

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

**Webinar  
October 20, 2020**

**Approved May 2, 2022  
by the Coastal Pelagics Management Board**

**TABLE OF CONTENTS**

Call to Order, Chair Lynn Fegley.....1

Approval of Agenda .....1

Approval of Proceedings from August 2020 .....1

Public Comment.....1

Atlantic Cobia Addendum I to Amendment 1 for Final Approval .....1

    Review Options and Public Comment .....2

    Consider Final Approval of Addendum I to Amendment 1 .....4

Review 2020 Traffic Light Analysis for Spot and Croaker .....17

    Review 2020 Reports .....20

    Review Management Response Requirements from Addendum III .....24

Consider FMP Review and State Compliance for 2019 Fishing Year for Red Drum.....30

Adjournment.....33

**INDEX OF MOTIONS**

1. **Move to approve agenda** by Consent (Page 1).
2. **Move to approve proceedings of August 5, 2020** by Consent (Page 1).
3. **Main Motion:**  
**Move to approve Option C, 96 percent recreational and 4 percent commercial allocation** (Page 6). Motion Marty Gary; second by Joe Cimino. Motion to substitute (Page 9).
4. **Move to substitute to approve Option B, 97 percent recreational and 3 percent commercial allocation** (Page 7). Motion by Doug Haymans; second by Mel Bell. Motion fails (Page 10).  
**Main Motion: For Issue 1 recreational and commercial allocation, move to approve Option C, 96 percent recreational and 4 percent commercial allocation.** Motion carried (Page 11).
5. **Move to approve for Issue 2, Option B of the new commercial trigger recommendation by the Technical Committee** (Page 11). Motion by Pat Geer; second by Mel Bell. Motion carried (Page 11).
6. **Move to approve for Issue 3 commercial de minimis set aside. Move to approve Option F, to account for potential landings in de minimis states not tracked in-season against the quota, 4 percent of the commercial quota or 5,000 pounds cap, whichever is less, would be set aside and not accessible to non-de minimis states** (Page 11). Motion by Joe Cimino; second by Mel Bell. Motion carried (Page 13).
7. **For Issue 4, recreational de minimis size limit, move to approve Option C, a recreational de minimis state may choose to match the recreational management measures implanted by an adjacent non-de minimis state or the nearest non-de minimis state if none are adjacent, or limit its recreational fishery to 1-fish per vessel per trip with a minimum size of 33 inches fork length, or a total length equivalent of 37 inches** (Page 14). Motion by Pat Geer; second by Mel Bell. Motion carried (Page 15.)
8. **Move to approve Addendum I to Amendment 1 to the Atlantic Cobia FMP as amended today** (Page 16). Motion by Mel Bell; second by Pat Geer. Motion carried (Page 16).
9. **Move to approve the 2020 FMP Reviews, state compliance reports, and de minimis requests for red drum, Atlantic croaker, and Atlantic cobia** (Page 33). Motion by Chris Batsavage; second by Jim Estes. Motion carried (Page 33).
10. **Motion to adjourn** by Consent (Page 34).

**ATTENDANCE**

**Board Members**

Joe Cimino, NJ (AA)	Jerry Mannen, NC (GA)
Adam Nowalsky, NJ, proxy for Sen. Andrzejczak (LA)	Mel Bell, SC, proxy for P. Maier (AA)
John Clark, DE, proxy for D. Saveikis (AA)	Malcolm Rhodes, SC (GA)
Roy Miller, DE (GA)	Doug Haymans, GA (AA)
Craig Pugh, DE, proxy for Rep. Carson (LA)	Spud Woodward, GA (GA)
Lynn Fegley, MD, Administrative proxy (Chair)	Jim Estes, FL, proxy for J. McCawley (AA)
Russell Dize, MD (GA)	Rep. Thad Altman, FL (LA)
Phil Langley, MD, proxy for Del. Stein (LA)	Marty Gary, PRFC
Pat Geer, VA, proxy for S. Bowman (AA)	John Carmichael, SAFMC
Chris Batsavage, NC, proxy for S. Murphey (AA)	Roy Crabtree, NMFS
Bill Gorham, NC, proxy for Rep. Steinburg (LA)	Mike Millard, USFWS

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

**Ex-Officio Members**

Joey Ballenger, Red Drum SAS Chair	Angela Giuliano, Atl. Cobia TC Committee Chair
Harry Rickabaugh, Black Drum and Spot TC Chair	Chris Hodge, Law Enforcement Committee Rep
Dawn Franco, Atl. Croaker TC Chair	

**Staff**

Robert Beal	Laura Leach
Toni Kerns	Savannah Lewis
Maya Drzewicki	Sarah Murray
Max Appelman	Mike Rinaldi
Kristen Anstead	Caitlin Starks
Chris Jacobs	Deke Tompkins
Jeff Kipp	Geoff White

**Guests**

Bill Anderson, MD (AA)	Heather Corbett, NJ DEP
Pat Augustine, Coram, NY	Derek Cox, FL FWC
Michael Auriemma, NJ DEP	Jessica Daher, NJ DEP
Russ Babb, NJ DEP	Pamela D'Angelo
Wes Blow	Lorena de la Garza, NC DENR
Deidre Boelke, NEFMC	Rick DeVictor, NOAA
Ellen Bolen, VMRC	Lewis Gillingham, VMRC
Jason Boucher, DE DFW	Bob Groskin, Teaneck, NJ
Rob Bourdon, MD DNR	Asm. Eric Houghtaling, NJ (LA)
Dick Brame, CCA	Adam Kenyon, VMRC
Jeff Brust, NJ DEP	Wilson Laney
Kristin Butler, US Senate Fellow	Greg Ludlum
John Carmichael, SAFMC	Mike Luisi, MD DNR
Matt Cieri, ME DMR	Shanna Madsen, VMRC

**Guests (continued)**

Casey Marker	
Ann Markwith, NC DENR	Brandon Raguz, NOAA
Chris McDonough, SC DNR	Jill Ramsey, VMRC
Jack McGovern, NOAA	Ray Rhodes, Charleston College
Jason McNamee, RI (AA)	Tara Scott, NOAA
Chris Moore, CBF	McLean Seward, NC DENR
Allison Murphy, NOAA	Somers Smott, VMRC
Ken Neill	Helen Takade-Heumacher, FL FWS
Travis O'Neal	Beth Versak, MD DNR
Gerry O'Neill, Cape Seafoods	Mike Waine, ASA
Derek Orner, NOAA	Kate Wilke, TNC
Paris Morgan, VMRC	Angel Willey, MD DNR
Olivia Phillips, VMRC	Chris Wright, NOAA
Paul Piavis, MD DNR	Justin Yost
Nick Popoff, FL FLW	Daniel Zapf, NC DENR
	Erik Zlokovitz, MD DNR

The South Atlantic State/Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, October 20, 2020, and was called to order at 1:15 p.m. by Chair Lynn Fegley.

### **CALL TO ORDER**

CHAIR LYNN FEGLEY: Good afternoon everyone! Welcome to the South Atlantic Board. I'm Lynn Fegley; representing the state of Maryland, and currently serving as your Chair. The sun has come out, it is turning into a beautiful afternoon in our little section of the Mid-Atlantic. I hope the same for all of you, and I really do look forward to the day when we can do this again in person.

### **APPROVAL OF AGENDA**

CHAIR FEGLEY: We have a big agenda today, and the staff have been really nice to provide an agenda in our materials that has time associated with it. I'm going to try really hard to stick with those, and the marquis event is of course the finalization of Addendum I to Amendment 1 for Atlantic cobia. With that I'll dig in, and the first order of business is to approve the agenda. Is there anyone who has any changes or modifications to the agenda?

MS. TONI KERNS: I see no hands.

CHAIR FEGLEY: Okay, seeing none, I'll move on to the approval of the proceedings, which are in your package.

### **APPROVAL OF PROCEEDINGS**

CHAIR FEGLEY: They are the proceedings from our August 2020 meeting. Does anyone have any changes or modifications proposed for those proceedings?

MS. KERNS: I don't see any hands.

### **PUBLIC COMMENT**

CHAIR FEGLEY: Perfect, okay seeing none, the next piece on our agenda is public comment. Toni, do we have anybody signed up to speak?

MS. KERNS: There is no sign up this week. We'll just ask to see if anybody wants to comment on anything that is not on the agenda.

CHAIR FEGLEY: Yes, okay, so I will ask that question. If there is anybody who wants to comment. I just will remind everyone, I know we're finalizing an Addendum today, and we've had hearings on those addenda, so that was the opportunity for comment. Those who have something to share with the Board that is not on the agenda, please raise your hand.

MS. KERNS: Lynn, you have Dewey Hemilright.

CHAIR FEGLEY: Okay Dewey, go ahead, please.

MR. DEWEY HEMILRIGHT: Thank you, Lynn, and also thank you for the opportunity to comment. With the cobia is a bycatch fishery, and it would be good if we could turn regulatory discards into landings. As the abundance of this fish is increasing, I would think that one thing that needs to be done is to look at when you're landing the cobia fish.

Right now, there is only in pounds, there is no way, or it is my belief that states do not record how many fish are landing. Given that you have a landing limit that is put into number of fish, it would be good if we could also see, probably for future stock assessments that each state that have commercial landings of cobia be put in the amount of fish that is landed. That is kind of my comments, sticking to the parameters of allowed comments, and thank you.

CHAIR FEGLEY: Thank you, Mr. Hemilright, I appreciate that. Is there anybody else with public comment?

MS. KERNS: I don't see any other hands raised, Lynn.

### **ATLANTIC COBIA ADDENDUM I TO AMENDMENT 1**

### **FOR FINAL APPROVAL**

CHAIR FEGLEY: Okay, so with that the next agenda item is to get right into Addendum I, and with that Toni, I'll kick it over to you to take us through it.

MS. KERNS: The Board took Addendum I out for public comment, and we had four hearings. Some of those were joint hearings amongst the states. These hearings were all held via webinars. We had about 25 folks that were in attendance at the different hearings. (Loud noise). I apologize, as if it were landing on my house.

We had nine comments come in as letters, seven of those were individuals, the majority of those being commercial fishermen, and two were from groups, ASA and VFFA, and both of those groups are recreational fishermen. We'll get directly into the issues in that top slide, Maya. This Addendum is looking at several factors for cobia management.

### **REVIEW OPTIONS AND PUBLIC COMMENT**

MS. KERNS: The first issue is looking at allocation, and the decision of how to split the allocation of the quota between the commercial and the recreational fishery. There were four options that went out for comment that varied from status quo, which is 92 percent recreational, 8 percent commercial. The second option was 97-3, the third option is a 96-4 percent split, and the last option being the 95-5 percent split.

Option B is the option that if you were to have fit the new MRIP data into the quota allocation, is roughly what the allocation lines up to be between the commercial and recreational fishery, and then Option C and D are options that fall within the range of landings that have occurred over the last year. This table indicates the support that we received, either through the hearing, or through their written comments.

The majority of the comments that we received were for status quo, and then there was some additional support for the 97-3 percent, and one support for the 96-4 percent. In particular in the hearings and in some of the written comments, we had individuals that spoke strongly in favor of status quo, because the commercial fishery had been closed several times in the past few years, and that they hadn't had the opportunity to try and harvest the total 8 percent of the quota at an increased quota. They indicated that de minimis landings would only be increasing, as we see cobia expand its range.

Since the de minimis states are included in the overall quota, the new quota should be able to accommodate this growing fishery. Commenters indicated that the cobia fishery is mainly a bycatch fishery, it should be opened year-round, due to consumer demand, the high price per pound, and the year-round participation.

In addition, people felt that revisiting a change in allocation in a few years, once the commercial fisheries have a chance to try and catch their full quota, may be something that could be looked at. One participant brought up that when quota gets taken away from the commercial industry that the consumer also loses, that cobia is considered a public trust resource.

To cut the resource and deprive the public, that those who may not be able to afford to go out and catch their own cobia, well it shouldn't happen. Those commenters that were in favor of the status quo wanted to see the fishery, if not status quo, then Option C, 97-3, to allow the recreational fishery to be able to catch their full harvest, that this is what the data is showing the split should be under the allocation method with the updated data.

In the discussions that we had during some of the public hearings, there were questions from the public about discard data. You know that the commercial fishery isn't always able to fully harvest, because they have to discard their catch. We do have very limited discard information out there in the commercial fishery.

Virginia does have some observer data, and so this data here is the information that they have, it goes back to 2016. There are a limited number of trips, as you can see, and all of the discards in these trips were because the fish was under its size limit. The next issue is the commercial trigger. As you recall, we had previously established a commercial trigger method, and this trigger tells us when we need to close the commercial fishery, when we're starting to get close to the quota.

It was a formula that was developed, and when we got the new limits from the updated stock assessment, the quota was really high. When we tried to apply the trigger formula to a really high quota, the TC found that it didn't work. They also actually found that if the quota had been really low the trigger method wouldn't work in that case as well, so they developed a new method, and are recommending that the Board move to this new method, so that we are able to close the fishery when we're getting close to the quota.

This, just to remind everybody, is that because some of the states need a little bit of additional time to close their fishery, you can't just close immediately 48 hours after you hit a trigger. It's the reason why we are looking for a longer period of time of advanced notice than in normal fisheries. It's giving you a 30-day warning to give the states that need a longer administrative timeframe to actually get their process through, and then close the fishery. There were a few folks that were in favor of status quo, not changing the trigger. There were about four folks that were in favor of making change to the trigger. There is not a lot of rationale behind folks who support that. The next issue is looking at commercial de minimis measures, and there are six options here to look at changes in the commercial de minimis measures. This is looking at how much of this commercial quota should be set aside for the de minimis states.

All of the states are currently de minimis on the Board, except for South Carolina, Virginia, and North Carolina. The first option is status quo, it is to set aside 3 percent of the quota. Option B is to set aside 3 percent, but limit it to 3,000 pounds. The third option is setting aside at 3 percent and limiting to 5,000 pounds.

Next slide is Option B, the fourth option is setting aside 4 percent of the quota. Option E is setting aside 4 percent but capping it at 3,000 pounds, and Option F is setting aside 4 percent of the quota and capping it at 5,000 pounds. This is just a reminder to the Board, and under the different quota scenario options, how much the quota would actually be set-aside for each of the quota options here.

See those values of what they are associated with. Under the 3 percent option, the most that can be set-aside is just over 4,000 pounds, and the smallest amount is just over 1,500 pounds. Then there is a 4 percent scenario, the highest would be almost 6,000 pounds, and the lowest is just about 2,200 pounds.

The public comment here was quite mixed. There was very limited comment that we received. The only thing in terms of the verbal comments that we've received on this is that the fishery was expanding among states, and that there should be room to allow for these states to grow into a fishery.

We see that there was support for Option B, C, E, and F. Just as a reminder, as we have seen the expansion of this fishery, and we have started to see a lot of variability in the landings of the de minimis states. One year we'll have high landings, and the next year we'll have lower landings. It's quite all over the place. There is not a lot of pattern to what those days landings are over time.

The last issue is the recreational de minimis measures, and these have to do with the minimum sizes associated with the de minimis measures. This issue came about from information coming out of the last stock assessment, SEDAR 58, looking at what size are fish actually mature. The Option A is status quo, it's a 29 fork-length, or 33 inches.



Option B is 31 inches fork-length, and 35 inches total length, and it's estimated that roughly 50 percent of the female would be mature at that size limit, and the status quo is roughly 33 percent of the female are mature at 29 inches. Then lastly for Option C, it's a 33-inch fork-length, total length 37 inches, and roughly 100 percent of the female would be mature at that size limit, and this also matches the commercial de minimis as well.

In terms of the comments that we received for this, all of the comments that we did receive were in support of the Option B, 100 percent female mature at this size limit, and folks felt like this was allowed for these fish to spawn at least once, to be able to produce young to add to the spawning stock biomass at least one time. It's important for the growth and health of the fishery. An additional comment that we did receive that isn't directly related to any of the options, but somewhat related to size limit, is that there is a growing concern amongst recreational anglers about spawning stock of cobia, and they wonder if the measures to allow for better protection of larger fish and more harvest of smaller fish would be an appropriate measure, and maybe looking at a slot.

Perhaps over the years recreational anglers have seen a decline in the bigger fish, and they don't want to see an overall decline in the stock. They just didn't know if that was because the size limits have increased, and increased over time. Madam Chair that is all of the information that I have in terms the summary of the public comment that we received. Once we're done going through the Addendum, I do want to come back and discuss the next step that we need to take, in terms of setting measures for next year.

CHAIR FEGLEY: Okay, great and thank you. I just want to take a quick moment for anyone who is listening from the public who attended and participated in the public hearings. The turnout was a little bit low, and we really appreciate those who participate and weigh in,

and public comment is very important to the deliberations of the Board. Thank you, and keep it up, we appreciate it. With that, are there any questions for Toni on the presentation?

MS. KERNS: I don't see any hands raised, Lynn.

**CONSIDER FINAL APPROVAL OF ADDENDUM I TO  
AMENDMENT 1**

CHAIR FEGLEY: Okay, well with that then let's go to, maybe Maya what we can do is go to the slide that outlines Issue Number 1. Yes, Issue Number 1 so we can see it, and then we'll have at it. Is there anybody who wants to start off with discussion on Issue Number 1, Allocation?

MS. KERNS: Okay, we have Mel Bell.

CHAIR FEGLEY: All right, go ahead, Mel.

MR. MEL BELL: Yes, just something to point out that Option A, status quo. The status quo component of that, of the percentages, which we've inherited. But the way it works out, after the adjustment for MRIP, of course the landings or just the quota itself is not status quo. Option B is really probably closer to where the fishery was, related to the commercial component and the recreational piece.

I realize status quo, those are the percentages, and that's why we're calling that status quo. This is something of course we'll be dealing with, with all sorts of fish stocks over the next few years, as we get into allocation discussions for stuff that is worth pointing out.

CHAIR FEGLEY: Thank you, Mel. That is a very apt comment. Just for the edification of the Board, I believe that the commercial quota has been set for the last number of years at 50,000 pounds. That's a coastwide commercial quota. Anybody else with discussion on the issue, and then at some point we'll be looking for a motion.

MS. KERNS: You have Bill Gorham, and then Pat Geer.

CHAIR FEGLEY: Bill Gorham, go ahead.

Proceedings of the South Atlantic State/Federal Fisheries Management Board  
October 2020

MR. WILLIAM GORHAM: I just wanted to double check. At the 50,000-pound mark, then in fact wasn't there some overages that led to closures?

CHAIR FEGLEY: Yes, and Toni, if you want to provide more detail on that. But that is definitely true.

MS. KERNS: There were closures, I don't have all of that at my fingertips... (breaking up).

MS. TINA L. BERGER: Toni, you are difficult to hear right now.

MS. KERNS: Is that better, Tina?

MS. BERGER: Yes.

MS. KERNS: Prior to the relinquishing of the FMP to the Commission from the South Atlantic Council, the fishery did close several times under the 50,000-pound limit. Then that 50,000-pound limit carried over to the Commission's FMP. Last year we did not have to close the fishery though, and I need to double (stopped).

MS. BERGER: You also clipped out part of your last segment, Toni.

MS. KERNS: I said I need to double check what happened the previous year. Bill, is there another?

MR. GORHAM: I think Mel is referencing going back to 2000, 2008, when they came up with this split of 8 and 92, and kind of applying the new estimate surveys, applying that effort to that time series. To me, some of the recreational issues, or at least North Carolina. I just kind of feel like that would kind of be like rewriting history, as far as the participation in the fishery as compared to now. I'm just thinking to make that point, I'm just not sure if it's appropriate to apply, as far as North Carolina's fishery. Participation more recently is ten-fold more than that 2000 and 2008 period.

CHAIR FEGLEY: Thank you, Bill, and Pat Geer, I believe you were on deck.

MR. PAT GEER: I just want to agree with what Mel was saying. The status quo really, it's 146,000 pounds was the result of the MRIP calibrations and the new stock assessment. Nobody on the Board, when we met in February, thought that number was reasonable. They didn't think it was an appropriate number, and that is why this Addendum came about.

Really, I agree with Mel, status quo would be Option B. But if you look at the landings, the behavior of this fishery over the last five years. We are almost right in between B and C. The landings are right in between those two numbers. Those two options seem to me to be the most reasonable.

CHAIR FEGLEY: Thank you, Pat, appreciate that insight. Is there anybody else with comments on this issue, before we go to the motion?

MS. KERNS: Yes, Chris Batsavage, and Lynn, I apologize. We did close last year and the two previous years, so we have had to close the fishery '17, '18, and '19.

CHAIR FEGLEY: Thank you. Yes, that is really good information. Toni, were those closures, did those occur early in the year in September, or were they before that, do you know?

MS. KERNS: I need to look that up. Maybe Pat Geer, he might be able to respond faster than me.

MR. GEER: I believe they were about mid- August. They were about the same day each year, it was like October 23 or 24, right in that area, because it was literally right before our Commission meetings, so it was about mid-August when they closed.

CHAIR FEGLEY: Mid-August, great, thanks Pat. Chris Batsavage.

MR. CHRIS BATSAVAGE: I hate to be just throwing dates around exactly when we closed, and I would have to go back and check our proclamations, but it seemed like it was early September that we got the notice from NOAA Fisheries that the 50,000-pound

quota was reached, and we closed soon after in North Carolina. Other states closed a little later than that, you know just due to their administrative processes. But Toni is absolutely right, it was 2017, '18, and '19, and it was right about the same time each of those years.

CHAIR FEGLEY: Okay, anybody else on Issue 1?

MS. KERNS: We have Pat Geer and Marty Gary.

CHAIR FEGLEY: Okay, Pat Geer, go ahead.

MR. GEER: Yes, I'm sorry. I was just going to say that when the Feds were managing it, they announced it mid-August, and we closed it in Virginia on September 30, each of those years.

CHAIR FEGLEY: Okay, I think that is really helpful for the Board to know. Marty Gary.

MR. MARTIN GARY: No comments, but I would be willing to offer up a motion whenever you're ready.

CHAIR FEGLEY: I would say we're ready.

**MR. GARY: Great or good, I'll go up and offer a motion related to Issue 1, recreational and commercial allocation. Move to approve Option C, 96 percent recreational and 4 percent commercial allocation. I would be happy to comment on that if I get a second.**

MS. KERNS: You have Joe Cimino as the seconder.

CHAIR FEGLEY: Excellent, seconded by Joe Cimino. Marty, do you want to comment on your motion before we go to discussion?

MR. GARY: Sure, thank you, Madam Chair. PRFC is not a big-time player with this species, but as has already been mentioned multiple times, this fishery has been dynamic and changing and growing. As you'll hear probably a little bit later in the meeting, we've seen some fish move into our area.

In the three and a half decades I've been working on Chesapeake Bay, the last five years with this species has been very, very, different than the first three decades, where we hardly saw them. In the mid-Bay, our lower part of our jurisdiction comes to the confluence with Maryland and Virginia, so a very, very dynamic fishery.

But the rationale behind the motion for C, and Pat Geer I think really illustrated this pretty clearly. I think the sweet spot is somewhere there between B and C, but for what it's worth my thoughts are, if you look at the last five years the average coastwide commercial harvest is running about 64,000 and change. Given the fishery is growing, and the harvest in 2019, it looks like it was around 65,000 pounds.

My thought is maybe going for Option C. I'm a little bit concerned about going with B and that lower number. I'm just concerned that the way this fishery is trending that is going to put us in a bad position, you know with the commercial entities and some of this change that is going on. I really think, based on the way the trend is moving with the fishery, that is the better choice at this time. I'll yield after that.

CHAIR FEGLEY: Any more discussion on this motion?

MS. KERNS: We have Chris Batsavage, Doug Haymans, Joe Cimino, and Pat Geer.

CHAIR FEGLEY: Okay, Chris Batsavage, go ahead.

MR. BATSAVAGE: Yes, I think whatever allocation that ideally pick the one that provides enough fish for both the commercial and recreational fisheries, and that's not always an easy task. I think in terms of the commercial fishery, it's really important that whatever option we pick allows our fishery to remain open year-round, since landings are year-round, and you know largely incidental catch, while the fishery is targeting other species, especially in the fall.

These cobia catches are going to occur whether the season is open or closed, so it results in discards occurring. I looked at North Carolina commercial landings in the fall from October to December in 2015 to 2016, those two years right before we had those

early closures in September, and they ranked as 25 to 29,000 pounds. I think as stated earlier, 2019 landings were over 60,000 pounds, even with the early closure. This option might be that sweet spot, or maybe not. You know, especially as these fish expand north into other fisheries, where they may become incidental catch. With that, I would like to offer a substitute motion for Issue 1. The recreational and commercial allocation, move to approve Option D, 95 percent recreational and 4 percent commercial allocation.

CHAIR FEGLEY: Okay, is there a second to that?

MS. KERNS: Maya, that is Option D as in David, and then it is 95 recreational, 5 percent commercial. Then Doug Haymans, are you seconding it, or are you just wanting to speak?

MR. DOUG HAYMANS: I don't know, but no. I had an alternative substitute I wanted to offer, so I don't know how many substitutes allowed.

MS. KERNS: We can go two-deep, so you can do one more substitute if you would like.

MR. HAYMANS: Wait and see if Mr. Batsavage gets a second.

MS. KERNS: Pat Geer, are you seconding?

MR. GEER: No, I am not. I still just had my hand up.

CHAIR FEGLEY: Toni, after Chris we had Doug Haymans, Joe Cimino, and Pat Geer on deck. I think what I would like to do is find a second to Chris's motion, and then maybe work our way back around. I don't really want to miss what those three had to say. Maybe we'll get a second, and then start through the waiting list.

MS. KERNS: I currently do not see any hands for seconding this motion.

CHAIR FEGLEY: One more call, anyone care to second the motion by Mr. Batsavage for Option D as in dog.

MS. KERNS: I don't have any hands.

CHAIR FEGLEY: Okay, so in that case we will return to the main motion for Option C, and what I'm going to do is go back to the list, so Doug Haymans, you were on deck.

MR. HAYMANS: I really thought the reason we picked this Addendum to Amendment at all was for recalculating based on MRIP. For all the reasons that Pat and Mel both articulated earlier, Option B gets us closer to what the status quo was prior to the MRIP recalculations. I was truly hoping, based on all of our discussion back in February, that this Board was moving towards what is now Option B. **I would offer a substitute motion to approve Option B, please.**

CHAIR FEGLEY: Okay.

MS. KERNS: Okay Maya, before you get too far, I need you to bring that other motion that failed, **if you could just write motion failed for lack of a second, and then start your next substitute**, so we don't lose anything.

CHAIR FEGLEY: Thank you, Toni, that's good.

**MS. KERNS: This is B as in boy, 97 percent recreational, and 3 percent commercial allocations.** Mel Bell, are you seconding that?

MR. BELL: Yes, Ma'am.

MS. KERNS: Thank you, Mel, and that was by Doug Haymans, Maya, and the seconder is Mel Bell.

CHAIR FEGLEY: Okay, so now we have a new substitute motion on the table. I think what I would like to do is complete the list of people waiting to speak, or originally. Then once we do that, Doug, I think you offered good rationale for your motion. Let me go back. I had Joe Cimino next on the list to speak before the substitute motion. Joe, do you still want to address what's on the board?

MR. JOE CIMINO: Yes.

CHAIR FEGLEY: Go for it.

MR. CIMINO: I appreciate Doug's comments. I'm against the two substitutes, so far for the main. I'm representing the state of New Jersey, but spent a lot of time in Virginia when all of the major issues were going on with explosive MRIP estimates. You know if you drill down into those estimates, which we did in Virginia. We saw that they were talking about landing,

The MRIP estimates were saying that thousands of fish were landed, just in a weekend over the fourth of July weekend seemed to be a huge problem for these enormous MRIP estimates in Virginia. Those estimates are driving these percentages. At the time the recreational community said they were unbelievable.

That percentage, instead of going to the commercial fishery at 18,000 pounds to the recreational fishery, instead of 1,000 fish to the recreational fishery, is huge in addressing what Chris Batsavage and Dewey Hemilright have brought up that a lot of the fishery that exists commercially for this species is incidental. We're seeing it more and more further north, and I think it makes a hell of a lot of sense to allow those fish to actually be taken in the commercial fishery, than to play with the MRIP numbers here.

CHAIR FEGLEY: Thank you, Joe. Pat Geer, you were on deck. Do you still want to speak to what's on the board?

MR. GEER: Yes, I'll change what I was going to say. I appreciate the substitute motion by Doug, but I would question whether or not 54,000 pounds is the new status quo. As Marty mentioned, for the last five years they've caught about 65,000 pounds. That is what is being harvested, and I'll go back to say, the real number here is probably between Option B and Option C. But I think going with Option B may be problematic, because we're going to exceed

that. We have been exceeding that. That could be a problem.

CHAIR FEGLEY: Thank you, Pat, yes, I think it is true that that issue of regulatory discards is one that we need to keep our eye on. Is there anybody else who now has comment to the substitute motion for Option B?

MS. KERNS: Lynn, you now have Roy Crabtree, Chris Batsavage, Mel Bell, and Spud Woodward.

CHAIR FEGLEY: Okay, Roy Crabtree.

DR. ROY CRABTREE: Yes, just to point out that the commercial landings were about 53,000 in 2018, and 68,000 in 2017. It's quite likely that under Option B that you would have closures. Also, it seems like the stock is healthy, and that the biomass of cobia has increased. It's not just the FES that are varied, there has been some increase. It doesn't seem unreasonable to me at least that commercial quota has increased a little. Thank you.

CHAIR FEGLEY: Thank you for that, Roy, I appreciate that insight on the stock assessment. Chris Batsavage.

MR. BATSAVAGE: I agree with the last few commenters, just as to that. You have the new MRIP estimates going into the stock assessments for a lot of species, and a changed understanding of who's catching what, and how much can be taken from the population with things being rescaled.

It has gone different directions, based on other factors going on with the stock because of new assessments. I think it might be taken from a different board meeting, but kind of thinking about the commercial increases that have occurred from these new updated assessments for other species, where the quota goes up for the commercial fishery by quite a bit, but the recreational fishery stays status quo.

I guess another way of looking at it is, you know the recreational fishery was already kind of harvesting where they were in the past. The commercial fishery was really held artificially low, you know due to our prior understanding of the stock with the quotas and

what not. I think that is exactly what we saw with cobia, you know with these early closures. Kind of a long-winded way of saying that I support the underlying motion.

CHAIR FEGLEY: Mel Bell.

MR. BELL: Yes, my attraction to Option B, which is obviously the most conservative approach, and I certainly don't deny that the commercial harvest for '17, '18, '19 exceeded that, and we did have to shut the fishery down. South Carolina unfortunately has some experience with cobia in our history. Just from our own experience, I guess I am very sensitive to the fact that we had a pretty good commercial fishery at one time in state waters, targeting these fish as they would move in to spawn. That went on for far too long, and effectively we pretty much wiped them out, in terms of our genetically identifiable distinct population segment. I guess I'm operating from a little bit of a sense of having seen bad things happen.

I don't deny the attractiveness of the fish for commercial use and all, but I'm just a little afraid of applying too much pressure to its supply, because if you allow the TAC, you know they will certainly harvest it. It's a very marketable product. Just based on our experience, and I know maybe we were a little bit different in how the fishery presented itself in confined inshore waters.

But I would argue that the Chesapeake Bay is certainly larger than a lot of our sounds. But if you put enough boats and enough effort in there, you know you could exert some pressure. I would favor Option B, just from a standpoint of being more conservative with the fishery. Again, from our experience, and I know our experience is rather unique.

We got to the point where we no longer have our commercial fishery is basically federal waters only at this point. That is my thinking was from a conservation standpoint of ensuring we have a fishery ten years from now, is maybe

not over emphasizing the commercial side of it at this point.

CHAIR FEGLEY: Thank you, Mel. Spud, I believe you are on deck.

MR. A. G. "SPUD" WOODWARD: Yes, Mel covered a lot of what I was going to say. There recently was an assessment of the Gulf group cobia, and the results were not very encouraging. As the state is split up from the border to the east coast of Florida, we don't know what that is going to mean for the southern end of the Atlantic group cobia.

Plus, my biggest concern is that we are exceeding the existing commercial allocation routinely now, and not by a small percentage. If we set it at 73,000 pounds, is the expectation that we're actually going to end up catching 80-90,000 pounds of fish, and ultimately what will that mean for stock status, and ultimately what will it mean when we have to revisit these allocations, and make decisions about how to parse out this cobia stock?

CHAIR FEGLEY: I appreciate that insight. I guess based on that, I just wanted to add in for the Board's edification, and Toni can certainly correct me if I'm wrong. The commercial fishery is still held, it's pretty tightly regulated at a 2-fish per person possession limit, with a 6-fish per vessel cap.

States certainly would be able to ratchet that down independently, if they wanted to. Just for the public and the Board, I just wanted to make sure that everybody was aware that those provisions were still in place. With that, does anybody else have comment now on the substitute motion, Option B?

MS. KERNS: You have Bill Gorham.

CHAIR FEGLEY: Okay, Mr. Gorham, go ahead.

MR. GORHAM: To Mel's point, after Amendment 20-B and resulting ACL. That would force North Carolina, really everybody to take big measures in changing our fisheries, whether it's daily boat limits. We did a size limit in an effort of hoping to get another year of spawning to increase the biomass.

Then looking at the current allocations recreationally numbers wise, it started to look like we were going back into the same situation that is going to lead to more fish in the water. In a bycatch fishery, there is going to be more commercial catch. It's almost like one is going to lead to the other, and then we're restricting to restrict. We're going to end up with a lot of dead discard and wasted fish. I just thought I would point that out.

CHAIR FEGLEY: Thank you, Bill, appreciate that. Anybody else with comment to the substitute motion?

MS. KERNS: No other comments, Lynn.

CHAIR FEGLEY: Okay, would people like a moment to caucus before we call the question?

MS. KERNS: I see a hand up.

CHAIR FEGLEY: Okay, let's do this. By my clock it's 2:05. Let's try three minutes for caucus. We'll come back on line at 2:08, and we'll try to call the question back through to the main motion. Three minutes, folks. Okay, does anybody need more time to caucus?

MS. KERNS: I don't see any hands, Lynn.

CHAIR FEGLEY: **With that we're going to begin by calling the question on the substitute motion.** If it carries it becomes the main motion, if it fails, we go back to the main motion for Option C. Toni, are we going to follow the same proceedings, both groups raise their hand and you roll call?

MS. KERNS: Yes.

CHAIR FEGLEY: All in favor of the substitute motion, Option B, please raise your hand.

MS. KERNS: I have Florida, Georgia, and South Carolina. Take your hands down.

CHAIR FEGLEY: Okay, all opposed to the substitute motion, Option B, please raise your hand.

MS. KERNS: I have NOAA Fisheries, New Jersey, Delaware, Virginia, North Carolina, Maryland, and PRFC.

CHAIR FEGLEY: Okay, do we have any null votes? It doesn't look like it.

MS. KERNS: No null votes, Lynn.

CHAIR FEGLEY: And abstentions.

MS. KERNS: We have two abstentions. I'm sorry, The South Atlantic Fishery Management Council and U.S. Fish and Wildlife Service.

CHAIR FEGLEY: Okay, and you're going to count those votes up, Toni or Savannah?

MS. KERNS: I have 3 in favor, 7 against, 0 nulls and 2 abstentions.

MS. SAVANNAH LEWIS: That's what I have, Toni.

**CHAIR FEGLEY: Okay, so the substitute motion failed, and now we return to the main motion, which is for the 96 percent recreational and 4 percent commercial allocation.** Does anybody have a need now to caucus on this before we call the question? Raise your hand if you do.

MS. KERNS: No hands are raised.

CHAIR FEGLEY: All right, does anybody have some final words they want to throw at this before we call the question?

MS. KERNS: No hands were raised.

**CHAIR FEGLEY: Okay, let's call the question. If you are in favor of this motion, please raise your hand.**

MS. KERNS: I have NOAA Fisheries, South Carolina, New Jersey, Delaware, Virginia, North Carolina, Maryland, and PRFC. I'll take your hands down.

CHAIR FEGLEY: Okay, and all opposed.

MS. KERNS: I have Florida and Georgia. I will take your hands down.

CHAIR FEGLEY: Okay null votes.

MS. KERNS: No null votes.

CHAIR FEGLEY: And abstentions.

**MS. KERNS: I have U.S. Fish and Wildlife Service and South Atlantic Council. I have 8 in favor, 2 against, 0 nulls, and 2 abstentions.**

MS. LEWIS: That's what I have as well.

CHAIR FEGLEY: Terrific, thank you for the counting. **The motion carries, and I am going to read it into the record. It is for Issue 1 recreational and commercial allocation, move to approve Option C, 96 percent recreational and 4 percent commercial allocation.** It's a motion by Mr. Gary, second by Mr. Cimino, and I very much appreciate the discussion on that motion, lots of good all around, and something for us to consider going forward with this Board. With that I think we can move ourselves on to Issue 2, which is the commercial trigger. Are there any questions or commentary on this before we go to a motion?

MS. KERNS: No hands are raised.

CHAIR FEGLEY: Okay, does anybody care to throw out a motion for Issue 2?

MS. KERNS: Pat Geer.

CHAIR FEGLEY: Pat Geer, go for it.

**MR. GEER: I'm sorry, you wouldn't let me unmute myself, and I apologize. I move to approve Option B of the new commercial trigger recommendation by the Technical Committee.**

CHAIR FEGLEY: Thank you, Pat, did we have a second?

MS. KERNS: We have Mel Bell.

CHAIR FEGLEY: Thank you, Mel, so now we have a motion seconded, is there any discussion on this motion?

MS. KERNS: No hands are raised, Lynn.

CHAIR FEGLEY: All right, we're just going to roll through and call the question. Do you need to caucus on this one, please raise your hand?

MS. KERNS: There is no caucusing, and Lynn, since there was no discussion, you can maybe see if there is any opposition, then we don't have to do a counting.

CHAIR FEGLEY: Yes, you bet. Is there anybody opposed to this motion?

MS. KERNS: I do not see any hands raised.

CHAIR FEGLEY: **Fantastic, this motion is approved by consent, and it is to approve Option B, the new commercial trigger recommended by the Technical Committee.** Thank you for that. **Now, moving on to Issue 3, which is commercial de minimis.** We will start again. Is there anybody who would like to provide comment to Issue 3?

MS. KERNS: I don't see any hands raised.

CHAIR FEGLEY: In that case, is there anybody who would like to provide a motion for Issue 3, commercial de minimis?

MS. KERNS: Joe Cimino.

CHAIR FEGLEY: Okay, Joe, take it away.

**MR. CIMINO: I would like to make a motion for Option F, which would be to allow 4 percent of the commercial quota, or a 5,000-pound cap, whichever is less be set aside and not accessible to non-de minimis states.**

CHAIR FEGLEY: All right, thanks Joe, anybody with a second to this?



MS. KERNS: You have Mel Bell, and Maya, after 5,000 pounds, can you add the word cap, so add that language.

CHAIR FEGLEY: Great, thank you for that. Joe, since you're the maker of the motion, is there anything further you want to say about this before we go to discussion?

MR. CIMINO: Yes, thank you, Madam Chair. You know for me this is to address those concerns with having a closed fishery and discards for incidental takes, and then locations. I don't know that 5,000 pounds is the right number in perpetuity, but I think for right now it is a good start, and since we had some concerns on a growing commercial fishery, I think that this particular cap right now is appropriate.

CHAIR FEGLEY: I also just want to add. I know we had heard at the Board that there are some more northerly states also who are considering declaring an interest in cobia, and that there will be discussion at the Policy Board of coming to divide this Board, so that cobia would be split out. We could have a greater number of different states in the mix in the not too distant future. Is there anybody else with a comment on this motion?

MS. KERNS: You have Chris Batsavage.

CHAIR FEGLEY: Okay, Chris, go ahead.

MR. BATSAVAGE: Maya, is it possible for you to put the table up that shows the options and what the percent allocation. Yes, okay. There are two questions I have. This option was the allocation we just chose. The amount set aside for this would be 2,925 pounds, is that correct?

CHAIR FEGLEY: That's correct.

MR. BATSAVAGE: All right, and second question. I think with de minimis in the FMP, is your state's commercial landings for two of the previous three years must be less than 50

percent of the coastwide commercial landings at the same time period. Then those commented that, I guess the northern states have increased their landings in recent years.

Right now, at the point IT numbers, some of those states might not be de minimis, but they may have to fall back in. I guess maybe not a question to answer today, but I guess it's something we can think about. How many states are going to qualify just for de minimis in the future, meaning that some of these states are starting to ramp up their landings, and they are going to be non de minimis. I guess whatever option we pick, we just need to leave enough set aside for this commercial fishery, for de minimis commercial fisheries I think is probably needed, but also enough for the non de minimis states, especially under an overall commercial quota that may or may not be enough for the commercial fishery to stay in.

CHAIR FEGLEY: Anybody else with comments to the motion?

MS. KERNS: Lynn, I just wanted to add to what Chris Batsavage had just said, and that the way the Board has set up de minimis for this species. It is flexible in the way that responds to the dynamic nature of some of these catches that we are seeing, because it is two out of the three years.

It does allow for a state or jurisdiction to have a very high year in one year that still remained de minimis. I just point that out to everybody, but some of the landings that we are seeing in recent years for some jurisdictions are quite high, and may be pushing the 2,925 set-aside when you add all the states together.

CHAIR FEGLEY: Thanks Toni, yes, I remember that discussion when we set that up, and we put a lot of thought into it. Okay, anybody else with comment to the motion?

MS. KERNS: Mel Bell.

CHAIR FEGLEY: Go ahead, Mel.

MR. BELL: I was just going to say, Joe touched on it. Basically, this option kind of goes hand in glove, in my

mind, with the first action or issue that we dealt with, so kind of balances a little bit of that, if you are trying to be a little conservative, I think I was.

CHAIR FEGLEY: Anybody else?

MS. KERNS: That's all, Lynn.

CHAIR FEGLEY: If anybody would like a moment to caucus on this, please raise your hand.

MS. KERNS: Yes, there are two folks with their hands raised, Marty and Chris Batsavage.

CHAIR FEGLEY: Let's try three minutes again, so we will return at 2:25 to call the question. Happy caucusing. Okay everybody, if there is anybody who needs more time to caucus, please raise your hand.

MS. KERNS: There are no hands, Lynn.

CHAIR FEGLEY: In that case, we are ready to call the question. I'm just going to go ahead and read it again so we know. **For Issue 3 commercial de minimis set aside move to approve Option F, to account for potential landings in de minimis states not tracked in-season against the quota, 4 percent of the commercial quota or 5,000-pound cap, whichever is less, would be set aside and not accessible to non-de minimis states. Motion by Mr. Cimino, second by Mr. Bell.** Is there anybody who wants to throw a final word with this?

MS. KERNS: I see no hands raised.

CHAIR FEGLEY: Okay, so if you are in favor of this motion, please raise your hand.

MS. KERNS: I have Florida, South Atlantic Council, Georgia, South Carolina, New Jersey, Delaware, Virginia, North Carolina, Maryland, NOAA Fisheries, and PRFC. I want to make sure, and Florida, I said them already, sorry. One

came in in the middle and it shifted everybody. If I didn't call your name, speak up please.

CHAIR FEGLEY: All those opposed, please raise your hand, your right hand.

MS. KERNS: Let me put everyone's hand down really quick, Lynn. There we go, now we can have opposition if we're ready.

CHAIR FEGLEY: Okay, opposition, raise your hand.

MS. KERNS: I see no hands raised.

CHAIR FEGLEY: Are there any null votes?

MS. KERNS: I see no hand raised.

CHAIR FEGLEY: How about abstention?

MS. KERNS: One abstention from the Fish and Wildlife.

**CHAIR FEGLEY: The motion carries, so we now have a commercial de minimis set-aside of 4 percent of the commercial quota or 5,000-pound cap, whichever is less.** Great, thank you. One more, and this is the recreational de minimis question. I just want to make sure that everybody is clear that with recreational de minimis.

The choice stands that a de minimis state will be able to match a neighboring non de minimis state, or choose from whichever size limit we're about to finalize. In other words what I'm saying is, you don't have to decide now whether you're going to match or take a 1-fish at this minimum size. We're just changing the minimum size. With that, does anybody have comments to this issue?

MS. KERNS: I see no hands raised, Lynn.

CHAIR FEGLEY: Okay, would anybody like to offer a motion?

MS. KERNS: Pat Geer.

CHAIR FEGLEY: Pat Geer, take it away.

MS. KERNS: Pat, you're on mute again.

MS. BERGER: I just sent him the audio pin. Pat, your pin number is 5403.

MS. KERNS: I know he doesn't have the best phone connection, Lynn, I don't know. Mel Bell also had his hand up to make a motion.

CHAIR FEGLEY: I'll sort of take advice on how to handle this. Do we want to give Pat a moment, or go over to Mel?

MR. GEER: I'm back.

CHAIR FEGLEY: Hi Pat!

MR. GEER: I don't know what happened. I had to put in my pin number like multiple times. I don't know why it didn't work, and I apologize. That's the first time that ever happened. All right, so everybody can hear me, right?

CHAIR FEGLEY: Loud and clear.

**MR. GEER: For Issue 4, recreational de minimis size limit, move to approve Option C, a recreational de minimis state may choose to match the recreational management measures implanted by an adjacent non-de minimis state or the nearest non-de minimis state if none are adjacent, or limit its recreational fishery to 1-fish per vessel per trip with a minimum size of 33 inch fork length, or a total length equivalent of 37 inches.**

MS. KERNS: Seconded by Mel Bell.

CHAIR FEGLEY: Excellent, all right, thank you very much, Mel. Is there any discussion on the motion?

MS. KERNS: We have Pat Geer with his hand up, as well as Chris Batsavage and Mel Bell.

CHAIR FEGLEY: Okay Pat, do you want to comment on your motion?

MR. GEER: Yes, I just think it is the reasonable thing to do, since the other two options only allow for 33 and 60 percent of the females are mature at those sizes. If you look at the spawning stock biomass from the stock assessment, the last couple years it has been in decline. It just seems that we want to get as many of the females up to the size where they're spawning, so this is 100 percent, I think that is a good choice to make.

CHAIR FEGLEY: Mel Bell, how about you?

MR. BELL: That was my logic, and we would have landed on this one if I had gone before Pat. It basically gives you better spawning potential and opportunity for the females to spawn, and if you think about it, we went to 33 inches years ago to try to facilitate that now. The federal side we're still 36, and we're at 36, so that just makes sense to give an opportunity to get more spawn out of them.

CHAIR FEGLEY: Excellent, thank you for that insight. Chris Batsavage, I have you on deck.

MR. BATSAVAGE: I support the motion and agree with Pat and Mel's comments. In addition, you know we've talked about kind of the limiting factors from the different commercial allocations. The recreational fishery may also be limited too. You know thinking about these fish becoming more available to de minimis states, and the fact that we monitor the recreational fishery in numbers of fish.

Going to 33 inches might prevent just the de minimis harvest that we expect to see north of Virginia in the coming years, to push us over the recreational harvest limit, especially with the high uncertainty in MRIP estimates that you see with pulse fisheries like cobia, and especially in areas that they are not very common. You just get one unlucky MRIP estimate that had a 29-inch fish that could result in some pretty high and very uncertain harvest estimates. The 33 inches is probably the safer bet here.

CHAIR FEGLEY: Good insight. Okay, any other comment on this motion?

MS. KERNS: No additional hands.

CHAIR FEGLEY: Does anybody need to caucus on this motion?

MS. KERNS: I don't see any hands, Lynn.

CHAIR FEGLEY: All right, let's do it, let's call the question then. All in favor, please raise your hand.

MS. KERNS: I have South Atlantic Council, Georgia, South Carolina, NOAA Fisheries, New Jersey, Delaware, Virginia, North Carolina, Maryland, and PRFC.

CHAIR FEGLEY: Okay, sounds like we might be missing somebody in there, when you have hands down, Toni, I'll move on.

MS. KERNS: Hands are down.

CHAIR FEGLEY: Okay, any opposed?

MS. KERNS: No opposition.

CHAIR FEGLEY: How about null votes?

MS. KERNS: No null votes.

CHAIR FEGLEY: And abstentions.

MS. KERNS: One abstention from U.S. Fish and Wildlife Service.

**CHAIR FEGLEY: Very good, motion carries. The recreational de minimis size limit is move to approve Option C, for a de minimis state may choose to match the recreational management measures implemented by an adjacent non-de minimis state or the nearest non-de minimis state if none are adjacent, or limit its recreational fishery to 1-fish per vessel per trip with a minimum size of 33 inches fork length, and that is 37 inches total length.** That takes us to the end of our four issues. That was excellent discussion. I very much appreciate everybody's input, and Toni is going to talk to us a little bit about implementation.

MS. KERNS: Two things that I wanted to talk about, in terms of implementation. The Board will need to decide when this Addendum is affective, so when it should be implemented by. My suggestion, if it works for all the states with the by January 1 of 2021, in order to utilize the quota split allocation, so that the states can set their measures for next year, if that can work for everyone.

Then once we decide that, then I can talk through. There are some states that need to make changes to their recreational fisheries. I haven't done the math to determine how much of a reduction Virginia needs, or how much of an increase North Carolina can have, since we just approved these new splits.

But the TC has talked about a methodology for those two states to use, and have approved the methodologies that they had come up with, knowing that you would have a short timeframe between now and the beginning of next year, in order to go through measures and approve those measures.

Now that we have a percent allocation split, those two states will go home and run the numbers, and look at different management options for their states for the next year, and then bring something back to the Commission to review and approve. We need to determine if we want to have a special in-person meeting to approve those new measures for those two states, or if the Board wants to do an e-mail vote to approve those measures.

Just to remind everybody, for the recreational measures, we do an evaluation every three years, to see how the states are performing against their measures that they've put in place. Virginia saw that they were going to need a reduction, and North Carolina saw that they could have a small increase. We'll need an implementation date here, and then a decision on whether or not we want an in-person meeting, or an e-mail vote.

CHAIR FEGLEY: Yes, so taking this one at a time, do you need a motion for the implementation date, or can we just do that by consensus?

MS. KERNS: We can do that by consensus. That works for me. Then in addition to that, Lynn, we'll need to do a final approval of the Amendment, either works.

CHAIR FEGLEY: Okay, is there any opposition to an implementation date of January 1, 2021?

MS. KERNS: I don't see any hands raised, Lynn.

CHAIR FEGLEY: Okay, so then I think by consent, we can adopt that implementation date. Then Toni, we need a motion to approve the whole Addendum right, with the implementation date?

MS. KERNS: Yes, we need a motion to approve the Addendum as modified today.

CHAIR FEGLEY: Okay. Is there anybody out there who would like to throw that out there?

MS. KERNS: Mel Bell has his hand up.

CHAIR FEGLEY: Thank you, Mel, go for it.

**MR. BELL: All right, Madam Chair, I move to approve Addendum I to Amendment 1 to the interstate fishery management plan for Atlantic migratory group cobia as amended today.**

CHAIR FEGLEY: Perfect. Does anybody have a second?

MS. KERNS: You have Pat Geer as your seconder. Maya, if you can say as amended today, and I'll add the additional language about to Amendment 1 for the Atlantic migratory group.

CHAIR FEGLEY: Does it need to say to be implemented January 1, or is that implicit in on the record?

MS. KERNS: Implicit on the record, we're fine.

CHAIR FEGLEY: That is the first order, and then the next is we need to decide as a Board whether or not we want to meet, I would assume it would be virtually, we want to have a virtual Board meeting to discuss changes for Virginia and North Carolina, or are we comfortable doing that by e-mail? Toni, you said that that would be in November.

MS. KERNS: It would either be late November or early December, depending on the state's process.

CHAIR FEGLEY: Okay, does anybody have a strong desire to meet in person, meaning virtually over webinar?

MS. KERNS: I don't see any hands raised here, Lynn. I can go to the public that the TC has gone through this methodology and found the methodology sound.

CHAIR FEGLEY: Okay, that's good, perfect. Now, is there any opposition if we have an e-mail vote on these two states regulatory changes?

MS. KERNS: I see no hands raised in opposition.

CHAIR FEGLEY: Everybody will be looking to their e-mails later on this fall, early winter, and we'll take a look at those two state plans.

MS. KERNS: Then Lynn, we just need a vote on this motion.

CHAIR FEGLEY: Oh yes, we do don't we? Is there any opposition to the motion on the board?

MS. KERNS: There is no hands raised.

CHAIR FEGLEY: Excellent, that is good, I almost just left it there and forgot about it. Great, thank you. **We have approved Addendum I to the Atlantic Cobia fishery management plan, so thank you, everyone for that.** I think, Toni, we get to move on to something completely different now, right?

MS. KERNS: That's correct, and Maya, if you could just write motion carries without opposition that would be great.

CHAIR FEGLEY: I wonder, we are just two minutes ahead of schedule, and we may need those two minutes. I wonder if folks want to just stand up and stretch.

MS. KERNS: Lynn, I failed to do this at the beginning of the meeting, but I just wanted to welcome Savannah Lewis as our new FMP Coordinator for the South Atlantic Board species. This is her first full meeting with the Commission as an ASMFC staff member, so I wanted to welcome her to the fun.

CHAIR FEGLEY: Thank you, Toni, and I should have done that as well. I will just say that I have worked with Savannah for a few years, she came from us at Maryland DNR. If you've not met her, she's fantastic to work with, so welcome, Savannah.

MS. LEWIS: Thank you both, I appreciate it.

#### **REVIEW 2020 TRAFFIC LIGHT ANALYSIS FOR SPOT AND CROAKER**

CHAIR FEGLEY: Okay, so we are going now, moving over to the sciaenid portion of our agenda. For that we are going to get the updated 2020 Traffic Light Analysis for Spot and Croaker. I think Dawn, you're going to kick us off, correct? I'll hand it over to you.

MS. DAWN FRANCO: It's actually Harry is going to start with Spot, I believe.

CHAIR FEGLEY: Harry, Rickabaugh. Okay, take it away, Harry.

MR. HARRY RICKABAUGH: Thank you, Madam Chair. This is going to be a tag team presentation, as Lynn just kind of alluded to. I'll be going over some issues we've had with the 2019 data, when we went to analyze the fisheries traffic light analysis for both species. Then I'll also go over the traffic light analysis for spot. Then I'll pass it off to Dawn, we will go through the traffic light analysis for croaker. Then finally, Savannah will go over the management responses needed for the traffic

light analysis for both species, according to the most recent addenda.

The first issue we had as the main one would be that we did not have the values for ChesMMAP for either species for 2019. The ChesMMAP Survey was completed in 2019, but then the survey switched vessels and years, and comparison surveys were made between the new and old factors, but the gear calibration factors were not completed in time for them to provide those indices for us this year.

They will be available next year, it's not a data point that we'll be missing continually, we just don't have it at this point. Luckily, the missing values are not going to change the results of either TLAs with the stuff to use through these presentations. The second issue we had was with the VIMS Trawl Survey. We use that for the croaker juvenile index.

The index will not be available for 2019. They failed to give us the catch of an Age-1 fish in the current year as a proxy for the improvement in the previous. Since this is 2020 for 2019, it was not completed. We will not have that value. That is complementary information that is not a triggering mechanism for the croaker traffic light. But it's just information that we used to help support our decision. But we won't have that particular datapoint.

Then we also looked at NEAMAP, just looking at the latest data that is missing. We wanted to try to see if we had something to kind of fill in for ChesMMAP, as I've alluded to it, fitting with the trials was necessary, so we are going to present that in the traffic light analysis presentation as supplemental material, we're not saying we want to substitute it for ChesMMAP, but we are going to show it to you, just to show how they compare.

Then finally, not really relevant for this year, but we are going to have some more serious issues trying to complete the traffic light next year, as some surveys were not completed, or only partially completed. I'm now going to move on to spot. This will be the first year we're using the new updated traffic light analysis.

As you recall in Addendum III that was approved this year, but we made some changes. This slide just highlights those changes. Incorporating indices from the ChesMMA and the North Carolina Department of Marine Fisheries Program 195. We revised the adult abundance indices using age-length keys and length composition information, to show that all fish were Age 1 plus to the best of our ability.

We also are now using a regional metric, so it's splitting into two regions, Mid-Atlantic and South Atlantic regions, and that split occurs at the Virginia/North Carolina border. We needed to change the reference period, the 2002 to 2012 to allow for the incorporation of ChesMMA at the end of 2002. The triggering mechanism changed for spot to two out of the terminal three years needs to be above either of the 30 percent or 60 percent thresholds to show the abundance and harvest metric. Those thresholds did not change, they were 30 and 60 percent before. Just moving forward throughout this presentation, 2017, '18, '19 are the three terminal years. Also, just recall that even though we are using the regional metric, the stock is still managed as one-year stock, so if either region trip requires management response, then management will be across the entire coast, not just that specific region. For all these traffic light presentations, you're going to see the same sort of pattern.

They divided them by regions, so this particular one is the spot harvest composite indices. The Mid-Atlantic and South Atlantic regions would be the commercial, and the recreational harvest combined, a portion of color, so red being the one that we key in on as triggering value. The two horizontal black lines correspond to the 30 percent and 60 percent threshold.

As you can see for the Mid-Atlantic region, four of the last five years were above the 30 percent threshold, including the two terminal years. The South Atlantic region three of the past four years, including the two terminal years, and

also above the 30 percent threshold. Similarly, the new graphic setup, but this is the adult abundance composite.

For the Mid-Atlantic that includes ChesMMA and the Northeast Fisheries Science Center Trawl Survey, and for the South Atlantic the SEAMAP and North Carolina Federal Marine Fisheries 195 Survey, probably this is no doubt you found it. There it is for the Mid-Atlantic, you do not have a 2019 value, if you decided that including a single value of the North Atlantic Fishery Science Trawl Survey.

Without appropriate there would only be a composite that would give single index. It's also pretty obvious that it's above that 30 percent threshold for several years now, including what would not be the two terminal years in this case, but 2017, '18, which are two of the three terminals. We're still considering 2019 the terminal year, it's just missing the data points.

But '17 and '18, which were within that terminal three years or above the 30 percent threshold. For the South Atlantic, it has not been above the 30 percent threshold for about a decade. Those were the two components that trigger management action within the Addendum for the traffic light analysis.

We also give them supplementary information. The first piece you're looking at here is the South Atlantic Shrimp Trawl Bycatch Data. The graph on the left is the effort for the fish shrimp trawl fishery. But you can see it decline rapidly from the late 1990s to 2000, effort did, and then it kind of leveled off with a low to moderate level with a poor variable.

Status years along with the observer data in the most recent years, and also SEAMAP data, which is used to either back calculate the estimates for the years in which observer coverage did not exist. As you can see that the effort value on the left is still higher than it was in 2018 in the terminal year of 2019, but it is right within line of where it's been recently.

Whereas, the estimates of abundance currently for spot are approaching 300 million fish. That is an increase, and it's higher than it has been since 1995,

and that is due to increased abundance within the observer program in (faded out). These are the juvenile composite indices. The Mid-Atlantic region uses ChesMMAAP and the Maryland Juvenile Seine Survey. Again, ChesMMAAP is missing the 2019 data points. I will say that the Maryland Seine Survey was a little (word) from 2017-18, but still was well below its long-term mean, and still would be producing some sort of red within this graphic. It has been obviously above the 60 percent threshold in the Mid-Atlantic region for some time now. Conversely, in the southern region it's actually filled the last two years.

Green/yellow border within the traffic light, this is the long-term mean if you were right path. Just about a long-term mean in the South Atlantic for the past two years, and that traffic light is actually a single survey that North Carolina's Department of Marine Fisheries Program 195 Survey. The recruitment has been a little different in the Mid-Atlantic than it has in the South Atlantic. The two-fish talked about were approved in the South Atlantic and then remained a request in the Mid.

As I mentioned, we looked at NEAMAP. This is just NEAMAP only, it's not a composite index. That has been above the 60 percent threshold for juveniles and adults for the past several years. One thing to note here is that this is a shorter timeframe survey. I think this is 2007. A current reference period of 2012, 2002-2012.

For this one we had to use a different reference strategy, increasing the entire time series 2007 to '19. Again, this was exploratory, so if we wanted to try to incorporate this, we would have to try to figure out how to deal with a differing reference period, particularly for croaker more so than spot.

We may not want to truncate the reference period of the trawl survey 2007, which is what our current methodology requires all surveys to have the same reference period. One thing is the ones who include it in the future, we're

going to have to deal with. If you look at the adult lower figure there, you can see that potentially, again with the reference year being the entire time series. That abundance has declined basically pretty steadily from 2007 through about 2014, and this remained at a very low level more than that survey suggests.

This kind of supports, again I guess I should mention the ChesMMAAP actually does track fairly well with NEAMAP, those two surveys trend with each other much more closely than they do with the Northeast Fishery Science Center Trawl Survey, so one would suspect that ChesMMAAP probably is also going to be still in a similar red proportion as it was in 2018 and '19.

We won't know until we get the data point if that completely holds true. Just to wrap up, the harvest composite trip at the 30 percent level composed of Mid-Atlantic and South Atlantic regions. The adult abundance composite tripped at the 30 percent threshold in the Mid-Atlantic but not in the South Atlantic.

Since both the harvest and abundance metrics tripped at the 30 percent level in the Mid-Atlantic region, spot management as outlined in Addendum III has been triggered coastwide. The inclusion of the missing 2019 data will not affect the trigger designation. It doesn't matter if that ChesMMAAP is fully red or fully green, it will remain within the 30 percent trigger level, either the '17-'18 values were at 30 percent. They can't rise above that to the 60 percent or fall out of it and be un-triggered. With that, again I had mentioned earlier that Savannah will be going over what those management actions are that are now required to just being tripped, after Dawn presents the croaker portion of this. If you have any questions on this when I get to the management part of it at this point, I would be glad to answer them.

CHAIR FEGLEY: Thank you so much, Harry. What I would like to do is absolutely take a pause, and take any questions on spot for Harry, and then we'll move on to Dawn's presentation and deal with croaker. Do we have any questions on the spot analyses?

MS. KERN: Spud Woodward had his hand up.



CHAIR FEGLEY: Go ahead, Spud.

MR. WOODWARD: I didn't have my hand up.

CHAIR FEGLEY: You did not have your hand up, Spud?

MR. WOODWARD: No Ma'am, it's showing it up, but I didn't do that. Not sure how that happened.

CHAIR FEGLEY: Is there anybody else out there with questions for Harry on spot?

MS. KERNS: We have Bill Gorham.

CHAIR FEGLEY: All right, Bill, take it away.

MR. GORHAM: Could you go back to the landing's graphs, and could you explain how that's. That is harvest. Went too far. There we go.

MR. RICKABAUGH: What's your question, basically how this is calculated or can we just pause that? In this traffic light, potentially what you do is you take for all the traffic light analysis. We use those efforts to, in this case 2002 to 2012, but the mean of that reference period is then used to use basically the confidence on this, the 95 percent confidence limits above and below, and you actually run a regression through that.

You can then calculate the proportion of red or for green for each year for each part, the location of two things in here, the recreational landings and the commercial landings. You can see where you could have red and green. If one of them is above its reference period average it would be green, if the other one is below it will be red.

Essentially, the yellow/green border is the mean. Say you go any little bit above your mean, you're green, one confidence limit below is all yellow. Basically, when you're all yellow you are basically at your mean. Then as soon as

you start to incorporate them green or red, you are above or below. I'm not sure if that explains your question or doesn't.

MR. GORHAM: Yes, it makes a little better sense now. I'm just looking at the red and saying, you know does it encompass any environmental factors?

MR. RICKABAUGH: No, these are simply based on harvest, so this is the same thing with all these indices are just based on the numbers straight from the index. The juvenile indices obviously, juvenile recruitment is highly affected by environmental systems, environmental conditions. You will see some, indirectly you may be seeing some environmental factors there, but nothing directly incorporated.

MR. GORHAM: Thank you.

CHAIR FEGLEY: Anymore questions for Harry on spot?

MS. KERNS: I don't see any other hands, Lynn.

CHAIR FEGLEY: Okay, great, and Harry, thank you again for that. Dawn, I think we'll go on and tackle croaker.

#### **REVIEW 2020 REPORTS: SPOT**

MS. FRANCO: Sounds good. I'm Dawn Franco, I was with Georgia DNR, and I am the TC Chair for Atlantic Croaker. I'm just going to take you really quick through the traffic light analysis for croaker. It's going to look really similar to what you just saw for slides, so forgive us if everything looks almost identical.

We'll start with the summaries and updates from Addendum III that was approved earlier this year, it seems like a million years ago, but it was only earlier this year. It's been very similar to what Harry told us for spot, with just a few small differences, such as in the first bullet point, we incorporated ChesMMAP, and then the South Carolina Trammel Net Survey instead of the P195 from North Carolina as the additional adult abundance survey.

The next three bullet points are much identical to what Harry said. We used the revised adult abundance indices for the surveys, but one minor

difference is we used adult, had the adult have two-year spots not one year plus for Atlantic croaker. We still have the same regional metrics, with a split at the Virginia and North Carolina border, and then we changed the survey reference time period from 1989 to 2012 over to 2002 to 2012.

Then lastly, the trigger mechanism is slightly different, we changed it to if both the abundance and harvest exceed the 30 percent or 60 percent threshold in three out of the four terminal years. The spot is two out of the three terminal years, so croaker is three out of the four terminal years. It is important to note the same thing Harry said, that even though the regional metric is being used, the stock is still managed as one unit.

If both metrics trip in one region, then management response is created in the entire region. We'll get into the traffic light analysis that is in the composite harvest, which is the recreational and commercial harvest combined. The Mid-Atlantic is on top, and it has exceeded the 30 percent threshold for the sixth year in a row, where tasking is above the 60 percent threshold.

The mean proportion red on the last three years from 2017-'19 at 68 percent, and the South Atlantic has met or exceeded the 30 percent threshold for the seventh year in a row, and their mean proportion red from 2017-19 is 46 percent. But we have not quite went over that 60 percent threshold in stock recruitment. This is the traffic light analysis for the adult abundance composite. At the very top we have the Mid-Atlantic, and you'll notice that there is no 2019 data points, because of the missing ChesMMAPI Index. But same as with spot. Even without that terminal year, the Mid-Atlantic adult composite has exceeded the 30 percent threshold from 2016 to 2018, so three out of the four, and actually as far back as 2010, it went over that 30 percent threshold.

We've met the terminal mechanism, all exceeding that 30 percent, so three out of the four terminal years, and in contrast the South Atlantic adult abundance has not exceeded the 30 percent threshold since 2010. Just as a reminder that 30 that are used for this adult composite index, for the Mid-Atlantic we use ChesMMAPI and NEFSC, and then for the South Atlantic we use the South Carolina Trammel Net Data and SEAMAP.

This is the shrimp trawl discards for croaker, the left is identical to what we saw plus you have this effort for the South Atlantic Shrimp Trawl fishery. As noted earlier compared to the late nineties, effort is much lower from 2005 onward, maybe a slight increase from 2005 to the present, and then left to right are the estimated croaker discards with increasing trends for croaker in recent years, with 2019 data points being the second highest over the time series.

As a reminder, these are just supplementary information, they are not currently included in the trigger mechanism. Then this is also supplementary, this is the juvenile traffic light analysis, which is not used as a trigger mechanism, but it is informative for us, as a TC and you as a Board. It's a similar trend exceeding the adult composite, with more proportion of red in the Mid-Atlantic than the South Atlantic.

Mid-Atlantic has been over the 30 percent for the past five years, and over 60 percent in the last three. South Atlantic is over 30 percent in 2015 and 2018, but below 30 percent for 2019. Again, we don't have the 2019 for Mid-Atlantic, because we used VIMS data for Mid-Atlantic, and as Harry told you we don't have the 2019 data point, or ChesMMAPI, we used ChesMMAPI and VIMS, so we didn't have anything.

That's pretty sad. Then for the South Atlantic we used North Carolina P195 Survey for the juvenile traffic light analysis. Just like for spot we looked at NEAMAP for the traffic light analysis. We discussed it, but we didn't incorporate it into the composite scale as of yet, and the same for spot.

It corresponds very well with what we do in ChesMMAPI with declines recently exceeding 60 percent in the last five years for juveniles, but for

adults it is only over 30 percent in the last three of four years, where ChesMMAP was over 60 percent since 2008 for that adult traffic light analysis.

In your Board packets you have a lot more information, and you can see the adult and juvenile composites with the adjusted reference period needed to improve NEAMAP affairs set in 2007 to 2019. If you were curious how it would look, you can go and look at those, but spoiler alert, it doesn't change a thing, we're still over 30 percent threshold, and also work four more years for the Mid-Atlantic when you're doing that. In summary, the hardest composite trips at 30 percent for the Mid and South Atlantic, that is the recreational and commercial together, and then the abundance composite tripped at 30 percent for the Mid-Atlantic. Since both metric trips for the Mid-Atlantic, management action has been triggered coastwide for all non di minimis states. Even with the ChesMMAP plan two data point missing, we still have three out of the four terminal years over 30 percent.

Action is triggered regardless, because 2016 to 2018 goes over that threshold. I believe that is all I have for you. I'm happy to take any questions, but Savannah will cover management options. I would be happy to answer anything else, specifically about croaker.

CHAIR FEGLEY: Thank you, Dawn, very much. Well done! Do we have any questions for Dawn on her presentation for croaker?

MS. KERNS: Chris Batsavage:

CHAIR FEGLEY: Go ahead, Chris.

MR. BATSAVAGE: Thank you, Madam Chair, and thank you Dawn and Harry for the presentations on traffic light analysis. I guess this question could be relevant to both species, probably more for croaker. The shrimp trawl bycatch trends, the relatively low effort in the shrimp trawl fishery, but increased croaker

discards in the last few years, while the South Atlantic Composite juvenile coastwide showed good year classes during that same time period.

Can we be looking at shrimp trawl bycatch trends alongside the juvenile abundance trend, to see if they corroborate, and determine to what degree the increased bycatch should be a cause for concern? I'm just trying to get some context to the supplemental shrimp trawl bycatch information.

MS. FRANCO: I can try to take a stab at that.

MS. LEWIS: Thanks, Dawn.

MS. FRANCO: Well, it is actually informed by the juvenile indices, I believe. What we used, I mean it's not informed by the juvenile indices, but we did talk about that when the TC was meeting earlier last month. The reason for the increase there is because both increase and the catch rate observed in the observer program, and also the increase of catch rates of SEAMAP in the last few years. You are going to have to take these with a grain of salt, and that if they are an estimate.

They are not a true number for exactly what the discards are coming off of the shrimp trawl boat. It's all just estimates based on using SEAMAP as a supplementary to what little information we have from the shrimp trawl discards. If we had a state shrimp trawl discards, if we had enough observer coverage that we could really have a handle on what those discards are, this data point might be very different. But we think this is definitely part of the increase is an artifact of the increase in the index for SEAMAP, if that is helpful.

MR. BATSAVAGE: Yes, quick follow up, please?

CHAIR FEGLEY: Sure, go ahead, Chris.

MR. BATSAVAGE: That's helpful, and yes, I know it's not a direct bycatch estimate we would get in other fisheries with good observer coverage, but I think it is good context to put in these reports, just so the public has, I guess a better understanding of what these mean and the caveats. You know originally, I was thinking of this kind of similar to what we've seen with

scup discards in the squid trawl fishery. It does raise concerns when that occurs.

But when it has, it easily coincides with some strong year classes of scup moving through the fishery. It just seemed like when reviewing the information that two of the stronger juvenile abundance indices seen in the Pamlico Sound Trawl Survey, Program 195 occurred right around the time the shrimp trawl discard bycatch estimates were also going on. Thanks for trying to answer me.

CHAIR FEGLEY: Yes, thank you, Dawn. I just want to add as Chair that you know my hair did kind of stand straight up when I saw that croaker number. I agree with Chris here that a little bit of context with the newer parts would be good. It is challenging to explain to constituents, you know what the impacts of this very large bycatch are, relative to the management we can do on the other fisheries. It's sort of a rhetorical comment I thought I would add in. Are there any other questions for Dawn?

MS. KERNS: You have Mel Bell, followed by Joe Cimino.

CHAIR FEGLEY: Okay, Mel, go ahead.

MR. BELL: Thank you Dawn and Harry. I think you may have answered by question, but it was related to the same thing with the nature of the discard data for both spot and croaker. I'm sure Lynn's hair is standing straight up was much more dramatic than mine, but that caught my attention as well. I'm curious about where that came from, if that was the observer data. It sounded like it is constructed from maybe observer plus SEAMAP and other things. Is that right?

MR. RICKABAUGH: This is Harry. You have, pretty similar to what Dawn said, but let me just clear that up in observer data. I don't know if Jeff Kipp is on the call or not, but he is actually the one that ran these, and I asked him a

question about it. It is, first the observer numbers as far as I recall from a very short discussion over e-mail was both the observer coverage and the SEAMAP number were tops.

They were both driving it up, so naturally, observers could physically see more on the boat, send one back to how this relates. I guess previously, I would have to recall, but when we did the traffic light, we did try to incorporate this as a traffic light analysis. Within the TC, and I'm sure with everyone else that vetted it. It can be a little confusing, because they are juvenile fish. If you have a high discard number that basically is going to occur, usually during the largest year class, in the absence of increased effort. It's a large red number, and obviously it's never great, because you kill, in this case croaker potentially 1.5 million juvenile croaker, and 1.5 billion, I'm sorry of juvenile croaker. But it also means they were there, so we had a better year class at the same time, how much is this discard mortality limiting the future benefit of that year class? That is the piece you kind of don't know, because we don't have a good way to try to estimate how many juvenile croaker are there. Are there 10 billion? Are there 5 billion? What proportion is that 1.5 billion? That is kind of the piece of information we don't have.

MR. JEFF KIPP: This is Jeff Kipp, and I could just chime in here. What Harry said I think is completely accurate. We have seen an increase in catch rates in both SEAMAP and the observer program. Those two data sources are seeing similar trends, and as Harry pointed out, when you get a big year class that moves and becomes available to that shrimp trawl fishery, that is going to result in increased availability to that fishery and increase in catches, so that is what we're seeing in the shrimp trawl discard estimates.

CHAIR FEGLEY: Thank you, Jeff, and thank you, Harry. Joe Cimino, you were on deck.

MR. CIMINO: I was, Madam Chair, thank you. You know Harry's follow up there was perfect, it covered all my questions, but it doesn't cover all my concerns. This morning we saw the southern block from North Carolina south showing their commitment to ERPs and multispecies management for menhaden. You know here this Board continues to see struggles for

rebuilding for several ASMFC managed species, including spot and croaker, weakfish.

You know we've been dealing with these hair-raising shrimp bycatch estimates for quite a few years now, as trends have gone up. I would just encourage anything that can be done, including hopefully at some point better observer coverage, if this is an artifact for that. But as Harry pointed out, you know when we do see a strong year class that hopefully can feed into better recruitment for the Mid-Atlantic, and then just gets wiped out, it's really disheartening.

CHAIR FEGLEY: Thank you for that, Joe, you know I think this is something we need to keep our eye on. Are there any other questions about croaker for Dawn?

MS. KERNS: Chris Batsavage.

CHAIR FEGLEY: Okay, Chris, go ahead.

MR. BATSAVAGE: Just a follow up comment for Joe, and just for the Board's information. Of course, ASMFC doesn't manage shrimp, the states do, and North Carolina is currently looking at another amendment to the state shrimp fishery management plan that is going to address, mainly bycatch issues in the Sounds, but mostly in estuarine waters.

I know that is only a portion of where the penaeid shrimp trawl fishery occurs, but just to I guess address concerns I know many of us have, about the increasing trends in croaker and spot discard. There are management measures underway. At the state level we are addressing these longstanding issues.

CHAIR FEGLEY: Thank you for that, Chris. Anybody else with questions or comments on croaker, before we move on to management responses?

MS. KERNS: Go ahead, Dawn.

MS. FRANCO: I just wanted to follow up on what Chris said. Thank you so much, that is an excellent point that a lot of the struggle that we're seeing in spot and croaker are not necessarily from the shrimp trawl fishery, they are from a smattering of all the fisheries. Hopefully, with early regulations in place, we'll see some things changing.

But if we could go back to the South Atlantic juvenile composite index really quick. I would just like to point out that in the South Atlantic the juvenile index and the adult index, there is a lot of green in those indices, and the shrimp trawl fishery that we're looking at is specifically in the South Atlantic.

But I feel like if the shrimp trawl fishery was really having a huge effect, we would be here in the South Atlantic juvenile or even the adult composite and we're not, so I'm not sure if that alleviates anyone's fears or hair raising, but for me it makes a little bit more sense, and doesn't send that panic button off, to me personally. It's mostly in the Mid-Atlantic that we're seeing the extreme levels of red, and that is not where the shrimp trawl boats are fishing.

CHAIR FEGLEY: Thank you for that, Dawn. That was on my mind as well, as I was patting my hair back down. You know it's an interesting phenomenon, and I suppose our shrimp trawl discards are estimates. But again, I think it's just something we need to just look at as we go forward, just be cognizant of what's happening there. Any other questions, comments, before we move on?

MS. KERNS: No.

#### **REVIEW MANAGEMENT RESPONSE REQUIREMENTS FROM ADDENDUM III**

CHAIR FEGLEY: Harry, Dawn, thank you so very much for those excellent presentations, and Savannah, we will move on to you for our management response.

MS. LEWIS: I just wanted to say, thank you for the warm welcome everyone, and now I'm just going to walk through Management Response as outlined in Addendum III. Before I get into the nitty gritty, I thought it would be really good to show you this tool put together by our science team.

This shows various scenarios in which ChesMMA data and NEAMAP data are used interchangeably, and as Dawn and Harry both mentioned, it doesn't matter which survey data is included, 2018 or 2019, you would still see the same trends, both for croaker and for spot. What happened, both spot and croaker exceeded the 30 percent threshold triggering what's outlined as a moderate management response.

If you look at the table for both Atlantic croaker and spot, you are going to see that this requires a bag limit for fish, up to 50-fish for non de minimis states. It is important to note that moderate management response is only going to be required for states that are non de minimis. For the commercial side, Atlantic croaker and spot, states need to take a 1 percent harvest reduction from the previous 10-year average, and again this is for non de minimis states. States that already have regulations on the books are encouraged to keep the regulations. When we hit that 60 percent threshold, which we will evaluate starting moving forward, then we'll worry about more intensive management response.

Commercial needs to be a quantifiable measure, and states can establish different measures by gear area, as long as the measures implemented are quantifiable and expected to achieve the 1 percent reduction for the entire state's commercial requirements. Outlined in Addendum III for spot and croaker, measures must be in place for at least three years for Atlantic croaker, in two years for spot.

States, like I said, that have commercial regulations already in place, are encouraged to keep them in place, and the commercial measures must be evaluated by both the Technical Committee and the Board to determine if they are quantifiable and meet the requirement of the Addendum. The TC will continue to evaluate these fisheries, using only the regional abundance composites from here

on out, because the harvest composites are going to be impacted by future regulations.

The next steps for the Board to talk about today is to discuss when these implementation plans will be due, and what the timeline will be. Our recommendation was to consider this at the February meeting, but again this is up to the Board. Addendum III is pretty tight, in terms of what states are required to do. If there are any additional questions on management and what needs to happen, I'll be happy to take those now.

CHAIR FEGLEY: All right, thank you, Savannah. Are there questions for Savannah about management responses?

MS. KERNS: I don't see any hands, Lynn. Oh, here we go, Bill Gorham.

CHAIR FEGLEY: Okay, Mr. Gorham, take it away.

MR. GORHAM: We talked about this internally regarding our pier fisheries, and received pretty strong public comment from a particular pier owner in regards to the persistence in this fishery, the importance as a food source to the participants, and the major negative consequences to his business, and as a food source to this strong demographic. I promised I would say it on the record, and I guess I'm wondering, asking, hoping, is there anything that can be looked at to kind of alleviate those negative consequences on the fishery in North Carolina?

CHAIR FEGLEY: I would go to Toni, but I think where we are now, you know, when we did Addendum III, was the time when we had those conversations. I don't know what we can do now. I think those sorts of things would have to happen in a future management document. But again, I'll turn my virtual head over to Toni, and see if she has anything else to say about that.

MS. KERNS: The only thing that I can think of that is a possibility is North Carolina as a state could ask for conservation equivalency to the measures, but you still would have to put in place a measure that gave as much conservation as the triggers, the change in the

management measures that are in the state. There would still be a management response, regardless.

CHAIR FEGLEY: Then Toni, that conservation equivalency would need to go through the TC.

MS. KERNS: Yes, we would have to follow the processes defined in the Guidance Document. The state would have to make a request to the Board. It would go to the Plan Review Team. The Plan Review Team would send it to the appropriate committees, the TC, the AP, Law Enforcement Committee, to evaluate the proposal, and then provide a recommendation back to the Board, and the Board would make that determination the final approval or not. Then Lynn, Chris Batsavage also has his hand up.

CHAIR FEGLEY: Okay, Bill, are you good?

MR. GORHAM: Yes, Ma'am, thank you.

CHAIR FEGLEY: Okay, Chris Batsavage.

MR. BATSAVAGE: This is a question for Savannah on calculated required commercial reductions. You might have gone through this and I missed it, so I apologize. Just so I'm clear, and if everyone else around the table is clear, as far as calculating this. Do we just simply calculate what 1 percent of our state's 10-year average landings were.

Then develop management measures to reduce our future landings by that amount, like if it was 10,000 pounds, and we wanted to do a season closure, we looked at the time of the year in which the average landings were about 2,000 pounds, and what is the season, for instance. Would it be just simply a matter of that, and of course send it back to the Committee for their review and approval?

MS. LEWIS: Toni, you can pop in here if I'm interpreting it incorrectly. The way that both the Addendums have an outline for both spot

and croaker is that you have to reduce by 1 percent of the average state commercial harvest, either by season, trip limit, or size limit or anything quantifiable.

I believe the way that you were outlining that, it makes sense to make that 1 percent reduction, you have to be able to show that you're reducing by the amount off your average. Does that make sense? I wasn't around for the initial calculations, so Toni might have a little bit more insight into this conversation. But that is how I interpret it.

MS. KERNS: I believe you are correct, Savannah.

CHAIR FEGLEY: Okay, Chris, are you good with that?

MR. BATSAVAGE: I am, thank you.

MS. KERNS: Than Lynn you have Pat Geer.

CHAIR FEGLEY: Pat Geer?

MS. KERNS: Yes, Madam Chair.

CHAIR FEGLEY: Okay, go ahead, Pat. Did we lose him again?

MS. KERNS: Yes, I've got to send it to him again. I think he has a bad connection, and so it disconnects him, and then like reboots him. Then he has to send his pin in. But Shanna has her hand up, maybe she knows what question Pat is trying to ask.

MS. SHANNA MADSEN: The question was about the timeline for implementation. It looks like we're discussing maybe implementation plans going to the Board in February. When would you want states to actually implement the changes by then? We're just trying to figure things out with our regulatory process.

CHAIR FEGLEY: I think, and again Toni may be the better person, but I think what is going to happen is we're going to have implementation plans due in January for Board review in February. Those implementation plans need to include your most expeditious timeline, if you will, for getting these implemented. The Board can see, because everybody's regulatory process is different, it's going

to take a different amount of time. The hope would be that everybody has something on the ground in 2021, but that regulatory timeline needs to be included.

MS. MADSEN: Okay. I might want to comment on that. I hate to step on Pat's toes, I'm not sure if he is back yet. For Virginia, we do want to make sure that we're including our fishery in this process, and we do want to take some time to sit down with our advisory committees and meet, regarding how we want to take the commercial cut, as well as we know what the bag limits are of the recreational side of things.

But I do know that as far as a timeline is concerned, we have our advisory committees meeting regarding cobia right now. We were intending on being able to have our advisory committees meet, hopefully in January, but I'm not sure that we would be ready to submit an implementation plan in January, just depending on when that primary falls. Just saying it's a little bit tight for Virginia regulatory wise, for us to be able to get things in motion without being able to talk to our industry first.

CHAIR FEGLEY: Toni, do you have any thoughts about that?

MS. KERNS: I can try to help out, Lynn. I think that the Board can have a discussion here today, and come to an agreement of what everybody can do. Unfortunately, the Addendum doesn't have a specific timeline, as I think Savannah mentioned. It is our intention that it would be in the next fishing year.

We recognize though that turning something around in two, three months' time is very difficult for states to do so in following their administrative process. If the Board collectively wants to set an implementation timeline, so that then we can do that, and then everybody would be working towards the same date on the books. I don't know what other states regulatory impediments are, outside of this, but it would be my hope that something could be

on the books, at least no later than the end of 2021. It would be great if we could get something on the books before then in 2021 though. Then when I was speaking, I think Jim Estes hand went up. I don't know if he wants to speak or not.

CHAIR FEGLEY: Jim Estes.

MR. JIM ESTES: Actually, Toni answered the question I was going to ask, thank you.

CHAIR FEGLEY: Okay, good. I guess what I'm wondering is, it seems like one of the things. I guess I'm wondering if we bumped up the deadline for the implementation plan to February. I'm wondering if there is a way for the Board to approve those again over e-mail, or in some sort of virtual webinar, so that sometime in February we all understand where everybody is in the process of their implementation. I'm worried if that's possible, and if there is any state that cannot achieve that.

MS. LEWIS: Madam Chair, if I can just have a comment. This is just a reminder that because it is a moderate management response, it's only states that are non de minimis in commercial or recreational that have to implement these measures. If you're a state, you'll need to check, which we'll go over at the end of this meeting whether your state is de minimis or have requested de minimis status for your commercial or recreational croaker fisheries.

CHAIR FEGLEY: Yes, right. I don't remember off the top of my head who all those are. I know that the state of Maryland has to ask for spot, but not for croaker. I'm still wondering for those non de minimis states, like Virginia, that is under a really tight, for them it's difficult, if this February implementation date would work, because I think even though it's just the non de minimis states. I mean to act the whole Board needs to approve those plans, right?

MS. KERNS: That is correct.

MS. LEWIS: It has to go through the technical committees first before the Board gets them.



CHAIR FEGLEY: Right, which is why I'm wondering if the plans to be due in February to the TC. I hate to put Board approval off all the way to spring, but I guess I would ask Virginia or any state if the Board approved implementation plans in May after the spring meeting, how quickly could you turn around and implement, put the regulations on the ground from there?

MS. KERNS: Pat Geer and then Chris Batsavage.

CHAIR FEGLEY: Go ahead, Pat.

MR. GEER: I apologize, I don't know what's wrong with my phone. I have to put in the code every time I want to speak. We're in the process of looking at the regulations now, and we have to form them from scratch, we don't have any regulations from spot and croaker. But we can work on that. We could possibly have it done by the spring. I mean it only takes us, for a new regulation it will take a little bit longer, probably 60 to 90 days to get everything completed.

CHAIR FEGLEY: Okay, Chris Batsavage, why don't you say what you were going to say, and then I'll weigh in.

MR. BATSAVAGE: Thanks, Madam Chair. Our administrative process is pretty fast, it's just getting the time to look at the information to determine what might be an appropriate season closure, for instances, for the commercial fisheries, and what kind of input we get from stakeholders in our state.

Your idea of maybe pushing the implementation plan back until around February for the TC review, and then Board approval sometime after that with things in place by the spring would work for us. Just kind of thinking about this too. You know for a state like us, who is currently thinking about maybe a season closure for spot and croaker, you know at times when the landings aren't really high. The longer we go into 2021 without anything the less options we have for putting in season closures. Just the way the spot and croaker

commercial fisheries are in North Carolina, they would probably happen at different times of the year, if we go with the strategy of looking at when the landings seem to tail off, and take the season closures then to avoid turning too many landings into discards.

This is kind of my thoughts after listening to the discussions here in the last few minutes, as far as take our time. But on the recreational side, it's always better to implement new measures earlier in the fishing season than during the middle of the season, especially in the summer when you have a lot of folks from out of state fishing along the coast. Regulation changes tend to not be very effective when they go into place then.

CHAIR FEGLEY: Toni, when is the February, the winter board meeting? Do you know the dates of that?

MS. KERNS: I believe that it is actually the very last week of January this year. Bob, am I correct? Am I remembering that correctly, Bob?

EXECUTIVE DIRECTOR ROBERT E. BEAL: No, it will still be the first week of February.

MS. KERNS: I lied, sorry. Obviously, everybody is getting pretty good at webinars here. We can do a special board meeting sometime, let's say in March that leaves enough time to have the plans due in February, and then the Board can meet virtually to approve the plans. For a quick meeting, I don't think it would take too, too long, so it wouldn't be too much of folk's time, and wouldn't be an all-day meeting, or anything like that. That is a possibility.

CHAIR FEGLEY: Yes, I think in order to make this work and keep it equitable. I really agree with what Chris said that if you wait too long, especially earlier in the season is better. I think we're going to need to do something especially for this. I'm just wondering if we can make the plans to on the 15th of February, if two weeks is enough time for the TC, could we have a first week of March special Board meeting to review the implementation plans, approve them, and then set everybody on their way? Does that sound reasonable to folks?

MS. KERNS: As long as everybody turns in their plans on time. I think it's only fair to give the TC a couple, at least three or four days to review those plans once they have been turned in.

CHAIR FEGLEY: Well two weeks is what I was thinking.

MS. KERNS: Two weeks, and then the TC would need to be able to write a report, and then let you all have it in your hands for a couple of days as well.

CHAIR FEGLEY: Yes. Okay, so if the plans are due February 15, and the Board would have a special meeting the second or third week of March. That is a month between the time we turn the implementation plans in, and in the time the Board can approve them. Is that too fast still?

MS. KERNS: No, I think that is fine, Lynn.

CHAIR FEGLEY: That would mean we would be approving these things mid-March, and then as I understand from Virginia. Pat, does that give you time in Virginia to do what you need to do, or are you already out into say May and June at that point?

MR. GEER: No, I think we'll be okay, it's just that it's the timing with cobia, and having to do this and get our workgroup and our advisory committees together. But we're working on the regulation now. We can implement, we can probably have this done by April, if we go with not having to do it until the 15th.

CHAIR FEGLEY: Okay, is there any non de minimis state that has to act that would have a problem with implementation plans due, please on time, February 15, and then a special Board meeting in that Ides of March timeframe, March 15?

MS. KERNS: Lynn, you have Jim Estes with his hand up, and then you do have a member of the public that has his hand up as well.

CHAIR FEGLEY: Jim, why don't you go ahead, and then we'll go to the public.

MR. ESTES: The timeframe that you suggested for having the implementation plans ready, and we don't have a problem with that. I think you were very logical about taking a month for the TC to look at these, and then for us to get back together to approve them. Our slowdown is going to be in our administrative process.

If we do something that is somewhat controversial, I don't think that this will be, but I'm always surprised. Our next Commission meeting is in May, and we could have things actually on the books by June. If, however, I am surprised like I usually am, and there is some controversy. We have to have two meetings.

Therefore, we would not have our next meeting until July, which would mean implementation probably, I'm guessing, about the middle of September. If that is satisfactory that is what we can do. But if not, I'm not certain what I can do to fix that, if that makes any sense to you.

CHAIR FEGLEY: No, it makes perfect sense. Again, I refer to Toni and to the Board, but I think you know the way these things work, is that we're all bound by our administrative processes. I think the crucial thing is that the Board sees, and we know that each state is (interference). If you're bound to pop in Florida, I don't necessarily think you would, but Toni, if you have any thoughts there, lay them on me.

MS. KERNS: Lynn, I think you described that perfectly. Typically, in the past the Board, as long as the Board can see a state is working towards implementing measures there has not been an issue. Again, it's to the pleasure of the Board.

CHAIR FEGLEY: Okay, so let's hear from the public, and then we'll try to wrap this piece and tie a bow on this piece if we can.

MS. KERNS: Lynn, the member of the public is Greg, is it Ludlum?

MR. GREG LUDMAN: Greg Ludlum, Owner Seaview Fishing Pier, North Topsail Beach, North Carolina. I sit here and I listen to a lot of this, a lot I agree with and a lot I don't. A lot of things that are not taken into consideration. You take 1 percent commercial cut, and you cut 75 percent of the general public, which is you know the way it goes.

In my business, people don't realize that we service the handicap, the ones that can't afford boats, the ones that can't afford to go to the fish market. My people eat what they catch, 75 percent of the people come every year for spots, to come to 50 fish a day. I took this up with Chris Batsavage a while back, and said at least 75. But I guess I've got it chiseled in stone.

Now I've got to go back through the people that need this in their freezers, and these are the people that are fishing the piers that we're taking cuts and cuts and cuts, at all the time, with no help from anyone in the industry. Probably the largest fishing industry in North Carolina is the pier fishing. I just wanted to put that out there, and let everybody know when they make these votes who they are really affecting. That's all I have to say, thank you.

CHAIR FEGLEY: Thank you very much for your comment. We appreciate that. These decisions are never taken lightly. Okay, so I guess at this point what we'll do. I would propose this timeline of implementation plans being due the middle of February, February 15. I am not looking at a calendar, so I don't know what day of the week that is.

MS. LEWIS: It's a Monday and it's Presidents Day.

CHAIR FEGLEY: How about we take it to the Friday before that.

MS. KERNS: That would be February 12.

CHAIR FEGLEY: That would be out of everybody's hair before Valentines' Day and Presidents Day. Then we will convene the

Board, hopefully briefly, somewhere the Friday closest to March 15, to approve this plan and send us all on our way.

MS. KERNS: Thanks Lynn, and we'll doodle poll everybody around that time to find the best date for a Board meeting.

CHAIR FEGLEY: Okay, and is there any opposition to that course of action?

MS. KERNS: I see no hands, Lynn.

#### **CONSIDER FMP REVIEW AND STATE COMPLIANCE FOR 2019 FISHING YEAR FOR RED DRUM**

CHAIR FEGLEY: Awesome. All right, thank you everybody for that. I think with that we are at our final piece, we're almost home with 15 minutes to go. Savannah, you're going to do compliance and FMP Review, correct?

MS. LEWIS: Correct.

CHAIR FEGLEY: All right, take it away.

MS. LEWIS: Maya, do you just want to show it on your screen? Would you mind?

MS. MAYA DRZEWIKI: Savannah, I can control the PowerPoint if you would prefer.

MS. LEWIS: Okay, I've got it now, so we're good. Today I'm going to walk through, I'm going to bring us home with three different species. We've already heard a lot about cobia and Atlantic croaker, so I'm going to be a little light on those. If you have additional questions at the end, please let me know.

I'm going to start off with red drum. The Plan Review Team met in September, 2020. Total coastwide red drum landings in 2019 were approximately 4.8 million pounds. This represents a roughly 3.4-million-pound decrease from 2018, and is below the previous ten-year average of 6.9 million pounds. The commercial fishery harvested about 1 percent, with the recreational fishery harvesting 99 percent of the total.

Coastwide commercial landings have varied, and then in 2019 that they decreased to 58,000 pounds from 2018, when they were at 145,000 pounds. The majority of red drum commercial harvest comes from North Carolina. Red drum are assessed as two stocks, one in the Mid-Atlantic from North Carolina north, and the other in the South Atlantic from South Carolina south.

In 2019, 80 percent of the total landings came from the South Atlantic region where the fishery is exclusively recreational. The other 20 percent came from the Mid-Atlantic. This continues the trend of the last 30 years, in which the majority of the harvest comes from your recreational fishery in the South Atlantic.

Recreational harvest of red drum peaked in 1984 at 2.9 million fish, which the harvest is the blue bar here. The yellow is the alive releases, and then the black line is the percentage of the harvest that was released. In 2019, recreational harvest decreased from 2.3 million fish in 2018 down to 1.5 million fish in 2019. This 2019 harvest failure is below the previous 10-year average for recreational harvest in numbers and in count. Florida anglers landed the largest share of the coastwide recreational harvest in numbers, with about 40 percent of total recreational harvest, followed by South Carolina and Georgia. Anglers release far more red drum than they keep. The percent of the catch released has hovered around 80 percent since the 1990s. In 2019, 11.6 million fish were released, which is about 89 percent of their recreational catch.

The most recent coastwide stock assessment was completed in 2017. This assessment indicated that the abundance of young fish from both the northern and southern stock have remained fairly stable since 1991, and that sSPR has been above the overfishing threshold since 1995. Therefore, neither stock is likely experiencing overfishing at this time.

There is a great amount of uncertainty on red drum, and since it is beginning its next stock assessment, we have the data webinar coming up, so stay tuned for updates on that over the next couple years. The PRT met and reviewed all the state compliance reports, and put together the fishery management plan review.

They found that all states have implemented the requirements on Amendment 2. They asked the Board consider approving state compliance reports and de minimis requests from New Jersey and Delaware. Additional research and monitoring recommendations can be found in the FMP review document. They remain unchanged from the previous year, but several of the recommendations are being evaluated in the stock assessment that is ongoing.

On the table it shows that New Jersey and Delaware both meet the percentage for de minimis, red drum doesn't really have a firm de minimis, but the PRT chose to evaluate individual state contributions. Both qualify, and both states have had de minimis in the previous years. Now for the Atlantic croaker fishery management plan review.

The Plan Review Team met in October of 2020. In 2019, 4 million pounds total was landed for Atlantic croaker. This represents a 91 percent decline in total harvest since 2003, with which the harvest was 47.4 million pounds. There has been a 92 percent decline in commercial harvest, and a 90 percent decline in recreational harvest.

Respectively commercial harvest makes up 53 percent of total landings, with recreational making up 46 percent, 2019 is the lowest data point in the time series. The majority of commercial landings come from North Carolina, followed by Virginia. This graph just shows percent deletes, so you have the blue bars representing the landings, the red bars represent the number released alive, and the black line represents the percent released alive.

Recreational anglers released approximately 19.6 million fish, which is about 78 percent of the total catch. This is a slight increase from previous years. When the PRT met and reviewed all of the state

compliance reports, they did find that all states have implemented requirements of Amendment 1.

They asked that the Board consider approving the state compliance reports, as well as the de minimis request for New Jersey, for both your recreational and commercial fisheries, Delaware, South Carolina, Georgia and Florida for their commercial fisheries. The table below outlines whether each state qualifies for de minimis status in their recreational and commercial. Commercial and recreational de minimis criteria are based on a 1 percent total of the coastwide average 2017 through 2019 landings in each fishery. New Jersey has a new request this year to be de minimis for both commercial and recreational, and they do qualify. Delaware, South Carolina, and Georgia have all previously been de minimis, and requested again this year for their commercial fisheries. Florida has previously been de minimis.

Their commercial landings were slightly higher this year, so they got pushed over that 1 percent threshold, so they no longer qualify, but they do ask based on the prior de minimis status to get de minimis status again, and the PRT agreed to give Florida one additional year of de minimis status and revisit it next year.

Additional research and monitoring recommendations found in the FMP Review Document remain unchanged from previous years. Finally, I'm going to bring us home with Atlantic cobia. The Plan Review Team met in October of 2020. What you see here in this graph, harvest is represented in blue, red represents releases, and the black line represents the percent release.

Recreational catch harvest in live releases, recreational harvest was 97 percent of total landings, with 3 percent in commercial. Virginia has the majority of the commercial landings in 2019. The commercial fishery, as we discussed earlier, was closed last year on September 4,

because it was protected to meet the total annual catch limit.

Virginia also had the highest proportion of recreational harvest, with over 80 percent of total landings in pounds and number of fish. The PRT met and reviewed the state compliance reports and put together the FMP review. The PRT found that all states have implemented the requirements of Amendment 1.

They ask that the Board consider approving state compliance reports and de minimis status for the recreational and commercial fisheries in New Jersey, Delaware, Maryland, and for the commercial fishery in Georgia. All states do meet this requirement, we discussed earlier, it seemed like a long time ago. But the de minimis status for cobia is your landings have to be under a percentage for two out of the three previous years, because it is evaluated on the three-year table.

All these states qualify for de minimis, and all have had de minimis in the past. We did receive a last minute de minimis request, PRFC. They are requesting de minimis status for both of their cobia fisheries. For the recreational they do not have an MRIP estimate, because it's linked in with Maryland and Virginia.

The commercial fishery does qualify, because two of the last three years are under the 2 percent of the total coastwide fisheries. It has varying landings in the last four years, but overall, they still do remain in de minimis, and it was an oversight in their compliance report. They ask that the Board consider approving their de minimis status for both.

They would like to make sure that their commercial fishery isn't going to be just a fluke, and they just want some more time to collect again. With that the Board action is the PRT asked the Board to consider approving all of the FMP reviews, all the state compliance reports, and all the de minimis requests as you see here in the bullet points, so that you can just check because it was pretty easy, which states requested de minimis for which species. I'll come

back to this, but with that I'm happy to take any comments or questions in the meantime.

CHAIR FEGLEY: All right, great job, Savannah. Any questions on this part of our agenda?

MS. KERNS: Chris Batsavage.

CHAIR FEGLEY: Hey Chris, go ahead.

MR. BATSAVAGE: Thanks Madam Chair, and thanks Savannah for walking us through the FMP reviews. A question on croaker regarding de minimis status. If a state is granted de minimis status now, but in the next couple years, the next year or two no longer qualify for de minimis status, because their harvest commercial landings go up. Would they be then required to implement reductions put forward in Addendum III?

MS. LEWIS: My understanding is that they will be, and de minimis is evaluated on an annual basis, so if we consider approving a state this year, it doesn't mean that the Board will approve them the following year, and then they will be required to enact everything from the Addendum.

MR. BATSAVAGE: Yes thanks, yes, I just wanted to make sure I understood that. Okay, that was my one question, and whenever you're ready I have a motion.

CHAIR FEGLEY: Okay, are there any other questions for Savannah?

MS. KERNS: I don't see any hands raised, Lynn.

CHAIR FEGLEY: All right, good, take it away.

**MR. BATSAVAGE: I move to approve the 2020 FMP reviews and state compliance reports and de minimis request for red drum, Atlantic croaker, and Atlantic cobia.**

MS. LEWIS: Maya, you can take over the screen and put that up if you would like.

CHAIR FEGLEY: Do we have a second?

MS. KERNS: Jim Estes.

CHAIR FEGLEY: All right, is there any comment on the motion?

MS. KERNS: Lynn, just to put on the record, these are all of the de minimis requests that were in this compliance report that Savannah reviewed.

CHAIR FEGLEY: Yes, so that includes PRFC.

MS. KERNS: I just wanted to get that on the record.

CHAIR FEGLEY: Yes, so it includes PRFC, correct?

MS. LEWIS: Correct.

CHAIR FEGLEY: Yes, okay. Again, are there any comments on the motion?

MS. KERNS: Phil Langley.

CHAIR FEGLEY: Phil, go ahead. Phil Langley, do you have a comment?

MR. PHIL LANGLEY: I'm sorry, it was hit accidental.

CHAIR FEGLEY: Okay, I'm going to quickly just read the motion. Move to approve the 2020 FMP reviews, state compliance reports and de minimis request for red drum, Atlantic croaker, croaker and Atlantic cobia. Motion by Mr. Batsavage, second by Mr. Estes. Is there any opposition to this motion?

MS. KERNS: I don't see any hands, Lynn.

**MS. FEGLEY: All right, this motion carries by consent,** and I think that leaves us with three minutes to spare to the end of our agenda, except we have other business. Is there any other business to come before the Board?

MS. KERNS: I don't see any hands, Lynn.

#### **ADJOURNMENT**

CHAIR FEGLEY: Excellent, and is there any opposition for a motion to adjourn? Thank you everybody so

Proceedings of the South Atlantic State/Federal Fisheries Management Board  
October 2020

very much for all of your great discussion, I really appreciate it. Hope you all have a great night, and we get to see each other in person again soon. Thanks.

(Whereupon the meeting adjourned at 4:00  
p.m. on October 20, 2020.)