

Atlantic States Marine Fisheries Commission

Coastal Pelagics Management Board

May 1, 2024
10:15 – 11:45 a.m.

Draft Agenda

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

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|--|------------|
| 1. Welcome/Call to Order (<i>S. Woodward</i>) | 10:15 a.m. |
| 2. Board Consent | 10:15 a.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from January 2024 | |
| 3. Public Comment | 10:20 a.m. |
| 4. Consider Approval of Atlantic Cobia Draft Addendum II on Recreational Allocation, Harvest Target Evaluation, and Measures Setting for Public Comment (<i>E. Franke</i>) Action | 10:30 a.m. |
| 5. Presentation of Spanish Mackerel White Paper (<i>E. Franke</i>) | 11:20 a.m. |
| 6. Update from South Atlantic Fishery Management Council on Mackerel Port Meetings (<i>J. Carmichael</i>) | 11:40 a.m. |
| 7. Other Business/Adjourn | 11:45 a.m. |

The meeting will be held at The Westin Crystal City (1800 Richmond Highway, Arlington, VA; 703.486.1111) and via webinar; click [here](#) for details

MEETING OVERVIEW

Coastal Pelagics Management Board

May 1, 2024

10:15 – 11:45 a.m.

Hybrid

Chair: Spud Woodward (GA) Assumed Chairmanship: 1/24	Technical Committee Chair: Cobia: Angela Giuliano (MD) Spanish Mackerel: Vacant	Law Enforcement Committee Rep: Capt. Scott Pearce (FL)
Vice Chair: Lynn Fegley (MD)	Advisory Panel Chair: Craig Freeman (VA)	Previous Board Meeting: January 24, 2024
Voting Members: RI, NY, NJ, DE, MD, PRFC, VA, NC, SC, GA, FL, SAFMC, NMFS (13 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from January 2024

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

4. Cobia Draft Addendum II on Recreational Allocation, Harvest Target Evaluation, and Measures Setting (10:30-11:20 a.m.) Action

Background

- In October 2023, the Board initiated an addendum to address reallocation of recreational cobia quota based on more recent harvest data.
- In January 2024, the Board provided additional guidance to the Plan Development Team (PDT) to consider alternatives to the current state-by-state allocation system, the process for updating allocations in the future, and uncertainty around harvest estimates.
- The PDT met three times in March and April 2024 to develop the draft addendum for Board review (**Briefing Materials**).
- The PDT documented additional discussion and PDT recommendations regarding the scope of some options for the Board's consideration (**Briefing Materials**).

Presentations

- Overview of Draft Addendum II for public comment by E. Franke

Board actions for consideration at this meeting

- Approve Draft Addendum II for public comment

5. Presentation of Spanish Mackerel White Paper (11:20-11:40 a.m.)

Background

- In August 2023, the Board tasked the newly formed Spanish Mackerel Technical Committee (TC) to develop a paper characterizing Spanish mackerel fisheries along the coast to help inform the Board ahead of any future management action.
- In October 2023, each state submitted a fishery profile questionnaire to provide details on its commercial and recreational fisheries.
- The TC reviewed the state fishery profiles and met in April 2024 to develop the paper summarizing key details about state commercial and recreational fisheries (**Supplemental Materials**).

Presentations

- Overview of Spanish Mackerel white paper by E. Franke

6. Update on South Atlantic Fishery Management Council Mackerel Port Meetings (11:40-11:45 a.m.)

Background

- The South Atlantic Fishery Management Council (SAFMC) is conducting a series of [port meetings](#) for king and Spanish mackerel throughout 2024 to gain a comprehensive understanding of those fisheries from stakeholders to inform management efforts.
- SAFMC's Mackerel Cobia Committee met in March 2024 to finalize the port meetings plan (**Briefing Materials**).
- The first set of port meetings took place in North Carolina from April 1 through April 4.

Presentations

- Update on SAFMC Mackerel Port Meetings by J. Carmichael

7. Other Business/Adjourn (11:45 a.m.)

Coastal Pelagics Board

Activity level: Moderate

Committee Overlap Score: Moderate

Committee Task List

- Cobia TC – Most TC members participate in the SEDAR 95 benchmark stock assessment process
- Cobia PDT – Develop Draft Addendum II for Board review (recreational reallocation, harvest target evaluation, measures setting)
- Spanish Mackerel TC – Develop a paper characterizing the recreational and commercial Spanish mackerel fisheries along the Atlantic Coast
- Spanish Mackerel TC/PRT – October 1: Compliance Reports Due
- Cobia TC/PRT – July 1: Compliance Reports Due

Technical Committee Members:

Cobia TC: Angela Giuliano (MD, Chair), Nichole Ares (RI), Zachary Schuller (NY), Jamie Darrow (NJ), Somers Smott (VA), Melinda Lambert (NC), Justin Yost (SC), Chris Kalinowsky (GA), Christina Wiegand (SAFMC), Michael Larkin (SERO)

Spanish Mackerel TC: Reuben Macfarlan (RI), Zachary Schuller (NY), Jamie Darrow (NJ), Devon Scott (DE), Harry Rickabaugh (MD), Ingrid Braun (PRFC), Joshua McGilly (VA), McLean Seward (NC), Pearse Webster (SC), Jeff Renchen (FL), Christina Wiegand (SAFMC)

Plan Review Team Members:

Cobia PRT: Angela Giuliano (MD), Somers Smott (VA), Chris McDonough (SC), Emilie Franke (ASMFC)

Spanish Mackerel PRT: McLean Seward (NC), Pearse Webster (SC), BJ Hilton (GA), Christina Wiegand (SAFMC), John Hadley (SAFMC), Emilie Franke (ASMFC)

Plan Development Team Members:

Cobia Draft Addendum II PDT: Nichole Ares (RI), Zachary Schuller (NY), Brian Neilan (NJ), Angela Giuliano (MD), Somers Smott (VA), Kathy Knowlton (GA), Emilie Franke (ASMFC), Chelsea

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

**The Westin Crystal City
Arlington, Virginia
Hybrid Meeting**

January 24, 2024

These minutes are draft and subject to approval by the Coastal Pelagics Management Board.
The Board will review the minutes during its next meeting.

TABLE OF CONTENTS

Call to Order, Chair Spud Woodward1

Approval of Agenda1

Approval of Proceedings from October 17, 20231

Public Comment1

Consider Approval of Terms of Reference for the SouthEast Data, Assessment and Review of Atlantic Migratory Group (AMG) Cobia Stock Assessment1

Update from Cobia Plan Development Team on Recreational Reallocation Addendum Scoping.....4

Consider Approval of Spanish Mackerel Fishery Management Plan Review and State Compliance Reports for the 2022 Fishing Year 14

Update from the South Atlantic Fishery Management Council on Mackerel Port Meetings and Coastal Migratory Pelagics Framework Amendment 13 16

Elect Vice-Chair..... 18

Adjournment 18

INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of October 18, 2023** by consent (Page 1).
3. **Move to approve the Terms of Reference for the SouthEast Data, Assessment, and Review Atlantic Cobia Benchmark Stock Assessment (SEDAR 95)** (Page 3). Motion by Lynn Fegley; second by Erica Burgess. Motion carries by unanimous consent (Page 3).
4. **Move to approve the Spanish Mackerel Fishery Management Plan Review for the 2022 fishing year, state compliance reports, and de minimis requests from Rhode Island, New Jersey, Delaware, and Georgia** (Page 16). Motion by Doug Haymans; second by Erica Burgess. Motion carries by consent (Page 16).
5. **Move to elect Ms. Lynn Fegley from Maryland as Vice Chair of the Coastal Pelagics Management Board** (Page 18). Motion by Shanna Madsen; second by Malcolm Rhodes. Motion passes by consent (Page 18).
6. **Move to adjourn** by consent (Page 18).

ATTENDANCE TO BE FILLED ON A LATER DATE

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The Coastal Pelagics Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Wednesday, January 24, 2024, and was called to order at 10:30 a.m. by Chair Spud Woodward.

CALL TO ORDER

CHAIR SPUD WOODWARD: Good morning, everybody. I want to call the meeting of the Coastal Pelagics Management Board to order. For those that are online, I am Spud Woodward; Governor's appointee commissioner from the state of Georgia. I am Chair for this meeting, made a quick move from Vice-Chair to Chair, thanks to the election of Joe Cimino as Commission Chair. I want to welcome everybody to this meeting.

APPROVAL OF AGENDA

CHAIR WOODWARD: Our first item of business is Approval of the Agenda. Is there any recommended changes or modifications to the agenda from members of the Board? I don't see any hands, I assume there is nothing online, nobody on line's hand raised. Any opposition to accepting the agenda as presented? Seeing none; we'll consider the agenda adopted by unanimous consent.

APPROVAL OF PROCEEDINGS

CHAIR WOODWARD: You also have the proceedings from the October, 2023 meeting of the Coastal Pelagics Board in the briefing materials. Are there any edits, corrections, modifications to the proceedings? Seeing none in the room, I assume none online. Any opposition to accepting the proceedings as presented? Seeing none; we'll consider that adopted by unanimous consent.

PUBLIC COMMENT

CHAIR WOODWARD: At this point we have an opportunity for Public Comment. Is there anyone, I don't see anyone in the room, anyone online that wishes to make public comment to the Coastal Pelagics Board for items that are not on the agenda? Again, don't see anything, so we'll move along.

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We've got quite a few items, some of these may require some pretty in-depth discussion.

CONSIDER APPROVAL OF TERMS OF REFERENCE FOR THE SOUTHEAST DATA, ASSESSMENT AND REVIEW OF ATLANTIC MIGRATORY GROUP (AMG) COBIA STOCK ASSESSMENT

CHAIR WOODWARD: But I'm going to move into our first agenda item, and that is Consider Approval of the Terms of Reference for the Southeast Data, Assessment, and Review of Atlantic Migratory Group Cobia Stock Assessment, and Chelsea and Angela are going to share duty on this one. I'll turn it over to you all.

MS. ANGELA GIULIANO: Since the last meeting, there has been population of the Data and Assessment Workshop groups, so this first slide just reviews who is currently on the group, and will be providing data. As a review of the current assessment timeline, this has not been finalized yet, but it's the most up-to-date at this point. Currently we're in January, 2024, we're meeting today to finalize the TORs, and after that there will be a call for data. The data scoping webinar is currently scheduled for March, with a series of data workshop webinars occurring from June through August of this year. Data will be finalized early in 2025, and the Assessment Workshops are currently scheduled for April through August, with the final assessment report due to SEDAR in September of 2025.

Since the last meeting, they have decided to schedule a review of this assessment. The Review Workshop has been scheduled for October of 2025, with the final reports due in November. That means that the Board will see the results of that assessment in early of 2026. The Technical Committee met in early January, to discuss the terms of reference for the upcoming stock assessment.

These were based on the standard Southeast Data Assessment and Review TORs, and with that it is split up into three different sections, with separate TORs for the Data Workshop, the Assessment Workshop and the Review Workshop. For the Data Workshop,

it includes the usual review of all the available data for the assessment.

This includes life history information, including data on age, length, growth, natural mortality, maturity and other items. In that vein, a review of discard mortality rates, any fishery dependent or independent surveys and sampling data that is available for cobia, a review of the catch statistics, both commercial and recreational, as well as going through the research recommendations for in the future.

The one Technical Committee addition that we had for the first four was regarding the stock structure and unit stock definition. In red on the slide, you can see the part that we added to consider genetic and/or tagging data that may be available since the last assessment. The Assessment Workshop TORs include a review of any changes in data or data sources since the last assessment.

The development of assessment models and estimates of stock population parameters characterizing the uncertainty in the assessment. Providing estimates of population benchmarks for management criteria that are consistent with data that are available, as well as the fisheries management plan.

Providing a stock status determination, as well as again, reviewing research recommendations for the future. The Technical Committee's goal when reviewing a lot of this portion of the terms of reference, was basically to provide flexibility to the Data and Assessment Workshop teams. At this time, due to changes in index availability, it is unclear if the continuity model will be able to be run.

It's possible that we will be exploring new modeling frameworks that might have different reference points, depending on what data is available. Lastly, there are the terms of reference for the Review Workshop, which is basically to evaluate the data use in the assessment, the methods used to assess the stock, as well as any stock projections provided. Reviewing the uncertainties in the assessment, as well as again, reviewing the research

recommendations, and whether the assessment is the best scientific information available. As part of this, there is also a consideration of when to schedule the next assessment. With that I can take any questions, if the Board has them.

CHAIR WOODWARD: Thank you, Angela. Questions about the TORs for the upcoming assessment. Erika Burgess.

MS. ERIKA BURGESS: I have questions about the TORs related to the stock ID and stock boundary issue. There are two stocks of cobia that are currently managed in the U.S. One, the Atlantic stock, which is managed by the Atlantic States Marine Fisheries Commission, and then the Gulf stock, which is managed by the South Atlantic Council and the Gulf of Mexico Fishery Management Council jointly, but state management in state waters for those states.

I wonder whether it's appropriate at this time for this assessment to evaluate the stock boundary. This is the more data poor stock of the two cobia stocks. The assessment for Gulf cobia is set for tentative as, I think 2026. I know there is research ongoing related to movement. But I think genetic analysis for snips might be more appropriate to identify whether there are different stocks. It may be the case here that this is something like blueline tilefish, which is managed.

Even though it is genetically one population from the Gulf of Mexico through the Mid-Atlantic, there are management boundaries set based upon different jurisdictions for the Mid-Atlantic Council, South Atlantic Council and the Gulf of Mexico, which those bodies have deemed to be more important for assessing the stock, and managing the stock at those levels. I don't know whether the Commission managed stock in that assessment is the appropriate vehicle for assessing stock boundaries.

MS. GIULIANO: We did discuss that on the Technical Committee call. The plan at this point is not to do a larger Stock ID Workshop, as was done in the past assessment, but at least to review the data. From the discussions of the Southeast Fisheries Science

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Center, it seems that we would need a preponderance of evidence to make any changes at this point. But at least to look at the data and see what the new data look like.

CHAIR WOODWARD: Basically, it's more of an investigation into the current situation, and not really going to be the basis for changing any analytical processes, because it's only going to be Georgia's data northward that is going to be using this assessment anyway. I guess the question is, is it a distraction or an unnecessary obligation of time and effort that might detract from the subsequent for the assessment. I guess maybe that's a question maybe Angela can answer, or Chelsea. I saw Lynn's hand.

MS. LYNN FEGLEY: Thank you, Angela, for that. I also had a question about the stock structure, but in this case it's to the north. Because of what appears to be some evidence that there are distinct genetic groupings within the northern population, including around the Chesapeake Bay.

I think a review of the data, I think that TOR is important to remain, but I also wonder if there would be any utility, depending what that review shows, helping us understand the ramifications for the assessment. If we really do have distinct genetic groupings, you know north of Georgia, you know in that Chesapeake Bay region. How does that impact how we have assessed the stock, and also how we develop those regions for potential allocation?

CHAIR WOODWARD: Erika, did you have a follow up to my comment a while ago? I saw you look kind of quizzical.

MS. BURGESS: I did, and I have more to add on to Lynn's questions. I think cobia there is just so much unknown in general. The Gulf Council and the Gulf states, including the east coast of Florida, have new regulations in place, to address what they see as declining stock. But as far as we've got observations of changing movement patterns throughout the cobia's distribution that are affecting abundance.

We've questioned the utility of the traditional data

streams, to inform an assessment of whether we're capturing the right information. I believe there has long been this question. South Carolina has identified that they have a unique genetic component in their stock, one that stays inshore and offshore, and we see this movement throughout cobia's distribution. Off northeast Florida there is a year-round presence of cobia that move inshore and offshore, they don't migrate north and south.

But we also have a component that goes north and south. Is there a genetic difference between them, we don't know. We don't have the data to inform that. It's kind of this big black box. I don't want to dissuade exploring this concept further, but I was appreciative to hear from you, Spud, that the intent would still be to conduct the assessment on Georgia north within the management unit.

CHAIR WOODWARD: Angela, anything? All right, I think hopefully it's pretty clear what the context for that stock ID work is in the overall SEDAR process. It won't be a distraction, and there are not going to be any surprises, you know in terms of Stock ID boundaries and that kind of thing. But as we all know; this is just like several other species that are pelagics.

It's doing things different, and we're kind of chasing it around, trying to figure out what's going on. Any other questions on the terms of reference as proposed? If not, then I would entertain a motion to approve them. I've got a motion from Lynn, and a second from Dr. Rhodes. We have a motion, I guess, on the board. Lynn, would you read those into the record for me, please?

MS. FEGLEY: Absolutely, Mr. Chair. **I would move to approve the Terms of Reference for the Southeast Data, Assessment, and Review Atlantic Cobia Benchmark Stock Assessment (SEDAR 95).**

CHAIR WOODWARD: Thank you, and we have a second from Dr. Rhodes. Any discussion on the motion? **Any opposition to the motion? Anybody online? Nobody, seeing no opposition then the motion carries unanimously.**

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**UPDATE FROM COBIA PLAN DEVELOPMENT TEAM
ON RECREATIONAL REALLOCATION ADDENDUM
SCOPING**

CHAIR WOODWARD: We will move on in our agenda to the next item, which is Update from the Cobia Plan Development Team on the Recreational Reallocation Addendum Scoping.

MS. CHELSEA TUOHY: Today, I'll be reviewing the Cobia Plan Development Team's progress on the Recreational Reallocation Addendum that was initiated at the Commission's annual meeting in October. I'll start off with a brief overview of the current allocation system, and the Board motion from October 2023, followed by an overview of the Plan Development Team's progress, and a timeline for this action.

As outlined in the memo that was sent out to the Board, as part of the supplemental meeting materials, the PDT is seeking clarification and feedback on a number of topics, before continuing the development of this action. Starting off with the current allocation system. Addendum I to the cobia FMP allocates 96 percent of the total harvest quota to the recreational sector, and 4 percent of the total harvest quota to the commercial sector.

After this, the recreational quota is further divided down into state-specific soft targets for non-de minimis states, where allocations are calculated using 50 percent of the 10-year average from 2006 to 2015, and 50 percent of the 5-year average from 2011 to 2015. In October of 2023, the Board recognized that there has been a shift in cobia landings in recent years, and initiated an addendum to address recreational quota reallocation.

The Board recommended that the Plan Development Team explore options outside of the current state-by-state quota allocation system. Specifically, the Board was interested in exploring the idea of a coastwide target that would include regional measures that consider the need for fishing opportunity, based on the seasonality of the species in various regions.

The Plan Development Team met on January 8, 2024, to begin scoping this Addendum. The Plan Development Team during this meeting proposed three potential alternatives for consideration. Those three alternatives include continued state-by-state allocations, regional allocations, and a coastwide allocation option.

I'll go into more detail on each of these topics shortly, but to touch on some themes from the PDT memo, the PDT is seeking Board guidance and thoughts on those three proposed alternatives, in addition to the incorporation of management uncertainty and to allocations, the date range used to determine allocations and the timeline for setting recreational measures.

The first alternative that the PDT is planning to explore is the continued use of state-by-state allocations, using an updated date range to set those allocation percentages. Under this alternative, the PDT discussed exploring the idea of an automatic allocation trigger, which would allow those state-by-state allocations to be updated without the need for an addendum.

The PDTs thought behind this allocation trigger was that we're dealing with a host rare event species that has seen a distribution change over the past several years, and given recent trends it's likely that cobia will continue to shift, and more states will be at risk of losing de minimis status. Those states will eventually need to be factored into the allocation if they lose that de minimis status. They could be factored in without the need for an addendum.

The PDT is specifically seeking Board feedback on if the idea of an automatic allocation trigger should be further explored, and if there are any scenarios outside of a state losing de minimis status that would constitute an allocation update. The next alternative that the PDT discussed was the idea of regional recreational allocations. Regional allocations would mean that each region would implement the same bag and size limit, and seasons would be determined by cobia availability along the coast.

The PDT discussed two potential regional

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breakdowns. The first proposal considers a two-region breakdowns, where the northern region represents states north of North Carolina, or North Carolina and the states north. The southern region includes South Carolina and Georgia. The second regional proposal considers a three-region split where the northern region includes states north of Maryland.

The Mid-Atlantic region includes states from North Carolina through Maryland, and the southern region includes South Carolina and Georgia again. The PDT discussed the Cobia Technical Committee's October 2023 report that explored trends in landings and available tagging data when proposing these regions.

Then the final alternative discussed by the PDT, was that coastwide allocation option. Both the regional and coastwide allocation alternatives propose the idea of what the PDT is calling rolling seasons, where state or regional open seasons will be determined by cobia availability up and down the coast, with bag and size limits, again remaining uniform, either for the whole coast or my region.

The PDT will further explore how these different seasons should be determined. One idea was to try to define seasons based on when an agreed upon percentage of cobia harvest occurs in each state or region throughout the year. The PDT did have some concerns regarding the regional and coastwide approaches, and you know the idea of rolling seasons.

The first concern was that quota may be used up before cobia migrate to certain regions throughout the year. Then the PDT was also looking for Board feedback on the feasibility of up-front regulatory changes that may be associated with this regional or coastal allocation process, where states would potentially need to make changes to their recreational fishing seasons for cobia, and may need to make bag and size limit changes as well.

Up on the screen behind me, these are the current recreational regulations in each state for cobia, where size limits use a combination of fork length or total length, and bag limits vessel limits and seasons

vary from state to state. We can pull this slide up again during the Board's discussion, if it's helpful when discussing up front regulatory changes that may or may not be needed with a regional or coastwide allocation approach.

For the state by state and regional allocation options, the PDT began discussions regarding the appropriate range of years to use in allocation determinations. As a reminder, the current allocation system uses the years from 2006 to 2015. However, using the most recent ten years of data from 2014 to 2023 to update these allocations provides some challenges, including the recreational closure in 2016, and the inclusion of COVID years in the allocation calculations.

The PDT suggested removing cobia years from these allocation calculations, given the pause in sampling, imputed data and already high state level PSEs for MRIP cobia harvest estimate. In total, the PDT suggested removing 2016 for the closure, and then 2020 and 2021 for COVID. That would leave seven years of data for allocation calculations.

The PDT is seeking Board feedback on if COVID years should be included in those allocation calculations. Other considerations discussed by the PDT include management uncertainty and timelines for setting recreational management measures. The PDT is considering exploring multiple options related to management uncertainty, you know given the uncertainty in the MRIP harvest estimates for a pulse rare event species, especially at the state level.

These ideas included potentially adding an up-front uncertainty buffer to the recreational harvest target, or adding a buffer around state level soft targets that indicate when management action is needed, so we don't fall into a situation, you know where a state is a couple hundred fish over, and have to change management measures to account for a couple hundred fish, when our estimates may not be that accurate.

Then the final option discussed by the PDT is the potential for a quota borrowing system, where if a state or region's overage is balanced by a state or

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region's underage, management action may not be needed. Then that last bullet there is talking about recreational measure setting timelines. The PDT is seeking guidance from the Board on the preferred timelines for setting recreational management measures.

Currently those measures are set on a three-year timeline, and the PDT was interested to know if there were other preferred timelines. To wrap up my presentation, I'm going to briefly go over the proposed timeline for this action. The PDT is aiming to have a draft addendum with alternatives available for the Commission's spring or summer meeting in 2024.

At this time the Board will approve the document for public comment, and the states begin their public hearing process. Then depending on when that document is approved for public comment, the Board is looking at final approval of the Addendum in August or October of 2024, for implementation beginning in 2025. If implemented in 2025, the total harvest quota for the coast would remain the same, but those new allocations and recreational management measures would be implemented.

Then as we just heard from Angela, in 2026 the Board will receive the results from the cobia stock assessment, and consider setting a new Total Harvest Quota for the 2027 to 2029 fishing years. That's everything that I have for the Board today, I'm happy to take any questions. If there are no questions, I have a slide that summarizes all of the discussion topics that may help, because I know there is quite a few of them.

CHAIR WOODWARD: Thank you, Chelsea. Any questions about here overview of the Draft Addendum? If not, then we'll be able to launch into going sort of item by item, to respond to the PDT. Chris, are you good for that?

MR. CHRIS BATSAVAGE: Yes, Mr. Chair, yes. I'll just ask my question then.

CHAIR WOODWARD: All right, seeing no questions, as she described, there are several aspects of this

Draft Addendum that we need to provide feedback on. This will be our opportunity to sort of green light, red light, caution light these things as we move forward. I have been asked to bring up that vexing topic, and that is the FES Pilot Study, and the cloud of uncertainty that it has sort of put over things that we're having to deal with here.

As we'll learn later, when John Carmichael is updating us on Council action on Spanish mackerel, we've struggled with it at the Council level of the timing of whether to move forward, not move forward. I think we did good for the Board, for us to sort of get out in the open here, any concerns we've got, because this MRIP data is the foundation of everything we're talking about here.

If you've got concerns about us moving forward, now is the time to get them on the record, and let's clear the air and talk about it, because we've already got, in most situations, MRIP estimates that have very high PSEs. Now we have an FES Pilot Study that has called to question the accuracy of those estimates, the potential bias. I'll just open it up. If anybody has anything they would like to say and get on the record, here is the time to do it. I've got Joe Cimino and then Chris Batsavage and then Lynn.

MR. JOE CIMINO: I think it has been made clear by MRIP staff that this isn't just a recreational/commercial issue from the Pilot Study, although there may be a consistent trend in bias. There is a state-by-state potential difference, and so I think it will fully affect every aspect of this. I think it is something that we have to be concerned with.

CHAIR WOODWARD: All right, Chris Batsavage, and then I'll go to Lynn.

MR. BATSAVAGE: Yes, that was the question I had for the PDT, specific to the proposed region options, that it seemed like those could be impacted more by the future FES calibrations, because we don't know what the new MRIP estimates are going to look like at the state or regional level.

I guess I'll ask Chelsea, was there any discussion about that at the PDT level, and then I guess just raise the question of maybe not a full stop on this

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Addendum, but should we consider maybe not doing the regional options, knowing that we're going to be working with different MRIP harvest estimates, probably a year or two after this addendum is scheduled to be completed.

MS. TUOHY: Yes, so there was some discussion about the MRIP FES conundrum at the PDT level. I think that was part of the idea behind something like the allocation trigger for the state-by-state allocations. That way, when we do get those updated results, we wouldn't need a full-blown addendum to update the allocations, we could just take those new numbers theoretically and factor them in.

The PDT also discussed that currently the recreational management measures are just status quo for 2024, so at the end of 2024 no management measures will need to change, based on the way that we usually change recreational management measures for cobia, where those landings averages are compared to state harvest targets, and the PDT knew that there was motivation to potentially get this new system in before those recreational management measures needed to be changed. They are going to push forward until they get other direction or clarification.

CHAIR WOODWARD: Okay, Lynn.

MS. FEGLEY: I actually had a question and a comment related to this, specifically about the allocation trigger. I guess I'm trying to understand what that would look like. If you could provide a hard example, because given all of the uncertainty, I find the concept terrifying, because we're not talking about having more fish available.

If we're just going to have a trigger where allocation is suddenly redone. That means somebody is losing fish and somebody is gaining fish. It is no small thing, and how does that relate to all this uncertainty with FES? It gives me great unease, and maybe you can help me feel better, or maybe validate my unease.

MS. TUOHY: With that allocation trigger, the PDT discussed a lot of these topics very briefly. They

didn't get into extreme detail on many of them, because they were looking for Board feedback specifically, and their question was, is this something that we should be pursuing? It's an idea that we have.

But we don't know if it's something that the Board would be interested in, because it wasn't discussed at the last meeting. I think the PDT would be looking to the Board for guidance on something like, would you like us to come back with a better idea of what something like this would look at, or do we want to scrap this, and we won't explore it further?

CHAIR WOODWARD: Any follow up on that, Lynn?

MS. FEGLEY: No, well I guess I would say that in order to know whether to scrap it, we would have to see some specifics. But I would just raise a flag that, again, the concept is frightening to me at this point.

CHAIR WOODWARD: We're going to use an artificial and fill in this algorithm that we're going to educate, and then we're going to turn all the allocation decisions over to it, and that way we won't have to struggle with them anymore. You'll just have to live with the consequences. That is partly, I'm afraid of, and partly fiction. But you never know these days. Doug, and then I'll go to Shanna.

MR. DOUG HAYMANS: You both have stated what has been mulling around in my mind, artificial intelligence, mainly, because that is what it sounds like. It scares me the same as it scares Lynn, and I would much rather have a discussion on the record about reallocations. I guess my question would be though. Is there something critical in this amendment that absolutely has to go through before we know the results of MRIP study? Can this be paused for now?

CHAIR WOODWARD: Well, I think that is a question that every decision-making body has been struggling with is, where is it prudent to wait, and where is it prudent to move forward? You know as I've alluded to the South Atlantic Council has made decisions to hit the pause button on some things. You know we have an interesting situation that will have

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The Board will review the minutes during its next meeting

assessment results, probably about the same time they project to have the more broader FES study completed, as I understand it. I think that is what the projected timing is. Whether that actually comes to pass or not, I guess remains to be seen.

But I think that it's really confounding, just because the FES bias at the stock status determination is different than the FES bias at the allocation situation. I mean we're dealing with small numbers of fish, and you could see a significant change. What I'm concerned about is we don't know if there is a uniform bias across all states and times, and so how an individual state's catch estimates are going to be affected.

We don't know that yet. I mean we already see high variability. I mean if you look at the ten-year time series of the state of Georgia, we've got two years where we had zero, zero harvest of cobia. Then this past year it jumped up to 11,000 fish. But all of them had PSEs that are with red on them. It's a predicament.

I mean we want to be responsive, we want to move forward, but at the same time we have been faced with something now that is, I think we need to decide. Is it prudent to move forward, to make decisions, in an environment of heightened uncertainty, knowing that we may have to go back and change those decisions in ways that we can't forecast? That is just kind of my perspective on it, but it's the will of the Board is what we're here to decide. How do we want to deal with this? I've got Shanna.

MS. SHANNA MADSEN: I think I'm going to combine, actually, the top topic along with this topic. When I read this memo, I too like Lynn, was a little bit confused as to what, first of all what were the PDT asking for, like was this the sort of thing where we would just kind of roll and reallocate without having to have a discussion?

But I think you did a really good job, Chelsea, of explaining what the intent was here, in that if there was an allocation trigger that could be built into this document that said, once we get the changes from the FES, we can update just according to those new

numbers, instead of having to start a whole new addendum process.

Whatever we structurally decide upon, can inherently carry forward once we have those numbers. But we don't have to go through an entire document. That actually for me gives me a little bit of peace of mind, as far as moving forward with this document. I think, you know this is a question that has plagued us, and we talked about this actually at several meetings, should we move forward with this action or not?

I still am strongly in favor of moving forward with this action, due to the fact that we don't know how to handle anything at all right now. How are we supposed to continue to manage this species, based off of soft targets that we are recognizing are no longer usable or correct for a lot of states and regions? I think that in my mind we need to move forward with deciding what the actual structure of reallocation looks like. I don't think that looks like state-by-state allocations like we're doing now, and then utilizing this approach that the PDT had brought forward to us in using those numbers to at least update the structure, without having to go through the whole process again.

CHAIR WOODWARD: Any other comments? Chris Batsavage.

MR. BATSAVAGE: Currently the process we're working with now, it might be convenient for some of the states but in reality, it's not working. But at the same time, I know it's hard to move forward with all of these potential options, with the uncertainty with MRIP estimates in the next few years.

It seems to me like out of this, the only options that, well the option that will be, I guess less impacted by the new MRIP estimates is the coastwide allocation, you know where we could look at different seasons for different regions, based on the seasonality of the fish, but ended up having a more uniform set of size and bag limits.

Compared to what we're doing now, I'm sure we'll get quite a bit of public comment on that, and

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The Board will review the minutes during its next meeting

probably discussion around the table on it. But converting this Board with anything to try to keep from creating more problems from the new MRIP numbers we'll be dealing with. That might be one way to do it. But again, I would look to see what others think about that idea, or just not moving forward with this.

CHAIR WOODWARD: All right, maybe just to make this clear, and then make sure we all agree on a sense of direction. We've had the last two speakers opine that we should move forward. We recognize we're operating in an environment of uncertainty, but we're looking more about how to improve a process and how to improve procedures for a species that is very challenging, knowing that we may have some outcomes that aren't particularly desirable and palatable. I'm going to call for a vote of affirmation that we're going to move forward. All those that are in, John, go ahead.

MR. JOHN MANISCALCO: Just need a moment to caucus.

CHAIR WOODWARD: Yes, sorry, I'll give you a couple of minutes to caucus. All right, our two minutes are up, we need a little more time? Is everybody okay? Are we ready? Is everybody clear on what we're voting on here? Basically, it's green light, red light on moving forward. Then we will deal with the specific topics one by one that you see up here.

Really, the purpose of this is not to bog us down, but just to make sure everybody agrees that we need to move forward, recognizing the uncertainties that we are all dealing with. Those in favor of moving forward with this proposed addendum, signify by raising your hand. All right, those opposed, null votes, abstentions.

All right, so I had one no and one abstention. Okay, we have affirmation of moving forward, so now let's deal with these various items here. The allocation trigger obviously is creating some consternation, because I'm not sure we still all understand quite what that means. I think you know, at the Council level, basically we have like what we call the allocation review trigger, so that is different than I

think we're talking about here, which is an automated process by which allocations would change as a result of a change in the source data. Now do we want the PDT to continue to explore that and come back to us, and explain to us how that would actually work, so that we would have a better understanding of what trigger means in the context of this Addendum? Shanna.

MS. MADSEN: Also, I just want to acknowledge that I was remiss in not saying thank you to the PDT. This is an incredibly complicated species and document that we're asking them to go through. I think that they came up with some really excellent out of the box ideas, and are asking us some really tough questions. I just wanted to say thank you for all of their time on that. Specifically, in regards to this allocation trigger.

I think now I'm kind of envisioning it as two things. Like Lynn, at first I thought this was like, okay we just reallocate on some sort of five-year basis, and we don't have an addendum. But now, the way that you framed it, Spud, as it being an actual trigger for review. I think that makes a lot of sense, so I would like to see some options from the PDT, as far as triggers to have us review allocation.

But then, the other thing I think I would like to see is, is there an option that we can create that says, once we decide the framework, whether it's regions, whether it's coastwide. Can we just update the numbers with the new FES without having to do an entire document? I would like to see, I think two sorts of allocation triggers, is what I'm envisioning.

CHAIR WOODWARD: All right, any further comments on that? John?

MR. MANISCALCO: Just a suggestion that, given FES aside, but if we weren't going to review allocation, this could maybe be done on a stock assessment cycle, so that we're working from new catch advice.

CHAIR WOODWARD: Yes, if you'll repeat that.

MR. MANISCALCO: I'm sorry, so I totally agree with the FES, as kind of a separate reason to consider or

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The Board will review the minutes during its next meeting

review allocations. But otherwise, an allocation trigger for review should maybe be based upon new assessment catch advice, so put it on that site.

CHAIR WOODWARD: Malcolm.

DR. MALCOLM RHODES: Also looking at the years that are included in these allocations, and I saw obviously where 2016 is being left out. But 2017 is the year that effects Georgia and South Carolina immeasurably. I mean it's a six-year series, and we both had zero harvest in 2017, and it's being included. I'm just trying to understand why we're removing 2016 but not the 2017 numbers, because it skews our numbers remarkably.

MS. TUOHY: Yes, so we can, Angela and I were just discussing that 2017 closure as well. We can bring that back to the PDT. Based on their reasons for removing 2016, they will likely also, I don't want to speak for the PDT, but I would assume that they would like to remove 2017 as well, because of that federal water's closure.

CHAIR WOODWARD: Is everybody comfortable and understanding of what we're asking the PDT to do, with regard to allocation trigger, sort of a two-element ask of them. Again, these are draft, they are not binding at any point. This is all more investigating options and novel approaches to dealing with a difficult management situation here.

If you're okay with that, then we'll move on to be clear on the allocation trigger. Our next one is the Proposed Region Approach. Maybe it would be good if we can bring back up your overview presentation. All right, what is your feelings about these as scenarios for them to further investigate in this Addendum?

Any concerns? Not seeing any. Is everybody comfortable with these going forward? I see some thumbs up and some head nodding. Okay, we'll move those forward. Our next one is feasibility of up front, this was going to be the easy one, up front regulation changes for coastwide or regional allocation.

Basically, this is a fisheries management gambling, I guess. You just change your regulations or hope things are going to turn out good. But anyway. Do we understand enough about what that means to actually opine as to whether we want to go forward with that? Maybe, Chelsea, you can just refresh us on what that really means in the context of this Addendum.

MS. TUOHY: Yes, so I think there were some questions from PDT members about if we move to a regional or coastwide approach, where states are looking at potentially changing size, bag limits and/or seasons, based on cobia availability up and down the coast is that, does that provide any challenges for states?

Are there limiting factors for the cobia fishery like spawning season that cobia availability seasons may propose challenges to. I think that was the extent of the PDTs discussions. They were just looking at, is there anything up front that would be an issue for states if we're looking at changing seasons, cobia seasons as a whole.

CHAIR WOODWARD: Shanna.

MS. MADSEN: Thanks for that explanation, Chelsea. I think it helps a lot, because I was a little confused as to what the thought process was here. I think at least from my standpoint, when I was thinking of rolling seasons, I was thinking of it being more established than what I think the PDT might be thinking of.

Like I wasn't thinking of this changing yearly, but maybe something that we would review on like a three-year basis to the seasons still make more sense, et cetera. I don't really know that that would pose a lot of problems, as long as you gave us a long enough length of time to make it make sense. But it is definitely not something that I would like to see yearly, because I feel like that would create a lot of uncertainty and confusion in all of our recreational fisheries.

CHAIR WOODWARD: Doug.

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The Board will review the minutes during its next meeting

MR. HAYMANS: I'll agree, I mean our state rulemaking process isn't as reactionary as being able to change with this season, or would I want to go every year to my Board to change seasons. But I want to make sure I understand when we're talking about uniform bag and size limits, we're talking about across the board, all parties having the same size. Does that take conservation equivalency out of play?

MS. TUOHY: For the regional approach the region would have a uniform bag and size limit, so South Carolina, Georgia would be that southern region, and then all the northern states would be the northern region in that two-region approach. Again, those regions would have the same bag and size limit. In the coastwide approach it would be a coastwide bag and size limit, is what the PDT had discussed.

CHAIR WOODWARD: Yes, and that is one of the questions being asked now. Is that a nonstarter? I mean does that seem to be in conflict with the flexibility that we've all enjoyed through things like conservation equivalency. It's like, this is it, everybody has got the same set of rules. Do we want, again, do we want them to continue to explore this? But if this is DOA for some reason, now is the time to say it. Toni.

MS. TONI KERNS: I'm just going to try to more directly answer about the conservation equivalency. In these approaches for the regions to work them at, is the best way to take the direction from either a TC or a PDT. If that is their original intention, then get a best predictability of what the harvest would be as to keep those measures intact.

The Board, to be as clear as possible, should make a statement that conservation equivalency would not be allowed when using this approach or that, you know, whichever approaches you are using, to make it very clear to the public that when they are considering the options in the document that that is the case. Just lastly, Mel Bell has his hand up.

CHAIR WOODWARD: Mel, can you hear me?

MR. MEL BELL: We were just talking about; you

know Doug had mentioned having to deal with the Commission and all. We're probably the most restrictive state, I guess in terms of if we found ourselves needing to make any kind of in-season adjustments or starts or stops, you know since we have to go through a legislative process to create law. That is just something we would be challenged with, because we don't have a Commission or a Board that can do that for us. That is true of all the fisheries we've dealt with, but just pointing that out.

CHAIR WOODWARD: Thank you, Mel. Do we want the PDT to continue exploring this, realizing there may be some challenges of execution of it, but continue to support. Does anybody have any heartburn with just having them move forward and do the analysis? I don't see anybody that seems to have any strong opposition. Then we've got inclusion of the COVID years in the data stream. What are folks' thoughts about that? Shanna?

MS. MADSEN: I do think that this Commission has excluded COVID years from allocation decisions. I know that we did that in menhaden, but I think we only did it for 2020. However, with cobia being such a highly recreational species, I think it makes sense to kind of consider whether or not they would also want to do 2021 as well. I was just wondering, did the PDT talk about, like how imputed 2021 data were to 2020? Obviously, all of 2020 was pretty much imputed, but I think we were mostly up and running in 2021, so it might be safe to use that, but I was just wondering if the PDT kind of talked through why 2021 also.

MS. TUOHY: The PDT had not looked into the imputed data in 2021. It was just a very brief discussion about the inclusion of COVID years, so they can do some further digging into 2021, and see if that should be excluded/included and what the imputed data looks like in that year.

CHAIR WOODWARD: Any other, I've got Chris.

MR. BATSAVAGE: Yes, I would support removing 2020. We know most of the data for all the species were imputed. For North Carolina I think almost all our cobia information was imputed, because our

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The Board will review the minutes during its next meeting

fishery is largely in May and a little bit in June, and our MRIP samplers I don't think were back sampling again until early to mid-June. I don't remember about the 2021. It might have impacted a couple states, but I think definitely we should consider removing 2020.

CHAIR WOODWARD: I'm hearing general concurrence with removing 2020, but letting the PDT take a closer look at 2021, as to whether or not there is an imputation bias there that might be a problem. Is everybody good with that? Okay, seeing some heads nodding. Now, the timeline for setting measures. There is our proposed timeline, any concerns, comments about that? I think we sort of dealt with this when we had our first vote, just move ahead. Shanna.

MS. MADSEN: Now are we talking about the timeline for recreational measures, because I was just following along in the document. If we are, I had some thoughts on that. I think, you know we're doing this spec setting usually on like a three-year timeline.

I would like to explore seeing maybe what a five-year timeline would look like, so that we can have a little bit more management certainty for the species. If we're going to talk about options that might potentially go into the document, I would like to hear what the PDTs thoughts are on having three and five years as an option, and kind of seeing what might work best, and what we have the most amount of data for.

CHAIR WOODWARD: All right, management uncertainty. Make sure those are back up there where everybody can see them. Thoughts on this. Shanna.

MS. MADSEN: Sorry, I listened to this meeting so I have a lot of thought. I think these are really good ideas. I like that you guys discussed this. I think the thought of management uncertainty, and thinking about this in terms of what kinds of buffers we can kind of build into this process, so we're not in the state of constant management whiplash by just being a couple of hundred fish over.

I think this kind of rolls in a little bit to like thinking about potentially what does make a state non-de minimis anymore, and what doesn't, and maybe building some of those buffers into that will make it make a little bit more sense, because if you're typically de minimis, and maybe you have a year or two that you're not de minimis. Does it actually make sense for you all to slide back out of de minimis status? I think that this management uncertainty is a great idea, and working with some sort of buffers, like I appreciate that you guys walked through this, so please continue.

CHAIR WOODWARD: All right, Chris, and then I'll go to you, John.

MR. BATSAVAGE: I would like to see the PDT continue considering up front uncertainty buffers applied to the harvest target. As these fish move north, they are becoming more rare event, and as I think I've mentioned in previous meetings, MRIP is probably not getting a good representation of the fish being caught north of Maryland.

Social media has probably intercepted more of those fish. On the quota borrowing system, I think that is also worth considering for now. We do that with commercial state allocations at the ASMFC level, where if the overall quota isn't exceeded. But if a state goes over it's kind of a no harm, no foul situation.

I think that's worth considering for now. We may find out later if there are distinct populations of cobia in the management unit, it could be determined later that's not appropriate, meaning a Chesapeake Bay fish isn't equal to a Georgia fish. But I think for now I would support the PDT fleshing that out more for this Addendum.

CHAIR WOODWARD: How about the buffer around the state level soft target, is everybody okay with that? John, and then Adam.

MR. MANISCALCO: Unless I'm missing something, we also have the ability to consider multiple years of data and catch, right, when we're determining when changes are necessary. That all gives us kind of

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The Board will review the minutes during its next meeting

additional thought for around what is otherwise a very volatile catch fishery. Okay, thanks.

CHAIR WOODWARD: Adam.

MR. ADAM NOWALSKY: I just have to offer a word of caution from experience with the concept of uncertainty buffers, because we're only talking about applying them in one direction. When you look at recreational catch estimate, there is uncertainty around those estimates that is in both directions.

We look at the point estimate, we use it, we make a lot of management decisions. But there is uncertainty that the catch is both higher and that it's both lower. When we're talking about applying this uncertainty buffer here, we're only talking about essentially reducing a target that we're then going to derive regulations from.

The level of impact this has had on other recreational fisheries that this Commission manages, cannot be understated. The Summer Flounder, Scup and Black Sea Bas Board, in working with the Bluefish Board, I believe has finally come up with something that has done a better job in the past two years of providing more stability than what there was, by considering the uncertainty around the recreational catch estimate in both directions, as well as considering what the condition of the resource is. If you're going to introduce a discussion about management uncertainty here, I would like to see the PDT also look at some alternative management that is in place. One example is the Summer Flounder, Scup and Black Sea Bass changes. But are there other ways that we can go about to do measure setting in the process, that is simply comparing recent catch, taking those allocations to some new quotas that come out of the assessment, because our process has failed miserably.

When this Board was the South Atlantic Board in considering cobia, when we went through a lot of the management consideration changes there. I brought forward a lot of those concerns. I think a lot of it was heard. But I remain very concerned that cobia management is going to go the way that other

recreational management was, and we should just be better than that.

My request would be, if you are going to pursue the management uncertainty in this manner with upfront buffers, that the PDT also engage in looking at other recreational management that's in place, to do something other than simply comparing a target to recent catch and making decisions based totally on that comparison.

CHAIR WOODWARD: Thank you, Adam, good point. Jay.

DR. JASON McNAMEE: Kind of similar to what Adam was talking about. Maybe I'll characterize it a little bit differently. You know I recognize the need to accommodate management uncertainty. I support what Adam said, and I think, at least in part what he was getting at.

Not only should we look at buffering the target we're trying to achieve, whether you should or you shouldn't. But also, recognizing the uncertainty around the estimate that we're producing. Having the kind of two envelopes of uncertainty as a part of how you are kind of measuring that metric. I think it would help the document a lot to add an option like that in.

CHAIR WOODWARD: Yes, I think that is one of the things we struggle the most with is that we put in these multi-year approaches to try to create these soft targets, which still are kind of undefined exactly what that means. But if you've got three years of estimates that all have 50 to 90 percent PSE estimates on them.

You can only mitigate that uncertainty so much by lumping it together. We still end up with imprecise data. You know you've got to look for something different, because as Adam said, that is on both sides. I mean there are confidence intervals on both sides of it. You know you can be higher or you can be lower.

I think our tendency as an institution is well founded, but perhaps misleading and that is, the precautionary principal says, in the face of the

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The Board will review the minutes during its next meeting

uncertainty you always just, you go down. You never go up. I think that is one of the things we certainly continue to struggle with, is how to find that balance in there.

Chelsea is getting all this down, and it will be communicated to the PDT, and hopefully we'll see something come out that will help us explore some novel approaches that are maybe different than what we've been doing. Any other thoughts on the management uncertainty topic? Okay, Chelsea have you got what you need? Any final thoughts on the Draft Addendum? You'll see it again pretty soon. If not then we'll move on.

CONSIDER APPROVAL OF SPANISH MACKEREL FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE REPORTS FOR THE 2022 FISHING YEAR

CHAIR WOODWARD: We've got Emilie Franke online, Consider Approval of the Spanish Mackerel Fishery Management Plan Review and State Compliance Reports for the 2022 Fishing Year. Emilie, are you ready to go?

MS. EMILIE FRANKE: Yes, thank you, Mr. Chair. I will provide an overview of the FMP review for the 2022 fishing year. On the next slide, starting with the status of the FMP, Spanish mackerel is managed cooperatively with the South Atlantic Fishery Management Council. For the Interstate FMP for state waters, Spanish mackerel is managed through the Omnibus Amendment approved back in 2011. The fishery is managed with size limits for both sectors, a creel limit for the recreational fishery, daily trip limits for the commercial fishery, and then there are a few gear restrictions for both sectors. The most recent stock assessment for Spanish mackerel is SEDAR 78. That was completed in 2022, and had data through 2020.

This most recent assessment indicated the same stock status as the previous assessment, and that is that the stock is not overfished and not experiencing overfishing based on a three-year average fishing mortality. However, in the terminal year of the assessment, the fishing mortality rate was above the

threshold.

That indicates that if that high fishing mortality rate continues, then the stock may fall into an overfishing status in the future. On the next slide for the status of the Spanish mackerel fishery, just a couple reminders for the FMP review. All the landings in the FMP review for Spanish mackerel are calendar year landings.

Florida landings are for the Atlantic coast only, and then also this year's FMP review and last year's FMP review do use current MRIP estimates based on the fishing effort survey. Previous FMP Reviews had used the coastal household telephone survey estimates, but the PRT wanted to update the estimates in the FMP review based on current MRIP. In fishing year 2022 for the calendar year, total landings of Spanish mackerel along the Atlantic coast were estimated at about 6.5 million pounds.

The commercial fishery harvested about 38 percent of that total, and the recreational fishery harvested about 62 percent of that total. For the commercial sector, 2022 landings were about 2.4 million pounds, and this was about a 49 percent decrease from 2021 levels, primarily driven by a decrease in Florida's commercial landings. Then on the recreational side landings were about 4 million pounds in 2022, and this was again about a 54 percent decrease from 2021.

Again, we did see a large decrease in Florida landings, but it is also important to note that 2021 recreational landings were pretty high to start with. For recreational releases of Spanish mackerel, those releases have generally increased over the last several years, and in 2022 about 4.3 million fish were released alive, which is about 52 percent of the total recreational catch. On the next slide you can see a figure showing the commercial landings in blue and the recreational landings in gray. You can see 2020 and 2021 were the highest recreational landings in the time series, and that commercial landings over the past few years have been relatively stable. Then we have this most recent year at the end of the time series there, 2022. We saw that decrease in both commercial and recreational landings. But that total

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The Board will review the minutes during its next meeting

in 2022 is still well within the range of landings that we've seen over the past few decades.

The most recent ten-year average was about 7.8 million pounds, so that 2022 total of 6.5 million pounds is not too far below that ten-year average. Next slide, regarding that 2022 decrease in landings that we saw in Florida. Florida does typically account for a majority of both commercial and recreational landings.

But there was a marked decrease in their landings in 2022, relative to 2021, and in their compliance report, Florida noted that areas off their central east coast are increasingly closed to vessels by the U.S. Coast Guard, in order to create safety zones associated with space launches. This has prevented fishermen from accessing areas where they would traditionally fish for Spanish mackerel, and so that has contributed to a decline in Spanish mackerel landings efforts.

Florida has also noted that they have brought this topic to the South Atlantic Council, and it is currently being investigated further. As far as compliance and 2022 implementation, the Plan Review Team found no inconsistencies among any state management measures. As far as de minimis, on the next slide, a state qualifies for de minimis if its previous three-year average of combined landings is less than 1 percent of the coastwide total.

For 2022, Rhode Island, New Jersey, Delaware and Georgia all requested de minimis. All of those states do meet the requirements, except for Georgia. Georgia just barely exceeded that 1 percent de minimis threshold at 1.04 percent. Georgia noted that they are still requesting de minimis, and they noted that in most years they have no Spanish mackerel commercial harvest, so their calculation is really dependent on recreational harvest.

With the exception of just a few years, their recreational harvest has been below 75,000 pounds each year, and they have had de minimis status for several of the past nine years. The state also notes that they have very high PSEs for their MRIP data.

Then finally on the next slide, the Plan Review Team emphasized two recommendations this year.

The first is the need to understand dynamics of the fishery across regions, and the PRT noted that some of this regional analysis could be included in the upcoming work by the Spanish Mackerel Technical Committee, as they work to put together the paper requested by the Board. Then the PRT also noted the importance of continuing coordination between the Commission and the South Atlantic Council on future management actions that could address the differences between the interstate and federal FMPs. That's all I have, Mr. Chair, I am happy to take any questions.

CHAIR WOODWARD: Any questions for Emilie on her presentation?

MR. BATSAVAGE: Might be more of a question for Erika or the Florida delegation. With the closures around the Canaveral area for space launches. Does that affect both the recreational and commercial fisheries equally, or are the variable landings that we saw in 2022 and looks like 2015 as well. Is that more of a different availability of Spanish mackerel in the waters? A follow up question I would ask now is, it looks like 2023 recreational harvest through Wave 5 in Florida has gone back up again, kind of not the highest levels, but higher than last year. I didn't know if that was different space closures, or just higher availability. Just any insight, to kind of get a sense of what is going on down there is helpful, thanks.

MS. BURGESS: Chris, thank you for those questions. For the commercial component, well for the space closures, it's closure to all vessels. They are both affected. That may be part of what we're seeing in the recreational landings, but I think it's also part of the inherent variability in FES, and how that survey's interpretation of effort in a given year can cause wide swings in total landings.

I don't know that there is a clearcut answer to continue the recreational fishery. But we have seen that in not just Spanish mackerel, landings for other

species have declined in this area, because of reduced ability to access that fishery.

CHAIR WOODWARD: All right, any questions for Emilie? Erika.

MS. BURGESS: Emilie, thank you for including those notes about the impact of space launches in the Cape Canaveral area on our Spanish mackerel landings. I was wondering if you might be willing and able to modify a part of the FMP review on Page 4 to start, specifically referencing, in this document it's called the Entanglement Net Ban in Florida. We prefer it be called the Net Limitation Amendment, because it has to do with more than just entangling nets.

MS. FRANKE: Yes, absolutely, I am happy to make that change, and I will confirm with you to make sure we have the right language.

MS. BURGESS: Thank you.

CHAIR WOODWARD: Any other questions for Emilie? If not, we need Board approval of the FMP review. Do we have a motion, or do we need to read off the bottom of that slide there? We have a motion prepared, looking up there, if someone is willing to make it once it's up there. Okay, Doug.

MR. HAYMANS: Mr. Chairman, I would **move to approve the Spanish mackerel fishery management plan review for 2022 fishing year, state compliance reports and de minimis request for Rhode Island, New Jersey, Delaware and Georgia.**

CHAIR WOODWARD: All right, we have a motion by Doug Haymans and a second by Erika Burgess. Any discussion on the motion? Erika.

MS. BURGESS: I just wanted to state for the record our support for Georgia receiving de minimis, the fishery landings being just 0.04 percent above, and noting that the variability in MRIP from year to year can affect that. We support giving Georgia de minimis.

CHAIR WOODWARD: Thank you. **Any opposition to the motion? Anybody online raise their hand?**

Okay, with no opposition we will consider the motion accepted by consent.

UPDATE FROM THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL ON MACKEREL PORT MEETINGS AND COASTAL MIGRATORY PELAGICS FRAMEWORK AMENDMENT 13

CHAIR WOODWARD: At this point we've got John Carmichael, Executive Director of the South Atlantic Fishery Management Council online to do our next agenda item, which is an update on mackerel port meetings and the Coastal Migratory Pelagics Framework Amendment 13. John, you ready to go?

MR. JOHN CARMICHAEL: I'm here. Thank you, Spud, and thanks everybody for letting me weigh in here on this brief meeting remotely. Sorry not to see all you guys in lovely Virginia today, but let me get into this first of all on the Amendment. If you'll recall, the Council was working on an amendment to apply the new ABC and ACL in Spanish mackerel that came out of the last assessment.

The intent was to do this as a framework and do it relatively quickly, just to bring in the higher catch levels that were recommended through the assessment. To get into any other issues after going through the Port Meeting process. What has happened is, you know the Council is going down that path, but frustrated with some of the things that have come up here today, such as a terminal year of this assessment that falls in 2020 with the COVID impacts.

Concerns that have since arisen since they got the results, with this potential FES bias, and recognizing that Spanish is a stock that could really suffer a lot from that, particularly with the issues we've seen with shore mode in the FES, and seeing significantly increased shore mode landings in recent years under FES.

But despite those concerns, the Council is trying to go ahead, because the potential was there for giving the fishermen some more fish back in this situation. At the December meeting, we saw some new items being added to the Amendment, coming up from

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The Board will review the minutes during its next meeting

NMFS and the Regional Office, looking at the Optimal Yield, potentially updating that, and also getting into potential changes in accountability measures.

In the report that you guys saw from the Committee, the Committee supported doing those things, and adding those to the Amendment. But any time you get into stuff like that, as you guys well know, there is more work involved and it's going to take more time. When later in the Council meeting the Council goes through the overall work plan, and looks at what is on the docket for the next few meetings, and balancing out the various demands the Council has.

A concern arose with getting the work done on Spanish mackerel, while also supporting the Port Meetings, which are considered very important to get that input from the fishermen, and also some confusion. If the Amendment were to drag out longer and began to overlap with Port Meetings, the fishermen might not understand why they are coming to Port Meetings to give input, when the Council is potentially doing public hearings on an amendment.

At the end of the December meeting, the Council decided it was best to pause on this Amendment, and to pursue the Port Meetings and then go back and do a more involved, and addressing more issues amendment after the Port Meetings. You know that was always the case, to do a full plan amendment after the Port Meetings.

But we had just hoped at the time back say, you know last spring and summer, to be able to get a quick amendment through to update the catch levels. That hasn't happened, FES fell in our laps, and the Council has decided now to pause on the amendment. Not seeing progress on it that's why. Any questions on that? I'll be glad to take them, before I get into the Port Meeting updates.

CHAIR WOODWARD: Any questions for John on the status of Framework Amendment 13? All right, seeing none; John, go ahead.

MR. CARMICHAEL: The Port Meetings, we are proceeding on with those and our plans are coming

together on that. We have staff from our staff lined up to help and assist, Christina Wiegand leading it for our behalf. We've got the locations pretty well settled; you'll see those in the report that came from the Committee.

You know those of you in the states that are going to be impacted by this, and we're hoping to reach, you will be hearing from us to help find out where to go, help spread the word, get fishermen and others engaged. There remains a lot of excitement by this, our AP is really excited about this opportunity.

They've been asking for it for years, and I think with what we're seeing, at least on the federal front, in dealing with shifting stocks, and demands of dealing with climate change, the Scenario Planning Process we did on the Atlantic Coast. It seems very timely to be getting out there and hearing from the fishermen and understanding better what is happening with this Spanish mackerel stock.

I'll just say particularly that we have an assessment, which was a terminal year of 2020, and we're dealing with what we all know is a very short-lived fish, and we're going into 2024. What we hear from fishermen, what they are seeing on the water, I think is going to be really important to the next steps that the Council takes and the Commission as well. Are there any specific questions about the Port Meeting process, I would be glad to take those.

CHAIR WOODWARD: Thank you, John, any questions for John about the Port Meetings? I want to reemphasize this is a collaborative effort between the Commission and the Council, to make sure that they are being sited in the best locations to get the most diverse and effective input we can get.

It's a pretty monumental task to do this kind of thing up and down the eastern seaboard, hopefully, it will be well attended. There will be effective participation and it will help us sort of see a future for these fisheries that is better informed than it is right now. Shanna.

MS. MADSEN: Thank you for those comments. That kind of brings up the comment that I wanted to

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make, less of a question than a comment. In reading through this document, John, I did note that there were some suggestions from some of the folks that there be a Chesapeake Bay specific meeting.

We are seeing a lot of Spanish mackerel landings on the middle peninsula, Matthews, Quinn Island area. I might like to see, maybe we can talk offline, but I think we would like to see potentially another Port Meeting inside of the Bay, not just at the Virginia Beach area.

MR. CARMICHAEL: Yes, I think that sounds good. I mean it would be very informative to find out just how far up in the Bay people are readily seeing these things now. Yes, I'll pass that on to Christina, for sure.

CHAIR WOODWARD: All right, if there are not any other questions for John, John, thank you for the update. We appreciate it, and we'll move on.

ELECT VICE-CHAIR

CHAIR WOODWARD: Our next agenda item is probably the most important one in the entire process here, and that is to elect a Vice-Chair. I'll ask the Board for any nominations for Vice-Chair of the Coastal Pelagics Management Board. Shanna.

MS. MADSEN: I would like to **move to elect Lynn Fegley from Maryland as the Vice-Chair of the Coastal Pelagics Management Board.**

CHAIR WOODWARD: Very good, we have a nomination from Shanna and a second from Dr. Rhodes. Any other nominations? Seeing none; **any opposition to the election of Lynn Fegley as Vice-Chair? I guess you didn't spread your money around well enough, did you? No opposition.**

We'll consider her elected as Vice-Chair, thank you very much, Lynn, for stepping up to do that.

ADJOURNMENT

CHAIR WOODWARD: Any other business to come before the Coastal Pelagics Board? Seeing none; any opposition to adjourning, because it is 12:00 noon or

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close to it. No opposition, we will stand adjourned.
Thank you, everybody.

(Whereupon the meeting adjourned at 11:55a.m. on
Wednesday, January 24, 2024)

Atlantic States Marine Fisheries Commission

**DRAFT ADDENDUM II TO AMENDMENT 1
TO THE INTERSTATE FISHERY MANAGEMENT PLAN
FOR ATLANTIC MIGRATORY GROUP COBIA**

***Recreational Allocation, Recreational Harvest Target Evaluations, and Measures
Setting Timeline***



This draft document was developed for Management Board review and discussion. This document is not intended to solicit public comment as part of the Commission/State formal public input process. Comments on this draft document may be given at the appropriate time on the agenda during the scheduled meeting. If approved, a public comment period will be established to solicit input on the issues contained in the document.

**Draft for Board Review
April 2024**



Sustainable and Cooperative Management of Atlantic Coastal Fisheries

Draft Document for Board Review. Not for Public Comment.

Public Comment Process and Proposed Timeline

In October 2023, the Coastal Pelagics Management Board initiated the development of Draft Addendum II to Amendment 1 to the Interstate Fishery Management Plan for Atlantic Migratory Group Cobia to consider reallocation of the recreational harvest quota and consider changes to the overall allocation framework. In January 2024, the Board provided additional guidance expanding the scope of the Draft Addendum to address the process for future allocation updates, addressing uncertainty around harvest estimates, and the timeline for setting specifications. This Draft Addendum presents background on the Atlantic States Marine Fisheries Commission’s management of the Atlantic cobia recreational fisheries; the addendum process and timeline; and a statement of the problem. This document also provides management options for public consideration and comment.

The public is encouraged to submit comments regarding the proposed management options in this document at any time during the public comment period. The final date comments will be accepted is **Month, Day, 2024 at 11:59 p.m. (EST)**. Comments may be submitted at state public hearings or by mail or email. If you have any questions or would like to submit comment, please use the contact information below. Organizations planning to release an action alert in response to this Draft Addendum should contact Emilie Franke, Fishery Management Plan Coordinator, at efranke@asmfc.org or 703.842.0740.

Mail: Emilie Franke
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N
Arlington VA. 22201

Email: comments@asmfc.org
(Subject: Cobia Draft Addendum II)

Date	Action
October 2023	Board initiated the Draft Addendum
January 2024	Board provided additional guidance on Draft Addendum scope
February – April 2024	Plan Development Team developed Draft Addendum document
May 2024	Board reviewed and approved Draft Addendum II for public comment
May – June 2024	Public comment period, including public hearings; written comments accepted through Month, Day, 2024
August 2024	Board reviews public comment, selects management measures, final approval of Addendum II

Table of Contents

1.0	Introduction.....	4
2.0	Overview	4
2.1	Statement of the Problem.....	4
2.2	Background.....	6
2.2.1	Status of the Stock	6
2.2.2	Status of Management.....	8
2.2.3	Status of the Fishery.....	9
3.0	Proposed Management Program.....	17
3.1	Recreational Allocation Framework.....	17
3.2	Updates to State/Regional Recreational Allocations.....	23
3.3	Data and Uncertainty in Recreational Landings Evaluations	24
3.4	Overage Response for Recreational Landings Evaluations with Rolling Averages	26
3.5	Timeline for Setting Commercial and Recreational Measures	26
4.0	Compliance Schedule	27
5.0	References.....	28
	Appendix. 2023 State Management Measures for Atlantic Migratory Group Cobia	29

1.0 Introduction

The Atlantic States Marine Fisheries Commission (Commission) is responsible for managing Atlantic cobia (*Rachycentron canadum*) from Rhode Island through Georgia in state waters (0-3 miles from shore) under the authority of the Atlantic Coastal Fisheries Cooperative Management Act, and has done so through the Interstate Fishery Management Plan for Atlantic Migratory Group Cobia (FMP) since 2017. Atlantic cobia are currently managed under Amendment 1 (2019) to the FMP and Addendum I to Amendment 1 (2020). The states of Rhode Island through Florida, except Connecticut, have a declared interest in the fishery and are responsible for implementing management measures consistent with the Interstate FMP as members of the Coastal Pelagics Management Board. Although Florida has a declared interest in the fishery, their cobia fisheries are managed as part of the Gulf of Mexico Migratory Group Cobia, which is not managed by the Commission, due to the cobia stock boundary at the Georgia-Florida border.

In October 2023, the Board initiated this addendum to address reallocation of recreational cobia quota based on more recent harvest data, recognizing that the distribution of Atlantic cobia harvest has changed since the terminal year in current allocation calculations (2015). In addition, the Board expressed interest in considering alternatives to the current state-by-state allocation system as noted in the approved Board motion from October 2023:

Move to initiate an addendum addressing recreational Atlantic cobia quota reallocation. The Board recommends that the Plan Development Team explore options outside of the current state-by-state quota allocation system, specifically a coastwide soft target with regional management measures designed to meet the coastwide soft target while considering the need for fishing opportunity based on the seasonality of the species in various regions.

In January 2024, the Board provided additional guidance on the scope of the addendum. The Board supported adding options to consider the process for updating allocations in the future, and adding options to consider accounting for uncertainty around harvest estimates. For allocation data timeframes, the Board supported considering 2018-2023 as an option with the exclusion of 2020 due to COVID-19 impacts on data collection. The Board also requested an option to consider a timeline of five years when setting recreational measures.

2.0 Overview

2.1 Statement of the Problem

Amendment 1 to the FMP established state-by-state allocations of the coastwide recreational harvest quota based on harvest data from 2006-2015. At the time of Amendment 1's approval in 2019, these were the most recent data available to inform allocations. The Amendment 1 allocation timeframe did not extend beyond 2015 due to cobia fishery closures in federal waters in 2016-2017 which impacted states' recreational harvests.

It has been five years since state-by-state allocations were updated in Amendment 1. Furthermore, the distribution of cobia landings has changed in recent years and is markedly different from the distribution of state landings observed during the Amendment 1 allocation data timeframe of 2006-2015. Over the last several years, recreational landings have increased in some Mid-Atlantic states while remaining relatively stable in southern states, indicating a possible range expansion as opposed to a stock shift. Additionally, two states have recently declared into the Atlantic cobia fishery (Rhode Island and New York) due to increasing presence of cobia in state waters. Updating the allocation data timeframe would account for these recent changes in landings and the extent of the fishery. If reallocation is not considered, it is likely that some Mid-Atlantic and *de minimis* states at the northern end of the range will continue to exceed their soft targets resulting in restrictive cobia measures that may not reflect the status of the stock.

In addition to concerns about the outdated allocation data timeframe, there are concerns about continuing to use a state-by-state allocation framework. The Interstate FMP originally implemented the state-by-state allocation framework to provide states with flexibility to adjust management to ensure state access when cobia were available and to suit their specific state needs, while still adhering to the federal catch limits at the time. Due to the high level of uncertainty associated with state-level recreational harvest estimates, there are concerns about continuing to use the state-by-state allocation framework (i.e., performance and management changes based on comparing state harvest estimates to state targets). Cobia harvest estimates from the Marine Recreational Information Program (MRIP) tend to have high percent standard errors (PSEs), which indicates lower precision and higher uncertainty. This is common for species like cobia which is a pulse/rare event fishery with highly variable landings year-to-year resulting from inconsistent interactions with cobia anglers. One way to reduce uncertainty is to increase the sample size, which could be accomplished by considering a regional allocation framework or coastwide allocation framework.

Uncertainty could also be addressed by considering the number of data years included in a rolling average, whether the use of point estimates is appropriate, and/or whether a state or region's performance should be considered on its own or considered relative to other state or region performance (i.e., if one region exceeds their target, and another region is below their target, consider whether that result informs the need for management action).

If cobia harvest continues to increase at the northern end of their range, states that currently have *de minimis* status may exceed that *de minimis* threshold over the next several years. When a state loses its *de minimis* status, it must be factored into the allocation calculations to have its own harvest target. The allocation percentage calculations may also need to change if the allocation source data are updated as part of MRIP's effort to evaluate potential bias in the Fishing Effort Survey (FES) estimates. If these changes to the allocation percentages must be done through the addendum process, that process could take several months. Those changes could be accomplished more quickly if the Board had the ability to make those specific updates to the allocations via Board action, which could be specified in this addendum.

Finally, there is concern about changing management measures too frequently under Amendment 1's specification process which limits specification setting to up to three years at a time. To avoid management 'whiplash', specifications could be set for a longer period of time.

2.2 Background

2.2.1 Status of the Stock

In 2020, the Board approved the SEDAR 58 Atlantic Cobia benchmark assessment for management use. This assessment continued to use the Beaufort Assessment Model (BAM), a forward-projecting statistical catch-at-age model used in the prior assessment, SEDAR 28 (SEDAR 2013). SEDAR 58, with a terminal year of 2017, provided new reference points (F40% and 75% of SSBF40%). These reference points were selected as they represent the fishing rate and spawning stock biomass (SSB) that allows the population to reach 40% of the maximum spawning potential. These reference points also serve as proxies for maximum sustainable yield-derived relationships due to insufficient data for cobia. Based on those reference points, the stock is not overfished and overfishing is not occurring.

The stock assessment primarily used fishery-dependent data (i.e., data from the recreational and commercial fisheries) as well as information on Atlantic cobia biology, life history, and movement to determine stock condition. The largest changes in SEDAR 58 since the previous assessment included updating data sources with new years of data, updating the natural mortality information, and using newly recalibrated recreational catch and effort data from MRIP.

SEDAR 58 estimated the last strong cobia year class entered the fishery in 2010 (age 1 in 2011) with the four most recent year classes at low levels of recruitment (age 1 in 2014-2017) (SEDAR, 2020). While the SSB remains above the overfished threshold, below-average recruitment led to a decreasing trend in SSB since 2014 (Figure 1). The fishing mortality rate has increased since the late 2000s but has not exceeded the overfishing threshold (Figure 2).

The next stock assessment for Atlantic Migratory Group Cobia (SEDAR 95) is a benchmark assessment currently underway with an estimated completion date of late 2025 or early 2026. The frequency of future stock assessments for Atlantic cobia is uncertain, and the assessment model and methods may change significantly as part of the current assessment, SEDAR 95. The time between completion of the previous stock assessment and the current assessment will be approximately 5-6 years.

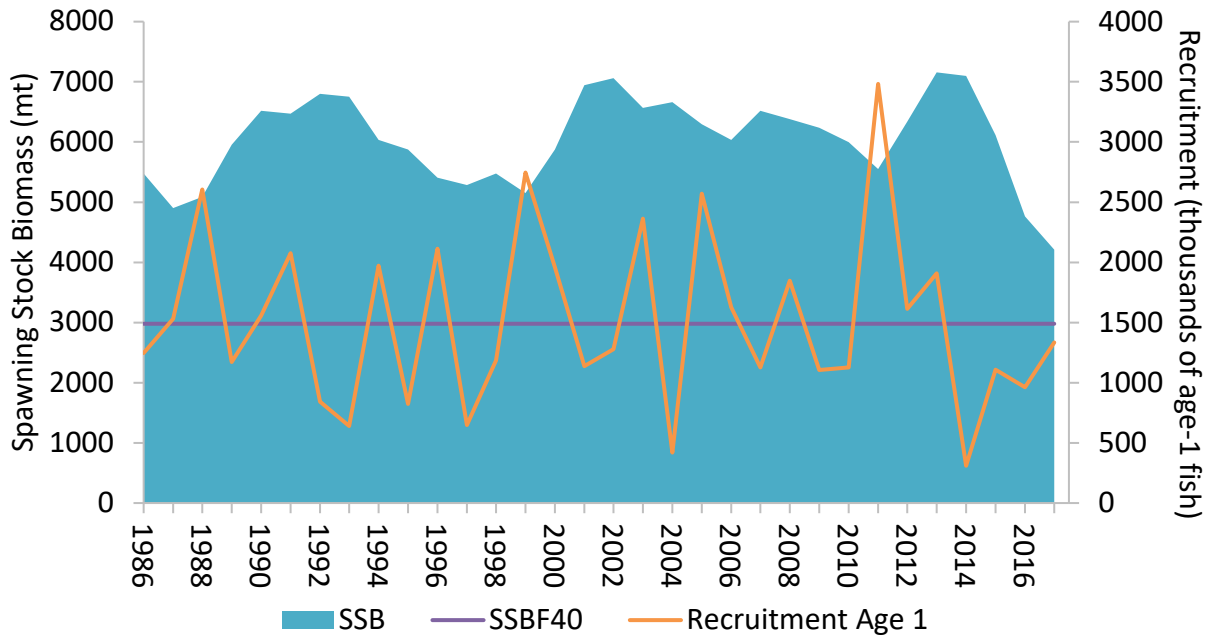


Figure 1. Atlantic Cobia spawning stock biomass (SSB) and recruitment of year 1 fish. (SEDAR, 2020)

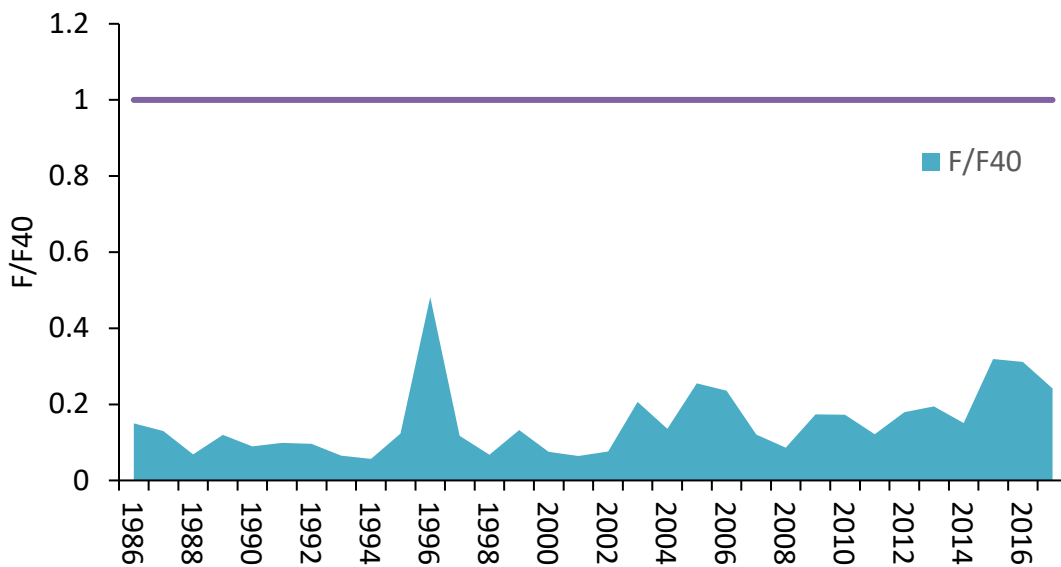


Figure 2. Atlantic Cobia fishing mortality (F) relative to the F40 reference point from 1986-2017. (SEDAR, 2020)

2.2.2 Status of Management

In 2019, Amendment 1 to the Interstate FMP transitioned management of Atlantic cobia from complementary management with the South Atlantic Fishery Management Council to sole management by the Commission. Amendment 1 allows the Board to specify a limited set of management measures for up to three years. This harvest specification process allows managers to specify regulations controlling future harvest through a Board vote, allowing managers to respond quickly to changes in the fishery or react following a stock assessment. Through the harvest specification process, the Board may set the coastwide total harvest quota (combined commercial and recreational harvest), vessel limits, possession or bag limits, minimum size limits, and the commercial closure triggering mechanism for up to three years.

In October 2020, the Board approved Addendum I to Amendment 1, which included modification of the allocation between the commercial and recreational sectors. Addendum I allocates 96% of the coastwide total harvest quota to the recreational sector and 4% of the quota to the commercial sector.

The recreational portion of the total harvest quota is further allocated to non-*de minimis* states as soft harvest targets with a 1% set aside for harvest in *de minimis* states. Amendment 1 defines the process by which the recreational quota is allocated to non-*de minimis* states where allocations are based on states' percentages of the coastwide historical landings in numbers of fish, derived as 50% of the 10-year average landings from 2006-2015 and 50% of the 5-year average landings from 2011-2015. A 'soft' harvest target means that management measures are adjusted to reduce harvest to the target, but any overage does not need to be paid back. 'Hard' harvest targets (which would have required overage payback) were considered as part of the original Interstate FMP, but soft targets were selected as the management approach.

For the 2024-2026 fishing seasons, the total harvest quota for both sectors combined is 80,112 fish, which is the same harvest quota that has been in place since 2020. The coastwide recreational harvest quota (96% of the total harvest quota) is 76,908 fish. The current management program manages the recreational fishery with a 1 fish bag limit and a minimum size limit of 36 inches fork length (FL) or 40 inches total length (TL) for non-*de minimis* states. Season restrictions and vessel limits are determined by individual states, but may not exceed 6 fish per vessel. Recreational regulations for each state are provided in the Appendix.

Within the coastwide recreational harvest quota, Georgia, South Carolina, North Carolina, and Virginia have the following state recreational harvest targets based on the state-by-state-allocations defined in Amendment 1 to the FMP:

- Georgia - 7,229 fish
- South Carolina - 9,306 fish
- North Carolina - 29,302 fish
- Virginia - 30,302 fish

Recreational harvest of state-specific allocations are evaluated over three-year time periods (or when the total harvest quota changes). Each non-*de minimis* state evaluates recent harvest as an average of years with the same recreational management measures against the state-specific soft targets. If a state's averaged recreational harvest exceeds its harvest target, the state must adjust its management measures to reduce harvest to achieve the target, unless otherwise specified by the Board. If a state's harvest is below their target for at least two consecutive years, the state may liberalize management measures, if desired, to achieve its target. Changes to management measures for states with overages or states that wish to liberalize must be reviewed by the Cobia Technical Committee and approved by the Board prior to implementation.

De minimis states collectively have a 1% set aside of the coastwide recreational quota (769 fish) and are exempt from completing harvest target evaluations. The FMP allows states to request recreational *de minimis* status if their recreational landings in two of the previous three years are less than 1% of annual coastwide recreational landings during that time period. A recreational *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 FL (or 37 inches TL).

The commercial fishery has an annual coastwide commercial quota of 73,116 pounds (4% of total harvest quota) for the 2024-2026 fishing seasons, which is the same quota that has been in place since 2020. The current management measures for the commercial fishery include a 33 inches FL (or 37 inches TL) minimum size limit and 2 fish per person limit, with a 6 fish maximum vessel limit. Non-*de minimis* states are required to monitor commercial cobia landings in-season and submit regular landings updates to the Commission. The commercial Atlantic cobia fishery will close once the commercial quota is projected to be reached as determined by the updated Addendum I methodology to calculate the commercial trigger for in-season closures. Commercial regulations for each state are listed in the Appendix.

2.2.3 Status of the Fishery

Note: Since this addendum primarily considers management of the recreational fishery, the following information focuses on Atlantic cobia recreational fisheries. For information on the commercial fishery, see the Review of the FMP for Atlantic Cobia: 2022 Fishing Year (ASMFC 2023).

[Note for May 2024 Board meeting: This section includes preliminary 2023 MRIP data. Before being released for public comment, this will be updated to reflect final 2023 MRIP data.]

Recreational harvest has fluctuated throughout the time series, often in rapid increases or declines. Average recreational harvest over the entire time series (1981-2023) is 1.1 million pounds, or about 40,500 fish (Figure 3). More recently, recreational harvest has increased to the series high of 113,939 fish coastwide in 2018, before decreasing to an average of 86,286 fish from 2018-2023.

Recreational releases of live fish have generally increased throughout the time series (Figure 3). In 2023, 246,204 recreationally-caught fish were released, a 22% increase from 2022. This coincides with the increase in recreational landings in 2023 from 2022. From 2018-2023, an average 76% of cobia caught recreationally were released alive each year. This is higher than the average 65% released alive during the previous five-year period of 2013-2017.

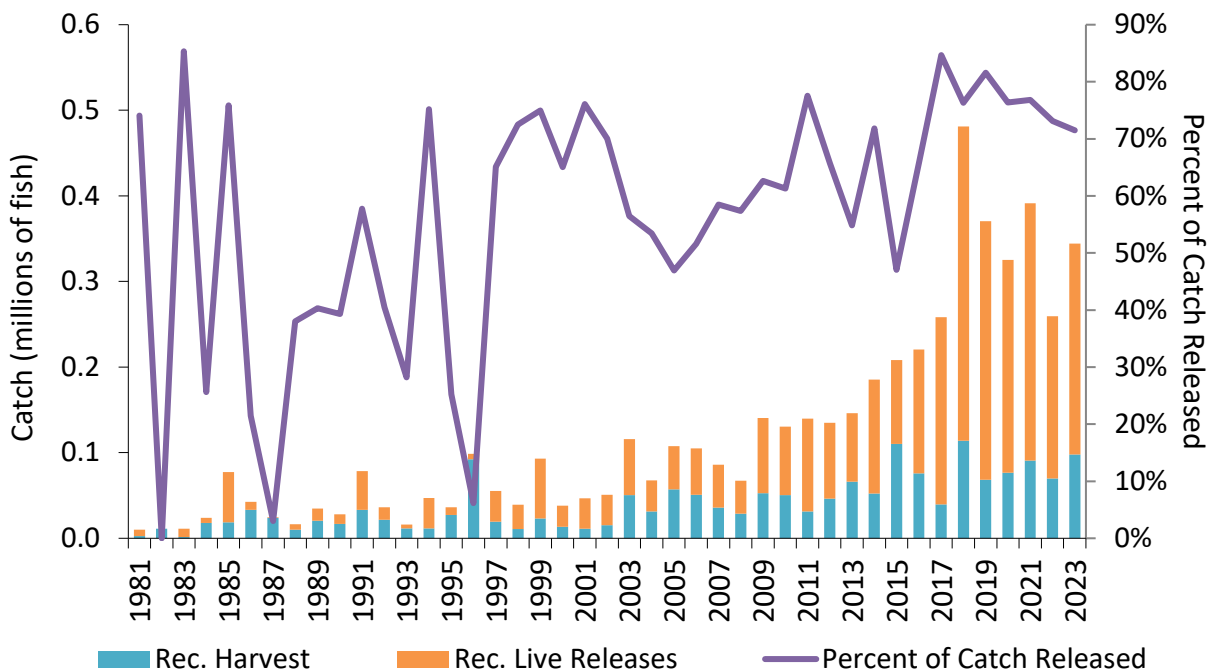


Figure 3. Recreational catch (harvest and live releases) of Atlantic cobia (numbers) and the proportion of catch that is released. *2023 data are preliminary.

From 2018-2023, Virginia has harvested the majority of the coastwide recreational cobia, with an average of 70% of the total fish by count (average of 60,863 fish/year) (Table 1, Figure 4). North Carolina has the second highest recreational harvest with an average of 14% of the total fish by count (average of 12,393 fish) for the same timeframe. South Carolina and Georgia have averaged 7% and 5% of the total coastwide harvest annually for the same timeframe (6,058 and 4,838 fish respectively), and the *de minimis* states made up the remainder (3% on average annually, 2,134 fish). Over the last several years, recreational landings have increased in some Mid-Atlantic states while remaining relatively stable in southern states, indicating a possible range expansion as opposed to a stock shift (Figure 4).

Virginia has harvested above its state recreational target each year since the current state-by-state targets were implemented in 2020 (Table 1). Georgia harvested above their state target in 2021 and 2023. South Carolina has been harvesting just at or under their target each year, while North Carolina has been under their harvest target each year.

From 2018-2023 the *de minimis* states (currently north of Virginia) have exceeded their 1% set aside in 4 of the 6 years. The highest harvest by the *de minimis* states for the time period occurred in 2021, with a total of 5,334 fish or 694% of the *de minimis* allocation. This equates to 6% of coastwide landings that year. States north of Virginia currently have recreational *de minimis* status as each of those states’ recreational harvest in two of the previous three years was less than 1% of annual coastwide landings. Florida also has recreational *de minimis* status since its fishery targets Gulf of Mexico Migratory Group Cobia (not Atlantic Migratory Group Cobia).

The percent standard errors (PSEs) associated with recreational cobia harvest estimates from MRIP can be quite high due to the pulse/rare event nature of the cobia fishery. Table 2 summarizes the PSEs for each state’s recreational cobia harvest estimates over the last six years.

Table 1. Cobia recreational harvest by state in number of fish from 2018-2023 . Data Source: MRIP. *2023 data are preliminary.

Year	RI	CT	NY	NJ	DE	MD	VA	NC	SC	GA	Total Rec. Harvest
2018		569			581	206	80,679	25,331	6,340	233	113,939
2019							55,770	10,090	2,381	72	68,313
2020		219				1,360	50,287	15,067	7,650	2,203	76,786
2021				250		5,084	57,135	10,970	8,858	8,510	90,807
2022			3,462	711			39,668	12,330	6,988	6,641	69,800
2023*	361						81,641	572 ⁺	4,129	11,368	98,071
Soft Target for 2020-2024	769 <i>de minimis</i> set-aside						30,302	29,302	9,306	7,229	76,908

⁺Note: North Carolina Division of Marine Fisheries (NCDMF) staff looked into the very low harvest estimate for 2023 and found that windy weather limited the number of fishable days, and cobia were available for about a week. Data showed that MRIP intercepts in North Carolina were considerably lower in 2023 (38) compared to 2019 (85), 2021 (60), and 2022 (78). NCDMF staff noted that the low harvest estimate is also likely influenced by high percent standard error (PSE) because cobia is a rare event species and a pulse fishery.

Table 2. Percent standard error (PSE) for each state’s recreational cobia harvest estimate in number of fish from 2018-2023. Red indicates a PSE greater than 50 (MRIP does not support use of the estimate). Yellow indicates a PSE between 30 and 50 (MRIP cautions use of the estimate in fisheries management). Source: MRIP. *2023 data are preliminary.

Year	RI	CT	NY	NJ	DE	MD	VA	NC	SC	GA
2018		100.4			98.1	66.7	35.8	33.2	42.2	53.9
2019							22.6	38.6	70.6	56.9
2020		102.7				69.5	25	37.9	39.1	92.4
2021				92.4		43.8	22.9	39.1	41.9	41.4
2022			82.3	102.2			25.1	47	55.9	72.4
2023*	71.9						34.2	57.3	61.9	56

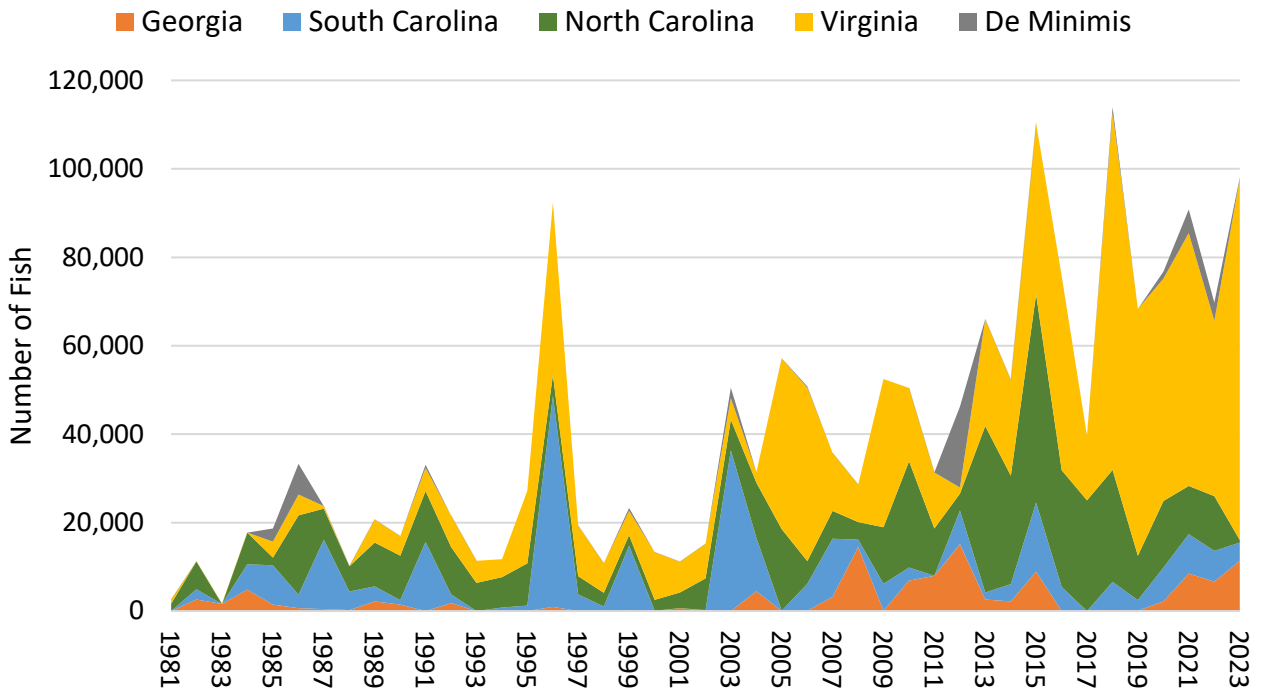


Figure 4. Cobia recreational harvest by state in number of fish. *De minimis* states are states north of Virginia. *2023 data are preliminary.

The availability of cobia, and therefore harvest timing, differs along the coast. From 2018-2023 (excluding 2020), the percent of recreational harvest peaked in wave 3 for Georgia, South Carolina, and North Carolina at approximately 70% of their total recreational harvest (Figure 5). Total recreational harvest peaked in wave 4 for Virginia (~60% of its recreational harvest). For states north of Virginia, all of which are *de minimis* states, harvest has not been observed every year. When harvest has been observed during this time period, most of Maryland’s recreational harvest and all recreational harvest in Delaware, New York, Connecticut, and Rhode Island occurred during Wave 4, while all recreational harvest has occurred during wave 5 for New Jersey during the same time period.

The distribution of total catch throughout the year is slightly different than the distribution of harvest for some states. For Georgia, South Carolina, and North Carolina, total catch in 2018-2023 (excluding 2020) was more spread out among Waves 3, 4, and 5, as compared to consistent peaks in Wave 3 for harvest (Figure 6). Virginia’s total catch is more evenly spread between Waves 3 and 4, as compared to a sharper harvest peak in Wave 4. For states north of Virginia, most catch has been observed during Wave 4, with New Jersey seeing catch only in Wave 5 in the most recent years.

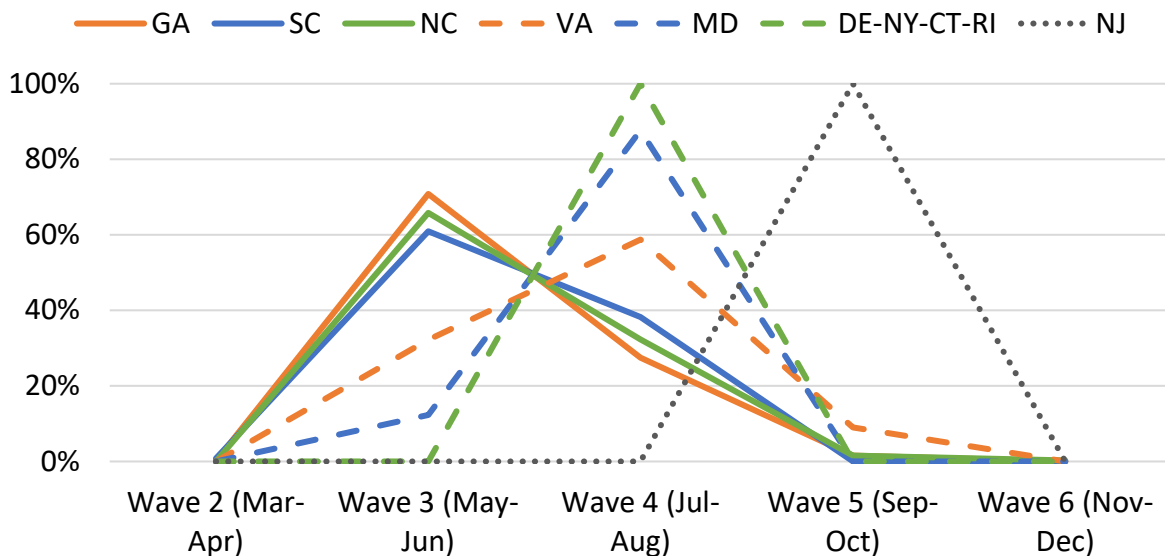


Figure 5. Percent of harvest of Atlantic cobia in numbers per wave from 2018-2023 (excluding 2020). *2023 data are preliminary. Note: MRIP sampling does not occur in any state during Wave 1 (Jan-Feb) except for North Carolina. North Carolina’s estimated cobia harvest during Wave 1 for this time period was 0 fish.

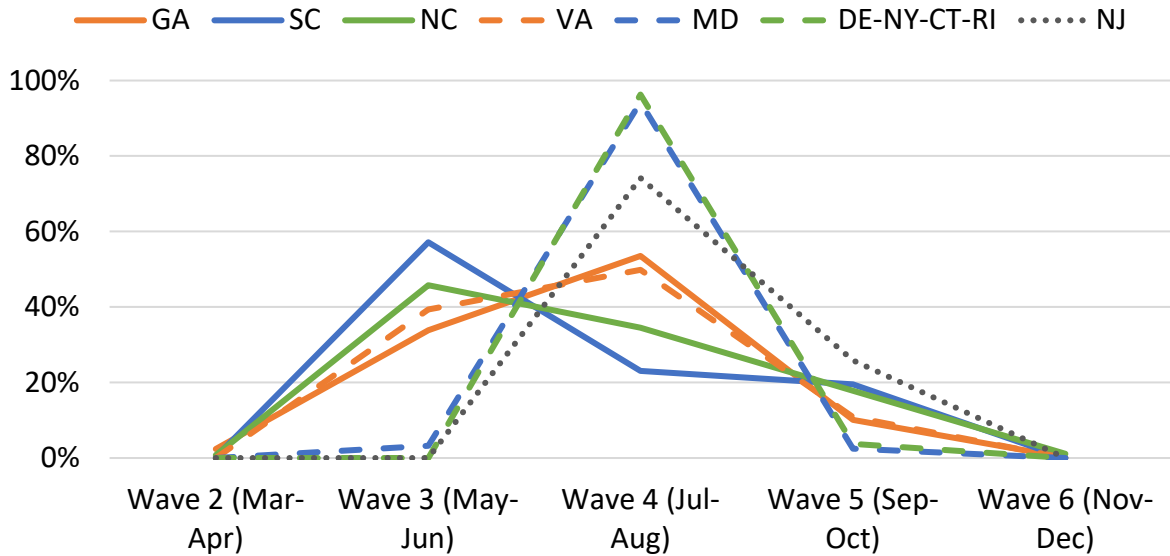


Figure 6. Percent of catch of Atlantic cobia in numbers per wave from 2018-2023 (excluding 2020). *2023 data are preliminary. Note: MRIP sampling does not occur in any state during Wave 1 (Jan-Feb) except for North Carolina. North Carolina’s estimated cobia harvest during Wave 1 for this time period was 0 fish.

2.2.3.1 MRIP Study of Fishing Effort Survey Bias

In August 2023, NOAA Fisheries released findings of a pilot study it conducted to evaluate potential sources of bias in the recreational Fishing Effort Survey (FES) questionnaire design. This study found switching the sequence of questions in the survey resulted in fewer reporting errors and fishing effort estimates that were generally 30 to 40% lower for shore and private boat modes compared to estimates produced from the current design. However, results varied by state and fishing mode, and impacts on a pulse fishery such as cobia are unknown. These results are based on a pilot study that had a limited time frame (six months) and geographic scope (only four states included). Additional extensive work needs to be done to determine the true impacts of the survey design. NOAA Fisheries is conducting a larger-scale follow-up study over the course of the next few years. At this time, the potential impacts to recreational catch estimates and stock assessments are unknown.

Recent landings information suggests that Atlantic cobia are extending their range northward. Specifically, *de minimis* states have exceeded the 1% *de minimis* set-aside every year between 2020 and 2022, and landings in Mid-Atlantic states have increased over the timeseries. Given these trends in landings, unknown impacts of the FES follow-up study, and lack of updated cobia stock assessment projections, this Draft Addendum is being considered *prior to* potential updates to MRIP catch estimates. A new benchmark stock assessment for Atlantic cobia will be completed by 2026 and could explore how a possible overestimation of recreational catch may impact cobia biomass. Additionally, this Draft Addendum presents an option that would allow

allocations to be quickly updated under certain circumstances, such as potential updated MRIP catch estimates from this study.

2.2.3.2 Summary of Non-De Minimis State Fisheries

Virginia: Virginia's recreational cobia fishery has grown substantially since 2016. Two of the main fishing methods are sight-casting and pier fishing. Sight-casting from custom towers on the top of boats has become more popular than the traditional method of bottom fishing. This shift could be tied to an increase in effectiveness of targeting cobia via sight-casting because of their feeding habits and tendency to swim in schools on the surface of the water. There is also a shore-specific fishery for cobia from the four large piers found within coastal Virginia. While cobia are available, effort will increase on piers as the fish are moving through different parts of the Chesapeake Bay and oceanfront. Anglers will target cobia when they are accessible from the piers, but effort will decrease to almost zero once the fish have migrated to other areas.

While other states may experience pulses of abundance in cobia as they migrate up and down the Atlantic coast, cobia can be found in Virginia waters from mid-May through mid-October. This continuous season in Virginia attracts anglers traveling from out of state to target cobia, contributing to the already large yearly catches from residents. Even with the continuous season, catch peaks from May-June when the fish enter the Bay, and again in August-September as they leave the Bay.

From 2016-2022, Virginia operated the Recreational Cobia Mandatory Reporting Program (RCMRP), a monitoring program to survey recreational cobia anglers. The RCMRP required a free cobia permit for all captains or operators of vessels, as well as those who fished without a vessel (i.e. from a shore, pier, etc.). All permittees were responsible for reporting their cobia activity during the recreational season. Recreational reporting for cobia harvest and releases was mandatory, but revocation of permits was not enforced during the beginning stages of development. Due to low reporting rates, in 2019, reporting became mandatory with revocation to increase reporting rate. That is, permittees who did not report their participation in the recreational cobia fishery within 21 days after the close of the season were ineligible for the following year's recreational cobia permit. At the peak of the program in 2020, there were 8,256 permit holders submitting 12,307 trips total, with a catch of 24,020 cobia (includes kept and released fish). Ultimately the RCMRP was ended in 2022 due to unnecessary burden on recreational anglers. Since the data were not statistically sound enough for any stock assessment use, the program changed to voluntary reporting to try to fill the gap for recreational release data.

North Carolina: In North Carolina, the recreational cobia fishery is seasonal, with cobia primarily available in state waters from late spring through early fall. Cobia are landed mostly in the spring and summer months corresponding with their spring spawning migration (Smith, 1995). Peak landings occur during the latter part of May into June and quickly diminish thereafter. However, recreational landings of cobia can occur through October. Historically, recreational fisherman targeted cobia from a vessel by anchoring and fishing with dead, live, or

a mixture of both bait types near inlets and deep water sloughs inshore (Manooch, 1984). In the early 2000s, fishermen began outfitting their vessels with towers to gain a higher vantage point to spot and target free-swimming cobia along tidelines and around bait aggregations. This method of fishing actively targets cobia in the nearshore coastal zone and has become the primary mode of fishing in most parts of the state.

Despite increased fishing pressure due to a growing number of charter and recreational boats, North Carolina recreational cobia landings have been lower the last couple years relative to previous years. Weather conditions, including persistent winds, have hindered fishing efforts by reducing the number of fishable days. The North Carolina cobia fishery is a pulse fishery, with the primary wave of fish historically arriving in early June and being available for about 6 weeks. In recent years, anecdotal observations suggest the cobia are migrating to Chesapeake Bay much earlier, in April and May, and are residing in North Carolina for a shorter period of time, possibly influenced by temperatures and/or currents.

South Carolina: South Carolina's recreational cobia fishery occurs in both nearshore waters and around natural and artificial reefs offshore. Historically, the majority of cobia landings have occurred in state waters in and around spawning aggregations from April through May. However, due to intense fishing pressure in the inshore zone, annual landings of cobia have fallen drastically since 2009, such that the majority of recreationally caught cobia in South Carolina now come from offshore (federal) waters. Legislative action was taken in 2016 to help protect the inshore fishery by putting a no take of cobia during the month of May, their peak spawning period inshore, within state waters south of Edisto Island. This has also helped shift fishing effort offshore. Due to the size increase from 33 inches FL to 36 inches FL in 2018, most of the captured cobia are under the size limit and are released. Anglers begin targeting cobia in late April-early May with the peak of the season typically occurring May into early June. Late season catches can occur on nearshore reefs through October depending on water temperatures. Additionally, anglers have seen an increase in shark predation over the past few years.

Georgia: A large recreational fishery exists for cobia in Georgia. Most of this fishery occurs in nearshore waters around natural and artificial reefs. While there are some instances of cobia being caught inshore and on beach front piers in Georgia, most landings come from federal waters. Georgia anglers generally begin targeting cobia in late April with peak harvest occurring in May/June. Anglers continue to catch cobia off Georgia through August, and data from MRIP shows that catch of cobia off Georgia peaks during Wave 4 (July-August). There are anecdotal reports of late season (October-December) catch that sometimes occurs on nearshore reefs depending on water temperatures. These are likely migratory fish that are moving back through waters off Georgia as they head south from areas north of Georgia. However, these fall runs are sporadic and may not be observed in MRIP data.

Some evidence suggests there may be two distinct groups of cobia that occur in waters off Georgia. One, a north/south migrating group of fish that appears in early spring as part of their northward migration. This group of fish may account for the peak in landings that occurs in

May/June in Georgia's cobia fishery. And the second, a group of east/west migrating fish that are present off Georgia through the summer months that then retreat to deeper offshore waters to overwinter along the edge of the continental shelf. This theory is supported by the persistence of fish off Georgia well into the summer months (July/August) and after the northward migrating group of cobia has moved out of Georgia waters and into regions north of Georgia.

3.0 Proposed Management Program

Draft Addendum II proposes options regarding:

- recreational allocation framework (Section 3.1);
- updates to allocations (Section 3.2);
- data and uncertainty in recreational landings evaluation (Section 3.3);
- overage response for recreational landings evaluation (Section 3.4); and,
- timeline for setting specifications (Section 3.5).

When the Board takes final action on the addendum, there is the opportunity to select any measure within the range of options that went out for public comment, including combining options across issues.

3.1 Recreational Allocation Framework

The following options would determine how recreational quota is allocated among states (Options A-B), regions (Option C), or coastwide (Option D).

The options consider three different data timeframes as the basis for allocation. One timeframe considers only the most recent five years of harvest data, while the other two timeframes consider a weighted combination of the most recent three or five years plus the last ten years of harvest data. Including the ten-year component gives some consideration to previous harvest distribution before the majority of harvest shifted north.

For all timeframe options, 2016, 2017, and 2020 recreational catch data were excluded from the calculations. Cobia closures in federal waters and some states' waters during 2016 and 2017 resulted in those years being excluded from allocation calculations. Similarly, 2020 was excluded due to COVID-19 impacts on MRIP sampling and use of imputed data for 2020 recreational harvest estimates.

For state-by-state allocation frameworks (Options A-B), *de minimis* states do not have an allocation based on landings, but rather have a set-aside to account for landings across all *de minimis* states. *De minimis* states are exempt from completing harvest target evaluations and have a separate set of standard recreational measures from which to choose. *De minimis* states must request *de minimis* status each year through the compliance report process. The FMP allows states to request recreational *de minimis* status if their recreational landings in two of the previous three years are less than 1% of annual coastwide recreational landings during that time period.

For a regional (Option C) or coastwide (Option D) allocation framework, states could still request *de minimis* status for the recreational fishery, however, *de minimis* states would be part of a larger region subject to regional or coastwide harvest target evaluations. *De minimis* states would be subject to the management measures determined for that region or the coast. So, the current default *de minimis* measures would become irrelevant.

For all allocation framework options, conservation equivalency (CE) is not allowed. The state-by-state allocation framework already affords each state the flexibility to decide how to adjust their management measures to meet their target. The objective of a regional or coastwide allocation framework is to achieve consistent measures within a region or coastwide if a future reduction or liberalization is needed. Seasons could vary within a region or along the coast based on cobia availability, but the size limit and vessel limit would need to be consistent among all states in a region or coastwide. Currently, size limits are mostly consistent among states, with the exception of *de minimis* states. Preliminary vessel limit analysis indicates anglers in states with higher vessel limits are not harvesting their full limit, so reducing vessel limits in those states to be consistent with others in the region or coastwide would not significantly reduce harvest.

It is important to note that upcoming changes to the MRIP Fishing Effort Survey (FES) estimates may affect the state-by-state and regional allocation percentages presented in the below options. If MRIP FES estimates for cobia are changed in the future, associated updates to the selected allocations would need to be considered.

[Note for May 2024 Board meeting: The allocation percentage options listed below include preliminary 2023 MRIP data. Before being released for public comment, the allocation percentages in all options will be updated to reflect final 2023 MRIP data.]

Option A. Status Quo State-By-State Harvest Allocations

Under this option, the recreational quota for Atlantic cobia would continue to be allocated on a state-by-state basis as outlined in Amendment 1. Percentage allocations are based on states' percentages of the coastwide historical landings in numbers of fish, derived as 50% of the 10-year average landings from 2006-2015 and 50% of the 5-year average landings from 2011-2015. To account for harvests in *de minimis* states, 1% of the recreational quota is set aside.

The recreational landings evaluation process and resulting required changes to state measures would proceed as outlined in Amendment 1.

Option B. Updated State-By-State Harvest Allocations

Under this option, recreational quota would continue to be allocated on a state-by-state basis, including a set aside for *de minimis* states. The allocations in this option include recent data and thereby reflect changes seen in harvest distribution, and the *de minimis* set aside is increased to 5% to account for increased harvest in *de minimis* states in recent years. This option considers three allocation timeframes outlined in options B1, B2, and B3.

If this option is selected, recreational management measures would remain status quo in each state until completion of the next stock assessment (SEDAR 95), or until a state needs to take a reduction based on evaluation of the state's landings against its harvest target, whichever comes first. States would not be able to liberalize measures before completion of SEDAR 95.

If a state needs to change management measures, the state would work with the Cobia Technical Committee to propose a set of management measures to meet the reduction or, after completion of SEDAR 95, the liberalization. Changes to management measures must be reviewed by the Technical Committee and approved by the Board prior to implementation. Options B1, B2, and B3 all include a 5% set-aside of the recreational quota to account for harvests in *de minimis* states.

Option B1. Five-Year Average Allocation Timeline

Recreational quota allocated state-by-state based on states' percentages of the coastwide historical landings in numbers of fish, derived as 100% of 5-year average landings from 2018-2023 (excluding 2020).

Option B2. Weighted Ten-Year and Five-Year Average Allocation Timeline

Recreational quota allocated state-by-state based on states' percentages of the coastwide historical landings in numbers of fish, derived as 50% of 10-year average landings from 2014-2023 (excluding 2016, 2017, 2020) and 50% of the 5-year average landings from 2018-2023 (excluding 2020).

Option B3. Weighted Ten-Year and Three-Year Average Allocation Timeline

Recreational quota allocated state-by-state based on states' percentages of the coastwide historical landings in numbers of fish, derived as 50% of 10-year average landings from 2014-2023 (excluding 2016, 2017, 2020) and 50% of the 3-year average landings from 2021-2023.

Table 3. State-by-state recreational allocation options.

State	Option A Status Quo	Option B1 5 Year Average	Option B2 Weighted 10 Year & 5 Year Average	Option B3 Weighted 10 Year & 3 Year Average
	50% 2006-2015 + 50% 2011-2015	100% 2018- 2023	50% 2014-2023 + 50% 2018-2023	50% 2014-2023 + 50% 2021-2023
<i>De minimis</i> Set Aside	1%	5%	5%	5%
Virginia	39.4%	69.2%	64.5%	63.3%
North Carolina	38.1%	13.2%	17.4%	15.9%
South Carolina	12.1%	6.5%	7.1%	7.8%
Georgia	9.4%	6.1%	6.1%	8.0%
Total	100%	100%	100%	100%

Option C. Regional allocations

Under this option, recreational quota would be allocated among regions. Recreational management measures in a region would eventually need to consist of the same size limit and vessel limit for all states in the region. Seasons may differ among states in a region.

Currently, vessel limits and seasons vary by state along the coast. Size limits are mostly uniform with the exception of *de minimis* states that have adopted the default *de minimis* measures specified in the FMP. If this regional allocation option is selected, recreational management measures would remain status quo in each state until completion of the next stock assessment (SEDAR 95), or until a region needs to take a reduction based on evaluation of the region’s landings against the harvest target, whichever comes first. At that time, the states in the region would work with the Cobia Technical Committee to determine a set of management measures for all states in the region to meet the reduction (i.e., uniform size limit and vessel limit; seasons may differ). Regions would not be able to liberalize measures before the completion of SEDAR 95. Changes to management measures must be reviewed by the Technical Committee and approved by the Board prior to implementation.

Option C considers different regional definitions based on:

- whether the coast is divided into two or three regions,
- which states are in each region, and
- three different allocation timeframes based on historical landings in numbers of fish:

- 5-Year Average. 100% of 5-year average landings from 2018-2023 (excluding 2020);
- Weighted 10-year/5-year Average. 50% of 10-year average landings from 2014-2023 (excluding 2016, 2017, 2020) and 50% of the 5-year average landings from 2018-2023 (excluding 2020);
- Weighted 10-year/3-year Average. 50% of 10-year average landings from 2014-2023 (excluding 2016, 2017, 2020) and 50% of the 3-year average landings from 2021-2023.

This results in a total of twelve options as outlined in Table 4. Options C1-C6 consider a southern region of South Carolina and Georgia, while Options C7-C12 consider a southern region of North Carolina, South Carolina, and Georgia.

Options C1, C2, C3. Two Region Allocation – Northern Region (RI-NC) and Southern Region (SC-GA)

Options C1, C2, and C3 consider two regions where the northern region consists of the states from Rhode Island through North Carolina, and the southern region consists of South Carolina and Georgia with the above noted allocation timeframes and detailed in Table 4.

Option C4, C5, C6. Three Region Allocation – Northern Region (RI-DE), Mid-Atlantic Region (MD-NC), Southern Region (SC-GA)

Options C4, C5, and C6 consider three regions where the northern region consists of the states from Rhode Island through Delaware, the Mid-Atlantic region consists of states from Maryland through North Carolina, and the southern region consists of South Carolina and Georgia with the above noted allocation timeframes and detailed in Table 4.

Option C7, C8, C9. Two Region Allocation – Northern Region (RI-VA) and Southern Region (NC-GA)

Options C7, C8, and C9 consider two regions where the northern region consists of the states from Rhode Island through Virginia and the southern region consists of the states from North Carolina through Georgia with the above noted allocation timeframes and detailed in Table 4.

Options C10, C11, C12. Three Region Allocation – Northern Region (RI-DE), Mid-Atlantic Region (MD-VA), Southern Region (NC-GA)

Options C10, C11, and C12 consider three regions where the northern region consists of the states from Rhode Island through Delaware, the Mid-Atlantic region consists of states from Maryland through Virginia, and the southern region consists of states from North Carolina through Georgia with the above noted allocation timeframes and detailed in Table 4.

Table 4. Regional recreational allocation options.

Data Timeframe	100% 2018-2023	50% 2014-2023 + 50% 2018-2023	50% 2014-2023 + 50% 2021-2023
	Option C1	Option C2	Option C3
Northern Region RI-CT-NY-NJ-DE-MD-VA-NC	87.24%	86.65%	83.95%
Southern Region Two State SC-GA	12.76%	13.35%	16.05%
Total	100%	100%	100%
	Option C4	Option C5	Option C6
Northern Region RI-CT-NY-NJ-DE	1.53%	1.31%	1.65%
Mid-Atlantic Region MD-VA-NC	85.71%	85.34%	82.30%
Southern Region Two State SC-GA	12.76%	13.35%	16.05%
Total	100%	100%	100%
	Option C7	Option C8	Option C9
Northern Region RI-CT-NY-NJ-DE-MD-VA	73.77%	68.69%	67.67%
Southern Region Three State NC-SC-GA	26.23%	31.31%	32.33%
Total	100%	100%	100%
	Option C10	Option C11	Option C12
Northern Region RI-CT-NY-NJ-DE	1.53%	1.31%	1.65%
Mid-Atlantic Region MD-VA	72.25%	67.38%	66.02%
Southern Region Three State NC-SC-GA	26.23%	31.31%	32.33%
Total	100%	100%	100%

Option D. Coastwide Target

Under this option, there would be no state-specific or regional harvest targets, but rather only the coastwide recreational harvest quota. A coastwide size limit and vessel limit would eventually be established for all states, but the season may be different for each state or group of states based on cobia availability in each state. 'Coastwide' for Atlantic cobia refers to states north of the Georgia-Florida border.

Currently, vessel limits and seasons vary by state along the coast. Size limits are mostly uniform with the exception of *de minimis* states that have adopted the default *de minimis* measures specified in the FMP. If this coastwide allocation option is selected, recreational management measures would remain status quo in each state until completion of the next stock assessment (SEDAR 95), or until the coast needs to take a reduction based on evaluation of the coastwide landings against the coastwide harvest quota, whichever comes first. At that time, all states would work with the Cobia Technical Committee to determine a set of management measures for all states along the coast to meet the reduction (i.e., uniform size limit and vessel limit; seasons may differ). The coast would not be able to liberalize measures before the completion of SEDAR 95. Changes to management measures must be reviewed by the Technical Committee and approved by the Board prior to implementation.

3.2 Updates to State/Regional Recreational Allocations

Option A. Status Quo.

Under this option, recreational allocations can only be changed through the ASMFC addendum process.

Option B. Allocation Changes via Board Action

Under this option, the Board may change recreational allocations via Board action (i.e., voting at a Board meeting; no addendum needed) in the following scenarios:

- A state loses *de minimis* status and therefore needs to be allocated a state-specific harvest target (only applicable under a state-by-state allocation framework).
- Harvest estimates for the allocation source data years are revised (i.e., if MRIP estimates are updated).

If the Board is considering changing allocation via Board action under one of the above scenarios, the Cobia Technical Committee would re-calculate allocations based on the associated scenario and bring the new allocations to the Board for consideration. In the case of a state losing *de minimis* status, the Technical Committee will calculate the new allocations to be presented to the Board at the Commission's Summer Meeting. Following the Summer Meeting when the Board considers state *de minimis* requests for that year, the Board could approve new allocations at the Commission's Annual Meeting in the fall. This faster process of Board action, as compared to the longer addendum process, would be more efficient to address the above scenarios, which could occur multiple times over the next several years.

If the Board would like to consider allocation changes outside the scenarios listed above, an addendum is needed to change state/regional recreational allocations.

3.3 Data and Uncertainty in Recreational Landings Evaluations

Option A. Status Quo.

Under this option, MRIP harvest point estimates and up to a three-year rolling average would continue to be used for comparing recreational harvest to harvest targets.

Recreational landings for each non-*de minimis* state (or each region or the coast depending on allocation framework selected in Section 3.1) will be evaluated against that state's/region's/coastwide target as an average of annual landings. The timeframe for this average will only include years with the same management measures (i.e., measures have not changed from year to year). If the same management measures have been in place for at least three years, the timeframe will include the three most recent years under these regulations (a rolling 3-year average). If the same management measures have been in place for less than three years, the timeframe will include all years under the same regulations.

If a regional or coastwide framework is selected, states in each region or coastwide will have different management measures from each other until the measures are changed to a uniform set of measures (same size and vessel limit; seasons may differ) when a reduction or liberalization occurs. This does not affect the evaluation. This does not affect the evaluation; the evaluation timeframe only depends on if measures have changed from year to year, not if they differ between states.

Option B. Extend Rolling Average to Five Years

Under this option, MRIP harvest point estimates would continue to be used for comparing recreational harvest to harvest targets, but the rolling average timeframe would extend to five years. This allows for inclusion of additional data years, which can be more informative given the variability in and sometimes imprecision of cobia landings from year to year.

Recreational landings for each non-*de minimis* state/region/coastwide would be evaluated against that state's/region's/coastwide target as an average of annual landings. The timeframe for this average will only include years with the same management measures (i.e., measures have not changed from year to year). If the same management measures have been in place for at least five years, the timeframe will include the five most recent years under these regulations (a rolling 5-year average). If the same management measures have been in place for less than five years, the timeframe will include all years under the same regulations.

If a regional or coastwide framework is selected, states in each region or coastwide will have different management measures from each other until the measures are changed to a uniform set of measures (same size and vessel limit; seasons may differ) when a reduction or liberalization occurs. This does not affect the evaluation; the evaluation timeframe only depends on if measures have changed from year to year, not if they differ between states.

Provision on the Use of Confidence Intervals

If a regional or coastwide allocation framework is selected, the Board could decide in the future (via Board vote) to switch from a rolling average approach to a confidence interval approach for harvest target evaluation. Using confidence intervals instead of a rolling average for evaluation would more directly account for the uncertainty around the MRIP harvest point estimates.

The confidence interval approach would require PSEs and confidence interval values for the regional or coastwide sum total harvest estimates, which are currently only available via MRIP's custom data request process. The confidence interval approach cannot be used for a state-by-state allocation framework due to larger confidence intervals around some state-specific estimates.

For this approach, when regional or coastwide harvest is evaluated against the harvest target to determine if a change is needed, the Cobia Technical Committee would consider the 95% confidence intervals associated with MRIP harvest point estimates for the evaluation timeframe. If the same management measures have been in place for at least three or five years (depending on whether the Board selects a three- or five-year approach above), the timeframe will include the most recent three or five years under these regulations. If the same management measures have been in place for less than three or five years, the timeframe will include all years under these regulations.

If the harvest estimate's lower bound confidence interval is above the harvest target for a majority of the years within the evaluation timeframe, this indicates harvest has been above the target, and the region/coast must adjust its management measures to reduce harvest to achieve the target. If the harvest target falls within the harvest estimate's confidence interval for a majority of the years within the evaluation timeframe, status quo measures may be maintained. If the harvest estimate's upper bound confidence interval is below the harvest target for a majority of the years within the evaluation timeframe, this indicates harvest has been below the target, and the region/coast may adjust its management measures to liberalize harvest such that the target level of harvest is achieved, but not exceeded. To calculate the reduction or liberalization needed, the average landings over the evaluation time period will be used relative to the target.

A majority of years within the evaluation timeframe means three out of five years or two out of three years. In the event of one out of two years or two out of four years, the Technical Committee will make a recommendation for Board consideration of a reduction or maintaining status quo measures.

To address years with particularly large confidence intervals (i.e., high uncertainty), years that have harvest estimates with a PSE greater than 50 would not be included in the evaluation. Years that have harvest estimates with PSEs between 30 and 50 would be subject to review by the Cobia Technical Committee to recommend whether they are appropriate to include in the evaluation. This aligns with MRIP's guidance to use caution for estimates with a PSE greater than 30, and not support the use of estimates with a PSE greater than 50.

3.4 Overage Response for Recreational Landings Evaluations with Rolling Averages

Option A. Status Quo.

Under this option, the need for changes to recreational management measures is determined at the individual state level by comparing state harvest to that state's harvest target over the evaluation period.

If a state's (or region's or coastwide if selected in Section 3.1) averaged recreational landings exceed its annual recreational harvest target, that state/region/coast must adjust its recreational vessel limit or season to reduce harvest, such that future annual landings would be expected to achieve the state/regional/coastwide recreational harvest target.

States/regions/coast reporting a consistent (i.e., consecutive) under-harvest during an evaluation time period for a minimum of 2 years may present a plan to extend seasons or increase vessel limits, if desired, to allow increased harvests that will not exceed the harvest target.

Changes to management measures for states with overages or states that wish to liberalize management measures must be reviewed by the Technical Committee and approved by the Board prior to implementation.

Option B. Performance Comparisons

Under this option, if a state/region's averaged recreational landings exceed its annual recreational harvest target, management action to reduce harvest in that state/region would not be required if the following conditions are met:

- another state/region's averaged recreational landings is under their target by at least the same amount, and that state has chosen not to liberalize their measures (if applicable); AND
- the average coastwide harvest has not exceeded the coastwide quota for the same timeframe.

Otherwise, the process remains the same as in Option A.

This performance comparison approach cannot be used in conjunction with the confidence interval approach outlined in section 3.3. If the confidence interval approach is implemented in the future, this performance comparison approach can no longer be used at that time.

3.5 Timeline for Setting Commercial and Recreational Measures

Option A. Status Quo.

Under this option, the coastwide total harvest quota, vessel limits, possession or bag limits, minimum size limits, and a commercial closure triggering mechanism may be specified through Board action **for up to three years.**

New specified recreational management measures may be implemented after the expiration of previously specified measures or following a completed stock assessment. In years when harvest specifications are made, they will occur no later than the Fall Board meeting, and resulting measures will be implemented in the following year. Recreational landings will be evaluated against state recreational harvest targets at the same time (i.e., at the same meeting) as the specification process.

Option B. Five-Year Specifications

Under this option, the coastwide total harvest quota, vessel limits, possession or bag limits, minimum size limits, and a commercial closure triggering mechanism may be specified through Board action **for up to five years**. The rest of the specification process would remain the same as Option A.

A longer five-year timeline would potentially reduce the frequency of management changes (management ‘whiplash’) and better aligns with when new stock assessment information is likely to be available for Atlantic cobia. The time between completion of the previous stock assessment and the current assessment will be approximately 5-6 years. Setting new specifications between assessments can be difficult due to the lack of new information on stock status. For example, the 2020-2023 specifications were informed by the SEDAR 58 stock assessment (2020). When those specifications expired, the Board considered specifications for 2024-2026. Since neither a new stock assessment nor stock projections beyond 2024 were available, the Technical Committee and Board had limited information to consider for the 2024-2026 specifications.

4.0 Compliance Schedule

TBD upon approval of Addendum II.

5.0 References

Atlantic States Marine Fisheries Commission (ASMFC). 2023. Review of the Interstate Fishery Management Plan For Atlantic Cobia (*Rachycentron canadum*): 2022 Fishing Year. Arlington, Virginia. 21 pp. Available online at:

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<https://sedarweb.org/assessments/sedar-28/>

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Smith, Joseph W. 1995. Life history of cobia *Rachycentron canadum* (Osteichthyes: Rachycentridae), in North Carolina Waters. *Brimleyana* 23:1-23

Draft Document for Board Review. Not for Public Comment.

Appendix. 2023 State Management Measures for Atlantic Migratory Group Cobia

State	Recreational Measures	Commercial Measures
RI	<i>De minimis</i> Minimum Size: 37 in total length Vessel Limit: 1 fish per vessel Season: year-round	<u>Coastwide</u> Possession Limit: 2 fish per person Minimum Size: 33 in fork length or 37 in total length Vessel Limit: 6 fish If commercial fishing in state waters is closed, commercial fishing in federal waters will be recommended to mirror state closures <u>Deviations</u> -Rhode Island and New York possession limit is 2 fish per vessel -Virginia possession limit is per licensee rather than per person -North Carolina has 36 minimum fork length -No commercial harvest in South Carolina state waters -Georgia possession limit is 1 fish per person (not to exceed 6 per vessel) and minimum size is 36 in fork length
NY	<i>Declared into the fishery in 2023; could qualify for de minimis</i> Minimum Size: 37 in total length Vessel Limit: 1 fish per vessel Season: year-round	
NJ	<i>De minimis</i> Minimum Size: 37 in total length Vessel Limit: 1 fish per vessel Season: year-round	
DE	<i>De minimis</i> Minimum Size: 37 in total length Bag Limit: 1 fish per vessel Vessel Limit: 1 fish per vessel	
MD	<i>De minimis</i> Minimum Size: 40 in total length Bag Limit: 1 fish per person Vessel Limit: 2 fish per vessel Season: June 15-September 15	
PRFC	Minimum Size: 40 in total length (only 1 fish over 50" per vessel) Bag limit: 1 per person Vessel Limit: 2 fish per vessel Season: June 15-September 15	
VA	Minimum Size: 40 in total length (only 1 fish over 50" per vessel) Bag Limit: 1 fish per person Vessel Limit: 2 fish per vessel Season: June 15-September 15	

Draft Document for Board Review. Not for Public Comment.

NC	<p>Minimum Size: 36 in fork length Bag Limit: 1 fish per person Season: May 1-December 31 <u>Private Vessel Limit</u> May 1- June 30: 2 fish July 1-Dec 31: 1 fish</p> <p><u>For-Hire Vessel Limit</u> May 1-Dec 31: 4 fish</p>	
SC	<p>Bag Limit: 1 fish per person Minimum Size: 36 in fork length Vessel Limit: 6 fish Season: Open year-round</p> <p><u>Southern Cobia Management Zone:</u> Minimum Size: 36 in FL Season: June 1-April 30 (closed in May) Bag Limit: 1 fish per person Vessel Limit: 3 fish</p> <p>-If recreational fishing in federal waters is closed, recreational fishing in all SC state waters is also closed.</p>	
GA	<p>Bag Limit: 1 fish per person Minimum Size: 36 in fork length Vessel Limit: 6 fish Season: March 1-October 31</p>	
<p>*Florida has a declared interest in the Atlantic Coastal Migratory Group, but their cobia fisheries are managed as part of the Gulf of Mexico Migratory Group due to cobia stock boundaries.</p>		



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: Coastal Pelagics Management Board

FROM: Cobia Plan Development Team

DATE: April 15, 2024

SUBJECT: Cobia Draft Addendum II Discussion Points

In October 2023, the Coastal Pelagics Management Board (Board) initiated an addendum to address reallocation of recreational cobia quota based on more recent harvest data. In January 2024, the Board provided additional guidance to the Plan Development Team (PDT) for the draft addendum to consider alternatives to the current state-by-state allocation system, the process for updating allocations in the future, and uncertainty around harvest estimates.

The PDT developed those options which are included in Draft Addendum II in the Board's meeting materials for the 2024 Spring Meeting.

This memorandum highlights PDT discussion and additional context on some topics for the Board's consideration, including a PDT recommendation to narrow the scope of regional allocation options.

Allocation Frameworks and Cobia Management Challenges

Each type of allocation framework considered in the draft addendum (state-by-state, regional, or coastwide) has both benefits and challenges. While a regional or coastwide allocation framework could address some of the uncertainty concerns by pooling data into larger sample sizes, these approaches would require coordination between states to determine a uniform set of management measures (uniform size limit and vessel limit; seasons may vary) across regions or the coast. Underlying all types of allocation frameworks are imprecise recreational harvest estimates due to the pulse/rare event nature of the cobia fishery, as well as cobia seasonal migration dictating when fish are available along the coast. Additionally, the Interstate Fishery Management Plan (FMP) for Atlantic Migratory Group Cobia is relatively new, with the FMP originally approved in 2017 and the transition to sole Commission management approved in 2019. The Board only has a few years of sole Commission management to inform potential changes to the allocation framework.

COVID-19 Data Years

At the January 2024 Board meeting, the Board decided to exclude 2020 from allocation calculations due to the lapse in MRIP sampling and use of imputed data. The Board directed the PDT to consider whether 2021 should be excluded as well. The PDT considered that the Access Point Angler Intercept Survey (APAIS) resumed in all states prior to 2021, but the return to at-

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sea head boat sampling was delayed into 2021. However, catch by head boats represents less than 0.1% of cobia catch over the last decade, so the PDT was not concerned about this. Additionally, while a high percentage of imputed data was used for 2020 catch estimates, only a very small percentage of data was imputed for 2021 catch estimates for one state (Virginia's 2021 catch estimate includes two imputed data points accounting for 0.02% of the harvest that year).

Since most sampling resumed prior to 2021 and only a very small portion of 2021 catch data was imputed for cobia, the PDT decided to include 2021 in the allocation timeframes.

State-By-State Allocations based on Recent Data

As shown in Table 2 of the draft addendum, the options for updated state-by-state allocations would result in significant changes to state allocation percentages. Virginia's allocation could increase from 39% to 69%; North Carolina's allocation could decrease from 38% to 13%; South Carolina's allocation could decrease from 12% to 6.5%; and Georgia's allocation could decrease from 9% to 6%. The PDT acknowledges the magnitude of these changes, which are primarily driven by Virginia's increased proportion and North Carolina's decreased proportion of the total harvest in recent years. The PDT discussed whether a phase-in approach to these potential allocation changes would be appropriate (i.e., incrementally change the allocations each year until the new allocation is reached). However, the PDT does not recommend a phase-in approach because this would result in constantly changing state harvest targets and associated state measures. This would lead to management 'whiplash' and a lack of consistency in recreational measures from year to year, which is what the Board noted it is trying to avoid.

Regional Allocation Options

The draft addendum includes options for four different regional definitions, including options for a two-region or three-region approach and options for whether to include North Carolina in the northern or southern region.

A three-region approach would result in a northern region comprised of states from Rhode Island through Delaware with a regional allocation of less than 2% of the total recreational quota. All of these states are currently *de minimis* states with variable, sporadic landings from year to year and associated percent standard errors (PSEs) typically greater than 80. The PDT noted concern about having a region comprised of only *de minimis* states with such a small percentage of the quota and high PSEs, and therefore **the PDT recommends the Board remove the three-region allocation options from the draft addendum and only consider a two-region approach.**

The draft addendum includes two alternatives for a southern region. The first is a southern region comprised only of South Carolina and Georgia, which would result in North Carolina being grouped with Virginia (and other northern states). This grouping was used by the Cobia

Technical Committee in their September 2023 report¹ based on tagging data and observations on the water suggesting cobia in North Carolina and Virginia represent the same group of fish. However, the PDT noted that when considering the timing of cobia harvest throughout the year, North Carolina's peak harvest occurs in May/June similar to South Carolina and Georgia's peak harvest (Figure 1). Based on this, the PDT added the second southern region alternative to the draft addendum with North Carolina grouped with South Carolina and Georgia.

Virginia's peak harvest occurs in July/August, at least in part due to their season not opening until June. When considering the timing of cobia catch (harvest and releases) throughout the year, the differences between North Carolina and Virginia are less significant with catch in both states more evenly distributed from May through August (Figure 2).

The PDT recommends the Board consider whether it has a preferred grouping for North Carolina. If so, the non-preferred grouping can be removed from the draft addendum.

The PDT discussed potential considerations for the different regional groupings. If North Carolina is grouped in the southern region with South Carolina and Georgia, then the northern region would be comprised of Virginia plus states with *de minimis* status. This grouping may not necessarily improve PSEs relative to Virginia's current PSEs because the *de minimis* states have such high PSEs and sporadic landings. However, Virginia's PSEs are the lowest of all cobia state harvest estimates with most recent PSEs below 30.

In general, the concern about high PSEs and high uncertainty will not be completely solved by moving to a regional allocation, though there may be some improvement.

Rolling Seasons

The Board's original motion initiating this addendum noted the options should "*consider the need for fishing opportunity based on the seasonality of the species in various regions*". This concept was referred to as 'rolling seasons' meaning the fishery would open and close sequentially along the coast following the cobia seasonal migration. The PDT considered whether the addendum should specifically prescribe season dates to address this concept. After discussion and development of the regional and coastwide allocation framework options, the PDT determined there is no need to prescribe season dates at this time since active fishing seasons are already dictated by cobia availability in a rolling fashion (e.g., peak harvest at the southern end of the range is during May/June and peak harvest at the northern end is during July/August). For the regional and coastwide framework options, the addendum affords flexibility for seasons to differ between states in the same region or along the coast based on cobia availability, with the potential for season changes, if needed, to accomplish either reductions or liberalizations in the future.

¹ Sep 2023 Cobia Technical Committee report:
http://www.asmf.org/uploads/file/65baa5f1CobiaTC_Report_2024MgmtMeasures_Sept2023.pdf

Uncertainty and Confidence Intervals

At the January 2024 Board meeting, Board members noted the need to account for the uncertainty of MRIP harvest estimates and alluded to approaches used for other species (e.g., percent change approach for summer flounder, scup, black sea bass, and bluefish). The percent change approach² for those other species takes into account both the confidence intervals associated with the harvest estimate and the status of the stock to determine how to change measures. The PDT developed a provision for the draft addendum based on the confidence intervals of cobia harvest estimates to account for the uncertainty of point estimates (i.e., harvest could be above or below the point estimate). However, the PDT did not include a biological status of the stock component to the approach. The species for which the percent change approach is applied typically have stock assessments conducted every two years, so there is a regularly updated data stream for biological indicators of stock status. At this point, cobia stock assessments are conducted roughly every five years, and currently it is unclear what (if any) abundance index can be developed for cobia. Given these uncertainties surrounding the timing of cobia stock assessments, the PDT did not consider adding a biological stock status component to the recreational harvest target evaluation process.

² Explanation of Percent Change Approach for Summer Flounder, Scup, Black Sea Bass, and Bluefish: <https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/62a790313537284dee967d85/1655148593447/HCR-Percent-Change-Table.pdf>

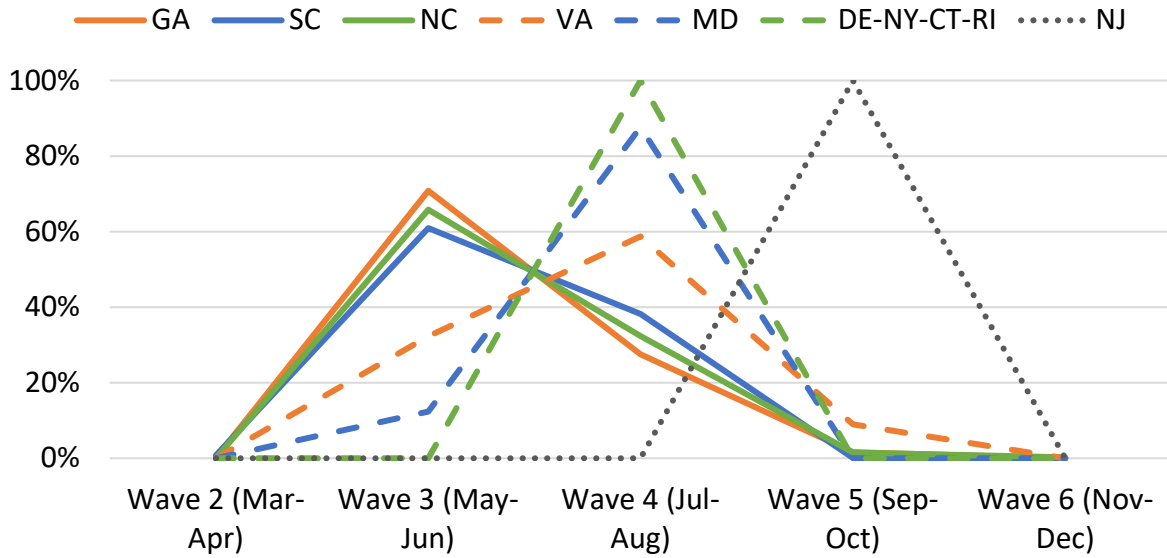


Figure 1. Percent of harvest of Atlantic cobia in numbers per wave from 2018-2023 (excluding 2020). *2023 data are preliminary. Note: MRIP sampling does not occur during Wave 1 (Jan-Feb) except for in North Carolina. North Carolina’s estimated cobia harvest during Wave 1 for this time period was 0 fish.

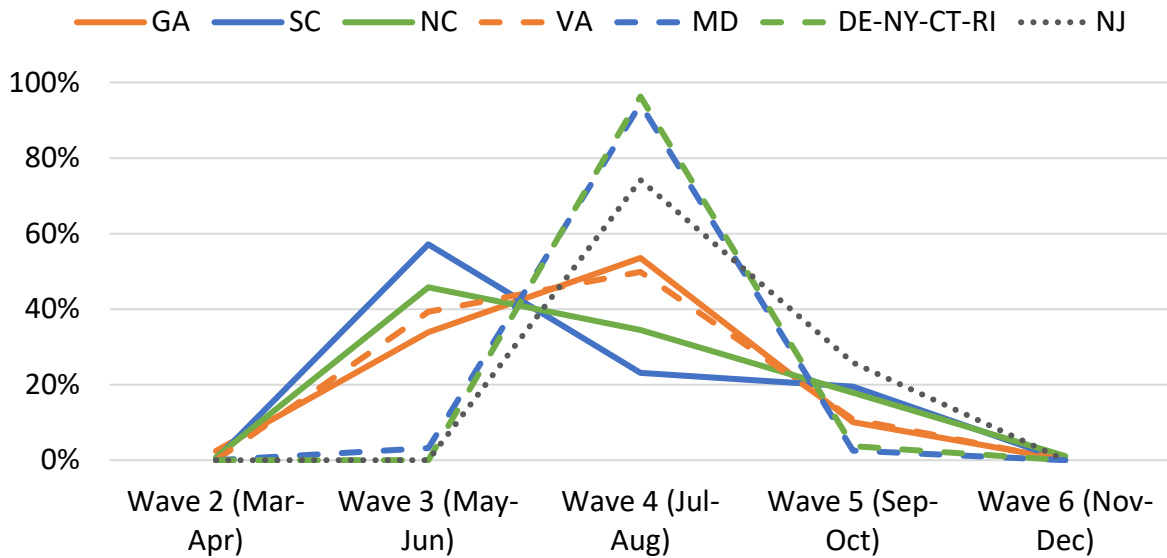


Figure 2. Percent of catch of Atlantic cobia in numbers per wave from 2018-2023 (excluding 2020). *2023 data are preliminary. Note: MRIP sampling does not occur during Wave 1 (Jan-Feb) except for in North Carolina. North Carolina’s estimated cobia harvest during Wave 1 for this time period was 0 fish.

FINAL
SUMMARY REPORT
MACKEREL COBIA COMMITTEE
SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
Jekyll Island, Georgia
March 5, 2024

The Committee approved the minutes from the December 2023 meeting and the agenda.

Law Enforcement Advisory Panel Report

The Law Enforcement Advisory Panel met on January 29 and 30, 2024 in Charleston, South Carolina. The AP Chair, Captain Scott Pearce, provided a summary of Advisory Panel discussion and recommendations related to king and Spanish mackerel tournament sales. The Committee expressed their appreciation of the advisory panels' in-depth discussions and recommendations.

Mackerel Port Meetings

Based on recommendations from the Mackerel Cobia Advisory Panel, the Council directed staff to begin work on a plan to conduct port meetings for king and Spanish mackerel to gain an in-depth understanding of the fisheries to improve management efforts. The Committee reviewed the goals and objectives and discussion topics for port meetings. Staff presented the Committee with the final meeting structure and locations.

The Committee provided the following input:

- Based on comments from the Atlantic States Marine Fisheries Commission (ASMFC), move the Connecticut, Rhode Island, and Massachusetts port meetings to a virtual format. Hold the virtual meetings during the month of May, as originally planned.
- Consider holding the New York port meeting in conjunction with the Mid-Atlantic Fishery Management Council's June 2024 Council meeting in Riverhead, New York.
- Work with ASMFC and state agency staff to identify a location along the inside of Chesapeake Bay to hold a port meeting.

MOTION 1: APPROVE THE KING AND SPANISH MACKEREL PORT MEETINGS PLAN FOR IMPLEMENTATION.

APPROVED BY COMMITTEE

APPROVED BY COUNCIL

Other Business

Note: Council staff drafts the timing and task motion based on Committee action. If points require clarification, they will be added to the draft motion. The Committee should review this wording carefully to be sure it accurately reflects their intent prior to making the motion.

Timing and Task(s)

MOTION 2: ADOPT THE FOLLOWING TIMING AND TASKS:

1. Begin conducting port meetings for king and Spanish mackerel. Update the Council on North Carolina and New England port meetings at the June 2024 Council meeting.

APPROVED BY COUNCIL