

# Atlantic States Marine Fisheries Commission

## Coastal Pelagics Management Board

October 17, 2023  
3:15 p.m. – 4:45 p.m.  
Hybrid Meeting

### Draft Agenda

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

1. Welcome/Call to Order (*J. Cimino*) 3:15 p.m.
2. Board Consent 3:15 p.m.
  - Approval of Agenda
  - Approval of Proceedings from August 2023
3. Public Comment 3:20 p.m.
4. Progress Update on SouthEast Data, Assessment, and Review Atlantic Migratory Group (AMG) Cobia Stock Assessment (*C. Tuohy*) 3:30 p.m.
  - Review Stock Assessment Roadmap and Planned ASMFC and State Involvement
5. Consider Approval of State Recreational Management Measures for AMG Cobia for the 2024 Fishing Year (*C. Tuohy & A. Giuliano*) **Final Action** 3:40 p.m.
6. Technical Committee Report (*A. Giuliano*) **Possible Action** 4:00 p.m.
  - Review Recent Trends in State, Regional, and Coastwide AMG Cobia Landings
7. Update from the South Atlantic Fishery Management Council on Mackerel Port Meetings and Coastal Migratory Pelagics Framework Amendment 13 (*J. Carmichael*) 4:35 p.m.
8. Elect Vice-Chair **Action** 4:40 p.m.
9. Other Business/Adjourn 4:45 p.m.

The meeting will be held at The Beaufort Hotel, 2440 Lennoxville Road, Beaufort, NC; 252.728.3000, and via webinar; click [here](#) for details

# MEETING OVERVIEW

## Coastal Pelagics Management Board

October 17, 2023

3:15 p.m. – 4:45 p.m.

Hybrid

Chair: Joe Cimino (NJ) Assumed Chairmanship: 11/21	Technical Committee Chair: Cobia: Angela Giuliano (MD)	Law Enforcement Committee Rep: Capt. N. Scott Pearce (FL)
Vice Chair: Erika Burgess (FL)	Advisory Panel Chair: Craig Freeman (VA)	Previous Board Meeting: August 2, 2023
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 August 2023

**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. Progress Update on SouthEast Data, Assessment, and Review (SEDAR) Atlantic Migratory Group (AMG) Cobia Stock Assessment (3:30-3:40 p.m.)

### Background

- In November 2023, work will begin on the AMG cobia stock assessment scheduled to be completed in 2025 through the SEDAR process.
- The assessment is scheduled as an update, but the assessment model approach and methodology will likely need to be updated to address data challenges and changes in the distribution of cobia landings.
- The assessment will require significant participation from states and the Commission, requiring the formation of a stock assessment subcommittee following the Commission's Annual Meeting.
- The SEDAR Steering Committee will meet on October 3, 2023 to review the Stock Assessment Roadmap for AMG cobia developed by Commission and Southeast Fisheries Science Center staff (**Briefing Materials**).

### Presentations

- Progress update by C. Tuohy

**5. Consider Approval State Recreational Management Measures for AMG Cobia for the 2024 Fishing Year (3:40-4:00 p.m.) Final Action**

**Background**

- The Coastal Pelagics Management Board (Board) set the 2024-2026 total harvest quota for Atlantic Cobia on August 2, 2023.
- Amendment 1 to the AMG Cobia Fishery Management Plan (FMP) requires non-*de minimis* states to evaluate state harvest against soft harvest targets and consider changes to state recreational management measures each time a new total harvest quota is set through the specifications process.
- In August 2023, the Board tasked the Cobia Technical Committee (TC) to evaluate the impact of status quo recreational management measures in 2024.
- The Cobia TC met twice in September 2023 to discuss recommendations for 2024 recreational management measures and the impacts of keeping status quo recreational management measures in 2024 (**Briefing Materials**).

**Presentations**

- Technical Committee Report by C. Tuohy and A. Giuliano

**Board actions for consideration at this meeting**

- Approve 2024 state recreational management measures for AMG cobia.

**6. Technical Committee Report (4:00-4:35 p.m.) Possible Action**

**Background**

- Current state-by-state percent allocations of the Atlantic cobia recreational quota are based on states' percentages of coastwide historical landings from 2006-2015.
- In August 2023, the Board tasked the Cobia TC to develop a fishery review that characterizes trends in recent trends in state and regional landings to inform a future management action that will address recreational reallocation of AMG cobia.
- The Cobia TC met twice in September 2023 to review recent trends in recreational cobia landings at the state, regional, and coastwide levels. The TC also reviewed state tagging data to better understand cobia movement along the Atlantic Coast over time.

**Presentations**

- Technical Committee Report by A. Giuliano

**Board actions for consideration at this meeting**

- Consider action to address recreational reallocation of AMG cobia.

**7. Update from the South Atlantic Fishery Management Council (SAFMC) Update on Mackerel Port Meetings and CMP Framework Amendment 13 (4:35-4:40 p.m.)**

**Background**

- In June 2023, SAFMC initiated Framework Amendment 13 to the Coastal Migratory Pelagics FMP to adjust catch levels for Atlantic Spanish mackerel based on the Scientific and Statistical Committee's recommendations and results of the 2022 stock assessment.
- SAFMC plans to conduct port meetings for king and Spanish mackerel fisheries in 2024 to gain a comprehensive understanding of those fisheries to improve management efforts.

- SAFMC met on September 12, 2023 to approve Framework Amendment 13 for scoping and review next steps for planning the 2024 Spanish and king mackerel port meetings (**Briefing Materials**).

**Presentations**

- CMP Framework Amendment 13 and port meetings update by J. Carmichael

**8. Elect Vice-Chair (4:40-4:45 p.m.) Action**

**9. Other Business/Adjourn (4:45 p.m.)**

## Coastal Pelagics Board

Activity level: Moderate

Committee Overlap Score: Moderate

### Committee Task List

- Cobia TC – Review state proposed modifications to 2024 recreational management measures; review the impact of status quo recreational management measures in 2024; develop a fishery review that characterizes recent trends in state and regional landings compared to harvest targets
- Spanish Mackerel PRT – October 1: Compliance Reports and Fishery Profile Questionnaire Due
- Spanish Mackerel TC – Develop a paper that characterizes the recreational and commercial Spanish mackerel fisheries along the Atlantic Coast
- Cobia TC/PRT – July 1: Compliance Reports Due

### Technical Committee Members:

**Cobia TC:** Angela Giuliano (MD, Chair), Nichole Ares (RI), Brian Neilan (NJ), Somers Smott (VA), Lee Paramore (NC), Justin Yost (SC), Chris Kalinowsky (GA), Christina Wiegand (SAFMC), Michael Larkin (SERO), Emilie Franke (ASMFC), Chelsea Tuohy (ASMFC)

**Spanish Mackerel TC:** Reuben Macfarlan (RI), Jamie Darrow (NJ), Harry Rickabaugh (MD), Ingrid Braun (PRFC), Joshua McGilly (VA), McLean Seward (NC), Pearse Webster (SC), Christina Wiegand (SAFMC), Emilie Franke (ASMFC), Chelsea Tuohy (ASMFC)

### 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), Chris Swanson (FL), Christina Wiegand (SAFMC), John Hadley (SAFMC), Emilie Franke (ASMFC)

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

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

**August 2, 2023**

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

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## INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Coastal Pelagics Board Proceedings of November 8, 2022** by consent (Page 1).
3. **Move to approve the Atlantic Cobia FMP Review for the 2022 fishing year, state compliance reports, and *de minimis* requests for Rhode Island, New Jersey, Delaware, Maryland, Georgia, and Florida** (Page 4). Motion by Malcolm Rhodes; second by Lynn Fegley. Motion carries by unanimous consent (Page 6).
4. **Move to set the 2024-2026 total harvest quota at the status quo level of 80,112 fish. This results in a recreational quota of 76,908 fish and a commercial quota of 73,116 lbs** (Page 11). Motion by Doug Haymans; second by Lynn Fegley. Motion passes by unanimous consent (Page 12).
5. **Move to task the Cobia Technical Committee to develop a fishery review that characterizes recent trends in state and regional landings compared to their harvest targets, including *de minimis* landings. The results of this review will inform a future addendum to be implemented for 2025 that considers recreational allocations, *de minimis*, and any other issues the Board identifies. It is the intent to initiate this addendum either at the Commission’s Annual Meeting or the 2024 Winter Meeting** (Page 14). Motion by Shanna Madsen; second by Mel Bell. Motion passes by unanimous consent (Page 17).
6. **Move to task the Cobia Technical Committee with determining the impacts of status quo coastwide recreational management measures for the 2024 fishing year** (Page 17). Motion by Shanna Madsen; second by Lynn Fegley. Motion carries by unanimous consent (Page 18).
7. **Main Motion**  
**Move to direct the Spanish Mackerel Technical Committee to develop a paper that characterizes the recreational and commercial Spanish Mackerel fisheries along the Atlantic Coast. The timing and content of the paper are intended to help the Coastal Pelagics Management Board address state waters management issues** (Page 27). Motion by Chris Batsavage; second by Shanna Madsen.  
  
**Motion to Amend**  
**Move to amend to strike “address state water management issues” and replace “help” with “inform”** (Page 29). Motion by Erica Burgess; second by Doug Haymans. Motion fails (Roll Call: In Favor – RI, FL, GA, SC, NJ; Opposed – DE, MD, PRFC, VA, NC; Abstentions – SAFMC, NOAA; Null – None) (Page 30).  
  
**Main Motion**  
**Motion to direct the Spanish Mackerel Technical Committee to develop a paper that characterizes the recreational and commercial Spanish mackerel fisheries along the Atlantic Coast. The timing and content of the paper are intended to help the Coastal Pelagics Management Board address state waters management issues.** Motion by Chris Batsavage; second by Shanna Madsen. Motion carries (Roll Call: In Favor – RI, GA, NC, VA, PRFC, MD, DE, SC, NJ; Opposed – FL; Abstentions – SAFMC, NOAA; Null – None) (Page 30).
8. **Motion to adjourn** by consent (Page 32)

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**ATTENDANCE**

**Board Members**

Renee Zobel, NH, proxy for C. Patterson (AA)	Shanna Madsen, VA, proxy for J. Green (AA)
Jason McNamee, RI (AA)	Bryan Plumlee, VA (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
John Maniscalco, NY proxy for B. Seggos (AA)	Mel Bell, SC (AA)
Joe Cimino, NJ (AA)	Malcolm Rhodes, SC (GA)
Jeff Kaelin, NJ (GA)	Doug Haymans, GA (AA)
Adam Nowalsky, NJ, proxy for Sen. Gopal	Spud Woodward, GA (GA)
John Clark, DE (AA)	Gary Jennings, FL (GA)
Roy Miller, DE (GA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Lynn Fegley, MD (AA, Acting)	Ingrid Braun, PRFC
Russell Dize, MD (GA)	John Carmichael, SAFMC
David Sikorski, MD, proxy for Del. Stein	Jack McGovern, NMFS

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

**Ex-Officio Members**

Angela Giuliano, Cobia Technical Committee Chair                      Scott Pearce, Law Enforcement Committee Rep.

**Staff**

Robert Beal	Kristen Anstead	Jeff Kipp
Toni Kerns	Madeline Musante	Katie Drew
Tina Berger	Chelsea Tuohy	Geoff White
Tracey Bauer	James Boyle	Kurt Blanchard

**Guests**

Max Appelman, NOAA	Harry Hornick, MD DNR	Marina Owens, FL FWC
Pat Augustine	Jesse Hornstein, NYS DEC	Nicole Pitts, NOAA
Carolyn Belcher, GA DNR	Yan Jiao, Virginia Tech	Will Poston, ASGA
William Brantley, NC DMF	Blaik Keppler, SC DNR	Jill Ramsey, VMRC
Jeff Brust, NJ DEP	Kathy Knowlton, GA DNR	Kathy Rawls, NC (AA)
Scot Calitri, NH F&G	Kris Kuhn, PA F&B	Harry Rickabaugh, MD DNR
Nicole Caudell, MD DNR	Ira Laks	Austin Robbins
Haley Clinton, NC DEQ	Sarah Lazo, NOAA	Kirby Rootes-Murdy, USGS
Richard Cody, NOAA	Michael Luisi, MD DNR	Tara Scott, NOAA
Judd Curtis, SAFMC	Genine McClair, MD DNR	McLean Seward, NC DMF
Sarah Cvach, MD DNR	Chris McDonough, SC DNR	Ethan Simpson, VMRC
Greg DiDomenico	Joshua McGilly, VMRC	Somers Smott, VMRC
Jared Flowers, GA DNR	Jack McGovern, NOAA	Clay Socas
Tony Friedrich, ASGA	Steve Minkinen, US FWS	Chad Thomas, NC Marine &
Alexa Galvan, VMRC	Brandon Muffley, MAFMC	Estuary Foundation
Pat Geer, VMRC	Brian Neilan, NJ DEP	Christina Wiegand, SAMFC
Lewis Gillingham, VMRC	Thomas Newman	Angel Willey, MD DNR
Joseph Grist, VMRC	George O'Donnell, MD DNR	

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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, a hybrid meeting, in-person and webinar; Wednesday, August 2, 2023, and was called to order at 10:15 a.m. by Chair Joe Cimino.

### **CALL TO ORDER**

CHAIR JOE CIMINO: The Board for Coastal Pelagics, I'll call us to order. My name is Joe Cimino; I am the Administrative Commissioner for the State of New Jersey. We've got some important presentations on both species that we need to go through today, not a lot of tough decisions, but some stuff that will carry us through the next few years.

### **APPROVAL OF AGENDA**

CHAIR JOE CIMINO: If we can get started, I'll ask if there are any additions or edits to the agenda. Seeing none; I'll consider the agenda approved.

### **APPROVAL OF PROCEEDINGS**

CHAIR JOE CIMINO: Approval of the proceedings from our last meeting in November, any edits or concerns with the proceedings as presented? We'll consider those approved as well.

### **PUBLIC COMMENT**

CHAIR JOE CIMINO: We'll move to public comment. Not seeing any; we'll move to Approval of the FMP Review and State Compliance Reports for Cobia.

MS. CHELSEA TUOHY: Thank you, Mr. Chair, and good morning, everyone. I'm Chelsea Tuohy, for those of you who don't know me, and I'm going to be filling in for Emilie here, while she's out on maternity leave. I'm going to move through this as quickly and seamlessly as I can. There is a lot to cover today.

### **CONSIDER APPROVAL OF FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE FOR ATLANTIC COBIA FOR THE 2022 FISHING YEAR**

MS. CHELSEA TUOHY: Up on the screen behind me are the elements of the FMP Review that we'll be discussing. Atlantic cobia is currently managed through Amendment 1 to the Interstate FMP, which was approved in 2019, and Addendum I to Amendment 1, which was approved in 2020. Amendment 1 transitioned Atlantic cobia to sole management by the Commission.

Then Addendum I set the sector-specific allocations that we see today, where 96 percent of the total harvest quota is allocated to the recreational sector, and 4 percent of the total harvest quota is allocated to the commercial sector. The total harvest quota for Fishing Year's 2021 through 2023 is about 80,000 fish.

For the commercial fishery, along with size limits and possession limits, the commercial harvest from non *de minimis* states is tracked throughout the season, and the fishery closes if those landings reach the closure trigger. Then 4 percent of that commercial quota is set aside for *de minimis* states. For the recreational fishery, in addition to size and possession limits, the recreational quota is allocated to state harvest targets. Those are soft targets for non *de minimis* states. States will evaluate their average landings against their harvest target during the specifications process. That will happen this year, between this meeting and the October meeting. Then the states will adjust measures if they've exceeded their targets over the past three years.

One percent of the recreational quota is designated for *de minimis* harvest, and states with recreational *de minimis* status can either adopt the same measures as the nearest non *de minimis* state, or they can simply implement a 33-inch fork length, or 37-inch total length size limit, and then a 1-fish per vessel limit.

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For status of the stock, the most recent stock assessment for Atlantic cobia was SEDAR 58, which was completed in 2020, and that assessment had a terminal year of 2017. That assessment found Atlantic cobia was not overfished, and overfishing was not occurring. The next SEDAR assessment is tentatively scheduled for 2025, with a terminal year of 2023 or 2024, and this new assessment may inform 2026 or 2027 quotas and management measures.

You'll hear a little bit more about that stock assessment later today from our TC Chair. Then as a quick reminder to everyone, the Atlantic cobia stock extends from Georgia northward. Cobia in Florida waters are considered part of the Gulf of Mexico stock, which is not managed by the Commission.

In 2022, total landings were 1.96 million pounds, with 3.8 percent of that coming from the commercial sector, and 96.2 percent of that coming from the recreational sector, 2022 landings were 27 percent decreased from 2021. On the commercial side of that, landings were 75,418 pounds, representing a 13 percent increase from 2021.

Again, on the commercial side, Virginia and North Carolina landed the largest amount of that total, with Virginia representing 51 percent of the landings, and North Carolina representing 43 percent of the landings. The total non *de minimis* landings from Virginia, North Carolina and South Carolina, did reach the commercial closures trigger this year.

The fishery was closed from December 16 through the end of the calendar year. In 2022, recreational landings were 1.9 million pounds, or just under 70,000 fish, representing a 28 percent decrease by weight from 2021. By number, Virginia landed 57 percent of that total, and North Carolina landed 18 percent of that total.

Just in general, recreational harvest has widely fluctuated over the time series, with some rapid increases and decreases. For the whole time series

from 1981 forward, the average recreational harvest is about 1.1 million pounds per year. But in more recent years the fishery has grown with an average harvest of 2.1 million fish per year for the past 10 years.

In 2022, we were slightly below average, with 1.9 million pounds. Then again in general, recreational releases have generally increased, but they decreased in 2022 relative to 2021, where 189,608 recreationally caught fish were released. This decrease in discards this year can be tied to the decrease in recreational landings in 2022. Over the last five years from 2018 to 2022, an average 77 percent of cobia caught recreationally were released alive each year. This is higher than the average of 65 percent released alive during the previous five-year period from 2013 to 2017. The figure behind me just shows commercial and recreational landings in pounds for Atlantic cobia. You can see that the commercial landings are a pretty small proportion of the total landings, and then decreased recreational landings in 2022 compared to 2021 and 2020.

For the State Compliance Reports this year and the FMP Review, the Plan Review Team found no inconsistencies from the FMP, with a few notes that are included in the following slide. In 2022, no states implemented changes to recreational cobia measures, and *de minimis* states changed their measures to either adopt Virginia's measures, which is the nearest non *de minimis* state, or they adopted the standard *de minimis* measures.

For recreational *de minimis*, 1 percent of the recreational quota is designated to account for harvest in *de minimis* states. A state qualifies for recreational *de minimis* status if recreational harvest in two of the previous three years is less than 1 percent of the annual coastwide recreational landings during that time.

Rhode Island, New Jersey, Delaware, Maryland and Florida all requested recreational *de minimis* status, and all these states meet the recreational *de minimis* qualifications except for Maryland. In their

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compliance report, Maryland noted variability in landings from year to year. They were just over that 1 percent threshold in 2020, and then they had 0 landings in 2022.

Given this, Maryland requested to continue under recreational *de minimis* status for another year, until 2023 recreational harvest can be evaluated. The Plan Review Team did agree with this rationale. For commercial *de minimis*, *de minimis* states are not required to monitor the commercial landings during the season.

The qualifications for commercial *de minimis* status are commercial landings in two of the previous three years that are less than 2 percent of the coastwide commercial landings for the same time period. Rhode Island, New Jersey, Delaware, Maryland, Georgia and Florida, all requested commercial *de minimis* status, and they all meet the qualifications this year.

The PRT recommends that the Board approve all *de minimis* requests, including Maryland's, as the PRT agrees with the provided rationale that I just discussed. The PRT emphasized that multiple states could exceed *de minimis* thresholds over the next few years, particularly as cobia landings continue to increase in Mid-Atlantic states.

The PRT notes the management implications of this, including requiring commercial in-season monitoring in more states, and adding new states to the allocation of recreational quota. Also, the PRT notes that the current allocation of recreational quota to each state is based on landings data through only 2015, which may need to be updated to reflect more recent years.

As the Board considers potential management action with setting new specifications, and with a new stock assessment, the PRT recommends that the Board discuss whether updates to the state-by-state recreational harvest allocations are warranted, and there is going to be a presentation later on today, specifically aimed at recreational allocations, so stay tuned for that. The last

comment from the PRT is that the PRT noted New York's recent cobia commercial landings were 6.9 percent of the commercial landings in 2020, 2.6 percent in 2021, and 2 percent in 2022. Based on those years, the PRT recommends that New York declare an interest in Atlantic cobia, and depending on future landings, in-season commercial monitoring may need to be considered in the future. I believe that New York has completed the process to update their regulations, and they now meet the FMP requirements for the commercial fishery, and they are in the process of updating their regulations to meet the recreational fishery requirements.

But they still do not have a declared interest in the fishery. I'm sure New York can speak more to what they are in the process of doing, but I also believe that they are in the process of implementing regulations for closure authority. That concludes the FMP Review presentation, and I am happy to take any questions.

CHAIR CIMINO: Great, thank you so much, Chelsea. Questions for Chelsea? I've got Chris Batsavage and then Jay.

MR. CHRIS BATSAVAGE: Thank you for the presentation, Chelsea. I should know this, so I apologize for asking. But in the case of Maryland, where they have fallen out of *de minimis*, and I support keeping *de minimis* status for now. Does the FMP have a mechanism for a state that no longer qualifies for *de minimis* for the recreational fishery to set up their own regulations, or is that going to force looking at reallocation, since they don't have their own amount for their state?

MS. TUOHY: Yes, thank you for that question. The FMP states that if a state falls out of *de minimis*, we would need an addendum to calculate them into the recreational allocation.

DR. JASON McNAMEE: Thanks, Chelsea. Really good presentation. I had a question. One of the slides, and I can't remember now if it said non *de minimis* or *de minimis*, but there was a closure like

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in December. I guess my question was, when that closure happens, like how do we know? Is there like a notification that occurs as a Commission contact? Everyone, I just want to make sure that we are paying attention and note those closures when they happen.

MS. TUOHY: Yes, thank you for the question. That closure is for the commercial fishery, and the Commission, I believe sends out a memo to all of the states, once the trigger is reached. But I'm going to phone a friend to Toni here.

MS. TONI KERNS: Jay, it's a 30-day notice. When we developed the plan for the states that were not *de minimis*, 30 days was enough time for every state to close. *De minimis* states are also supposed to close. Not all *de minimis* states have been closing when we send that notification letter. To follow up to Chris's question earlier. The commercial measures, when you fall out, are no longer *de minimis*, and we don't need to alter those. That state can just automatically fall into those measures, so we don't have to make a change for those.

CHAIR CIMINO: Are there questions? Erika.

MS. ERIKA BURGESS: A question for Toni. Florida is a *de minimis* state. Without Atlantic cobia in their waters, is Florida expected to announce a closure of our waters for Atlantic cobia?

MS. KERNS: No, you are not. You are not considered a harvester of the Atlantic cobia.

MS. BURGESS: Thank you.

CHAIR CIMINO: Go ahead, John.

MR. JOHN MANISCALCO: Thank you, Chelsea, for the presentation for picking up for Emilie. I didn't know if this was the time for New York to just kind of give an update on where it's at.

CHAIR CIMINO: Yes, please.

MR. MANISCALCO: As Chelsea noted, as of August 16, our recreational regulations will match the *de minimis* standard. We are working towards regulatory authority to close commercial cobia. I mean we do have the capacity to track landings, I just don't know at what frequency those landings reports have to be submitted to ASMFC.

MS. TUOHY: In terms of the frequency, over the summer we typically ask for reporting every week, and then as we get close to the commercial trigger, we'll ask for more frequent reports, sometimes two times a week, sometimes that is every other day. It depends on how close we are to that trigger

CHAIR CIMINO: Other questions. Go ahead, Shanna.

MS. SHANNA MADSEN: Not so much a question, but a comment. John, if you want to talk to some of the non *de minimis* states about how we're doing those reporting requirements, and meeting those for the weekly updates that we need to provide to ASMFC, we're happy to help, because we had to put some different regulations in place, to make sure that we could meet those weekly reporting requirements.

CHAIR CIMINO: If no other questions, I'll be looking for a motion for the FMP Reviews here. Dr. Rhodes.

DR. MALCOLM RHODES: I would move to approve the Atlantic Cobia FMP Review for fishing year 2022, the state compliance reports and the *de minimis* requests, with the noted provisions. I guess, since we have it up. **I will move to approve the Atlantic Cobia FMP Review for the 2022 fishing year, state compliance reports and *de minimis* request for Rhode Island, New Jersey, Delaware, Maryland, Georgia, and Florida.**

CHAIR CIMINO: Lynn, is that a second? Second by Lynn Fegley. Any discussion on this motion? Go ahead, Roy.

MR. ROY W. MILLER: It's not on the motion, Mr. Chair, but if you will indulge me just a second. I'm

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pretty sure I heard that if the state goes out of *de minimis* categorization, that an addendum is needed to add them to the plan. Isn't that something we can do by a vote of the Policy Board, rather than have to go through the trouble of preparing an addendum for that?

CHAIR CIMINO: I'll start us off, however, we may have a host of answers here. Out of *de minimis*, so this is for recreational, where because we have averages it kind of has balanced out in the recent past. It has kind of gotten us to this point. We need to have a discussion on what happens next.

Because the states that aren't in *de minimis* have soft targets that are actually quite old right now. I think we will be discussing in just a little bit what it looks like for our future. But whether or not, if we had to in the meantime, before we got to a final addendum, have the Policy Board discuss this. I'll turn that over. It looks like Toni is ready.

MS. KERNS: Roy, I missed the first half of your question, but you are talking about relative to the Policy that the Policy Board implemented this last year. Is that in reference to, or are you just saying, should the Policy Board tell this Board to allocate?

MR. MILLER: I was hoping to streamline the process. It just seems to me that because of climate change and shifting stocks, these types of discussions are going to come up repeatedly, where fish distribution changes. It seems to me a more nimble response on our part would be to take administrative action to add a state to a species board, rather than go through the addendum process every time that happens.

MS. KERNS: You don't need to go through an addendum process to add a state to a species board, the addendum process is to bring them into the allocation of how you have adopted management for this species. There is a difference there. A state can just declare interest into a species board.

MR. MILLER: Once they declare interest, then the next time that species board meets, there would be some discussion of allocation, including them in the allocation, wouldn't there?

MS. KERNS: Yes, and then I think there will be additional discussion here today about the allocations for these species, and because this is a species that we know is highly impacted by climate change, I think that this species board should take into consideration that states may be needing to move in. The way we set up allocation for this stock should be in a nimble, responsive way to changing climate conditions. But I'm not sure it is something that you would want the Policy Board to design for you all.

CHAIR CIMINO: Yes, I think we put ourselves in a spot with the soft targets. You know we learned from quite a few species that not revisiting these types of allocations for a number of years is also a challenge. Again, we'll have that discussion soon. I saw Lynn's hand up, oh Lynn is good, okay. Anyone else? Go ahead, Jason.

DR. McNAMEE: Just picking up quickly on Roy's point. I think it's a good one, and kind of thinking it through a little bit. I get the need for a process, because we're talking about allocations, it's kind of weighty, so I kind of understand the need for a process. However, I think about impacts of climate change and conceivably what could happen. For instance, with a state like Maryland, they could hit that threshold, kind of come in, and then drop back below. What I'm getting at is climate change, usually the hallmark is variability. You could have these situations where you are kind of popping in and popping out. I think that speaks to Roy's point of having kind of a nimble process might be valuable for the states that are kind of on the edge, and they are going to pop in and pop out. I'm not suggesting anything right now, other than kind of it might be worth thinking through.

Maybe there is some allocation purgatory that you go into in the short term. Then once you have like consistently stayed above the threshold for a

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number of years, then you sort of go into the full allocation scheme. There may be designs that can accommodate the variability better than others. I'll stop rambling.

CHAIR CIMINO: No, not at all. I don't think it is. We have some time on the agenda today to start those discussions. I had asked for that, because I think it's good to have some discussions even prior to a stock assessment. I think timing wise we should be eventually reacting to that, before we get to final decisions.

But I think it makes a lot of sense to start this discussion before that happens. We'll move into that agenda item shortly. Not to cut anyone off here, but I think because we will pick up that discussion in just a minute.

Unless there is anything else, we can move into the harvest quotas for 2024 through 2026, and I can turn that over.

Oh, sorry, we switched discussions. Let me say this. **If we're done with discussion on the motion at hand, Robert's Rules, folks. Unless I see hands, I'm going to ask if there are any objections to the motion. Great, there we go. Now we can dispense of that very simple motion and we'll move on.**

#### **CONSIDER TOTAL HARVEST QUOTA FOR ATLANTIC COBIA FOR THE 2024-2026 FISHING YEAR**

CHAIR CIMINO: Turning this over to Angela and to Chelsea. I'm not sure who is going to start us off. Okay, to Angela, thank you.

#### **TECHNICAL COMMITTEE REPORT**

MS. ANGELA GIULIANO: Good morning, everyone, my name is Angela Giuliano, and I represent Maryland on the Technical Committee as the current Technical Committee Chair. I'll be presenting our recommendations for the cobia harvest quota for 2024 through 2026. As Chelsea mentioned in her presentation, I'm sure you'll be seeing a lot of this today.

The current harvest quota is set at 80,112 fish, and it's allocated with 96 percent of the fish to the recreational sector, and 4 percent to the commercial sector. This works out to an allocation of 76,908 fish for the recreational sector and converted into pounds for the commercial sector, 73,116 pounds. This quota was set after the last stock assessment, which was approved by the Board, I believe in 2020.

It was based on a series of constant F and constant harvest projection through 2024. The quota was originally set for the 2020 through 2022 time period, but following changes that occurred in Addendum I to reallocate the quota between the recreational and commercial sectors, this quota was extended through 2023.

With today's meeting, the Board will need to set a specification for up to three years, starting in 2024. As part of these discussions, the TC initially requested updated projections from the Southeast Fisheries Science Center. As part of this request, we wanted to update landings for 2019 to 2022, based on observed harvest. We also made the request to have projections through 2026, rather than 2024, if feasible. This was to basically try to bridge the gap between those previous projections, and when we expect the next stock assessment update to be. The Southeast Fisheries Science Center responded, saying that the new projections would not be scientifically justified.

First, there was concern about the length of the projection period. The previous assessment had a terminal year of 2017. Updating the projections through 2026 would have resulted in a 9-year projection period, well beyond the 5-year limit that is recommended. Secondly, which again we keep highlighting this part.

There has been a shift in where the majority of removals have been occurring, especially in recent years since 2018, with the majority of the removals now outside of the South Atlantic. This is inconsistent with the projection model that has been used by the Science Center. Because the

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harvest levels in the projections were similar to the harvest levels that have been observed, and the previous projections had relatively flat trends over time.

The Science Center suggested that it is likely that any new projection runs would provide similar advice to what we had before through 2024. The Science Center had recommended extending the current quotas. After this response was received, the Technical Committee met again, and agreed with the Science Center's discussion about recent landings.

The average between 2019 and 2022, the average harvest observed has been 2.2 million pounds, which is less than the 2.4 million pounds of harvest assumed in those projections that were completed before, and are the projections that the current quota is based on. Between those years, only 2021 has had a harvest above the values assumed in the projections.

Given the lack of new information, without an updated assessment at this point, or updated projections. The fact that the realized harvest on average has been below the amount previously assumed in the projections, and lastly that the projected probability of the stock being overfished in 2024 was quite low.

The Technical Committee recommends that the Board set the quota for the 2024 to 2026 fishing years as the status quo level of 80,112 fish. Then I put up here again the recreational and commercial quota for how that is allocated out. With the stock assessment assumed to be completed, hopefully sometime late in 2025, we recommend that this be set for three years.

I did want to bring to the Board's attention some preliminary discussions going on about the next stock assessment and the data needs. As I said, the next stock assessment is scheduled to be an update assessment, but there have been a lot of changes in data availability and catch since the last assessment, and it's likely that there will be some changes in the

modeling approach and methods used. It won't be the straight, usual update.

Regarding data challenges, the previous assessment only had one abundance index that was based on the Southeast Region Headboat Survey, and even at that time, while the terminal year of the assessment went through 2017, the index only went through 2015. This was due to season closures occurring in 2016 and '17 that made the index not comparable in those years. Additionally, since that time with COVID, there have been some additional changes with fewer headboats in the fishery. Secondly, as mentioned before, there has been a change in where landings are coming from, with their continued expansion of landings into Virginia and north. The shift basically means that there will need to be a full reconsideration of the data available, as well as the analytical methods needed, and likely to be data sources from outside the Southeast Region will be required.

These new data sources will probably likely come from both state and federal partners. While historically in the past the Southeast Fishery Science Center has taken the lead on these assessments, with the changes in data sources and catch. The intention is to have more of a collaborative effort between the Southeast Fishery Science Center and ASMFC for the next stock assessment, with the eventual formation of a Cobia Stock Assessment Subcommittee.

As part of our last Technical Committee call, states have been tasked, essentially, with starting to compile their state datasets that may be useful for future assessment work. This includes the carcass collection programs, which is historically where we've gotten a lot of the biological data, such as gauges, lengths and maturity information, the Maine quota logbook data, as well as recreational reporting programs and tagging data.

I think at this point any data sources that states or our federal partners feel could be useful, I think would be definitely considered at this point. The goal basically, would need to have the datasets

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assembled by the end of this year or early next year, to start preparing for the assessment.

While the exact assessment schedule is still being worked out, like I said, the goal is approximately fall of 2025. But we would hope that it would be completed early enough in '25 that it could be used to inform the 2026 harvest specification process. With that, that is my presentation. I can take any questions at this point.

CHAIR CIMINO: Thank you, Angela. Well done, and I would like to extend that thanks to the entire TC. Questions, go ahead, Lynn.

MS. FEGLEY: Thank you, Angela, very much for that. I'm just a little bit curious about the assessment and the word tentatively scheduled. I think you addressed it, but I'm just kind of wondering when we know it's scheduled, and we can stop saying tentatively scheduled.

MS. GIULIANO: I think with the Science Center, they are still figuring out their assessment schedule. By October-ish, they should know who they will be able to assign for the fall, like to be their lead person. I think the October timeline essentially assumes that everything goes perfectly with data collection, analyses.

Like I said, well generally you think of an update assessment as being quick and easy, just to put in the old data. This one is not going to do that. I think that October timeline is optimistic and what we're aiming for, but it could be delayed a little bit, depending on how things shake out.

MS. KERNS: I was just going to basically say what Angela said. We have a definitive yes, we will be doing the assessment. But parts of the timeline are a little in the question mark. That comes with the tentative part of it.

CHAIR CIMINO: Next Shanna.

MS. MADSEN: Is this assessment going to go through the SEDAR process? Then I do have some comments after that.

MS. GIULIANO: Yes, so Toni says that it will be going through the SEDAR process.

MS. MADSEN: Okay, great. If you'll indulge me, I just want to make a couple of comments towards the assessment. I do think this is something I heard that we might be discussing at the Policy Board tomorrow. I do have some concerns, given the fact that we've lost some really good assessment power in the southern region.

Forming a SAS gives me a little bit of a stomach ache, just recognizing that it's going to be really hard for us to form a SAS. I think that those of us that do have stock assessment scientists in the southern region, they are pretty strapped on the assessments that we've been putting them on. I'm glad to hear that the Center, you know the original letter that I read said that the Center really was kind of out on helping overall.

I'm glad to hear that they are willing to donate some assessment power to the cobia stock assessment. But you know we're running into a problem where we can't make projections anymore using the old model. We're extending, and I feel safe in what we're doing today. We're extending our quotas out.

But it is definitely a concern. Hearing things, I think the 2025 timeline is pretty optimistic. I just would like to maybe draw some attention to all of us at the Board level, to give some consideration to what this means if we're going to form a SAS for cobia, and the staff that we'll need in order to help man that committee. Just some thoughts there that I wanted to share.

CHAIR CIMINO: Yes, I agree. Those species that used to share a Board with these two are in the works right now, and dealing with some stuff. The range is expanded for this species, and maybe that means that the assessment power should to. Just

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because a species is data poor, doesn't mean that there isn't a lot of work going into the assessment. It's actually probably all the more reason for maybe some northern states to be participating. It may not be their long running surveys that are what is going to get us through to management advice. Toni, did you have anything to add?

MS. KERNS: Joe, I was just going to say, I think it is important that we have a SAS to help support the Science Center, because of the range expansion that we're seeing, and that roaming that we need some of these *de minimis* states to probably participate in that, in order to help understand the data that they have, what we're seeing, and the Science Center has even brought up the fact that maybe we should be looping in the Northeast Fisheries Science Center in addition, because of that range expansion that we're seeing. We hear you, but we also want to make sure that we support the Science Center with the states, in order to get this new information into the assessment. Otherwise, it may not get in there.

CHAIR CIMINO: Go ahead, Jason.

DR. McNAMEE: Thinking about the, so Angela, you had suggested that, like it's originally kind of on there as an update. But it sounds like maybe it is going to be kind of benchmark, or research track, I should say that. Like is that fair? Can it change to like a more robust? It sounds like well maybe it could use it, number one. I'll stop there. I'm just wondering if it might be a more robust assessment than just an update, which is probably good.

CHAIR CIMINO: Let's turn it, John.

MR. JOHN CARMICHAEL: I'm on the SEDAR Steering Committee, and we have talked about this some. I think it is good what the Commission is doing to inform the Stock Assessment Subcommittee, and to bring the people that know that data from beyond the Southeast Region more involved in this assessment, because that is one of the challenges as these species shift.

Those in the Southeast and at the Center are really well versed in how the Southeast datasets come together, but they can be different in how data is done, how surveys are done. Even as we saw with this frustrating stock, how the MRIP average catch is estimated between the two regions. I think that part is really critical.

All of those things are kind of tied up with the Centers backing off a little bit, in terms of the overall support in leading of this assessment, but still willing to provide that critical assessment expertise, which is hopefully manpower on the Stock Assessment Subcommittee for running the model, with the support of your state folks, and hopefully the Northeast Center, to look into other surveys and other ways of getting the data together.

With all of that that is going on, I think it is pretty clear, and based on what we heard from the Science Center, that just a simple update is not appropriate for this stock. I'm not sure if it needs to go to full benchmark/research track, and I say slash, because the research track is kind of on the chopping block, potentially.

The Steering Committee is looking at moving back toward benchmarks, because research tracks have not lived up to the promise. They've taken a lot of time; they have not increased productivity. But yet, they have also not really increased transparency in the quality of the product. I think if you felt that your Stock Assessment Subcommittee may be needed some additional assistance, or your Technical Committee needed some additional higher-level assistance, in terms of like peer review.

Then you might want to consider a benchmark, because that is one of the key differences, between say doing an update that you can look into a lot of things on, and doing a full-on benchmark. I think obviously, when you go to the full-on benchmark there is a lot more time involved. I'm hoping that the Technical Committee and Stock Assessment Subcommittee feel like they are capable of reviewing whatever comes out of this as an

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operational, with maybe looking at some additional indices, and looking at some new data coming in from the Northeast, and at least above the South Atlantic/Mid-Atlantic boundaries, to fill in some of the data gaps that we're seeing as things like the headboats or they drop off from the south. I think there is some leeway, and probably the Commission and this group could have the final say, as much as we do at the Council, as to whether or not you really feel like a full benchmark with something is going to take more time, which I don't think anybody wants.

CHAIR CIMINO: Jeff Kaelin.

MR. JEFF KAELIN: Thanks for the presentation, Angela, it was excellent.

**CONSIDER SETTING TOTAL HARVEST QUOTA FOR  
2024-2026**

MR. JEFF KAELIN: Could you go back a couple more slides to the 2024 quota breakdown? My question has to do with the conversion factor between pounds and fish, because I think the recreational was in fish and the commercial was in pounds. I'm just curious what the conversion factor is, because I'm trying to figure out what the allocation formula is between recreational and commercial for the fishery with those projections.

MS. GIULIANO: Yes, I believe, Chelsea, you can correct me if I'm wrong. But current weight for the commercial fishery is for the average from 2015 to '17 commercial weights, to convert it from numbers of fish to pounds.

MS. TUOHY: I would have to doublecheck on that. I'm not 100 percent positive.

MS. GIULIANO: I think it's a three-year average. To convert the commercial quota from numbers of fish to pounds, I think is based on 2015 through '17 commercial data.

MR. KAELIN: All right, well I don't need to know it right this second.

MS. GIULIANO: Yes, it was set, I believe to like 28 pounds or so, 22, 28.

MR. KAELIN: What is the allocation breakdown between recreational and commercial for the fishery?

MS. GIULIANO: In numbers of fish, it is the 96 percent/4 percent.

MR. KAELIN: It's 96/4 percent, okay.

MS. GIULIANO: That happens in numbers of fish, and then they use an average weight to convert it into pounds for the commercial sector.

MR. KAELIN: Okay, well I can go back and look at the document more carefully, I think, and do the math.

MS. GIULIANO: I think Chelsea has it up, actually.

MR. KAELIN: That's good. Sorry to slow things down there, Joe. Okay, well I'll get back to you. Just trying to do the math in my head that's all.

CHAIR CIMINO: No, thank you, Jeff, it's an important question. I mean some of this stuff was done a while back, and hasn't been revisited. It was the Board's decision to deal with recreational targets in numbers of fish was a big decision, I would say. It's not something typically done here at the Commission.

But we felt it was very important. I think right around that time the states were taking on the APAIS Program, and we knew that there weren't a lot of cobias being measured. To get an average weight, if you look at the recreational estimates for this species, it's very interesting. I think just this past year New York had a higher weight landing than either South Carolina or Georgia, but the number of fish was I think half of what was landed in those states. Any other questions on this? We do need a motion to move this forward. Go ahead, Doug.

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MR. DOUG HAYMANS: Are you ready for a motion? If there is not one prepared, I'll read, Mr. Chair, I would **move to set the 2024-2026 total harvest quota at the status quo level of 80,112 fish. This results in a recreational quota of 76,908 fish and a commercial quota of 73,116 pounds.**

CHAIR CIMINO: Well said. Lynn, second. Okay. Any discussion on the motion? Go ahead, Chris.

MR. BATSAVAGE: I certainly support the motion, and I think the Technical Committee gave good justification for it. I was reminded listening to the TC meeting that based on the projections, this was a fairly conservative quota that was picked several years ago. I think it's important as we get further away from that stock assessment. I think this is pretty obvious stuff we'll be talking about more here soon, but I think just keep it in everyone's mind that I think as these fish move north, into waters where they were nonexistent to now rare event species.

There is going to be more management uncertainty in what the harvest is, especially on the recreational side, where you see harvest estimates go up here and disappear in certain states, while we know anecdotally that there might be a little more persistent, at least based on state records, being set on a fairly regular basis. Yes, I think we just need to keep that in mind when we set the quotas, and as we also talk about the next agenda item.

CHAIR CIMINO: Unfortunately, there has been a theme here that we've been a Board to be dealing with kind of dated data for both species. I think hopefully this is a safe way forward. I see Jay's hand, but if it is acceptable to the Board, we do have one perfection to the motion that we would like to make, and that is move to set the quota for 2024 through 2026, since this isn't something that we're revisiting and have already decided on. Okay. Any hands in objection to that or are we okay with that? I'll go to Jay, you had your hand up, go ahead.

DR. McNAMEE: Just thinking, and I appreciated Chris's comment, and I fully support the motion.

Just a comment about, so it seems as if, it's not that they couldn't do projections, it's that they shouldn't do projections, because we're kind of really far out from the terminal year. I totally support that. The signals seem kind of flat, so I think what we're doing here all makes sense. The point I wanted to raise is, we should think about that with the timing of the cobia assessments, because we can't work with anything this year. It's not going to be there next year either. We're like a decade out or something. Like it's far. We'll keep getting trapped in this cycle, unless we can kind of think of remedying that with kind of the, how far can you do a projection, and have comfort, and kind of build your stock assessment cycle from that.

CHAIR CIMINO: Go ahead, John.

MR. CARMICHAEL: I guess at some point we'll get around to instructions to the TC and what not, as they work on this. I think it's a really good point, and keeping up with these assessments is tough. Keeping up with them across the board for all of this is tough. This may be a stock that lends itself to looking at.

Is there an index or some measure that is readily available on a much more timely basis than a stock assessment, that provides a good metric for how this stock is doing? That could be monitored, much as you do with different datasets for those other stocks that this group used to deal with, where you have like the formalized stoplight approach.

But there may be an index or something that is actually, looks to be representative, so you could keep a handle on it, and wouldn't be in this situation of knowing you have a quota that was conservative, not really knowing where the stock is going. It really would be nice to have some independent information.

That's why I think the TC and the Stock Assessment Committee looking at indices, thinking hard about them, and maybe we can challenge them to come up with something that is going to give us a metric

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of this stock in between stock assessments. It's a lot more informative than just landings.

DR. McNAMEE: That's a fantastic idea, John. Maybe it could be generated at the Technical Committee, another mechanism that could be used to sort of generate that type of information would be a term of reference for that subsequent assessment.

CHIAR CIMINO: Any other discussion on this? I'll read it one more time and then I'll ask if there are any objections. **Move to set the 2024-2026 total harvest quota at the status quo level of 80,112 fish. This results in a recreational quota of 76,908 fish and a commercial quota of 73,116 lbs.** The motion was made by Mr. Haymans and seconded by Ms. Fegley. **Any objection to the motion? No, that's great. Then we will move forward. Motion carries unanimously.**

Moving forward, we've already started this discussion a little bit, and I think it's an important one. I am interested to hear from folks that haven't commented yet. But we'll talk about the timeline for potentially revisiting state allocation and what exactly that might mean, because I think we've got some other ideas on the table here. Chelsea, do you have something for us? Okay. We'll start off with a presentation.

MS. TUOHY: Great, and before I give the presentation, Jeff, I have that answer to your question here. It took me a second to track it down. But for the commercial portion of the quota, the average weight is the weight from 2015 to 2017, which is 22.8 pounds.

MR. KAELIN: Well, thanks. I came up with 23.5 pounds, based on the F breakdown. Those are big fish. I don't know much about those fish, so I appreciate the information.

## **CONSIDER TIMELINE FOR POTENTIAL REVIEW OF STATE RECREATIONAL ALLOCATION FOR ATLANTIC COBIA**

MS. TUOHY: Great, and with that I'll move into my short presentation on recreational allocation of Atlantic cobia. The information in the following slides is really just a review of what was included in the memo that went out to the Board as part of the meeting materials, and how we could potentially move forward with reviewing state-by-state allocations.

In 2019, Addendum I to Amendment 1 allocated 96 percent of the total harvest quota to the recreational fishery, and 4 percent to the commercial fishery. Then Amendment 1 was the amendment that defined the percent allocations of the recreational harvest quota to non *de minimis* states. These allocations were calculated based on historical landings in number of fish, where 50 percent is based on the 10-year average from 2006 to 2015, and 50 percent is based on the 5-year average between 2011 and 2015.

There is that 1 percent set aside for recreational landings in *de minimis* states. Up on the screen behind me, these are the results of those allocations, and the allocations that we use today, where Virginia receives a majority of that allocation for their soft target, and Georgia receives the least aside from the *de minimis* set aside.

In 2021 and 2022, as I mentioned before, the cobia Plan Review Team noted that the current allocation of recreational quota to each state is based on landings data through only 2015, which may need to be updated to include more recent years. You heard earlier in the FMP review that some states north of Virginia are at risk of falling out of recreational *de minimis* status over the next several years.

Then additionally, as Angela said before, in their letter responding to the Commission's request for updated cobia projections, the Southeast Fisheries Science Center noted that recent trends evident in

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the MRIP data indicate that total removals of cobia have shifted northward, such that the area outside of the South Atlantic, from Virginia to Massachusetts, now represent a bulk of the recreational landings.

If a state does fall out of recreational *de minimis*, reallocation of the recreational harvest targets will be needed to account for the new non *de minimis* state, and Amendment 1 says that this can be accomplished through an addendum to Amendment 1, and then again, so this reallocation will be needed if the state falls out of *de minimis*, but the Board can also choose to initiate this addendum before that occurs if they wish to.

Then if reallocation is desired, and the process is started soon, within the next year or upcoming Board meetings, it would align with that new cobia stock assessment that has the potential to inform 2026 or 2027 measures. Over the next few slides, I'm going to briefly go over those timelines that were presented to you all in the memo.

The first timeline starts with the Board tasking the cobia Technical Committee to identify recent trends in state and regional landings. On this timeline in Mid-2024, the Board would initiate the Addendum. That Addendum would go out for public comment in late 2024, early 2025, with an implementation date of 2026. The second timeline considers a 2025 implementation timeline, so this timeline begins with the same item, which is for the Board to task the cobia Technical Committee to evaluate recent trends in state and regional landings. However, here the Board would initiate that addendum in early 2024, as opposed to Mid-2024, and the addendum would go out for public comment by Mid-2024, with an implementation date of 2025. Then after that implementation the new 2025 stock assessment will become available, again for 2026 or 2027 measures. With that I can take any questions.

CHAIR CIMINO: Questions for Chelsea, we'll start with Shanna.

MS. MADSEN: Chelsea, I just wanted to maybe kind of get to the thought process. It sounds like the PRT, you know obviously reviewed the plan, and determined that even though Maryland was not *de minimis*, technically they fell out in two of the three years. They decided to allow Maryland to be *de minimis*, we obviously voted on all that.

I just wanted to kind of maybe get to what the PRTs thoughts were there, considering it sort of seems like a bit of a Band-Aid that we're saying like, let's make sure we leave Maryland *de minimis*, because we know that we can't address this with such immediacy of trying to figure that out. Did the PRT have any thoughts about these kinds of timelines, and what they might prefer?

MS. TUOHY: Yes, thank you for that question. The PRT did not talk very much about timelines. They really agreed with the rationale that was provided by Maryland, which was that they were very close to the threshold in 2020, at 1.8 percent, then they had 0 percent in 2022, so they wanted just an extra year to evaluate what the 2023 harvest would be, so they could get a better handle on what the recreational fishery is looking like, because it's been so variable over the past three years. But there wasn't very much discussion about timelines.

CHAIR CIMINO: Other questions? No questions. Then it gets to the tough part. Go ahead.

MS. FEGLEY: It's a curiosity question of process while we're talking about this. If I missed it earlier, John, I'm sorry. New York, how does the timing of New York potentially declaring interest, impact where we're going with potential allocation addenda? Because I'm just curious how that might play out, if anybody knows.

CHAIR CIMINO: Go ahead, Toni.

MS. KERNS: Lynn, I think it depends on how the Board develops the allocation plan. Hence part of the reason why we have to be very thoughtful with this allocation plan. We know that there are states that are, I'll say kind of rapidly, coming out of *de*

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*minimis*. In order to be nimble, and approach that new allocation.

We don't want to have to do an addendum every time a state comes out of *de minimis*, probably. I don't know, maybe you do. I shouldn't speak for the Board. Hopefully we can develop an allocation plan, where you can easily adapt to that versus having to change every single year.

CHAIR CIMINO: I think that is why this discussion is important, because the motion that we're looking for is going to be tasking the TC, so we want to get that right. Go ahead, Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just to add to what Toni said. Just because a state declares an interest in a Board doesn't guarantee them quota, and a state doesn't have to be on a Board to receive quota. In other words, you know we've got examples both ways, where there are states that sit on Boards, and they are a very small share, 0.01 percent I think is Pennsylvania's share of menhaden.

Maine gets a chunk of summer flounder, for example. They don't sit on that Board. The declared interest doesn't necessarily mean you get something or don't get something. You know it's all part of the deliberation moving forward, and landings patterns and those sorts of things. I think it is up to New York whether they want to participate or not, but I think they would be fully considered, based on landings history, whether they're here or not.

CHAIR CIMINO: Go ahead, John.

MR. MANISCALCO: I'm obviously paying attention right now, and trying to wrap my head around it. I guess my biggest concerns, when it comes to this recreational allocation issue, is the volatility and variability of the landings. You know New York had zeroes, there are years where we don't catch one.

According to MRIP there are many years where we don't land any, and then a single year we could

have 144,000 pounds of fish landed. I don't know how that could be handled in any kind of a reasonable allocation scenario. I would hate to see regulations seesaw like summer flounder did once upon a time, when we annually adjusted things. I'll be paying a lot of attention. I don't know, have an answer or solution.

CHAIR CIMINO: Shanna.

MS. MADSEN: I think I would like to take this time to go ahead and make a motion, because I believe that that will kind of lead us towards conversation. My preference is for the second timeline that was presented today, so I would like to essentially make a motion towards that. Then discuss my rationale on why I prefer that motion, once I get a second, hopefully.

MR. CIMINO: Let's get something that we could all look at, and then I'll look for a second.

MS. MADSEN: No worries. This motion would be to **move to task the Cobia TC to develop a fishery review that characterizes recent trends in state and regional landings compared to their harvest targets, including *de minimis* landings. The results of this review will inform a future addendum to be implemented for 2025 that considers recreational allocations, *de minimis*, and any other issues that the Board identifies. It is the intent to initiate this addendum either at the Commission's Annual Meeting or at the 2024 Winter Meeting.** If I get a second, I'll speak to that motion.

CHAIR CIMINO: Okay, motion is before us and oh wow, by the time I turned around, I'm going to go with Mel Bell as second to that motion. Go ahead, Shanna.

MS. MADSEN: I don't want to belabor this point, because I think that we've had a lot of pre-conversation around the table about this issue. We're at a point where the landings for the species are extremely volatile. We know that states are hopping in and out of *de minimis*. We recognize that there is some sort of range expansion, where

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the species is starting to move farther and farther north.

Personally, I think that the way that we have structured this fishery no longer works for us. I don't think that a state-by-state allocation recreationally makes a lot of sense, when we're basing that off of old MRIP data that we also all recognizes can be extremely flawed in what it's actually capturing.

My intent with this motion is to make sure that we start this timeline early, because we already see the problem occurring. We don't really know the timeline of the assessment. I think it might be longer than we're anticipating, so I don't want to try to wait to align with the outcome of that assessment.

My intent here, as we start to discuss things with the TC, and eventually hopefully a PDT, would be to start to think about allocation, not in a state-by-state way, but either in a coastwide or a regional way. In a way that makes a bit more sense, can be a bit more responsive to how this species is moving, and ensures that we still have the access that I know that some of both the northern and the southern states are favoring for the species. I kind of just want to try to get everybody to a place where we all have access to a species that we recognize is expanding.

CHAIR CIMINO: Mel, anything to add?

MR. MEL BELL: No, I'll just say that I think part of the thinking here too is the sort of uncertainty about the timing of the assessment. I mean we heard, yes, it is kind of in wet concrete or something at this point. I think that is part of a downside would be that you find yourself taking some actions that you're going to live with, and then you eventually do get the assessment. Then maybe the picture is or it isn't what you thought.

But the assessment has been a while now, and we're dealing with managing this species in the real world, and in time. It's getting kind of old. Also,

we're seeing changes in the fishery. The desire is to kind of perhaps adjust our management sooner rather than later. The assessment comes when the assessment comes. I'll be optimistic about the assessment being completed on time, but maybe it won't. That is about all I would add to that. There are plusses and minuses to all of this. It's not the perfect solution, perhaps, but I think Shanna stated the case well for it.

CHAIR CIMINO: Again, I hope to hear continued discussion, even though I think we do have a good motion. But as Shanna said, she's putting this up to start to focus our discussion. I guess the intent here is that I believe this is going to be very valuable information. We're giving ourselves a meeting cycle, possibly two, that that information becomes available that we then have that important motion on what it means to start this addendum process, right? Okay. Yes, I think that sounds good. Go ahead, Lynn.

MS. FEGLEY: I definitely support this motion. I don't know that this would need to be added. It's probably due to my own ignorance, but I wonder if it would also help us to understand as its range is expanding. As we're leading up to speaking about allocation, and moving into a more regional or coastal approach. It might be really helpful to understand what we know about the seasonable movement patterns of these fish. I don't know what we know.

I just actually looked on the NOAA website, and it's a little outdated where it says most of these fish are from Virginia south. But just as we're thinking, to help us ensure we're not setting ourselves up to have a situation where the fish are available to one region, and they all get sucked up before the other gets a chance. Just kind of, understanding how these things are moving might also help us in our conversation.

CHAIR CIMINO: Yes, I guess I'll look to staff. Do you feel that that needs to be included in the motion as a tasking? I think we're okay, Lynn. Go ahead, Bob.

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EXECUTIVE DIRECTOR BEAL: Yes, I think it's captured in the record, and you're okay. But just while I'm speaking. Just not speaking to the pros and cons of the motion, that is up to the Board. But just kind of controlling expectations. If you were lucky enough to be here during yesterday's striped bass board meeting, we had a lot of conversations about staff workloads and other things moving forward.

As Chelsea mentioned, she is pinch hitting for Emilie on this Board right now. If this Board kicks off this addendum at the annual meeting, we may not get a whole lot done from the annual meeting to the end of the year, you know while we're one staffer down. But after that we can hit the ground running, and once we're fully staffed get things. I just want to sort of control expectations that we've got one valuable staff member that is out for a bit of time.

CHAIR CIMINO: Fair enough. I'm going to go to Jason, and then to Shanna.

DR. McNAMEE: Just a thought on kind of the Technical Committee and the team. I think it would be valuable to reach out to MRIP, to see if they might devote some resources. I'm just thinking like, cobia is a classic example of the type of species that MRIP really struggles with, it's sort of like intermittent.

In particular as you get out on the tails of the distribution. They might have some folks that would have some, you know might be able to help the Technical Committee develop some tools to account for that fact. I think you're looking at the *de minimis* states and their recreational harvest, and you might be missing information. If it's possible, I'm just suggesting reaching out to them, to see if they could devote some resources to the group.

MS. KERNS: Jason, we can definitely do that. I don't know how many people actually remember, but the South Atlantic Council had reached out to MRIP staff prior to the pandemic on issues that we had been seeing with pulse related fisheries, and

sort of how to best utilize the data. How could we improve the use, improve the data itself. Some workshops were happening, and then the pandemic occurred. I think that kind of teetered off, John may remember a little bit more. Maybe in that we can try to reinvigorate some of those discussions that we had been having with MRIP to help us better utilize the data, and perhaps find additional ways to get more data for the species, to help us solve our problems.

Lynn, I think maybe what we can do, in terms of the seasonal patterns, because I'm not sure we'll have a lot of updated information that look at state survey data. As well, I recognize that in the north there is not going to be surveys dedicated to cobia, but maybe just where we're seeing them, it might be helpful to the TC.

CHAIR CIMINO: Yes, go ahead, Angela.

MS. GIULIANO: Yes, I was just going to add to that. You know, the TC did start some of these discussions. I think there definitely was an interest in looking at various tagging datasets. With the last stock assessment there was the whole stock delineation discussion, but at that time even, some of the states had projects that were ongoing.

I think some of those are further along now. I know specifically South Carolina, Virginia. I know I personally recommended at that time nothing as intensive as the stock ID workshops, but you know at least looking minimally at like where fish are being recaptured, what times of year, and trying to get at that expansion versus shift discussion.

CHAIR CIMINO: Back to the table. Further discussion on the motion. Go ahead.

MS. MADSEN: Just really quickly. To Bob's point. I did just want to say that is kind of the reason why I put the flexibility in there for the TC to ensure that there is, I do not want to add to their already very large workload. That is why I put that flexibility in there, but also with conversations with Toni earlier.

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There was some concern about implementation for 2025, if we didn't have enough time at the end of 2024 to actually decide what new management measures would look like underneath a different allocation scheme. I just wanted to give some flexibility there to help them work backwards, and see what the best determination of timeline would be for them. That was my intent there.

CHAIR CIMINO: Yes, and I think it's probably a safe assumption that we would get an update whether or not, if it wasn't going to make the annual meeting, that we would believe that we would make it by the next meeting cycle. I think that is as fair as we can be on this. Because of the nature of this particular data, I have confidence that we can do it in at least two meeting cycles. I think there is other staff other than just ASMFC that can be leaned on to help with that.

I think that was a healthy discussion, and we know that we've got another meeting where we're really going to craft what this means to start this process. **With that, I would like to ask if there is any objections to the motion.** If not, do I need to read it in again, Toni? **Okay, the motion carries by unanimous consent** then, thanks. I think that is it for cobia. Go ahead, Shanna.

MS. MADSEN: But wait, there is more on cobia. After having this discussion, I did want to pitch an idea to the Board that I had regarding our upcoming 2024 management measures. With the idea that we would be putting in place a new allocation designed by 2025, potentially getting some changes via a stock assessment in 2026, or 2027.

I did want to have a discussion at the Board, and I don't think that it is necessarily appropriate for this time, so I'm going to task the TC with one more thing. But I do think it kind of rolls into what they are currently working on. I would like the TC to look into whether or not making changes to 2024 management measures is warranted, or if we could potentially stay status quo with those 2024 management measures.

My intent here is to try to provide some amount of buffer from management whiplash. I think we could be seeing some considerable changes coming down the pike for the 2024 fishing year, based off of soft targets that we know are frankly using a lot of imputed data for, especially 2021. I would like to see if the cobia TC can see if it might be warranted for us to say status quo coastwide recreationally.

That is my motion there up on the screen. It is to **move to task the Cobia Technical Committee with determining the impacts of status quo coastwide recreational management measures for the 2024 fishing year.** I can speak more to that if I get a second, and if people want to hear me talk any more or they're tired of me.

CHAIR CIMINO: I think one thing I'm going to ask before I ask for a second is, just the timing of this. I'm curious when the work would get done and when it would come back before the Board.

MS. KERNS: The TC will be meeting between now and the annual meeting to evaluate the recreational harvest, and determine if any states, which we know ahead of time that Virginia does meet the requirement to make changes to their regulations. They can do that as they are looking at regulations for 2024 already. They would bring that back to the October meeting. We had already planned on having this Board meet again in October.

CHAIR CIMINO: Shanna, I apologize for letting this hang out there for a bit. Staff was aware, and we do have some stuff that may help inform the Board on this. If we can go through that, then we'll pick up the motion. My apologies, I forgot that we had discussed this.

MS. TUOHY: To what Toni was just speaking about that we will be setting specifications in October, because a new total harvest quota was set this year. The way that the Technical Committee goes about looking at that, this is just for everyone's information, is the Technical Committee will look at non *de minimis* state landings and evaluate them against their harvest targets.

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If average recreational landings exceed the harvest target, so in this case it will be for the past three years. States must restrict their measures to meet the targets. However, if the recreational landings are below harvest targets for two consecutive years, then states may liberalize their measures or keep them as status quo, whichever one they choose to do. I believe for this specification cycle, most states fall in the liberalization or status quo range, and Virginia falls in that reduction range right now. The TC again, as Toni stated, will be going through all of this information, probably in early to mid-September, to make these recommendations on how and if measures change for each state, and then the Board will vote on those in October.

CHAIR CIMINO: I apologize. I was personally unclear on exactly the measures myself. We are scheduled to meet on this, and you have a very specific task that you would like the TC to look at, so now, and my apologies, is there a second to Virginia's motion?

Second by Lynn Fegley. Okay. **Discussion on the motion. Okay, any opposition to the motion? Great, motion accepted by unanimous consent. Motion carries.** Now the other problem species.

#### **CONSIDER 2022 SPANISH MACKEREL STOCK ASSESSMENT UPDATE**

CHAIR CIMINO: Moving into Spanish mackerel. You know the Board has been trying to, I guess stay in step, but take the lead from the South Atlantic Council.

We have John Carmichael, the Executive Director with us. He just so happens to have some pretty good chops in stock assessment work, and so we've asked John to help us through what was going on with a very interesting stock assessment situation, and then kind of just where the Council is at. Go ahead, John.

#### **PRESENTATION OF STOCK ASSESSMENT REPORT, PEER REVIEW REPORT, AND RESPONSE FROM SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

MR. CARMICHAEL: Apparently Spanish is a complicated and nobody wants to come talk about it. I appreciate you all allowing me to pretend to be a stock assessment person once in a while, so that's great. Next slide just a little review. We talked about this back in November, gave you all an update.

What we're dealing with here is SEDAR 78, it was an operational assessment, had data through 2020. The prior assessment was SEDAR 28. That had data through 2011. We added 9 years of data, updated a recreational with the FES estimates. Concerns with MRIP spike in a shore mode, which probably doesn't surprise anybody here.

Another big change was a shortened time series with Year 1 being 1986. It used to go back, I think into the '50s and '28. Abandoned sex-specific growth and updated growth parameters for the natural mortality. This came to the SSC initially in August of 2022, and despite the few things that were done, the SSC had a lot of concerns with that assessment.

Reported on them, as I said, back in November as well. They provided the initial peer review, they requested revisions. There was discussion at the September Council meeting about doing some things. The Science Center and Agency offered to do some revised MRIP estimates. Those came to the SSC at their October meeting.

I would say the short answer is, the revised MRIP estimates probably created more questions than answers, starting with there was no real clear pattern to years that went up, years that went down et cetera. Again, a lot of questions with what is going on with the expansions of shore mode landings.

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The SSC then convened a working group to try and come up with a more comprehensive plan for addressing the remaining concerns, working with the Science Center. The working group met and reported to the SSC in a meeting in January, 2023. At that time, they came up with terms of reference for doing additional assessment runs, hopefully to address the concerns that they had with the stock assessment. They requested additional analyses be conducted by the Science Center.

At the March Council meeting the Science Center reported that they weren't going to do any more runs, and they recommended that the SSC use the information that they had, and they suggested that the SSC's discussion of considering some data limited approaches would not be met with a positive determination toward the best scientific information available for Spanish.

That led the Council to really take a hard stance with the SSC and say, look, this has gone on a long time, this assessment has been delayed, because of government shutdowns going back as far as 2019. It's been delayed for COVID. We've had this extensive review. We need an answer. We need the SSC to give us a recommendation for catch levels on this stock.

Part of this recognizing the urgency at this Board to get some progress on Spanish mackerel. That information went to the SSC at their April 2023 meeting. They were informed no new runs were going to be available, and they essentially made SSC ABC recommendations based on equilibrium conditions as estimated for the stock.

They weren't really fully satisfied with those, because they really believe that the natural mortality is mis-specified, and that would tend to bias the productivity measures low. Ultimately, they decided what they recommended is conservative. It's based on the equilibrium conditions. They don't have a lot of confidence in the stock projections or the assessment overall.

Then the last step was just last week, where they got the full suite of values for those equilibrium conditions, and were able to put together the full catch recommendations to go to the Council. Next slide, just highlighting here the different concerns the SSC has raised with this assessment. Concerns with the age comps, are they all accounted for in the assessment for all sectors of, particularly some of the commercial fisheries?

Regional differences in how the fishery is prosecuted, which I think are certainly exacerbated by the shifting of the stock farther north, which seems to be happening certainly with more frequency of summertime excursions of Spanish mackerel well up the coast. Lack of adequate sample sizes across the sectors.

It came to light that the assessment possibly did not include all of the age comp and other information that could be available from some of the states north of the southeast region, which was kind of underpinning my comments regarding cobia, but how important it is to get the folks who are collecting that data and using that data engaged in the stock assessment processes.

To the recreational catch increase in 2020, the COVID year was a lot of concern. As it is for many species, people had time, they went fishing. The estimates went up on a lot of stuff. How reliable is that? Sampling wasn't as good as it should be, et cetera. While the PSEs are good, suggesting reliable data coming out of this for Spanish. The SSC raised concerns that those PSEs could be biased, just because of the nature of the fishery and the seasonality, et cetera. Their concern about the natural mortality is fixed at the SEDAR 28 value. They think that that is actually too low, and that could affect the productivity of the stock. They question the max age, they question the approach that was used, because SEDAR 28 again, as I said, goes back a number of years, had data through 2011, and a lot has happened, as far as estimating natural mortality.

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That is kind of one of their biggest concerns that think we have bias in the results. The other one is, of course, steepness, also fixed at the SEDAR 28 value. There is no apparent stock recruitment relationship, just a cloud of points really, well out onto the right-hand side of the graph. Nothing at low stock sizes at least been seen.

I feel like steepness estimates from similar species are not really available, so we have the classic conundrum of, don't really have a good measure of productivity or a good measure of natural mortality. The projection is not really considered robust. Influenced by that uncertain data in the terminal year 2020, the COVID year.

It's really important, at least in my interpretation of this is there was no juvenile survey done in that year. We're talking about a stock that depends a lot of times on recruitment. Without having a juvenile survey data, the model had no information on 2020 recruitment, but catch went up. If you've got not much information on the stock abundance and you've got an increase in the catch, a model moving beyond this terminal year had no choice but to say, wow, fishing mortality was high.

The projections essentially, I detailed this quite a bit back in November, but the Assessment projections predicted a stock that was going to be at all time low abundance in 2022. I don't think any of us have seen that in any other fisheries up and down the coast. The stock seems to be doing great. All measures are the population is well. The fish are out there, they are available. Projections suggesting a complete collapse of the stock over three years is really not at all reasonable, and the SSC recognized that.

I mentioned in March, 2023, we were informed no further assessment work in a memo from the Science Center. This is what they told the Council regarding Spanish mackerel, which then led the Council to tell the SSC, we need to give you catch levels. We're not getting any more runs. This has been going on for almost a year.

That will bring us to the next slide, the SSC did do as the Council requested. They expressed strong dissatisfaction with the lack of any new model runs. I'm very concerned with the information that they were forced to make catch level recommendations on, and frustrated that the Science Center was not willing to do some additional runs.

I point out that they raised a number of issues, they got some sensitivities on MRIP, but not presented as viable alternatives. There is a sensitivity with higher natural mortality, which when they discussed it in April, was also said, well that's not really a run you can pick as a base run. It's not been fully vetted, it has not had all the uncertainty work done on it, et cetera. They really weren't faced, after nearly a year, with any viable alternative runs that they could select. They did not support the stock projections, as I said. They did conclude that the base model was adequate for determining stock status, and that it gave strong evidence the stock is neither overfished nor overfishing. That then gave them confidence in providing catch levels based on the equilibrium conditions. That's what they recommended their ABC on, based on the equilibrium yield at 75 percent Fmsy.

They said in their July 27 meeting they got the full values. Next slide I'll just hit a few things to remind folks of how the population is doing. The first is the landings in numbers. In general, other than that far right bar in 2020, where you see the pink recreational catch driven up so high. It's been fairly flat.

You see some decline of the grain, which is the commercial gillnet, and maybe some increase in some years of the recreational. But overall, there has not been a lot of trim in this fishery, it's been very stable. We do see down there at the bottom a little increase in the commercial handlines in recent years, which is also commiserate with the gillnet landings decline.

How's the population been doing? Well, the orange is the SSB stock amount, and as you can see that is really varied without any trend whatsoever from '85

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to 2020. Generally, most years stayed above Bmsy levels and then all years stayed above the minimum stock size threshold. Never overfished during this time period.

The blue is the fishing mortality rates. Generally, below the Fmsy level. Maybe again, in that troublesome 2020. Where the model doesn't have full data. It was thinking that that high catch in the recreational fishery in particular, represented high fishing mortality. I don't think in hindsight now that is going to be the case, and certainly in the next update, I wouldn't imagine that that high number would hold water.

But in general, you can see fishing mortality has been below Fmsy levels over the entire time series. The stock has been very stable. The other thing you probably noticed, and certainly those that have done some stock assessment work, is there is no contrast in this time series whatsoever. This is why it's difficult to get a stock recruitment relationship.

Because if you've never seen your stock at low SSB, you don't know what your stock is going to do at low SSB. Now you go back before 1985, there was a much higher commercial fishery, there were much higher landings. There was some indication of lower SSB occurred at that time, but even in that model they had difficulties estimating steepness, so it wasn't enough contrast and enough information to solve those problems.

Then the next slide is the phase plot of the stock status, the point estimate being the intersection of the green bars. As you can see, most all the runs showed not overfished, not overfishing, and well into the safe zone. The bottom line is, the stock has been doing very well. The SSC feels that the equilibrium recommendation of ABC is conservative, because of the issues with the natural mortality that they raised, and just looking at the performance of the stock.

That is what the Council will be working with, and the next slide shows the table of the reference points and ABC values. This is the complete table

that gives us the F values and the biomass and the SSB, et cetera. The Fmsy, in our world the Fmsy would be where we get things like OFL, and our limits, and then the 75 percent Fmsy that would be our optimum yield, and where we get the ABC. Next slide I'll highlight what those numbers are. The overfishing level would be the equilibrium yield fishing at the Fmsy level, and that is 8 million pounds in whole weight. The ABC is the equilibrium yield of fishing at 75 percent of that, and that would be just a little above 8 million pounds.

These would be constant values in place until the next assessment is done. I'll look into these in some more detail in the next slide. This is preliminary information on how the allocations and such would work out, and comparing the ABCs now to these new estimates we just got from the SSC. This is preliminary and will go to the Council at our September meeting, but this is what will be in the document for them.

The current situation, the ABC is set equal to the MSY. It was the MSY stock productivity estimated in SEDAR 28. That is currently at 6 million pounds. The MSY went up quite a bit in this new assessment from 6 million pounds to 9.2 million pounds. Part of that, a lot of that, is the increase in the FES. Increased productivity in the stock, increased landings over the time period indicate to the model that there were more fish out there. MSY has gone up.

The ABC now is at 6 million pounds. The new, even with dropping back from the MSY level to the OY, 75 percent of that level, is 8 million pounds. There is still an increase of about 2 million pounds expected for the stock. This is allocated 55 percent commercial, 45 percent recreational, and those values go back to a time before we were setting allocations based on historic time periods, and looking at commercial and recreational data back in the nineties.

They are not subject to some of the issues with shifting to FES that we've dealt with, with other Council species, where the allocations are tied to a

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breakout of landings, and when the data changed that has triggered us doing full amendments to deal with those allocation changes. We're not in that situation with Spanish, which will come up when we talk about next steps.

But how this breaks out is to a commercial catch level of 4.4 million pounds a recreational 3.6, so 1.1 million bump-up in the commercial and about a 900,000 bump up in the recreational. That should be a good thing, in terms of staying below limits et cetera. Certainly overall, these fisheries have not been exceeding their limits for the most part in recent years.

As you can see in the landing's values for 2022, '23, and '21 to '22. Remember, this is on a fishing year, so they are not calendar year landings that we deal with here. But the overall commercial, '21, '22 was pretty high. It would be above the old ACL, but not above the new value that we're talking about of 4.4, and the recreational also is similar.

There is some good news there, but it may look a little bit different to this group, when we talk about the commercial in the northern and southern zones, which is the next slide. The commercial fishery is split up into two zones in the South Atlantic, the northern and southern. The northern gets 20 percent the southern gets 80 percent. The current quota for the northern section is 662, it would go to 882,000 pounds, which is an increase. But if you look down to the landings in both '22, '23, and '21 to '22, our last fishing years. The northern zone came really close to that in '22, '23, which means it exceeded its allocation at that time, and well exceeded it in '21, '22. On the other hand, the southern zone has stayed below. That has been the story that this Board has talked about, certainly for a number of years. It's been the driving force behind looking at this assessment.

The realization is something is going on with this stock. The southern zone has not been landing its full allocation. The northern zone has been repeatedly going over. Thankfully, we've stayed generally within the overall harvest level for the

stock, and have not gotten into overfished/overfishing type problems with it.

But there certainly is an issue with the northern zone that is underlying a lot of the interest in this stock assessment. The next steps for the next slide. What is the Council planning on doing? The first step is to develop a framework, and then they could just simply update the catch levels. Back when we started in this assessment, and hoped that we were going to get it probably a year or two earlier than we actually received it, the plan wasn't really to do a framework.

The plan was to look at many things within this fishery, and do a full amendment. But given where we are now and the delays in getting ABCs out of this assessment, the delays that were involved in getting this assessment completed. Council feels the need to do a framework amendment to update the catch levels.

We get them in the currency of the FES, we get those higher catch levels in place as soon as possible. This would be an interim action that is being considered to incorporate that FES and get those catch levels in there. Importantly, it will not revise the sector or the regional allocations. That will require a full plan amendment.

#### **UPDATE FROM THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL ON SPANISH MACKEREL PORT MEETINGS**

MR. CARMICHAEL: The Council prefers to also get the port meeting input, which I'll talk about first. We hear from the fishermen about how we go about making those changes, and particularly if we're going to consider shifting that northern/southern commercial allocation. As I said, we can do this through a framework, because those allocations are not based on the historic time series.

The other step will be to request a benchmark assessment ASAP, likely for 2026. The Council will talk about this in September, and we want to present it to the SEDAR Steering Committee when

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they meet late September or early October. We want to get this on the schedule quickly. The SSC had a lot of concerns that were not addressed. They are not going to go away.

The Council is going to conduct what we're calling port meetings in 2024. This will get a lot of input from the fishermen, and we want to cover the full range of this fishery, both traditionally and where it seems to be expanding, and using that develop then next the comprehensive amendment would address the fisheries issues.

The framework should get started with options and hopefully approval for scoping at our September meeting. It will be done in about a year. Hope to have approval of that for December 2025. Port meetings would take place during most of 2024, and then begin informing the full amendment, which would hopefully be approved, oh in about 6 to 8 meetings or so, to actually get that done for the Council getting that work. Maybe 2026 or something to get that part completed. If not, sometime sooner. But it will take a while. Let's see, yes, so we get the final on that in September 2024, and approval in '25. It's going to be a while before we can actually go through the port meetings and then do a full amendment. The concern about the full amendment too is, if we get started on that in late 2024, if this becomes tied up in allocations.

If the area allocations for the commercial zone becomes really complicated, then we could end up in a situation where it takes longer than planned. Allocations are always prone to that. Council is kind of aware of it, but we haven't put both the framework and the comprehensive amendment on our work schedule, and the Council is committed to getting that done.

I recognize the timing is probably not ideal for dealing with the northern zone issues that are most important to this group. But at least this does get us some higher catch levels into the fishery sooner rather than later. Then the last piece I was going to hit on is the next slide with the port meetings.

The focus species on these will be king and Spanish mackerel. The idea is to go out and meet in multiple places in each state, somewhat informally with fishermen, and just gather their feedback, not with any specific management actions on the table. But rather to hear their concerns and what they would like to see out of the fishery in the future.

It's going to be open to all members of the public, you know all sectors of the fishery, and others that want to come and give their feedback. Looking at communities through the Gulf of Mexico and up the Atlantic Coast, and just a reminder for us, this is a joint plan with the Gulf of Mexico Council. We have to do things in coordination with them.

We've worked with the Gulf, reached out to them about doing the port meetings. They are not necessarily interested in doing things as thoroughly as we are. They may do some virtual things and some interaction with their fishermen. But we expect from Florida northward will be the more intensive effort towards these port meetings.

Then what we're asking of the Commission in support of this is staff participation on the Planning Team, so we can make sure we identify your constituents and the appropriate places to go, and have your people help us with developing the process in the messaging. Help with the outreach, so we can spread the word appropriately throughout your region.

I'll point out we're doing the same in working with both the Mid-Atlantic Council and the New England Council to reach their folks as well. Then hopefully, staff and Commission member participation at the actual meetings, because it is good for your constituents to see your staff. Again, we're doing the same with the Mid-Atlantic and New England.

In a lot of ways, I think this is a stock that may be a bit of a poster child for how we all together, all of us on the Atlantic Coast, three Councils and a Commission, deal with these species that appear to be shifting their distributions. Call it a cause, whatever you want, but the ocean is getting hotter

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and fish are responding, and we're going to have to find ways of dealing with it. I think this could be a really good way of showing, say the Agency, that we as Councils and the Commission can work together and solve these problems in our own ways, and we don't need maybe a whole lot of governance guidance and hardcore federal policies about how we go about doing it. With that, that is the conclusion of the presentation, and I'm sure there are some questions.

CHAIR CIMINO: Do you want to pick up Assessment?

MR. CARMICHAEL: Yes, I think so. I think that would be good, we talk about the assessment and then we can hit on the port meeting stuff.

CHAIR CIMINO: Yes, let's do that. Let's focus on any questions on the assessment, and then we'll talk about management in the amendment process and the port meetings. Questions on the assessment for John? Go ahead, Lynn.

MS. FEGLEY: Well, thank you, John, very much for that and really thank you, because I don't really have questions so much as a comment in that I think we just got good news. Thank you for that, it feels pretty good.

CHAIR CIMINO: Jason.

DR. McNAMEE: I'm not super familiar with this species, and so I'm just kind of looking at those F rates in the context of the other fish that I think about. They are super high. Is it like, a super productive species that can kind of withstand high levels of fishing mortality, or is there something, you know you talked about kind of the natural mortality discussion, I'll call it, that was had, and is there maybe like some sort of tradeoff going on there within the mechanics of the assessment?

MR. CARMICHAEL: Yes, it's a live fast kind of species. You know they don't live particularly long. I think it goes out to ten, in terms of the age composition, but most of the population is quite a

bit younger. They mature pretty quick; they spawn a lot. They are a volatile species.

They kind of always have been. That has been the story of them the whole time that we've been dealing with them. I think at one point the generation time was something like four or five years, you know. We've done assessments where we felt like two or three generations have come through the stock before we've updated it. Yes, they do seem to sustain a pretty high fishing mortality rate, and have done pretty well under that.

CHAIR CIMINO: Other questions. Okay, moving on from where we are with the assessment update. Any questions on just the management focus now? We have a framework that is going to get us through our needs, and then the longer process and the port meetings to get us through the future of the species management. Questions there? Chris, go ahead, and then Shanna.

MR. BATSAVAGE: Thank you, John, for walking us through the next steps. You answered quite a few of my questions. I guess I'll start with the port meetings. You mentioned they are going to occur in 2024. What is the anticipated end time for those port meetings kind of getting through the entire Atlantic coast? You might have mentioned that, but I might have missed it.

MR. CARMICHAEL: We've got a year plotted out for those. We hope to potentially be intensive, Lynn, to the planning and such going into this fall, and have them lined up, maybe even do some this fall and over the winter when the fishermen aren't as active. Then hopefully wrapping it up with reports to the Council by our June meeting of next year, so June of '24.

Then that would trigger us with having options and potential scoping approval for the full amendment happening at our September 2024 meeting. Really over the course between now and the next year, we hope to get out there and get those set up, get them done, and then have the feedback ready to

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start making its way into actual suite of management things the Council might want to consider.

MR. BATSAVAGE: Thank you, I appreciate that, and you mentioned kind of a rough amendment timeline for when the Council moves on to that, and you discussed the challenges anytime you have allocation involved, and that it could extend the process. Is this kind of rough timeline you talked about.

Is that also accounting for, I guess a lot of the other actions that the Council is working on? There is a lot of snapper grouper amendments to deal with those stock statuses. Is there a chance that some of those actions might also impact the timing of the Spanish mackerel amendment?

MR. CARMICHAEL: Yes, that is a good question. We've basically penciled in this amendment to, like I said begin September '24, wrap up be approved maybe by December of '25 or March '26, so six, seven meetings hopefully. It is a priority. I think this is going to be a priority for the Council going through '24 and '25.

I would say this and then dealing with red snapper on the snapper grouper front will be the top priorities. But we are finally getting into a bit of a lull, in terms of stock assessments for snapper grouper species coming at us. Yes, I'm pretty optimistic the Council is going to stick with this. There is a lot of interest at the Council as well, in dealing with this fishery.

You know we try to remind folks that we have three big fin fisheries in the South Atlantic, dolphin/wahoo, king/Spanish and snapper/grouper. In terms of overall landings, they are all about equal. It's time that the Council did spend some time on Spanish, and they are committed to doing that for sure. I think that they are going to make the commitment to keep this project on track.

CHAIR CIMINO: Let's go to Shanna and then Spud.

MS. MADSEN: Thank you very much again, Dr. Carmichael. It's always a pleasure having you here. You run through for stock assessments so clearly and well. I really, really appreciate it. To that end, my question is kind of along the lines of what Chris said, a little bit of process. I'm not sure if this is for you or maybe for ASMFC staff.

In just thinking about these port meetings, and kind of they feel like almost pre-scoping, right. We're kind of going out and talking to some of our constituents, and seeing what they're seeing. Is there any kind of thought to maybe utilizing the newly formed Spanish Mackerel TC, maybe to kind of help us get to that? Maybe provide a little bit of assistance and back up, because it looks like you're asking for ASMFC staff participation. Maybe our TCs could also help support our ASMFC staff in trying to lead them in the right direction of where we could meet, who we can talk to, setting up that sort of thing, et cetera. Just trying to utilize those guys a little bit more, so that we're not just pinging on our ASMFC staff as well. We're happy to help here at the states.

MR. CARMICHAEL: That's good to hear, and your characterization of that is pretty accurate. These are in a way pre-scoping. The reason they're being termed differently is, and I imagine you guys have the same problem as us. You do scoping, and you're on a particular set of actions, and that's what you're there to talk about. You don't always get people.

We just did one last week on electronic logbooks, nobody showed up. That is kind of a common thing, when it comes to scoping, because if people aren't really mad about the issue, nobody comes out and talks about it. We're hoping that presenting these differently to the fishermen and saying, this isn't where we're going to say, you know we're here to talk about these issues. I don't want to hear about those other issues.

This is to go to them and say, here is the chance for you to tell us about all the issues you care about, because so often in hearings and scoping, ah, you

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don't want to hear about this issue, right? We're going to tell them now is your chance. Our vision of it would very much align with having the state experts, having the TC members show up when it's in their neighborhood and in their state.

I think that is really important, and we certainly feel that is important to the constituents that they kind of see all of us fisheries professionals that are involved in it, and that it's not just folks from the South Atlantic Council that are coming up here. But we rely so heavily on the state expertise for everything that we do, that we really feel it is great to have the whole community from the area that is there. We do want, and Moorehead City would probably be a likely case for us in North Carolina.

You know we want Chris there; we want Trish there; we want your biologist there as well. The same, you know if we do one up around Norfolk or something, it would be great to have you guys. As we go up the coast we really want to try to get as many of the professionals there. In some cases, it's a friendly face. Maybe that helps pull the comments out of people. Maybe it helps keep things cool if people get excited. For all of those reasons, yes, we would love to have as many people come and help support this as we can.

CHAIR CIMINO: We'll go to Spud and then Erika.

MR. SPUD WOODWARD: I just wanted to reiterate what John said, as a sitting member of the South Atlantic Council. We are definitely going to keep this at the top of our priority list. You know I think there is a lot of frustration with the results of the assessment. You know the SSC did the best they could to pull a rabbit out of a hat on this one, and actually give us something to work with. But I know there are concerns about the delays associated with having the port meetings. But given the fact that we're going to be considering allocation in a very different climate than what we've ever considered it in before. We believed the investment of time and effort is certainly going to be not only beneficial to the Council, but very beneficial to the Commission, because they are going to have to

reconcile some of these longstanding-issues we've had between interstate fisheries management and federal fisheries management.

Our greatest chance of success in doing that is to be as best informed as we can about present and future needs, because this one really is. Kind of like cobia. They are going to be the test of, can we really put climate-ready fisheries, as NOAA says, into practice. Because it's one thing to talk about it, it's another thing to actually make it happen.

MS. BURGESS: John, thanks for being here. Spanish mackerel is a very important fishery for Florida. It happens to overlap locationally with our king mackerel commercial fishermen on the East Coast. Years ago, the king mackerel commercial fishermen organized their own port meeting. They called me to attend. It was the best public meeting I have ever attended, the most information.

I'm really excited that you guys are using this format, and knowing the mackerel fishermen, they are a different group and they've got a lot of ideas. I know Chris has heard in North Carolina, there are a lot of ideas for making wholesale shifts in how this fishery is managed. In Florida we're facing something that we couldn't have predicted when this FMP was last modified, and that was losing access to Spanish mackerel fishing grounds.

One of the reasons why our landings are down in the south in the southern zone, is because space launches are closing access to fishing grounds. Where we've got large area closures where all commercial and recreational fishermen are prohibited from entering. The dip in landings is not a change in effort, it is lost access.

I feel like we're finally getting your wind development problems. We're feeling it down south. I just want to encourage us; Florida will support you throughout the coast on this. As both an ASMFC representative and the Council's representative. But I think it's going to be great to hear new ideas coming from the fishermen into this fishery, especially as it's extending north. I think

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you've got a lot of new participants who can add value to management. Thanks.

CHAIR CIMINO: Lynn.

MS. FEGLEY: I'm almost going to kick myself for asking this. But are we still, do we still have an issue with the species where we're misaligned between the federal and the state plan on our zones? I'm just wondering how that, does that impact anything? Does that create a situation where the Board is going to have to make some changes to the state plan? I think the definition of the zones is different between the two plans, is that right?

MS. TUOHY: That is correct, if you give me one moment here, I can pull up exactly what that difference is. Bob may be able to speak to this better than I can. But I think that to address those differences, previously, this Board has decided to wait until the South Atlantic Council was going to take action, knowing that they would be taking action. But someone can correct me there if I'm wrong. But I'll pull up that zone difference. Here it is. In the federal plan the northern zone is New York to North Carolina and the southern zone is South Carolina to Florida down the East Coast of Florida. Then in the Interstate FMP, the northern zone is New York to Georgia, and the southern zone is just the East Coast of Florida.

CHAIR CIMINO: We have some challenges ahead. We saw them coming, we formed a TC for this group, and I think we have some ideas around the table, so I'll go to Chris Batsavage.

MR. BATSAVAGE: Yes, these are issues that we've talked about with the ASMFC FMP for a few years now at least. It's good to see we finally have some resolution, as far as the Spanish mackerel stock assessment. Now the South Atlantic Council can at least start moving forward with updating the ACLs. We have the port meetings coming up, and eventually an amendment for the federal FMP.

We've been pretty patient. I think we still need to show some patience, so you know initiated an action to fix some of these issues that we know exist, and the ASMFC plan is a little premature. But at the last meeting, I think one thing we discussed besides forming a TC for Spanish mackerel is getting a better idea of what the fishery is like, especially along this northern range.

The port meetings will get to that to a large level from talking to stakeholders. But I think there might be some other ways to better characterize the Spanish mackerel fisheries along the Atlantic Coast. I have a motion I would like to introduce for the Board's consideration. Just waiting for it to go up on the screen.

Okay, it looks like that's it. **Move to direct the Spanish Mackerel Technical Committee to develop a paper that characterizes the recreational and commercial Spanish Mackerel fisheries along the Atlantic Coast. The timing and content of the paper are intended to help the Coastal Pelagics Management Board address state waters management issues.** If I get a second, I'll elaborate a little more on that.

CHAIR CIMINO: Shanna, are you seconding? Okay, go ahead, Chris.

MR. BATSAVAGE: Yes, so some of the discussions back in November was, you know just who is catching these fish, where, you know the timing, state waters, federal waters and things like that. I think that would be good for the Board to have at their disposal, even while the port meetings are underway.

We're going to get that good kind of detailed information from the fishermen, as far as their fishing practices and other anecdotal information that isn't captured in the data. But I think there is a lot of data out there already, in terms of what gears are landing the fish, the amount of effort. Like I said, the state waters, federal waters difference.

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I think I would leave it to the TC to kind of look at what the available data is, to determine whether this should be done at a state level or maybe a regional level, especially as they head further north. But to have this information available. We kind of were all, both groups are kind of at a point where we're thinking about what to do, as far as management goes. This might be an opportunity for ASMFC through the Board to look at some state waters specific management that we've already discussed that needs to be fixed in our FMP, that could complement the federal FMP, and not cause any contradictions and things like that. Just trying to divide up the duties of it, you know kind of in light of the comments about a climate ready fishery, especially as these things move around in places that we haven't seen before.

MS. MADSEN: I think Chris covered it really, really well. Again, kind of my comments and questions to Dr. Carmichael were trying our best to make sure that we're getting our newly formed TC kind of involved. I think that the port meetings are going to be an excellent time for us to get a handle on what some of our fishermen are seeing out there.

I know that I've got staff already e-mailing me saying, hey, I know exactly who you're going to want to talk to, because they are tearing them up these past two weeks. I think it's a really important time for use as the states to use our new TC to kind of help support this effort. I think this is exactly what we formed the Technical Committee to do, and what we talked about them doing when we formed the TC.

I know that my Technical Committee staff member has already provided me with some information, essentially illustrating the fact that our landings are definitely changing over time, how much we're landing after those closures. Our voluntary bycatch implementation that we put in place a few years ago, and kind of what's been changing there within the last few years. I think it's really important for us to kind of get that characterization and do that in line step with these port meeting, and have something for the Board to discuss.

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CHIAI CIMINO: Discussion on the motion. We'll got to Spud and then Erika.

MR. WOODWARD: I certainly don't disagree with the intent of the motion. I'm just trying to figure out how this relates to what we received in a July 10th e-mail from Emilie. It said, Board, also task staff with compiling a fishery profile with information on each state's Spanish mackerel fisheries and how they are prosecuted, including information on working into the management unit. To streamline this process, we will request information from each state this year.

At the same time, we ask for compliance reports this year, due October 1. Staff are currently working on a questionnaire for states to fill out, e.g., number of participants, gear types, average landings per trip et cetera. If there are questions or comments you would like to see included, please let me know by next Friday, June 30. Is this the same thing or different? Just trying to understand.

CHAIR CIMINO: Yes. We certainly did kick this off. I'm not sure how much work is done. Chelsea, do you have an update, and do you feel that what we've started covers everything? I mean there is certainly no harm, right, since this is tasking the TC and we don't have a hard timeline for them. But I think it's an important question. You know how much of this did we get started, because one of the big things we're talking about is staff time and the amount of work going into all of this. I'm not sure if Chelsea has an update for us.

MS. TUOHY: Yes, I do have an update on that. Between the time Emilie left and I took over, that fishery profile questionnaire has gone out to all the Administrative Commissioners and the Compliance Report contacts. I think that information can be used, not to double the workload of the Plan Review Team and the Technical Committee. I think it can be used by both of those teams to get at this question that we're asking here. It would maybe more be a job of the TC to take all that information and turn it into something that is useable. But I can

turn to Bob if he sees this going in a different direction.

EXECUTIVE DIRECTOR BEAL: No, I think you're exactly right, Chelsea. I guess the encouragement here is for all the states to respond to those questionnaires. Then once we get those in, we can have the TC compile it and pull that information together, and have it essentially respond to this motion.

CHAIR CIMINO: Spud, did that answer your question?

MR. WOODWARD: Yes, I think so. I think the other thing to point out. I think if we're going to task the TC with this, it is going to be very important that states have a participant on the TC. I know that's always a struggle, because people are spread thin all the time. The same e-mail is making sure that folks avail themselves of the opportunity to nominate the TC members. It did say that it didn't expect the TC to be actually meeting until 2024, so it's just something we need to consider in the timeline here of managing expectations.

CHAIR CIMINO: Good point, thanks. Erika.

MS. BURGESS: I see a little bit of difference in what was in the e-mail from Emilie and the motion that is before the Board right now, especially with the discussion that Chris added to it, to address state waters management issues. We had made the decision in the past that we would stay in step with the Council and not get in front of them.

We have issues with things being different already between the state and federal FMPs. While I'm comfortable with that, I think the Technical Committees looking at the data doesn't really tell the whole picture, that the port meetings will add to it. There is information that you can't tell or read from the data that you get from the fishermen.

One example I have is, you wouldn't know by looking really at the data that there are three different components to the commercial fishery in

Florida's waters, because largely they are the same people, and they move from one to another to the next, where they are targeting different size, using different gear and at different times.

I've also had conversations with fishermen to the north that they are entering the fishery, in part because they're losing access to others. I don't think that the data solely on Spanish mackerel is going to give you that issue. But if you have a conversation with the fishermen, you get a lot more. I have an issue with addressing state waters management with the report or paper that might come out of the Technical Committee.

CHAIR CIMINO: Any further discussion? Seeing none; just making sure. Erika, you're not saying that that is necessarily an objection to the tasking, right? Just what comes out of it maybe.

MS. BURGESS: I have an objection to the motion. But I would be happy to make an amendment. My **amendment would be to strike "address state waters management issues" from the motion.**

CHAIR CIMINO: Erika, does that look okay?

MS. BURGESS: Maybe **also modify the word "help" to be "inform" as well.** Spud needs help.

CHAIR CIMINO: They have a motion, is there a second? Doug. Motion and a second. Discussion on the motion. Go ahead, Chris.

MR. BATSAVAGE: I think the part that the amendment is getting to, I think kind of the whole reason why we're doing this exercise in the first place. I mean, at a minimum we know there are some issues in the ASMFC plan that need to be addressed. One of the more glaring ones is, the FMP is silent, ASMFCs plan is silent on what to do when the northern zone ACL is reached.

The way we've mitigated kind of that loophole is putting in this 500-pound trip limit. I think this Board should look at whether or not that is an appropriate response to when the northern zone is

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reached. There are a host of other things. But also, and it's really up to the Board, it's not the TCs call that is going to be providing this information.

Is there anything else we want to look at? I guess to make a comparison from an FMP standpoint, is spiny dogfish, where there is federal and an ASMFC plan, and there are certain aspects of management that are handled by ASMFC, and there are certain aspects of management that are handled through the Council's FMP, and they don't contradict each other.

It's just more or less separate out the duties, based on whether it's more of a federal waters issue or a state waters issue. That's where I am. I'm definitely speaking against this amendment, because I think we need to kind of have some reason for putting this paper together, and I think it's really to help us move forward with the state waters FMP for Spanish mackerel.

CHAIR CIMINO: Further discussion? Well, I know the answer to do we need to caucus on the amendment, because I do. If we don't have further, I'm going to take a minute. I'll give everyone, how about two minutes, since I have to text with my folks. Okay that's time. Does anyone need additional time?

**I'm going to call the question on the amended motion. I'll read that again for us here. Move to amend to strike "address state water management issues" and replace "help" with "inform." Motion by Erika, second by Doug. All those in favor of the amendment, please raise your hand. Toni, if you could look online as well, please.**

**MS. KERNS: Rhode Island, Florida, Georgia, South Carolina and New Jersey.**

**CHAIR CIMINO: Those opposed to the amendment.**

**MS. KERNS: Delaware, Maryland, PRFC, Virginia and North Carolina.**

**CHAIR CIMINO: Abstentions.**

**MS. KERNS: South Atlantic Council.**

**CHAIR CIMINO: Null votes.**

**MS. KERNS: One more abstention, NOAA Fisheries, I keep my old lady eyes on for that, 5, 5, 2.**

**CHAIR CIMINO: The vote is 5, 5 with 2 abstentions, so the amendment will fail for lack of a majority.**

Back to the main, any interest in trying to wordsmith? It looks like we're back to the main. Again, I'm going to take a second for a caucus. I'll take a minute for a caucus. **I think we're ready to go here, so I'm going to call the question on the main motion. All those in favor.**

**MS. KERNS: Rhode Island, Georgia, North Carolina, Virginia, Potomac River Fisheries Commission, Maryland, Delaware, South Carolina and New Jersey.**

**CHAIR CIMINO: I'm not sure if that was everyone. All those opposed.**

**MS. KERNS: Florida.**

**CHAIR CIMINO: Abstentions.**

**MS. KERNS: South Atlantic Council, NOAA Fisheries.**

CHAIR CIMINO: Go ahead, Spud.

MR. WOODWARD: It's rare for me to offer an unsolicited opinion, but this is a little frustrating to me that we can sit here as a Board and be divided on how best to inform ourselves how to make better decisions, and that I think is an inherent difficulty, and it's symptomatic on why it's going to be so hard to manage these shifting, expanding stock fisheries, when we frustrate ourselves. But how are we actually going to give ourselves the information to make better decisions? With that I'll conclude, Mr. Chair.

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CHAIR CIMINO: That's fair. **The vote on the main is 9 in favor, 1 opposed, 2 abstentions. The motion carries.** I don't know, Spud, in the nearest of near terms. But yes, I think this is a challenge for the reasons that you mentioned earlier as well. We're going to be talking Climate Scenario Planning, and we're being pulled along in a very strong current with these two species.

It's not surprising that it's going to be a challenge moving forward, and to some extent uncharted forest. I think that whatever information we get, we'll be able to use to help guide us. Any other business before us? Go ahead, Lynn, sorry.

MS. FEGLEY: That's okay. I just want to be clear. Could this not be used in concert, ultimately, with the output from the port meetings? I'm hoping that we're not going to have those sorts of issues. I mean clearly, we've got some challenges before us. But I also think with this misalignment of plans this is going to be important. But I'm hoping we're going to be able to use all the information before us, ultimately.

CHAIR CIMINO: Erika, did you have something?

MS. BURGESS: Correct, and that is why I originally opposed the motion and offered the amendment, because the statement around the original motion was that this would be used in advance of the port meetings, and I would prefer to use all the information at once to make decisions.

CHAIR CIMINO: Anything else? Bob.

EXECUTIVE DIRECTOR BEAL: I guess I'm just sort of trying to wrap my head around the timelines here. You know the Council essentially, John listed three things that the Council is going to work on. They are going to do a framework to adopt OFLs, ACLs and all the new quotas. They are going to do port meetings, and then they are going to do an allocation amendment, for lack of a better term.

I think the last time this Board talked about it, my recollection is that the framework adjustment to

adopt the OFL and other quotas, we don't have to do, because our plan adopts the federal quotas by default. If the Council and federal government implement those, we adopt those by reference. That part we're off the hook.

The port meetings, I think we've agreed to have state and Commission staff participation, and work with the Councils and do that. I guess so I'm on to the timing of when this Board would start working on an amendment. I think our amendment is going to deal with allocation, regional allocation, sector allocation. It's going to have to deal with all these differences between the state and federal plan.

There is actually quite a few of them, when you go through the list. There is recreational season, ours is a calendar year, the Council starts on March 1st. Our plan lists prohibited gears, the federal plan lists allowable gear. There is actually quite a few, and other things that Chris and others have mentioned.

I was envisioning, and I think the last conversation this Board had was that we are not going to start an amendment to deal with state water issues until after the port hearings, and we're going to kind of move along in parallel, sort of timing wise with the Council. As they develop allocation, we would kind of tag along with those allocation conversations.

Then maybe separately, through the same document, but through separate conversations, address these state water issues that are different between the two plans. Some of them may be different for good reasons and we keep them, some maybe increasing consistency will be a good thing. Is that a fair characterization of where this Board, the timing of that amendment and the process for that amendment that this board sees moving forward. I just want to make sure when I'm interacting with the Council at their meetings, I can understand where this Board is going.

CHAIR CIMINO: This motion doesn't have a timeline in it, and we had that discussion, I think that is certainly intentional. But I see Chris would like to add.

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MR. BATSAVAGE: Yes, you just basically said what I was going to say. I didn't put a timeline on here for that main reason. We know we have these port meetings going on. The timing of whether, when we decide to address state waters management, I think it's to be determined. But to have this information in addition to the port meetings, I think will better help or inform us as we move along. But yes, the timing question, I think that is to be determined as we move along with this.

CHAIR CIMINO: Yes, and I'll just add, I think for some of the northern states, where this is still an incidental fishery, the groundwork that we have started, and will continue here, is going to help our states have that discussion with the South Atlantic on who the stakeholders are, and the best way to hold those port meetings. Spud.

MR. WOODWARD: I'll offer this, maybe in an attempt that we all are thinking in the same way, and that is that it is the intent of this Board to not take any action to define allocation and these various other elements, until the South Atlantic Council process yields its product, and so that we are in sync moving forward, and we have synchronous implementation of measures to the best we can.

Is that the intent of what this Board wants to do? I think that helps everybody's comfort level. Understand that we are not going to perpetuate this out of sync management by taking Commission activities premature to those federal activities. Because I think we all want the actions we take to be durable, to use good old Robert Boyle's description.

We want it to be durable, and the only way they can be durable is for us to do them when all the decisions are made in a way that we don't have to go back and try to correct something that we did prematurely. If that is the intent, I think that probably increases everybody's comfort level with where we are.

CHAIR CIMINO: Go ahead, Chris.

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

MR. BATSAVAGE: It's hard to predict the future. But no, I don't think we need to get out ahead of the Council and then find out we have to do this twice. But after the port meetings, we get a lot of information from that and the information we tasked the TC with. Overall, we'll have a better picture of what this fishery looks like, and what management might need to look like in the future.

I don't want to get out ahead of the Council and have something that just completely misaligns. I think we might need to take a look at those products and then figure out what's the next steps, as far as management. I don't know if I want to necessarily commit to just having a synchronous pattern. We may find out a year from now there are certain things we can do at the state level and do it pretty quickly, and it won't really impact the federal FMP at all. But that remains to be seen. I would just like to leave that option open, just for the sake of efficiency to address some issues that we know have been going on for a long time in state waters, just in terms of inconsistency in the plan and stuff changing.

CHAIR CIMINO: We're getting close to time, so I'll take general consent with Spud's motion, unless anyone else has a hand, I purposely took over as Chair as soon as possible, to get out of the other side of this, because I know the next chair is going to have some fairly serious and tough challenges. But with that said, I think what Chris said is fair. I think actually looking to something like spiny dogfish, where you have kind of a different model, may be helpful sometime in the future. But I think, you know, John, we have to do this together to some extent. I think I agree with the general consent.

#### ADJOURNMENT

CHAIR CIMINO: That was pretty much it, right? Unless there is an objection, I will adjourn this meeting.

(Whereupon the meeting adjourned at 12:32 p.m. on Wednesday, August 2, 2023)

## Atlantic Cobia Stock Assessment Road Map

The Cobia Atlantic Migratory Group has a stock assessment scheduled for 2025. To begin work on the assessment, a plan is needed to explore available cobia data, consider previous and new methods and models, and define assessment workload responsibilities.

The previous stock assessment was conducted by the Southeast Fisheries Science Center (SEFSC) as the lead agency through the SouthEast Data, Assessment, and Review (SEDAR) process. Under this plan the SEFSC is shifting to providing a lead analyst and SEFSC specific data, similar to the responsibilities assumed when supporting State of FL stock assessments. The Atlantic States Marine Fisheries Commission (Commission) and States are responsible for the identification, gathering, assimilation, compiling, and transmittal of data in a form ready for input into a stock assessment model. Because the Atlantic Cobia stock is expanding northward and some data sources are phasing out, and because there are no fishery independent surveys targeting the species, the next stock assessment will likely be quite different and challenging. We attempted to account for potential extra time for additional model exploration, but more time may be needed if initial model choices do not work out. The assessment is likely to operate more like a research track or benchmark stock assessment for this reason.

The previous stock assessment (SEDAR 58, 2019) relied on recreational survey data, notably MRIP and the Southeast Region Headboat Survey (SRHS), as well as state carcass collection program data for life history and age information. The sole abundance index in the model was from the SRHS, which ended in 2015 due to regulatory changes that would render the index invalid for tracking abundance past 2015. There is no fishery independent index available. The Beaufort Assessment Model (BAM) is an integrated analysis stock assessment model, relying on abundance index and age information. Because the sole abundance index in the stock assessment ended in 2015, an updated model will have no index data from 2015 to the present. Without these data the model estimates are likely compromised in ways yet to be realized. The success of a future stock assessment model depends on the inclusion of potentially new datasets as well as consideration of different model structures or platforms that are better suited to the available data.

### Roles and Responsibilities

- **Data Compilation:** in order for the SEFSC lead analyst to focus on methods exploration, state scientists will be responsible for gathering most of the available data, including carcass collection programs, age data, survey data, tagging data and other state data. States will be responsible for data provision and compilation, including appointing a data compiler point person for intake of all data, compilation/combining as needed, and transmission to lead analyst.  
**Data Compiler: Cole Ares, Rhode Island DFW**
- **Abundance Indices.** The Headboat Survey index ended in 2015. Is there an alternative data source or index?

- MRIP is likely the best hope for index data, but will require extensive analysis, possibly testing multiple analysis methods and supporting exploratory data analysis. (State responsibility) 1. Query MRIP public data set or custom data request, 2. Develop CPUE via GLM/GAM standardization; consider using Spanish mackerel index code; attempt to define targeted 'cobia effort' trips; ask John Foster/MRIP statistician to assist  
**MRIP Index Lead: Angela Giuliano, Maryland DNR**
- SC charter logbooks? (State responsibility)  
**Lead: Justin Yost/Amy Dukes, SCDNR**
- Other sources? (State responsibility)  
**Lead: All States TC/SAS members**
- Modeling: the BAM may be run for continuity purposes, but with the data limitations may not be functional; Other modeling frameworks will need to be considered, noting the breadth of investigation will likely extend the timeline of the work
  - Is an age-structured model still appropriate for cobia?
  - SAS and lead analyst will make modeling decisions  
**Lead Analyst & Model Exploration: NMFS SEFSC-Beaufort Lab**
- All data provided by the states needs to be analyzed and summarized to be assessment ready by the final data products deadline. Supporting working paper and data description documentation needs to be completed by the final data products deadline.
  - Recreational removals data
    - MRIP - SEFSC (FHS calibration)
    - SRHS - SEFSC
  - Commercial removals data
    - Landings (ACCSP)  
**Lead: Mike Rinaldi, ACCSP Data Team**
    - Discards- SEFSC logbook method (GA-NC); States (north of NC)  
**Lead: Angela Giuliano, Maryland DNR**
  - Length data
    - mostly from state carcass collection programs **GA, SC, NC, VA Data Providers**
    - NMFS Trip Information Program (TIP) – **NMFS SEFSC**
  - Age data
    - State carcass collection programs - age sample processing conducted by states. Status: SC and VA aged thru '22, GA and NC samples to be aged; all plan to complete by March '24
    - States are responsible for combining all available age data from all possible sources. Decisions will have to be made as to which data can be used for compositions and which data may serve other purposes (e.g. growth curves).
  - Length and Age Compositions
    - SEFSC – raw GA-NC compositions
    - States – final weighted coastwide length and age compositions for input into stock assessment

**Comps Lead: Angela Giuliano, Maryland DNR**

- Tagging data. States are responsible for performing appropriate analyses on tagging data to provide useful data for input into the stock assessment model. Determine if tagging data can be combined on a coastwide basis for single analysis. Can tagging data be used for G, M, or F information?

**Tagging Data: Joy Young FWRI (??); Tagging Analyses: Jared Flowers, GADNR**

- Utilize or reference previous research (NEFSC Center of Biomass, SEFSC MRIP analysis, VIMS habitat suitability modeling, state tagging data) to evaluate potential stock expansion and productivity changes. Commission responsibility. **Kevin Weng, VIMS (??)**

Next Steps (as of September 2023)

- Form Cobia Stock Assessment Committee/Work Group via SEDAR protocols
- State Data Compiler and Lead Analyst define data template with preferred formats (units, bin structures, etc.); Data Compiler send template to NMFS, State, ACCSP, and other data providers (e.g., state database management contacts)

Draft Timeline:

The Commission would receive the final report to Cooperator no later than October 2025, in order to provide results to the Coastal Pelagics Fishery Management Board in January 2026, for use in setting harvest levels and regulations for the next fishing season.

*Proposed milestone dates for stock assessment:*

November, 2023 – call for data

February, 2024 – data scoping webinar

April-June, 2024 – Data Workshop webinar(s)

Early-March, 2025 – final, assessment ready data products due (terminal year 2023)

April-July, 2025 – AW webinars with SAS (4-5)

August, 2025 – SAS establishes final model for management advice (webinar)

September, 2025 – draft stock assessment report submitted

Mid-September, 2025 – review final model runs

October, 2025 – address review issues, final report provided

February, 2026 – report provided to Coastal Pelagics Fishery Management Board

<u>Atlantic Cobia Stock Assessment Committee Members (Proposed)</u>		
<u>MEMBER</u>	<u>AGENCY</u>	<u>ROLE</u>
Chris Kalinowsky	GA DNR	Data Provider
Justin Yost	SC DNR	Data Provider
Lee Paramore	NC DMF	Data Provider
Somers Smott	VMRC	Data Provider
Cole Ares	RI DEM	Data Compiler, Supporting Analyses
		Life History Analyses
Angela Guiliano	MD DNR	Index Standardization, Data Provider
Jared Flowers	GA DNR	Tagging Analyses
	NMFS SEFSC	Lead Analyst & Modeler
Meisha Key	SEDAR	Project Coordinator



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** Coastal Pelagics Management Board

**FROM:** Cobia Technical Committee

**DATE:** September 29, 2023

**SUBJECT:** Recommendation for 2024 State Recreational Management Measures for Cobia and September 2023 Technical Committee Report on Recent Trends in Cobia Harvest

The Cobia Technical Committee (TC) met via webinar on September 9 and September 19, 2023, to discuss 2021-2022 state recreational harvest target evaluations, the impacts of keeping status quo recreational management measures in 2024, and recent trends in state and regional recreational cobia landings.

TC Members in Attendance: Angela Giuliano (Chair, MD), Nichole Ares (RI), Brian Neilan (NJ), Somers Smott (VA), Josh McGilly (VA), Lee Paramore (NC), Justin Yost (SC), Chris Kalinowsky (GA),

ASMFC Staff: Chelsea Tuohy, Toni Kerns, Patrick Campfield

Others in Attendance: Shanna Madsen (VA, Board Proxy), Chris Batsavage (NC, Board Proxy), Alan Bianchi, Will Poston

### ***2021-2022 Harvest Target Evaluations***

Amendment 1 to the Interstate Fishery Management Plan for Atlantic Migratory Group Cobia (Cobia FMP) requires non-*de minimis* states to consider changes to state recreational management measures each time a new total harvest quota is set through the specifications process. In August 2023, the Coastal Pelagics Management Board (Board) approved a total harvest quota of 80,112 fish for the 2024-2026 fishing seasons, resulting in a commercial quota of 73,116 pounds and a recreational quota of 76,908 fish. The recreational quota is divided into state-specific soft targets based on historical landings between 2006-2015, with 50% based on harvest data from 2006-2015 and 50% based on harvest data from 2011-2015.

Once a new total harvest quota is set, Amendment 1 to the Cobia FMP requires each non-*de minimis* state to evaluate recent landings as an average of years with the same recreational management measures against state-specific soft targets. If a state's average landings exceeded the recreational soft target, the state must restrict measures to reduce future harvest to levels at or below the soft target. If a state's harvest over a minimum of two consecutive years fell

M23-80

below the soft target, the state would have the option to leave measures status quo or liberalize measures to achieve the soft target. The timeframe for harvest target evaluations used to set 2024-2026 recreational management measures is 2021-2022, as a result of North Carolina and Virginia implementing updated recreational management measures in 2021 following the change in quota allocation implemented with Addendum I.

*De minimis* states are exempt from completing harvest target evaluations and can choose to implement the standard *de minimis* measures of 1 fish per vessel per trip with a minimum size of 33 inches fork length or match the nearest non-*de minimis* state's recreational management measures. As of 2023, all *de minimis* states have implemented the standard *de minimis* management measures, except for Maryland and the Potomac River Fisheries Commission (PRFC), which adopt the same measures as Virginia, their nearest non-*de minimis* state. If Virginia implements new recreational management measures for Atlantic cobia for the 2024-2026 fishing years, Maryland and PRFC must adjust recreational management measures accordingly.

In August 2023, the Board tasked the Cobia TC to evaluate the impact of status quo recreational management measures in 2024, leaving the TC with two options for setting 2024 recreational management measures: Option 1) Continue the standard way of setting recreational management measures where states evaluate recent landings against state-specific soft targets to determine needed reductions and options for liberalizations and Option 2) States make no changes to recreational management measures in 2024.

#### ***Technical Committee Recommendation for 2024 Recreational Management Measures***

In September 2023, the TC reviewed averaged 2021-2022 harvest data, preliminary 2023 harvest data through wave 3, and historic harvest data through wave 3 compared to final harvest estimates to make a recommendation to the Board regarding 2024 recreational management measures. The TC also discussed multiple avenues of uncertainty present in the recreational cobia fishery, including the potential for changes to catch and effort estimates in 2026 following the upcoming Marine Recreational Information Program (MRIP) Fishing Effort Survey (FES) follow-up study and incorporation of Covid years in 2021-2022 harvest target evaluations.

After evaluating state harvest target performance during 2021-2022, the TC noted Georgia's and Virginia's two-year average harvest exceeded each state's respective soft target while North Carolina's and South Carolina's averaged and single-year harvests in 2021 and 2022 fell below their respective soft target levels (Table 1). Using the typical recreational management measures setting process, these values would allow North Carolina and South Carolina the option to remain status quo or liberalize recreational management measures, while Virginia and Georgia would need to restrict recreational management measures to fall at or below their respective soft targets for the 2024-2026 fishing seasons.

TC members from North Carolina and South Carolina indicated that neither state intended to liberalize recreational management measures for the 2024 fishing year. While the 2024

landings cannot be predicted, the TC discussed that if all states were to remain status quo, there is reasonable probability suggesting the coastwide recreational quota would not be exceeded due to underharvesting states balancing out the effects of overharvesting states.

To further examine the potential for exceeding the coastwide recreational quota, the TC queried preliminary 2023 landings for waves 1-3 and explored whether it was possible to estimate what 2023 landings would be based on the current harvest estimates. Starting with the coastwide landings, the 1982-2022 landings for waves 1-3 were plotted against the annual landings estimate for the same years. Similar plots were made for each non-*de minimis* state. Linear regressions were used to evaluate the relationship between the partial-year landings (waves 1-3) and the full-year landings (waves 1-6). The  $R^2$  value was used to evaluate how much of the variability in the annual landings could be explained by the waves 1-3 harvest. This analysis could not be completed for the *de minimis* states as their fisheries typically occur later in the year and are highly variable.

The 2023 annual harvest for non-*de minimis* states was then estimated using the waves 1-3 harvest as the predictor for either the coastwide harvest or the individual non-*de minimis* state harvest. As the coastwide  $R^2$  was not very high ( $R^2=0.66$ ) and the relationship did not seem as certain, most of the analysis focused on the non-*de minimis* state predictions. One data point (1996), which appeared to be an outlier having a low waves 1-3 harvest estimate and high final estimate, was removed from the South Carolina analysis. With the removal of this point, both the Georgia and South Carolina regressions had high  $R^2$  values ( $>0.9$ ). Lower  $R^2$  values were observed for North Carolina ( $R^2=0.89$ ) and Virginia ( $R^2=0.69$ ). To account for the potential variability, a range of values were calculated as potential 2023 annual landings estimates for these two states. These ranges included: the annual harvest estimated from the linear regression based on the waves 1-3 harvest; the annual harvest assuming an increase in harvest based on the average increase in harvest observed in the past five years in waves 4-6; the annual harvest assuming an increase in harvest based on the maximum increase in harvest observed in the past five years in waves 4-6; and the annual harvest assuming an increase in harvest based on the minimum increase in harvest observed in the past five years in waves 4-6.

The sum of non-*de minimis* state-specific minimum, maximum, mean, and point estimates was compared to the recreational soft target for the non-*de minimis* states to evaluate the potential risk of 2023 landings falling above the soft target (Table 2). All estimates were below the non-*de minimis* soft target value of 76,139 fish, with the exception of the maximum estimate, which fell above the soft target value by 10,749 fish. Additionally, some non-*de minimis* states indicated harvest may decline in wave 4 based on observations of poor fishing conditions due to poor weather. *De minimis* state harvest could not be estimated and thus was not included in the evaluation, but it is important to note *de minimis* state harvest has fallen well above the *de minimis* soft target value of 769 fish in recent years.

**Ultimately, the TC recommended status quo recreational management measures be continued in 2024 and concluded there was a reasonably low probability of exceeding the coastwide recreational quota as a result of status quo measures.**

If the Board chooses not to implement status quo measures in 2024, North Carolina and South Carolina will have the option to keep measures status quo or liberalize their measures to account for an additional 17,652 fish and 1,383 fish, respectively. Virginia and Georgia will need to restrict measures to achieve a minimum reduction of 18,100 fish and 347 fish, respectively.

***Technical Considerations for Atlantic Cobia: Trends in State Landings and Tagging Evidence***

In August 2023, the Board tasked the Cobia TC to develop a fishery review that characterizes recent trends in state and regional landings compared to harvest targets. Over the course of two meetings in September 2023, the TC discussed trends in Cobia harvest at length, reviewing available MRIP data between 1981 and 2022 at the state, regional, and coastwide levels. The TC also discussed various cobia tagging projects in Virginia, North Carolina, South Carolina, and Georgia to better understand how Atlantic cobia move up and down the coast based on tags and recaptures.

Coastwide cobia harvest has remained well above the time series average of 40,074 fish in recent years (Figure 1). Similarly, catch has remained steadily high, hitting a peak in 2018 (Figure 2). At the regional level, the TC examined three proposed regional break points. First, the group defined North Carolina, South Carolina, and Georgia as a southern region and Virginia through Maine as a northern region. However, the TC decided to remove this proposed regional break from the analysis as observations from tagging data and observations on the water suggest cobia in North Carolina and Virginia represent the same body of fish and thus should be considered in the same region. Next, the TC broke down regions where South Carolina and Georgia represented the southern region and North Carolina through Maine represented the northern region (Figures 3-5). Finally, the TC broke down regions where South Carolina and Georgia represented a southern region, North Carolina and Virginia represented a middle region, and the *de minimis* states represented a northern region (Figures 5-8).

Based on the regional harvest analysis, the southern region (South Carolina and Georgia) has seen relatively stable harvest over the time series, with some spikes in harvest in 1996, 2003, 2012, and 2015 and a time series average of 9,469 fish. In the two-region split analysis where North Carolina through Maine represents a northern region, harvest has remained above the region's time series average of 30,836 fish since 2013, reaching a peak in 2018. For the final regional analysis, where North Carolina and Virginia represent a middle region and the *de minimis* states represent a northern region, North Carolina and Virginia represent a bulk of the landings with a time series average of 29,742 fish and higher than average landings in recent years. The *de minimis* states show variable landings, with most years having minimal to no landings and a time series average of 2,136 fish. However, *de minimis* landings have occurred every year since 2020, ranging from 1,579 fish to 5,334 fish. TC members noted although cobia landings have increased in some Mid-Atlantic and *de minimis* states, landings remain relatively stable in southern states, indicating a possible range expansion as opposed to a stock shift.

In addition to reviewing MRIP harvest and catch data, the TC also discussed cobia tagging programs as another tool to determine how the stock is moving. The TC's review of tagging data prompted a discussion about new tools available in 2023 that were not available during the

previous stock ID workshop in 2018, when the Georgia-Florida boundary line was implemented as the management boundary separating management jurisdiction between Atlantic migratory group cobia and the Gulf of Mexico migratory group (Gulf stock). The TC discussed the results of the 2018 stock ID workshop and expressed interest in re-evaluating the boundary between the two stocks, acknowledging northern Florida as a likely mixing zone between stocks. The TC supported additional stock ID efforts and preferred these efforts to precede the 2025 cobia stock assessment, or at a minimum occur as an initial step in the assessment process. While the tagging data discussed by the TC in September 2023 was primarily conventional tagging data, the TC noted satellite and acoustic tagging information would enhance our understanding of movement patterns. The results of each state's tagging programs are detailed in length below.

### Virginia

The Virginia Game Fish Tagging Program (VGFTP) has 7,511 cobia tagging records and 1,145 cobia recapture records since 1995. There has been a decline in the number of tagged and recaptured cobia reported by VGFTP since 2019. Peak tagging effort took place in 2019 (n=1,036 tags) with peak recaptures as well (n=194 recaptures). From the recaptures, there are two unknown recapture sites, one in 2012 and one in 2018, which have both been dropped for the purposes of this report.

From 2010 to 2016, there were 192 cobia recaptures. The largest number of these recaptures occurred in VA (82%) and NC (15%), with the final 3% coming from FL, GA, MD, and NY (Figure 9). From 2017-2023, there were 798 recaptures. The largest number of these recaptures occurred in VA (88%) and NC (7%), with the final 5% coming from FL, MD, NH, NJ, NY, RI, and SC (Figure 10). This suggests more fish are being recaptured in VA, as well as heading up past VA to New Jersey and the New England states.

Data was divided by proportion outside of Virginia to try to characterize further trends in cobia movement along the coast. From 2010-2016, there were 32 recaptures south of Virginia. The largest number of these recaptures occurred in NC (91%) and FL (6%), with the final 3% coming from GA (Figure 11). From 2017-2023, there were 70 recaptures south of Virginia. The largest number of these recaptures occurred in NC (76%) and FL (20%), with the final 4% coming from GA and SC (Figure 12).

From 2010-2016, there were 2 recaptures north of Virginia: one in MD and one in NY (Figure 13). From 2017-2023, there were 23 recaptures north of Virginia. The largest number of these recaptures occurred in MD (48%), NY (26%), and NJ (17%), with the final 9% coming from RI and DE (Figure 14).

### North Carolina

North Carolina tagging for cobia began in May of 2017. Cobia have been tagged each year since using both volunteer anglers and Division of Marine Fisheries (DMF) staff throughout the state's coastal waters, along with some tags released in the Chesapeake Bay. All cobia receive an external red high-reward shoulder tag (\$100 reward) to maximize returns. Tagging of cobia informs migration patterns and could potentially be used for exploitation rates. Tagging of

cobia has occurred along the coast, ranging from Wilmington to the Chesapeake Bay (Figure 15). The total number tagged between 2017 and 2022 is 547 cobia, and has resulted in 97 recaptures. The time series average was 406 days at large, with an average distance traveled of 123 miles (Table 3). Most recaptures occur within the states of North Carolina and Virginia as cobia tend to migrate north in the spring along the North Carolina coast, with movement into the Chesapeake Bay common during the summer months. The maximum distance traveled was 696 miles for a cobia tagged north of the Chesapeake Bay Bridge in August of 2019 and recaptured 564 days later in February of 2021 off Fort Pierce, Florida (Figure 16). The maximum days between release and recapture was 1,558 days, or just over 4 years (Table 3). Table 4 provides the recapture location for cobia tagged specifically in North Carolina by month and state of recapture. Of these, only 4 cobia were recaptured south of NC, while the majority of fish migrated north to Virginia and Chesapeake Bay, being recaptured from May through September.

### South Carolina

The South Carolina Marine Game Fish Tagging Program (MGFTP) began in 1974, with cobia-specific tagging beginning in the early 1990s. To date, 1,572 cobia have been tagged, mostly in South Carolina, with small numbers of fish tagged in Georgia and Florida. This tagging effort has seen 217 recaptures, mostly occurring within the original state of tagging, with the longest at large being 2371 days (Table 5).

In 2016, the South Carolina Department of Natural Resources received a Cooperative Research Program (CRP) grant to examine cobia migratory patterns along the East Coast using acoustic telemetry. In 2018, an additional CRP grant was awarded using a combination of acoustic and satellite tags to track movement outside existing acoustic arrays. There have been 273 acoustic tags and 29 satellite tags deployed to date between North Carolina and Florida. Results from the acoustic study including additional tags deployed in North Carolina and Virginia not related to the CRP grant were provided to the Cobia TC from a paper currently under review and not yet available to the public. Satellite tagging information showed no defined trends, likely due to limited sample size, but does demonstrate how cobia travel throughout the year. Due to battery issues and no reporting tags, only 22 satellite tags were usable. The final CRP reports can be provided upon request.

### Georgia

Georgia recently participated as a cooperative partner in a cobia acoustic tagging study along the Atlantic coast. Unfortunately, data from the study are not yet available as study results have yet to be published. However, Gray's Reef National Marine Sanctuary (Gray's Sanctuary) in Georgia recently released a technical bulletin summarizing information on acoustically tagged fish detected within the Gray's Sanctuary array. At that time, there were 22 cobia that had been detected by the array. Of those fish, 20 were tagged in coastal Georgia and South Carolina waters by South Carolina Department of Natural Resources (SCDNR) staff, and 2 were tagged off St. Lucie, Florida by Florida Fish and Wildlife Conservation Commission (FWC) staff. Fish were detected periodically at Gray's Sanctuary across spring, summer, and fall, but not winter.

The sanctuary noted that Cobia tagged in Georgia and South Carolina were detected in spring, summer, and fall, while Florida tagged cobia were only detected in spring and fall months.

While these acoustic detections are interesting, it is unlikely they tell the whole story for cobia in the southern region. Acoustic tracking requires fish to be present in areas where receivers are deployed. This seems to work well during some months of the cobia migration, for example, Gray's Sanctuary during spring, summer, and fall. However, the absence of detections in winter months at Gray's Sanctuary would lead one to conclude that cobia were not present in Georgia waters during the winter. Fortunately, a small number of fish were satellite-tagged in addition to having acoustic tags. Due to the high cost and the reputation of being prone to failure (fall off or quit transmitting), only a small portion of cobia were selected for satellite tagging. One of these fish was tagged by Georgia Department of Natural Resources (GA DNR) staff in Georgia waters (offshore of Brunswick). The satellite tag transmitted for over 200 days and provided an interesting track across multiple seasons (Figure 17).

This fish was tagged in December 2020, approximately 40 miles offshore of Cumberland Island, Georgia. After tagging, this fish made its way further offshore of Georgia (approximately 80 mi.), where it seemed to overwinter along the bottom habitat near the Gulf Stream's edge. While it spent most of its time offshore of Georgia, it did make a slight move further south in January 2021, into waters offshore (approximately 75 mi.) off Jacksonville, Florida. After a brief stay there, it moved back into Georgia waters in February 2021. It remained offshore of Georgia until early April, when it ultimately left to begin its northward migration. Due to the absence of acoustic receivers in the deeper offshore waters off Georgia and Florida, this fish was never detected by any acoustic arrays during the winter months. However, because it was tagged with a satellite transmitter, we can follow its overwinter track and residency during those months. After departing Georgia waters, this fish began a rather direct northward migration through South Carolina, North Carolina, and into Virginia waters in June of 2021, where it remained until the tag released from the fish and quit transmitting in July 2021.

In addition to the satellite and acoustic tagging efforts, there have been four cobia tagged by recreational anglers in Georgia waters, with one recapture in Ponte Verda, Florida. The recaptured fish was originally tagged in October 2018 and was recaptured in July 2021.

**Based on recent trends in state, regional, and coastwide harvest and cobia tagging data, the TC recommends the Board take action to address recreational reallocation for Atlantic cobia. However, the timing of Board action should consider the timing of the upcoming MRIP FES follow-up study and how the impacts of the study on pulse fisheries like Atlantic cobia are unknown. Board action timing should also consider the potential for a reexamination of the cobia management boundary to be completed before or alongside the upcoming stock assessment.**

**Tables**

Table 1. Non-*de minimis* state 2021-2022 soft target performance. Red text indicates values above associated soft targets.

State	Soft Target	2021 Landings	2022 Landings	2-Year Average	2024-2026 Options
Georgia	7,229	8,510	6,641	7,575.5	Restriction (347 fish)
South Carolina	9,306	8,858	6,988	7,923	Status Quo or Liberalization
North Carolina	29,302	10,970	12,330	11,650	Status Quo or Liberalization
Virginia	30,302	57,135	39,668	48,401.5	Restriction (18,100 fish)
<i>De minimis</i>	769	5,334	4,173	4,753.5	N/A
<b>Total</b>	76,908	90,807	69,800	80,303.5	N/A

Table 2. Estimated 2023 total harvest based on 2023 preliminary landings in waves 1-3 and historic waves 1-3 estimates compared to total harvest.

	Harvest Estimate (Number of Fish)	Difference from Soft Target (Number of Fish)
<b>2023 Point Estimate</b>	64,958	-11,181
<b>2023 Minimum Estimate</b>	59,722	-16,417
<b>2023 Mean Estimate</b>	75,835	-304
<b>2023 Maximum Estimate</b>	86,888	10,749
<b>2023 Soft Target GA-VA</b>	76,139	N/A

Table 3: Summary of cobia tagged as part of the NCDMF multi-species tagging program, 2017-2022.

Year Tagged	Total Fish Tagged (#)	Total Fish Recaptured (#)	Average Days Out	Max Days Out	Average Distance Traveled (miles)	Max Distance Traveled (miles)
2017	81	24	501	1,198	157	681
2018	214	49	434	1,558	109	370
2019	134	19	279	777	140	696
2020	29	1	357	357	3	3
2021	48	4	119	353	40	157
2022	41	0	-	-	-	-

Table 4: Recapture location by state and month for 87 cobia returns for cobia tagged in North Carolina waters (additional recaptures from table 3 were for Chesapeake Bay tagged fish).

State	MONTH RECAPTURED												Total
	1	2	3	4	5	6	7	8	9	10	11	12	
DE								1					1
MD						1			1				2
VA					5	25	17	7	8				62
NC					3	10	5						18
SC					1								1
GA					1								1
FL						1	1						2

Table 5: South Carolina Marine Game Fish Tagging Program tagged cobia showing state where cobia was tagged (left column) and state where cobia was recaptured (top row).

State	AL	FL	GA	MS	NC	NJ	SC	VA	Grand Total
FL	1	8		1		1	1		12
GA					2				2
SC		20	4		4		168	7	203
Grand Total	1	28	4	1	6	1	169	7	217

**Figures**

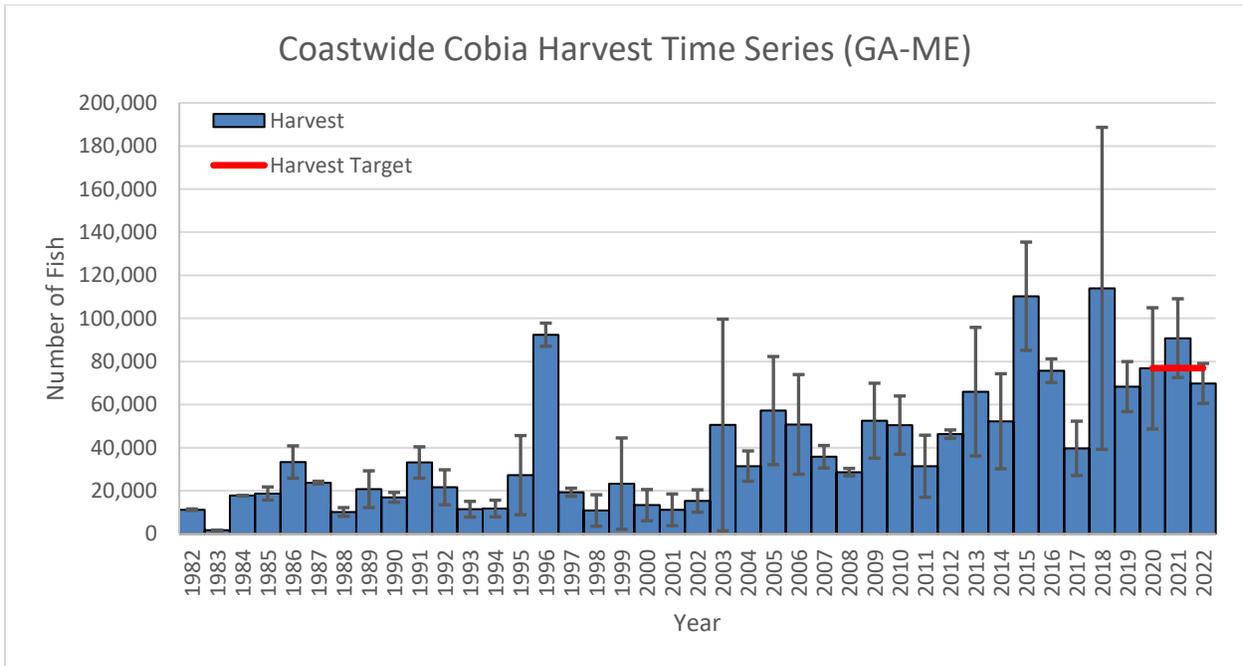


Figure 1: Coastwide cobia harvest since 1982 shown in numbers of fish. Error bars represent the 95% confidence interval around harvest estimates.

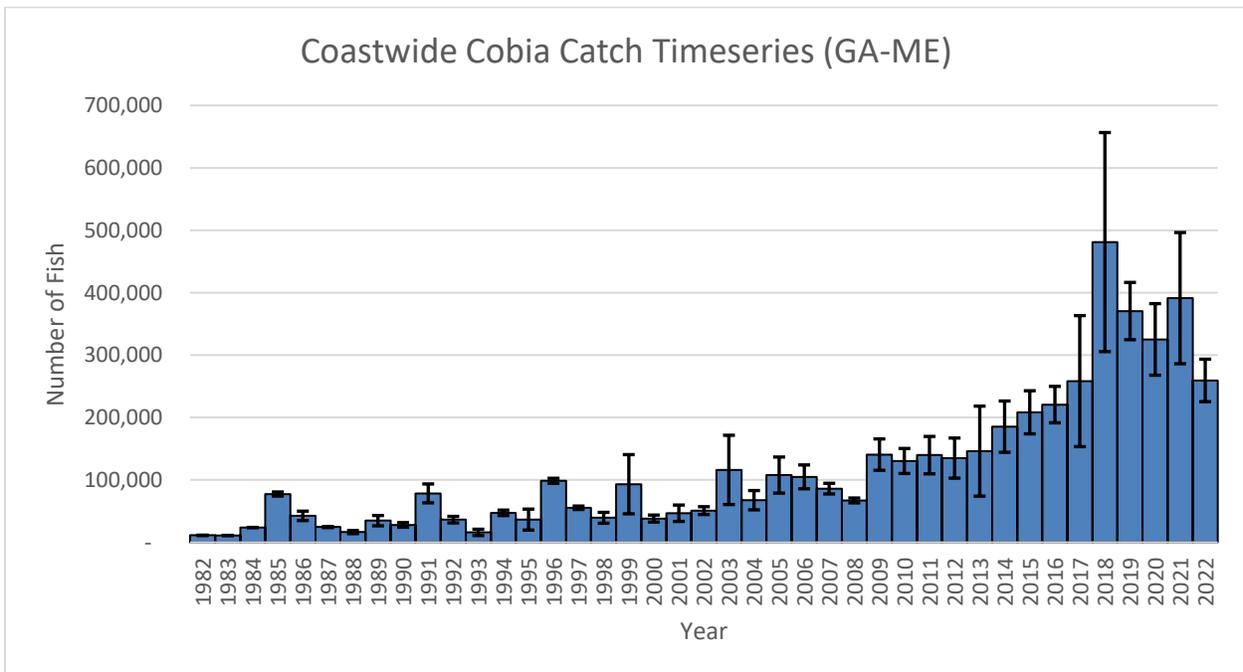


Figure 2: Coastwide cobia catch since 1982 shown in numbers of fish. Error bars represent the 95% confidence interval around catch estimates.

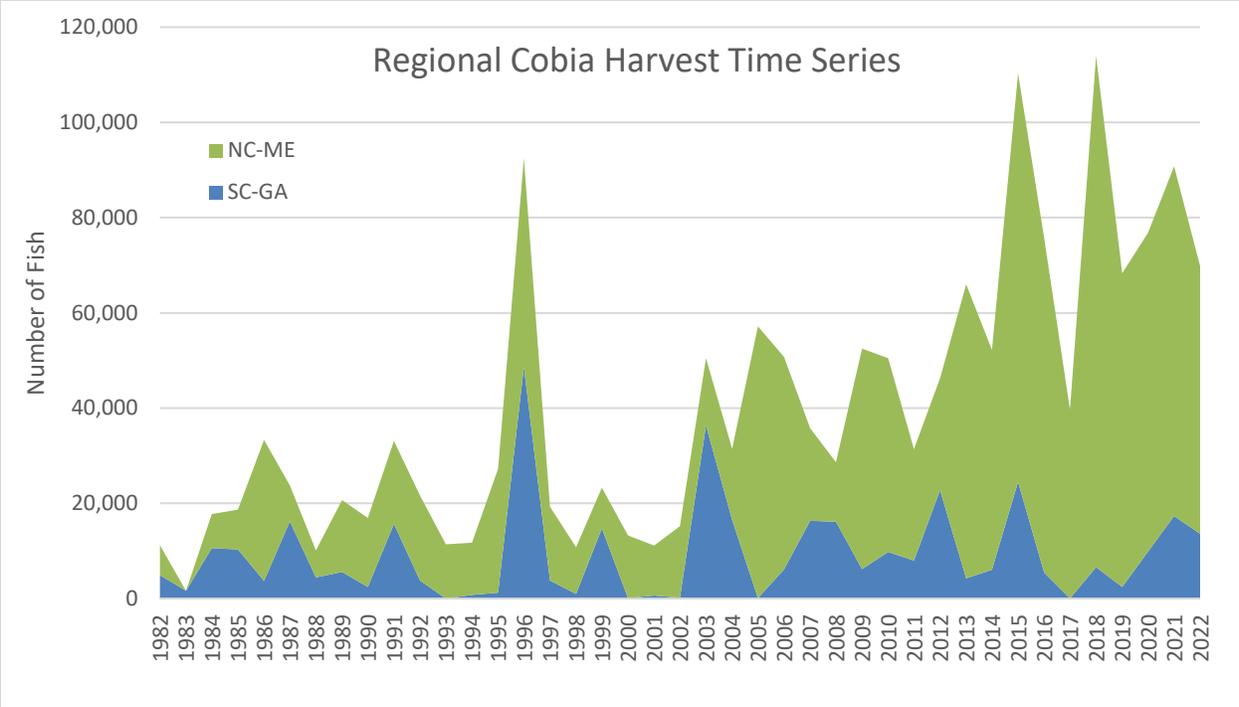


Figure 3: Regional cobia harvest time series with harvest shown as numbers of fish. South Carolina and Georgia represent the southern region while North Carolina through Maine represent the northern region.

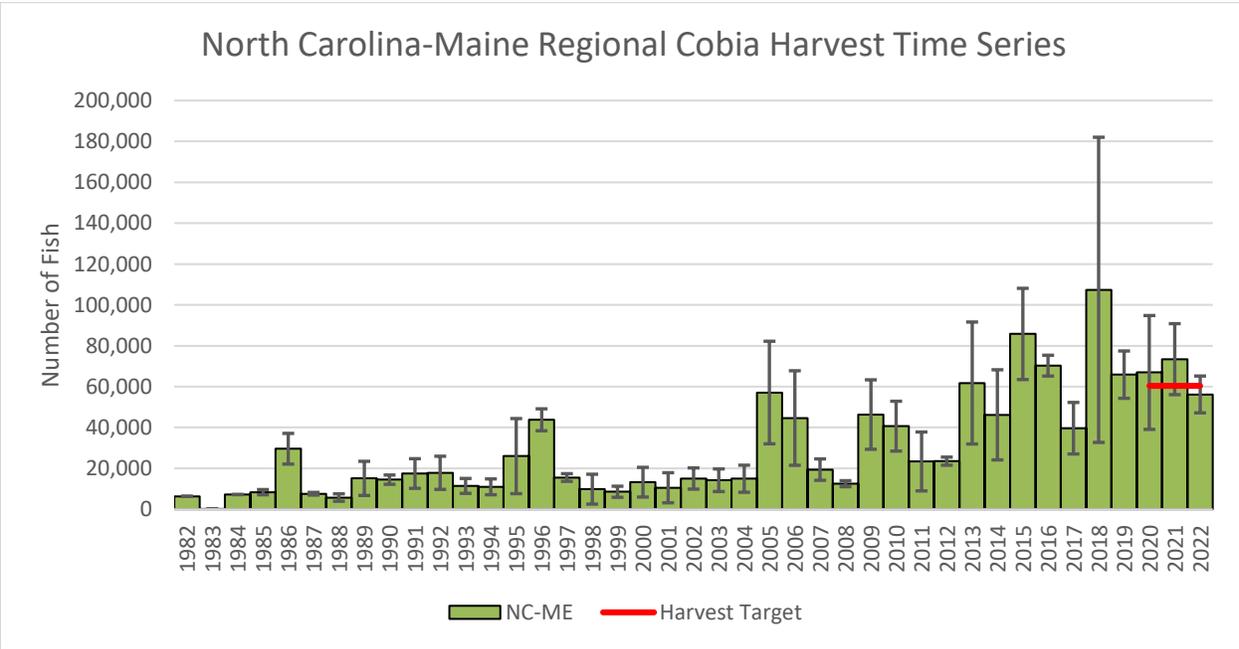


Figure 4: Proposed northern region (North Carolina-Maine) cobia harvest time series with harvest shown as numbers of fish. Error bars represent the 95% confidence interval around harvest estimates.

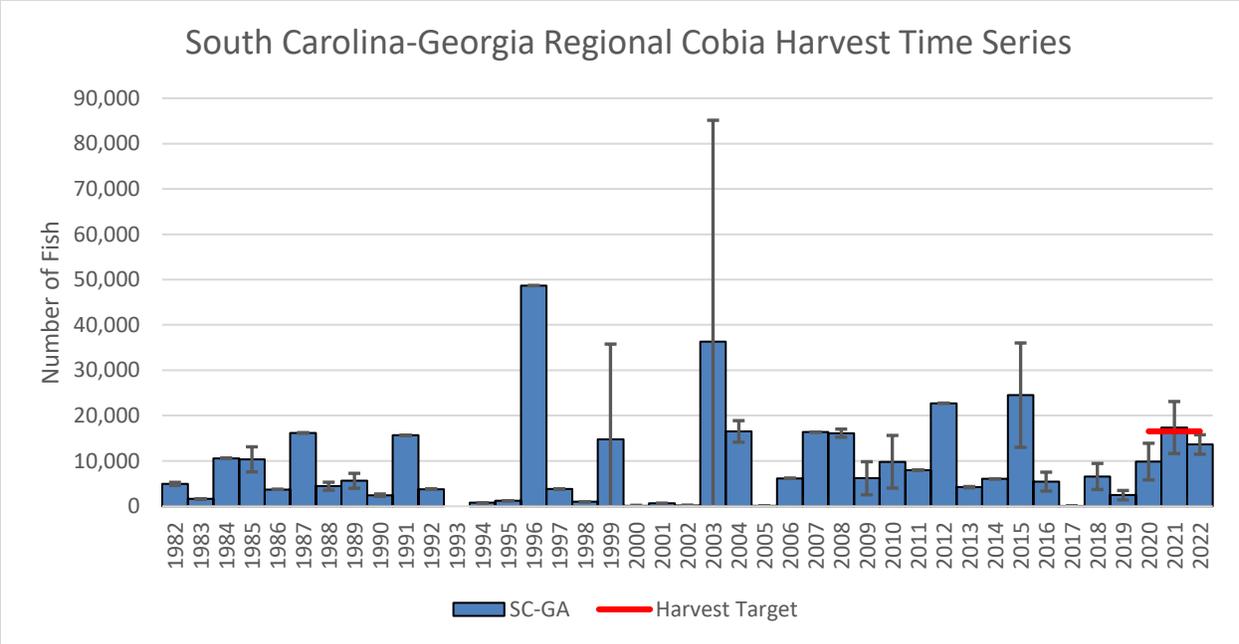


Figure 5: Proposed southern region (South Carolina and Georgia) cobia harvest time series with harvest shown as numbers of fish. Error bars represent the 95% confidence interval around harvest estimates.

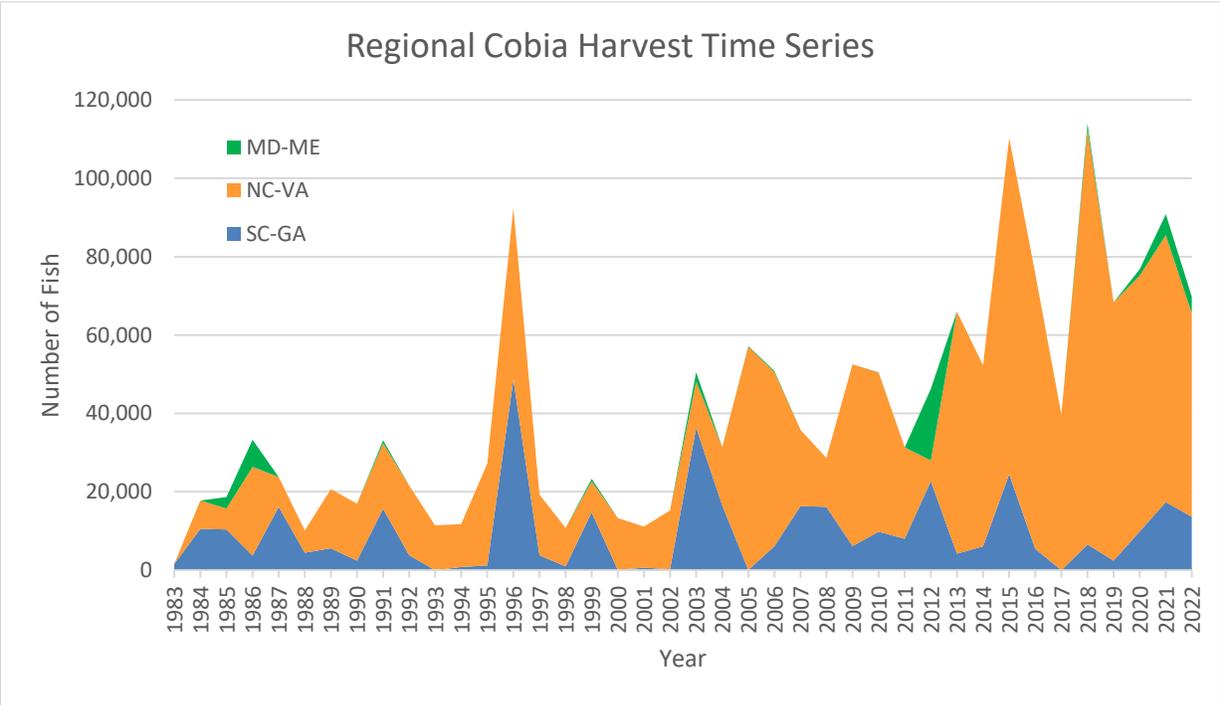


Figure 6: Regional cobia harvest time series with harvest shown as numbers of fish. South Carolina and Georgia represent the southern region, North Carolina and Virginia represent a middle region, and the *de minimis* states represent a northern region.

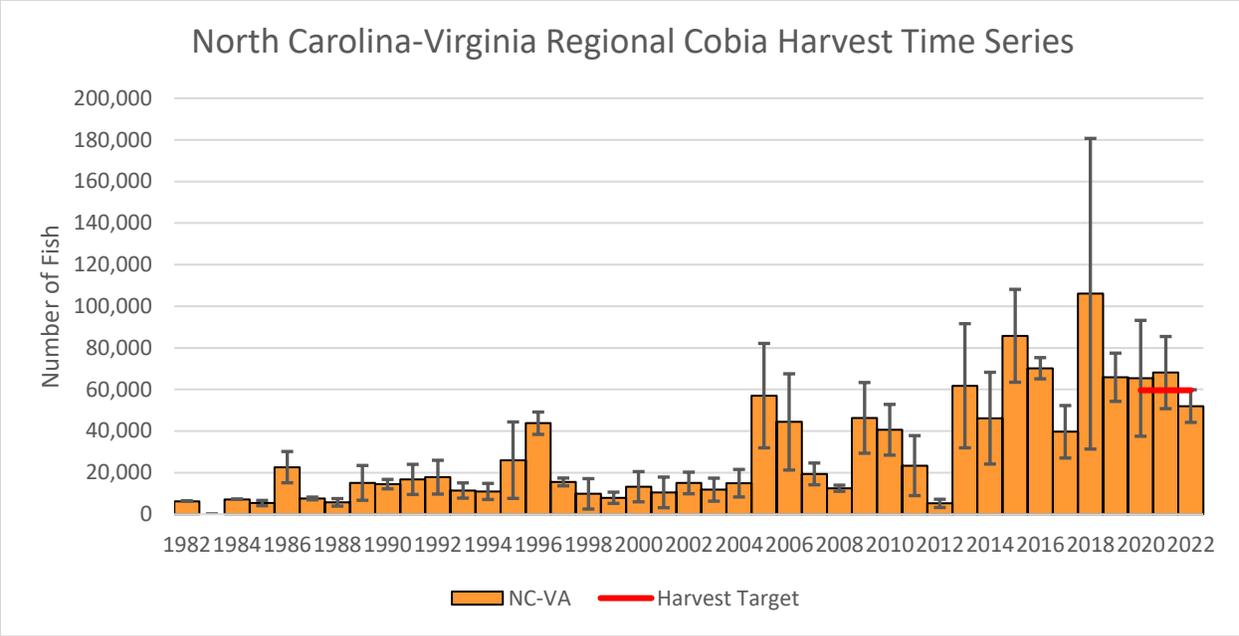


Figure 7: Proposed middle region (North Carolina and Virginia) cobia harvest time series with harvest shown as numbers of fish. Error bars represent the 95% confidence interval around harvest estimates.

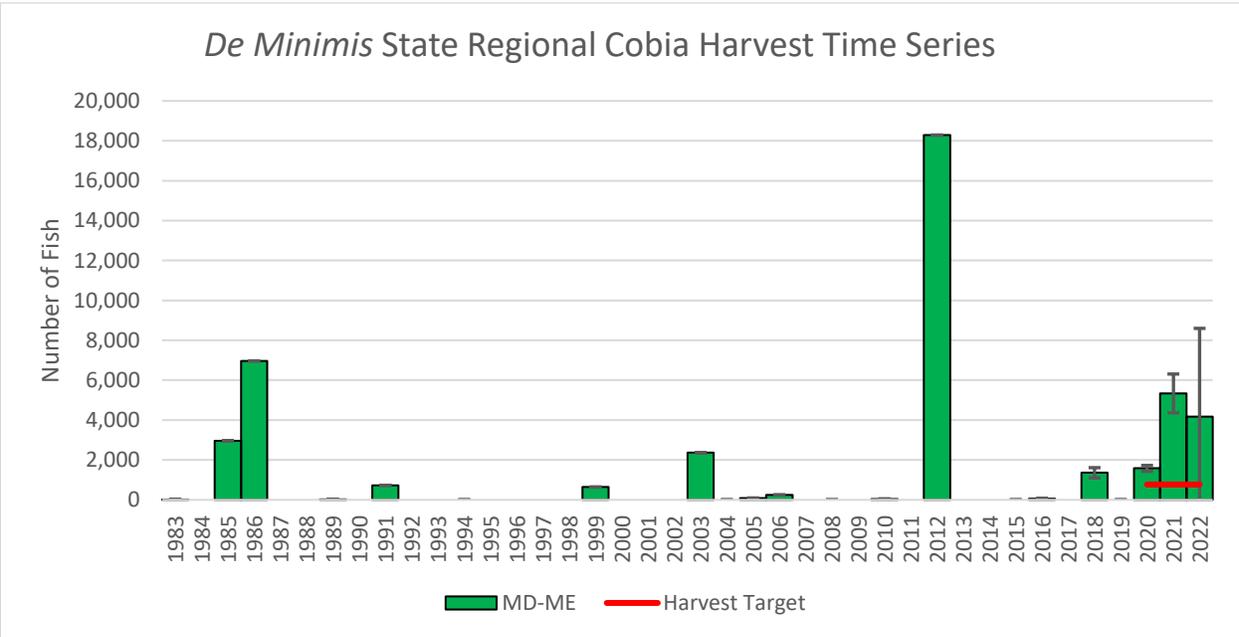


Figure 8: Proposed second northern region (*de minimis* states) cobia harvest time series with harvest shown as numbers of fish. Error bars represent the 95% confidence interval around harvest estimates.

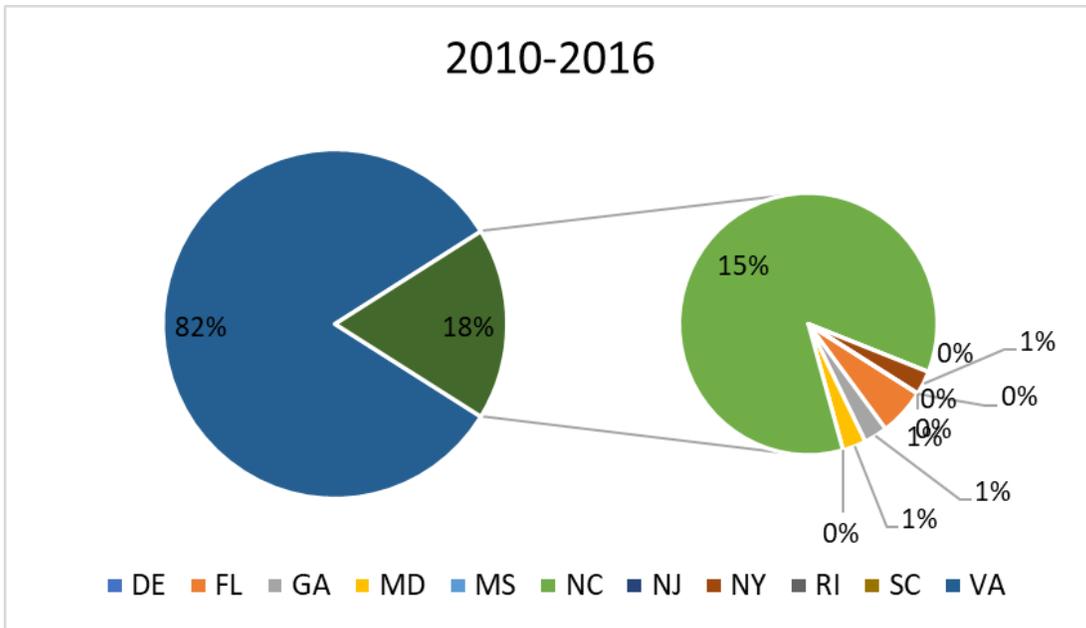


Figure 9: Virginia tagged cobia recaptures from 2010-2016 by state.

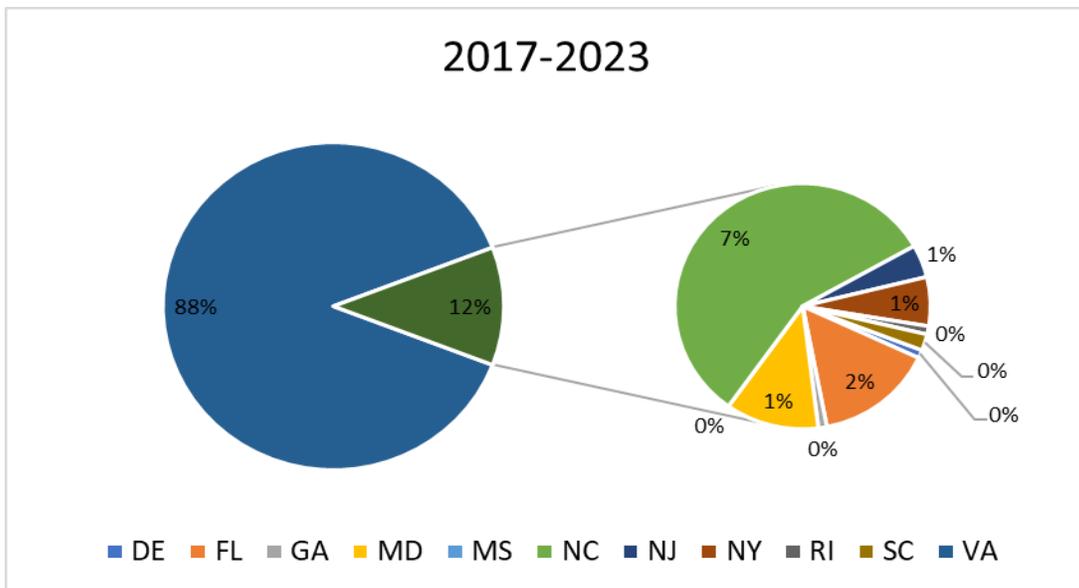


Figure 10: Virginia tagged cobia recaptures from 2017-2023 by state.

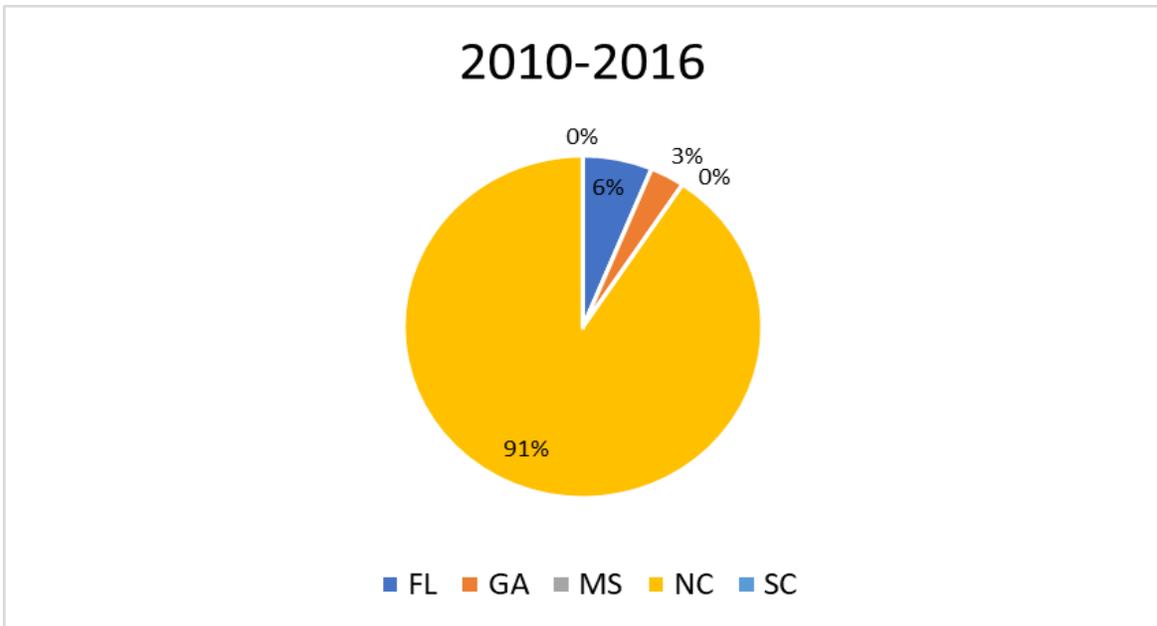


Figure 11: Virginia tagged cobia recaptures south of Virginia from 2010-2016 by state.

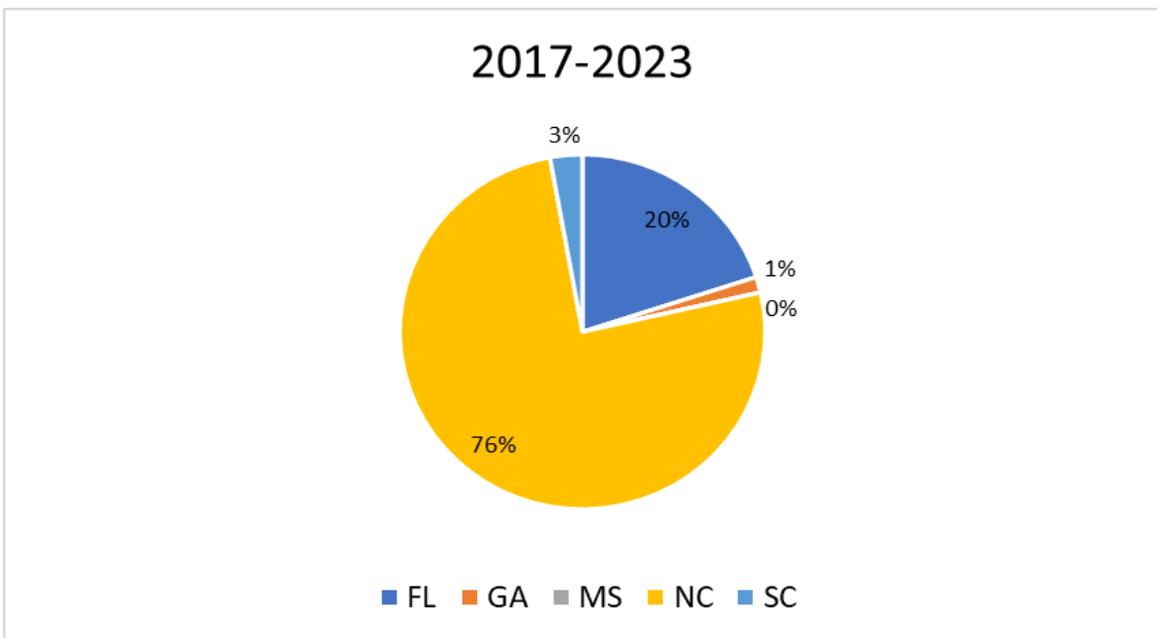


Figure 12: Virginia tagged cobia recaptures south of Virginia from 2017-2023 by state.

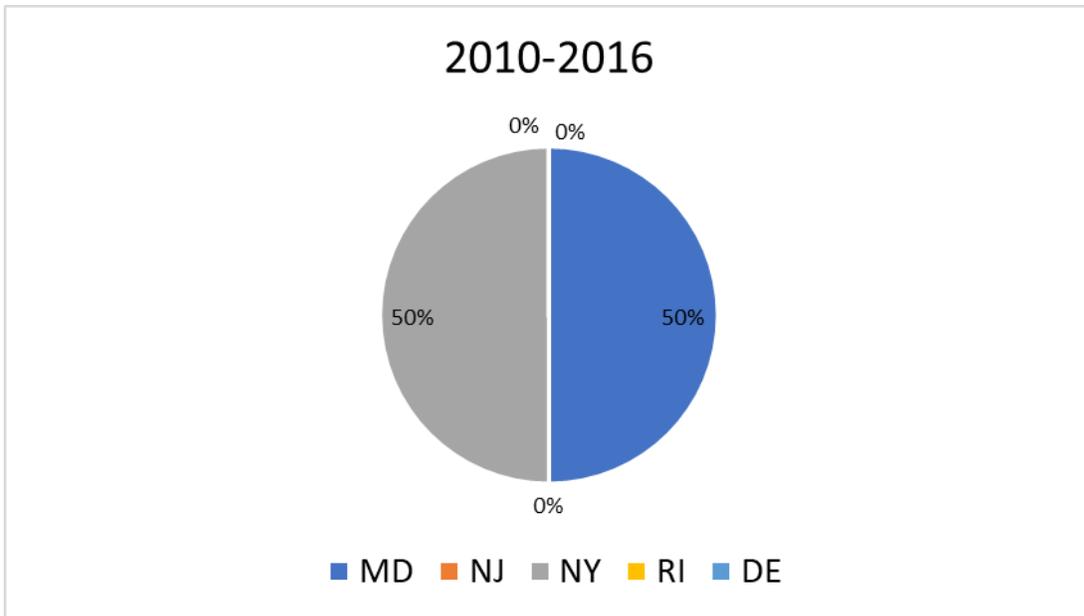


Figure 13: Virginia tagged cobia recaptures north of Virginia from 2010-2016 by state.

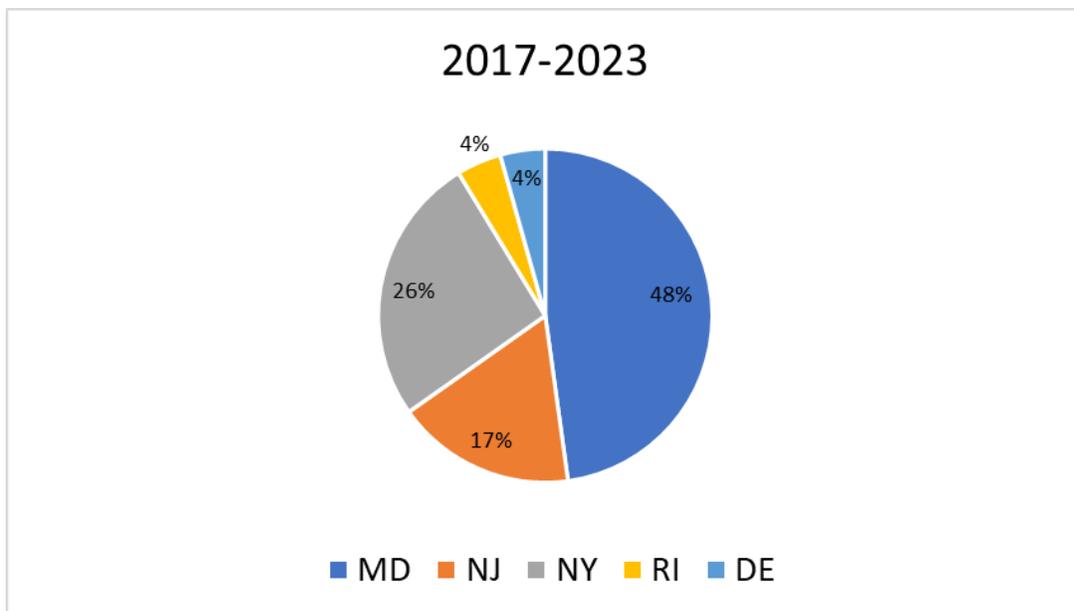


Figure 14: Virginia tagged cobia recaptures north of Virginia from 2017-2023 by state.

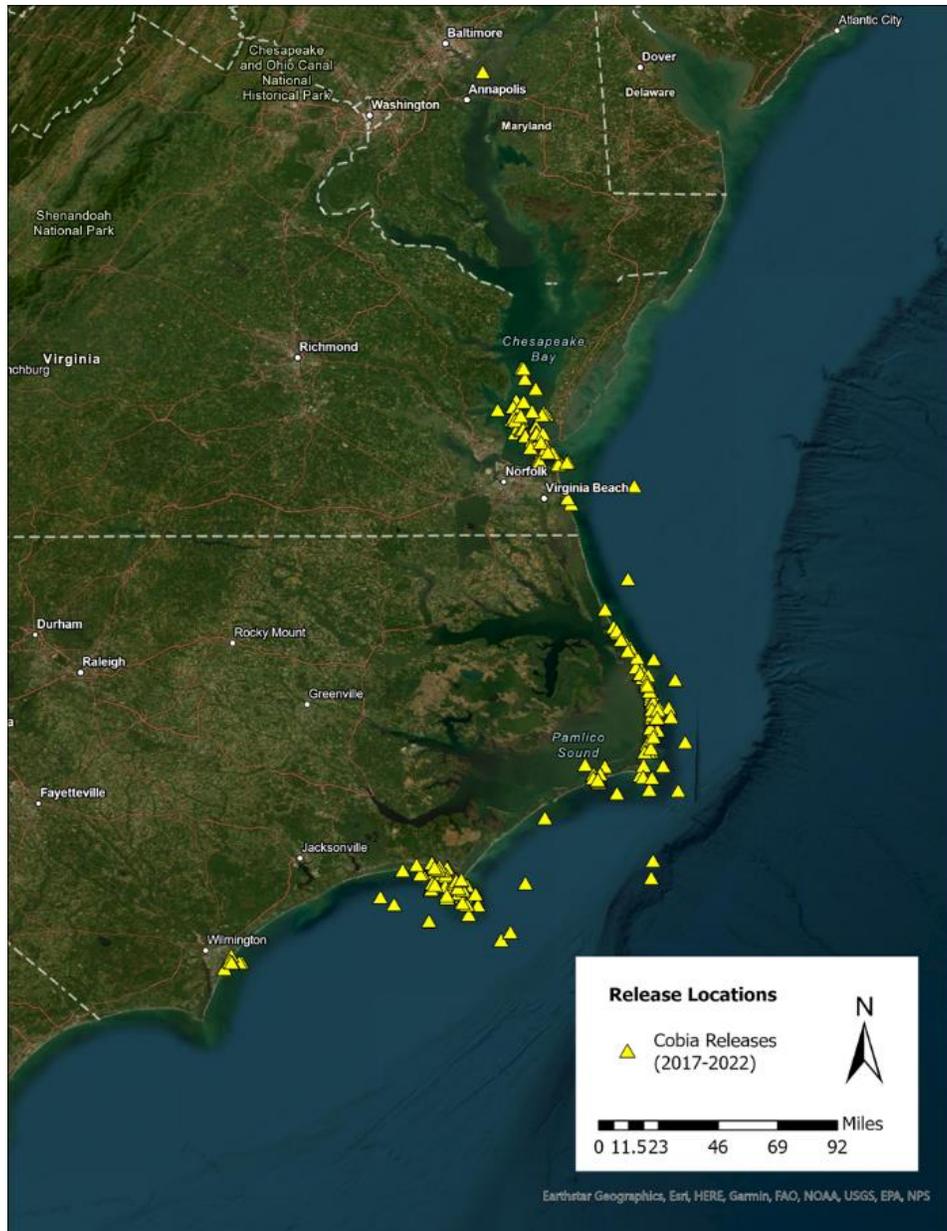


Figure 15: NCDMF cobia tagging release locations 2017-2022.

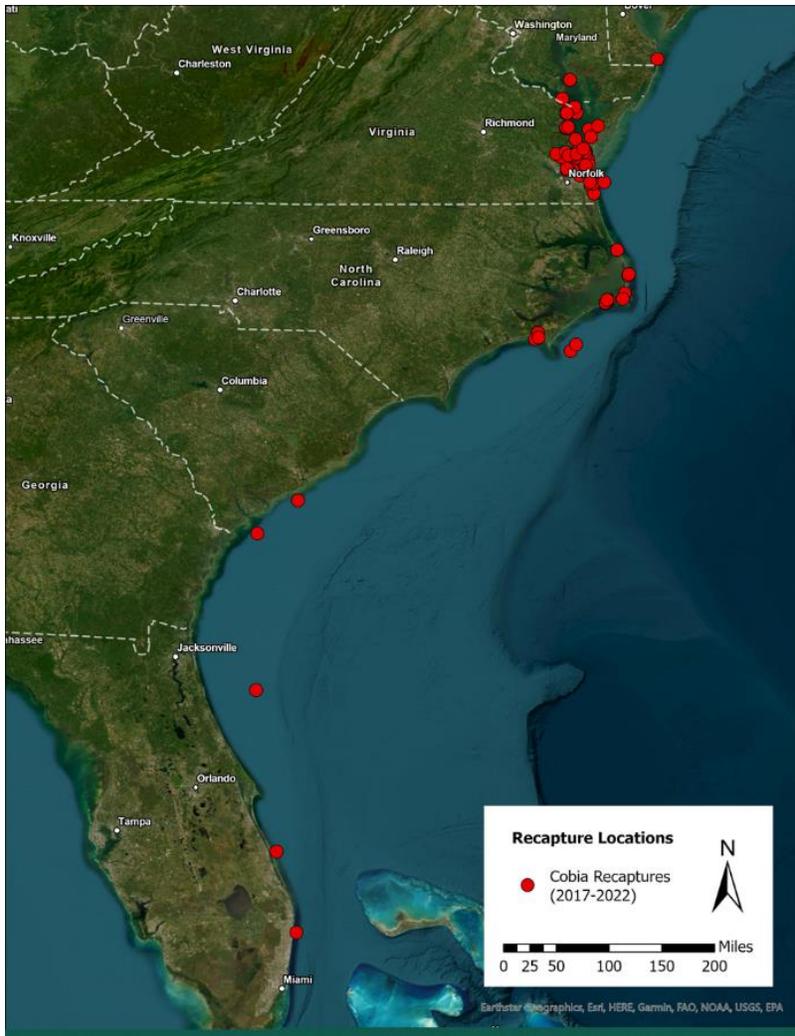


Figure 16: NCDMF cobia tagged recapture locations 2017-2022.

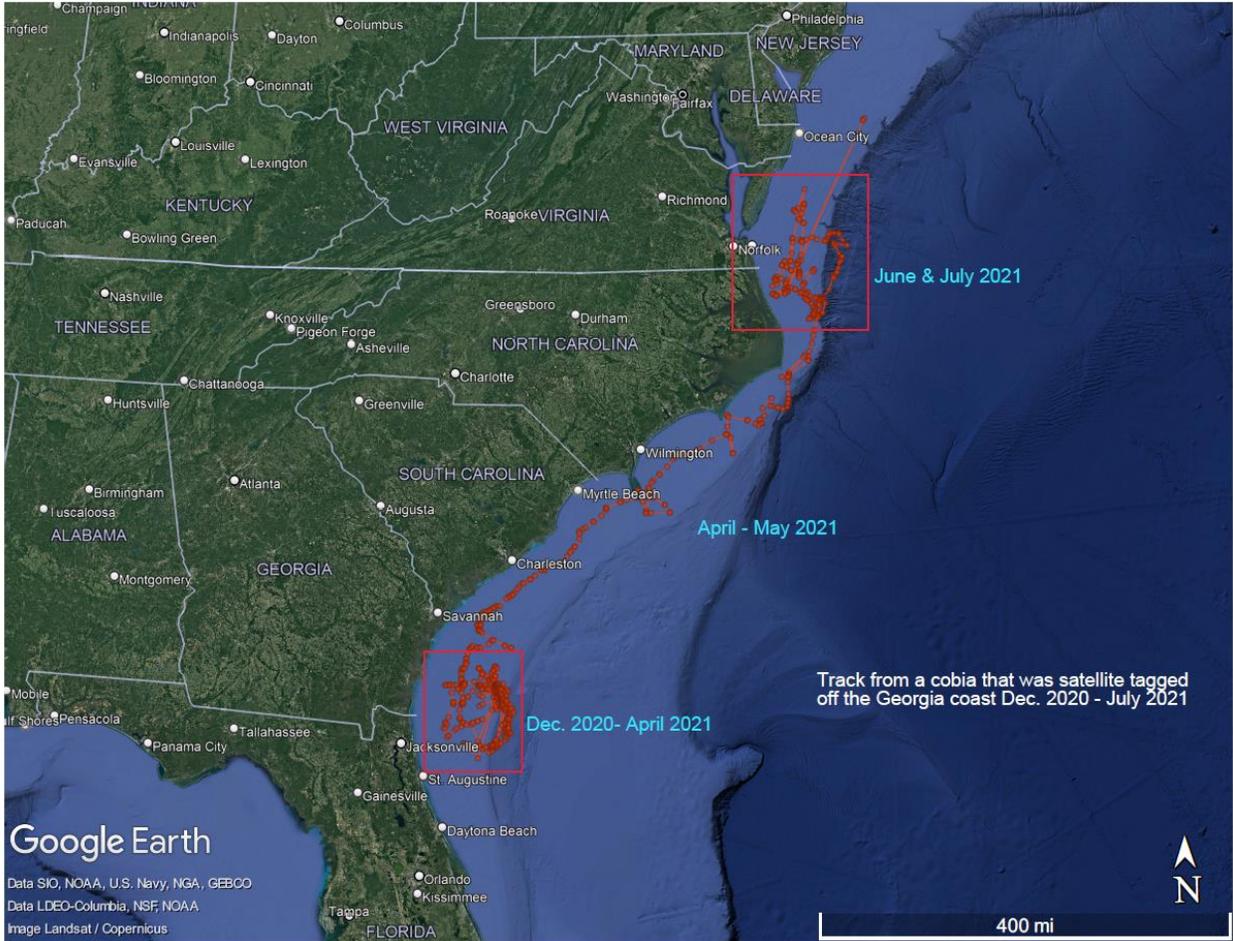


Figure 17: Track of cobia satellite tagged off Georgia (December 2020-July 2021).

# Framework Amendment 13

## to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region



(Atlantic Spanish mackerel catch levels)

Decision Document

September 2023

## Background

Framework Amendment 13 to the Fishery Management Plan (FMP) for Coastal Migratory Pelagic (CMP) Resources in the Gulf of Mexico and Atlantic Region (CMP FMP) would change catch limits for Atlantic migratory group Spanish mackerel (Atlantic Spanish mackerel). In the exclusive economic zone (EEZ), Atlantic Spanish mackerel is managed from a line extending due east of the Miami-Dade/Monroe County line, Florida to a line extending from the intersection point of New York, Connecticut, and Rhode Island. Additionally, the commercial Atlantic Spanish mackerel fishery is divided into two separate zones. The commercial Northern Zone extends from the New York/Connecticut/Rhode Island line to the North Carolina/South Carolina line. The commercial Southern Zone extends from the North Carolina/South Carolina line to the Miami-Dade/Monroe County line, Florida. The commercial annual catch limit (ACL) is divided into a Northern Zone and a Southern Zone quota. Finally, the recreational accountability measures (AMs) use a recreational annual catch target (ACT) to ensure the recreational ACL is met, but not exceeded.

A Southeast Data, Assessment, and Review (SEDAR) stock assessment for Atlantic migratory group Spanish mackerel (Atlantic Spanish mackerel) was completed in June 2022 (SEDAR 78). In August 2022, the South Atlantic Fishery Management Council's (Council) Scientific and Statistical Committee (SSC) reviewed the results of SEDAR 78 and recommended that additional work should be completed. Based on the SSC recommendations, the Council requested, at their September 2022 meeting, that the Southeast Fisheries Science Center (SEFSC) rerun the SEDAR 78 assessment model with new landings to address uncertainty with Marine Recreational Information Program (MRIP) estimates in the terminal year. The SSC reviewed the changes at their October 2022 meeting and determined that additional revisions to the assessment were still necessary. An SSC sub-group was created to summarize SSC concerns and determine the potential for model re-runs. At their December 2022 meeting, the Council expressed their frustration with the Atlantic Spanish mackerel assessment (SEDAR 78) and the importance of having accurate catch level recommendations to move forward with needed management discussions. To that end, the Council passed a motion directing the SSC to provide catch level recommendations for Atlantic Spanish mackerel at their April 2023 meeting, either from the updated assessment or using a data-limited approach.

During the January 2023 SSC meeting, the scope of work for the Atlantic Spanish mackerel assessment re-run was approved and sent to the SEFSC. Subsequently, the Council and SSC received a letter from the SEFSC stating that the SSC's recommendations regarding natural mortality, assumed recruitment and catch estimates should be considered for the next scheduled stock assessment. Due to the extensive rework required, SSC recommended revisions would not be available for this assessment (SEDAR 78). The SEFSC recommended that the SSC develop allowable biological catch (ABC) advice based on the current assessment and analysis completed to date. The SEFSC also determined that the use of data-limited, in place of the current age-structured, assessment model would not be consistent with best scientific information available (BSIA). The SSC met again in April 2023 and determined that SEDAR 78 was sufficient for providing stock status and for providing catch level recommendations using model output but not projections.

The SEDAR 78 indicated, consistent with the original stock status determined by SEDAR 28, that Atlantic Spanish mackerel are not overfished or undergoing overfishing. Based on the results of SEDAR 78, the SSC made new Atlantic Spanish mackerel catch level recommendations for the Council to consider (**Table 1**). The SEDAR 78 update includes revised recreational landings that are based on the Marine Recreational Information Program's (MRIP) newer Fishing Effort Survey (FES) method.

**Table 1.** South Atlantic SSC catch level recommendations for Atlantic migratory group Spanish mackerel, using data resultant from SEDAR 78 (2022).

Criteria		Deterministic		
Overfished evaluation (SSB <sub>2020</sub> /MSST)		1.40		
Overfishing Evaluation (F <sub>2018-2020</sub> /F <sub>MSY</sub> )		0.77		
MFMT (F <sub>MSY proxy</sub> )		0.516		
SSB <sub>MSY</sub> (metric tons)		6,406		
MSST (metric tons)		4,804		
MSY (1000 lbs.)		8,210		
Y at 75% F <sub>MSY</sub> (1000 lbs.)		8,024		
ABC Control Rule Adjustment		10%		
P-Star		40%		
M		0.35		
OFL RECOMMENDATIONS				
Year <sup>1</sup>	Landed (lbs ww)	Discard (lbs ww)	Landed (number)	Discard (number)
2023	8,210,000			
2024	8,210,000			
2025	8,210,000			
2026	8,210,000			
2027	8,210,000			
ABC RECOMMENDATIONS				
Year	Landed (lbs ww)	Discard (lbs ww)	Landed (number)	Discard (number)
2023	8,024,000			
2024	8,024,000			
2025	8,024,000			
2026	8,024,000			
2027	8,024,000			

Note: SEDAR 78 includes revised recreational estimates based on MRIP-FES.

<sup>1</sup>The Atlantic Spanish mackerel fishing year runs from March 1<sup>st</sup> through the end of February.

In accordance with the provisions set forth in the Magnuson-Stevens Fishery Conservation and Management Act and regulations found at 50 CFR 622.389 (Adjustment of Management Measures), the intent of Framework Amendment 13 to the Fishery Management Plan (FMP) for Coastal Migratory Pelagic (CMP) Resources in the Gulf of Mexico and South Atlantic Region (CMP FMP) is to revise the annual catch limit (ACL), optimum yield (OY), and recreational annual catch target (ACT) for Atlantic Spanish mackerel based on the SSC’s recommendations.

## Actions in this framework amendment

**Action 1.** Revise the acceptable biological catch, annual optimum yield, total annual catch limit, sector annual catch limits, and commercial zone quotas for Atlantic migratory group Spanish mackerel to reflect the updated acceptable biological catch level.

**Action 2.** Revise recreational annual catch target for Atlantic migratory group Spanish mackerel.

## Objectives for this meeting

- Review purpose and need statement.
- Review draft actions and alternatives.
- Approve amendment for scoping.

## Tentative Timing for CMP Framework Amendment 13

	Process Step	Date
✓	Council directs staff to start work on an amendment.	June 2023
	Council reviews options paper and approves amendment for scoping.	September 2023
	Mackerel Cobia Advisory Panel (MC AP) reviews assessment and makes recommendations for the Council to consider.	November 2023
	Council reviews MC AP scoping comments and approves action/alternatives to be analyzed.	December 2023
	Council reviews draft amendment, selects preferred alternatives, and approves for public hearings.	March 2024
	Public Hearings	Spring 2024
	Council reviews the draft amendment, modifies the document as necessary, and approves for formal review.	June 2024
	CMP Framework Amendment 13 transmitted for Secretarial Review.	Summer 2024

**Opportunities to provide public comment in-person include the scoping webinar, South Atlantic Council meetings, and public hearings. There will also be opportunities to submit written comments via the online comment form throughout the process.**

## Purpose and need statement

The *purpose* of this amendment is to revise the acceptable biological catch, annual catch limits, annual optimum yield and recreational annual catch target for Atlantic migratory group Spanish mackerel, based on the results of the latest stock assessment.

The *need* for this amendment is to ensure catch limits are based on the best scientific information available and to ensure overfishing does not occur in the Atlantic migratory group Spanish mackerel fishery.

### **Committee Action**

REVIEW PURPOSE AND NEED STATEMENT, MODIFY AS NECESSARY

## Proposed Actions and Alternatives

### Action 1. Revise the acceptable biological catch, annual optimum yield, total annual catch limit, sector annual catch limits, and commercial zone quotas and for Atlantic migratory group Spanish mackerel.

**Alternative 1 (No Action).** The total annual catch limit and annual optimum yield for Atlantic migratory group Spanish mackerel are equal to the current acceptable biological catch (6,057,000 pounds as landed). The current acceptable biological catch is inclusive of recreational estimates from the Marine Recreational Information Program’s Coastal Household Telephone Survey (or MRFSS in some cases.)

**Alternative 2.** Revise the acceptable biological catch for Atlantic migratory group Spanish mackerel and set it equal to the most recent recommendation from the Scientific and Statistical Committee. Revise the total annual catch limit and annual optimum yield for Atlantic migratory group Spanish mackerel and set them equal to the recommended acceptable biological catch. Revise the sector annual catch limits and commercial zone quotas based on current allocation percentages. The recommended acceptable biological catch is inclusive of recreational estimates from the Marine Recreational Information Program’s Fishing Effort Survey.

Year	ABC	Annual OY	Total ACL	Recreational ACL	Commercial ACL	Northern Zone Quota	Southern Zone Quota
2023/2024+	8,024,000	8,024,000	8,024,000	3,610,800	4,413,200	882,640	3,530,560

### Discussion:

SEDAR 78 was completed in June 2022 and included an assessment Atlantic Spanish mackerel. The SSC provided their catch level recommendations to the Council at their June 2023 meeting. The Council may consider setting the Atlantic Spanish mackerel total ACL at the same level as the ABC recommended by the SSC (**Alternative 2**) or may consider including a buffer between the two values (possible **Alternative 3** and **Alternative 4**).

Sector allocations for Atlantic Spanish mackerel were originally established in Amendment 2 to the CMP FMP based on the average ration of catch from 1979-1985, resulting in an allocation of 76% to the commercial sector and 24% to the recreational sector. Amendment 4 to the CMP FMP revised sector allocations to be a 50/50 split. Council members at the time felt that because the resource was overfished from 1979-1985, the recreational sector experienced lower catch rates. Additionally, qualitative information indicated that recreational catch was high during the 1970s and was affected by the increase in commercial effort seen in the mid-1970s. Finally, the capacity and demand of both sectors had expanded such that either group could harvest all the available resource, making a 50/50 allocation the most equitable. The current allocation between the commercial (55%) and recreational sector (45%) was most established via a 1998 Framework Action (effective September 1999). The commercial sector was regularly meeting or exceeding

their allocation while the recreational sector was not reaching their allocation, so the Council shifted 5% of the sector allocation to the commercial sector.

Commercial quota allocations between the Northern (New York/Connecticut/Rhode Island line to the North Carolina/South Carolina line) and Southern Zone (North Carolina/South Carolina line to the Miami-Dade/Monroe County line, Florida) were established in Amendment 20B to the CMP FMP (effective March 2015) and are based on the average proportion of landings in that zone from the 2002/2003 fishing season through the 2011/2012 fishing season.

For recent commercial and recreational landings, see the Atlantic Spanish mackerel fishery overview: [https://safmc-shinyapps.shinyapps.io/SA\\_FisheryDataSpanishMackerel/](https://safmc-shinyapps.shinyapps.io/SA_FisheryDataSpanishMackerel/)

**Does the Council want to consider a buffer between ABC and ACL for Atlantic Spanish mackerel? If so, what buffers would the Council like to consider? 95%, 90%, 85%?**

### **Committee Action**

REVIEW ACTION AND ALTERNATIVES, MODIFY AS NECESSARY

## Action 2. Revise the recreational annual catch target for Atlantic migratory group Spanish mackerel.

**Note:** The revised recreational annual catch target in Alternatives 1 (No Action) through 3 reflect **Preferred Alternative X** in **Action 1**. The revised annual catch limit includes recreational landings from the Marine Recreational Information Program using the Fishing Effort Survey method where appropriate, as well as updates to commercial and for-hire landings used in the latest assessment (SEDAR 78 2022).

**Alternative 1 (No Action).** Revise the recreational annual catch target for Atlantic migratory group Spanish mackerel to reflect the updated recreational annual catch limit level. The recreational annual catch target equals sector ACL\*[(1-PSE) or 0.5, whichever is greater].

Action 1 Alternative	Recreational ACL (lbs)	Recreational ACT (lbs)
Alternative 2	3,610,800	3,112,510
Alternative 3	3,430,260	2,956,884
Alternative 4	3,249,720	2,801,259

### Does the Council want to consider additional ways to set a buffer between ACL and ACT for recreational Atlantic Spanish mackerel?

#### Discussion:

The recreational ACT is currently codified and utilized in the post-season recreational accountability measure for Atlantic Spanish mackerel and needs to be updated based on SEDAR 78 (2022). If the recreational landings exceed the recreational ACL and the sum of the commercial and recreational landings, exceeds the stock ACL, the Regional Administrator (RA) may reduce the bag limit for the following fishing year by the amount necessary to ensure recreational landings may achieve the recreational ACT, but do not exceed the recreational ACL. Additionally, if the sum of the commercial and recreational landings exceeds the stock ACL and Atlantic Spanish mackerel are overfished, the RA may reduce the recreational ACT for that following year by the amount of any recreational sector overage in the prior fishing year.

The current recreational ACT is based on adjusting the ACL by 50% or one minus the five-year average proportional standard error (PSE) from the recreational sector, whichever is greater, as established in Amendment 18 to the CMP FMP.

**Table 2.** The PSEs for Atlantic Spanish mackerel from harvest estimates for all recreational modes.

Fishing Year	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	5-Year Average
PSE Value	13.3	11.8	15.1	13.8	15	13.8

#### Committee Action

REVIEW ACTION AND ALTERNATIVES, MODIFY AS NECESSARY

APPROVE CMP FRAMERWORK AMENDMENT 13 FOR SCOPING.

**FINAL**  
**SUMMARY REPORT**  
**MACKEREL COBIA COMMITTEE**  
**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**  
**Charleston, South Carolina**  
**September 12, 2023**

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

**CMP Framework Amendment 13**

Catch level recommendations for Atlantic Spanish mackerel based on SEDAR 78 were provided to the Council in June 2023 and the Council directed staff to begin work on a framework amendment to update catch levels to be consistent with the recommendations. SEDAR 78 includes revised recreational landings that are based on the Marine Recreational Information Program's (MRIP) newer Fishing Effort Survey (FES) method.

In August 2023, the NMFS Office of Science and Technology released key findings of a pilot study to evaluate potential sources of bias in the FES questionnaire design. Due to concerns about potential bias, the Committee discussed how dependent Framework Amendment 13 is on MRIP-FES data, the federal deadlines associated completion of the amendment, and whether they were interested in moving forward with the amendment. Ultimately, the Committee chose to move forward with Framework Amendment 13 noting the importance of moving away MRIP's Coastal Household Telephone Survey (CHTS) to FES to reduce confusion in how annual catch limits (ACL) are tracked vs. how recreational landings are estimated. Additionally, stakeholders have been awaiting an updated stock assessment for many years and the Council has noted in the past the importance of having catch levels updated in advance of conducting port meetings.

Staff presented an options paper with draft actions and alternatives and the Committee noted:

- There is a small buffer between the overfishing limit (OFL) and the acceptable biological catch (ABC) for Atlantic Spanish mackerel. The Committee felt that considering a buffer between ABC and ACL in addition to setting the two values equal to one another would be appropriate.
  - **DIRECTION TO STAFF:** ADD ALTERNATIVES THAT WOULD INCLUDE A BUFFER BETWEEN ABC AND ACL.
- The Committee was comfortable continuing to utilize the current equation used to calculate the recreational Annual Catch Target (ACT) but requested staff gather input from stakeholders on accountability measures during Mackerel Port Meetings.
- This amendment will not include modifications to sector or regional allocations. The intent is to have allocation addressed once more information has been gathered during Mackerel Port Meetings. This rationale will be added to the amendment document as it is developed.
- The amendment document will also include analysis to estimate whether the commercial and recreational sectors are anticipated to experience a closure to Atlantic Spanish mackerel harvest under the new catch level recommendations (will not be available for the Mackerel Cobia Advisory Panel to review in November).

- Include rationale from this meeting and the June 2023 meeting regarding sector allocations in the allocations review report for Spanish mackerel.

The following motions were approved:

**MOTION 1: APPROVE THE PURPOSE AND NEED STATEMENT AS PRESENTED.**

The *purpose* of this amendment is to revise the acceptable biological catch, annual catch limits, annual optimum yield and recreational annual catch target for Atlantic migratory group Spanish mackerel, based on the results of the latest stock assessment.

The *need* for this amendment is to ensure catch limits are based on the best scientific information available and to ensure overfishing does not occur in the Atlantic migratory group Spanish mackerel fishery.

APPROVED BY COMMITTEE

APPROVED BY COUNCIL

**MOTION 2: APPROVE CMP FRAMERWORK AMENDMENT 13 FOR SCOPING.**

APPROVED BY COMMITTEE

APPROVED BY COUNCIL

**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 a comprehensive understanding of the fisheries to improve management efforts. Staff provided the Committee an update on recent discussions with the Atlantic States Marine Fisheries Commission and Gulf of Mexico Fishery Management Council and an updated timeline for completion of Mackerel Port Meetings.

It was noted that one of the goals and objectives for port meetings is to identify underserved communities and equity and environmental justice (EEJ) concerns, but this goal is not reflected in the list of discussion topics.

- **DIRECTION TO STAFF:** ADD EEJ AS A DISCUSSION TOPIC TO MATCH THE GOALS AND OBJECTIVES.

**Topics for the Fall Mackerel Cobia Advisory Panel Meeting**

The Mackerel Cobia Advisory Panel (AP) is scheduled to meet in Charleston, SC on November 7<sup>th</sup> and 8<sup>th</sup>, 2023. The Committee approved the following topics for discussion:

- CMP Framework Amendment 13
  - Note FES and allocation rationale.
- Mackerel Port Meetings
  - Recommendations on port meeting locations.
- King mackerel tournament landings
- King mackerel fishery performance report
- Citizen Science update
- ‘What it Means to Me’ Program

## **Other Business**

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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:** ADOPT THE FOLLOWING TIMING AND TASKS:

1. Continue work on CMP Framework Amendment 13, bringing the amendment to the Mackerel Cobia AP for discussion and holding scoping hearings prior to the December 2023 meeting.
2. Continue development of port meetings, discussing possible meeting structure and locations with the planning team and Mackerel Cobia AP. Planning team members have been requested from NC, SC, GA, and FL state agencies.
3. Convene an in-person meeting of the Mackerel Cobia AP this fall to discuss the topics listed above and note the importance of attendance.

APPROVED BY COUNCIL