

**PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
COASTAL PELAGICS MANAGEMENT BOARD**

**The Ocean Place Resort
Long Branch, New Jersey
Hybrid Meeting**

November 8, 2022

Approved August 2, 2023

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November 2022

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2. **Approval of Coastal Pelagics Board Proceedings of May 2, 2022** by consent (Page 1).
3. **Move to approve the Spanish Mackerel FMP Review for the 2021 fishing year, state compliance reports, and de minimis requests for Rhode Island, New Jersey, and Delaware** (Page 22). Motion by Lynn Fegley; second by Doug Haymans. Motion approved by consent (Page 22).
4. **Move to approve the Atlantic Cobia FMP Review for the 2021 fishing year, state compliance reports, and de minimis requests for Rhode Island, New Jersey, Delaware, Maryland, Georgia, and Florida** (Page 22). Motion by Doug Haymans; second by Mel Bell. Motion approved by consent (Page 22).
5. **Motion to adjourn** by consent (Page 22)

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ATTENDANCE

Board Members

Jason McNamee, RI (AA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
David Borden, RI (GA)	Jerry Mannen, NC (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Mel Bell, SC (AA)
Jim Gilmore, NY (AA)	Malcolm Rhodes, SC (GA)
Joe Cimino, NJ (AA)	Chris McDonough, SC, proxy for Sen. Cromer (LA)
Tom Fote, NJ (GA)	Doug Haymans, GA (AA)
John Clark, DE (AA)	Spud Woodward, GA (GA)
Roy Miller, DE (GA)	Gary Jennings, FL (GA)
Craig Pugh, DE, proxy for Rep. Carson (LA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Lynn Fegley, MD (AA, Acting)	Marty Gary, PRFC
Russell Dize, MD (GA)	John Carmichael, SAFMC
Shanna Madsen, VA, proxy for J. Green (AA)	Jack McGovern, NMFS

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

Ex-Officio Members

Angela Giuliano, Cobia Technical Committee Chair

Staff

Robert Beal	Tracey Bauer	Adam Lee
Toni Kerns	Emilie Franke	Mike Rinaldi
Tina Berger	Chris Jacobs	
Kristen Anstead	Jeff Kipp	

Guests

Max Appelman, NMFS	Lars Hammer, ME DMR	Will Poston, SGA
Jason Avila	Frank Helies, NOAA	Jeff Ranchen, FL FWC
Pat Augustine, Coram, NY	Helen Takade-Heumacher, USFWS	Kathy Rawls, NC (AA)
Marina Barrineau, FL FWC	Jesse Hornstein, NYS DEC	Jason Rock, NC DENR
Alan Bianchi, NC DENR	John Kravchak	McLean Seward, NC DENR
Jason Bochat, NYS DEC	Aaron Kelly, Kill Devil Hills, NC	Andrew Sinchuk, NYS DEC
Robert Brown, MD Watermen	Danni Logue	David Stormer, DE DFW
Heather Corbett, NJ DEP	Mike Luisi, MD DNR	Mike Thaljauser, Coastal Fisheries
Derek Cox, FL FWC	Michael Manning	Megan Ware, ME DMR
Caitlin Craig, NYS DEC	Dan McKiernan, MA (AA)	Ben Whalley
Maureen Davidson, NYS DEC	Nichola Meserve, MA DMF	Meredith Whitten, NC DENR
Roman Dudus	Brian Neilan, NJ DEP	Christina Wiegand, SAFMC
Jacob Espittia, FL FWC	Tom Newman, NC	Chris Wright, NOAA
Jennifer Foss, NOAA	Derek Orner, NOAA	Eric Zlokovitz, MD DNR
Tony Friedrich, SGA	Lucas Pensinger, NC DENR	
Jamie Green, VA (AA)	Nicholas Popoff, US FWS	

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The Coastal Pelagics Management Board of the Atlantic States Marine Fisheries Commission convened in The Monmouth I Room in The Ocean Place Resort, Long Branch, New Jersey, a hybrid meeting, in-person and webinar; Tuesday, November 8, 2022 and was called to order at 10:45 a.m. by Chair Joe Cimino.

CALL TO ORDER

CHAIR JOE CIMINO: I'm going to call us to order. This is the Coastal Pelagics Management Board.

APPROVAL OF AGENDA

CHAIR CIMINO: I'm going to start with Approval of the Agenda. Are there any additions or modifications to the agenda? Okay, seeing none; agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR CIMINO: We'll look at Approval of the Proceedings from May of 2022. Are there any edits to the proceedings? Seeing none; again, we'll consider that approved by consent.

I don't see many members of the public here, but I will open this up for any public comment on items not on the agenda, and we'll also look at hands for anyone online. Okay, I think we can move through that. We don't see any hands.

UPDATE ON 2022 SPANISH MACKEREL STOCK ASSESSMENT AND PEER REVIEW

CHAIR CIMINO: We're going to move into the 2022 Spanish Mackerel Stock Assessment and Peer Review.

Those of you have looked through the material, and have been paying attention to the South Atlantic Council, would probably agree there is no other way to describe this as clear kerfuffle. We're very fortunate to have our good friend, John Carmichael here, who is the Executive Director of the South Atlantic Council.

John is going to do his best to give us a background on the assessment itself. The concerns from the SSC and for the Council, and just the possibilities on what our next steps are. I'm going to turn it over to John, and once again thank him for doing this for us.

PRESENTATION OF 2022 STOCK ASSESSMENT UPDATE TO DATE

MR. JOHN CARMICHAEL: All right, thank you, Joe. It's been a long time since I gave a stock assessment presentation around this table. It's kind of fun, actually, looking forward to it. The stock was recently assessed through SEDAR 78. I'm going to go through a few highlights from that stock assessment. The slides you'll see are from the SSC presentation, our SSC presentation in August.

A couple of them have PDF references, which refer to the SEDAR 78 Assessment Report, all this information is available on the South Atlantic Council website at the SSC meeting, as well as through the SEDAR website under SEDAR 78, you can find all the iterations of the stock assessment report. A little bit of background on the stock and its assessment history. It was previously assessed in SEDAR 28, back in 2012. Here we are in 2022, it's been quite a while since the stock was assessed. Part of that was due to delays from the MRIP telephone survey, the effort survey transition, where this was held off a bit to get the Effort Survey data. Then COVID came along. It was planned to get this thing done several years ago, but as it turned out, it wasn't able to get completed until last year.

Back in SEDAR 28, the stock was not overfished and it was not overfishing. Then in SEDAR 78 recently updated the data to 2020. That is probably the first thing to note, 2020 was the COVID year, and we all know that there were some quirks of data collection during 2020, and certainly some unexpected things happened, as far as recreational effort in particular.

It turns out people really lacked for time. They did this through the operational process, which means it's somewhat streamlined. There is not lots of meetings, there is not a full data workshop. They

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get together, talk about some issues, go over the data, do most of the work through webinars.

There was one data scoping call, and through the process four different assessment webinars where the model was discussed. There is a panel that's created and they give input and approval of all the decisions. All of that played out during the year. The main things that were changed going from 28 to SEDAR 78 was the data and the model updates.

Normally when we do an operational, we bring the model framework up to whatever the current state of the art is. Sometimes there are programming changes, et cetera, they take place over the year. If you can imagine adding eight years of data, there were a number of different things added within the model, different ways of approaching uncertainty, and solving and configurations, et cetera.

But the main input changes dealt with the growth model, 28 was a sex-specific growth model, and that's now been abandoned. Just issues with the data, dividing things out by sex, when you're already kind of struggling to get the data together, as well as perhaps less suggestion that the growth is really that different. Natural mortality was updated to the current state of the art for estimating natural mortality and different natural mortality across ages.

There were some revised growth parameters, because the growth model was being updated. Input data updated through 2020, the most significant change there being going from a coastal household telephone survey of MRIP to the FES of MRIP, and it was a shortened time series. The previous model went back into the '50s, this one started in 1986. Prior to 1986 there were some years of significantly higher commercial landings than really what you see now.

There is not a lot of data necessarily to support those to understand, say the age and length comp. That was one of the issues in 28 that the modelers thought perhaps shortening the time series, getting the landings more in line with when you have surveys and length and age comps may make the

model perform a little bit better, maybe give it a better chance at estimating stock productivity.

But one of the things that did do was cut out some indication of potentially periods of much higher stock productivity. Then finally, there was some alternative pooling of commercial age comps, due to low sample sizes, this was a big topic of discussion, particularly the samples from the northern area, as we're seeing more and more fish being caught farther to the north. I think it underscores some of the challenges we're going to face as we deal with stocks like this, which cross over what is continuing to be a critical boundary within the NMFS, at least the federal scientific program between the Northeast Center and the Southeast Center, with that break between Virginia, North Carolina, and different data collection programs.

You know different ways of getting the sampling done, and how they approach, you know commercial port sampling and other sampling. There was a thought from some of the fishermen that perhaps there may be more age comps in some of those northern areas than may have been dug up for this assessment.

That was a lot of discussion about the commercial age comps, and their difficulty in actually fitting to what was observed. Then there are the recreational data issues. One of the things first noted was there is a spike in the 2020 data, the terminal year. Not surprising to those who have been following the MRIP transition for many years.

That ended up being primarily in shore mode and in Florida. You have a fishery that's crushing along, I'll show the figure in a little minute of pretty steady landings in 2020 comes and the recreational just starts going through the roof. That was evaluated, there was a working paper. Number 3 developed for it that goes into the detail.

You know burrowing down into the MRIP estimates to see where the high catches are showing up. But ultimately, you know it sort of comes out, well this is the estimate, and the estimate gets put into the

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model, and you see how it plays out. While it was evaluated, there wasn't anything like changing the estimate or using an average, or anything like that.

Now we get into some of the actual information. This one is primarily recreational and shrimp bycatch. It just shows you what the discard trends are. There is not a lot of shrimp bycatch, but you can see the recreational data, the general rec in the blue, and then the general rec landings in the gray. The general rec discard is the blue, the landings is the gray, and as you see if you look over to the right, you know it's pretty much a flat trend in the landings and then a big spike at the end in the last few years.

Then in the discards you just see kind of a regular increasing trend, although those also do spike to really series highs there in 2020, and even somewhat in 2019 in this figure, so 2019 might have looked like yeah, kind of like normal, but when 2020 came along, as you can see with those right most points, it really took those landings to somewhere that hadn't been seen before.

Then this is the trend in the commercial landings, so the orange line shows with a current 1986 start year. If you look back in the past you see to the left of that line. That is what was used in SEDAR 28, and you see those high landings. Those slightly to the left, that is in the late '70s, '80s, when the commercial fishery really had some high landings.

Even through information from fishermen that were fishing at that time, they said yeah, they believe that that happened. The fishery exploded, and they really recognized that that was too high of landings, and supported the reduction in harvest that followed. But what you see going from the 1986 model to the current time, is you see high landings, somewhat high landings continuing, and then they dropped down quite a bit. Generally, there is not a lot of trends in those landings from after about 2000, it's fairly flat.

The indices, there are not a lot of indices for this stock. We have a hook and line indices from the Florida trip ticket program. We have an MRIP

recreational CPUE with all of the caveats and uncertainties and concerns that go with any MRIP CPUE. Then we have a SEAMAP trawl that gets at the young of the year.

SEAMAP, you know is in the south, so if there is any larva appearing farther north, we're probably not getting them. Importantly is, there was no young of year value in 2020 from SEAMAP due to COVID. The SEAMAP is the gray line, and you can see that that is sort of trending downward on the right most.

Then there was a gap in 2020, we don't know where it went. But also, you notice that both the blue and the orange, which is the hook and line in the MRIP. Both of those dropped from 2019 to 2020. You think about the terminal year, this could be important to what the model is thinking is going on with the stock, because it's going into a period where these indices are saying, oh the stock kind of dropped down in 2020 and some of these indices are you know mid-year.

It's also being told from the landings that there was a lot of catch in 2020, so that's a recipe for the model to think the stock biomass is going down. The SSC reviewed all of this information at their meeting earlier in the year, and some of the issues and challenges that they highlighted were the difficulty in selecting that initial start year.

The change to 1986 didn't come easy. The model didn't seem to really have a strong preference. It didn't give a lot of indication as to what start year was best start year, and it really wasn't very well behaved on that parameter. The limited age composition information, as I mentioned. While natural mortality changed its approach, there still was a lot of difficulty in getting a good, robust estimate of it.

The surveys as I just showed, they're pretty flat. They lacked a lot of contrast, which is really important to knowing how the stock is responding, and they kind of conflict with landings trends. We had that decline in the surveys in the terminal years and we have landings going way up. There are a lot

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of pieces of information that aren't really coming together well in this model.

Then of course, which is often the case for our stocks, they were unable to estimate steepness, which is the critical stock recruitment parameter, which gives you an idea of how strong that relationship is. Steepness was fixed and suggesting there is not a very strong stock recruitment relationship for the stock.

That also makes it difficult when you're trying to estimate future, because putting the recruits into the population is critical for your future projections, and when you don't really have steepness, it's hard to know how your stock is going to respond to different levels of SSB in the future. This is what the SSC was faced with. But they did look at the stock status again, you know. They had all those challenges, looking at the results. You see this model is the stock status, as far as there is a stock overfished and stock overfishing. You look at that and say, oh, okay it's pretty good, right? I mean I'm not overfished and I'm not overfishing. That tends to make most people think that oh great, the assessment is doing fine.

This is based on the average of the last three years of that assessment, 2018 through 2020, so it's not capturing, it's not like it's just 2020. It's those last three years, and it's a pretty good spread, and it looks pretty decent. But there is always more to the assessment than this. If we now look into what we're actually seeing, as far as the trends and SSB and fishing mortality here.

The orange lines are the biomass. The one squiggly one with the dots is the actual SSB estimates. The red line with it that is the SSB_{msy}, so that is the target level. The orange line that it's above over its entire time series, that is the minimum stock size threshold. That's the level you want to stay above, or else your stock is declared overfished.

Then the blue below it, the one with the circles is the actual F estimates, your lighter blue line running through there, that's your F_{msy}. You want to be below the F_{msy}. The history of this stock is that

biomass is trended since 1985 to 2020 kind of up and down, around B_{msy} levels and actually in a lot of years quite a bit higher. Never been down to MSST.

F has been at or below F_{msy} the whole time series, until noticed right there on the far right 2020, the model wants to drive the F up above F_{msy} slightly. Technically, you would say the stock was overfishing in 2020. But because of uncertainty in the terminal year, the status convention in the South Atlantic is using the average of the last three years. The official status comes out, even from this assessment that overfishing is not occurring.

While the stock is dropped down, it's close to the MSY levels, they are still quite a bit above the minimum stock size threshold, so it doesn't appear to be bumping up against, certainly overfished yet, at least in these runs. The important thing here is that, you know you see how this stock has performed pretty well, pretty flat for a lot of years.

The fishermen we heard from, the SSC presentations and Council discussion, agree that that is what they think has really been happening. They said this stock has been amazingly consistent for the last 20, 30 years. Things begin to look a little bit different as I suggested, when you start to look at the projections.

Here we're looking at the landings and the SSB. The SSB is the orange, the blue is the landings, and at the red you have the terminal, the vertical red line that's the terminal year, so that's 2020. Those values to the right of that are what's projected in the stock assessment's projection models. This is where you really start to see the impact of what the assessment is telling you, as far as of interest to management, versus what it may be saying about stock status.

Stock status is the past, it influences management, but it's really not a driving factor for managers. What really matters to us as managers is what can we catch in the future, when we put a management plan in place? The first thing to notice is looking at landings in the blue, over on the right, the darker

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blue. You see the landings are pretty high in the first couple years of the projections. That's again, because of using the idea of the average landings continuing. If you feed the model the average landings, and we saw the increase in 2019, and big increase in 2020. You're telling the model during what we call the interim period, before you apply a different F. You're telling the model that landings are going to be pretty high.

What the model is doing is it's taking that orange line, which is the stock biomass. Remember, so from 2019 to 2020 we see that orange line dip down. Then because of those higher landings, and with the model not having anything to tell it, there is a lot of fish out there to support those higher landings, you see the biomass level drop considerably.

In 2021 the biomass level is down at the MSST level, and 2022 the biomass level is below MSST, in 2023 the biomass is quite a bit below MSST. It's actually projected to be at the lowest biomass the stock has ever seen during this whole 1986 onward period. That is of quite a bit concern, because the model is taking the stock into a place that none of the history has ever shown it to be at.

This is where I think some of the quirks in that data, the spike that you see in the recreational data, the lack of a juvenile survey, going into a projection period with a trajectory in that stock during your terminal year, really all comes together into what created kind of the management storm. You know if these results carry through, and it's really hard to say just yet.

But if projections like this were to carry through, really, we're going to the fishermen and saying, you have this stock which has been crunching along great for 30 years, but your landings are going to be cut in half. Bear in mind, for a number of years we've been looking forward to this assessment, to potentially give us some increase yield.

Anticipating that fishery effort survey will show higher effort and higher landings over time, show the stock was maybe a little bigger, more

productive, and that would help us deal with some of these closures we've been experiencing in the northern zone. I think most of you guys probably know that the commercial fishery in the northern zone has been getting shorter and shorter every year.

This year was the shortest it's been, 2021 the shortest before that, and 2020 the shortest before that. It's kind of hard to rectify from observed data perspective of something like the commercial fishery in the northern zone, that the stock is at an all-time low, because there is just no way the stock can be at an all-time low, and that fishery be having the shortest season it has ever had.

The projections really just don't line up with what we've heard from the fishermen. We heard it loud and clear at the SSC meeting and the Council meeting, and what we're seeing in the actual data that we have to look at this population. This is the real problem with the assessment. In my mind, and I told NMFS, if you all don't want to come talk about it, I will, and I'll give my opinion.

I think that the model does a pretty good job of capturing the history of this stock, when it has full data on the cohorts, and when it's got a fully fished out cohort and it's got a couple years of fishery information, it can do a pretty good job of estimating. But when we project into the future, I just don't have any confidence myself that this model has good projection ability. It's not very predictive. You know that happens sometimes in modeling, you know? It's one thing to observe and describe what happened, but it's another thing to use that to infer the future. To me that is the real core problem we're facing with this model.

The SSC recommendations coming out of this, where they were concerned with those data and fit issues I mentioned. They did not make a BSIA, best scientific information, evaluation or recommendation. They did not provide a revised ABC, and they suggested that a working group be created to provide guidance on some next assessment steps, to see if they can fix the model.

If they can get to something that they feel is robust and they have confidence in.

RESPONSE FROM THE SOUTH ATLANTIC COUNCIL

MR. CARMICHAEL: Those recommendations came to the Council at the September 2022 meeting. The assessment was presented, the SSC recommendations were presented, those issues were highlighted. At that meeting the Science Center offered to update the SEDAR 78 results with some revised MRIP estimates, so we had Richard Cody on the phone at the meeting, and talked about some things they could look at to try and revise those MRIP landings that we highlighted, those high observations in 2020, 2021, et cetera.

The plan was that could be done and reviewed by the SSC when it met a few weeks ago at its October meeting. They were able to get that work done, so the SSC met October 25-27. They did review this. This was, there is another presentation on our website here, this is the cover slide that went in detail of those changes.

They had a revised model, and we had updated MRIP values included in it. Here are a few highlights of the MRIP revisions. If you look at the figures on your right, we're seeing the general recreational landings and the general recreational discards. Those are showing the base model and the model with the new MRIP.

Probably the first thing you're looking at is you're saying, there's one line on there. But no there are two lines on there, it's just that the model really didn't respond at all to the revisions in the MRIP data. The changes were primarily 2020, 2021 landings, East Florida, shore mode, state waters and inland. The same components in MRIP have been discussed through the transition many times with many species, and particularly in Florida.

Some of the changes, for example, just as highlighted bullets in 2025. East Florida shore, the state waters went from 2,327 to 223,812 fish. That caught the SSCs eye. They were like, well that's a really big change. How do you change the landings

that much and you didn't change the model? The inland went from a million to 400,000, so one went up 200,000 one went down 800,000.

Net change landings went down 600,000, but it didn't really seem to affect the model. You'll also see in 2021, so the previous model didn't have any data for 2021, but now we do have some data for 2021, and we see the Territorial Seas going from 2.5 million to 1.2 million, so they dropped down by 1.3 million fish, and the inland went from 82,000 to 175,000, so up 100,000. The first thing you see there is in 2021 we saw an awful lot of Spanish mackerel available to the recreational fishery, which I think kind of reinforces the idea that there is no way the stock can be as low as the model seems to want to take it in the projections. If a shore based recreational and inshore recreational are able to find that many Spanish mackerel, there must be a lot of Spanish mackerel out there.

The SSC looking at the technical aspects of it, concern with the magnitude of those changes, there are some pretty significant changes, and they really didn't feel like they had a very good explanation for why just looking into the estimates and doing some imputing and some other changes could result in such a huge change in the MRIP estimate.

Rather than, I think giving them more confidence, it probably gave them less confidence. In the model, and certainly in the recreational input data, as far as how well it's representing what's really going on out there in the fishery. Based on the review of the model there, and in particular there is issues with the rec data and the lack of the model response to such changes.

They did not feel the MRIP estimates resolved their concerns. They again did not evaluate the SIA, nor did they recommend a new ABC. The working group just sat there on hold from August through September to October, after the Science Center said they would do some new runs.

But when those new runs didn't really give anybody any more warm and more fuzzy feelings, the

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working group has now been dusted off, and they're going to develop some terms of reference for additional assessment analyses. The SSC is planning to meet in January via webinar, to review an assessment, I forget which stock.

But they are going to look at the terms of reference, provide them to the Science Center, and let's hope that they will do the runs, and are anticipating additional Spanish model runs coming for the April, 2023 SSC meeting. We're pushing this out a little bit further, and Council we are now extending our timeline, as far as getting started on an actual Amendment.

The SSC is still, the assessment really is still kind of in limbo, in terms of the SSCs model. Where does this leave management? We have ABCs in place. We have existing ABCs, and they're still in effect, and they're in effect until the SSC gives us another ABC, always the case. There is some guidance from NMFS on what to do if say, an assessment is rejected, in terms of ABC. But you know we're not at that point yet.

The assessment hasn't been rejected. As I said, it's still kind of in limbo, and the SSC is still hoping to get something out of it to get something more robust. We're not at the point of say applying the NMFS guidance to say, what do we do now in the interim. But there has been a lot of talk about whether or not these changes can fix SEDAR 78, or whether we need to go back to the drawing board, and maybe do a full benchmark of Spanish, which would be several years, probably five years, best case ten years, most realistic case in the future.

The ABC we have is in place. The ACL is in place. The Amendment actually initiating an Amendment is on hold until we deal with the assessment and get an ABC. But the Council does intend to begin talking about the allocations within Spanish mackerel in December at our upcoming meeting, and applying an allocation decision tool, which Council has developed over a couple years, a way of getting information from a variety of sources and processing it into a way the Council can digest it and use it for allocation decision making. We're going

to have some discussions of Spanish, we just won't be at the point of say dealing with new catch levels, etcetera.

What does that mean to us for the stock as we continue to work through this process? You know the stock risk appears low, based certainly on the history and the anecdotal information we've heard from the fishermen, and from our advisors, as far as what they are seeing out there on the water. There is high availability proven in the data.

MRIP landings are high, discards remain high. Commercial sector is reporting large fish, which you go back into that time when the commercial landings were really high, back there in the late '70s. They did not see large fish. That is one of the things that they've noted. You know when they say they were overfishing that stock and they truly believe it, and they did not see the big fish. Now they're saying they see the big fish.

I think also very important is that steadily shortening northern zone seasons. You know through 2022, it just indicates high availability of the stock to those fisheries. The only suggestion of the stock risk arises just in the projections, and they're uniformed by data. They don't have age comp, they don't have CPUE, they don't have surveys to carry into there and tell what's going on with the stock.

It really just becomes kind of an accounting exercise of, how many fish are out there. You apply the F and this is how many can come out. But you don't have any of that other information, that I think this model really, really needs. I think it needs the age comp; I think it needs the surveys to really get a handle what the population is doing.

Now one risk and one challenge are certainly that management now remains based on the coastal household telephone survey, the old way of doing MRIP, and not the newer FES. Every year we go that we have to convert FES to CHTS, we know that adds to the uncertainty. It certainly adds to a bit of frustration with constituents, because if you go to the MRIP website you're going to get FES estimates.

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This creates confusion all the time, because folks will go there, and they'll see a different estimate reported for Spanish mackerel, then what say the Southeast Regional Office is reporting on their quota tracking page or ACL monitoring page, because they are converting back to the CHTS numbers. That's just a hassle that we have to deal with, it creates confusion, and it probably adds uncertainty to the whole process.

The sooner we can get the catch levels updated to the current method of doing MRIP, the better, because it just relieves a lot of that confusion. Then of course, important here is those actions to address the northern zone closures on hold, until we can deal with these issues. Then the last thing is just, what is the question of climate change for this stock? If this stock is shifting north, how long is it going to take for our assessment data system to recognize that is the productivity higher, because the stock is spreading over a larger area? Is it's carrying capacity going up? Is it shifting? We still see fish in the south, so there is not a lot of thought that Spanish is significantly just shifting northward, but it does seem to be some indication of increasing landings northward. There is not a lot in the data yet to really feel like you can hang your hat on it. But certainly, anecdotally in what we're hearing, it does seem to be ramping up a bit, certainly farther north than it has been historically. I think we're getting to the end. Yes, that was the last one. I guess I'll see if there are any questions on that, everyone.

CHAIR CIMINO: Yes, thanks, John. It really is great to have you back presenting stock assessments here with us. I am going to open it up to questions for John on the assessment and all that information presented. Emilie and I have thought about what's next for the Board, and obviously I need opinions on that from all of you.

As you're asking questions, you know keep in mind, we need to figure out our comfort level with exactly what John has said. Do we agree that there is low risk for this stock? Do we have concerns about the timeline? Regarding the northern commercial

closures. Emilie, correct me if I'm wrong, but I think we can kind of cover that in the next agenda item a little too.

Not worried so much about that. We can have that discussion later, but questions about the assessment, about where the SSC is, about the timelines. Then just overall communication between the Board and the Council as we go through this. I'll open it up to questions now. Go ahead, Shanna.

MS. SHANNA MADSEN: I just want to echo Joe's sentiments. It's great to have you up here, Dr. Carmichael. You always give an amazing presentation, break it down really well, so thank you so much for being here. I do have a couple questions, so stop me if I'm running on too long. My first question is just a general question. Why did the Subcommittee choose to do an operational assessment, when it had been so long since the last assessment?

MR. CARMICHAEL: Yes, that's partially due to process, partially due to workload management. Our other option is to do what is a research track, which they would go in and look at all the information. It takes about two years. It would have an independent peer review, including the CIE. Because they were using the same model and just updating the data, it felt like the operational approach would give enough of a process to get where they needed to go.

I think people were maybe a little surprised by just how the model has performed, and the difficulty in, you know resolving the natural mortality in the start year and a number of things from that prior SEDAR 28 assessment. The SSC has had a lot of discussion about recommending, you know just stop here and do a benchmark, or research track as we call it. But they realize, you know those are planned several years out, and that could add significant delay, so I think they're feeling a bit of that dilemma.

MS. MADSEN: Follow up. Maybe this is a little bit of guessing, but how are we feeling about the update coming up in April? Do we think that we're

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going to get there? I don't know if there has been any consideration or discussions just yet of what might change, in order to kind of get us to a different place than where we're ending up right now. Just kind of trying to think into the future.

MR. CARMICHAEL: Yes, and I talked to the analysts about that quite a bit. They do feel like high optimism that they can get it done. That may somewhat depend on exactly what the SSC requests, but they can get a fair amount of things done, they feel like, between January and the April meeting. Whether or not it resolves the issues is a question I think everyone was perhaps surprised that big changes in the MRIP data didn't really give the model much response.

I think that is coming at the terminal year, things are pretty well locked into place by the long history. I think there are more questions as to whether or not minor changes like that or other configuration changes can actually significantly move the needle on this model, because it seems very well locked in where it is. The issues in picking the start year suggest that it is kind of wagging over on that side.

But once you feed it, you know a lot of 20, 30 years of data for a short-lived fish. You know a lot of cohorts have moved through in that time, and those are pretty well locked in to that history. I think you get that stock stability, but what it's going to do on the end we're concerned about here in the projections, is kind of anyone's guess.

I sense some SSC members and others maybe feel like, yeah, not so sure this is going to change a lot. Others with a little higher optimism and kind of feeling like, you know they need to go through this and do everything they can, to try and salvage this model, if possible. If only just in the interest of time, knowing that if they were to just reject it, then it will be several years before another effort can be made.

MS. MADSEN: One more, if you don't mind, last one, I promise. You have up on the screen discussions about how the projections are really uninformed by some of those data. There are no age comps, the CPUE surveys are flat. What would

we be looking at? How would a research track or a benchmark be able to potentially better inform those projections?

Do you think it's just a matter of really tearing apart the model and kind of starting over entirely? Are we data limited, like are we unable to incorporate those things into the projections with the data that we currently have? Just kind of thinking out and wondering what is going to change between now and potentially a research track that we're going to be able to better inform those projections.

MR. CARMICHAEL: I think one of the challenges is just this model ending in 2020 with COVID, you know. When COVID started there was a lot of concern that people weren't going to fish, and licenses weren't going to be sold, and what was going to happen, and we saw quite the opposite. People went fishing a lot. You know we see a lot of stocks with increased landings. We see a lot of shore and inshore effort that happened at that time. I think that is just kind of an unfortunate quirk of the timing of this model.

But back in 2020, talking about things, there was a lot of concern about assessment models that would be done with like a 2020 terminal year. What is that data? Things are really different than the past, which is what models' kind of rely on. What is that really going to do, and the loss of surveys was a concern, so we didn't get the juvenile survey. I don't think that a doing what we have now as a research track would have changed a whole lot, unless maybe it found some more data or some different ways of dealing with like the age data from more northern areas, which some of the fishermen have identified. Basically saying, look I've been sampled, the data are somewhere, that sort of thing. I don't think that would have done much with a 2020 terminal year.

I think if we were to do it and update that to 2021 or 2022, we may get over that COVID hump. We could feed it some more juvenile survey information, the survey for the fishery information. There was some talk about looking at the

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commercial Florida trip ticket and more detail, and trying to make sure that is as strong as it can be.

I think those things would be likely to create some changes. But it still may struggle to project. To me that's one of the things that is just inherent in a stock assessment model. You just don't know what the fishery characteristics are going to be three years into the future. I just really believe we all need to spend more time, and be more critical of looking at those projections, and thinking do they really capture what is going on?

Because I noticed in assessments, if it happened big time in this one there is a tendency to look at status. If it's not overfished and not overfishing everybody thinks it's great, and that happened here. This model came out, the results are out and people are like, oh yeah, man this looks great. It's not overfished, it's not overfishing.

I'm like, well did you look at what you can catch in 2023? They're like, what? Half what you're catching now. People are like what, wait a minute. I think that that is just something we have to deal with in projections, and you know research track won't help that, unless somebody comes up with a better crystal ball, or some other way that is more robust, you know.

But we all know, like we're talking about the climate change issues. This could be affecting a stock like this, a short-lived fast-growing stock is probably likely to respond quickly to environmental changes, and I think it could be an ongoing challenge for us in the future, with this stock in particular.

CHAIR CIMINO: Thanks, John. Chris.

MR. CHRIS BATSAVAGE: Thank you for the presentation, John. I think you lay out the challenges and risks pretty well. I think you mentioned in 2021 the recreational harvest was also high. Was that also attributed to the shore mode in Florida, or is that from other high recreational landings?

MR. CARMICHAEL: It was shore mode. It was shore mode in multiple states, as I recall in general. But Florida is the one that particularly stood out through this whole time, with their shore mode landings in the transition to FES. But it was high, 2022 I looked at that last week, and you know we don't have the full information in. But through the waves that were done, 2022 looked down a little bit more like historic normal. But with the uncertainty there, all it takes is one really good wave and some high effort, and it could be right back up to where 2020 and 2021 were.

CHAIR CIMINO: Follow up, go ahead, Chris.

MR. BATSAVAGE: Follow up and one other question. Yes, I noticed that the shore-mode harvest the last couple years was much higher than the private boat mode, and in years past it was more on par with private boat. I didn't know if using the old MRIP estimates from the last assessment showed kind of a similar breakdown between the shore mode and the private boat mode, because one result of the revised MRIP estimates is it combined the big bank mode with the pier mode.

In doing that of course, what you catch off the end of a thousand-foot pier is a lot different than what you catch from shore. I didn't know if that might be having an influence on the catch estimates for Spanish mackerel, when you consider just the sheer number of trips from shore, and the catch rates from piers is factoring into that. There is a question in there somewhere, so didn't know if that kind of played a role, possibly.

MR. CARMICHAEL: Yes, you do. In the old MRIP and in the older years even in CHTS, the boat mode always was the higher proportion of recreational landings than shore. But it's in those last few years, now that data is just being collected through FES, you know and you do see that the shore mode is running away, far exceeding the boat mode, which that's where I think some of the survey changes and stuff may be in question.

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I know like the Outer Banks had a pretty darn good year for Spanish this year, you know off the piers and off the beach. Yes, you get that effort cranked up with some pretty good catches, and you are liable to see it spike up again. Yes, it does seem to me, at least, that it is something with CHTS, and it may be as you say, lumping the piers and the shore together could be having an impact.

MR. BATSAVAGE: Thanks, just one final question on the allocation decision that the South Atlantic Council is going to think about in December. How is that going to work, where you have catch estimates or catches from the commercial and recreational fishery now, based on unrevised MRIP, but we're still dealing with the catch in the old currency?

I'm just curious to know what kind of work that the South Atlantic Council can do on allocations now, you know with just that disconnect between catch in the currency and then also the uncertainty in the recreational harvest estimates, especially when you're looking at commercial recreational allocations.

MR. CARMICHAEL: Yes, the intent on that was that we would have the ABC and we would have the recreational now in the CHTS, and we could apply the allocations. If we're going to look at historical years, we'll have that with the CHTS conversion. I mean the FES conversion; I always flip-flop those.

No, we have the new MRIP and we would be able to apply that. I think likely what the Council will do to look at the MPS and MRIP updates, and apply that for the allocations. But the intent is that whatever allocation percentage changes might happen, they would be applied in the Amendment that brings in the new ABC. At least at this point there is no plans to try and revise allocations based on new data, and apply them to an ABC based on old data. But we're thinking allocation could be a tough discussion, so it might be worth our time to go ahead and start talking about that anyway.

CHAIR CIMINO: Other questions? Go ahead, Jay.

DR. JASON McNAMEE: Thanks, John, great presentation. Just thinking a little bit about, it just seems like there is not enough information available. Just the discussion we've been having; I don't know what would change the kind of give more information to the statistical model. It's a great group working on it.

I think they would have figured it out, you know if there was something there. I just wondered. I kind of poked around a little bit. You know you made the comment about the research track, how it gets mapped out like, you know pretty far out into the future. But there is a state-space approach research track going on now.

I wondered; did they think about that? Did they think about putting this in as one of the candidates? I think the way they did this was they kind of picked the set of candidate species that they were going to kind of bring into that research track. I wondered if this, I think it's either about to start or maybe just started.

I'm not sure where it's at. It's coming up soon, so was wondering if that was a thought. Maybe there is a way to kind of shoehorn it in sort of late in the game. But that might be a way to sort of get something in a quicker timeframe, using a different tool. My whole point is, I think you need a new tool that might be one it might not, I'm not sure.

MR. CARMICHAEL: Yes, that's a good idea, actually. Top of my head, not sure what the stock are, but Spanish seems to have come out of left field as a surprise, so it might be one that is worth seeing if we can get it in there, especially if there are some distribution shifts going on. That may help.

CHAIR CIMINO: Any other questions? Go ahead, Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Maybe this sort of segues into the next agenda item. But John, as far as timing goes, you know the new work will be done for the April SSC, April SSC does their work, and I assume they are going to report out at the

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June Council meeting. The June Council meeting, the Council will see the new information.

They've got one of two ways, right? They decide it is good enough, we can base management on this, let's go forward, or they say it's not good enough and then we're stuck, right? Unless, you know Jason's idea works out. You know we're going to have this interim period, where we really don't have much management advice, and the stock is moving.

I think that is going to be our big problem area. If it doesn't work, we may have five years where we really don't have management guidance, and we're trying to manage the stock. The public expects some good news, but we don't have any good news. Is that kind of the dilemma we're potentially in, is this big chunk of time where we don't have any assessment guidance and we need to keep this thing going?

MR. CARMICHAEL: Yes, I think that kind of is how it would play out if the Council gets it in June. I would think if these new runs and iterations of the model don't resolve the issues to the SSCs satisfaction, then I think we would push them to say, well are you at the point of rejecting this model? We can't come back in October with some more runs, like we're going to have to do something a bit more serious and robust to resolve the issues.

I feel, if they can't settle it, if they can't give us a new ABC in April based on this model, then I think we do need to invoke, okay, the model is essentially not informative for ABC. Let's look at our other options in the different data limited approaches, what you do when an assessment is essentially rejected, what you do in the interim, because there is guidance there.

There is stuff in the National Standards. I think we would really have to put that on the table for the SSC, and encourage them to say, okay give us an ABC with the best information you have now. Otherwise, as you say, we're waiting a number of years, and I just don't think that we can hold this existing ABC for another five, six, seven years. That would be a really bad idea.

CHAIR CIMINO: We're kind of coming to time on this issue. As I mentioned, Emilie has given us a lot of thought on where does the Board go next. One thing that she has noted that I want to put out there for all of you too, is that we don't have a technical committee for Spanish mackerel, so just thoughts from the Board on if it's time for that, or are we in a wait, and see?

I'm not sure that we would have any tasks for them at this point, but it is one thing to think about. I am interested in, again, comfort levels and thoughts on what are the Board's next steps, other than are we comfortable with just waiting to see if we get a new ABC next year? Go ahead, Spud.

MR. SPUD WOODWARD: Yes, it's a frustrating situation for us and for the Council, to be in this position of sort of limbo. But I think absent any definitive information on which to move forward, we don't have any choice but a wait and see posture, at least for the short term. I'm interested to learn a little more about, as these fisheries are moving northward.

Where are they actually being prosecuted at, because one of the things that I heard at our South Atlantic Council Mackerel Cobia AP is that with the exception of off of Cape Canaveral, Florida, the commercial fisheries are being prosecuted in state waters, which prompted one of our commercial fisheries representatives to say, is this a species that should be considered for management under the Commission rather than the Council.

I've tried to artfully deflect that as best I could, but it does raise an interesting question of, and especially in what we're going to be talking about this afternoon, of what are the optimal governance structures for managing changing fisheries. I had to kind of explain, well you know, we depend on SEDAR like the Council depends on SEDAR. It's not like we have our own separate stock status determination that gives us a different answer than the Council would operate on. Is the fishery as it moves northward, is it occurring primarily in state waters, or is it a mixture of state and federal

waters? If so, if it's primarily state waters, then we owe ourselves at least the analysis that we did for cobia, you know looking forward into what is the best governance structure in the future. I think that is something we can be doing now, to sort of think about where are the fisheries occurring, where are they likely to occur?

Sort of have that available in our minds, as we move forward with whatever steps we take, assuming that we get something other than what we have. As John politely, I think, communicated. There is a lot of skepticism that we're going to get anything different than what we have, so anyway that's my perspective. Thank you.

CHAIR CIMINO: No, thank you, I really appreciate that. I agree. That kind of goes back into this next agenda item that we have, looking at the regulations and the differences that the states have compared to the federal FMP. But that does kind of sound like the TC task, I think. Spud, that is a consideration. I think Emilie and I can start working on that information. But if that is the kind of thing, we're going to be looking at then we might want to give real consideration to populating a technical committee for help with that. Erika, go ahead, please.

MR. ERIKA BURGESS: John, thank you for your presentation. I appreciate the hours we've been able to discuss the stock assessment and its challenges. The commercial fishery is very important to Florida. It really is a Florida fishery. But the jurisdiction complications for managing Spanish mackerel are challenging, so I would not want to get in front of the Council at this time. Joe, my preference would be to wait and see what comes out of March.

Not only do we have an ASMFC plan and a South Atlantic Fishery Management Council plan, Spanish mackerel is part of a joint FMP at the federal level with the Gulf Council. There are lots of pieces to unravel as we talk about the future of this fishery, and how we manage it moving forward. But in the meantime, I would like to learn more about the growing fishery to the north.

Who are the participants? Where are the landings happening? I think we could use the interim time to really dig in and understand this fishery better, and perhaps bringing in our Advisory Panel to give us sort of a profile of the fishery. In Florida it's complicated again. We have three different types of commercial fishery prosecuting Spanish mackerel. I don't know how complicated it is to the north, but I would like to learn more.

CHAIR CIMINO: I think we're getting a sentiment here, and I certainly agree with all that has been said. Like I said, Emilie and I will look into that and the Commission will look to see, when is the appropriate time for this Board to reconvene, and if we have to do some stuff by e-mail in the interim, I'm sure we can do that.

REVIEW OF DIFFERENCES BETWEEN THE INTERSTATE FISHERY MANAGEMENT PLAN (FMP) AND FEDERAL FMP FOR SPANISH MACKEREL

CHAIR CIMINO: If there aren't any other hands on this item, we'll move into those differences in the State and Federal Management, and I'll turn it over to Emilie.

MS. EMILIE FRANKE: Moving into this presentation, I'll just give a brief overview of the differences between the state and federal FMPs. Again, as we've just discussed, this will probably come up again next year, whenever the Board reconvenes for the next time. We just wanted to remind folks about this, these differences that the Board discussed almost two years ago now in 2020. The last update to the Interstate FMP for Spanish mackerel was the Omnibus Amendment in 2011, and also an Addendum in 2013. Then on the federal side, Spanish mackerel is managed through the federal coastal migratory pelagics FMP. Any management action to consider addressing the differences between the two FMPs was postponed by the Board until completion of the 2022 assessment, which as we just heard is still undergoing revisions.

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The differences between the two FMPs exists in terms of the commercial management zones, the commercial trip limits and closures, allowable gears, the recreational season, and also the recreational accountability measures. For the commercial management zones, the Interstate FMP defines the northern zone as New York through Georgia, and also note that Rhode Island did join the management unit in 2021.

Then for the southern zone for the Interstate FMP, the southern zone is just the east coast of Florida. On the other hand, for the Federal FMP, the northern zone is New York through North Carolina, and the southern zone is South Carolina through the east coast of Florida. Moving into the commercial trip limits.

For both the Interstate northern zone and the Federal northern zone, there is a 3,500-pound commercial trip limit. For the Interstate southern zone, which again is just Florida, the trip limit starts at 3,500 pounds, and is reduced throughout the season, depending on the date and how much of the quota has been harvested, and the lowest step there is a 500-pound trip limit.

Under the Interstate FMP, states are not required to close state waters when Federal waters close. Then for the Federal southern zone, which is South Carolina through Florida, the trip limit also starts at 3,500 pounds, and then is reduced by how much of the quota has been harvested. On the Federal side, the Federal Zones close when that Federal Zone's quota has been met.

As John mentioned, just a reminder on some recent federal closures, and as a reminder, the commercial season is March through February for both the Federal and Interstate FMPs. In the most recent four seasons, including this season, the Federal northern zone has closed by the summertime, so June, July or August.

In recent years when this happened, Maryland, Virginia and North Carolina have all implemented a reduced trip limit in state waters as well. They implemented a 500-pound trip limit. Then in the

Federal southern zone, that zone has closed in two out of the most recent four years, and that closure typically occurs closer to the end of the season in January or February.

Moving on to the gear differences. The main difference here is that the Interstate FMP lists the prohibited gears for each sector, while the Federal FMP lists which gears are allowable. Then for the recreational season, the difference here is that the Interstate FMP specifies a calendar year season, while the Federal FMP specifies a March through February recreational season.

Then finally here for recreational accountability differences on the next slide. Under the Interstate FMP, if the total ACL is exceeded and the stock is overfished, then the recreational quotas are decreased via reduced bag limits the following year. Under the Federal FMP, if the total ACL is exceeded, the bag limits are also reduced, but if the stock is also overfished then there is a payback reducing the annual catch target. There are just some slight updates, I think. You know if the Board takes action in the future to align, you know what the Omnibus Amendment describes as the quota, just to align the terminology to have it consistent with the Federal FMP. That wraps up my presentation on the differences. Again, I think this is something that will come up again next year if the Board needs to consider any sort of Spanish mackerel action, you know following what the Council does in the coming months. Happy to take any questions.

CHAIR CIMINO: Questions. Go ahead, Lynn.

MS. LYNN FEGLEY: Yes, and I'm not sure this question is going to make sense. But we were just talking about, we are potentially staring down the barrel of a reallocation, and I'm wondering how this misalignment would impact that conversation, or if it does.

MS. FRANKE: That is a good question. I might turn to John for some help, but I mean in terms of the allocation between the commercial and recreational sectors. I'm not sure the misalignment would have too much of an impact, more than what we already

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have, in terms of the different northern and southern zones. I'll see John, is there anything you want to add to that?

MR. CARMICHAEL: No, I think that's right. The first discussion the Council will have will be the Commercial/Rec allocation. That is the primary bit. Then I don't know if there has been a lot of thought about any shifting within those commercial zones at this time. It should be pretty informative, what gets put on the table in December, I suppose, see what Council members bring up.

MS. FRANKE: Just to remind folks, the current allocation is 55 Commercial, 45 Recreational.

CHAIR CIMINO: Yes, and I think part of this goes back to what Spud was saying. Where are these fisheries prosecuted? Because if we don't have a requirement in our plan to go to that reduced trip limit, then one of the questions becomes, do states have the authority to do that on their own? Fortunately, the main states in that northern zone from North Carolina are able to and have been doing that. That becomes a question for us as well. Other questions for Emilie, or thoughts on this? Go ahead, Lynn.

MS. FEGLEY: Is there any particular timeline or urgency to address this misalignment? I ask that, because I think that this really does feed back to the conversation about really digging into the distribution of our landings. Where are these landings happening? Are they in state waters or are they in Fed waters?

It seems like one path forward would be to, rather than trying to align ourselves with the Federal Plan, to separate ourselves from the Federal Plan. I'm just kind of wondering if one thing has to happen before the other, or do they happen together, or if we even want to think about taking back Spanish mackerel.

CHAIR CIMINO: Go ahead, Spud.

MR. WOODWARD: Well, when this came up at the Advisory Panel meeting, you know Council staff

were quick to say well, you know, one of the first things we do is we take those ten criteria that you use to say whether a species should be subject to Federal management, and you sort of run them back through that with what is the current situation with the fishery.

I think part of what we'll be doing is sort of taking, okay what do we know about the way Spanish mackerel fishery works now along the coast. Run it back through those criteria. Look at how those criteria apply to it, and use that as sort of the first filter of whether, should we even consider moving from a joint management environment to an Interstate/Commission management environment.

I will certainly look to you all in North Carolina northward. The other thing I heard pretty clear and loud from the guys that are fishing entanglement gear north of Lookout is, please keep giving us our 500-pound closed season allowance, because they're fishing on species where it goes back to what John was saying.

You've got an abundant and widely distributed stock, and they can't avoid them. If you take away that 500-pound, you might as well call it a bycatch allowance, then you're going to have a lot of bycatch and you're going to have a lot of waste. They're saying, until we can reconfigure this fishery to something different than what it is. Please don't take that away, because that's preventing a lot of waste that would be unavoidable otherwise.

MS. FRANKE: I think also, partly in response to Lynn's question, in terms of addressing this alignment maybe sooner rather than later. One of the things that Council could potentially address at some point is this issue of the northern zone closure. If the Council does take action on that, it might be beneficial to wait and see what their action might be. If the Board does want to align, or not align with the Council FMP. We at least know what the Council's next step might be. I think there are still a lot of question marks as to potential action the Council might take next year.

CHAIR CIMINO: Spud and then Chris.

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MR. WOODWARD: Yes, just a follow up on that and too, just maybe to allay some fears. I think our plans, and Mel and John can correct me if I'm wrong, with using this allocation decision free tool, is just sort of try it out. Want to see, okay here is where we are with our ABCs our ACLs. You know we're going to run again, what's the fishery. We're going to run it through this tool, and just say okay, what would we do different if we wanted to. That doesn't mean that we're committing ourselves to any course of action by using that decision tree.

Is that what we all agree? We've developed this tool. You know it takes, basically the biology, the ecology, the social, the economic and it's designed to merge all that together if you give us something other than just the traditional, historic catch history, you know kind of approach to it. But I don't think anybody is saying, well we're going to take whatever that tool for this as an output, and immediately put it into an amendment or something. I mean that is certainly not my understanding.

MR. CARMICHAEL: Yes, the important thing about the tool, and this was stressed by staff when we were developing it, and Council was approving the concept, is it doesn't give you the answer. It gives you a process for getting to an answer and evaluating alternatives. But it's not the kind of thing where you're going to plug in data, spit out the results and say okay, there you go.

You know it's really kind of a way to make sure you go through all the different pieces of data for each stock each time, and you're consistent in looking at it across stocks, and how you evaluate things. But like Spud said, it doesn't give you the answer, and it certainly doesn't obligate you then to go in and change the allocation as well. Yes, it's hard to say where that will play out, and as we've not used it a whole lot, so it's a very new thing. This will be one of the first real applications of it, and see where it takes us.

CHAIR CIMINO: Go ahead, Chris.

MR. BATSAVAGE: As stated before, we're really not in a position to address the misalignment between the two plans. We're handling it on an ad hoc basis, more or less, when it comes to dealing with commercial trip limits after the Federal ACL closes, for instance. But looking at the list of things that are kind of misaligned, a couple points to think about for this Board and the Council, when the Council moves forward on an amendment.

The 3,500-pound trip limit to start things off, is it constrained to any of the fishery or barely any of the fishery? None of that has been discussed by the Council before, and you'll see some pushback from the commercial fishery. But when you start at a high trip limit, and that essentially is unlimited, that results in hitting your ACLs a lot quicker.

Rationing out the quota with more reasonable trip limits is probably something worth exploring. The accountability measures in the recreational fishery, where we look at bag limit reductions to address overages. I think we've noticed with other recreational fisheries that relying on that tool alone doesn't always get you where you need to go, because in many cases, even with a high bag limit, you have to reduce that bag limit by a big number to get any impact.

Having something maybe a little less prescriptive, in terms of addressing overages, like we do with the recreational fisheries, is something that should be considered in the future. But we're not in a position to move forward on anything, until all these other things we talked about earlier get resolved.

CHAIR CIMINO: I think one thing that we can do, Emilie and I, is just keep track of this and we can provide updates to the Board as necessary, and then of course we will get us back on an agenda when needed.

**CONSIDER THE FISHERY MANAGEMENT PLAN
REVIEWS AND STATE COMPLIANCE FOR THE
2021 FISHING YEAR**

CHAIR CIMINO: I think, unless there are any other hands on this, we can move into the next agenda item, which is Considering the Fishery Management Plan Reviews and State Compliance for the 2021 Fishing Year. I'll be turning this over to Emilie, who will do a presentation first on Spanish mackerel, and we'll pause after that. Then we'll move into cobia.

SPANISH MACKEREL FMP REVIEW

MS. FRANKE: I'll start with the Spanish mackerel FMP Review. We've already been discussing Spanish mackerel for a bit, so I'll keep it brief. But for the Interstate FMP for the Omnibus Amendment for both the recreational and commercial sector there is a 12-inch fork-length or a 14-inch total length size limit. For the recreational sector there is a 15-fish creel limit, and fish must be landed with the head and fins intact. Then for the commercial fishery, I already went over the trip limits, so we'll move on to the next slide.

As far as the status of the stock, as noted earlier, the 2012 assessment SEDAR 28 found this stock to be not overfished nor experiencing overfishing, and again this current stock assessment, SEDAR 78, completed in 2022 with a terminal year of 2020, is still undergoing additional revisions before being considered for use in management.

Moving on to the status of the fishery. As a reminder, all the landings in the FMP Review are calendar year landings, and also this FMP Review uses the current recalibrated MRIP estimates from the fishing effort survey. You know the previous FMP Reviews listed the state-by-state landings from the coastal household telephone survey.

However, with the intent of this new assessment to update to the FES based landings, the PRT agreed it was timely to switch these FMP reviews to reflect what MRIP currently reports for landings. The FMP Review does include this figure showing the comparison from the previous Coastal Household Telephone Survey, harvest estimates, which is the gray dash line, to the current FES based estimates, which is the solid black line.

Again, you can see those higher estimates with the new FES landings. As far as total landings in 2021 combined commercial and recreational. The combined landings were an estimated 14.6 million pounds, with the commercial fishery harvesting approximately 33 percent of that total, and the recreational fishery harvesting about 67 percent of that total. Again, based on the current MRIP estimates.

For the commercial sector specifically in 2021, landings were 4.75 million pounds of which 72 percent were landed in Florida, and 24 percent in North Carolina as the majority there. For the commercial sector, 2021 is one of only three years since 1995 with commercial landings over 4 million pounds.

On the recreational side, again according to the current MRIP estimates, recreational anglers harvested 8.6 million Spanish mackerel, or about 9.8 million pounds, which is the highest in the time series. Again, Florida and North Carolina account for the majority there, Florida with 69 percent and North Carolina with 15 percent by number of fish.

Then the number of recreational releases of Spanish mackerel have generally increased over time, reaching the highest in the time series in 2021 with 6 million releases. Again, as we heard earlier, there were some questions about the 2020 and '21 MRIP estimates, so the FMP Review will be updated with those revised MRIP estimates that John went over, once they've been updated in the MRIP database.

This figure here shows the commercial landings in blue and the recreational landings in gray. Again, you can see 2020 and '21 were the highest recreational landings in the time series, and commercial landings over the past few decades have largely been below 4 million pounds, except for a couple years, including 2021. Then as far as compliance in 2021 implementation. The PRT found no inconsistencies from the FMP, and again a note here that Rhode Island just declared interest in Spanish mackerel last year, so they are currently developing regulations through their state process for Spanish mackerel. Then finally to wrap up here,

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on the next slide for de minimis for Spanish mackerel. A state qualifies for de minimis if its previous three-year average combined commercial and rec landings is less than 1 percent of the coastwide average.

De minimis states are not required to implement any monitoring programs, although there are no specific monitoring requirements in the FMP. Rhode Island, New Jersey and Delaware have all requested de minimis, and they all do meet the requirements for de minimis. I'm happy to take any questions before I start the cobia FMP Review, if folks have any questions on Spanish mackerel.

CHAIR CIMINO: Okay, Shanna and then Lynn.

MS. MADSEN: If Lynn's question is about the FMP Review, I might let her take it first. No, different, okay. As the conversation has been developing around the table, before we get off of Spanish mackerel. My question was more a question of process. I think that you know a lot of us are asking questions about looking to characterize the fishery, gathering information about how the northern states are prosecuting their fisheries and things like that.

You float at the idea of forming a Technical Committee to start to potentially tackle some of these questions, and maybe we don't have specific tasks for that TC just yet. But it does sound like we're going to need to start to gather a lot of this information, in order to be able to really drill down on some of the questions that are coming out of this Board.

My question is, what do we need to do to form a TC, and do we potentially want to discuss that happening today, or going back to the states and starting to evaluate what our workloads look like, who could potentially sit on that, et cetera. I just don't know what the process looks like.

CHAIR CIMINO: Yes, that's a great question. We'll turn it over to Bob. I do think that you know now that we split this group out. I don't think we have

any other TC that would seem appropriate to kind of lean on. We'll go to Bob.

EXECUTIVE DIRECTOR BEAL: Yes, the process is actually very simple. If this Board wants a technical committee for Spanish mackerel they can make that decision, and then we would reach out to the states to populate the committee. Pretty straightforward, if that is what the Board wants to do. It doesn't have to go to the Policy Board or anything else, it's a Board decision at this level.

MS. FRANKE: Then maybe over the next few months, once we identify a potential TC member or a point of contact for each state. As staff, I can work with each contact to maybe for each state to submit some just general information on how their fisheries are prosecuted. We can come up with a couple questions for each state to fill out. We will have sort of, I think someone mentioned sort of like a fishery profile for the Commission states to get an idea of how the fisheries are prosecuted in each state. I'm seeing some head nods, so I can work over that over the next few months.

CHAIR CIMINO: Okay thanks, Lynn.

MS. FEGLEY: My question is resolved, thank you.

CHAIR CIMINO: Go ahead, Marty.

MR. MARTIN GARY: More maybe a question for Jason or Eric. I'm always intrigued by this northernmost distribution of fish when they're shifting or expanding. I was wondering if either of you could characterize what you're seeing up there in space and time, in terms of that species moving into your waters.

MR. ERIC REID: Well, thank you for the question. I just wanted to thank this Board for putting Rhode Island on this Board. I was really enthralled by a conversation about models that don't work and reallocation and all this other stuff. It's none of your business what happens in Rhode Island, because we're going to be out of here in another month.

To answer your question, Marty. I know outside of Narraganset Bay; I think it's still in state waters. There have been floating fish traps there forever, and they catch those fish pretty regular in the summertime. They are a lot of work to get in the water and get out of the water, and you can't find good help now, so I don't know how many of those traps are physically in the water now.

But I think the majority of our landings in the past is from that particular gear. But I'm sure the recreational sector catches them rod and reel, and there is some, you know gillnetting for bluefish and other things like that, which would certainly catch that fish as well. We don't land a lot of them, but you know. Where is Tom Fote: I've been around a long time, and back in 1979 it was nothing to have 3,000/4,000 pounds of Spanish mackerel in a fish trap.

CHAIR CIMINO: Eric, you asked. Tom has his hand up, so go ahead, Tom.

MR. THOMAS P. FOTE: Yes, I've seen over the years particular times that we had Spanish mackerel all over Jersey. Just when the warm water came up, we got them, and we're probably going to be getting a lot more with the change in temperature, and there are some looking forward to it. That maybe replace some of the fish that are moving north out of our area, but yes, it's interesting.

CHAIR CIMINO: Okay, I do want to continue to move us along, but I guess Bob mentioned it's simple, but I'm not sure. Do we need a formal motion, or we just we assume and it's the will of the Board?

MS. FRANKE: I don't think we need a motion to form a TC. Where it's the will of the Board we'll all move forward with that as staff.

CHAIR CIMINO: Okay, so we'll reach out, we'll send an e-mail looking for nominees for that. Okay, and we'll move on to cobia, and I'm sure we'll have some questions there, so go ahead, Emilie.

ATLANTIC COBIA FMP REVIEW

MS. FRANKE: I'll get in now to shifting gears to this Board's other species, which is the Atlantic stock of cobia. I'll go over the FMP Review here. As a reminder, Atlantic cobia are currently managed through Amendment 1 to the Interstate FMP approved in 2019, which transitioned Atlantic cobia to sole management by the Commission. Then also Addendum I was approved in 2020.

The total harvest quota for fishing years '21 through '23 is about 80,000 fish, which is allocated 96 percent to the recreational sector and 4 percent to the commercial sector. For the commercial sector, along with size limits and possession limits, commercial harvest from non de minimis states, which currently is Virginia, North Carolina and South Carolina, is tracked and reported to the Commission throughout the season, and the fishery closes if commercial landings reach the specified commercial closure trigger.

Then 4 percent of the commercial quota portion is set aside for de minimis harvest. For the recreational fishery. Again, in addition to size and possession limits, the recreational quota is allocated to state harvest targets for non de minimis states. Every couple of years when specifications are set, these states evaluate their average landings against their harvest quota, and have to adjust measures if they are exceeding that target.

One percent of the recreational quota is set aside for de minimis harvest, and states that have recreational de minimis status can either adopt the same measures as the nearest non de minimis state, or they can simply adopt a 37-inch total length minimum size limit, and a one-fish per vessel limit.

As far as the status of the stock for Atlantic cobia. The most recent assessment was SEDAR 58, completed in 2020 with a terminal year of 2017. It found the stock was not overfished and overfishing was not occurring. The next SEDAR assessment is tentatively scheduled for 2025, with a terminal year of either 2023 or 2024.

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As a reminder, the Atlantic cobia stock extends from Georgia northward. Cobia in Florida waters are considered part of the Gulf of Mexico stock, which is not managed by the Commission. For landings in 2021, total Atlantic cobia landings, both the commercial and recreational sectors combined were about 2.7 million pounds, with only 2.5 percent from the commercial sector, and over 97 percent from the recreational sector. Total 2021 landings were about a 13 percent increase from 2020.

Then on the commercial side, 2021 landings were 66,499 pounds, with Virginia, North Carolina harvesting the majority with about 44 percent each. Then the total landings from Virginia, North Carolina and South Carolina, so those non de minimis states, did not reach the closure trigger, so the fishery was open through the end of the year. Then for the recreational sector, in 2021 recreational landings were about 2.6 million pounds, or just under 91,000 fish by number. Virginia landed the majority with 63 percent, and North Carolina landed 12 percent. Looking at the whole time series from 1981 through 2021, average recreational harvest is about 1 million pounds per year. But as you can see more recently, landings have increased, so this most recent ten-year average is about 2.1 million pounds per year. Then as far as recreational releases, those have also generally increased. Over the last five years an average of 79 percent of the recreational catch were released alive. This is higher than the previous five-year average of about 61 percent.

This figure just shows the commercial and recreational landings in pounds. Again, you can see the commercial sector is pretty small there, at the bottom in orange, and then the rest is the recreational landings with some increases in recent years, as well as some fluctuations year to year. Then as far as 2021 implementation, the PRT found no inconsistencies from the FMP.

We did see a few regulation changes in 2021 based on Addendum I. After evaluating their previous landings against their new harvest target, Virginia

implemented measures designed to reduce their recreational harvest by 42 percent, by lowering their vessel limit and shortening their season. Then North Carolina was able to liberalize their measures, and they increased the vessel limit for private anglers only for an additional month during the year.

Then for de minimis states, de minimis states changed their measures, again to either adopt the nearest non de minimis state, which for all of de minimis states is Virginia, or adopted the standard de minimis measure from the FMP. There are a couple of points here from the PRT regarding de minimis.

On the recreational side to qualify for de minimis a state's recreational harvest in two of the past three years must be less than 1 percent of coastwide landings during that time. Rhode Island, New Jersey, Delaware, Maryland and Florida all requested de minimis status, and all these states met their requirement, except for Maryland.

In their compliance report, Maryland noted that given the variability in landings from year to year, after having 0 harvest in 2019 and being just over that 1 percent threshold in 2020. Maryland requested to continue under de minimis until this year's harvest can be evaluated. The PRT did discuss and agree with this rationale.

For commercial de minimis we had a similar situation. To qualify for commercial de minimis, landings for two of the last three years must be less than 2 percent of the annual landings during that time. We had Rhode Island, New Jersey, Delaware, Maryland, Georgia and Florida request commercial de minimis status, and all met the qualifications except for New Jersey.

In their compliance report New Jersey noted that their 2019 and 2021 landings were considered to be pretty anomalous, anomalously high, and also, they are tracking their current landings this year, and their current landings are less than 20 percent of what the landings were during those high years. New Jersey requested to continue under de minimis

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until this year's harvest can be evaluated, and again the PRT did agree with this rationale.

The PRT recommends the Board approve all de minimis requests, including Maryland and New Jersey. This sort of brought up a conversation at the PRT level that over the next few years you could see multiple states starting to exceed this de minimis threshold, especially if cobia landings in the Mid-Atlantic continue to increase. There are some potential management implications here, including you know if a state becomes non de minimis for commercial they would have to start conducting in-season monitoring and reporting of their commercial harvest.

Then on the recreational side, if a state becomes non de minimis you have to add that state to the calculation of recreational harvest targets. Then another thing is the current allocation regarding those recreational harvest targets is based only on data through 2015. That's another thing the PRT noted the Board may need to update, sort of in the coming years.

You know from the PRTs perspective, they recommend that as the Board is discussing new cobia specifications next year, and with the upcoming stock assessment. The Board should also discuss whether these updates to the recreational harvest targets and the allocations would be appropriate at that time as well.

Then just to wrap up. The final note from the PRT here is the PRT noted that New York's recent commercial cobia landings were 6.9 percent of coastwide landings in 2020, and 2.4 percent in '21. Based on those years, the PRT recommends New York declare an interest in Atlantic cobia, and update their regulations to meet de minimis.

I believe that New York has actually already started the process of updating their regulations to the de minimis requirements, and the PRT also noted that depending on future landing that as we mentioned before, this in-season monitoring may need to be required in some states. That's all I have for the FMP Review for cobia, a little bit more than Spanish

mackerel. If you folks have questions, I'm happy to address those.

CHAIR CIMINO: We'll look for hands on questions. You know as we eat lunch today, we're going to have to think some big thoughts on what de minimis means for this species, because it's kind of baked in, since we have recreational harvest targets by state. As states move out of de minimis status there.

I'll tell you, Jim, if MRIP doesn't show decent numbers for New York and New Jersey this year, then I'm worried that survey is missing what's really happening on the water, because there was an awful lot of talk about that. After we get through questions, we'll look for motions for approval for both species, but any questions? Go ahead, Malcolm.

DR. MALCOLM RHODES: This is probably just housekeeping, but Florida, since they are a member of this Board and requested recreational de minimis. Is that just kind of housekeeping?

MS. FRANKE: Yes, exactly. Florida is still required to submit a compliance report every year that basically says they harvested 0 cobia from the Atlantic migratory stock.

CHAIR CIMINO: Okay, oh go ahead.

MR. JAMES J. GILMORE, JR.: Just to give an update on New York. You know we're struggling with the data. In fact, it's like, are we going to get into declaring the fishery then declare out of the fishery and declare back in the fishery, the way the data is going. Just so, just an update of what New York is doing. We do have a rulemaking in process to adopt the current de minimis commercial and recreational harvest regulations that we've initiated another rulemaking so that if we exceed the coastwide TAC, whatever that we'll be able to shut the fishery down.

We've got the regulatory mechanisms in process. But 2021 the landings were over the 6-point whatever percent, and then this year, up to right

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now we've made it 200 pounds. The same thing on the recreational side. We had the last 10 years no landings from MRIP. This year we've got 3,500 fish we landed.

It's really all over the place. At this point we're not going to plan to declare in until we get some more stable data, because there are a lot of other factors going on, and I'm sure coming out of the COVID and everything is really making things kind of crazy. But we're going to keep monitoring it and once we get to that point, we'll clearly do what we need to do. Thanks.

CHAIR CIMINO: If no other hands with questions here we'll look for a motion to get these FMP Reviews approved. Lynn.

MS. FEGLEY: Mr. Chair, I would be happy to make that motion. I move to approve the Spanish Mackerel FMP Review for the 2021 fishing year, state compliance reports and de minimis requests for Rhode Island, New Jersey, and Delaware.

CHAIR CIMINO: Thank you for that, motion by Lynn Fegley, second Doug Haymans. Any discussion on the motion? Go ahead, Malcolm.

DR. RHODES: Just to kind of housekeeping. Do we need to add also approving the recommendation for the PRT looking into those de minimis issues? Is that part of this, or does that need to be added on to the motion?

MS. FRANKE: I think that's for cobia, and we don't need to add it to the motion. I think that's something that the Technical Committee and the PRT can discuss next year when looking into cobia specifications. But thanks for that.

CHAIR CIMINO: Any objection to the motion? No hands, good, we'll consider that approved by unanimous consent, and we'll look for a motion for the Cobia Review. Thanks, Doug, go ahead.

MR. DOUG HAYMANS: Mr. Chair, I move to approve the Atlantic Cobia FMP Review for the 2021 fishing year, state compliance reports and de

minimis requests for Rhode Island, New Jersey, Delaware, Maryland, Georgia, and Florida.

CHAIR CIMINO: Great, thanks, second by Mel Bell. Any discussion? Great. Any objection to the motion? Seeing no objections, also approved by unanimous consent.

ADJOURNMENT

CHAIR CIMINO: If there is any other business to come before the Board you are not going to be very popular. But go ahead. No, great, so I'll look for a motion to adjourn. But before I do, I want to say thank you again to Emilie and John for a great job. Motion by Malcolm, all right, we are adjourned.

(Whereupon the meeting convened at 12:15 p.m. on Tuesday November 8, 2022.)