

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

Webinar
August 3, 2020

Approved October 2020

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

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1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings** of February 2020 by consent (Page 1).
3. **Move to approve Cobia Draft Addendum I to Amendment 1 for public comment as modified today** (Page 10). Motion by Chris Batsavage; second by Malcolm Rhodes. Motion carried (Page 11).
4. **Move to approve a Cobia Commercial Trigger of 135,422 pounds for 2020. If commercial harvest estimated through in-season monitoring meets or exceeds this amount, a coastwide commercial closure for the remainder of the year will begin 30 days later** (Page 14). Motion by Pat Geer; second by Mel Bell. Motion carried (Page 15).
5. **Move to approve Terms of Reference for the Red Drum Simulation Assessment as presented** (Page 21). Motion by Mel Bell; second by Jim Estes. Motion carried (Page 21).
6. **Motion to adjourn** by consent (Page 22).

ATTENDANCE

Board Members

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

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

Ex-Officio Members

Angela Giuliano, Cobia Technical Committee Chair	Joey Ballenger, Red Drum SAS Chair
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Staff

Robert Beal	Dustin Colsen Leaning
Toni Kerns	Joe Myers
Maya Drzewicki	Mike Rinaldi
Kristen Anstead	Kirby Rootes-Murdy
Max Appelman	Julie Defilippi Simpson
Tina Berger	Mike Schmidtke
Lisa Havel	Caitlin Starks
Chris Jacobs	Deke Tompkins
Jeff Kipp	Geoff White

Guests

Pat Augustine, Coram, NY	Kyle Hoffman, SC DNR	Jack McGovern, NOAA
Michael Auriemma, NJ DEP	Rusty Hudson	Steve Meyers, Williamsburg, VA
Peter Benoit, Ofc. of Sen. King	Desmond Kahn	Ken Neill, Yorktown, VA
Ellen Bolen, VMRC	Ray Kane, MA (GA)	Derek Orner, NOAA
David Borden, RI (GA)	Adam Kenyon, VMRC	Olivia Phillips, VMRC
Rob Bourdon, MD DNR	Kathy Knowlton, GA DNR	Kelly Place, Williamsburg, VA
William Brantley, NC DENR	Alexa Kretsch, VMRC	Jill Ramsey, VMRC
Jeff Brust, NJ DEP	Mike Luisi, MD DNR	Tara Scott, NOAA
Heather Corbett, NJ DEP	Dee Lupton, NC DENR	David Sikorski, Baltimore, MD
Morgan Corey, NOAA	Chip Lynch, NOAA	David Stormer
Tony Friedrich, SGA	Shanna Madsen, VMRC	Mike Waive, ASA
Lewis Gillingham, VMRC	Casey Marker	Alissa Wilson, NJ DEP
Willy Goldsmith, SGA	Ann Markwith, NC DENR	Chris Wright, NOAA
Shepherd Grimes, NOAA	Genine McClair, MD DNR	Erik Zlokovitz, MD DNR

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The South Atlantic State/Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Monday, August 3, 2020, and was called to order at 1:30 p.m. by Chair Lynn Fegley.

CALL TO ORDER

CHAIR LYNN FEGLEY: Welcome to the South Atlantic Board everyone. Thank you, Cody and team for getting everybody organized and sound checked. Okay, so we have a pretty full agenda. We have three action items to get done today, and we have until 3:45 to do it. Hopefully all will go smoothly.

APPROVAL OF AGENDA

CHAIR FEGLEY: A first order of business is Board Consent, with Approval of the Agenda. With that I wanted to forward to the Board that the fourth action item listed on the agenda was to elect a Vice-Chair.

However, you may be aware that there is an item before the Executive Committee this meeting. It is a proposal to divide this Board in two. The proposal is to alter the agenda to remove that item, until a final decision is made by the Policy Board as to whether we're going to remain as one Board or continue on as two. With that I'll ask if anyone else has any need to modify the agenda. If you do, please raise your hand.

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

CHAIR FEGLEY: Okay, and I am going to ask to approve the agenda by consent. If anybody does not approve of the agenda, please raise your hand.

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

APPROVAL OF MEETING SUMMARY

CHAIR FEGLEY: Great. Hoping everybody has had a chance to review the meeting summary from February. That was a meeting summary the meeting did not record, so

it was not a transcript. Does anybody have any modifications that they desire to put into the February meeting summary? If so, raise your hands.

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

CHAIR FEGLEY: Okay, and is there any opposition to approval of the Meeting Summary?

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

PUBLIC COMMENT

CHAIR FEGLEY: Before we move to the public comment. I think I was remiss. I should just introduce myself a little better. My name is Lynn Fegley. I am the Administrative Commissioner. I proxy for my boss Bill Andrews for representing the state of Maryland. That is that and next, is there anybody out there who has public comment? If you do, please raise your hand.

MS. KERNS: If any members of the public don't know how to raise your hand, you click on the little button that is shaped like a hand, and it will raise your hand. If you're having trouble with that you could also send us a chat or a question. I don't see any hand raised, Lynn.

**CONSIDER DRAFT ADDENDUM I TO
AMENDMENT 1 TO THE COBIA INTERSTATE
FISHERY MANAGEMENT PLAN
FOR PUBLIC COMMENT**

CHAIR FEGLEY: All right, seeing none. The first action item today, and just to remind everybody. I will be looking for a motion at the end of this discussion, and it is to consider Draft Addendum I to Amendment 1 for approval for public comment. This is the point where we send it out to comment for hearings to happen over the next couple months. I believe that Mike Schmidtke is going to take us through the Draft Addendum.

DR. MIKE SCHMIDTKE: I'm going to go ahead and make myself presenter. Do you see my lead screen for the Draft Addendum I presentation?

CHAIR FEGLEY: I can see it, Mike.

DR. SCHMIDTKE: Today we're going to be going through Draft Addendum I to Amendment 1 for Cobia FMP, with consideration for public comment. This Draft Addendum addresses four different issues, ranging from recreational and commercial allocations, and adjustments to commercial trigger, calculation method, and then consideration of some alternative *de minimis* measures.

As I go through the presentation today, first I'm going to go through a bit of an overview of the timeline that has brought us to this point. Then I'll give a brief introduction of the four issues that we'll be going through, and then go through the issues one-by-one. As I go through each of those issues, I'll present a slide or two of background information that is relevant to that specific issue, then present the management options that are being proposed by the Plan Development Team.

Then I'll pause after presenting each of those sets of options for some issue-specific questions, comments, and discussion by the Board if you all have any alterations to those. After going through all four of those issues, then I'll also pause for some overall questions, comments, discussions, if there is something that any of the Board members want to talk about from a larger perspective related to the addendum document.

In regards to the timeline. You all will remember after the last Board meeting in February of this year, the Board initiated this Draft Addendum. Since then the Plan Development Team has been working on the document. We had a little bit of a delay, due to COVID-19 and travel restrictions and all of that. It got pushed from the spring meeting back to the summer meeting, where we are now.

But now we're bringing it up and having the Board consider Draft Addendum I for approval for public comment. If approved for public comment today, then there would be a time period for written comments as well as public hearings, in between now and the October meeting, and the October

meeting would be when the Board would come back to consider the document for final approval. Looking back to that February meeting. Among many things that happened in that meeting, it was a long one, but one of the things that happened was SEDAR 58 stock assessment for Atlantic cobia was presented to the Board.

This stock assessment was the first for cobia to incorporate the new MRIP recreational catch estimates, based on the Mail-Based Fishing Effort Survey, and transitioning from the Coastal Household Telephone Survey. If you all will remember, those estimates were significantly higher using the new FES estimates, rather than the telephone estimates.

That led to larger population estimates and as you'll see in that second bullet point, a larger quota than what we were previously working under. At the February meeting the Board also specified a new total annual harvest quota of about 80,000 fish, and this was based off of the projections from the SEDAR 58 model.

Under Amendment 1 allocations this total quota is allocated 92 percent to the recreational fishery, and 8 percent to the commercial fishery. A reminder about Amendment 1, and how we manage the recreational fishery. There was a bit of a change in Amendment 1, where the Board decided to move from managing the recreational fishery in terms of a poundage, and moving to numbers of fish.

You'll notice that those different units are reflected throughout the presentation. The previous quotas that had been set were total quota of 670,000 pounds, with 620,000 for the recreational, and 50,000 to the commercial. With such a significant increase to the quota, one of the big questions that came out of that discussion was whether the quota increase that was being seen was only due to the MRIP calibration, and in effect leading to a *de facto* reallocation of the fishery in the direction of the commercial side.

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In response to that question, among a few others, in follow up the Board initiated Draft Addendum I, and one of the requests that was made was for options for a reduced commercial quota percentage that would offset impacts of the increased recreational catch estimates, and the PDT attempted to address this request through Issue 1 in the options shown there.

The Board also requested in some of the follow up discussion's reconsideration of some of the *de minimis* measures that are used for cobia. Those are addressed in Issues 3 and 4, one for the commercial and one for the recreational side. Then after the Board meeting in February, one of the steps in the harvest specification process for cobia is that a commercial trigger is calculated, and that is used in any type of commercial closure that would occur within the season.

The Cobia Technical Committee would normally calculate this commercial trigger, and submit it for the Board's consideration and approval. However, when the Technical Committee attempted to do this using the methods described in Amendment 1, it was not able to be calculated due to the large increase in the commercial quota. There will be a little bit more discussion along those lines when I get to that issue, as well as later on when Angela presents the TC's recommendation. But there was a memo distributed from the TC describing this issue back in May. The Board, via e-mail consent, directed the Plan Development Team to include revising the method for calculating the commercial trigger into Draft Addendum I. It's a little bit out of order numerically, but that is addressed in Issue 2 of the document. Now I'll be moving into Issues 1 through 4, going through one-by-one, and starting off with Issue 1, which deals with the allocation.

The two really long equations that you see on the screen, and those are also in the Draft Addendum I document. Those are from the coastal migratory pelagic FMP from the South Atlantic Fishery Management Council. This is back when Atlantic cobia were being managed by the South Atlantic Fishery Management Council, and these are the equations that were used to come up with the 92

percent and 8 percent allocations that are used in the current fishery.

These percentages came from data that were from recreational harvest data from 2000 through 2008, with additional weight being put on harvest in 2006 through 2008. Obviously, the 92 percent and 8 percent resulted from that. When the PDT, when we got together and we were discussing what potential alternatives would be to the current allocation.

The first thing that we tried was just simply plugging in the recalibrated numbers, the new FES numbers from 2000 through 2008, and I came up with the result shown on the screen, about 2.5 percent for the commercial and 97.5 for the recreational. Now looking at how those played out into poundage and number of fish for those different sectors.

We did notice that on the commercial side if we were to just put those straight in as is then there would be a decrease, a slight decrease to the commercial quota. This would be happening at a time when the recreational quota is undergoing a significant increase, and there is also a stock that is not overfished and overfishing is not occurring. In light of that information and where the quota has been recently, the PDT kind of started from the baseline that the increase to the recreational quota shouldn't lead to a decrease in the commercial, and that the options that the PDT would propose would allow at least 50,000 pounds for the commercial fishery.

Additionally, the PDT didn't want to get into trying to allocate by fractions of a percent, so for the baseline option we just rounded up that 2.6 to 3 percent, and that kind of put us over the threshold for that 50,000 pounds. You'll see that when we get to the management options. But once we put that in place then we kind of stepped up by single percentages for a couple of alternatives. We have options for 3 percent commercial allocation, 4 percent, and 5 percent.

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After that decision really was made, just kind of being honest about the timeline. We got information from NOAA, excuse me MRIP specifically, addressing the questions that the Board had asked at the previous meeting. One of the questions was what would the 620,000-pound recreational quota look like if it were in FES units.

We've asked MRIP for that conversion, and I imagine they had quite a bit on their plate with COVID-19 and a lot of the restrictions from that. But we did get that information after we kind of formulated the options. What it ended up being is shown on your screen. It's shown as the 2019 quota, the FES approximation. One of the things to note about this, well there are a couple things. But one of them initially to note about this is this is not considered an official MRIP calibration conversion, because they weren't converting a harvest from one year, they were converting what we put forward as a quota.

In other instances where they calibrated the harvest, they had additional information, such as harvest by region and information about effort that went into the calibration. Whereas this we just gave them a number and they looked at the time period under which that quota was in place and they used. That information had to make some assumptions.

But, this is about what it would translate to is 1.36 million. When converting that poundage into number of fish using the same average weight that was considered when the current 2020 quotas were formed, which was the 2016 through '18 recreational average weight. That translates to about 41,000 fish.

That column on the right is somewhat of a translation of that old quota into new FES units. When reading this table, one other thing to note is that the top line in the recreational row. The top line that is not in parentheses are the units that would have impacted management, or hypothetically would have impacted management. Whereas the parentheses are the alternative

converted units into either pound into fish or fish into pounds, about what those translate into.

The big takeaway from all this is that the increase to the quota does not seem to be solely due to the MRIP conversion. There does seem to be some increase to the actual number of fish that are available and allowable for harvest under the new 2020 quota. Where that comes into play. I talked about the timeline of how these options were developed.

But where that actually comes into play is that with the options that are presented here for Issue 1, there are a couple different backgrounds, and there is some level of numeric basis for a few of the different strategies that the Board could take going from here moving forward. Option A is status quo option, maintaining the 92 and 8 allocations that are in place right now.

Option B is kind of that baseline that the PDT worked off of, the lowest whole percentage that would allow at least 50,000 pounds of harvest. Then skipping Option C for the moment, down to Option D. What Option D ended up being, we found this from looking at that MRIP FES approximation is that is an option that is about as close as we're going to get with whole percentage numbers to a proportional increase on both sides of the fishery.

If you compare that FES number that 41,000 fish number up on the FES approximation to Option D, it is between an 80 and 90 percent increase, it's about 87 percent increase. Whereas, looking at the commercial quota going from 50,000 pounds up to 91,000 pounds is about an 82 percent increase. We're in a similar ballpark, and that is probably just because of the disparity in the amount allocated to one fishery or the other.

That is about as close as we would probably get to a proportional increase in both sides, both of them going up by about 85 or so percent. Then Option C, coming back to that. Option C is an intermediate option in between B and D, where there is increase to both sectors of the fishery, but the recreational

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increase is larger than that of the commercial. Depending on what the Board wants to prioritize with the management of this species, I know there has definitely been some input when we spoke to the AP about these options. There was input from the AP that their impression, at least some of the members there.

Their impression was that cobia was being managed as a primarily recreational species, which is still accomplished in all of these options, as the recreational percentage is only going up. But there was some preference for Option B from some members of the AP there. Regardless, there are a few different strategies for the Board to consider. At this point I can pause and take questions if there are any, or hear any comments or discussion.

CHAIR FEGLEY: Are there any questions for Mike on what he just presented?

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

CHAIR FEGLEY: Okay, well I have one. I just wonder, I don't recall, Mike. That is actually really interesting information on Option D that that is sort of the proportional increase for both sectors. That is not explicitly stated in the Addendum right now, is it?

DR. SCHMIDTKE: It is not in the Addendum right now, and one of the reasons why is because somewhat of the timing with which we got it, and the timing of uploading the document. But also, because that is not a definitive MRIP calibration. That was something that I discussed with some of the MRIP staff was that it wasn't an official MRIP calibration.

It was an approximation that was provided to us at our request. That is one of the reasons why I would rather talk about it, you know speak about it here providing caveats. This is something that can be included, I would think in discussions following here at public hearings. But I don't know that it is a number that MRIP would feel comfortable putting into a document.

CHAIR FEGLEY: Okay, understood. Thank you for that. Still no questions, correct?

MS. KERNS: Correct.

CHAIR FEGLEY: All right, so we will move right along to the next section, Mike.

DR. SCHMIDTKE: Next moving to Issue 2, dealing with the commercial trigger. I talked about this a little bit, and you'll hear about this at least one more time from Angela. When the Cobia TC went into looking at the Amendment 1 method that method is the average number of days from the last three years for harvest to go from trigger percentage to the full non *de minimis* portion of the quota.

The trigger percentage is to be calculated to allow at least 30 days from the trigger to the quota. The problem that the TC ran into when trying to calculate that percentage was what if the harvest either doesn't reach the quota or the trigger, and this could be due to low harvest in a preceding time period before that trigger is calculated, or it could be due to a greatly increased quota, which was the case for the 2020 specification. The TC met and discussed this issue, and recommended an adjusted method. This was a method that is really in similar spirit to what was trying to be accomplished through Amendment 1, but is done in a more flexible way. What they've proposed, and it was in the memo that was circulated in I believe briefing materials that they would calculate the average daily harvest rate from the last five years.

They did change the time period from three to five years, and then calculating the trigger harvest level that would be the non *de minimis* quota, minus 30 times the average daily harvest rate, so the average daily harvest rate being about a days' worth of harvest, and they would be taking off 30 days' worth of harvest from the non *de minimis* quota.

Just reminding of the plan, non *de minimis* states are the only ones that are required to track their

landings within the season. The *de minimis* states have a set-aside portion of the commercial quota that is not brought into this, so that we can accurately track those landings against the quota, and not risk overfishing as much.

The advantage of this method is that it can be calculated regardless of what the harvest level has been relative to the quota, because it's reduced down to that daily harvest rate. The options that are put forward in Addendum I are Option A of a status quo, which just kind of read through that method before. But it would require some alterations in years like this.

One of the notes is that within the Cobia TCs memo they did request that that alternative method be used in 2020, and that is something that Angela will get to when she speaks. Option B is the TC recommended method for calculating the commercial trigger. I think I pretty much explained both of those methods at this point, and I can pause once again for any questions, comments, discussion.

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

CHAIR FEGLEY: If we have no questions there, so we have I think two more issues to go over, so carry on Mike.

DR. SCHMIDTKE: The next issue is looking at the commercial *de minimis* regulations. As a reminder for cobia, *de minimis* status that applies to states with small cobia fisheries, small being defined as on the commercial side less than 2 percent of the coastwide landings, and on the recreational side less than 1 percent of the coastwide landings.

For Issue 3, under the commercial *de minimis* measures. With the current quota of about 146,000 pounds, the 3 percent *de minimis* set aside is 4,387, and there was some concern about with an increasing quota that the amount of set aside harvest for *de minimis* states would become basically more than what the *de minimis* states are actually going to harvest.

Commercial harvest in *de minimis* states, looking back to 2000, range from 48 pounds to 4,477 pounds, with an average of 1,991. In many of those years they weren't harvesting that full amount of set aside. One thing to note when it comes to that *de minimis* set aside is that it not a quota. It's not something, you know if the *de minimis* states reach that level of harvest then the fishery gets shut down or anything like that. It is meant to be an approximation of what the *de minimis* states are harvesting. That portion of the quota is not accessible to the non *de minimis* states who are tracking their harvest within the season. The idea that the PDT was working under was to cap the *de minimis* set aside at amounts that the harvest is not likely to hit, or doesn't hit frequently.

Looking at the options that were put forward, the status quo is to just maintain the flat 3 percent of the commercial quota as the set aside. Option B is to cap the commercial quota at 3,000 pounds, so it would still be 3 percent, as long as that 3 percent is less than 3,000 pounds. But if 3 percent of the commercial quota exceeds 3,000 pounds then 3,000 would be the set aside, and similar type of thing for Option C, except the cap could be 5,000 pounds.

The reasoning for the two numbers that were chosen, 3,000 it was somewhat ad hoc, but if you'll look at the addendum document, in Table 2 you can see that harvest by the *de minimis* and non *de minimis* states, the non *de minimis* ones are only Virginia through South Carolina. All other states qualify for *de minimis*.

But looking at the *de minimis* harvest over those years, most years they are less than 3,000 pounds. Somewhat ad hoc, but it was just kind of a number where it was most years they fall in that category. Then Option C, in all years. That was the count the lowest thousand-pound mark where they fall under that in all years during the recent time period, going back to 2000. Those are the options put forward for Issue 3, and I'll pause here for questions, comments, discussion.

CHAIR FEGLEY: Questions on Issue 3.

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

CHAIR FEGLEY: Okay let's do Issue 4, recreational *de minimis*.

DR. SCHMIDTKE: One note I did forget to mention for Issue 3. I did notice when making the presentation that Table 3 presents what the *de minimis* set aside would be under each of the Issue 1 options, and I did not have the Option D listed in that table. But that has been updated, at least in the document that I have been keeping, and that will be updated in the copy of the document that goes out for public comment.

Next moving into the final issue, recreational *de minimis*. For the recreational fishery the FMP allows *de minimis* states to have regulations that would copy from the nearest neighbor, either a neighboring state or the nearest non *de minimis* state, and match those. That in effect is Virginia, because all of the recreational *de minimis* states are those that are north of Virginia, and all of those states have opted for that option of copying Virginia's regulations.

There is an alternative that is allowed in the plan for those states to choose management using a 29-inch fork length minimum size, and one-fish vessel limit with no seasonal restriction, so their fishery would be open year-round, the recreational fishery that is. That 29-inch size was based off of 50 percent maturity of female cobia from the SEDAR 28 assessment. The SEDAR 58 assessment that information seemed to be updated a bit. There is noted that there are limited samples below 33 inches, which is below the legal size for the commercial fishery. Because of that there is uncertainty about size at maturity that is involved in these data, so not trying to be strict on the numbers for maturity within these sizes, but this is the information that we have from SEDAR 58. It was observed that there was 33 percent female maturity for 23.5 to 29.5 inches.

About 60 percent maturity for 29.5 to 31.5 inches, and 100 percent female maturity above 31.5 inches. These numbers came into play when

considering alternatives. It was also brought to the PDTs attention that 29 inches for cobia is a bit of a unique limit, which could potentially lead to confusion among anglers.

It's not really associated with the 33 or 36 that are used in other areas of management. The alternatives that were developed were done so to increase the percent mature at recruitment to the fishery, and possibly connectivity to other limits that are currently in place. The PDT developed two alternatives.

Status quo is 29-inch fork length minimum size limit, Option B is a 31-inch fork length minimum size limit, and that would fall into the category from SEDAR 58 where there is about 60 percent female maturity within that size range. Then Option C uses a 33-inch fork length minimum size limit.

That is the same minimum size limit as the commercial fishery. It also falls into the category from a percent mature perspective for female cobia, it falls into the category of 100 percent mature female fish, so all the fish that would be of legal size under Option C, if they are female, they would be mature cobia. Those are the options that were developed for Issue 4, and I'll pause once more for questions, comments or discussion.

CHAIR FEGLEY: Okay, any questions on Issue 4, recreational *de minimis*?

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

CHAIR FEGLEY: I think, and Mike that winds up your presentation on the Addendum, right?

DR. SCHMIDTKE: Yes, I was just going to move one slide just for general questions, comments.

CHAIR FEGLEY: There we go.

MS. KERNS: Lynn, I do have a hand up, Doug Haymans and/or Spud Woodward. They are in the room together.

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CHAIR FEGLEY: Okay, Spud or Doug, go on.

MR. DOUG HAYMANS: Yes, the Georgia delegation has a question. Mike, forgive me, but I want to back up to the opportunity where we had to ask questions about the Issue's 1 and 3, and I'll tackle 3 first. Would you mind just covering one more time, when you used the word unmonitored? Even in the *de minimis* states, are they not reporting commercial catch? I understand it is required annually in the compliance report, but doesn't it still come in?

DR. SCHMIDTKE: No. For the *de minimis* states they don't report catch during the season. Like this year right now I'm getting weekly reports from Virginia, North Carolina, South Carolina, because those are the non *de minimis* states. But I'm not getting any reports from other states, because all the other states qualify for *de minimis*.

MR. HAYMANS: I understand that. What I mean is that the information is collected through trip tickets, right?

DR. SCHMIDTKE: Yes.

MR. HAYMANS: We could change this so that they did have to. The word unmonitored is to me a bit misleading to the public, because they are monitored, they simply don't have to report. I'm just curious as to whether the public will understand that when it goes through.

CHAIR FEGLEY: Yes, I'm going to weigh in on that. I agree that the word unmonitored coming from a *de minimis* state. Our fishermen are required by law to report. They do report, except they don't report at the frequency. The reports come in on monthly logbooks, and they are not compiled until the end of the season. It is a monitored fishery, it's just not monitored at the level for in-season management, and we wouldn't have the resources to make that happen in Chesapeake Bay.

DR. SCHMIDTKE: If I change the wording, if we edited the wording to monitored within the season, would that work or no?

MR. HAYMANS: We think that would make it a bit clearer to the public, or at least clearer to the Georgia delegation, sure. Lynn, just to make sure I understood what you just said. Your commercial folks are required to report those, but they are not required to report on a monthly basis by the tenth of the following month?

CHAIR FEGLEY: Yes, they are. But you figure those reports come in and then they are keyed in, so that the state doesn't have the compiled data until at least probably, at best two months and more on an average of four months after the report is submitted. If you're fishing in the ocean and you're bringing your fish through federal dealers.

Then that data arrives much faster, because the federal dealers are reporting electronically. But the Bay fishery is coming in on paper, so we just can't do the in-season monitoring, where those numbers of the harvest coming from the Bay could be incorporated into monitoring the quota toward a closure, if that makes sense.

MR. HAYMANS: That makes absolute sense. Anyway Mike, I have one more question about Issue 1. If you would back up to your last slide on Issue 1, please. I apologize, I didn't catch it all. But to increase the quota, the Production Team solely did an MRIP conversion. Would you mind giving me the idiot's version of that, please?

DR. SCHMIDTKE: Sure. The number that you see on the right. We went to MRIP and we requested, is there any way that you could convert 620,000 pounds of recreational quota, and tell us what that quota would have been if the FES number, like if it were applied as a FES number. That is what they came back with on the right.

Now like I said, it's an approximation, it is not a definitive MRIP calibration, because it is a quota. It is a single-poundage number that we gave them. We didn't give them poundage by state and effort information throughout the time, all those other things that go into their full-on calibrations, which is one of the reasons why they specifically said that this is an approximate estimate, it is not an official

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MRIP calibration and it's not included in the document as such.

But it gives a ballpark and, seeing such a large discrepancy that there is potentially 80 percent more quota from what there would have been had, you known in 2019 under that 620,000 pounds, what the quota would have been there if they had been using FES units instead of the telephone survey units in setting that quota. Just seeing that type of difference would indicate that it's very unlikely that the increase of the quota was solely due to the change in MRIP.

CHAIR FEGLEY: Does that answer your question, Doug?

MR. HAYMANS: The delegation notes that it still isn't quite clear, but we're willing to continue on. I don't know if we'll ever be quite clear on that but okay.

CHAIR FEGLEY: I think I'm seeing a question from Adam Nowalsky.

MR. ADAM NOWALSKY: Is there any other justification for Options C and D, other than these are the quotas that would result in remaining within the range of landings within the given time period and equate to a rounding of the percentage? I mean I appreciate the simplicity of that approach.

There are certainly many other things I've seen from management that we considered that we do often wish were as simple as that. But I'm just concerned that that is somewhat arbitrary. If there is any other basis that staff used in coming up with that and something that would be suitable for addition to this document before it goes out to the public.

DR. SCHMIDTKE: Options C and D really were, I mean they were the approach for coming up for these alternatives was ad hoc in the nature of, we had a baseline from Option B, and we wanted to provide some additional alternatives. I mean if we wanted, if the Board wanted to, because we're

within the range of Options C and D, even if they were deleted, could still be considered.

But, the PDT felt like if there was a chance that somebody wanted the commercial quota to increase beyond that 50,000 mark, then they would put that option in, it could be considered, and it would be up to the Board if you all would want to take it further. But it was really just stepping up single-percentages, adding in just filling the full range. Adding in 6 percent, 7 percent for the commercial side was put on the table, but ultimately, I think some members of the PDT got a little antsy about those numbers getting a little bit higher than what they were comfortable with. But yes, it was admittedly ad hoc justification for C and D, and kind of the aligning of the numbers that came about for D was purely circumstantial, and wasn't learned until after the fact.

CHAIR FEGLEY: I guess I just wanted to weigh in, and that was the reason why I asked that question about whether or not that explanation about Option D was included in the document, because I think, correct me if I'm wrong, but Options A through C all fall within that the commercial fishery has harvested that number of fish at some point. I think the highest commercial harvest in the time series in your Table 2 is 81,766 pounds, right?

DR. SCHMIDTKE: I don't have it up right now, but I would believe you for that being the number.

CHAIR FEGLEY: I think, you know to Adam's point, Options A through C all reflect something that basically has happened, whereas Option D is definitely reaching beyond the highest harvest that we've recorded since 2000. Maybe that one becomes a little bit more arbitrary, but it's less arbitrary when you consider that it is that proportional increase to both sectors. With that I'll leave it, and Adam, did you have any follow up?

MR. NOWALSKY: Yes, I think I would just offer that whatever of these options we choose to leave in out of C and D, if there is anything else we can offer along the lines of the argument you just made for C, I think it would be helpful for the public to

understand where these came from, other than just they were ad hoc. I think we would do ourselves well if we could add something a little bit more descriptive than that.

CHAIR FEGLEY: Does anybody else have any questions or comments on the Draft Addendum? I think at this point what I would be looking for is a motion to approve this for public comment, so I'll go unmute and see what happens.

MS. KERNS: I have Chris Batsavage.

CHAIR FEGLEY: Thank you, Chris Batsavage.

MR. CHRIS BATSAVAGE: Yes, I would like to make a motion to approve Draft Addendum I to the cobia FMP for public comment as modified today.

CHAIR FEGLEY: Great, thank you, is there a second?

MS. KERNS: I see lots of names. I saw Malcolm Rhodes first.

CHAIR FEGLEY: Okay, we'll give it to Dr. Rhodes. Is there any discussion on this motion?

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

CHAIR FEGLEY: Okay, so I'm going to go ahead and read the motion into the record. It is moved to approve Cobia Draft Addendum I to Amendment 1 for public comment as modified today. Motion by Mr. Batsavage, second by Dr. Rhodes. I think what I would like to do is call this question by consensus. Is there any opposition to this motion? If yes, raise your hand.

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

CHAIR FEGLEY: Okay, seeing no opposition Addendum I is approved by consent. Thank you very much for the good discussion.

CONSIDER APPROVAL OF ATLANTIC COBIA COMMERCIAL TRIGGER LEVEL

CHAIR FEGLEY: I think with that we're going to move on to the next agenda item, which talks about the trigger calculation. I know that Mike just went through that.

As a reminder, the Addendum will essentially codify the methodology for calculating the trigger going forward, but we still need to do it for 2021, because we haven't done that yet. We're going to let Angela Giuliano go through the trigger-setting mechanism right now. Okay, go ahead, Angela.

MS. KERNS: Lynn, really quickly just before we go there. I just wanted to let Board members think about the public hearings. They will all be webinar-based for this document. We're going to reach out to you all via e-mail about having your hearings, but we wanted you to think about whether or not you wanted your hearings to be paired up with other states, focus on just for your state, looking at it in regional aspects or anything like that. Just think about those things, and when we reach out via e-mail, we can discuss it with the states.

CHAIR FEGLEY: You know that is a really good point, since we're not having to have stakeholders drive. Maybe we can do some validation, so absolutely. I assume you want people, is there a date by which you want people to contact you with hearing logistics?

MS. KERNS: I will shoot an e-mail out to folks asking the different questions that we need from them, and put a date in the e-mail that I send out to them.

CHAIR FEGLEY: Perfect, thank you. Moving on, Angela Giuliano, take it away.

MS. ANGELA GIULIANO: This will be a pretty short presentation. Mike has already gone through some of the methods. I guess we go to my only slide. As Mike mentioned in his presentation, the Technical Committee has proposed an alternative method for calculating the commercial trigger.

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As he said, the previous harvest limit of 50,000 pounds never really allowed the observed harvest to get close to the new quota of 146,000 pounds. Just a quick reminder again, the trigger was calculated using the average daily harvest rate from 2015 to 2019, which is the most recent five-year period.

The total number of days for the season was calculated here using the date of first observed cobia harvest, which in all years was early January to the last day of reported harvest for that year. Once we had that average daily harvest rate that was multiplied by 30 days, which is a minimum number of days required in the FMP for the commercial fishery closure. Walking through the proposed calculation, we have our total commercial quota here of 146,232 pounds. If you take out the 3 percent that is set aside for *de minimis* commercial seats, your non *de minimis* quota works out to be 141,845 pounds.

The average daily harvest rate was pretty low, it was 214 pounds per day. Multiplying that by 30 days, last minute harvest over 30 days would be 6,424 pounds, resulting in the commercial fishery closure being proposed as 135,422 pounds. Then just for the Board's information while they are considering the proposed trigger.

The current harvest at this point for the non *de minimis* states as of Friday was 29,488 pounds. That is what I have, so I guess if there are any questions, I can take those now. I was just going to add, as Lynn said this is the last part, I think of the harvest specification for the 2020 fishing year.

CHAIR FEGLEY: Are there any questions for Angela about this? It looks like right now, where Mike went over the general methodology, we're now looking at a specific number for quota trigger that is 135,422 is what I remember seeing. Are there any questions for Angela?

MS. KERNS: I don't see any hands raised, Lynn. I do, first we have Doug Haymans.

CHAIR FEGLEY: Okay Doug, go ahead.

MR. HAYMANS: Could you back that slide up, please? This is current quota, it's the status quo, but it's not quota that may be actually passes into one, which is drastically different. Are we being asked to do something here based on the current quota of 135,422 pounds as a trigger, when both Virginia and North Carolina promised to try to restrain their commercial to the 50,000-pound quota until we could get a different one through? I'm not quite sure what we're being asked to do here.

CHAIR FEGLEY: Mike, I'm going to defer that to you.

DR. SCHMIDTKE: Sure. We have a quota that is specified right now, and part of the process of specifying a quota is establishing a trigger. I understand that Virginia and North Carolina have decided that they are going to manage their fisheries to close at, I think it was 75,000, somewhere around 75,000 pounds.

I understand that they've made that decision, but that was a decision that was made for their specific state fisheries. From the perspective of the quota set by the Commission, this is how the trigger would end up being. This is what the methodology for calculating it would be moving forward.

Yes, if Addendum I when it's passed, if the commercial quota changes, then it would need to be recalculated according to the quota, according to whatever the commercial quota is that is decided by Addendum I, and that would likely go in the timeline just a little bit later in the agenda, but that would likely be something to go into effect for the 2021 fishing year. Does that answer your question, Doug?

MR. HAYMANS: It does. I'm just trying to think through what it would look like if it's at 54,000 pounds. That means that the trigger is somewhere around 48,000 pounds, if it was 64,000-pound quota, and how quickly that might. I'm used to the Council. From the Council perspective when we talk about triggers and potential closures, we see projected dates and what not, and I'm trying to

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figure out exactly what this commercial trigger is going to do to the length of the season.

CHAIR FEGLEY: I think I can say it another way, Doug. This trigger will not be hit. It's almost assured that we will not hit the commercial trigger this year. You could say that this action is maybe slightly out of sync with our management trajectory, since we're just doing Draft Addendum I.

But, if we don't take this action then we won't have a trigger at all and that is in violation of the Plan. The reason that we're using this methodology is because the methodology can't be, it's a little bit of a circular argument. The methodology can't be used because the quota from the 2020 fishing year is high.

MR. HAYMANS: Yes, I understand that. When you say most assured, we won't get the quota is that the 75,000-pound gentlemen's agreement, or is that the 146,000 pounds in the current plan?

DR. SCHMIDTKE: The 146,000.

CHAIR FEGLEY: Correct, thank you. I'll defer back to Mike, but I was speaking about the trigger that Angela presented.

DR. SCHMIDTKE: Yes, and it will be very unlikely that we hit the 135,000 either.

MS. KERNS: Lynn, you have Pat Geer with his hand raised. I think maybe he can provide a little clarity, in terms of what Virginia and their gentlemen's agreement quota might be.

CHAIR FEGLEY: Go ahead, Pat.

MR. PAT GEER: Doug, it's a shame we don't have the minutes from the last meeting, because as you recall we took a time out and Chris and I had some discussions. It was discussed during the meeting that I believe it's 70,000 pounds, Chris correct me if I'm wrong. But we agreed that these 146 or 135,000 pounds was much more.

We didn't want to see that. It wasn't expected, so we were shooting for around what the average was for the last year, so we agreed on it. It is a gentlemen's agreement of 70,000 pounds. We are monitoring it weekly, and we plan to close when it reaches that level. No one's intent is to harvest 135,000 pounds of cobia commercially this year. But because we need to have a value for this year, and since the Addendum wasn't done yet we have no other option, or we don't have any value at all.

CHAIR FEGLEY: Doug, is that getting you straight?

MR. HAYMANS: That's one half. Yes, it is getting me straight, and I appreciate that. Perhaps Mr. Batsavage could sort of speak to the same. It looks like North Carolina is within their agreed upon by each as well, I would appreciate it.

CHAIR FEGLEY: Chris Batsavage.

MR. CHRIS BATSAVAGE: Yes, as Pat mentioned that North Carolina and Virginia are monitoring our landings on a weekly basis, and it looks like, I don't know if we're on track or slightly behind where we were last year at this time. But there doesn't appear to be any chance of catching the 146,000.

Since we're monitoring things on a weekly basis, we can put the brakes on the landings before they exceed what we agreed to. I think the official number is 73,000, but I would have to go back and look too. It's somewhere between 70 and 75 for sure, but so far nothing has really popped up from our landings or from Virginia's landings out of the ordinary that was seen in the last few years.

CHAIR FEGLEY: Pat, I see your hand up.

MR. GEER: Chris is right, it's 73,000. I apologize. It is 73 it wasn't 70 as I mentioned, 73,000 pounds.

CHAIR FEGLEY: Okay, thank you, Pat. Are there any other questions about this trigger?

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

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CHAIR FEGLEY: Okay, so what we'll need here is a motion to approve the commercial closure trigger. I'm just going to go ahead, and it's for the 2020 fishing year, correct?

DR. SCHMIDTKE: Correct, and I have had some conversations with some Board members that have had kind of a concern about locking a number in for long term. Even though we have a harvest quota that is specified, there is nothing in the Amendment that would suggest that we have to have the trigger in lock-step with that, especially knowing that there is a decent chance that it changes by the next meeting. It can be specified just for 2020, and then after Addendum I is completed, any changes to that can be incorporated and the trigger can be recalculated for 2021.

CHAIR FEGLEY: Perfect, thanks, Mike. Right, we'll need a motion to approve the trigger for the 2020 fishing year, and once again I'll go unmute and wait to see.

MS. KERNS: Lynn, we have Pat Geer's hand up. I'm not sure if it's a question or for a motion.

CHAIR FEGLEY: Thanks Pat, go ahead.

MR. GEER: I think we already have all of it, but it is: move to approve cobia commercial trigger of 135,422 pounds for 2020, if commercial harvest estimated through in-season monitoring meets or exceeds this amount, a coastwide commercial closure for the remainder of the year will begin 30 days later.

CHAIR FEGLEY: Mel Bell.

MR. MEL BELL: I'm just going to second it.

CHAIR FEGLEY: All right, second by Mr. Bell. Is there any discussion on the motion?

DR. SCHMIDTKE: Just a brief edit as I heard it from Pat, Maya if we could delete, in any year after amount.

MS. KERNS: Lynn, you have Doug, Pat and Mel with their hands up.

CHAIR FEGLEY: We'll go alphabetically, so Doug do you have a comment on the motion?

MR. HAYMANS: Does the motion have to have the pounds; or can it not be the method that is used for the trigger?

CHAIR FEGLEY: I think we need a number. Mike?

DR. SCHMIDTKE: Yes, the trigger is an actual number the methodology is being considered for inclusion in the Plan through Addendum I. But in order to apply a trigger to a quota within a year, it would need to be a number or a percent of the quota.

CHAIR FEGLEY: Doug, do you have a follow up to that?

MR. HAYMANS: No, I'll shut up. I'm okay.

CHAIR FEGLEY: Pat, did you want to speak to the motion, or did your hand go down?

MR. GEER: My hand went down, I'm sorry.

CHAIR FEGLEY: No that's all right, and Mel Bell, did your hand also go down?

MR. BELL: Yes, Ma'am.

CHAIR FEGLEY: Okay, all right, so I think at this point I'm going to go ahead and read the motion into the record. Move to approve a cobia commercial trigger of 135,422 pounds for 2020 if commercial harvest estimated through in-season monitoring meets or exceeds this amount, a coastwide commercial closure for the remainder of the year will begin 30 days later. Motion by Mr. Geer, second by Mr. Bell. I think at this point what I'm going to do is try to do this again by consensus. If anyone opposes this motion, please raise your hand.

MS. KERNS: Lynn, I don't see anyone with their hand up. I just wanted to double-check to make sure you didn't want to ask the public if they

wanted to comment on this motion, since it didn't go out for public comment.

CHAIR FEGLEY: Yes, thank you. I think that is a really good idea. I'm going to put a pause there and just go ahead. Is there anybody in the public who wants to speak to that?

MS. KERNS: Again, for the public to raise your hand, you just click on that little hand button, and I don't see anybody raising their hand, Lynn.

CHAIR FEGLEY: Thank you for that. We'll try again then. If anybody is opposed to this motion, please raise your hand.

MS. KERNS: I see no hands raised.

CHAIR FEGLEY: Then this motion is approved by consensus, and it will be a little more straightforward next year, once this Draft Addendum is done.

DISCUSS TIMELINE FOR SUBMITTING ATLANTIC COBIA AMENDMENT 1 IMPLEMENTATION PLANS

CHAIR FEGLEY: I guess that brings us to our next item that segues well where we will talk about the timeline for implementing cobia implementation plans, and I think Mike with that I'll go back to you.

DR. SCHMIDTKE: Once Maya is ready to pull up the presentation. I've got just a couple of slides giving some description. I sent out a memo in supplemental materials, but I wanted to address it with the Board, because we have upcoming some pretty tight timelines. In February, excuse me, February was not when Amendment 1 was approved, it was approved earlier.

But in February we had a new harvest quota that was approved, and Amendment 1, when it was approved last fall, it was scheduled for implementation by July 1. Kind of in follow up to that we had that new harvest quota that was approved in February, and there were some parts of evaluating implementation that were put on

hold because of that, because states were allowed to carry over their regulations from 2019 into 2020, as far as recreational seasons vessels limits are concerned in achieving state harvest targets.

We have some outstanding implementation evaluations that need to occur. Obviously there have been impacts to the world, and there have been attentions diverted to other things. But looking towards 2021, it was the goal from the February, 2020 meeting to have recreational measures under the current quota in place for 2021.

Since then we've had updates to the timeline regarding Draft Addendum I and Draft Addendum I has potential to impact the quotas. That would be considered for final approval in October, 2020. One thing to note about this is that yes, it could change the quotas, and subsequently the recreational harvest targets. But it's not going to change them by very much, we're talking a percent, a couple of few percent at most. One of the things that I wanted to bring to the attention of the Board, and that the states could have their staff's working on is developing their implementation plans, particularly those states that have harvest targets. I would hope that there would be some communication among the agencies to develop those plans so that they can be evaluated pretty quickly after Addendum I is considered and possibly approved.

Looking forward at the process of how new measures could potentially go into place for 2021. After the October meeting, as long as states are committed and willing to begin working on it, probably soon ahead of even the annual meeting, and then be in a place where small adjustments could potentially be made, based on the results of Addendum I.

Implementation plans could be due to the TC by mid-November. The TC would then, they would need probably a couple weeks to review those, if need be a webinar to review those in early December, and then if the Board wants to have a decision made before 2021, then there would

need to be Board consideration, either via e-mail or a South Atlantic Board specific webinar in mid-December.

If either of these options are desired, it needs to be stated and agreed upon on the record. That is something that could be decided today, probably better to do it earlier than later to have that decision, and folks can make the plans for it. But it is something that would need to be stated publicly and agreed upon.

Then states would also need to begin preparing as soon as possible for what is a pretty aggressive timeline. This was throwing out an idea of a way to make it happen before 2021. If the Board, if the states would like to be more aggressive in the timeline to make it happen, with the recognition that several of the seasons don't start until the spring.

There may be a little bit of wiggle room, but if I interpreted what the Board's desire was from February correctly, the Board wanted to have the new recreational measures, any new measure is based off of the new recreational quota, particularly in place for 2021. That's all I had on that and I'll pass it back to you, Madam Chair for hearing discussion and what the Board's plans and commitments are as we move into the fall.

CHAIR FEGLEY: It's backing us into an aggressive timeline. Just to repeat what Mike said and what we need discussion on. We need to come to this as not an action item, but we need to come to agreement if we can that we're going to work to get Addendum I measure in place for 2021, which means they would need to follow the timeline on the screen. With that I will put it up for discussion.

MS. KERNS: I don't see any hands, nope, we've got Pat Geer.

CHAIR FEGLEY: Okay Pat, and then I see Chris Batsavage on deck, so Pat go ahead.

MR. GEER: One of the concerns I have with this is that. They are not mentioned, but we also have

spot and croaker that are going to have some issues as well. Having both this and the Atlantic croaker coming up at the same time, how much of an issue that is going to be for us. In my state, people working on cobia are also working on spot and croaker. This is trying to get this all done. Mike you sent out a letter to us showing the timeline for that as well. Could you elaborate on the timeline for croaker and spot, and how it overlaps with this?

DR. SCHMIDTKE: Bear with me one second, I'm just going to pull up the memo that I sent, so I can make sure I'm not contradicting myself as much as possible. The timeline for spot and croaker is a little bit less clear. The reason for that is as was stated in the memo that was sent out.

One of the surveys, the CHESMAP Survey, one of the surveys that spot and croaker were kind of depending on, especially for that mid-Atlantic region for determining abundance in the TLA. That underwent some changes to the survey. The survey was conducted, it just needs to be recalibrated, and that recalibration process is taking a while, and the most recent update that we have is that it will not be available until the end of the year.

The TLA will need to be conducted without the CHESMAP Survey, and the Croaker and Spot TCs are going to need to talk about how to do that and talk about whether they are going to potentially to replace it with NEMAP, or if they just run it with only the Northeast Fisheries Science Center Survey in the mid-Atlantic region, or what strategy they would take.

But there is the possibility that the removal of CHESMAP, you know when we were going into croaker in particular. When CHESMAP was in consideration the results were kind of predetermined for croaker that it would trigger this year. With the removal of CHESMAP, I'm not sure. I would need to check with, I believe Chris McDonough has run it a couple different ways.

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But I don't know at this point what the result would be for croaker, and there was some uncertainty as far as spot on whether a trigger would occur. There were some scenarios where it could, or it couldn't. I think part of that timeline depends on what exactly is triggering. One of the advantages for croaker and spot is that the management responses are, as I recall a bit more prescriptive, based off of Addendum III to each of those plans.

They are kind of spelled out in the plans. Also, there wouldn't be as much, there would be implementation plans that would need to be submitted, but there wouldn't need to be as much, I guess analysis evaluation for the spot and the croaker implementation plans as there would be for the cobia plans, because again the spot and croaker is a bit more prescriptive. It's spelled out, and there are some states that are already meeting those requirements as well. That is not a great answer to the question, but it's hard to say right now without having the results of the TLA.

CHAIR FEGLEY: Now Mike, thanks. I appreciate that and I was honestly secretly hoping that this wouldn't come up. But what I think we need to do, and Pat I really appreciate your appeal that you've got staff doubled up on these species. But I get the sense of what we're going to need to do is take them one at a time.

We have a clear path with cobia. Spot and croaker, you know the TC hasn't met yet. They haven't had the discussion about what to do with the fact that we're going to see a traffic light analysis that has sort of a switch off in data. I think there are some issues there that the Board is really going to need to discuss in October. In October, you know we might be two Boards, I don't know. But I think we need to really put spot and croaker on the table for October, and hear what the TC has to say and see what those analyses look like, and take it from there recognizing what the workload of our respective staffs are. I think that is about the best we can do right now. Chris Batsavage, did you have a comment?

MR. BATSAVAGE: Yes, thanks Madam Chair. It's sort of a question on implementation for cobia. With the new quota that we have in 2020, the harvest targets for the non *de minimis* states for the recreational fishery have all changed, the numbers of fish have gone up, and they may change again depending on the outcome of Addendum I.

Meanwhile, our regulations currently in place are based on old MRIP and the previous stock assessment. There is a big of a disconnect there, in terms of either current and future targets versus our regulations. A question for Mike is for the implementation plans. Will the states have the opportunity to modify their regulations, like seasons or vessel limits or anything like that that better align with the new targets?

DR. SCHMIDTKE: Yes. I think that is kind of the intent of the upcoming implementation. As I remember it from the February meeting, the states have concern about being able to get that process done ahead of the fishing season this year. I know at least a few of the states, I think probably most of the states at this point, when you consider all the states that are using the same regulations as Virginia.

Many states their season doesn't start in January for the recreational fishery. I mean there is a little bit of time in consideration for that and there has also been the time since then to consider what to do in place for 2021. But yes, the states would be given new harvest targets, and the task for the states would be come up with the season and vessel limit that fits this harvest target, as you want to apply it to your fisheries. Yes, there could be change from the regulations of previous years.

MR. BATSAVAGE: Great, thanks Mike, I thought that was the case, and kind of confused as far as when the timing for that lasts. But that also helps in terms of trying to figure out what will you do in terms of an implementation plan, and the pretty aggressive timeline we need to do. Just, I guess a comment on whether to meet via webinar or via e-mail in December.

I think one challenge we're going to face is this other meeting is already on the books, and I believe the South Atlantic Council meets the first week of December, and the Mid-Atlantic Council meets the second week of December. Then we quickly go into the holidays.

Yes, I guess if we could do this via e-mail that might be one option, or I know it's really pushing it, in terms of getting things in place by 2021, but an early January webinar. I just wanted to flag those two Council meetings that are already on the schedule in December, and I think it's a little tougher to do with the timeline.

CHAIR FEGLEY: Thanks Chris for highlighting those meetings, I think that's helpful. Okay, so I think where we are right now is, we need to state on the record that as a body we're onboard with this timeline. Does anybody else have any commentary on this?

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

CHAIR FEGLEY: Me neither. I think at that point then, Mike what we're going to do for your benefit is just state on the record that the Board is ready and willing to follow the timeline that you proposed, so that will be ready to implement Addendum I for the 2021 fishing season.

DR. SCHMIDTKE: Toni, does that work as far as like that statement on the record, that works for being able to conduct whatever review by the Board, e-mail or webinar?

MS. KERNS: Yes, that will work. We'll work with the states to determine if we think we can figure out a time to do it via webinar, and if not, we'll have to do it via e-mail.

DR. SCHMIDTKE: Okay.

REVIEW TERMS OF REFERENCE FOR RED DRUM SIMULATION ASSESSMENT

CHAIR FEGLEY: Fair enough. Now, I think next, and this is going to be our final action item for the

meeting. We are going to go onto something completely different, which is red drum, to talk about the terms of reference for a simulation study. With that I think what I'm going to do is hand it over to Jeff Kipp.

MR. JEFF KIPP: To outline my presentation, I'll be covering the terms of reference for the simulation assessment process for red drum. These define the scope of work to be accomplished by the Stock Assessment Subcommittee and Technical Committee during the assessment. I will then cover the terms of reference for the external peer review, which are going to be similar in language to these assessment TORs, but they direct the Peer Review Panel to evaluate the SAS and TC fulfillment of the assessment TORs.

Then I'll just wrap up with a summary of the timeline of the major milestones during the simulation assessment process. For the terms of reference for the simulation assessment process, TOR 1 is to describe fishery dependent and fishery independent monitoring programs for red drum, and the datasets produced from these monitoring programs for stock assessment, characterize precision and accuracy of datasets.

TOR 2 is to describe available information for parameterizing simulation models, characterize uncertainty of parameters. TOR 3 is to develop methods to project a simulated population through time, implement sampling procedures and simulation models to generate datasets, mirroring datasets available from existing monitoring programs.

TOR 4 is to develop simulated populations that incorporate uncertainty and information used to parameterize the simulation models, characterize uncertainty and limitations in simulated models, and potential impacts on perceived understanding of in situ population dynamics and stock status. TOR 5 is to develop candidate assessment methods and apply assessment methods to dataset sample from simulated populations. TOR 6 is to define reference points for characterizing stock status of simulated populations. TOR 7 is to identify

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performance metrics and evaluate performance of each candidate assessment method for estimating the population dynamics and stock status of simulated populations, describe strengths and weaknesses of each assessment method.

TOR 8 is to recommend the preferred assessment method or methods for characterizing stock status. The final TOR, TOR 9 is to provide prioritized recommendations on future monitoring to approve assessment. Now moving to the terms of reference for the external peer review. TOR 1 is to evaluate thoroughness of data collection, data treatment, data presentation, and characterization of data uncertainty.

TOR 2 is to evaluate thoroughness and appropriateness of information used to parameterize simulation models. TOR 3 is to evaluate the appropriateness of simulation models for simulating red drum populations, and generating datasets sampled from the simulated populations. TOR 4 is to evaluate the incorporation and treatment of uncertainty in simulated populations.

TOR 5 is to evaluate candidate assessment methods, and application of assessment methods to datasets sampled from simulated populations. TOR 6 is to evaluate choice of reference points for characterizing stock status of simulated populations, recommend alternatives if necessary. TOR 7 is to evaluate choice of performance metrics used to evaluate performance of each candidate assessment method for estimating the population dynamics, and stock status of simulated population, recommend alternatives if necessary.

TOR 8 is to evaluate the choice of the preferred assessment method or methods for characterizing stock status, recommend alternatives if necessary. TOR 9 is to review recommendations on future monitoring provided by the Technical Committee, and comment on the appropriateness and prioritization of each recommendation, provide any additional recommendations warranted.

Then the final TOR for the Peer Review Panel is TOR 10, prepare a Peer Review Panel Terms of Reference and Advisory Report summarizing the Panel's evaluation of the simulation assessment, and addressing each peer review term of reference. Develop a list of tasks to be completed following the workshop, complete and submit the report within four weeks of workshop conclusion.

Now moving on to a summary of the timeline. In this table here are the major milestones of the assessment. The full proposed assessment timeline was provided in meeting materials. But the first item is what we're doing currently, Board review of the terms of reference, which will initially, will formally initiate the stock assessment. We have a data deadline proposed for October of this year.

Our first workshop will be a data methods workshop, and that will be in November. Then we'll have two modeling workshops occurring in 2021, the first in February, and the second in June. The TC will meet to review what the Stock Assessment Subcommittee put together in the stock assessment in January of 2022, and then we'll tentatively schedule the Peer Review Workshop for March of 2022. Then we'll bring the assessment and the peer review of that assessment to the Board for consideration at the ASMFC spring meeting in 2022. Then just a couple notes here. We will provide updates to the Board at each ASMFC meeting between this current meeting and the meeting when we present the assessment in May of 2022. Then the current plan is to initiate a traditional benchmark stock assessment with separate TORs following Board consideration of the simulation assessment in May of 2022. That concludes my presentation, and I would be happy to take any questions on those.

CHAIR FEGLEY: Thank you Jeff very much, I think this is going to be a really interesting project, and hopefully give us some of the insights that we've been missing with red drum, and to help us manage this fishery. Are there questions for Jeff?

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

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CHAIR FEGLEY: Okay, so I think as a reminder, this is an action item. Oh, Doug, I see your hand go up. Doug Haymans.

MR. HAYMANS: The third member of the Georgia delegation would like to ask a question; Dr. Belcher would like to chime in if that is okay.

CHAIR FEGLEY: Please, go ahead.

DR. CAROLYN BELCHER: Just because I haven't been in the discussions relative to this, how does this fit into the traditional approach that we've done with continuity run assessments, and then working towards a new benchmark? Because the concerns that I have is I'm thinking about continuity in knowing that our current model does not have or has not been adapted to the new MRIP numbers. Not really sure how that is going to affect or tie in with that evaluation of the parameters, because all the parameters that we currently have are run based on those older numbers.

MR. KIPP: Yes, so we will be using the updated new MRIP data in this simulation process. Basically, what we're going to do is build a simulation model based on those datasets, including the new MRIP numbers, and then information we know about the population, such as what we believe the natural mortality rates are, growth rates, et cetera.

That way we can develop and simulate known populations with known population parameters. Then the next part of this assessment will be to apply various assessment methods to datasets we draw from those known populations. We are likely going to use the current assessment model as one of those assessment methods as a candidate.

Since we will know what the population parameters are of these simulated populations, we can evaluate the performance of the current assessment model and any other assessment approaches we want to try here, to see what are the most robust for red drum populations. We will be using those new MRIP data, and all the other observed datasets that we have available, such as

the survey indices in this simulation model, to simulate information for assessing. Does that answer your question?

DR. BELCHER: Yes, but then the other part of that is just to like the spawner recruit relationship. Is that something that is going to come out of that last assessment, because if there is a scaling issue between the new MRIP numbers and the old MRIP numbers, those parameters are not going to match well.

MR. KIPP: We will meet to determine what parameters we have, what we have to choose from, and that will drive the structure of the simulation model. All of those things we'll probably evaluate with some level of uncertainty in them. For example, if we do pull stock recruit parameters from the past assessment, or any other assessments that occurred before the most recent.

We would parameterize the uncertainty of those parameters as well, and sort of draw from distributions to capture the uncertainty in those parameters in the simulation model. It will involve how well we know those parameters, how well we think we know those parameters, and we will sort of bring the uncertainty in those through the simulation model.

DR. BELCHER: Are you going to still evaluate with the two separate regions as well?

MR. KIPP: I believe that will probably be the plan. We'll address that probably at the data workshop, but you know at this point one of the first things we'll be doing is gathering information, and particularly information that has come online since the last stock assessment. I think if there is anything to suggest, any different stock structure, we would address it at that data workshop. But I believe currently that there is probably nothing new to push us in that direction to a new stock structure.

DR. BELCHER: Who is going to do the assessment? I was just curious, because I know Mike Murphy

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has been our historic assessor, but do we have an idea on who is going to be leading this?

MR. KIPP: We have gone out and repopulated the Stock Assessment Subcommittee. There has been a bit of turnover. We've got folks from pretty much all the states. We've got Joey Ballenger as the Stock Assessment Subcommittee Chair, and then we've got analysts from Georgia, Jared Flowers.

From Florida Chris Swanson, from North Carolina, Thom Tears, and then from Maryland Angela Giuliano, and then myself on that Stock Assessment Subcommittee, and then Lee Paramore is also the Technical Committee Chair, so a de facto Stock Assessment Subcommittee member. Those are the analysts on the Stock Assessment Subcommittee.

DR. BELCHER: Okay, thanks.

CHAIR FEGLEY: Are there at this point any other questions for Jeff about the terms of reference for this simulation study?

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

CHAIR FEGLEY: Okay, so again we are going to need a motion to approve these terms of reference. For the last time I will go unmute, and see what we get. Is there anybody out there willing to make a motion to approve the terms of reference?

MS. KERNS: Mel Bell.

MR. BELL: I move to approve the Terms of Reference and schedule for the 2022 Red Drum Simulation Assessment as presented.

CHAIR FEGLEY: Thank you Mel, is there a second?

MS. KERNS: We have lots of names, Jim Estes.

CHAIR FEGLEY: All right, second by Mr. Estes. Is there any discussion on the motion?

MS. KERNS: Mel's hand up, but it might be, now it's down so no hands up.

CHAIR FEGLEY: All right, so I will read the motion into the record. It is, move to approve Terms of Reference for the Red Drum Simulation Assessment as presented. Motion by Mr. Bell, second by Mr. Estes. Once again, I'm going to try to do this by consensus, so if there is anybody who is opposed to this motion, please raise your hand.

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

CHAIR FEGLEY: Very good. Seeing no opposition, this motion stands approved by consensus. I do believe, because we have stricken the Vice Chair election from the record, pending the decision on what to do with this Board. That concludes our agenda, except that I do have one addition, and I know that everybody is aware that Dr. Mike Schmidtke is headed down to South Carolina, so he will no longer be working for the Commission.

I just want to say that it has been a tremendous pleasure to work with him, he is sharp and professional, and the South Atlantic Fishery Management Council is lucky to get him. I know that we're not all together so it's hard to do a big round of applause virtually, but I know that you are all standing behind your computers right now clapping, in appreciation for the work that Mike has done. With that and Mike, thank you! With that is there any opposition to adjourning this meeting?

MS. KERNS: I don't see any opposition. Thank you, Lynn, and thank you for saying those nice words about Mike, and we here at the Commission are going to greatly miss him. The South Atlantic Council is getting a great staff member. Then Lynn, I think Bob has something to say as well.

CHAIR FEGLEY: Absolutely, Bob Beal, please go ahead.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just two quick things. One is yes, all the best to Mike. I'm glad we get to keep working with him at the South

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Atlantic Council, and we can solve some Spanish mackerel problems, and other things that we didn't talk about today. I just sent an e-mail around to all the Commissioners and proxies about the storm that is kind of wandering up the east coast now. It's kind of unclear what is going to happen, it's not the strongest of storms that we've seen, but it's still a pretty high-end tropical storm.

You know, there may be heavy rains and winds and some power outages and those sorts of things. I'll work with Pat Keliher, we'll keep an eye on it. If a significant number of Commissioners are unable to participate in a meeting, we'll take that into consideration, and we may adjust schedules as needed. You know we're going to try not to cancel anything. We may slide some things back until later in the week, but we'll just have to see.

The good news is for menhaden, which starts tomorrow, we've got Wednesday afternoon to wrap that up, so tomorrow is kind of a non-decisional meeting on menhaden, striped bass there is a big meeting tomorrow. We'll just have to keep an eye on it. If anyone knows, if your power goes out and you're able to get in touch with Toni and I, let us know, or if somebody in your delegation can't participate let us know, and we'll adjust as necessary. But hopefully we make it through without having to shake things up too much. Thank you, Madam Chair.

CHAIR FEGLEY: Absolutely.

MS. KERNS: To add to that, Lynn. For folks, you know along with power outages usually goes internet outages. I just wanted to let everybody know that Go to Webinar does have an App for your cell phone. You can easily download that, and then you would be able to see presentations, communicate, talk on your phone. If you're having trouble with the internet connection on your phone at all, you can also just call into the meetings.

There are instructions on how to do that. If you wanted to pull that stuff off of the web page now, like writing down the meeting code and all of those

things, to prepare just in case something happens tomorrow that would be great. Otherwise, you can always give me a call at the office, it forwards to my cell phone, and I can talk you through and walk you through all these different things.

ADJOURNMENT

CHAIR FEGLEY: Thanks, Bob and Toni, hopefully we're all going to get through the storm. Everybody, stay safe, and with that we'll move on to the next thing.

MS. KERNS: Lynn, Doug Haymans has his hand up.

MR. HAYMANS: I was just going to say that we have sat here today, starting with whatever we started with this morning, and I've watched the storm pass the Georgia coast, and if there is anything like what came by here, I think you still need to keep your sprinklers running over the weekend, so do we. We got less than a half an inch of rain and a light breeze.

MS. KERNS: Wow, we will all hope for that. Thank you everybody.

(Whereupon the meeting adjourned at 3:18 p.m.
on May 5, 2020)