

Atlantic States Marine Fisheries Commission

South Atlantic State/Federal Fisheries Management Board

August 9, 2018
11:15 a.m. – 1:45 p.m.
Arlington, Virginia

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 (*P. Geer*) 11:15 a.m.
2. Board Consent 11:15 a.m.
 - Approval of Agenda
 - Approval of Proceedings from May 2018
3. Public Comment 11:20 a.m.
4. Consider 2018 Traffic Light Analyses for Atlantic Croaker and Spot (*C. McDonough*) 11:30 p.m.
5. Consider Postponed Motion to Initiate an Addendum to the Spot and Atlantic Croaker Fishery Management Plans that Incorporate New Traffic Light Analyses and Management Responses (*P. Geer*) **Action** 11:45 p.m.

Postponed Motion: "Move to initiate an addendum to the spot and croaker fishery management plans that incorporates the new traffic light analyses and management response to those analyses."
Motion made by Chris Batsavage and seconded by Marty Gary.
6. Lunch 12:05 p.m.
7. Update on Revised SEDAR 58 Schedule (*M. Schmidtke*) 12:35 p.m.
8. Review Cobia Technical Committee Report on Recreational Landings (*M. Schmidtke*) 12:40 p.m.
9. Consider Draft Public Information Document for Amendment 1 to the Cobia Fishery Management Plan for Public Comment (*M. Schmidtke*) **Action** 12:55 p.m.
10. Consider 2018 Fishery Management Plan Reviews and State Compliance for Atlantic Croaker and Red Drum (*M. Schmidtke*) **Action** 1:25 p.m.

The meeting will be held at the Westin Crystal City, 1800 S. Eads Street, Arlington, Virginia 22202; 703.486.1111

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| 11. Consider Nomination of Craig Freeman for Advisory Panel Membership
(<i>T. Berger</i>) Action | 1:35 p.m. |
| 12. Elect Vice Chair (<i>P. Geer</i>) Action | 1:40 p.m. |
| 13. Other Business/Adjourn | 1:45 p.m. |

The meeting will be held at the Westin Crystal City, 1800 S. Eads Street, Arlington, Virginia 22202; 703.486.1111

MEETING OVERVIEW

South Atlantic State/Federal Fisheries Management Board Meeting

Thursday, August 9, 2018

11:15 – 1:45 p.m.

Arlington, Virginia

Chair: Pat Geer (GA) Assumed Chairmanship: 02/18	Technical Committee (TC) Chairs: Cobia: Vacant Atlantic Croaker: Chris McDonough (SC) Red Drum: Ryan Jiorle (VA)	Law Enforcement Committee Representative: Capt. Bob Lynn (GA)
Vice Chair: Vacant	Advisory Panel Chair: Tom Powers (VA)	Previous Board Meeting: May 3, 2018
Voting Members: NJ, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS, SAFMC (12 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 3, 2018

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. Consider 2018 Traffic Light Analyses (TLA) for Atlantic Croaker and Spot (11:30 – 11:45 a.m.)

Background

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| <ul style="list-style-type: none"> • Addendum II (2014) of the Atlantic Croaker Fishery Management Plan (FMP) and Addendum II (2014) of the Spot FMP establish TLA as the new management framework for these species in non-assessment years (Supplemental Materials). • In February 2018, the Atlantic Croaker TC and Spot Plan Review Team (PRT) recommended to the Board several adjustments that could improve the current TLA. The Board requested that the 2018 TLAs be run using both the current and TC/PRT-recommended methods. |
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Presentations

- C. McDonough will present the 2018 Traffic Light Analysis Reports for Atlantic croaker and spot (Supplemental Materials) using both the current and TC/PRT-recommended methods.

5. Consider Postponed Motion to Initiate an Addendum to the Spot and Atlantic Croaker Fishery Management Plans that Incorporate New Traffic Light Analyses (TLA) and Management Responses (11:45 a.m. – 12:05 p.m.) Action

Background

- In May 2018, the Board postponed the following motion:
Postponed Motion: "Move to initiate an addendum to the spot and croaker fishery management plans that incorporates the new traffic light analyses and management response to those analyses."
Motion made by C. Batsavage and seconded by M. Gary.
- The Board also populated and tasked the Atlantic Croaker and Spot Plan Development Team (PDT) with exploring potential responses to management triggers that would result from accepting Atlantic Croaker TC/Spot PRT-recommended updates to the TLAs (**Supplemental Materials**).

Presentations

- M. Schmidtke will present PDT recommendations for potential responses to management triggers from the updated TLAs.

Board actions for consideration at this meeting

- Consider initiation of a Draft Addendum to the Atlantic Croaker and Spot FMPs.

6. Lunch

7. Update on Revised SEDAR 58 Schedule (12:35 p.m. – 12:40 p.m.)

Background

- To incorporate updated Marine Recreational Information Program recreational landings estimates, the schedule for Southeast Data, Assessment, and Review 58, assessing Atlantic cobia, has been revised (**Briefing Materials**).

8. Review Cobia Technical Committee Report on Recreational Landings (12:40 – 12:55 p.m.)

Background

- In February 2018, the Board tasked the Cobia TC with the following motion:
Move to recommend that the TC evaluate state specific management options in pounds and numbers of fish, and to provide directions to use alternative techniques such as in the black sea bass fishery. Evaluate the best method (i.e. pounds or numbers of fish) by which to determine the harvest impact of the management measures.
Motion by M. Duval and seconded by J. Estes.
- The TC met several times via conference call and submitted a recommendation for future evaluation of recreational landings (**Briefing Materials**).

Presentations

- M. Schmidtke will present TC recommendations for evaluating recreational landings.

9. Consider Draft Public Information Document (PID) for Amendment 1 to the Cobia Fishery Management Plan for Public Comment (12:55 – 1:25 p.m.) Action

Background

- In May 2018, the Board initiated an amendment to reflect removal of Atlantic cobia from the South Atlantic and Gulf of Mexico Fishery Management Councils' Coastal Migratory Pelagic Resources FMP and establish recommendations for measures in federal waters.
- The Cobia Plan Development Team was assembled and drafted a Draft PID as the first step in the process for development of Amendment 1 to the Cobia FMP (**Briefing Materials**).

Presentations

- M. Schmidtke will present the Draft PID.

Board actions for consideration at this meeting

- Consider approval of the Draft PID for public comment.

10. Consider 2018 Fishery Management Plan Reviews and State Compliance for Atlantic Croaker and Red Drum (1:25 – 1:35 p.m.) Action

Background

- Atlantic Croaker and Red Drum State Compliance Reports are due on July 1. The Atlantic Croaker Plan Review Team (PRT) has reviewed state reports and compiled the annual FMP Review. Delaware (commercial), South Carolina (commercial), Georgia (commercial), and Florida (commercial) have requested *de minimis* status (**Supplemental Materials**).
- Red Drum State Compliance Reports are due on July 1. The Red Drum PRT has reviewed state reports and compiled the annual FMP Review. New Jersey and Delaware have requested *de minimis* status (**Supplemental Materials**).

Presentations

- M. Schmidtke will present the FMP Reviews.

Board actions for consideration at this meeting

- Consider approval of the 2018 FMP Reviews, state compliance, and *de minimis* requests for Atlantic croaker and red drum.

11. Consider Nomination of Craig Freeman for Advisory Panel Membership (1:35 p.m. – 1:40 p.m.) Action

Background

- Virginia has submitted a nomination for Craig Freeman to be appointed to the South Atlantic Advisory Panel (AP) (**Briefing Materials**).

Presentations

- T. Berger will present the nomination to the South Atlantic AP.

Board actions for consideration at this meeting

- Consider approval of Craig Freeman (VA) as a South Atlantic AP member.

12. Elect Vice Chair (1:40 p.m. – 1:45 p.m.) Action

11. Other Business/Adjourn

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

The Westin Crystal City
Arlington, Virginia
May 3, 2018

Draft Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting
May 2018

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These minutes are draft and subject to approval by the South Atlantic State/Federal Fisheries Management Board.
The Board will review the minutes during its next meeting.

INDEX OF MOTIONS

1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of February 2018** by Consent (Page 1).
3. **Move to approve Management Option 2: reopen Maryland's commercial fishery for red drum in the Chesapeake Bay with a daily vessel limit of up to 10 fish and a 28 inch minimum total length size limit** (Page 4). Motion by Lynn Fegley; second by Doug Haymans. Motion carried (Page 4).
4. **Move to approve Addendum I to the Black Drum Interstate Fishery Management Plan as modified with an implementation date of April 1, 2019** (Page 4). Motion by Lynn Fegley; second by Jim Estes. Motion carried (Page 4).
5. **Move to initiate an addendum to the spot and croaker fishery management plans that incorporates the new traffic light analyses and management response to those analyses** (Page 10). Motion by Chris Batsavage; second by Marty Gary. Motion to postpone (Page 11).
6. **Move to postpone the motion until the August meeting** (Page 11). Motion by Lynn Fegley; second by Adam Nowalsky. Motion carried (Page 12).
7. **Move to initiate an amendment to reflect the removal of Atlantic cobia from the joint South Atlantic Fishery Management Council and Gulf of Mexico Fishery Management Council Coastal Migratory Pelagics Fishery Management Plan and establish recommendations for measures in federal waters** (Page 22). Motion by Doug Haymans; second by Malcolm Rhodes. Motion carried (Page 12).
8. **Motion to adjourn** by Consent (Page 25).

Draft Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting
May 2018

ATTENDANCE

BOARD MEMBERS

Heather Corbett, NJ, proxy for L. Herrighty (AA)	Mel Bell, SC, proxy for R. Boyles (AA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Malcolm Rhodes, SC (GA)
Roy Miller, DE (GA)	Patrick Geer, GA, proxy for Rep. Nimmer (LA)
John Clark, DE, proxy for David Saveikas (AA)	Spud Woodward, GA (AA)
Craig Pugh, DE, proxy for Rep. William Carson (LA)	Doug Haymans, GA (GA)
Russell Dize, MD (GA)	Jim Estes, FL, proxy for J. McCawley (AA)
Ed O'Brien, MD, proxy for Del. Stein (LA)	Marty Gary, PRFC
Lynn Fegley, MD, proxy for D. Blazer (AA)	Wilson Laney, USFWS
Michael Blandon, NC, proxy for Rep. Steinburg (LA)	Jack McGovern, NMFS
Chris Batsavage, NC, proxy for S. Murphy (AA)	Greg Waugh, SAFMC

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

Ex-Officio Members

Staff

Toni Kerns	Jeff Kipp
Robert Beal	Jessica Kuesel
Mike Schmidtke	Kristen Anstead

Guests

Pete Arrestad, CT DEEP	Dan McKiernan, MA DMF
Jeff Brust, NJ DFW	Rob O'Reilly, VMRC
Joe Cimino, NJ DFW	Jack Travelstead, CCA
Jeff Deem, VMRC	
Matt Gates, CT DEEP	

The South Atlantic State/Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Wednesday May 3, 2018, and was called to order at 11:45 o'clock a.m. by Chairman Pat Geer.

MS. TONI KERNS: I want to welcome everybody to the South Atlantic Board. Because Pat Geer has moved from the Georgia DNR over to the Virginia Marine Resources, we just wanted to reaffirm with the Board that it is okay for Pat to continue on as Chairman. Is there any objection to Pat continuing as Chairman of the South Atlantic State/Federal Management Board; although he's representing a new state? I see of no objection; which I'm very pleased to see, and he will continue on as your Board Chair.

CALL TO ORDER

CHAIRMAN PAT GEER: Thank you very much, Toni. Why does that not surprise me one bit that no one had any objections to me staying on? I want to welcome everybody to the South Atlantic Board. My name is Pat Geer. I am the new Deputy Chief at Virginia Marine Resources Commission.

APPROVAL OF AGENDA

CHAIRMAN GEER: The first order of business for today is the approval of the agenda. We have one item under Other Business that Chris Batsavage would like to deal with; and that's the Mackerel Issue in North Carolina. Are there any other additions or changes to the agenda? Hearing none we'll consider it approved by consent.

APPROVAL OF PROCEEDINGS

CHAIRMAN GEER: The approval of the proceedings from the February, 2018 meeting, is there any changes or modifications? Hearing none we'll consider it approved by consent.

PUBLIC COMMENT

CHAIRMAN GEER: Is there any public comment? I haven't had anybody come up. Mike is shaking his head no; so we'll move on.

ADDENDUM I TO THE BLACK DRUM FISHERIES MANAGEMENT PLAN FOR FINAL APPROVAL

CHAIRMAN GEER: The first item on the agenda is the Addendum I to the Black Drum Fisheries Management Plan for final approval. Mike is coming up to the table; so Mike, you have the floor.

DR. MICHAEL SCHMIDTKE: First of all we'll be going over the public comments for Draft Addendum I. I'll give before that some brief background; kind of how we got here. Then we'll move into the public comment; and I'll put up the management options for Board consideration. This process was started in October of 2017, with a proposal from Maryland to reopen their commercial fishery for black drum in the Chesapeake Bay.

At that point the Board initiated an Addendum; and we are now at the stage of final action for this draft Addendum. Public comment was held from February 7, through March 23, with one public hearing being held in the state of Maryland. Just a reminder of some of the background related to this draft Addendum. There was a historical commercial fishery in Chesapeake Bay for the state of Maryland that operated from 1973 through 1997; that operated, excuse me before the late 1990s with an average annual harvest in that time period of about 11,000 pounds. In the late 1990s a tagging study was conducted to collect scientific information. Within this study there was no commercial take; but commercial pound net fishermen were paid for fish that were tagged and released from their nets.

This program ended prior to the 2000 fishing season; but the commercial fishery was never reopened. When the Interstate Fishery Management Plan for black drum was approved in 2013, this plan prohibited the relaxation of

any commercial measures that were in place; and so the moratorium on commercial fishing in the Chesapeake Bay for the state of Maryland continued on in perpetuity.

Some of the background related to the stock status. The current reference points from the 2015 assessment, as well as the harvest, are shown on the screen. The stock status from that assessment was not overfished and overfishing not occurring. The harvest target that came out of that assessment was 2.12 million pounds with a threshold of 4.12 million pounds; and the 2016 total harvest was 1.53 million pounds.

If you will take a look at the bottom right hand figure, where you can see the harvest, the target has not been really approached for the last about seven years. This table shows current regulations up and down the coast; and really the main thing to highlight is that Maryland is the only state that has an area closure for commercial fishing of black drum.

REVIEW MANAGEMENT OPTIONS AND PUBLIC COMMENT SUMMARY

The two management options and it was a fairly simple Addendum. There were two options. We can either keep it the way it is right now with Option 1 or Option 2 reopen Maryland's commercial fishery; with a 10 fish daily vessel limit and a 28 inch minimum total length size limit. The Technical Committee reviewed Maryland's proposal prior to the development of the draft Addendum.

The TC was contacted, and they maintain their previous recommendation that approval of this draft Addendum would not likely lead to overfishing. They did additionally recommend that Maryland conduct biological monitoring of fish caught by this fishery; so that that data can be used in future stock assessments.

This is a recommendation not a requirement. There are no monitoring requirements in the black drum FMP. That is just something

additional that the TC would like to see; should this draft Addendum be approved. From their previous assessment, the predicted additional harvest is relatively small compared to the coastwide harvest; when thinking about what was brought in during a time period where there were no regulations on that fishery.

Adding on that additional harvest would not have caused the coastwide target or threshold to be approached over the last seven years. The written public comment, 14 written comments were received; the majority of these supporting Option 1 of status quo, with 1 comment supporting Option 2 to reopen the fishery in Chesapeake Bay. Much of the written comment focused on black drum being more valuable to the recreational fishery than the commercial; citing specifically poor me quality from large black drum. There were some concerns in these comments about the targeting of large black drum, with the potential for this to reduce the spawning productivity or the availability of large fish that are targeted for a catch and release fishery by the recreational fishermen.

There was also concern about disruption overall of recreational fishing activities; due to the location of pound nets and the potential for reduced availability of fish overall. This concern was specifically related to the fact that black drum are a recreational alternative to striped bass within that area; for a portion of the fishing year.

The one comment that supported Option 2 did additionally suggest that the gear be limited to only pound nets. As I said previously, one public hearing was held in Maryland. At this public hearing no comments were received. There were two Board members; one member of Maryland staff, and one member of the public from CCA Maryland.

CCA Maryland wrote an organization letter that's included in the public comment materials; but they didn't offer any comments at the hearing itself.

REVIEW COMMITTEE REPORTS

DR. SCHMIDTKE: A conference call was solicited to discuss the Advisory Panel's preferred option. However, no members responded to actually schedule the call.

The AP Chair, Tom Powers, did provide a written response where he expressed some concern about increasing fishing effort without any cap on the number of entrants or the quota for a species like black drum that has slow growth after reaching maturity. With that I will take any questions.

CONSIDER FINAL APPROVAL OF ADDENDUM I

CHAIRMAN GEER: Are there any questions for Mike? I see Lynn.

MS. LYNN FEGLEY: I don't have a question. But when you're ready, I would address some of the concerns that were expressed.

CHAIRMAN GEER: Okay, are there any questions at all before I go back to Lynn? Seeing none; Lynn.

MS. FEGLEY: I wanted to provide a little bit of comment about the lack of comment on this from the commercial sector. I've had several questions about that. One thing I want to stress is that this is something I think in this case, these commercial fishermen made substantive comment to us as a state.

They arrived at our state Commission meetings and provided comment on this. Those are on the record with the state; and I think at that point they felt like they had added their input. There is one comment that is from a representative of the commercial industry. Then the other thing I wanted to say was there are two concerns in there; one is limiting the gear to only pound nets.

Our gillnet fisheries for striped bass close at the end of February; and gillnets that are deployed in the Chesapeake Bay during the time when

black drum are encountered. The mesh size is too small. They would not capture black drum. This really would be a pound net fishery. The second was to the Advisor who expressed concern about increasing effort with no limit on entrance. This is a limited entry fishery in Chesapeake Bay; and the number of pound netters is fairly limited, so this is not an unlimited effort situation. I hope that clarifies a little bit the public comment. We try hard to work with our commercial fishermen. This means a lot to them; and they certainly did step up to comment to us as a state.

CHAIRMAN GEER: Okay and I have John Clark.

MR. JOHN CLARK: Lynn, could you just follow up. I was just a little confused about that comment that somebody made about the pound nets. It was almost implying that the pound nets be moved for – well they said the pound nets would be in the way of recreational fishing – was one of the comments that was made right; was to that end. I mean these things are usually not moved are they?

MS. FEGLEY: No. Pound nets are absolutely stationary; to the point where the sites where the pound nets are set are registered with the state. They are not even remotely a mobile gear. If you were to have that situation, the recreational vessel would have to travel to where the pound net is; and that is where the conflict would occur.

CHAIRMAN GEER: On the microphone, John. Lynn, I have a quick question. How long is this season? How long do you think the season would be?

MS. FEGLEY: I'm going to ask Mr. Dize to address that. I think the fish arrive in the spring, April, May, so May and June. It's a spring fishery in Maryland.

CHAIRMAN GEER: Just a couple of months, okay.

MS. FEGLEY: Yes, I believe so.

CHAIRMAN GEER: Are there any other questions or comments? I've got one from Gregg Waugh.

MR. GREGG WAUGH: Lynn, what about the issue of monitoring? Would your state be doing some monitoring of that harvest; should it occur?

MS. FEGLEY: You know we do monitor pound nets currently as part of other species. I believe, and I would go back and confirm with staff on this. But I believe we are there; we're sampling pound nets. We can provide some information. Now the level of that information if we're talking about things like otoliths and aging, I'm not so sure we can tackle that but we can return to the Board with information on exactly what kinds of data we would gain through our current pound net monitoring.

CHAIRMAN GEER: Okay, I have Roy Miller.

MR. ROY W. MILLER: If I may ask a question of Lynn. Lynn, are these primarily spawning adult fish that would be subject to this harvest; since it's in May and June, or are they are variety of size ranges?

MS. FEGLEY: I'm not sure I would know the answer to that. The minimum size limit is 20 inches, which is specifically set beyond the age of first spawn, so that there is some ability for the fish to have reproduced before they are caught. As a reminder, when we had a fishery before, this size limit was not in place. The intent here was to look at when these fish are I believe 28 inches represents 100 percent maturity. That is why the size limit was selected.

CHAIRMAN GEER: Are there any other questions for Lynn, or any other comments? This is a final action; so we're going to need a motion from somebody if we want to move forward with this. Lynn.

MS. FEGLEY: I would move to approve Option 2: to reopen Maryland's commercial fishery

for black drum in the Chesapeake Bay with a daily vessel limit of up to 10 fish and a 28 inch minimum total length size limit.

CHAIRMAN GEER: I have a second from Doug Haymans. Is there any further discussion on this? Mike.

DR. SCHMIDTKE: Just one note. Lynn did contact me about an implementation date for this; should it be approved for April 1, 2019.

CHAIRMAN GEER: Thank you, Mike, I forgot to mention that. Is there no other discussion, since this is a final action? Toni.

MS. KERNS: This motion is not final action. Once you approve; the Addendum itself is final action.

CHAIRMAN GEER: **I am sorry. Is there any objection to this motion? Hearing none; the motion carries unanimously.** Now the Addendum, correct, now we have to do final action on the Addendum; which is part of this. We need another motion for that.

MS. KERNS: In addition we would want an implementation date. Implementation dates can be effective immediately or at time certain. I would look to the State of Maryland for that.

CHAIRMAN GEER: Lynn.

MS. FEGLEY: I would move to approve Addendum I to the Fishery Management Plan for Black Drum, with an implantation date of April 1, 2019.

CHAIRMAN GEER: Second by Jim Estes. Any comment or discussion, okay do you have it up there? I'll read the motion. Move to approve Addendum I to the Black Drum Interstate Fishery Management Plan as modified with the implementation date of April 1, 2019. Motion by Ms. Fegley; and seconded by Mr. Estes. Since it is a final action, I would like to see a show of hands in favor of this motion. **Okay, any objections, any abstentions, any null**

votes? The motion carries 12-0-0 without any objection. All right moving on, let's move on to the next item on the agenda, it's lunch? No, I think we're going to keep moving on. We're going to move through and we'll have lunch. Does anybody have any objections to keep moving on; because lunch probably isn't even ready yet? Okay, we'll keep moving on then.

I thought maybe you were hungry, Mike, so that's why I stopped and asked.

**CONSIDER MANAGEMENT ACTION BASED ON
TECHNICAL COMMITTEE AND
PLAN REVIEW TEAM RECOMMENDED
UPDATES TO THE ANNUAL TRAFFIC LIGHT
ANALYSES FOR ATLANTIC CROAKER AND SPOT**

CHAIRMAN GEER: All right the next item on the agenda is Item Number 5, which is to look at the Technical Committee's Recommendations for the Traffic Light Analysis for Atlantic Croaker and Spot. At the last meeting we had a presentation by Chris McDonough; who is the TC Chair; and we basically put off making any decisions or approving any recommendations at that time. Right now Mike has the floor; and he'll give you a brief discussion on this.

DR. SCHMIDTKE: Since the Board discussed this topic; well was presented with this topic at the last Board meeting, my summary of Chris's presentation will be much briefer. But we do have Jeff Kipp and Kristen Anstead available to ask more technical questions; if the Board needs a reminder of some of the finer details that were discussed last time.

In 2017, both spot and croaker underwent benchmark assessments. Neither of these assessments was endorsed by the Peer Review Panel for management; due in part to conflicting signals from the abundance and harvest time series. Both species are monitored annually; using an annual traffic light approach. This was established in 2014.

I believe most members of this Board are familiar with the TLA approach; but it assigns

color of red, yellow, or green, categorizing relative levels of indicators on the condition of the fish population using abundance metric, or the fishery using a harvest metric. Management action is triggered if both abundance and harvest are tripped for two consecutive years, or three consecutive years currently for spot and croaker respectively.

The trigger would occur is that TLA shows a percentage of red that is greater than 30 percent; with moderate concern, with action resulting from moderate concern or if the percentage of red exceeds 60 percent, then that represents significant concern. The current TLAs have not triggered management action; despite declining trends in harvest to some of the lowest values on record.

Several of the abundance indices developed for the assessments that occurred in 2017 are not currently included in the TLA. With the discrepancy that occurred in the trends between harvest and abundance that led the Traffic Light Approach Subcommittee to begin reevaluating the available data for spot and croaker.

They redeveloped the indices; looking at them in terms of recruitment and adult indices, also reconsidering which indices should be included in the TLA. They considered inshore/offshore approaches, Mid-Atlantic versus South Atlantic approaches. There were really a suite of things that were presented during the February meeting; and those are outlined in the briefing materials in the TC memo. Here is a list of the recommendations that were made for the spot traffic light analysis; trying to summarize and run through these. There were two additional analyses that the Technical Committee recommended for inclusion in the spot TLA; those were CHESMAP and the Program 195 Survey from North Carolina Department of Marine Fisheries. The TC also recommended the use of age-length keys and length-composition information from each of the surveys; to estimate the number of adults.

There was some information where there was bleed in of juveniles into the numbers; so the TC made that recommendation. The TC also recommended the use of a regional approach; in which CHESMAP and the currently used NEFSC bottom trawl survey would characterize from Virginia north, and the Program 195 Survey as well as SEAMAP would characterize south of the Virginia/North Carolina border.

Fourth, the TC recommended use of a recruitment index; as well as information from the Southeastern Shrimp Trawl Fishery as auxiliary information. These would not affect the management triggers themselves; but they would be provided on an annual basis for consideration, should any management action be taken.

Fifth, the TC recommended changing the reference time period for all surveys to be 2002 through 2012; and finally the TC recommended changing the triggering mechanism. Whereas right now the triggering mechanism for spot requires the last two years of the time series; for both abundance and harvest to trip, in order for management action to be triggered.

The TC recommended that any two of the three terminal years be used, using the same 30 percent and 60 percent thresholds; as far as moderate versus significant concern. How this plays out relating status quo to what the recommendation from the TC would be, so what we see on the screen right now is the current TLA updated through 2016.

What you see as harvest shows very high proportions of red; but abundance using the NMFS and the SEAMAP surveys has not tripped since 2007. However, in taking in all of the TCs recommendations using the regional TLA with the revised indices and the revised reference period, we see right here the South Atlantic region would not have tripped for abundance or harvest in recent years; but the Mid-Atlantic region would have tripped.

If all of these changes were to be adopted because the two terminal years for both abundance and harvest have exceeded that 30 percent proportion, if the two-out-of-three terminal year management trigger were adopted. That means that regardless of what is seen in 2017, there will be management action triggered.

For croaker, many of these recommendations are the same or very similar; so I'm just going to highlight the underlined portions of this list, rather than the Program 195 Survey to characterize the South Atlantic region for croaker. We would use the South Carolina DNR Trammel Net Survey. Croaker is considered to be adults at Age 2 plus rather than Age 1 plus for spot; but similarly the age length and length composition information would be used.

Then finally at the last recommendation, rather than two out of three of the terminal years being used for the triggering mechanism for croaker, due to differences in their life history, the TC recommended any three out of the four terminal years. Looking similarly at how differences would go into effect; should the Board adopt all of the TCs recommended changes. We see the current TLA through 2016 harvest has high proportions of red in the terminal years; but abundance does not have high proportions of red. If we went with the recommended approach, the South Atlantic region for the abundance index; that would not have triggered in recent years.

The harvest index would have triggered in recent years; but because we don't have both abundance and harvest triggering, management action wouldn't be initiated. However, looking at the Mid-Atlantic, we have a similar situation as was the case for spot; where in the last three years, 2015, '16, and '17 that 30 percent threshold of red is exceeded for both the adult abundance as well as the harvest metrics.

That being the case, regardless of what happens in 2017 when the TLA is updated, if the Board were to adopt all of the changes that are

recommended by the TC, management action would be triggered for the Mid-Atlantic region for croaker as well. In summary, the TC recommended several changes to the annual TLAs.

Incorporating all of the recommendations would trigger moderate concern management action in 2018 for both species in the Mid-Atlantic; that again, Mid-Atlantic being defined from Virginia north. Incorporation of all recommendations as far as process goes; this would require an addendum to the spot and croaker FMPs.

We would likely go about this as a joint addendum process; so we would hold public hearings, and as far as writing the document it would encompass both species at once, so it wouldn't be two separate. The previously discussed course of action that can be referenced in the minutes from the last meeting, would be for today for the Board to task the PDTs, the Croaker PDT would need to be repopulated; there currently is not a croaker PDT.

But the PDTs would need to be tasked to investigate potential management responses to the triggers in the Mid-Atlantic from the revised TLA. In August the Board would review the updated TLA through 2018; using both the current method as well as the revised method. There would be some feedback from the PDT on potential management responses to that updated information; at which point an addendum would be initiated.

October would be where the Board would review the draft addendum for public comment; and final approval after a public comment period would occur, potentially in February of 2019. Some of the feedback that would be needed for the PDTs to put this process into action would be how much or what type of a reduction is the Board looking for; as far as responding to that Mid-Atlantic trigger?

In talking to some Board members there has been some concern about the impacts of the

shrimp trawl fishery; so there would be a question of, can anything be done? What is the will of the Board, the power of the Board to look at the effects or impact the effects of the shrimp trawl fishery versus the actual harvest? With that I will take any questions.

CHAIRMAN GEER: I'll open the floor for questions for Mike; any questions? Mike, I have one. If the Mid-Atlantic is triggering, how will the trawl fishery in the southeast, meaning North Carolina through Georgia. How would that play into the Mid-Atlantic abundance?

DR. SCHMIDTKE: That's a good question and that's one that can be posed to the PDT and TC members. I don't know that I have an answer directly for that. That has just been a concern that has been expressed to me from others.

CHAIRMAN GEER: Lynn.

MS. FEGLEY: I think I understood that the PDT and perhaps the TC is going to be looking for guidance from the Board on the magnitude of reduction. This is the heart of my question. Because this is a traffic light analysis, is the Technical Committee going to have any ability to tell us what the magnitude of reduction would need to be to get us down below those triggers?

I'm a little concerned that we're headed into a game of ping pong between the Board and the TC; because I honestly don't, I'm not entirely sure. I can't really put together in my head how you would calculate a magnitude; you know what the magnitude of action would need to be.

DR. SCHMIDTKE: I guess more of what I was looking for, and what I'm hoping to be able to provide to the PDT is that getting below the 30 percent threshold; is that what the Board would desire, or would the Board desire something further down, getting below a 15 percent red or any other magnitude. That is kind of what I'm going for; not as much specific numeric requirement, but what would be the end goal

relative to the TLA that the Board would want to see spot or croaker end up at?

CHAIRMAN GEER: Lynn, follow up.

MS. FEGLEY: If we were to task the TC to look at management options, would they be able to give us magnitudes and magnitudes over timeframes? For example, in Year 1 you would have to do this much to get below that threshold level, or if you wanted to achieve it in Year 2, you would have to proceed as follows. Could they give us that level of detail?

DR. SCHMIDTKE: I think they could certainly try. I think that is something that could be asked of them, and I would have to pose that to the people that would be running more of the numbers to get the full answer on that.

CHAIRMAN GEER: Toni.

MS. KERNS: I think it would be helpful for the TC and the PDT, if the Board could give them some parameters in which you want them to investigate. For example, hitting a target which ranges from 15 to 45 percent around the threshold, whatever numbers you want it to be around the threshold, and then a timeframe in which to achieve those, anywhere from one to five years or one to ten years. But otherwise that they will have endless combinations and if we can narrow down their focus it would be helpful for them.

Then the other thing is that if they are going to have to describe management tools. Are there nonstarter management tools that you don't even want to look at, or do you want them to look at all management tools? Are there outside-of-the-box-management tools that you're looking for, would be helpful?

CHAIRMAN GEER: Is there any follow up to that any comments, any ideas? Lynn, you have the floor.

MS. FEGLEY: This is very difficult. But I would say that just as a start to ideas, and we've discussed this with our stakeholders internally,

particularly for spot. Because this is an animal that is very important to the charter industry in particular, I think that size limits would be something that would be difficult for us at the start; just because of the different sizes of animal. I guess I hesitate to say let's not examine size limits; but it's going to be a very tricky issue.

I would also say that perhaps because for spot in Maryland we have regulations in place on croaker; and I think we may be one of the few that does. We have no regulations on spot. I guess anytime you go from an unregulated fishery to a regulated fishery, and given the less quantitative nature of the stoplight, I think it would be my inclination to step in. You know to phase in, go there more slowly than more quickly. I don't know if that is specific guidance. I'm just throwing that out there for discussion from the colleagues around the table.

CHAIRMAN GEER: Chris.

MR. CHRIS BATSAVAGE: I agree with Lynn. I think if we needed to look at narrowing down the potential management options, I think a minimum size limit for spot is one to eliminate right off the bat; just due to how the commercial and recreational fishery operates, and also based on the life history of the fish. This isn't a very long-lived fish.

I don't really have an opinion on whether or not that is appropriate for croaker. We could at least have that as an option. In terms of what to shoot for; that's always a tough question, especially since this isn't a quantified assessment. I think what Toni mentioned is kind of a range between X percent and Y percent.

I think is a good way to go; that will kind of I guess give a range of what sort of risk or comfort level the Board and the public has, as far as implementing measures to improve the stock over a certain period of time. I guess a question I have is when we trigger management, implement management

measures based on the triggers, is there a minimum set period in which these measures need to be put in place, like three years, or is the Addendum silent on that?

CHAIRMAN GEER: I think that is how the Addendum is written; how it's set up and established, Toni or Mike.

DR. SCHMIDTKE: For spot the measures would need to be in place for at least two years; for croaker for three years and there would not be traffic light analyses conducted in the interim, because any results from those would be impacted by the management. But there would be an evaluation; like we would still conduct FMP reviews. But there couldn't be additional management action triggered in the midst of that.

CHAIRMAN GEER: Toni.

MS. KERNS: In addition to that you're going to have to create a new addendum to adopt these new traffic light approaches. If you want to alter that you can specify how you want those numbers of years for the regulations to stay in place.

CHAIRMAN GEER: Roy.

MR. MILLER: Assuming that we modify the program to adopt the new traffic light analysis. I'm just thinking ahead. What can we do to influence the relative abundance of this species? In our area we've always assumed that a lot of the driving factors were environmental. I don't recall from the assessment whether there was any proof of a stock recruitment relationship on either of these species.

I don't think there was; you're shaking your head, Mr. Chair. Apparently my recollection is correct on that. I would just be curious. What are some potential management measures that we could undertake that would benefit these stocks; if the newly adopted traffic light analysis shows us that the triggers have in fact been tripped?

DR. SCHMIDTKE: As far as what approaches can be taken that is one thing that we're trying to have discussion on; and that may be something that is beyond me to provide. You know we've heard comments that the size limits would be difficult. I guess one point to emphasize in this is that if the revised TLA is adopted by the Board, it's not a question of if triggering is occurring, it is Mid-Atlantic will be triggered no matter what.

CHAIRMAN GEER: Jim Estes.

MR. JIM ESTES: I have a very basic question. One of the decisions that we need to make here is whether we're going to adopt these traffic light analyses with the new indices in it. For the folks in the Mid-Atlantic, I'm curious. If you hadn't seen this and you came to this meeting today, would the on-the-water observations that you made or your stakeholders have made show the same thing as the traffic light analysis? That is what I need to have comfort with first; before even going any further.

CHAIRMAN GEER: I have Roy Miller and then Marty.

MR. MILLER: I think I can supply part of that answer; at least certainly for what we see in the Delaware Bay region. I would say yes to Jim's question that recreational and commercially we've seen a considerable drop off in the abundance of croaker; to the point where they've been fairly scarce in the recreational catches, particularly those in excess of the 10-inch-minimum size limit that our state has. I'm sorry, the 8-inch size limit for croaker; John corrected me. But anyway, fishing has been fairly poor for croaker for several years now; and spot abundance has not been high either.

CHAIRMAN GEER: Marty.

MR. MARTY GARY: Jim, I would echo Roy's observations. We have a lot of discussions; both formally in our Finfish Advisory Committee setting, and also just on the fly with folks

coming into the office. We have several rental boat fleets that serve individuals that like to go out; and this is their targeted species. We consistently get feedback that things have dropped off; and are not what they are for both species, so this is a very important issue for us.

CHAIRMAN GEER: Okay Lynn, did you want to comment for Maryland?

MS. FEGLEY: I would just echo that we have currently a 9-inch size limit in place for croaker. But we have heard concerns from our constituents about spot.

CHAIRMAN GEER: Well the first thing I think we would have to do is decide whether or not, as Jim said, are we going to accept these new recommendations from the CC using the regional approach? Toni.

MS. KERNS: You need to do an addendum to make a change; because the stoplight is done through an addendum, so we would have a new addendum to approve those.

CHAIRMAN GEER: We would have to initiate a new addendum. Lynn.

MS. FEGLEY: My understanding of the process was that today we would ask the TC to go back and look at some things; and then they would bring that back in August, and we would see what they have, and at that time simultaneously initiate that addendum to accept the new TLAs, if that's chosen, and to incorporate the options that the TC brings back.

To that end, I guess I would suggest because of the complications with size limits, especially with spot. I'm a little less comfortable with croaker, but that the TC would explore mechanisms using season adjustment, season length and timing for spot. Somebody can jump in here; to get within 5 percent of the threshold, just as a starting point for discussion.

CHAIRMAN GEER: Okay, any other recommendations? Chris.

MR. BATSAVAGE: It seems like unless there is any concerns over the technical merits of the new traffic light analyses, I don't see why we couldn't initiate an addendum today to incorporate those; and then for the August meeting the Technical Committee comes back with the potential management options for addressing the trigger being tripped in the Mid-Atlantic.

CHAIRMAN GEER: Sounds good. Toni.

MS. KERNS: If you're going to initiate we would take a motion to initiate that.

CHAIRMAN GEER: We would have to take a motion to initiate; so if you would like to do so.

MR. BATSAVAGE: Okay, I need some help crafting this. Move to initiate an addendum to the spot and croaker fishery management plans that incorporates the new traffic light analyses.

CHAIRMAN GEER: Is that a second to the motion? Martin Gary. Discussion, Adam.

MR. ADAM NOWALSKY: The last couple minutes we've talked about the TC giving us some advice about potential management options. Earlier in the presentation wasn't it recommended that a PDT would develop those management options, and that in fact we had to populate it, or is this something that the TC can do in lieu of doing so?

DR. SCHMIDTKE: Typically the PDT is the body that gives advice on management options. It would typically consist of TC members, but a PDT would be the group that would provide those, and would be developing a draft addendum.

CHAIRMAN GEER: Follow up.

MR. NOWALSKY: I guess what I'm just looking forward is we can initiate this today; but I think ultimately the action the Board takes on it. We would want to have some knowledge about what the implications are going to be, before we act on it. I just think in the process we need to make sure we have that timing in sync. We don't want to come to a meeting expecting to take final action, which I don't think this Board is going to take if we don't know the implications of it ahead of time.

CHAIRMAN GEER: Good point. Toni.

MS. KERNS: Just to be clear. I think Mike talked about this before. Our thought was that once the TC and the PDT come back, because in some cases spot has a PDT, it doesn't have a TC, and croaker has a TC so it's the opposite of that is what it is. But we'll have folks from all arenas giving the Board some advice.

But for the management response and how quickly we can respond, how much time the measures need to be in place. Those can all be things that we bring back to the Board; either via the TC and the PDT. But in terms of the addendum itself, we were talking about including both the changeover to the new analyses, as well as how you respond to the management triggers that are contained in these new analyses in one document.

While we initiate this portion of the document today, how you respond may not come until August; so therefore you may not approve a document to go out for public comment until the annual meeting. Does that make sense; because we wouldn't want to go out for two addenda in a row?

We know that these triggers are still going to be tripped from this year to next year; because the data hasn't really changed much. Therefore, if we're going to go out for public comment saying the triggers are tripped; we would want to let the public know what it would look like, in terms of a management response to those

triggers, to be as transparent and as informative as possible to the public.

CHAIRMAN GEER: Adam, is that satisfactory?

MR. NOWALSKY: I would interpret that as the record suggesting at this point that while the words specifically say that we're doing the addendum to incorporate the new TLAs; that the intent is actually to incorporate the TLAs and have a management response.

CHAIRMAN GEER: Do you want to modify your motion to include that? Adam, did you want to modify your motion to include that?

MR. NOWALSKY: It's not my motion so I'll pass on that.

CHAIRMAN GEER: I'm sorry. Chris, would you want to modify your motion to include that?

MR. BATSAVAGE: Yes, I think for full clarities sake that I would recommend doing that.

CHAIRMAN GEER: Marty, are you okay with that?

MR. GARY: I am, Mr. Chairman.

CHAIRMAN GEER: Lynn, do you have a question?

MS. FEGLEY: Yes, I do Mr. Chair, and part of me wants to go back to the slide in Mike's presentation that showed the timeline. I still would I think feel more comfortable initiating this. I agree that these new TLAs should be incorporated. But I would feel more comfortable initiating an addendum when we have all the pieces in place; because now we're all going to go home, and we're going to say yes we initiated an addendum.

But as Adam said, we don't know what the implications are. I think on this timeline in the presentation, today is the day we're providing guidance on how to calculate the implications. Then in August I think it says initiate addendum;

which includes all the pieces. **With that and I'm going to get my parliamentary terms confused; but my intent is to move to table the motion until August, or postpone, whichever the motion is that lets us take it back up again in August.**

CHAIRMAN GEER: That would be an alternative motion? Move to postpone. Do we have a second to that? Adam Nowalsky. Okay any other discussion on this? **Is there any opposition to this? Hearing none; the motion is approved.** All right then where does that put us? Toni.

MS. KERNS: In this process, you mean? I think what we would do is the TC and PDT will come back with response to the management questions and the timeframe questions; and then you can bring up the initiation of the amendment at the next meeting. During that timeframe, if there is anything that you want us to do in terms of the traffic light approach, to be thinking about that so that you can give that direction to staff at the August meeting as well.

CHAIRMAN GEER: Yes the staff is really looking for direction in the TC. I mean the last meeting I was getting it in both ears; wanting to make sure we get some guidance. They wanted some guidance on what the Board wanted done; whatever you think, if you have an idea or thought please bring it forward. Lynn, you had a comment?

MS. FEGLEY: I just wanted to repeat for the record that in terms of direction, I think what we would like to see is some analysis of the use of season closures, or season adjustments to bring us back down to within 5 percent of the thresholds, and maybe in one and two years.

CHAIRMAN GEER: Adam.

MR. NOWALSKY: I would also recommend discussion be had; and bring some information back to us if possible, about whether this is fishing mortality related. Can we do this through fishing mortality or is the belief we

hear climate change, environmental factors. Are there other things going on that are impacting these TLAs and that it's not fishing mortality. Any information that can come back to inform us better I think would be helpful.

CHAIRMAN GEER: Good point. Roy.

MR. MILLER: I agree with Adam. I think to the suite of things to be considered, bag limits, creel limits and that type of thing. I wouldn't restrict it at this point in time to just looking at seasonal restrictions. Leave the door open for other considerations; in terms of management response.

CHAIRMAN GEER: All good ideas. Lynn.

MS. FEGLEY: I just wanted to concur with Roy that the examination of bag limits I think would be another important step.

CHAIRMAN GEER: Jim Estes.

MR. ESTES: I completely agree with what Adam's statement was; is this some mortality that is not being caused by fishing. I would like to get some idea about how realistic that is for staff to try to determine that.

DR. KRISTEN ANSTEAD: When we were tasked with looking at the TLA, we did specifically for croaker look at this, because croaker does have this beautiful cyclical pattern in the harvest that you may have all noticed. It was challenging to make it statistically a thing. But we would continue to try; particularly if it was something that the Board wanted us to pursue more.

There is more we could try, and there is more we could look at for sure. But it's hard to do; and I will remind also remind you we don't have a stock assessment that is approved for either of these, so we don't have a fishing mortality. All we have is the traffic light for management. Without a stock assessment it is more difficult.

CHAIRMAN GEER: Wilson Laney.

DR. WILSON LANEY: I'm sure Kristen and Jeff have probably seen these. I know that some work has been done; to Adam's point, looking at the relationship between croaker abundance cycles and environmental variables. I thought I had those papers right in front of me here; but I can't find them at the moment.

There is a body of work out there that I think speaks to that particular question; and there is also some work by Diamond et al that looked at the impact of shrimp bycatch on spot and croaker populations, or maybe just croaker populations. I think that the TC and PDT can look over that literature; and maybe provide some information back to the Board about how those factors enter into population abundance for at least one of those species, maybe not both.

DR. ANSTEAD: We have both of those papers; and we did reference them, but again it remains a challenge how you tie that to the TLA, which doesn't really have a place for that.

CHAIRMAN GEER: Is there any other discussion on this topic? Hearing none; if you have any ideas, any thoughts, I mean we had some good ones today. But if there are any other ones please come forward, let Mike or I know or somebody on your TC let them know; I mean because the TC is looking for some guidance from us, so that they can concentrate their efforts as much as possible. Moving on, oh wait Wilson.

DR. LANEY: I did have one other question, Mr. Chairman. Based on the comments that were made by various and sundry Board members, is it the general sense of the Board though that they like the new measures; and that at some point they would be prepared to adopt those new measures? I mean from my perspective I have a conflict of interest here; because I'm on the TC or the PDT, one of the other.

It seems to me that those do improve the utility of the traffic light analysis for providing management advice. As we've all noted, the

devil is in the details of what sort of management response you have to make to get it down. Those points have already been made. Is my perception correct? Again, based on Chris and Marty's motion, it seems to me there is support for adopting those at some point.

CHAIRMAN GEER: I see nodding of head. I think we're bringing more data, more indices into these TLAs, and I think that's a good thing. I thought the approach was well handled. It made a lot of sense, and I think most people around the table are in agreement that we are in support of these new methods and doing this.

I'm seeing some people looking at me. It's time for lunch; I'm hearing. We will break, everyone get lunch, and maybe we can come back in and maybe Mike can start. We'll take like 20 minutes and we'll come back in; bring your food in here and we'll try to start back up, and start dealing with cobia.

(Whereupon a recess was taken.)

**UPDATE ON THE SEDAR 58 COBIA
STOCK IDENTIFICATION WORKSHOP AND
BOARD TASKING OF THE COBIA
TECHNICAL COMMITTEE**

CHAIRMAN GEER: People are just joining us. I'm Pat Geer; I'm the Chairman of this Committee, and we're moving on to Item Number 6. Update the SEDAR 58 Cobia ID Workshop. Mike, you have the floor.

DR. SCHMIDTKE: By the time this is done you all will be tired of hearing my voice. Today I'll go over several aspects of cobia stock ID assessment, and then management actions that are being taken will need to be taken. First of all, talk about the SEDAR 58 Stock ID Workshop that was held in April in Charleston, South Carolina.

The final report deadline is later on this month with a Peer Review Workshop scheduled for June in Charleston, South Carolina. The big take

away from this stock ID workshop is that the preliminary results indicate that there is a transition area between Brevard County, Florida and Brunswick, Georgia; with distinct biological stocks to the north and south.

A couple finer points within the stock ID report is that there was some substructure identified within the Atlantic stock; and there is improving tagging information from programs that are starting within the next year or so, and have been started within the past year. There should be some improvements looking into future assessments; as far as the tagging information that is available, but has certainly picked up from what it used to be.

But the large take away that comes from this is that the results do not disagree with the current management boundary; and so there will likely be a recommendation to maintain the current boundary of the Florida/Georgia border being the line between the Gulf and the Atlantic stocks. At the last meeting the South Atlantic Board tasked the Cobia TC with the motion that's shown on the screen.

I just want to update on the progress with this. A call was held earlier this month for the Cobia TC. On that call the TC determined that they would need to have a follow up call with some staff from MRIP; to clarify some of the methods for the recreational landings estimation, specifically how certain expansions occur for instances like cobia, where there may be catches within a very protracted time period that may be smaller than a wave and how different sites are weighted within the whole estimation process.

Right now the TC is finalizing a letter that they intend to send over to some MRIP staff; to schedule this call. Within that letter they have some specific questions. They have a group of about four questions that they'll pose to the MRIP staff that will help them in their evaluation of different methods; by which to determine the harvest impact of management measures on cobia.

One thing that I just wanted to remind the Board of, and one reason why I'm bringing up this Board tasking right now, is just to give assurance that the TC is working on the task, but at the same time our TC has five members, all of which have been part of the stock ID workshop process.

They will all likely be part of the data contribution for the upcoming SEDAR assessment. They're playing a lot of different roles within the realm of cobia right now; and this Board tasking is one of many. That is one reason why there may not be as immediate results as there could be if there were not an ID workshop and an assessment going on all at the same time.

REVIEW DRAFT TERMS OF REFERENCE AND SCHEDULE FOR THE SEDAR 58 COBIA STOCK ASSESSMENT

DR. SCHMIDTKE: Moving on to the next stage of the SEDAR 58 process is the SEDAR 58 stock assessment. Draft Terms of Reference and a draft schedule were included in your briefing materials. Some of the dates to highlight are a data workshop scheduled for November 27 through the 30, tentatively scheduled for those dates later on this year, then a review workshop in late July through early August of next year, with a final report submission date of September 6, 2019.

DR. SCHMIDTKE: As a partner in cobia management right now, the South Atlantic Board has the opportunity to provide edits to the Terms of Reference. The final approval is by the South Atlantic Council; but we can provide them with recommendations. If you have any, after reviewing the terms of reference and the schedule from the materials, if you have any edits that you think require discussion among the entire Board today, then we can have that discussion.

But if there are more edits that you think would be more easily incorporated without a greater

group discussion, then you can feel free to just e-mail those to me. I'll accept those edits through 5:00 p.m. next Thursday. That will give me enough time to incorporate all of them, send kind of a final draft out to the Board before I submit the entire group of edits to the South Atlantic Council in time for their June meeting materials. Also associated with that assessment process, I'm working with SEDAR and Council staff to draft a list of suggested participants.

Actually about an hour ago we got our first draft of the suggested participants list. I'll have a call with them within the next couple of weeks; to basically talk about which agency is going to be appointing which individuals, and I'll be e-mailing the Board that appointment information in the coming weeks. Just stay tuned to your e-mail and you'll be hearing from me regarding that. At this point I can pause; in case there is any discussion that wants to be had about draft Terms of Reference.

CHAIRMAN GEER: Are there any discussion or questions about the TORs? Chris.

MR. BATSAVAGE: The only suggestion I have is for Number 7; which deals with future research areas such as sampling, fishery monitoring, and stock assessment, is maybe to include something about providing recommendations for methods to improve the precision and estimates of uncertainty in recreational landings. To get at the main challenge we have with cobia management and for the stock assessment too; just the very uncertain recreational harvest estimates that we deal with on a regular basis.

CHAIRMAN GEER: Good point, any other ones? If you have any, please get them to Chris and have your TC members as well, or your staff in general; just so they have anything they want to add or have any comments to this. Get them to Chris before the deadline; not to Chris, to Mike, I'm sorry. Moving on, okay we're going to get ready to talk.

This is probably the crux of our cobia discussion that we're going to have today.

**DISCUSS QUESTIONS FROM THE SOUTH
ATLANTIC FISHERY MANAGEMENT COUNCIL
REGARDING POSSIBLE TRANSFER OF THE
ATLANTIC MIGRATORY GROUP
COBIA FISHERY MANAGEMENT**

DR. SCHMIDTKE: We're going to be talking about the South Atlantic Council sent a letter to the Commission back in March, requesting how the Commission is going to manage in federal waters; and we're going to have a discussion about that today. Mike, you have a few slides on that?

DR. SCHMIDTKE: There have been a few letters that have been sent back and forth from different bodies interested in cobia. The first one is a letter from the South Atlantic Fishery Management Council that is in your briefing materials. There are several questions listed verbatim in regular text right there from that letter; with kind of an overarching point of how and when will ASMFC request NOAA Fisheries to manage cobia in federal waters, in the absence of a council FMP.

That is kind of the big question. What measures would we request of NOAA Fisheries; and what would be kind of the timing of that process? In your supplemental materials there was also another letter from the Southeast Regional Office that details kind of some of the interaction that goes on between NOAA Fisheries and the Commission in the case of Amendment 31 being approved and management being transferred over to the Commission.

Right now the Cobia ISFMP supports complementary management; but does not have a mechanism in place for management of federal waters without the Coastal Migratory Pelagics FMP. Within that letter, SERO has requested that the ISFMP be amended to address cobia management in federal waters.

The Commission would develop measures through the ISFMP amendment; and request NOAA Fisheries to implement these measures in federal waters. There are a couple of suggestions within that letter; as far as the options for what can be put in place in federal waters. Would there be coastwide measures? Would there be a consistent federal season, or compliance with the landing states measures?

That is something that as staff we would look to the Board. It seems that we are going to have to have an amendment in order to accept sole management of cobia; so we would be looking to the Board as far as what they would want to include in such an amendment. Potential timeline for that amendment to take place, what you see on the screen is as aggressive a timeline as is possible.

There are a couple of places in there that I'll highlight. The beginning of this process would involve a motion today that would have this amendment initiated upon the approval of Amendment 31 to the Coastal Migratory Pelagics FMP. We would go through our amendment process with final action potentially for May, 2019.

One thing within that timing that I would want to note is the public comment period on the Public Information Document between August meeting and October meeting of this year. With our processes, as far as how many days a document must be out in order for public hearings to occur. We would need to meet a very, very strict time schedule for public hearings within a relatively short timeframe.

Just be mindful of that if the Board would want to pursue this timing of the course of action. A reminder that the SEDAR 58 assessment is scheduled for completion in September of 2019, so rather than have two potential actions back to back with possible Board action in response to the assessment results. What can be done is the amendment can be written in a way that allows some transition from the

current management regime; which if the Board were to choose in the amendment to just continue on initially, as far as the recreational side, the RHL or continue on with commercial measures that are very similar to what are in place with the current ISFMP. The amendment could be written such that a transition to some other management mechanism that there has been interest from the Board in past meetings; such as an F-based-management system or something where there is not an annual coastwide quota, something of that sort.

That could be done through an addendum process; if we were careful about how we write the amendment initially. There would be that addendum in response to any assessment results would potentially be annual meeting of next year or later. But this is kind of a possible timeline for that ASMFC amendment process.

Just recapping what we're looking for feedback from the Board on today is how will ASMFC, how will the Board request NOAA manage federal waters. What are the options that would be included in the amendment to the ISFMP? That would involve initiating that ISFMP today; contingent upon approval of the CMP FMP by the South Atlantic Council.

Sorry, one more point for consideration is also what would be requested of NOAA Fisheries to implement in the interim time period. There is a time period (between June of this year and as soon as May of next year) when we would be going through our amendment process. But the South Atlantic Council will have already released cobia; so what are the temporary measures that the Board would desire to be in place in that interim? Those would be requested of NOAA Fisheries for implementation.

CHAIRMAN GEER: Gregg Waugh.

MR. WAUGH: From the South Atlantic Council's perspective, I would like to express our appreciation for your continued cooperation in working through this. I think we're going to

have to get Mike a spot in our office in Charleston; he is spending so much time down there. But just to update you.

When we tried to approve this at our March meeting, there was a question about the stock ID; and some NOAA GC raised some legal deficiencies, in terms of what was going to happen in federal waters. The stock ID issue has been resolved; that is not changing. The Gulf Council has now adopted the preferred alternative of transferring management of the Atlantic group; so they're onboard with the same alternative.

Bob participated on a conference call there and heard some of those same concerns. The two Councils are on schedule to approve this amendment in June; the South Atlantic June 10 through the 15, and then the Gulf the following week. Our intention should the two Council's approve that is to get that document to the agency for review sometime in August; is sort of the target timing. The legal questions I just wanted to touch on them just briefly. There was a question about what would happen in federal waters.

What would be helpful for us to address that is to get an indication from you all that you are beginning an amendment; as Mike outlined, to the Interjurisdictional Cobia FMP. If we had that information for our June meeting that would be very helpful. The Regional Administrator in his letter has indicated that he's ready to concurrently implement the removal of regulations from our cobia FMP and then through ACFIMA to implement whatever regulations you all request. To the extent that you're comfortable at this meeting, giving some indication of whether you would like to see the current regulations continue in federal waters in the interim; that would certainly help calm some concerns of some of our members. Again, just thanks for addressing this quickly. I know you have a full agenda. We appreciate your continued help.

CHAIRMAN GEER: Lynn.

MS. FEGLEY: This is just a clarification for myself. The federal regulations we're speaking of are only in the interim, correct, while we're in that transition period? Once you're released and we're adopted that is no longer an issue or is it?

DR. SCHMIDTKE: There would need to be some recommendation from the Board to NOAA for regulations that would be put in place when the Council releases cobia; when Amendment 31 goes through. There would need to be some recommended measures there. Now if the Board wanted to keep those measures going into the future, then those would just be included in the amendment to the ISFMP; into the Commission's amendment.

But there would need to be something in place to recommend to NOAA Fisheries; because there is that time period where we don't have anything in writing in place, and the Council has then released their management authority.

CHAIRMAN GEER: Doug Haymans and then Chris Batsavage.

MR. DOUG HAYMANS: That would be an extension of state regulations into federal waters that the Commission would be approving basically; because multiple states have different regulations, correct?

DR. SCHMIDTKE: It could be that. That is one of the options that could be brought forth; or the Board could elect some other option that is in place, if they wanted to take say the coastwide measures and keep those into the federal waters, or something of that sort. That is what we're looking for some guidance on.

CHAIRMAN GEER: I have Chris then Gregg.

MR. BATSAVAGE: I guess to start off the discussion on potential interim measures. I would recommend coastwide commercial measures that are currently in place in both FMPs; and then for recreational measures I

require anglers to comply with the state they plan to land their fish.

CHAIRMAN GEER: Okay I have Gregg.

MR. WAUGH: Chris covered the majority of what I was going to mention. I think in term of any season that would be covered by landing consistent with the state regulations in which you're landing as well.

CHAIRMAN GEER: Jack McGovern and then Mel Bell.

DR. JACK MCGOVERN: To Doug's point. There wouldn't be an extension of state regulations into federal waters necessarily. That would be one option like Mike said. But what has been recommended, and I think Mike stated this, by our attorneys, is that when Atlantic cobia is removed from the Coastal Migratory Pelagics FMP, at the same time in the same rule, regulations would be put into place through the authority of the Atlantic Coastal Act. That would be different from what you're saying, I think.

CHAIRMAN GEER: Okay Mel.

MR. MEL BELL: I have a slightly different take; in terms of the recreational regulations as they apply to the state in which landed. We have an issue in that South Carolina is perhaps a little more restrictive than our neighbors to the south and north; related to the recreational boat limit. We're one fish per person, but a three fish boat limit.

What this sets up if we go that route, and we know this occurs, is that we get folks fishing out of Savannah, Georgia up on our artificial reefs, returning to Savannah, Georgia. While they're mixed with our folks out there that are coming in and out of South Carolina ports. You could potentially set up a situation; which we would like to avoid, where folks coming from a state that is less restrictive can have six fish in the boat, because that's what their state allows.

Whereas my fishermen are held to three fish in the boat, and it's their federal waters, their artificial reef that they paid for and all. What I would prefer to see is a requirement that you adopt the most; if the waters you're in, if those waters are more restrictive then it's the waters you're fishing in. I realize from an enforcement standpoint that involves on the water intercept type enforcement.

But I could see this happening where the Betsy Ross Reef for instance, which is a real popular reef that is fished by our southern Beaufort County fishermen, as well as folks from Georgia. You could have people being held to a different standard out there on the water. Then of course depending on where your boat is registered, or where you're going with the fish. The where you're land them aspect, I would prefer it to be allow the state to actually extend its regulation out into federal waters, and enforce that in federal waters.

CHAIRMAN GEER: Toni.

MS. KERNS: Mel, we do like for example we sort of do this in summer flounder, although it will be a little bit different on how we promulgate the regulations; because it will be under ACFCMA. But for federal waters you can't extend your state waters. If the reef is in federal waters then it is still the home state that you're going to; whatever is the more restrictive of the two measures.

If a Georgia vessel is fishing in federal waters, it can fish under the Georgia rules; and then it goes home to Georgia. If a South Carolina vessel is out there then it fishes under the South Carolina, goes home to that. I don't think we have the authority to extend your state waters into federal waters; and then put that on another state's fishermen, because there is no boundary line in which those state edges go out into federal waters. I do have a follow up question for Jack though. I thought in Roy's letter, one of the options was, it was either that we would ask NOAA to continue the current federal regulations in federal waters until such

time we made a request to NOAA to make changes, or that we could extend the current state water recreational regulations into federal waters. Are both options available or is it just the first option in this sort of interim period?

DR. McGOVERN: I'm looking at the letter here. I think the two options were one was where the Commission could just recommend that there be a federal season; and just say it's like from May to October or something, or that where it's landed the fishermen could just abide by the season where the fish are landed. But I think both options are available.

CHAIRMAN GEER: Doug Haymans and then Chris.

MR. HAYMANS: Yes, I'll start it with a point to Jack. Then I wanted to agree with Mel, and now it's all three. Which one do I want to tackle first? I guess Jack; my point in the question earlier about extending state regulations out in federal waters was because we have a different regulation than North Carolina does.

If we go with the Council's regulation in federal waters, I'm fine because I match the Council. But if we do away with Council regulation and we just are working off of state regulations, then which one are we going to go by? That's why I think agreeing with Mel, we need to have the state regulations extending out in the federal waters.

The biggest question to me though that came from the Council meeting last time to the enforceability question was can our LE guys enforce a rule in South Carolina in the federal waters off of South Carolina? You know I'm looking at well everybody's got a JEA Agreement, they should be able to.

They shouldn't just have to enforce Georgia regulations, because they're a Georgia LE guy. They've all got these JEA agreements to allow them to enforce regulations in federal waters. I don't know that we've answered that question. But I think we need a firm answer to that one.

Then to whoever's point over here about commercial being the same.

Well, I took the extra step of making commercial a little more restrictive in Georgia. I held the commercial guys to a 36 inch limit rather than the 33; I think is what we've got in federal. Now I'm in a bind with that one if we don't do the same thing with commercial that we do with recreational. That's a blot.

CHAIRMAN GEER: Chris and then Mel.

MR. BATSAVAGE: It wouldn't be a cobia meeting without getting very complicated. I appreciate the concerns that Doug and Mel have. What Mel highlighted as a potential issue I think happens all the time with summer flounder; where you have close Border States fishing common waters, and a person in State A can land a smaller fish than the person in State B, even though they're fishing right next to each other. I mean if we could extend state measures out to federal waters, I think it would solve a lot of that. I'm having a hard time figuring out how that would work; especially based on Toni's comments and how enforcement would handle it. The reason I made the suggestion that I did was to try to avoid a different set of measures in federal waters versus state waters.

That creates some issues for our enforcement officers; and it creates a lot of confusion for the anglers, as far as what they can and can't do in federal waters compared to coming back into North Carolina. That's where the suggestion of the anglers are held to whatever state they are planning to return to would take care of some of those issues.

Based on just what Doug and Mel said that sounds like it's a little more complicated to the south of us; based on some of the extra steps their states have taken for their commercial and recreational fisheries. I'm just kind of struggling to see a way out; as far as something that will satisfy everyone at this time.

CHAIRMAN GEER: Mel, I'm sorry.

MR. BELL: No that's okay. I followed what Toni was saying; but I think there are lines that are drawn out, which are extensions of the state lines out into federal waters, for purposes of whether you're having discussions about things going on with BOEM or other issues. There are legally defined lines; and they can relate to fisheries as well.

It's a matter of how can we, if the states are indeed going to be kind of responsible for managing a fishery in their waters and outside and in federal waters. We've got to be able to regulate that somehow. I know I'm not; I'll put Jim on the spot I guess. I know Florida deals with some issues down there related to boundaries with other folks and differing regulations and things; whether it's federal, state or Gulf Atlantic.

But they may have some experience down there. I know I've talked to Jessica about that before; about kind of how they do it down there. One of the tricks was the enforcement piece, where if our officers are offshore operating under our JEA, and they have the South Carolina regulations. That is what they would enforce.

I guess I would just go back and ask if there is any way possible we could research that legally or whatever; to figure out how we can make this happen, because any place you're going to have these differences, this is what you're going to run into. Let me also say that our approach to management of cobia, particularly in our southern waters, which was the bulk of our fisheries; is driven by things that we did over decades with that fishery.

We are trying to rebuild that distinct population segment of fish; and those fish do not recognize the three mile limit. You know we know through acoustic tracking that they go back and forth; and so our ability to help that population rebuild depends on our ability to extend our management approach into federal waters.

CHAIRMAN GEER: Toni.

MS. KERNS: Two things; one, I did try to do a little investigation to answer Doug's question about whether or not a Georgia GNR vessel or officer could give a citation to a South Carolina boat. My understanding of how the JEA seems to be changing in the states, and I don't know about each, if it's different in every state or not.

But that it's been watered down a little bit in that the state officer makes a recommendation to NOAA to put an infraction in place for something that happened in federal waters. I am not 100 percent sure if they can make that recommendation for another state's vessel or not; and we will look into that to try to figure it out. The second part to my question, I guess to Gregg, would be if we can't resolve this question of enforcement and how you want to deal with extension into federal waters.

Would the South Atlantic Council and the Gulf State's Council be satisfied with Option A.? If that doesn't work then the second Option B, which I think would just be to leave in place the current recreational federal waters regulations; until such times we make a further recommendation to NOAA Fisheries, and that would be after we finalize the amendment process, if Amendment 31 were to pass.

MR. WAUGH: I don't think we have a strong preference either way. Obviously Mel and Doug have pointed out concerns at the state level. But in terms of addressing the federal issue and the NOAA GC concerns. As long as we have an indication that you all are moving forward with an amendment, and that you're in the process of figuring out exactly what you're going to ask. If it's those two alternatives, I think that works fine for the Council's finalizing their action.

CHAIRMAN GEER: Okay I had Wilson had his hand up, and then I have Adam.

DR. LANEY: Mel used the DPS word, and Chris used the word complex, and Mike used the word future. I want to challenge the Board to think about the future; should at some point in

time we have enough genetic data to resolve whether or not there are sub stocks north of that Georgia/Florida line.

If it turns out that there are sub stocks, and I believe Mel that South Carolina, I thought had pretty much definitively shown that that Port Royal Sound population is distinct. Then you're going to have to factor that into management; and that will complicate the picture further. That is something again doesn't need to be addressed at this point in time, until the data are there.

We have graduate students at North Carolina State; Riley Gallagher and I know there is a grad student in Virginia who are out there catching cobia and taking tissue and sticking acoustic transmitters in them. Hopefully that picture will become clearer; but it could be, you know as early as two or three years from now, so I don't think it's premature to start thinking about what happens if hypothetically you wind up defining some stock substructure that you need to deal with.

CHAIRMAN GEER: I have Adam and then I have Bob.

MR. NOWASLSKY: My only desired contribution to the discussion of this species at this Board level has been to encourage us to learn from the lessons in recreational management black sea bass, summer flounder. The scenario that Mel described a few moments ago of two boats fishing next to each other in federal waters, being held to very different regulations, is exactly what got people around the table for the Policy Board discussion today.

Any one of you can, from the southern states, can be the next Massachusetts representative to present an appeal when we get to that point. I think it can work; where the way the summer flounder plan is set up is there are a set of backstop measures in federal waters. But vessels are constrained to where they land.

The problem is enforcement cannot make a decision five or six miles off the beach where they're going to land. We have vessels with registrations in one state that either come or go from a port in a different state to take advantage of those regulations, or in some cases leave from one port return to another, so that they could take advantage of the regulations.

What we have learned, and the direction we're trying to go as a Board is to try to keep those regulations as close as possible in the separate states; if that is the route you wind up going. Having regulations or size limits are three, four inches separate from each other is going to be a problem. Bag limits double what they are, going to be a problem. But if you go that route, it can work; you just have to be committed to working together to keep those regulations as similar as possible.

CHAIRMAN GEER: Thank you, Adam, for that perspective. We appreciate that. I have Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I like Adam would like to keep appeals to a minimum; if at all possible. I just want to talk about urgency for a second. This Board has promised the South Atlantic Council's description of our intention in moving forward. Hopefully we can do that before their June meeting.

But as far as urgency goes about establishing the exact regulations that we're going to ask for, we may have a little bit more time, because even if both Council's approve Amendment 31 in June. That doesn't mean they are out of the game. You know that doesn't mean the federal regulations are dissolved at that point.

There has to be a, I think Jack, a nine month or so process to change that management; to remove the Atlantic stock from the federal plan, and migrate over to ASMFC plan under ACFCMA, et cetera. There is some time after the Council approves the plan that the current regulations are going to continue on until they don't.

There has to be a conscious decision to change those. If we need more time during that transition, I think we can work with the federal government to figure out the details. It's suggesting to do a little research if we need to. But if you look at the letter, Roy Crabtree's letter that is in supplemental material, they seem to be recognizing or he seems to be recognizing some of the concerns that are around the table. He is talking about size limit in the letter; but then he says "to accommodate a state's larger size limit, federal regulations could require recreational harvesters to comply with more restrictive state regulations, in any state where the fish are landed." They are acknowledging that you can implement through federal regulation a requirement to have recreational vessels be bound by the more restrictive measure from the state they're coming from. It doesn't always solve this boat fishing next to each other; but it does recognize that the federal regulations can require vessels to be bound by the more restrictive rule from their home state.

CHAIRMAN GEER: Any other comments? I see people getting their bags ready. Do we have to make a decision today on this?

EXECUTIVE DIRECTOR BEAL: I think the clearer signal we can send to the South Atlantic Council the better. I think Gregg is shaking his head back there. He may have some advice on that but I think the more we can do today, would be better.

MR. WAUGH: Yes, I don't think you have to have all the details nailed down. But if we have an indication that yes you all intend to amend your plan; and yes you intend to craft some recommendations on what federal regulations you want continued in federal waters. I think that would be a big help to both councils; to finalize the amendment in June.

DR. SCHMIDTKE: One thing to keep in mind is that if the Board initiates an amendment today, within our amendment process we do have a

Public Information Document that goes out, public comment period on it. That is where we would spell out different options. We would get public input on different options for managing. That's built into the amendment process. Initiating an amendment today doesn't mean that we have to know where the amendment ends up at the end.

CHAIRMAN GEER: Doug.

MR. HAYMANS: How much in the way of specifics do you need; with regard to that amendment or simply a motion to initiate an amendment, all that's required?

CHAIRMAN GEER: I think that's it.

DR. SCHMIDTKE: Yes I think that just initiating the amendment, and then certainly we would hope that Board members would communicate with their state TC members and members of the Plan Development Team as that amendment is constructed; so that the guidance can happen throughout that process.

CHAIRMAN GEER: Mr. Haymans.

MR. HAYMANS: Mr. Chairman, I would move that the Atlantic States Marine Fisheries, whatever this is, the Commission initiate an amendment for cobia. I knew somebody was going to be ahead of me. **Mr. Chairman, I would move to initiate an amendment to reflect the removal of Atlantic cobia from the joint South Atlantic Fishery Management Council and Gulf of Mexico Fishery Management Council Coastal Migratory Pelagics Fishery Management Plan and to establish recommendations for measures in federal waters.**

CHAIRMAN GEER: I see seconded by several people. I'll say Malcolm Rhodes. Doug, I must admit that was quite impressive on the fly; discussion, Mel Bell.

MR. BELL: We're onboard with moving forward with this. I just wanted to make sure I got on

the record what our concerns are; because they are no small concerns for us. Also, my colleagues on the South Atlantic Council have heard this spiel before; but I would just say that we learned a valuable lesson about cobia in South Carolina, from having an extremely vibrant fishery, which involved heavy fishing on fish that were spawning on a predictable basis every year.

We fished and we fished and we fished on that; which ended up being through our genetics work, a distinct population segment. Then we watched it crash. It's a classic example I think of hyper stability, the illusion of plenty. But our fishermen because of that they're the ones that are insisting on this more conservative approach; this more restrictive approach.

Our fishermen are, because they know what we all contributed to, what they contributed to. That's why we may be a little bit more restrictive than our neighbors to the north and south. But we learned from that experience; and I would just as some others were pointing out, just as we look forward to the future here.

If you look at the fisheries that are involved off of our various states, I believe the peak pressure on these resources, the peak landings tend to occur during the peak time of spawning. It may be that we're all doing this to some degree. Now we were working in a system of fairly confined Sounds and Bays where we could put a tremendous amount of pressure on these fish.

If you scale up to the size of the Chesapeake Bay or pick a different body of water, it doesn't mean you can't do the same thing. I'm not saying that's what is going to happen, but I'm just providing from South Carolina's experience, a precautionary note as we move forward with cobia.

If you continually fish a stock of fish during their spawning time, while they're aggregated, you've just got to be careful. That's why we're insisting and our fishermen are insisting on this

approach; because they are very repentant. They are trying to make amends. They are trying to rebuild the stock; because they like would like the fishery to return to some level inside our state waters. We've taken a much, for instance right now in our state waters in the southern cobia management zone there is no retention during the month of May.

The month of May was our peak landings period. We closed down our peak landings period; because we were that concerned, and the fishermen did it. We are a legislative state. The fishermen took it to the legislature. The legislature decided to do this; so it wasn't an act of our Board or an act of the Department. As I mentioned, I've said the same sort of thing in front of the Council; but I just wanted to get that on the record.

CHAIRMAN GEER: Thank you very much, Mel. Bob.

EXECUTIVE DIRECTOR BEAL: Just a quick question for the Board. Is everyone comfortable with us saying that in the interim between, you know after the Council has voted to remove cobia from their FMP, and the finalization of our amendment that we request that NOAA Fisheries maintain the current suite of federal regulations. Is everyone comfortable saying that in the interim?

That provides some backstop so the federal waters aren't a free-for-all. I think the federal government; I believe can either extend their timeline to remove the species from the federal plan, which would maintain the current provisions in federal waters. Are folks comfortable saying that or do we want to ask for something different in this interim period?

CHAIRMAN GEER: Doug.

MR. HAYMANS: Georgia is comfortable.

CHAIRMAN GEER: Chris.

MR. BATSAVAGE: A question for Bob. Basically what's in place under the current federal cobia plan would stay in place until our amendment is finalized. Is that what you're asking?

EXECUTIVE DIRECTOR BEAL: Yes, with the understanding that ASMFC is going to move as briskly as possible to come up with their plan; and you know accommodate the concerns that Doug and Mel have raised.

CHAIRMAN GEER: Chris.

MR. BATSAVAGE: Does it address our immediate concerns? We're also taking care of some issues with this potential loophole in our existing rulemaking that may solve some of that in the meantime. But I think considering that we can't really come up with a reasonable solution in the interim, as far as what will satisfy our state versus what will satisfy the states of the south. I think that may be the only option to do right now.

CHAIRMAN GEER: Mel, do you want to chime in?

MR. BELL: Our approach was to basically maintain in waters outside the southern cobia management zone, was to maintain the current federal, what's in place federally. In fact we have a bill which is supposedly on the house floor today; to basically adopt the current federal regulations and codify them in state law; because we adopt the current federal regulations by reference now. But if at some point they went away, we would potentially have a gap. Yes, for the interim and then next several years we're fine with holding what we've got; in terms of the federal regulations.

CHAIRMAN GEER: Do any of the Mid-Atlantic States want to chime in or comment on that? Hearing none; all right Bob, does that answer your question?

EXECUTIVE DIRECTOR BEAL: Yes, I think that's helpful and hopefully that helps the Council

understand what ASMFC might do in the interim while we wrap up our plan.

CHAIRMAN GEER: All right so we have a motion on the floor, any more discussion on this motion? I'm sorry. All right let me read the motion. **Move to initiate an amendment to reflect the removal of Atlantic cobia from the joint South Atlantic Fishery Management Council and Gulf of Mexico Fishery Management Council Coastal Migratory Pelagics Fishery Management Plan and establish recommendations for measures in federal waters.**

Motion by Mr. Haymans and second by Dr. Rhodes, is there any opposition to this motion, any abstentions, any null votes? Hearing none; the motion is approved. Okay, safe travels, Doug. Is there any other discussion on this topic? Okay, Mike thank you very much. You did a great job today doing all these things.

OTHER BUSINESS

CHAIRMAN GEER: We have Other Business. We have one item under business. Chris wanted to bring up something about mackerel in North Carolina. Chris, you have the floor.

MR. BATSAVAGE: I'll make this quick, because I don't want to get stuck in rush hour traffic any more than anyone else. As you recall, Addendum I to the Spanish Mackerel Fishery Management Plan for ASMFC allows for a seasonal exemption from the 12 inch minimum size limit for the pound net fishery from the months of July through September. This is something that we've taken advantage of over the last, I think four or five years now.

Last year we came to the Board to ask if we could submit our information to do this again through an e-mail vote, and we would like to ask that again. We have just finalized the information for this exemption; just due to the timing of the landings data and the biological data that we need. It's kind of getting progressively tougher for us to get stuff out in

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May 2018

advance of the May meeting. I am basically here to ask if the Board is okay with us submitting our proposal again for 2018, and have it approved via e-mail vote by the Board.

CHAIRMAN GEER: One question, do you know when you would be submitting that request?

MR. BATSAVAGE: I think we could submit that by next week.

CHAIRMAN GEER: Okay. Is there any objection to that? It's become pretty standard the last few years to do this. Hearing no objections; consider it approved.

ADJOURNMENT

CHAIRMAN GEER: Is there any other business before the Board? Hearing none; meeting is adjourned. Safe travels everybody.

(Whereupon the meeting adjourned at 2:00 o'clock p.m. on May 3, 2018)



**SEDAR 58
Atlantic Cobia
Assessment Schedule of Events**

Terminal Year = 2017

Revised: July 3, 2018

Schedule & ToRs Approved	June 2018
Workshop Appointments	June 2018
Final Stock ID Resolution.....	August 2018
Data Scoping Webinar (DW Panel).....	week of Aug 27 th , 2018
Unprocessed Data Deadline (includes raw age and reproduction data)	Sept 14, 2016
Data Webinar (DW Panel).....	week of Oct 22 nd , 2018
• Status update from WG/data providers	
• Review summary statistics	
• Discuss issues where panel feedback needed to prep for DW	
DW Working Paper/Processed Data Submission to SEDAR Staff.....	December 21, 2018
Pre-DW Conference Call (DW Working Group Chairs).....	week of Jan 7 th , 2019
Data Evaluation Workshop (Charleston, SC).....	Jan 14-18, 2019
1 st Draft of Data Evaluation Workshop Report.....	Jan 18, 2019 (end of workshop)
Post data workshop webinar (DW Panel, if necessary)	week of Jan 21 st , 2019
FINAL Data due to data compilers	Jan 25, 2019
Draft DW Reports to DW panel for review & final working papers to SEDAR.....	Feb 1, 2019
Report Comments due to Editors.....	Feb 8, 2019
Final DW report sections due to SEDAR & final age/length comps	Feb 15, 2019
Data workshop report distribution	Feb 22, 2019

****See SEDAR58_DataTimeline document for more detailed data timeline.****

Pre-Assessment webinar (DW and AW Panels).....	week of March 11 th , 2019
• Discuss any remaining data issues and/or pre-modeling questions	
Assessment Milestone I webinar.....	week of April 8 th , 2019
• Consider methods and configuration options for models	
• Recommend assessment methods (i.e. model types) to pursue for potential base model configuration	
• Identify likely issues to be addressed and evaluated in developing the base model	
Assessment Milestone II webinar	week of May 6 th , 2019
• Continue work on model development	
AW working paper submission deadline	May 13, 2019
Distribution of potential model documentation.....	May 13, 2019
Assessment Milestone III Webinar	week of June 3 rd , 2019
• Review base model alternatives and recommend a base model approach and configuration	

- *Recommend sensitivities and uncertainty evaluations*

Assessment Milestone IV webinar..... *week of June 24th, 2019*

- *Review continuity, sensitivities and uncertainty evaluations*
- *Recommend projection approaches and configuration*

Assessment Milestone V webinar *week of July 15th, 2019*

- *Review projection results*
- *Review Assessment report and responses to ToRs*

Assessment Report Draft to panel for review Aug 9, 2019

AW report comments due to analysts Aug 19, 2019

Final Assessment Report to SEDAR staff Aug 22, 2019

RW Working Paper Submission Aug 26, 2019

Final AW Report distribution Aug 26, 2019

Pre-RW Conference Call (Analytical team, RW Chair)..... week of Sept 7th, 2019

RW Panel Introductory Conference Call (RW Panel, Chair)..... week of Sept 7th, 2019

Review Workshop: (Atlantic Beach, NC)Sept 10-12, 2019

Draft Review Reports due to Chair.....Sept 27, 2019

Review Workshop Addenda/Revision Reports due to Chair and SEDAR Oct 4, 2019

Review Workshop Reports due to SEDAR Staff..... Oct 11, 2019

Complete Assessment Report Submitted to Councils/SERO/SEFSC..... Oct 16, 2019



Atlantic States Marine Fisheries Commission

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MEMORANDUM

July 20, 2018

To: South Atlantic State/Federal Fisheries Management Board
From: Cobia Technical Committee
Subject: Report on Board Task to Evaluate Recreational Landings

At the February 2018 meeting, the South Atlantic State/Federal Fisheries Management Board (Board) tasked the Cobia Technical Committee (TC) with the following motion:

Move to recommend that the TC evaluate state specific management options in pounds and numbers of fish, and to provide directions to use alternative techniques such as in the black sea bass fishery. Evaluate the best method (i.e. pounds or numbers of fish) by which to determine the harvest impact of the management measures.

Motion by M. Duval and seconded by J. Estes.

To accomplish this task, the TC met three times via conference call and carried on discussions between calls via email.

The first call was to plan an initial course of action for accomplishing this task and ended with the conclusion that in order for the TC to evaluate methods to determine harvest impact, they first needed clarification on the sampling and estimation methods used by the Marine Recreational Information Program (MRIP) to derive recreational landings estimates for cobia. A letter was sent from the Commission to Dr. Dave Van Voorhees, Chief of the NOAA Fisheries' Fisheries Statistics Division, requesting a call where staff who work on MRIP could address some questions from the TC.

The second call included, in addition to the TC, Dr. Van Voorhees, John Foster (NOAA Fisheries Recreational Fisheries Statistics Branch Chief), and Richard Cody (Florida Fish and Wildlife Conservation Commission and MRIP Operations Team). The TC received answers to several questions pertaining to topics such as site weighting, handling of outliers, the calculation of effort, and how estimates are made for "pulse" fisheries such as cobia.

Following this call, the TC met to discuss conclusions from the call with MRIP staff and whether any additional work was needed to accomplish the Board's task. The TC developed the following statement recommending use of MRIP data in Atlantic cobia management:

M18-069

The TC recommends managing based on the numbers of fish due to much lower variance with these estimates than those for weight. The TC, after consultation with MRIP staff, has concluded that the anomalously high years of landings in 2015 and 2016 are not the result of any violations to the MRIP survey design; therefore we find no justification for smoothing these numbers. However, high variability in the landings estimates for cobia specifically is probably the result of the implementation of the survey for such a rarely intercepted species. Thus, in the future the TC recommends consideration of alternative sources of data, such as those that would be collected through a biological monitoring program (e.g. length, age, sex, weight), to provide context when making management decisions based on MRIP landings estimates.

This is a draft document for Board review only. It is not intended for public comment.

Atlantic States Marine Fisheries Commission

PUBLIC INFORMATION DOCUMENT

For Draft Amendment I to the Interstate Fishery Management Plan for Cobia



August 2018

Vision: Sustainably Managing Atlantic Coastal Fisheries

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

This is a draft document for Board review only. It is not intended for public comment.

The Atlantic States Marine Fisheries Commission seeks your input on the initiation of Amendment 1 to the Interstate Cobia Fishery Management Plan

The public is encouraged to submit comments regarding this document during the public comment period. Comments must be received by **5:00 PM (EST) on Month Day, 201X**. Regardless of when they were sent, comments received after that time will not be included in the official record. The South Atlantic State/Federal Fishery Management Board will consider public comment on this document when developing the first draft of Amendment 1 to the Fishery Management Plan.

You may submit public comment in one or more of the following ways:

1. Attend public hearings held in your state or jurisdiction, if applicable.
2. Refer comments to your state's members on the South Atlantic State/Federal Fishery Management Board or South Atlantic Advisory Panel, if applicable.
3. Mail, fax, or email written comments to the following address:

Dr. Michael Schmidtke
Fishery Management Plan Coordinator
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200A-N
Arlington, Virginia 22201
Fax: (703) 842-0741
mschmidtke@asmfc.org (subject line: Cobia Amendment PID)

If you have any questions, please call Dr. Michael Schmidtke at 703-842-0740.

This is a draft document for Board review only. It is not intended for public comment.

***YOUR
COMMENTS
ARE INVITED***

The Atlantic States Marine Fisheries Commission (Commission) is developing an Amendment to the Interstate Fishery Management Plan (FMP) for Atlantic Migratory Group Cobia (Atlantic cobia). The Commission, under the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA), is charged with developing FMPs that are based on the best available science and promote the conservation of the Atlantic stock throughout its range, from Georgia through New York¹. The states of New Jersey through Florida, the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries), the United States Fish and Wildlife Service (USFWS), and the South Atlantic Fishery Management Council (SAFMC) participate in the management of Atlantic cobia via the Commission's South Atlantic State/Federal Fisheries Management Board (Board).

This is your opportunity to inform the Commission about changes observed in the fishery, actions you feel should or should not be taken in terms of management, regulation, enforcement, or research, and any other concerns you have about the resource or the fishery, as well as the reasons for your concerns.

***WHY IS THE
ASMFC
PROPOSING
THIS ACTION?***

At its May 2018 meeting, the Board initiated the development of Amendment 1 to the interstate Cobia FMP to reflect the removal of Atlantic cobia from the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region (CMP FMP) and establish recommendations for measures in federal waters, i.e. the Exclusive Economic Zone (EEZ; 3-200 miles from the shore).

In June 2018, the SAFMC and Gulf of Mexico Fishery Management Council (GMFMC) approved Regulatory Amendment 31 to the CMP FMP, which would remove Atlantic cobia from the CMP FMP (SAFMC, 2018a). This means that, pending approval by the Secretary of Commerce, the SAFMC will no longer manage Atlantic cobia, and the Commission will have sole management authority. The SAFMC is the management body that previously recommended the annual catch limit (ACL) and other measures used by NOAA Fisheries to manage federal waters. Additionally, the Recreational Harvest Limit (RHL) from the interstate FMP is currently dependent on the federal ACL, and state commercial fisheries are required to close if a federal closure occurs due to the commercial ACL being met. To accommodate the SAFMC's action to remove Atlantic cobia from the CMP FMP, the Commission will establish a mechanism for recommending management measures to NOAA Fisheries for implementation in federal waters through authority and process defined in the ACFCMA.

¹ Cobia caught along the east coast of Florida are part of the Gulf of Mexico Migratory Group, which is managed by the South Atlantic Fishery Management Council in cooperation with the Gulf of Mexico Fishery Management Council.

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The Commission would also like to explore mechanisms for a harvest specification process. A harvest specification process, in general terms, would allow the Board to periodically (over an annual or multi-year time period) set management measures from a range of approaches defined in Amendment 1. This would ideally provide increased flexibility for states to establish or revise management measures in response to certain changes in the fishery or stock status without needing to alter the interstate FMP through an addendum or amendment process.

WHAT IS THE PROCESS FOR DEVELOPING AN AMENDMENT?

The publication of this document and announcement of the Commission’s intent to amend the existing interstate FMP for Atlantic cobia is the first step of the formal amendment process. Following the initial phase of information gathering and public comment, triggered by this Public Information Document (PID), the Commission will evaluate potential management alternatives and the impacts of those alternatives. The Board will also seek to narrow the number of proposed management options, especially for measures that would be recommended for implementation in federal waters. The Commission will then develop Draft Amendment 1, incorporating the identified management options, for public review and comment. Following consideration of public comment, the Commission will specify the management measures to be included in Amendment 1, as well as a timeline for implementation. In addition to issues identified in this PID, the Draft Amendment may include other issues identified during the public comment period for this PID.

The process and current timeline for completion of Amendment 1 is as follows:

Step	Anticipated Date
Approval of Draft PID by the Board <i>Current step</i>	Aug 2018
Public review and comment on PID	Aug – Oct 2018
Board review of public comment; Board direction on what to include in Draft Amendment 1	Oct 2018
Preparation of Draft Amendment 1	Oct 2018 – May 2019
Review and approval of Draft Amendment 1 by Board for public comment	May 2019
Public review and comment on Draft Amendment 1	May – Aug 2019
Board review of public comment on Draft Amendment 1	Aug 2019
Review and approval of the final Amendment 1 by the Board, Policy Board and Commission	Aug 2019

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WHAT IS THE PURPOSE OF THIS DOCUMENT?

The purpose of this document is to inform the public of the Commission’s intent to gather information concerning Atlantic cobia and to provide an opportunity for the public to identify major issues and alternatives relative to the management of this species. Input received at the start of the amendment development process can have a major influence on the final outcome of the amendment. This document is intended to solicit observations and suggestions from fishermen, the public, and other interested parties, as well as any supporting documentation and additional data sources.

To facilitate public input, this document provides a broad overview of the issues already identified for consideration in the amendment; background information on the Atlantic cobia population, fisheries, and management; and a series of questions for the public to consider about the management of the species. In general, the primary question on which the Commission is seeking public comment is: **“How would you like management of the Atlantic cobia fishery to look in the future?”**

WHAT ISSUES WILL BE ADDRESSED?

The primary issues considered in this PID are:

- Recommended Management for Federal Waters
- Harvest Specification Process
- Biological Monitoring

ISSUE 1: Recommended Management for Federal Waters

Background: The interstate FMP, approved in November 2017, was the Commission’s first involvement in Atlantic cobia management (ASMFC, 2017). The interstate FMP initially established management measures designed to complement those of the CMP FMP. However, during the development of the interstate FMP, the SAFMC initiated Amendment 31, which removes Atlantic cobia from the CMP FMP. Amendment 31 was passed by the SAFMC and GMFMC in June 2018 (SAFMC, 2018a) and currently awaits final approval by the Secretary of Commerce.

Several measures in the interstate FMP were designed to match measures from the CMP FMP or included language that directly connects the two FMPs. For example, the interstate FMP’s RHL is “set equivalent to 99% of and monitored concurrently with the recreational allocation of the federal ACL”. In addition, “should the coastwide [commercial] ACL be met, a coastwide commercial closure will occur” (ASMFC, 2017). The removal of Atlantic cobia from the CMP FMP means that the SAFMC will no longer recommend a federal ACL for approval by NOAA Fisheries. Thus, the Commission must amend these and other portions of the interstate FMP to allow for future management of Atlantic cobia in the absence of a federal FMP.

In instances when there is a commission FMP for a species but no federal FMP, federal regulations for that species can be promulgated by NOAA Fisheries.

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Specifically, the Commission recommends compatible management measures for commercial and recreational fishing in federal waters, as authorized by the ACFCMA (Sec. 5103). These measures may include those currently in the interstate FMP, such as minimum size, bag or possession, vessel limits, and annual harvest limits in pounds, but other management structures (as data permits), such as harvest limits in numbers of fish or management without annual harvest limits, could also be investigated for consideration.

Public Comment Questions:

- What types of regulations should the Commission recommend be implemented into federal waters, e.g. quota, bag limits, seasons, size limits?
- Should vessels fishing in federal waters be subject to cobia regulations of their state of landing, or
 - Should state jurisdictional boundaries be extended by latitude to apply federal regulations in sectioned areas of federal waters, or
 - Should a separate set of regulations be developed specifically for fishing in federal waters, or
 - Should the Commission consider some other strategy?

**ISSUE 2:
Harvest
Specification
Process**

Background: With the Commission assuming sole management authority for Atlantic cobia, the Board has also expressed a desire to consider alternative management strategies to those currently in place. Additionally, a stock assessment (SEDAR 58) is scheduled for completion shortly after the Board's consideration of Amendment 1 for final approval. A harvest specification process that includes several management options would maximize the Board's flexibility to react to the results of SEDAR 58 and future assessments or changes in the fishery in a timely manner. Ideally, this process would define measures that could be periodically considered for implementation through Board approval. Additionally, it could specify potential management responses if the stock were determined by an assessment to be overfished (where the population is too small to support a reference level of harvest) or experiencing overfishing (removal of fish faster than they are replaced through reproduction).

Several management strategies, some used in current management of Atlantic cobia, could be redefined or introduced for future consideration in the harvest specification process, including:

- Management through coastwide or state size, bag, or possession limits, seasons, or other limits
- Establishment and allocation of a Commission-defined coastwide harvest limit to recreational and commercial sectors
 - Allocation of coastwide recreational and commercial harvest limits to states or regions

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- Management without a coastwide limit on harvest, such as fishing mortality-based management in which measures based on a target fishing mortality rate are set following an assessment and are left unchanged until the next assessment shows whether these measures resulted in a population increase or decrease; after which measures may be adjusted.
- Setting commercial and recreational management measures for one or multiple years
- Evaluation of recreational landings in numbers of fish rather than pounds
- Consideration of alternative data sources, such as state sampling programs, for evaluating stock health and management between assessments

Public Comment Questions:

For Both Commercial and Recreational Fisheries

- If a coastwide limit continues to be considered, how should it be set?
 - How should it be allocated?
 - To the commercial and recreational sectors?
 - To the states?
- What options should be considered if the stock status is overfished or overfishing is occurring or if harvest limits/quotas/targets are exceeded?
- Should management regimes without coastwide harvest limits be considered? If so, what could those look like?

For the Recreational Fishery

- What recreational management options should be allowed for consideration in the specification process?
- Should the current 3-year time period for evaluating recreational harvests against management targets be reduced?
- Should recreational harvests be evaluated in numbers of fish or pounds?

For the Commercial Fishery

- What commercial management options should be allowed for consideration in the specification process?
- Should commercial measures be set to remain in place for multi-year periods?
- Should a coastwide landings permitting mechanism be established through the states for commercial harvest of Atlantic cobia in federal waters?
 - Or, should the Commission recommend that NOAA fisheries require a federal permit to harvest cobia commercially in federal waters?

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**ISSUE 3:
Biological
Monitoring**

Background: Biological monitoring programs are those that collect information such as fish length, weight, age, and sex. These attributes help describe the population structure, and by studying how they change over time, managers can make more informed regulatory decisions. For example, one of Virginia’s biological monitoring programs, the Marine Sportfish Collection Project, collects donated cobia carcasses to track characteristics of harvested fish over time. Information collected by this program was used to calculate average weights that informed Virginia’s 2018 regulations.

A critical component of biological monitoring programs, particularly those driven by citizen efforts (e.g. freezer donation programs), is having consistent participation from the fishing community. If the fishing community’s participation is only high during the beginning of a program or fluctuates considerably from year to year, the data become less reliable. However, monitoring programs also provide an opportunity for managers, stakeholders, and scientists to cooperate in data collection, communication, and management of the fishery.

Public Comment Questions:

- Should states be required by the FMP to collect biological data on cobia?
- Should the same biological monitoring requirements be required of all states or should requirements vary based on the size of the states’ fisheries (for example 1 fish length per 1,000 pounds harvested)?
- Should biological monitoring be conducted for the commercial sector, recreational sector, or both?
- What types of biological monitoring programs would you participate in? Examples include freezer donation or weigh-in stations.

**BACKGROUND
INFORMATION
ON THE MGMT
& STOCK
STATUS OF
ATLANTIC
COBIA**

Summary of Fishery Management

The Commission began coordinating interstate management of Atlantic cobia (*Rachycentron canadum*) in state waters (0-3 miles) in 2018. Management authority in federal waters lies with NOAA Fisheries. As outlined in the Commission’s Charter, fishery management plans shall be designed to prevent overfishing throughout the species’ range, be based on the best available science, minimize waste of fishery resources, protect fish habitat, provide for public participation, and allow for fair and equitable allocation among the states.

The Commission’s interstate Cobia FMP, approved in November 2017 (ASMFC, 2017), was developed to complement Atlantic cobia regulatory measures from Framework Amendment 4 to the SAFMC’s CMP FMP (SAFMC, 2016). Specific measures established by the interstate FMP for state waters include commercial size and possession limits and adherence to the commercial allocation of the federal ACL, as well as recreational size, vessel, and bag limits and an RHL set equivalent to 99% of the recreational allocation of the federal ACL. The current commercial ACL is 50,000 pounds, and the recreational ACL is 620,000 pounds,

resulting in an RHL of 613,800 pounds (Table 1). One percent of the recreational ACL is designated to account for harvest in *de minimis* states, which are those that have historically caught minimal (less than one) percentages of the coastwide recreational Atlantic cobia harvest. Coastwide commercial size and possession limits and recreational size, vessel, and bag limits from the interstate FMP match measures from the CMP FMP, but states are able to implement more restrictive measures.

One management aspect that is unique to the interstate FMP is allocation of the RHL into state harvest targets. States that have harvested significant percentages (greater than 1% of coastwide harvest) of Atlantic cobia – currently Virginia, North Carolina, South Carolina, and Georgia – are allocated percentages of the RHL based on historical harvests (Table 1). These allocations are regarded as harvest targets, and each state must implement recreational vessel limits and seasons (as needed to achieve state targets, see Table 2), in addition to coastwide size and bag limits, to achieve their target. Harvests are evaluated against targets as an average harvest over a 3-year time period. If the 3-year average harvest exceeds a state’s target, that state is required to revise their recreational vessel limit or seasons to achieve their target in the subsequent 3-year period (ASMFC, 2017).

Under the interstate FMP, states may qualify for *de minimis* status if they harvested less than 1% of the coastwide recreational harvest in 2 of the previous 3 years. *De minimis* states may match the recreational measures of an adjacent or the nearest non-*de minimis* state or adopt a year-round 1 fish vessel limit with a minimum size of 29 inches fork length. State recreational measures used to implement the interstate FMP for the 2018 fishing year are shown in Table 2.

Table 1. Recreational harvest targets for non-*de minimis* states for the 2018 fishing year, based on a Recreational Harvest Limit of **613,800** pounds.

State	GA	SC	NC	VA
Harvest Target (pounds)	58,311	74,885	236,313	244,292

Table 2. State regulatory measures for the 2018 fishing year.

State	Recreational Measures	Commercial Measures
NJ	<i>De minimis</i> ; same as Virginia	<u>Coastwide</u> Possession Limit: 2 fish per person Minimum Size: 33 in fork length or 37 in total length Vessel Limit: 6 fish If commercial fishing in federal waters is closed, commercial fishing in state waters is also closed. <u>Deviations</u> -Virginia possession limit is per licensee rather than per person -No commercial harvest in South Carolina state waters -GA possession limit is 1 fish per person and minimum size is 36 in fork length
DE	<i>De minimis</i> ; management pending	
MD	<i>De minimis</i> ; same as Virginia	
PRFC	<i>De minimis</i> ; same as Virginia	
VA	Bag Limit: 1 fish per person Minimum Size: 40 in total length Vessel Limit: 3 fish Season: June 1-September 30	
NC	Bag Limit: 1 fish per person Minimum Size: 36 in fork length Vessel Limits/Seasons: <u>Private</u> May 1-31: 2 fish June 1-Dec 31: 1 fish <u>For-Hire</u> May 1-Dec 31: 4 fish	
SC	Bag Limit: 1 fish per person Minimum Size: 36 in fork length or 40 in total length Vessel Limits: Southern Cobia Management Zone from June 1-April 30: 3 fish Other areas: 6 fish Season: Southern Cobia Management Zone: June 1-April 30 Other Areas: Open year-round -If recreational fishing in federal waters is closed, recreational fishing in all SC state waters is also closed.	
GA	Bag Limit: 1 fish per person Minimum Size: 36 in fork length Vessel Limit: 6 fish Season: March 1-October 31	
For all instances when a bag or possession limit is not equal to the vessel limit, the more restrictive rule applies.		

***This table summarizes only those regulations that fulfill requirements of the interstate FMP. State legislative documents should be referenced for comprehensive lists of regulations.

Summary of Stock Status and Fishery

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Atlantic cobia will undergo a benchmark stock assessment in 2019 through Southeast Data, Assessment, and Review (SEDAR) 58. The most recently completed stock assessment of Atlantic cobia, SEDAR 28, determined the GA/FL border as the demarcation between the Atlantic and Gulf of Mexico stocks. A Stock Identification Workshop is currently in progress to revisit questions about the stock boundary using more recent genetic and tagging information. Preliminary conclusions of the Stock Identification Workshop identify separate Atlantic and Gulf stocks and do not disagree with the current stock boundary at the GA/FL border. Final results of this workshop, the subsequent peer review, and stock identification resolution will be available in September 2018. Preliminary reports for this process are available at: <http://sedarweb.org/sedar-58-stock-id-process>.

SEDAR 28 determined overfishing was not occurring and the stock is not overfished (SEDAR, 2013). However, information from this assessment and recent landings trends have led to concerns about future stock status. Spawning stock biomass (SSB) is a measure of the weight (from which number is easily estimated) of adult fish, capable of producing offspring for future generations. If SSB is equal to the SSB needed to produce maximum sustainable yield (SSB_{msy}), the ratio of these numbers (SSB/SSB_{msy}) would be one. A ratio greater than one indicates SSB is greater than SSB_{msy} and the stock would be expected to sustain fishing at maximum sustainable yield (MSY), while a ratio less than one would indicate the stock is not likely able to sustain fishing at MSY and could become overfished. SSB peaked in the early 1990s and, to a lesser degree, more recently in 2002 (Figure 1). However, since 2002, SSB has shown a declining trend, approaching SSB_{msy} in 2011, the terminal year of SEDAR 28. The current ACL of 670,000 pounds (including both the commercial and recreational sectors) was set as a precautionary measure in the aftermath of this assessment.

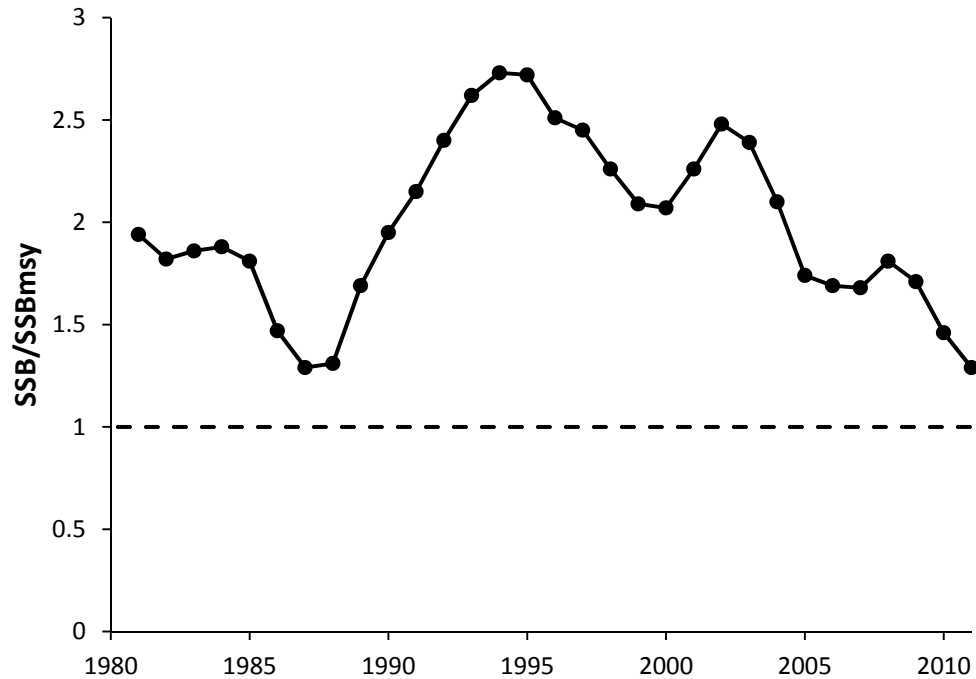


Figure 1. Cobia spawning stock biomass (SSB) relative to the MSY biomass (SSB_{msy}) reference for 1981-2011 (SEDAR, 2013).

The vast majority of Atlantic cobia harvest comes from the recreational sector, although the commercial sector has increased in more recent years (Figure 2). Total landings have generally increased since the 1980s. However, over the last 15 years, recreational landings have been highly variable without a strong positive or negative trend, while commercial landings have shown a more steady increase. More recently, concerns over management have been expressed due to fishing closures resulting from overages of the recreational ACL in two of the last three years and overages of the commercial ACL in each of the last three years. These overages and the inability of the CMP FMP to regulate catches in state waters, where the majority of the Virginia and North Carolina cobia fisheries occur, led to Commission involvement in cobia management through the interstate FMP.

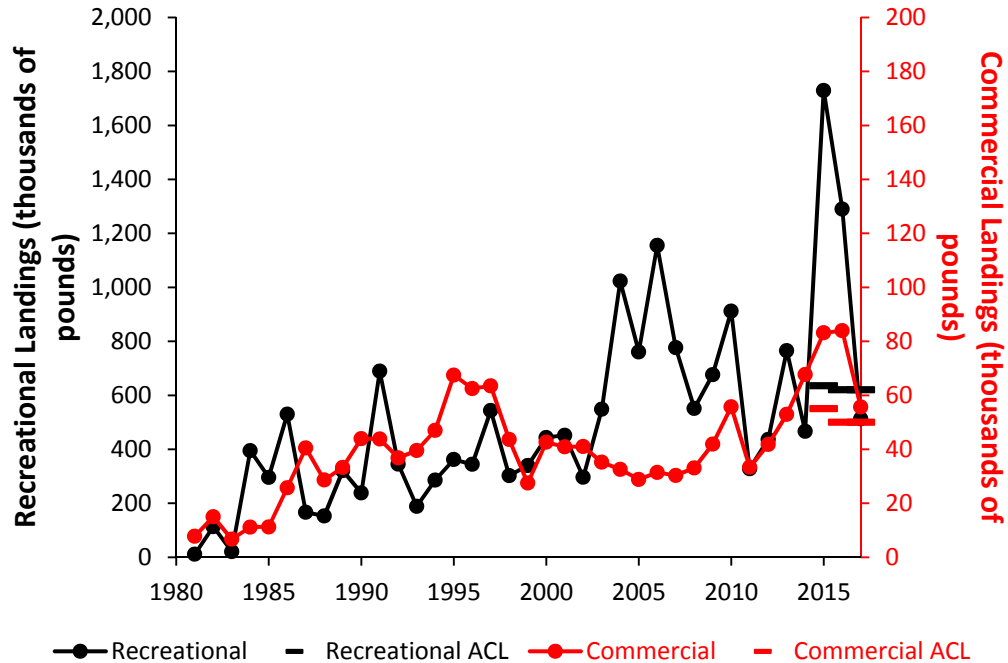


Figure 2. Recreational (black; left axis) and commercial (red; right axis) landings and recent Annual Catch Limits (ACL) for Atlantic cobia. Recreational landings were estimated using effort estimates from the Coastal Household Telephone Survey. Sources: Atlantic Coastal Cooperative Statistics Program and Marine Recreational Information Program (June, 2018).

Distribution of Atlantic cobia landings has varied for the recreational sector but remained more consistent for the commercial sector. Proportions of annual coastwide recreational harvest vary throughout the time series, with Virginia and North Carolina harvesting the majority of Atlantic cobia in most years (Figure 3). In recent years, these proportions have been substantially impacted by recreational closures in federal waters, where Georgia and South Carolina fisheries are primarily executed, while fishing continued in the state waters of North Carolina and Virginia. Commercial harvests have historically come primarily from North Carolina and Virginia (Figure 4). In South Carolina, cobia is designated as a game fish in state waters, so all commercial harvest must occur in federal waters. In the most recent years, Virginia’s commercial fishery has grown noticeably, likely because of an exemption for its hook and line fishermen, implemented in 2014, which allowed them to keep up to 6 cobia per day instead of the two-per-licensee allowed for other commercial gears. However, as a result of the interstate FMP, that exemption was removed prior to the 2018 fishing season, so Virginia commercial landings are expected to decrease.

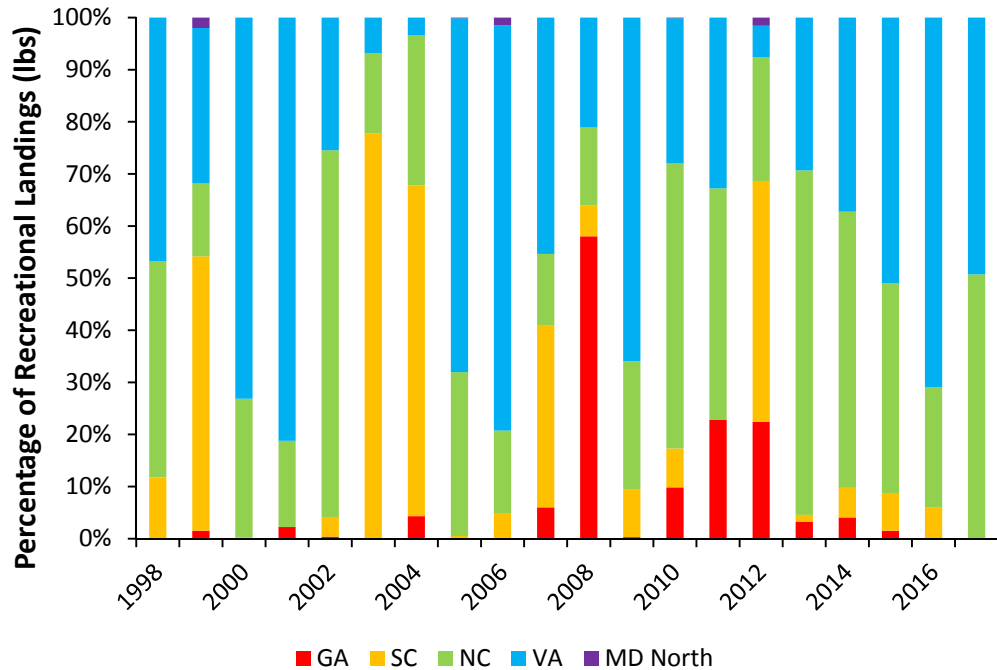


Figure 3. State/regional percentages of recreational landings of Atlantic cobia. Recreational landings were estimated using effort estimates from the Coastal Household Telephone Survey. Sources: Atlantic Coastal Cooperative Statistics Program and Marine Recreational Information Program (June, 2018).

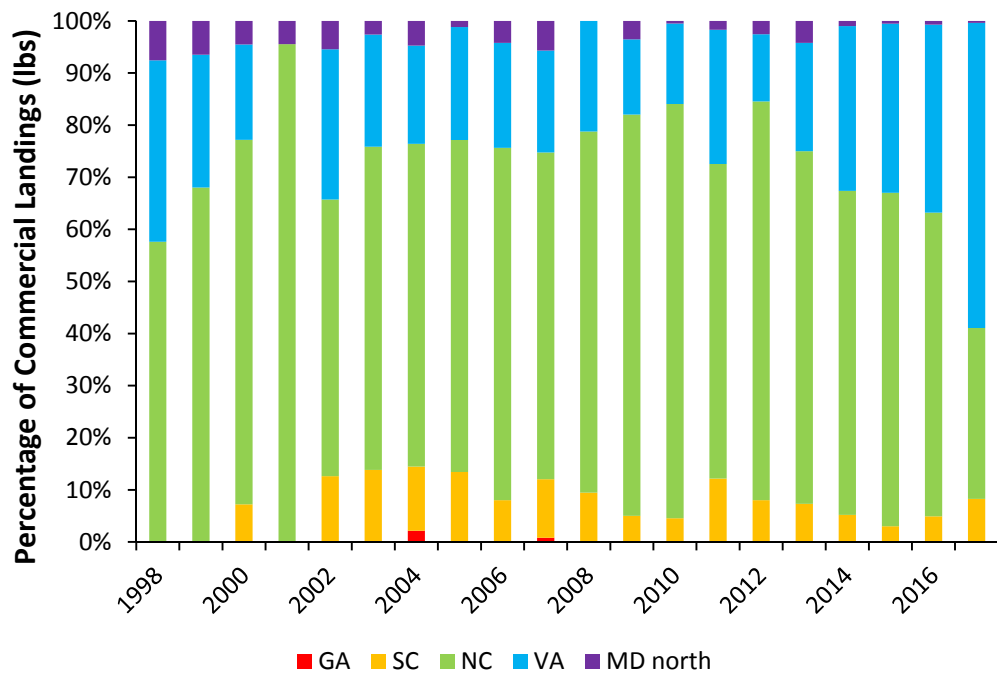


Figure 4. State/regional percentages of commercial landings of Atlantic cobia. Years with confidential landings for each state are omitted. Sources: Atlantic

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Coastal Cooperative Statistics Program and Marine Recreational Information Program (June, 2018).

Social and Economic Impacts

The following summarizes selected impact considerations that are mainly based on social and economic analyses in Chapter 4 of the Amendment 31 to the CMP FMP (see SAFMC, 2018a).

The ASMFC currently limits the Atlantic cobia RHL to the recreational Atlantic cobia ACL established by the SAFMC (ASMFC, 2017). However, if implementation of Amendment 1 leads to state level allocations based on an overall harvest level substantially higher than the current RHL, this change may create the potential for an increase in harvest of Atlantic cobia that could lead to positive short-term economic value² effects for the Atlantic cobia private recreational angler component. In addition, if for-hire trip demand increases due to Amendment 1 effects such as a higher RHL and a more predictable and consistent cobia regulatory environment, there could be beneficial aggregate economic value effects in the Atlantic cobia for-hire business component. Moreover, in some communities, it is possible that higher overall harvest levels could also translate to significant short-term local economic impact³ effects due to increases in Atlantic cobia fishing related expenditures (e.g. local spending lodging, restaurant meals, groceries, etc.) by for-hire vessel owners and crews as well as local and non-resident anglers in the recreational sector targeting Atlantic cobia (SAMFC, 2018a).

If ASMFC Atlantic cobia commercial management measures implemented in the interstate FMP are similar to the current federal CMP FMP regulations, the SAFMC (2018a) concluded that there should be no substantial near-term changes in commercial fishery economic value and economic impact effects compared to the current federal management regime. However, the SAFMC noted that it was uncertain how future ASMFC regulations might affect Atlantic cobia commercial harvest in federal waters (SAFMC, 2018a), hence making the distribution, magnitude, and direction (negative or positive) of possible economic effects unclear.

Relative to the current federal management regime, the SAFMC also concluded that the near-term social effects on the for-hire and private angler components of the recreational sector as well as the commercial sector are expected to be

² Estimates of economic value such as consumer and producer surplus should not be confused with the economic impact or contribution estimates associated with recreational or commercial fishing activities (SAFMC, 2018).

³ In this section, the term “economic impact” denotes an economic distributional analysis that estimates the aggregated economic contributions (e.g. jobs and household income) to local and/or regional economies associated with recreational or commercial fishing activities. However, these analyses should not be interpreted to represent the net impact effects if managed fish species were not available for harvest or purchase (SAFMC, 2018b).

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minimal because, in recent years, the majority of Atlantic cobia recreational and commercial harvest has occurred in North Carolina and Virginia state waters. In contrast, long-term impacts on the social environment are expected to be “...highly dependent on future management measures...” implemented by ASMFC (SAFMC, 2018a) and therefore currently unknown.

While SAFMC estimates of cumulative economic effects of the federal Atlantic cobia closure actions are not available, it is apparent that these in-season closures in the federal waters by NOAA Fisheries have had a proportionally more negative economic effect on recreational and related fishing communities in Georgia and South Carolina compared to those found further north (SAFMC, 2018a). However, if ASMFC’s management measures lead to a situation such that the recreational sector based in South Carolina and Georgia have increased access in federal waters, it could possibly generate additional beneficial effects on the social and economic environments in these states.

In summary, social and economic impacts of Amendment 1 are quite dependent on management options chosen. Nevertheless, a broad goal of the shift from complementary management to management solely through the Commission is to increase flexibility and timeliness for state-level management strategies, allow for more consistent regulations, reduce fishing closures that have resulted in inequitable access to the resource, and foster a more predictable regulatory environment for both the recreational and commercial sectors.

References

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- Atlantic States Marine Fisheries Commission (ASMFC). 2012. Interstate Fisheries Management Program Charter. 1995. Revised February 2016.
- ASMFC. 2017. Interstate Fishery Management Plan for Atlantic Migratory Group Cobia.
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http://sedarweb.org/docs/sar/S28_SAR_SACobia_WithAddendumFinal_5.16.2013.pdf



Atlantic States Marine Fisheries Commission

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MEMORANDUM

June 27, 2018

To: South Atlantic State/Federal Fisheries Management Board

From: Tina Berger, Director of Communications

RE: Advisory Panel Nomination

Please find attached a nomination to the South Atlantic Species Advisory Panel – Craig Freeman from Virginia. Mr. Freeman has experience in recreational, commercial and for-hire sectors, with expertise in cobia. Please consider approval of this nomination at the next Board meeting.

SOUTH ATLANTIC SPECIES ADVISORY PANEL

Bolded names await approval by the South Atlantic Management Board

June 27, 2018

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Appt Reconfirmed 10/18/16

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Expertise: Cobia

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Appt. Confirmed 11/1/07
Expertise: Mixed species

Charles Bernard (Bernie) McCants, Jr (rec)
2325 Windy Woods
Dr
Raleigh, NC 27607
Phone (day): 919.602.4516
Phone (evening): 919.602.4516
FAX: 919.668.7064
bernie.mccants@duke.edu
Appt Confirmed 8/9/12
Expertise: Red drum, black drum

Aaron Kelly (for-hire)
112 Jimmy Court
Kill Devil Hills, NC 27948
Phone (day): 252.202.6046
Phone (eve): 252.441.6575
info@rocksolidfishing.com
Expertise: Cobia
Appt Confirmed 10/25/16

South Carolina

Captain Bill Parker (rec fishing guide)
28 Eagle Claw Dr.
Hilton Head, SC 29926
Phone: 843.384.6511
runfish1@roadrunner.com
Expertise: Cobia
Appt Confirmed 10/25/16

Glenn Ulrich (rec)
843.793.8712
ulrichg@bellsouth.net
Expertise: Mixed species
Appt Confirmed 10/25/16

SOUTH ATLANTIC SPECIES ADVISORY PANEL

Bolded names await approval by the South Atlantic Management Board

June 27, 2018

Georgia

Lee Southard (rec fishing guide)
222 Crosswind Drive
Richmond Hill, GA 31324
Phone: 912.727.3402; 912.312.1210
leesouthard1801@comcast.net
Expertise: Mixed species
Appt Confirmed 10/25/16

Florida

James R. Stockton, Jr. (guideboat)
P.O. Box 1069
Ponte Vedra Beach, FL 32004
Phone: (904)285-4884
Appt. Confirmed 11/1/07
Expertise: Red drum

William R. Bird, Jr. (rec)
P.O. Box 2809
Orlando, FL 32802
Phone (day): 407-418-6237
Phone (eve): (407) 257-7480
Fax: 407-843-4444
bill.bird@lddkr.com and wbird2@cfl.rr.com
Appt. Confirmed 11/1/07
Expertise: Red drum and black drum

Tim Adams (Sp. Mackerel comm.)
426 S.W. Maple St.
Sebastian, FL 32958
Phone (eve): (772) 589-9846
Phone (cell): (772)473-6580
Appt. Confirmed 11/1/07
Expertise: Spanish Mackerel



ATLANTIC STATES MARINE FISHERIES COMMISSION

Advisory Panel Nomination Form

This form is designed to help nominate Advisors to the Commission's Species Advisory Panels. The information on the returned form will be provided to the Commission's relevant species management board or section. Please answer the questions in the categories (All Nominees, Commercial Fisherman, Charter/Headboat Captain, Recreational Fisherman, Dealer/Processor, or Other Interested Parties) that pertain to the nominee's experience. If the nominee fits into more than one category, answer the questions for all categories that fit the situation. Also, please fill in the sections which pertain to All Nominees (pages 1 and 2). In addition, nominee signatures are required to verify the provided information (page 4), and Commissioner signatures are requested to verify Commissioner consensus (page 4). Please print and use a black pen.

Form submitted by: Joe Cimino State: VA
(your name)

Name of Nominee: Craig Freeman

Address: 118 Messick Rd

City, State, Zip: Poquoson, VA 23662

Please provide the appropriate numbers where the nominee can be reached:

Phone (day): 757-871-9246

Phone (evening): 757-871-9246

FAX: _____

Email: Gradingscalessportfishing@gmail.com

FOR ALL NOMINEES:

1. Please list, in order of preference, the Advisory Panel for which you are nominating the above person.

- 1. South Atlantic
- 2. _____
- 3. _____
- 4. _____

2. Has the nominee been found in violation of criminal or civil federal fishery law or regulation or convicted of any felony or crime over the last three years?

yes _____ no XX

3. Is the nominee a member of any fishermen's organizations or clubs?

yes XX no _____

If "yes," please list them below by name.

Bull Island Anglers Club

4. What kinds (species) of fish and/or shellfish has the nominee fished for during the past year?

Cobia

Tilefish

Flounder

Tuna

Tog

Blow toads

5. What kinds (species) of fish and/or shellfish has the nominee fished for in the past?

Cobia

Hard Crabs

Clams

Peeler Crabs

Oysters

Menhaden

FOR COMMERCIAL FISHERMEN:

1. How many years has the nominee been the commercial fishing business? 15 years

2. Is the nominee employed only in commercial fishing? yes _____ no XX

3. What is the predominant gear type used by the nominee? pots, nets, hook and line, tongs, and dredges

4. What is the predominant geographic area fished by the nominee (i.e., inshore, offshore)? inshore and offshore depends on the species I'm targeting.

FOR CHARTER/HEADBOAT CAPTAINS:

1. How long has the nominee been employed in the charter/headboat business? 4 years

2. Is the nominee employed only in the charter/headboat industry? yes _____ no XX

If "no," please list other type(s)of business(es) and/occupation(s): _____

3. How many years has the nominee lived in the home port community? 28 years

If less than five years, please indicate the nominee's previous home port community.

FOR RECREATIONAL FISHERMEN:

1. How long has the nominee engaged in recreational fishing? 38 years
2. Is the nominee working, or has the nominee ever worked in any area related to the fishing industry? yes _____ no xx

If "yes," please explain.

FOR SEAFOOD PROCESSORS & DEALERS:

1. How long has the nominee been employed in the business of seafood processing/dealing? _____ years
2. Is the nominee employed only in the business of seafood processing/dealing?
yes _____ no xx If "no," please list other type(s) of business(es) and/or occupation(s):

3. How many years has the nominee lived in the home port community? _____ years
If less than five years, please indicate the nominee's previous home port community.

FOR OTHER INTERESTED PARTIES:

1. How long has the nominee been interested in fishing and/or fisheries management? 38 years
2. Is the nominee employed in the fishing business or the field of fisheries management?
yes _____ no _____
If "no," please list other type(s) of business(es) and/or occupation(s):

FOR ALL NOMINEES:

In the space provided below, please provide the Commission with any additional information which you feel would assist us in making choosing new Advisors. You may use as many pages as needed.

please see attached pages.

Nominee Signature: 

Date: 28 Feb 18

Name: CRAIG Freeman
(please print)

COMMISSIONERS SIGN-OFF (not required for non-traditional stakeholders)


State Director *ON GOING Proxy*

State Legislator

Governor's Appointee

To Whom It May Concern:

I am a graduate of the Virginia Military Institute with a B.S. in Biology with a minor in English. I also earned a M.S. in Education from Old Dominion University. I started the Bull Island Anglers Club and served on its board for 10 years. I was the youngest Vice President in the history of the Peninsula Saltwater Sportsfishing Association. (PSWSFA) and have earned Expert Angler and Master angler awards from the state of Virginia. While at VMI, I wrote fishing articles for the student run newspaper called "The Cadet". I speak at local fishing clubs and give seminars about various types of fishing and I also make my own fishing rods.

I have been fishing most of my life and it has become my passion. I have been a recreational fisherman my entire life and my first steps as a baby were to a fishing rod that my Dad was spooling with line. I started commercial fishing with my father-in-law about 20 years ago. We clammed, crabbed, and pulled net; it was hard but enjoyable work. I became a teacher but still worked the water during the summer months. In 2014, I earned a 50 ton Masters operating license from the U.S. Coast guard and started Grading Scales Sportfishing, a charter fishing business.

On days I do not have charter trips, I commercial fish. I hold a commercial card for the state of VA, and have an active hook and line license, a 100 pot fish pot license, and a gill net license. I have fished from the creeks to the canyons and everywhere in between targeting various saltwater species.

I would like to serve on this committee because I view it as a way to give back to the commercial fishing community, and to make sure VA has proper representation. Another reason I would like to serve on this committee is there has been much action recently in the fishery management area, and I would like to help craft the policies and plans that affect so many people's livelihood. My vast experience across all types of fishing and ability to communicate at any level would serve me well if appointed to this committee. I hope you give my application every possible consideration.

Sincerely,

Craig Freeman