MD (GA)	Patrick Geer, GA, proxy for Rep. Nimmer (LA)
Ed O'Brien, MD, proxy for Del. Stein (LA)	Spud Woodward, GA (AA)
Lynn Fegley, MD, proxy for D. Blazer (AA)	Doug Haymans, GA (GA)
John Bull, VA (AA)	Jim Estes, FL, proxy for J. McCawley (AA)
Joe Cimino, VA, Administrative proxy	Marty Gary, PRFC
Cathy Davenport, VA (GA)	Wilson Laney, USFWS
Kyle Schick, VA, proxy for Sen. Stuart (LA)	Roy Crabtree, NMFS
David Bush, NC, proxy for Rep. Steinburg (LA)	John Carmichael, SAFMC

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

### Ex-Officio Members

Steve Poland, Cobia Technical Committee Chair	Chris McDonough, Atl. Croaker Technical Committee Chair
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### Staff

Toni Kerns	Mike Schmidtke
Robert Beal	

### Guests

Rachel Baker, NOAA	Bill Gorham, Southern Shores, NC
James French, VA	Angela Giuliano, MD DNR
Joseph Gordon, PEW	

The South Atlantic State/Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Wednesday February 7, 2018, and was called to order at 12:45 o'clock p.m. by Chairman Pat Geer.

#### **CALL TO ORDER**

CHAIRMAN PAT GEER: (Meeting in progress) Additions to the agenda at this time. I would like to recommend one at the end of the meeting to discuss a Vice-Chair. Maybe if somebody is eager to jump up and do it that's great; otherwise we're going to have to get a Vice-Chair at some point by the next meeting. Toni says just to do it next time, okay never mind.

All right we won't have to do that so no additions to the agenda.

#### **APPROVAL OF PROCEEDINGS**

CHAIRMAN GEER: As far as the approval of the proceedings from the October, '17 meeting, are there any changes to that? Hearing none; we'll consider by consent that the agenda and the proceedings are approved. Is there anybody who wants to speak from the general public about issues not on the agenda? I saw one hand. There will be an opportunity to speak on the issues themselves; so we'll let you come up at that time.

#### **PUBLIC COMMENT**

CHAIRMAN GEER: Things that are not on the agenda, I don't see anybody.

#### **CONSIDER THE APPROVAL OF STATE IMPLEMENTATION PLANS FOR THE INTERSTATE COBIA FMP**

CHAIRMAN GEER: Moving on, the fourth item on the agenda is to consider the Approval of State Implementation Plans for the Interstate Cobia FMP. We're going to do a final action today.

#### **TECHNICAL COMMITTEE REPORT**

CHAIRMAN GEER: The Technical Committee, Steve Poland is going to give the report; and that starts on Page 42 of the supplemental document

that we have if you want to follow through, it's in there. Steve you have the floor.

MR. STEPHEN POLAND: This is the first time I've had a chance to address the South Atlantic Board; so my name is Steve Poland. I'm a fisheries biologist with the North Carolina Division of Marine Fisheries; and I am the first unfortunate soul to be anointed with the cobia TC Chair responsibility.

Today I'll just real quickly review the requirements in the Interstate Fisheries Management Plan for cobia; and review the Technical Committee guidelines that the TC developed when reviewing state implementation plans. Then review each states implementation plan; starting with de minimis states and then getting into the states that have more of a stake in the fishery.

The Interstate FMP for cobia is a complementary plan with the South Atlantic Fishery Management Council; coastal migratory pelagics FMP. The coastal migratory pelagics FMP is currently managing the Atlantic migratory group of cobia; so cobia north of the Florida/Georgia line up to New York, under Framework Amendment 4 to the coastal migratory pelagics FMP.

Framework Amendment 4 established a 36 inch fork length and one fish per person up to six-fish-per-vessel limit for the recreational sector, and maintained commercial regulations of 33 inch, two fish per person, and up to six fish per vessel for the commercial sector. Being a complementary plan the fishery in the Atlantic migratory group is managed under federal ACL, so 620,000 pounds for the recreational fishery and 50,000 pounds for the commercial fishery. The Interstate FMP allows for states to declare de minimis status for their recreational fisheries; if their landings are less than 1 percent of the coastwide landings over two of the previous three years, or between 2014 and 2016.

De minimis states may select to either match regulations from a neighboring state or the nearest state. All states that are declaring de minimis in this FMP have the option to adopt

Virginia's regulations. De minimis states may also adopt a one fish per person and a minimum size limit of 29 inches or greater for their fishery.

Two options there either adopt an adjacent state or just adopt a one fish regulation with no season. For non de minimis states, so states that land greater than 1 percent of the coastwide landings. For recreational measures they must implement size and bag limits consistent with Framework Amendment 4, so 36 inch fork length or 40 inch total length, if the state so wishes to manage their fishery with a total length, and a one fish per person possession limit.

The states are allowed to manage the fishery in their waters with a vessel limit up to six fish per vessel; and a season. The vessel limits and seasons can be adjusted in state waters to achieve recreational harvest targets established in the interstate plan. These recreational harvest targets are based on the historic coastwide proportion. The landings apply to the federal ACL for Atlantic migratory group cobia for the recreational fishery.

In the implementation plans, states must demonstrate that their proposed seasons and vessel limit options constrain recreational harvest to their state's target. Real quick, before we get into the review of the Implementation Plan, I just wanted to go over some of the guidelines the TC used when evaluation the Implementation Plans.

The TC decided to standardize analyses for all states; using a timeframe of 2011 to 2015 landings, and average weights from the Southeast Fisheries Science Center. Later on when I reviewed the Virginia implementation plan, they put forward an option to use their own state derived average weights, and I'll discuss that in a little more detail when we get there.

The Technical Committee also discussed at length issues surrounding MRIP uncertainty. We investigated different estimate weighting approaches and smoothing that other TCs have investigated; but ultimately decided that the three-year average included in the Interstate Fishery Management Plan or three-year-

monitoring period included in this Interstate Fishery Management Plan accounts for uncertainty in these MRIP estimates.

This is still something that the TC would be interested in looking into further. Now we'll get into the review for the de minimis states; and I'm starting the furthest north with New Jersey, and I'll just move down the coastline. New Jersey provided information or provided data to show that they meet the de minimis status, so less than 1 percent of coastwide landings for New Jersey.

Their proposed management options were to match Virginia's regulations for vessel limit, size and season. TC recommendation was to approve the New Jersey implementation plan. Delaware also presented landings data; to show that they meet the de minimis status and proposed two options. Before I go any further, several states submitted multiple options that upon approval could be taken to their respective stakeholders and delegations for feedback and a final decision. There are other states that put forward multiple options; even up to seven options. We'll review those when we get to them. But Delaware, two options first. No season, 29 inch fork length and one fish, and the second option to match Virginia's regulations, and the TC recommended to approve both those options for Delaware.

Maryland provided information or sufficient information; to declare de minimis status and proposed to match Virginia's regulations. TC approved Maryland's implementation plan. The Potomac River Fisheries Commission, no landings were presented to justify the de minimis status, however the TC discussed this at length and determined just basically looking at landings in the Chesapeake and the fact that the Potomac River Commission is any landings from that water body are either captured in Virginia and Maryland.

The TC felt comfortable granting them de minimis status or suggesting that they receive de minimis status. They put forward two options as well; no season, 29 inch fork length and a one fish per person, or Option 2, match Virginia

regulations. The TC approved both those implementation options for Potomac River Fisheries Commission.

All right, now we're getting into the four states that have the larger stakes in this fishery and do not qualify for de minimis status. I'll first start with Virginia. Virginia submitted seven options for review. Three options included analyses with Southeast Fisheries Science Center weights, and VMRC average weights. All seven options included analyses with these two average weight calculations.

VMRC is currently in discussions with the staff at Southeast Regional Office to consider their average weights in the future; and if Southeast Regional Office is fine with that Virginia will monitor their average weights in the future. Presented here are the seven, season and vessel limit options that Virginia put forward with the associated predicted landings; using the two average weight estimates.

The next-to-the-last column shows projected landings using Southeast Fisheries Science Center average weight, and the last column provides projections using the VMRC average weights. The TC reviewed each option individually and provided or approved all the options with some conditions. Options 1, 2, and 5 were approved conditionally; pending a decision on the VMRC average weights, and Options 3, 4, 6 and 7 were approved across the board.

I also want to note that Options 1, 2, and 5 that are approved conditionally for VMRC weights, are conditional approved for Southeast Fisheries Science Center weights, meet the TC guidelines and meet the recreational harvest targets for the VMRC weights. The conditional aspects of Options 1, 2, and 5 are just based on if VMRC weights are considered appropriate. North Carolina presented two options for consideration. Option 1 and Option 2 both carry no season.

Option 1 a for-hire vessel limit of four fish per vessel, and a private vessel limit of two fish per vessel, and Option 2, a for-hire three fish per

vessel and a private two fish per vessel option. Predicted landings from Option 1 exceeded the harvest target for North Carolina by approximately 20,000 pounds. North Carolina provided justification in their implementation plan for this projected overage, and acknowledged that projected harvest exceeded the harvest limit, but cited that under harvest from 2017, based on previous North Carolina projections make up for the 20,000 pounds over. Option 2, predicted landings were about 34,000 pounds below the harvest target for North Carolina; and the TC did not recommend approval for Option 1 for North Carolina, but did recommend approval for Option 2, citing that Option 1 projected landings exceeded the recreational harvest limit. South Carolina will match federal regulations and maintain a three fish per vessel limit from June 1 to April 30, within the southern cobia management zone, and a closure for the month of May in the southern cobia management zone.

South Carolina did not provide their analysis for projected landings; but TC discussion looking at historical landings from the states, and the fact that the fishery had been closed for the previous two years, and the fact that matching federal regulations would mean that regulations in South Carolina would be more strict than in years past. The TC recommended approval for South Carolina.

Likewise Georgia did not provide a specific analysis for TC review; but did provide a March 1, October 31 season, and a six fish per vessel limit, and also noted that Georgia DNR has the authority to close all or any portion of state waters for up to six months if deemed necessary. If Georgia DNR felt that landings were going to outpace their recreational harvest limit, Georgia DNR could close it.

The TC had a similar discussion for Georgia as we did for South Carolina; looking at historic landings and the fact that federal measures will be more strict than measures in the past in Georgia. The TC recommended approval for the Georgia management measures. Also included in the implementation plans were commercial measures.

All states provided appropriate regulatory language to show compliance with commercial measures. To note, South Carolina cobia is considered a game fish, so there is no commercial harvest for cobia in South Carolina. All the state's commercial measures either met or were more strict than commercial measures included in the Interstate Fishery Management Plan, and the TC approved all commercial measures that were presented. With that this is the only picture in the slides; so questions.

CHAIRMAN GEER: Let's start with Roy and then go to Michelle.

MR. ROY W. MILLER: This question is related to the de minimis states that indicated that they would adopt Virginia's regulations. Does that imply the 36 inch size minimum for recreational fisheries? Because in the state of Delaware, the proposal was made for a 29 inch fishery, so if a state says we'll mirror Virginia, which size limit is that? The reason I'm inquiring is of course we share internal waters with the state of New Jersey.

CHAIRMAN GEER: Go ahead, Mike.

DR. MIKE SCHMIDTKE: Roy, it would be either/or. It would be either the 29 inch one fish or adopting everything of Virginia; so it would be the 36 inch and whatever the vessel limits, the season of Virginia.

CHAIRMAN GEER: Michelle.

DR. MICHELLE DUVAL: I did just want to note a typo in the presentation; which indicated that Option 2 presented by North Carolina was three fish per vessel for the for-hire sector and two fish per vessel for the private sector, and that is incorrect. It should be one fish per vessel for the private sector. I have many other comments and several questions; but I just wanted to get that out there first.

CHAIRMAN GEER: While we're on that subject. Georgia is going to go to a one fish bag limit. It was in our document; but didn't get into the report. Are there any other corrections while we're at it; to the document, further discussion,

any other questions for Steve, Mike? Let's go with Robert and then Michelle.

MR. ROBERT H. BOYLES, JR.: Not a question, but just looking at our colleagues from the South Atlantic Council, as the South Atlantic Council looks at actions to remove cobia from the federal fishery management unit. Just to highlight to this Board that note South Carolina regulations are largely adopting by reference those federal regulations.

I would plead with my colleagues on the South Atlantic Council, as well as NOAA Fisheries that we have an orderly retreat; should that be the decision that the Council's make, to give us time to legislate as we have to do, the appropriate measures should cobia be removed from the fishery management unit.

DR. DUVAL: Maybe just a quick question for Steve. If I understand the Technical Committee discussed some of the smoothing techniques that have been under discussion at the black sea bass, summer flounder and scup Technical Committee, and appreciate that we're looking at a three-year evaluation timeframe.

I guess my concern is, and I'm probably going to ruffle a few feathers here, but black sea bass is not a rarely intercepted species, I mean by no means. You all want to see some rarely intercepted species, come on down to the South Atlantic and we've got a good half dozen that we can show you.

I'm concerned that these techniques are not going to be available to the TC for further consideration. In the South Atlantic the Council asked last year for both the 2015 and the 2016 recreational cobia harvest estimates to be recalculated; looking at some alternative techniques that the South Atlantic Council's SSC had seen.

The response that we received was that there just wasn't sufficient time to do that in time for our September meeting last year and that the Agency was committed to looking at these types of techniques via a workshop-based approach for specific fisheries. You know I can certainly



understand that. But I think you know the biggest difficulty here that we face, and again this is something that the South Atlantic Council has been bringing up for at least the past five or six years is that we have two competing versions of best scientific information from NMFS.

We have the MRIP weight estimation procedure, and then we have the Southeast Fisheries Science Center weight estimation procedure, and the only common denominator between those two is the use of numbers of fish. As you saw, it was numbers of fish that was actually used to determine the state-specific-harvest targets. I am interested in, and you know I'm not going to make a motion at this time but I reserve the right to do so, to have the TC evaluate the potential impact with some of these management measures in numbers of fish. I mean there is at least a 65,000 pound spread for North Carolina; between the preliminary 2017 harvest estimates based on Science Center weights versus the preliminary harvest estimates based on MRIP weights. You know this is something that the Council has brought forward for a number of years.

It impacts many more species than just cobia; and it's going to have a cascading effect once the recalibrated effort estimates come through. Now, the Commission is caught in the middle of this as well. I think numbers of fish is the most accurate way to do things. I was looking at some of the summer flounder proposals that that Board will be reviewing tomorrow.

All of those calculations, with regard to liberalization, are also done in numbers of fish. Granted, those proposals are only working under a single set of potential weight estimates, but this is also a jointly managed species, not a complementary management plan, but a jointly managed species that's also managed under an annual catch limit and the recreational harvest limit. I would urge that the Board consider that. I think the other thing that I'm just going to put the Board on notice about is with regard to the options for North Carolina.

I suspect that our Commission, which is meeting next week, is likely to put forward some

additional options that they would like the Technical Committee to possibly review. You know we went out to our stakeholders and our advisory committee's right after the Board approved the fishery management plan in October; to solicit input on a range of options, both season and vessel limit options.

We informed our Commission at their meeting in November that it was highly unlikely that any option that did not meet the recreational harvest target, was unlikely to be recommended for approval by the Technical Committee. We also urged them to consider moving forward several options as Virginia has done. I fully expect that there might be a call for TC review of a few additional options prior to April 1, so with that I'll shut up for a while.

CHAIRMAN GEER: Is there any other discussion? Joe.

MR. JOE CIMINO: Thank you, Steve, nice job. The Virginia options that are conditional, I guess it is a question, maybe it's to staff and not Steve. Is it possible that we can have a discussion here and maybe clear this up on whether or not we can go forward with all seven options?

DR. SCHMIDTKE: I would say that that is really dependent on what we would hear from the Southeast Regional Office; as far as the TCs recommendation. I mean the Board has the Board's decision; they have the TCs recommendation as advice. But the Board is able to make their decision.

CHAIRMAN GEER: Follow up, Joe?

MR. CIMINO: Yes, second bite. My understanding is you know one of the concerns isn't that Virginia may be able to give a decent projection of what the catch would be. It's more to the accountability measures here, since the Southeast Regional Office will also be making projections to figure out closures. I think we may hear that that isn't necessarily the case. Therefore, I would propose that we get a shot at this; allowing us to use the average weights that we feel are much more robust than using what the Science Center was forced to use, which is a

single average weight for a five-year period, because it took five years to get just 30 fish with weights to provide an average weight, which looks fairly high.

My guess is that as our APAIS samplers are out there and get more samples, we're going to see something more representative of what we've been using. I'm not looking to the Science Center to say that they will do what we do; but all I'm looking for here is the ability to go forward for one year with the projections that we have been using.

CHAIRMAN GEER: Roy.

DR. ROY CRABTREE: The question of are we doing projections for this year. We do not intend to do any projections for this year. We're looking at the Interstate Management Plan to be the mechanism of constraining catches. We're going to leave the EEZ open; until the last state closes. I suppose at that point we would close federal waters.

We're not planning to do any projections at this point. As to the issue of the Virginia weights versus the Center methodology, I mean the Center methodology is what we have normally used region wise when we do projections. But it is true, and I've looked the samples sizes at least for the carcass drop off program in Virginia, are quite a bit larger than the MRIP data.

I think some of the concern is that there could be unknown biases in a carcass drop off program caused by angler behavior and all of those kinds of things. If you wanted to, I think we could ask the Science Center to review that data; but it's difficult for me to look at it and make a judgment as to which dataset is really better. There certainly is a larger sample size with the carcass drop off program; but then there are issues with potential biases there. It's not clear that anyone is going to be able to resolve those.

CHAIRMAN GEER: Michelle.

DR. DUVAL: This is a quick question for Roy. You said the intent would be to close federal waters once the last state season has closed. I'm just

noting that the option for North Carolina that the TC recommended approval of is there is no season. That was the tradeoff; in terms of feedback from the public.

They much preferred to see an open season throughout the year, trading that off for a lower vessel limit, because the fish are in our waters for such a short period of time. If we maintain that option or maintain options that do not have a season closure; is your plan to still keep federal waters open with that?

DR. CRABTREE: Right now that is the plan. I guess if one of the non de minimis states remains open until the end of the year, we would remain open. Then depending on the success of interstate plans at constraining catches and stay with the ACL, we would come back to that again next year, I suppose.

CHAIRMAN GEER: Robert.

MR. BOYLES: Just for the Board's knowledge. We have no mechanism to close absent federal action. I think what Dr. Crabtree is saying, is we can plan on the fishery being open year round, if that is the course of action. The only way we can close our waters is under a federal closure under Magnuson or legislative action, and our legislature will adjourn in May.

CHAIRMAN GEER: Is there any other discussion? Oh, I see a lot of hands go up. Okay let's start with Lynn.

MS. LYNN FEGLEY: This is a bit of a different issue. But I just wanted to bring it up for clarity to the Board; and my colleague Joe Cimino can help me with this. The Virginia regulations, which we have proposed to match, have two additional if you will "above and beyond measures," they have a no gaffing provision, and they also have a provision where only one fish on the vessel can be greater than 50 inches.

The state of Maryland doesn't have any authority to regulate gaffing. But the question before the Board is, if we're matching Virginia's regulations, is the sentiment that we should also implement the only one fish exceeding 50 inches? I think that in part we feel that this is

something that Virginia has done above and beyond the ASMFC requirements, and so that it is something extra that they're doing, and we wouldn't be obligated to do that.

But I think for the record, it would be very good for this group to agree that the state of Maryland and any other state, New Jersey or Delaware that matches Virginia, would match the season and the size and the creel, and not be obligated to do the two other things, if that made any sense at all.

CHAIRMAN GEER: I believe that was the intent, but we're checking on it right now. Toni.

MS. TONI KERNS: I think that if a state, their intent is to mirror one of their neighboring states, but if there is a regulation in there that they can't implement, such as the gaffing. You know if we just state that on the record that you can't do that. Then if there is an intention to not include one of the size limits; then I think it would just need to be considered by the Board.

If there is no disagreement by the Board then we can move forward with that; especially if it's something like a trophy fish or something additional. As long as you're sticking with the bag limits and the minimum size limits, it should be okay. But I just think that we should make sure that is clear on the record that that is what a state is going to be doing.

CHAIRMAN GEER: Lynn, follow up?

MS. FEGLEY: I was just going to ask if you think you need a motion just let me know.

CHAIRMAN GEER: I don't know. I mean it couldn't hurt, I mean it just couldn't hurt to have it, I mean on the record.

**MS. FEGLEY: Okay, I'll take a shot at it. I would move that de minimis states who are mirroring Virginia regulations for cobia, mirror the season, size, and creel of Virginia but not the trophy fish provision of only one fish exceeding 50 inches total length or fork length, total length.**

CHAIRMAN GEER: Lynn, did you want to include vessel limit on that as well?

MS. FEGLEY: Yes, I think that was creel, but yes absolutely.

CHAIRMAN GEER: Bag and vessel limit; and do not include gaffing?

MS. FEGLEY: Well for the record, I guess it wouldn't, because the state of Maryland, we have no authority to go there anyway. We couldn't do that if the motion passed or failed. We can do the size limit, but we cannot do anything about gaffing.

CHAIRMAN GEER: Okay and you want to do the 50 inch limit, the trophy fish in there as well. That is something that wasn't in the requirements of this FMP development, so that was kind of a new thing. Do we have a second for this motion, first? I see Jim's hand going up hesitantly. Discussion on this, Jim Estes seconded, I'm sorry. All right some discussion, Joe.

MR. CIMINO: Yes, I think really the intent should have been here. It was difficult for this Board, because the de minimis stuff was kind of a moving target as we were in between votes and public hearings. But I really think that wording should have originally stated that any state taking the adjacent non de minimis state's, when it said all regulations I would think that would mean all regulations that held that non de minimis state in compliance to the FMP; anything additional to compliance with the FMP. If Virginia dropped any of those they wouldn't be held out of compliance. I don't see why any other state should.

CHAIRMAN GEER: Is there any other discussion on this motion? Adam.

MR. ADAM NOWALSKY: I don't know how often we'll have to deal with changing these regulations; but for clarity's sake, would this be only for the current measures that we're contemplating now, or would the expectation be that this motion would cover us in the future as

well, should Virginia continue to have these additional provisions?

CHAIRMAN GEER: Good question, I would assume so. I mean until we have other changes that go forward, these would be the conditions. Lynn.

MS. FEGLEY: I'm sorry for making this complicated. Just to Adam's point. I wonder should the motion be more general, more similar to what Joe just said that states that are mirroring Virginia, mirror only those regulations that keep the non de minimis state in compliance with the FMP. That would cover us for future incidences when a non de minimis state does something other. You know if Virginia decides it's going to be 60 inches, then we would still be covered.

CHAIRMAN GEER: But that would also take out the trophy fish, correct?

MS. FEGLEY: Well, so I think the point is that if Virginia were to drop that 50 inch provision, they would still be in compliance with the FMP. The idea here is what are the de minimis states mirroring? They are mirroring we think the intent was to mirror the regulations that keep the non de minimis state in compliance with the FMP. Anything that non de minimis state does above and beyond, those states are not committed to do.

CHAIRMAN GEER: Okay, any other questions or discussion on this? Is there any opposition to this? I mean it's pretty straightforward, I think for the most part. Go ahead, Toni.

MS. KERNS: I think that the record indicates there is the motion here, and then there is the verbal record of what the Board is trying to do. I think between the two we'll be good to move forward for the future.

CHAIRMAN GEER: **All right, so hearing no opposition at all; approved by consent.** Moving on, so we've got that taken care of. Now we have to – Michelle, you had your hand up for a while and I apologize.

DR. DUVAL: Yes I guess it seems like we're sort of moving towards a motion to approve the implementation plans, and before we got there I did want to swing back to this issue of two competing versions of best science available with regard to weights. We're caught in the middle. I don't know if someone on staff can provide additional clarification for why the cobia TC would not be able to use numbers of fish to evaluate the impact of proposed management measures.

You know I just see this as being a potentially more accurate means of doing so; given what I've put forward about how the different summer flounder recreational proposals have been put forward, and given that that is also a fishery that is managed under an ACL as well, because otherwise I'm prepared to make a motion to direct the TC to also evaluate the impact of the management measures based on numbers of fish.

DR. SCHMIDTKE: Michelle, just from listening to TC discussions, as far as how they went about the evaluation process. The initial thought was keeping in the complementary nature of the plan; since the landings that are going to be evaluated from this plan are going to be evaluated on the federal side in pounds that the TC wanted to maintain that.

I think that, I mean, you certainly have the right to task the TC to do a further analysis in numbers. There may be difficulties, as far as coming up with applicable average weights. That question may come up again to glean the numbers that would be an appropriate proxy for the harvest targets for each state.

That would be one thing that the TC would need to discuss and evaluate. The other issue that I would just want to keep in mind is that right now the scheduled implementation date is for April 1; and that was something that you had spoken of previously with, you know, regards to North Carolina potentially going back for more stakeholder input, and submitting additional plans.

We would have to talk about the timing of how that would all work, and whether we can have some flexibility in implementation dates; something like that. But as it stands right now, we've been shooting for an April 1 implementation date, which is why we've had the deadlines that we've had for the plans to be submitted and reviewed.

CHAIRMAN GEER: Follow up, Michelle?

DR. DUVAL: I think I'm not suggesting that different numbers be used. I mean we have state-specific allocations that were actually derived based on MRIP numbers; because the TC felt that numbers was the most accurate currency with which to provide the different options that the Board considered for state-specific-harvest targets.

I think my concern is that consistency between how we're doing things from one Board to another. If summer flounder is managed under an annual catch limit that is set in pounds. But all these state-specific proposals are being evaluated in numbers of fish; how does that work and why can we not take a similar type of approach here?

I'm looking at things like the numbers of fish for North Carolina's 2017 harvest are below the harvest target that was used to set our state-specific allocation in pounds. When I think about states like South Carolina and Georgia that don't have as many intercepts, you know those intercepts make a big difference when it comes to the estimated weight.

Maybe that's not a decision that could be implemented right now. But I think that is separate from my request, or maybe notice to the Board that North Carolina might be coming forward with additional options within its implementation plan, just like Virginia has seven different options.

You know those have been either recommended for approval by the TC, or conditionally approved. I expect that Virginia, once they get their stakeholder input. You know whatever option they select they will simply inform this

Board and that will be sort of the final option contained in their implementation plan, so two slightly different issues.

CHAIRMAN GEER: Toni.

MS. KERNS: I just wanted to clarify that for summer flounder, scup and black sea bass, the quota does start off in pounds; and then it gets converted to numbers of fish, and then it gets converted back to pounds again. That does happen within the joint nature of the plan. It's a difference between how the two regional offices work.

I can't necessarily tell you why that is, Michelle, but I can just at least give you that information. But it does start off in weight, gets converted based on the average weight from MRIP for the coast, and then comes back to pounds again to make sure that we haven't exceeded the quota.

CHAIRMAN GEER: Michelle.

DR. DUVAL: Just a follow up, so that's a coastwide average weight that is used to convert the ACL from pounds into numbers of fish?

MS. KERNS: To my understanding, yes.

DR. DUVAL: It's interesting, because when I've had some of these conversations with the staff at MRIP with regard to potential evaluation of, I guess alternative techniques whereby you might look at averaging catch rates over, and I realize catch rates are different than average weights. But averaging catch rates across a region, I've been told that each state is basically a strata; and so that can have positive or negative impacts on how that comes out. It is interesting to me that it's an average weight; based on the entire coast for summer flounder. I will leave it at that.

CHAIRMAN GEER: Michelle, do you want to make a recommendation or a motion to the TC for that task that you just mentioned?

DR. DUVAL: I mean I would like to recommend that the TC, when they are evaluating the state's implementation plans that they also be allowed

to consider the impacts of the management measures in numbers of fish, as well as pounds.

CHAIRMAN GEER: That's not going to happen before April 1.

DR. DUVAL: I understand that. But I think moving forward, we need to acknowledge that we've got you know these two competing views. This is nothing Roy hasn't heard before at the South Atlantic Council; so he knows that I'm not picking at him. But the Board is caught in the middle of two competing versions of best science; and there has been no action on the part of the Agency that I can see to actually address this, and it's extremely frustrating.

CHAIRMAN GEER: Michelle, the TC wants some specific direction; so if you can put together a motion on that what you would like them to look at.

DR. DUVAL: Sure, I'll wing it here. If Lynn can do it, I can do it. I move that we direct the TC to evaluate state specific management options in pounds and numbers of fish. Is that specific enough?

CHAIRMAN GEER: I apologize for putting you on the spot like that.

DR. DUVAL: That's okay.

CHAIRMAN GEER: I've got people in both ears over here. All right, any discussion on that? Joe.

MR. CIMINO: Yes to that end. I think when we see what the Science Center has to work with, we realize that there might be additional data out there, or just the traditional way of pooling may not be the only way to pool what's out there. I think maybe if the TC has some time and flexibility here, looking at even maybe regional pooling, which I guess actually the Science Center did for South Carolina and Georgia got stuck with a single average weight.

CHAIRMAN GEER: Jim.

MR. JIM ESTES: Just because I think you need it; I enthusiastically second Michelle's motion.

CHAIRMAN GEER: Thank you very much, Mr. Estes. Michelle.

DR. DUVAL: I guess maybe given what Joe has said, would it be better to expand this to include in that direction or that recommendation to the TC to not only evaluate state-specific-management options in pounds and numbers of fish, but also provide that direction to use alternative techniques, such as those being considered by the black sea bass TC. I mean is that what you were getting at, Joe?

MR. CIMINO: Yes to some extent. I think the Board is here, being handed decisions to make on these projections. At least for the last three years they've kind of been jumping around, and a lot of that has to do with sample size, right? If we have more tools in the chest to say where these projections may end up, and I would sure like to at least be able to look at them.

CHAIRMAN GEER: Michelle.

DR. DUVAL: I apologize, Mr. Chairman, I was having a sidebar with Toni and I wasn't paying attention. Could you please?

MR. CIMINO: My answer was yes.

CHAIRMAN GEER: I mean does anybody have any problems with us tasking the TC to do this? Michelle.

DR. DUVAL: Not a problem certainly, but I think just in regards to input from staff that you know this is not a task that is going to be completed prior to April 1, and I can't tell you how much that bums me out. But I understand that. **You know Toni's input is a suggestion to recommend that the TC evaluate the best method by which to determine the harvest impact of our management measures. Am I phrasing that appropriately?**

MS. KERNS: Yes.

CHAIRMAN GEER: Adam.

MR. NOWALSKY: You mentioned does this apply just to cobia, and while cobia harvest in New Jersey is minimal. Sitting here on the South Atlantic Board, I've cautioned numerous times, don't go down the road of summer flounder and black sea bass management. It doesn't work.

Every year we've looked at this very issue in New Jersey, where black sea bass and summer flounder are larger to our north; and so we're losing out in numbers of fish, based on this average coastwide number. The states to the south are in the same boat; metaphorically speaking, no pun intended.

I wonder if this issue, maybe this is an issue we shouldn't be working on specifically here. But maybe this is an issue that should go to the Policy Board and look at all of our recreational species; because it's an issue across all of them. There are a number of us that are involved with multiple species.

I'm glad to hear that my voice did not fall on deaf ears, or if otherwise you've been burnt by the system yourself too many times, to realize you've got to do something different here. But I don't think this applies to just cobia management. Maybe it's a first step we do this here; but I might offer some consideration that this task might be elevated higher, to accommodate other species. Maybe we get even more information for this Board that helps us in doing so.

CHAIRMAN GEER: Is there any further discussion? Michelle.

DR. DUVAL: I think I've been informed that we have the flexibility within the FMP to use some of the techniques; understanding what Adam has just said that they're being considered by the black sea bass Technical Committee, in terms of smoothing techniques and things like that, that we already have that flexibility within the FMP. Perhaps it's the more general language of recommending that the TC evaluate the best method by which to determine the impact of the management measures on harvest.

I apologize, Mr. Chairman for making such an issue of this. But it is an issue. It absolutely is an issue. I think we've been frustrated at the Council level in the South Atlantic with regard to the slow pace of addressing two competing versions of best science; in terms of weight estimation procedures. You know I appreciate Adam's bringing up that this is also an issue for other species.

That was kind of the response that we got back, you know from the folks in the MRIP program that when we asked for recalculated 2015 and 2016 harvest estimates for cobia. That they wanted to take a more comprehensive approach to this, so I don't know where that is in the planning stages, given everything else that the folks in that program have going on. But I am hopeful that at some point it will yield some fruit, and that it will be useful for more than just cobia.

CHAIRMAN GEER: Mike and then Toni.

DR. SCHMIDTKE: Michelle, just for some direction for the TC, because one of the things that was very obviously in the considerations of the TC in evaluating these implementation plans, was kind of the best way to evaluate with respect to a complementary plan between the Commission and the Council.

Would the task that is on the board right now, would that be for the TC to have, I guess a bit more freedom to shoot for that kind of best scientific advice, you know to give, you know outside of a complementary nature. If they're considering what is in the long term future; obviously the Regional Office isn't making projections for this year.

But in considering the long term future of how the Regional Office would be evaluating landings; that kind of constrains how the TC would evaluate. When it's stated best method by which to determine the harvest impact, I guess what are the constraints? Are we constraining ourselves to that complementary plan in this analysis, I guess?

DR. DUVAL: I don't think necessarily, because I would hope that if there is a method that arises;

and I'm thinking about the length/weight regressing that Virginia did. I certainly wish we had that type of information in North Carolina; where we could have taken a similar approach. But rather than the pooling approach that is currently taken by the Science Center.

Perhaps some type of length/weight regression would be a better approach. It's a sort of long-winded way of saying no; I don't think that the best method coming forward should necessarily be constrained by the complementary nature of the plan. I would hope that our federal partners would be equally amendable to what is the best method or alternatives for a most appropriate method for this species.

CHAIRMAN GEER: Toni, did you have?

MS. KERNS: I think that Mike covered most of my concerns. I just want to make sure that the TC could come back to the Board and provide advice. At some point this may be a longer task than just between now and May. It just depends on how much evaluation they need to do; and we want to make sure they have enough time to thoroughly flush through this. Then also I think potentially work a little bit with the Science Center. Hopefully we could get somebody from the Science Center to join the TC during these discussions.

I think it might help have a better understanding of how they're using the weights; in order for them to determine what the best scientific information is. Then just for future, since these plans that we are putting place and the Board may want to reconsider these implementation plans for future years, I don't know. But these plans that we're adopting now are supposed to be until the end of the next assessment, I believe.

CHAIRMAN GEER: Roy.

DR. CRABTREE: Yes, and I agree with Toni that it would be good to have someone from the Science Center involved in some of this. I think where this goes depends partly on what the Council decides to do; whether we're going to go

down the path of complementary plans, or whether they remove it from the FMP.

If they remove it from the FMP, then it's up to you as a group to decide how we do it. Right now, we will estimate the poundage of cobia landed this year, based on the Science Center weight method and the MRIP estimates. If we keep complementary plans, then we want to make some change to how we do that. I think that's something that also would need to come up at the Council meetings.

We potentially need to change the accountability measures, or reflect somehow in the Plan if we're going to use some alternative measures. If we want to use numbers, I don't see a reason why we couldn't shift to the ACL to be in numbers; but that would need to be reflected in the fishery management plan, and we would have to work with the Beaufort Lab, to figure out what the best way to make those kinds of conversions would be.

CHAIRMAN GEER: Are there any other comments or discussion? **All right, I'm going to read the motion. Move to recommend that the TC evaluate state specific management options in pounds and numbers of fish, and to provide directions to use alternative techniques such as in the black sea bass fishery. Evaluate the best method (i.e. pounds or numbers of fish) by which to determine the harvest impact of the management measures.** Motion by Dr. Duval and seconded by Mr. Estes. Do I hear an opposition to this? Hearing none; they want some cleaning up of it.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I think the wording on the board captures kind of two different ideas that were moving around during the Board discussion. I think part one and part two are either/or, rather than both included in the motion. Jessica was just trying to capture all the ideas by the Board, and hoped it would coalesce into one coherent motion. But I'm not sure we're there yet. Michelle has her hand up. Maybe she can get us out of this.

DR. DUVAL: I think perhaps the second clause that says evaluate the best method (i.e. pounds



or numbers of fish) by which to determine the harvest impact of the management measures, and since we know that we already have the authority within the existing fishery management plan to bring in the types of smoothing techniques that are being considered by the black sea bass Technical Committee. It doesn't necessarily bear specific mention in this motion right now. Is that okay with everyone?

CHAIRMAN GEER: Jim, you were the seconder; are you okay with this? Adam.

MR. NOWALSKY: I just wanted to add that when you're talking about using numbers of fish here, I would assume the reason is to get to the fact that different states have different weights. That is one of the goals here, I assume?

DR. DUVAL: It is really because we are trapped between two different methods for determining what the average weight is for the different states. There is what comes out of MRIP, when you go to [countmyfish.noaa.gov](http://countmyfish.noaa.gov) and do a query, and you're going to get a different answer when the Science Center provides you the estimate of harvest and weight. That is what this numbers of fish is getting at. Both of those methods start with numbers of fish. Where they diverge is in the final weight that is attributed to a state's harvest.

CHAIRMAN GEER: Are you okay with that, Adam? All right hearing no other discussion I want to bring this forward for a vote. The motion is move to recommend that the TC evaluate the best method (i.e. pounds or number of fish) by which to determine the harvest impact of the management measures. Motion by Dr. Duval, seconded by Mr. Estes, is there any opposition to this? I see everyone shaking no.

We've kind of gone down a rabbit hole with this a little bit. But it is important, it is very important. Hearing no opposition the motion is carried. Before we go back to making a motion on the TCs recommendation, I want to open the floor for public comment. Sir, would you please come to the microphone and say your name and your affiliation please, and then you'll have three minutes.

MR. JONATHAN FRENCH: Thank you, my name is Jonathan French, Mr. Chair. I am a recreational fisherman from here in Northern Virginia, and I frequently cobia fish in both Virginia and North Carolina. I'm speaking today to request that the Technical Committee reconsider, or this Board reject the Technical Committee recommendation to reject Option 1 for North Carolina.

The reason is that 2015 MRIP data was used in the estimate, 2015 MRIP data represented a 400 percent increase over the previous year in Virginia, a 349 percent increase in catch over the average for the previous seven years, and North Carolina was a similar outlier, a 170 percent increase over the average harvest.

It was a significant statistical outlier. I work in the health data quality field, and if we used a data point that was three sigmas outside of the standard deviation for making health care decision, we would be fired. The years 2013, 2014 and 2017 were all within the standard deviation for the previous 7 year average. I believe that the Technical Committee should adopt National Academy of Science's standards for data quality in making this decision, and utilize 2013, 2014, and 2017 catch data for evaluating Option 1.

With regards to some of Michelle's comments, I support working collaboratively, although I do hope that Atlantic states ultimately take over full management of cobia, and we can start to work around some of these tripping points that have been discussed here today. With that I'll defer the rest of my time, thank you.

CHAIRMAN GEER: Thank you very much, Mr. French. Is there anyone else with public comment? Yes, please come to the microphone and state your name. You'll have three minutes.

MR. BILL GORHAM: I'm Bill Gorham from Outer Banks North Carolina. I'm the owner of Bowed Up Lures, a custom cobia jig lure manufacturer. I've been part of this process and the regulatory process for cobia now going on three years. The

state of North Carolina stakeholders were adamantly against this complementary plan. Clearly the federal FMP is not big enough for all the states involved.

What is clear by what has been approved by the TC is that North Carolina recreational fishermen will get one fish per boat. I found out about this Friday of last week, and given the overwhelming outreach to me, I woke up at four o'clock this morning and drove here to voice, and ask that alternate data points be looked at to save our season, because at one fish per boat it will have devastating effects on not only northeastern North Carolina, but southeastern North Carolina.

Cobia is a vital spring fishery for us. It's a destination location; and at one fish they're just not going to come, especially when states to your north or south have far less restrictive measures. I would also like to put on the record that during this entire debate and battle, we from North Carolina have always fought for the common good of all states, not the benefit of just ourselves.

We have tried to be educated in the process, do what's right, believe in the process, and champion the process. It's with my personal regret that I don't think there is any way that we cannot not fight to not go ahead with this, and we'll continue to reach out to ASMFC, and our state representatives to make sure this doesn't see the light of day. Thank you.

CHAIRMAN GEER: Thank you very much sir, and thank you for coming today. All right, we're at that point where is there any further discussion? David.

MR. DAVID E. BUSH, JR.: Just very quickly. This motion as it is would not only evaluate the methods and management measures that were proposed, but even those that were previously denied. Am I understanding that correctly?

CHAIRMAN GEER: Yes, it would. Okay, so what is the Board's pleasure with the TCs recommendations for the Implementation Plans? I'm not hearing anything. I mean we have

a final action today on this. That is where we're standing right now. Jim.

MR. ESTES: I have a question about the timing. Michelle mentioned that they would like to take this back out to their stakeholders. We're supposed to have this implemented by April the 1st, and then I guess presuming what they hear from the stakeholders, they would like to maybe run some more options back to the TC. Is there possibly time to do that for us?

CHAIRMAN GEER: Mike.

DR. SCHMIDTKE: For the states that submitted several options, because there were quite a few that submitted several, for the states that submitted multiple options, intending to take them back out to their stakeholders after approval; that is basically what would be done today by the Board is to allow those states that set of options.

For example, I believe Delaware had either of the de minimis options that they would then make a final decision on before April 1. If the Board were to take the TCs recommendation of approval for both of those options, then they could do either one of the two. Similarly for Virginia, the TCs recommendation is for conditional approval.

Therefore, the Board consent if the Board was to take the TCs recommendation, would have to wait for some type of statement from Southeast Regional Office, Southeast Fisheries Science Center on those average weighting techniques, and that would tell what the range of options would be for Virginia.

As far as the issue of submitting additional options, and the TC review of those. The TC may be able to review those and potentially provide a recommendation before April 1st. The issue would be that those options would then also need to come before the Board; and the Board would have to make a final decision on those options, and the Board doesn't meet again until May.

CHAIRMAN GEER: Toni.

MS. KERNS: One of the things that we do in the Summer Flounder, Scup, and Black Sea Bass Plan is that a state sometimes want to go forward with a slightly different version of a management proposal that they brought forward. They use the same methodology that they used in their original plans that got approved by the Board.

It still has to come back to staff. Staff sometimes will run that past the TC Chair, just to make sure the methodology seems to be the same. But that is an option that we have done in other Boards. If this Board is comfortable with that then that is something that could be provided as an option for states to do.

If it's a completely different methodology that the state uses, then we have in the past in other Boards run that past the TC, and then we've done an e-mail vote for the Board to consider something different. But you would have to confirm that that is something that the Board is comfortable with before moving forward in that direction.

CHAIRMAN GEER: Robert.

**MR. BOYLES: We did have extensive discussion about implementation date of April 1st, when we approved this plan, so with that I would move that we approve the state implementation plans for the cobia fishery management plan as recommended by the Technical Committee.**

CHAIRMAN GEER: Seconded by Mr. Haymans; discussion on that Joe.

MR. CIMINO: Yes, and I guess this goes to staff, because I tried to pay close attention to what the TC was working with, and they felt they had to take a hard stance on these projections. Of course North Carolina's projections show that if you use numbers they would actually get there. I don't think it's a radical proposal.

Virginia's options that are conditional, get us there if we use what we really believe is a more realistic average weight. I think moving forward with this plan, this Board was talking about soft targets in three years. I do kind of have a

problem with this; because I feel like maybe the TC felt that they had to give us that hard stance, but I don't necessarily know that the Board has to do that here.

CHAIRMAN GEER: Adam.

MR. NOWALSKY: Once again this isn't something that impacts New Jersey; but this is déjà vu all over again. What winds up happening when you go ahead and treat these numbers to the number? You wind up driving up fish size. You wind up increasing discards. You wind up driving people out of the fishery.

Do not make the mistake again. The variability in these estimates, we're talking about North Carolina's plan as evaluated. This is not meant to discredit the work of the TC. They were given a job. They looked at it, they did the evaluations. They gave us the information. It's now on us to make a decision what we're going to do with them. I'll make it easy. **I'm going to move to substitute to approve all of the state implementation plans as presented here today.**

CHAIRMAN GEER: Okay a second to that motion, David. David.

MR. BUSH: As I understand it here, these are going to be rolling on a three-year average. If these numbers are totally out of whack, they're going to have at least some time, I shouldn't say recuperate, but there will be an opportunity for things to change to reflect what went wrong in the first year if it's substantial.

I don't think we would be wrong to at least start it out. Every one of the recommendations out there for the most part is based on pretty sound science; although the origin of that science is where there is some disagreement or something. But I think there is plenty of opportunity to make course corrections if we go forward as is.

CHAIRMAN GEER: Doug.

MR. DOUG HAYMANS: I was going to ask a question; Roy, if that's okay. That is Roy, if this

Board doesn't approve this plan at this meeting, is federal waters going to remain open in May?

DR. CRABTREE: That would create a problem for us and I'm not prepared to say one way or another. But our keeping state waters open has been contingent on this plan going into effect. That puts the opening in a lot of jeopardy, I think.

CHAIRMAN GEER: Doug, follow up.

MR. HAYMANS: Based on that I cannot support the substitute motion, because both us and South Carolina will be back in the position of not having a fishery if federal waters were to close this May.

CHAIRMAN GEER: Michelle.

DR. DUVAL: I think just to provide some clarification to the comments that I made earlier; that I expected that our Commission which meets next week was likely to request TC review of additional options. We provided them with a menu of options. We provided stakeholders with a menu of options when we went out to our advisory committees in October.

The option that came forward from the Commission, we recommended to the Commission that they select more than one option so that it could be reviewed, and they elected not to do that. I think what I was suggesting was not to not implement something by April 1st, but to allow for Technical Committee review, you know via conference call, by any additional options that our Commission might choose to forward for analysis after their meeting next week.

You know not to not implement something, I mean right now North Carolina waters are closed to harvest by proclamation. They are closed through April 30th. Our Commission certainly has the option of moving forward with the option that the TC recommended approval of in the interim. But that is what I was talking about when I said our Commission might want to move a couple more options from the menu that they had forward for additional TC review, not that

there wouldn't be something in place by April 1st. I hope that clarifies things.

CHAIRMAN GEER: I think it does. Any other discussion on this, we have a substitute motion on the floor. I'm going to read it again. Move to substitute to approve all state implementation plans as presented today; that includes the ones that were contingent, which the three in Virginia which were contingent on approval, and the one in North Carolina that the TC did not recommend. All the other plans were approved, is that correct? Do I hear any opposition to that? Okay, let's start with Robert.

MR. BOYLES: I'm opposed to the substitute motion.

CHAIRMAN GEER: Doug, do you want to add anything to that; same thing. Robert.

MR. BOYLES: Mr. Chairman, I think a little bit of context may be in order here. The recreational ACL for cobia is 620,000 pounds that was exceeded quite a bit the last two years. Last year, two years ago I should say, the state of South Carolina moved to close what we believed to be a spawning aggregation, during the months when you could go literally fish for cobia from a canoe. Our anglers were very strident in advocating for strong management measures; and as a result in 2016, we had that spawning season closure.

That was of course we had a spawning season closure in 2017 as well, but 83 percent of South Carolina's cobia, excuse me 100 percent of cobia landed in South Carolina are recreational. As was referenced earlier, it's a game fish in South Carolina; and 83 percent of the fish that are landed in South Carolina come from federal waters. I appreciate my colleague from Georgia's question of Dr. Crabtree. You know if we can't be assured of some kind of fishery, there is just no way I can support this motion.

I think we have to keep in context that the whole purpose for this Interstate Fishery Management Plan for cobia was recognizing that we have a shared resource, to some degree, and the degree to which is arguably arguable, but it is a

shared resource. At the same time we have to put some kind of constraints on this catch; and so I would just encourage the Board to keep that in mind, the context. As a result I can't support the substitute motion.

CHAIRMAN GEER: Okay, Spud.

MR. A.G. "SPUD" WOODWARD: I want to sort of follow up on the question that Doug gave for you, and I apologize for putting you on the spot like this. But sort of the next generation is okay, in absence of the plan that it puts NOAA Fisheries in an awkward position, that is making a decision about opening the EEZ. If this body were to approve implementation plans that are projected by the TC to exceed the target harvest, is that going to do likewise?

DR. CRABTREE: I think the consequences of that play more into next year. But we would look at it; but it's not clear. I mean I didn't support the motion because it bothers me to approve plans that the Technical Committee is saying don't meet our requirements. Now maybe further look and investigation of some of these resolves that problem. But at this point it hasn't been. Yes, we get in a difficult position if everyone's analysis shows we're going to exceed the ACL. I hope we can avoid that.

CHAIRMAN GEER: All right, seeing no other hands. Doug Brady, I'm sorry.

MR. W. DOUGLAS BRADY: Well I think Spud's question, but basically if we approve Adam's motion I was trying to get to what the impact would be. At one point I heard that it would close potentially the federal, it would close the federal waters I guess. Then I just heard that may or not be the case. I'm just trying to make sure that I understand and hopefully the Commission does, if we approve this motion where is the danger in doing so?

CHAIRMAN GEER: Roy.

DR. CRABTREE: Well if I understand the motion correct, the plans would go into effect, you just would have approved some plans that your Technical Committee said aren't in compliance

with the very plan that you've set up. That is what is bothering me. But the plans would still go into effect, if I'm reading this right.

CHAIRMAN GEER: That's the way I interpret it as well. I see a lot of hands go up. Let's go with Joe and then Adam.

MR. CIMINO: I just kind of wanted a clarification on that. Is that what we're really saying is that they wouldn't in one year meet a three-year-soft target. I mean because that is what the TC is evaluating, is if they meet that number exactly for the following year. But the intention of the plan was to give us more flexibility than that.

CHAIRMAN GEER: Mike.

DR. SCHMIDTKE: I guess addressing that point. While there would need to be that three-year-time period to evaluate whether any management changes would be required of a given state if they were to exceed their three-year target, one of the things that the TC discussed is if the initial plans that go into effect are projected to go above that target, how would states be, I guess motivated, to change in the next year?

Like let's say that these plans are in place for three years. Then we would be projecting ourselves. Excuse me; the plan would be projected to be exceeded. I guess the TC kind of was going from that angle that the implementation plans that have been submitted would likely be in place for three years; to provide some stability to the fishery, you know consistent regulations from year to year, and then be reevaluated after that three-year period, as far as whether regulations should change.

CHAIRMAN GEER: Joe, follow up?

MR. CIMINO: I do need to. I definitely wanted this on the record at some point; and I guess I'll do it here, because if the TC is really looking at what we've done. You know in Virginia in 2016, you know we weren't looking for a free-for-all. We put in some regulations that we thought were great that would have been approved by

the TC to have a projection of 300 and some odd thousand pounds.

That year's harvest estimate was over 900,000 pounds just for Virginia. The very next year our Commission liberalized regulations, and we came in under target at 260,000 pounds. I don't see how the TC could say that that one year's measures are going to produce the same exact harvest estimate each year.

CHAIRMAN GEER: I had David and then Adam and then Robert.

MR. BUSH: Again, this is a three-year average. I can't remember off the top of my head what the measures that would go into place after the three years of you blowing the quota out of the water. But you have the opportunity to make adjustments in your three-year window, to keep your states under.

I mean maybe there should be a review yearly. How did everybody do? What management measures are you going to tweak or change to get you where you need to be? However that needs to take place, but this soft-target idea was also meant to give state's flexibility on how they manage this fishery. They've got the three years and the numbers are close. Give us an opportunity to try it, because we obviously know there is a question about the numbers already.

CHAIRMAN GEER: Adam.

MR. NOWALSKY: I believe what I've heard so far is that failing to implement this plan, the plans for the states is what would result in federal waters not opening. Not putting forth a state regulation that may result in overharvesting a target by tens of thousands of pounds of fish potentially. I would offer that that number and I haven't looked at it myself. But I can say with a high degree of confidence that the numbers we're talking about in these implementation plans is probably well within the confidence interval of these catch estimates. A few minutes ago by consent, this Board approved looking at the other approaches that other boards are using for dealing with recreational catch.

Approving these implementation plans that are well within these confidence intervals, in my opinion is completely consistent with the past Board action from a few minutes ago, about look at how other boards that have dealt with recreational fisheries and MRIP variability for a longer time, are doing things to improve the process, and I stand by this motion.

CHAIRMAN GEER: Then Robert.

MR. BOYLES: Adam is right. I think you know where I am, and maybe Mr. Chairman I might suggest a path out of this corner, perhaps. We adopted, I believe unanimously, I believe, this FMP in October. The Policy Board adopted it, agreed to it in November with an implementation date of April 1st. I recognize the uncertainty.

I recognize the challenges that we have that our public commenter's mentioned regarding applicability of the statistics. Mr. Chairman, however the fact remains is that we've had the Technical Committee do what we asked them to do, to review these implementation plans, and they have some reservations.

Therefore, I reiterate with respect to Mr. Nowalsky and Mr. Bush. I can't support this motion. I prefer my motion, and remind the Board that there is the avenue of conservation equivalency through which states can seek Technical Committee review of specific proposals designed to achieve the goals of the FMP. I would urge the Board to reject on the basis of the Technical Committee's recommendation the substitute motion, and urge passage of the original motion. Thank you.

CHAIRMAN GEER: Thank you very much, Robert, thank you for everybody. It's time to bring this to a vote. Substitute motion on the floor is to move to substitute to approve all the state implementation plans as presented today. Motion by Mr. Nowalsky and Mr. Bush, can I see hands?

You want a minute, okay two minutes to caucus. Okay, are we ready? North Carolina, are we ready? **All right on the substitute motion, move**

**to substitute to approve all state implementation plans as presented today. Motion by Mr. Nowalsky, and seconded by Mr. Bush. All those in favor raise your hand; all those opposed, any null votes, abstain, one. The motion fails 4 to 6 to 0 to 1. That brings us back to the main motion.**

**Move to improve the state implementation plans for cobia FMP as recommended by the TC; motion by Mr. Boyles and seconded by Mr. Haymans. Again, all those in favor of this motion raise your hand; all those opposed, null votes, abstentions. The motion carries unanimously 11 to 0, 0, 0. Okay, we got that taken care of.**

#### **DRAFT ADDENDUM I FOR THE BLACK DRUM FISHERY MANAGEMENT PLAN FOR PUBLIC COMMENT**

CHAIRMAN GEER: Moving on to the next item on the agenda is Draft Addendum I for the Black Drum Fishery Management Plan to go out to public comment. Mike is going to try to get us back on schedule.

DR. SCHMIDTKE: We kind of looked over an initial proposal from Maryland at the last meeting, so I'll give very brief background onto what motivated this addendum and go through the draft options. Timeline, last October Maryland submitted a proposal to reopen their commercial fishery in the Chesapeake Bay for black drum.

The Board initiated Addendum I to the black drum FMP. Right now we would be considering Draft Addendum I for public comment. Maryland has historically had a commercial fishery in the Chesapeake Bay that went from May through early June. There were no commercial harvest restrictions until 1994. At that point a 16 inch total length minimum size and an annual Chesapeake Bay quota were instituted.

During the time period from '73 to '97, about 11,000 pounds of annual average harvest were collected by the commercial fishery. A tagging study was initiated in the 1990s that closed the

sale of black drum that were caught in Chesapeake Bay for Maryland, but the Department of Natural Resources bought black drum from pound net fishermen during that time for that study. In '99 the tagging study ended, as well as the buy-back program, after which the Chesapeake commercial fishery remained closed for the state of Maryland.

In 2013 the South Atlantic Board approved the black drum FMP, which continued this closure in perpetuity. The current reference points from the 2015 stock assessment have a harvest target of 2.12 million pounds, a harvest threshold of 4.12 million pounds, and a status of not overfished and overfishing not occurring for the coastwide black drum stock.

In 2016 total harvest was 1.53 million pounds. Here we see a table that is just showing the regulations for different states along the coast; recreational and commercial. The highlighted portion indicates the closure in Chesapeake Bay for the state of Maryland; and there is, as you can see on the table, there is no such regional closure that is required by the FMP for another state.

Just one thing to note, it was brought up in the last meeting; but there is commercial harvest that does occur in the Chesapeake Bay for the state of Virginia. The two options that are presented in this draft addendum, one is status quo; in which the current FMP remains in place, and the Chesapeake Bay remains closed to commercial harvest by Maryland.

The second option is to reopen Maryland's commercial fishery for black drum in the Chesapeake Bay with a 10-fish-daily-vessel limit, and a 28-inch-minimum-total-length-size limit. The rationale for Option 2 is stated within the draft addendum, but to summarize the bottom line, in terms of impact on coastwide harvest, addition of the average or maximum harvest from the time this fishery was in operation would increase the 2016 coastwide harvest by 0.8 percent or 2.8 percent respectively. Given this small amount of projected harvest and the current stock status at the 2017 annual meeting the black drum TC advised the Board that this

amount of harvest would not be likely to result in overfishing of the stock. With that I'll take any questions.

CHAIRMAN GEER: Lynn.

MS. FEGLEY: Thank you Mike for that. I wanted to add for the record that this is something that is of interest to our commercial sector in the state of Maryland. We also in Maryland, we will be taking this back out to our constituents to have a full discussion. For us the most important thing is as we embark on this process, to know that the Commission is onboard that this is approved.

If it's not approved we wouldn't have those discussions. The point to that is that that creel limit of 10 represents a maximum. It's an up to 10 fish, because at the end of the day what the state of Maryland could implement is something less than that. I just wanted the Board to be aware that what this represents is sort of the ceiling. We may do what the addendum says, or we could at the end of the day do something less.

CHAIRMAN GEER: Are there any questions for Mike or Lynn; any further discussion? We're ready for a motion on this?

MS. FEGLEY: I could do that Mr. Chair.

CHAIRMAN GEER: Okay, you have the floor.

MS. FEGLEY: **Sorry. I would move to approve the Draft Addendum I to the Black Drum Fishery Management Plan for public comment.**

CHAIRMAN GEER: Motion by Lynn Fegley, second the motion by Spud Woodward. **Any further discussion; is there any opposition? Seeing no opposition the motion carries.**

#### **TECHNICAL COMMITTEE AND PLAN REVIEW TEAM REVIEW OF THE ANNUAL TRAFFIC LIGHT APPROACH FOR ATLANTIC CROAKER AND SPOT**

CHAIRMAN GEER: Moving on to the next topic is review the TC's Plan Review Team for Annual Traffic Light Approach for Atlantic Croaker and Spot; and Chris, you have the floor.

MR. CHRIS McDONOUGH: We're going to look at some proposed changes to the traffic light analysis that we currently use now for spot and croaker. Just to give you a little bit of background. Spot and croaker underwent a benchmark assessment in 2017. However, they were not endorsed by the Peer Review Panel for management, due in part to the conflicting signals that were occurring between abundance and the harvest time series, as well as some issues with the bycatch estimates with the shrimp fishery.

Both species are currently monitored using the annual traffic light approach, which was established in 2014. Basically that approach assigns a color to categorize relative levels of the indicators on the condition of either the fish population, which is the abundance metric, or the fishery, which is a harvest metric.

Management action if both abundance and harvest were tripped for two consecutive years for spot and three consecutive years for croaker. Moderate concern would be the red proportions of 30 percent, and significant concern was red proportions of 60 percent or greater, the concerns that the TC had with the TLA and the way it has been working.

It was still superior to the way we did it prior to the TLA. However, the TLA still hadn't really triggered any management action; despite declining trends in the harvest that has been occurring all up and down the coast, to some of the lowest values that we've seen currently. Also several of the abundance indices that were used in the assessment are not currently part of the TLA, so that needed to be reevaluated. A TLA Subcommittee was formed to look at the available data for spot and croaker. The main things they looked at were redeveloping the indices, and splitting them by age; looking at recruitment indices and then adult indices separately, because there are differences in the way that two run, depending whether you're talking about what the fishery metric has in it and what the abundance indices have.



Then reconsider which of those indices should be considered and used in the traffic light. The spot landings and this is through 2016, continued to decline through last year or two years ago I guess now. However, the adult indices are exhibiting high abundance years that don't reflect or aren't seen in the fishery statistics, or the landings rather. The same is true with croaker. You see that continued decline in recent years.

Whereas, the higher abundances that occur in certain years in the adult indices from the fishery independent surveys don't show up in the fishery, or aren't reflected in the fishery very well. After examining all that the conclusions that the Subcommittee came to was that looking at the age split indices that the recruitment signals amongst most of the different surveys, tended to be fairly similar, but the declines as they occurred, occurred in the Chesapeake area first and then have showed up last in the surveys that occur further offshore.

The SEAMAP and the NMFS survey, the NMFS is the Northeast Fisheries Science Center trawl survey. Both of those are primarily driven by the recruitment signal; even with the age-split indices, because they have a relatively high proportion of ages 0s and 1s in them. There were some differences in regional exploitation in the fishery, in the harvest itself.

Then the SEAMAP index it was found that in the past we've always used, the fall is the season that we've looked at. But in examining across seasons to reevaluate it, we found that the spring survey actually tracked the adult year class better; because you have a much lower likelihood of seeing young of the year and juveniles at that time of year.

The four options that the TC was looking at to adapt or change the TLA were first of course the status quo, no change at all. The second was a coastwide traffic light, but using revised indices. The third is a regional approach, broken between the South Atlantic and the Mid-Atlantic with the same revised indices in those different areas.

Then the fourth approach that we looked at was examining relative exploitation. That we're

going to talk about a little bit more in a bit. But that was the one option I'm going to talk about briefly, and then we're not going to talk about any more, because the TC that is not an avenue that we're going to go down. But we did look at it.

Okay for the current traffic light, which is the 2016, which would be the status quo. Harvest and commercial or the harvest metric, you know individually tripped. You can see it tripped in 2010, '12, '13, and then '15 and '16. The adult composite for NMFS and SEAMAP hasn't tripped since 2007. Because neither of those has tripped at the same time within current years, no management concern was triggered.

Now just to touch a bit on the relative exploitation, the current TLA metric wasn't reflecting the declines that we're seeing in abundance. But it's felt that some of that could be addressed in the index selection as it's used. Relative exploitation essentially uses the landings for the harvest standardized by annual relative mean of one of the fishery dependent surveys; depending on the region and which survey you decide you want to use for it, for that area of the coast to gauge the relative levels of exploitation in the fishery. Now under that years of high abundance can only be interpreted as a good situation if harvest is also relatively high.

It can be used to address the situation where declines in abundance are counteracted by increasing proportions of the abundance or the amount of fish that are removed. One of the issues with that method though is that you need some kind of a protective measure, in case abundance and harvest declined at approximately the same rate. Then you're not going to see changes, because it's going to kind of be a fairly steady state.

The relative exploitation method was fairly conservative; and the TC felt that it would need a little bit more work to determine if that was even an appropriate reference point at this point. The consensus that the TC came to was to continue on with the traffic light, but using age-adjusted-index form, because one it's fairly consistent with what we've been using up until

now, and a pretty straightforward measure. Okay so now to go back to our other options. The first is the coastwide option; and this is with a revised indices.

Now with the revised indices, this is including the NMFS Index, ChesMMAAP Survey, North Carolina DMF Program, Trawl Program 195, and then the SEAMAP Index. It also uses a 2002 to 2012 reference period. The reference period had to be changed; the previous one was 1989 to 2012. The reason we change over to 2002 to 2012 is because that is the timeframe for the ChesMMAAP survey, and in order to use the method you need to use the same timeframe within all the surveys.

Then management in this case would be triggered if two out of the three terminal years have been tripped; based on previous guidelines. That is two out of three, not two consecutive. The inclusion of ChesMMAAP in this case made the index more sensitive, causing it to trip at a more moderate level. In the adult TLA it tripped in 2002 to 3, 2008, 2014, and 2016; which reflects a bit more what with the decline seen in the harvest metric.

Now as I said before, there were some differences in the regional landings. Long term trends were similar in that they were both declining. However, abundance trends were varied between regions, which led us into that idea of looking at comparing relative exploitation. Coastwide landings are pretty much driven by the Mid-Atlantic region, which represents the bulk of the landings for spot.

In the South Atlantic, while not as variable annually does follow that general declining trend. If we look at these on a regional basis, so this is looking at it regionally. This is for the Mid-Atlantic first here. The revised indices, in this case we're using the NMFS survey and ChesMMAAP. The adult composite shows more of a decline than the previous just the NMFS survey alone would.

Within it tripping from 2002 to 2005, 2010, '12, and then in the last three years 2014 through '16. Then the harvest composite showed

moderate concern in 2012 and the last two years, 2015, '16. Under this scenario, the survey actually would have triggered for moderate concern at both 2015 and 2016. For the South Atlantic the revised indices here are the North Carolina Program 195 and the SEAMAP survey. You see elevated concern in the harvest metric on the bottom, 2010, '12 and '13, and 2016. But you only see the adult composite index tripping at the higher red levels; the last time in 2009, in terms of occurring annually. For the South Atlantic in the last couple years, compared to the Mid-Atlantic, it would not have tripped. The recommendations that the TC is making for the spot traffic light would include incorporating indices from ChesMMAAP, the North Carolina DMF Program 195 survey, as well as the continued use of NMFS and SEAMAP.

The use of an age-revised index for each of the surveys where we're using the adult portion of each of the surveys, and those would be estimated using annual age length keys, as well as the length frequency data. In order to get good estimates of what proportion of the index are those adult fish, which would be age one plus in the case of spot, and then using regional metrics to characterize the fishery.

With the separation being the North Carolina/Virginia border using ChesMMAAP and the NMFS survey in the Mid-Atlantic, and then the North Carolina Program 195 and the SEAMAP survey in the southern zone. We would continue to utilize the traffic light for the recruitment; as well as the annual southeastern shrimp trawl fishery discard estimates as advisory and information purposes, just because we would still want to examine those to see how they match up with the trends with the adults, changing the reference time period from 2002 to 2012.

That is so we can keep up with it and include the ChesMMAAP Index. Then finally change the triggering mechanism in accordance with the current 30 and 60 percent thresholds for red; if both abundance and harvest thresholds are exceeded in any two of the three terminal years. This is so that if you get high variability from year to year, which occurs more often with spot, because it's a short-lived species.

You can get one year of really high abundances, and that drops down and it drags out and you may not trigger. This way it gives us a bigger window that we can consider if we want to take management options or not. Okay and that is it for spot, now we do the same things with croaker. I'm going to essentially just go right back to the options that we did with croaker before.

Okay for the status quo to the current 2016 traffic light harvest metric trip. For the six consecutive years harvest levels have dropped for croaker. The Adult Composite Index for NMFS and SEAMAP did not trip; as those numbers have gone up. Overall no concern was triggered actually since '93, going back to the last time when the croaker levels in the independent surveys had been that low.

Now to look if we examine this with the revised indices, like we did with spot we're using a 2002 to 2012 reference period, so that it matches up with ChesMMAAP. In this case we're using NMFS, ChesMMAAP, SEAMAP, and SCDNR Trammel net survey, which was another adult survey in the southern portion over the southeast coast.

With these adults were these their age is two plus. In this case management would be triggered if two out of the three, I'm sorry that should be three out of the four terminal years are tripped, based on the previous guidelines for croaker. Now with the harvest traffic light, you see definite moderate concern throughout most of the '80s and early '90s, and then in recent years as it's kicked up from 2013 to 2016, as landings have gone down. Then the adult time series was a moderate concern in 2002 and 2008 through 2016. This is primarily due to the addition of the ChesMMAAP Index, which has shown that decline that has really occurred in the Chesapeake, and does reflect or is more in consensus with the harvest metric. Regionally, there are differences between the Mid-Atlantic and the South Atlantic.

Recent years Mid-Atlantics tend to have the higher harvest rate, although that wasn't always the case. During the '80s the South Atlantic

actually had higher croaker landings; although the scalar differences occur, but the overall trend is fairly similar between the regions. When we look at these regionally, this first one this is the Mid-Atlantic.

This is using NMFS and ChesMMAAP. The adult composite had concern for a lot of years, 2002 to 2003 and then 2008 through 2016. Again, this is mainly due to really low catch levels in the Chesapeake that really drove those red proportions up. Then for the harvest index you see concern in recent years, although 2014 through 2016 was over that 30 percent threshold.

In recent years for croaker in the Mid-Atlantic that moderate concern under using those revised indices, would have been triggered in both 2015 and 2016. In the South Atlantic the adult composite was cause for concern more in the mid '90s, early 2001, 2004 and 2011, and then the harvest metric which caused concern mainly in recent years through the decline from 2012 through 2016.

The adult composite for the southern region for croaker, this is using SEAMAP and the South Carolina Trammel Net Survey, for recent years was below that 30 percent threshold. In the case of the South Atlantic, there would have been no concern triggered for croaker. The TC recommendations for the croaker TLA fall along the same lines of spot; include incorporation of the ChesMMAAP Survey, as well as the SCDNR Trammel Net Survey into the adult composite characteristic.

In addition to continuing to use the NMFS fall survey and the SEAMAP survey. This one would also use the age-revised indices using age-length keys and length compositions in order to estimate the adult proportion; which in the case of croaker is the ages two plus that are caught in each of these surveys.

Use of a regional metric to characterize the fishery north and south of the Virginia/North Carolina border, this has to do mainly as with spot again, with differences in the fishery characteristics, not necessarily that there is

biological differences across those. We would continue to utilize the recruitment indices; traffic light as well as the shrimp trawls fishery bycatch estimates as advisory indices and comparison in each annual exercise.

Establish a reference time period of 2002 to 2012, and then change the triggering mechanism such that management action would be triggered according to the current 30 percent red or 60 percent red thresholds, if both the abundance and the harvest thresholds are exceeded in any three of the four terminal years. With that and I tried my hardest to get us back on schedule.

CHAIRMAN GEER: You did a great job, Chris.

MR. McDONOUGH: I'll take questions.

CHAIRMAN GEER: Are there any questions for Chris? I have Joe and then I have Chris and Roy.

MR. CIMINO: It was a great job. I feel right now like I'm in full support of the TC recommendations. I just don't know where that last step for each one brings us. Changing those two trigger mechanisms, and I'm sorry I was trying very hard to follow along, but what status does that put us in for each of these species?

MR. McDONOUGH: You mean whether or not management concern has been triggered, basically?

MR. CIMINO: Yes, if we went through with all the recommendations.

MR. McDONOUGH: That would mean that management concern has been triggered and in that case one of the things that makes it a little hard is the fact that since we kind of just finished the stock assessment and it wasn't accepted. We're kind of left with a "what do we do now" kind of thing. But I think it would need, the TC would then have to come up with some recommendations to possibly, what do we have to do to get those abundances back up?

There aren't a lot of restrictions on croaker and spot as a whole in most of the states, and so you

know there are some bag limits. I forgot, I think one state has a size limit. I mean there are things that could be implemented, but that would be the next step. It's like okay if we're going to do this and there is a problem, okay what do we do now?

I mean up until now spot and croaker are kind of one of those species. They are always there, and everything eats them, including us. But there definitely have been some issues. We would have to come up with a next step. We hadn't gotten there; we just need to see where we're going to go with it.

CHAIRMAN GEER: Chris.

MR. CHRIS BATSAVAGE: Thanks Chris and I'll apologize in advance if I missed this in your report. But did the Technical Committee discuss any issues or concerns with the regional traffic light approaches? In terms of data uncertainty, with you only have a couple independent indices for each region, as opposed to having four I guess if you looked at it coastwide.

Any differences in the traffic light assessments for the regions may also be clouded by just availability of fish at that time. You know with the fish kind of showing a progressive shift north or just some variation between whether there is a higher abundance of spot and croaker in the Mid-Atlantic versus the South Atlantic in a given year.

MR. McDONOUGH: Yes, we had multiple discussions on all those points. We examined, what was it like 20, we examined almost all the datasets that were used in the assessment, you know went back and looked at all of them. Generally the way they were getting picked had to do with the area coverage, consistency in overall trends.

Some of the surveys, you know if it were more geographically isolated and didn't match up with anything else. They didn't necessarily take away, but they don't add anything to the analysis either so they weren't used. There are some issues with availability in the changes, like the NMFS survey. You know years ago when we used that

when they used to sample much further inshore in their strata that they used. We looked at the NEAMAP survey pretty hard, but the NEAMAP started in 2007, and there is still not quite enough data for it to be, at least for the traffic light system particularly with croaker, given their life span.

It's going to get used in the future eventually. Then there are some issues with, so whether or not the fish are there when they're sampling in consistency from year to year within a given survey, what part of the month they're sampling each year. We did look at all that stuff and you know we tried to go forward with the best fits that we could see that made the most sense.

CHAIRMAN GEER: Lynn and then Roy.

MS. FEGLEY: To follow on Joe's comments. I'm curious about the process. Would it require an addendum or an amendment? Would we have to initiate a new plan to adopt this new traffic light, and then based on that we would wind up having to initiate management, and could that happen in the same addendum or amendment or what are the process steps?

CHAIRMAN GEER: Go ahead, Mike.

MR. McDONOUGH: I'll address the first part. The second part I may have to kick to Toni. Taking all of the TCs recommendations would require initiating an addendum for each species, for spot and for croaker. As far as being able to take management action in the midst of that process, I'm not sure.

MS. KERNS: So Lynn, staff talked about this a little bit and what we thought would be the best path forward. If it is the Board's inclination to move forward with these recommendations and adopt a new TLA approach, and we know that it does trigger management action for the Mid-Atlantic States. We thought that it would be best to incorporate the new year's data that would come in August, and so that it would be something that we could incorporate into one single document.

In order to give the PDT and the TC time to figure out what types of management response that we would need, and the Board to give direction to those groups that we could include it in both, but the management document wouldn't come out until August at the earliest. To address both in one document, because we did not budget to do two documents this year. Since the public would probably want to see the most recent year's data, we thought it would be best to hold off until we had that information this summer.

CHAIRMAN GEER: Could we hold off until the May meeting to decide if we want to approve this or not; because a lot of folks have just seen this today for the first time or have just read this recently and haven't had a chance to digest it all.

MS. KERNS: We could definitely hold off until then. The one drawback to that is then we wouldn't be able to start tasking the TC and the PDT to start thinking about how we would respond to a management trigger. What types of management actions would the Board want the TC to think about and evaluate? Depending on where the Board wants the PDT to go, maybe the time between May and August might not be enough time to develop those management options. It just depends on the direction that the Board takes.

CHAIRMAN GEER: What is the Board's pleasure; hearing nothing?

MS. KERNS: I should say that you know we're not on any time crunch, so if the document doesn't get approved until annual meeting to go out for public comment. I don't think that that is problematic.

CHAIRMAN GEER: Does that sound like a course of action on this? I see head nodding. It's a lot to digest. Having those new numbers would be good as well. It said possible action and with that in mind I'm going to say let's table this until the next meeting. Go ahead, Toni.

MS. KERNS: I just want to be clear; I'll turn to Mike and Chris for this. But I don't believe we would have new numbers until August worked up, until the August meeting, so it would

probably be helpful if the Board digested this new information, came back in May and at least indicated to the PDT and the TC that this is something that they wanted to move forward with. Then in August we could at least come back with updated TLAs and then possible direction on how to respond for management.

(Whereupon the meeting adjourned at 2:55 o'clock p.m. on February 7, 2018)

CHAIRMAN GEER: Yes folks, because we're running out of time here, and the last thing I want to do is to keep the Striped Bass Board waiting on us; because I'm sure they've got a lot of work to do. If that is the Board's direction they want to go. I see head nodding. We'll take it home, show it to your TC members and we'll discuss this in the May meeting.

#### **2017 FMP REVIEW AND STATE COMPLIANCE REPORTS FOR SPOT AND SPANISH MACKEREL**

CHAIRMAN GEER: The next item on the agenda was the Compliance Reports for spot and Spanish mackerel, and there were no compliance issues in there so we're just going to send that out as e-mails for approval on that so we can move on.

#### **OTHER BUSINESS**

CHAIRMAN GEER: That would bring us to, is there any other business at this time? Robert.

MR. BOYLES: Mr. Chairman, just quick in accordance with Amendment 2, the Red Drum Plan, I wanted to let the Board know that South Carolina is seeking legislative approval to reduce fishing mortality on red drum. We are seeking approval from the legislature to reduce our bag limit, which is currently at three, down to two.

We expect this to be a reduction in fishing mortality, so it will not increase fishing mortality, so I'm not looking for the Board's approval as the requirements of Amendment 2. But I just wanted to let the Board know that we're working in that direction.

#### **ADJOURNMENT**

CHAIRMAN GEER: Is there any other business before this Board? Hearing none; meeting is adjourned.