

Atlantic States Marine Fisheries Commission

South Atlantic State/Federal Fisheries Management Board

October 25, 2018
11:30 a.m. – 1:00 p.m.
New York, New York

Draft Agenda

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

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| 1. Welcome/Call to Order (<i>P. Geer</i>) | 11:15 a.m. |
| 2. Board Consent | 11:15 a.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from August 2018 | |
| 3. Public Comment | 11:20 a.m. |
| 4. Review Public Comment Summary for Cobia Draft Amendment 1 Public Information Document (<i>M. Schmidtke</i>) | 11:30 p.m. |
| 5. Provide Guidance to the Cobia Plan Development Team on Options for Inclusion in Draft Amendment 1 (<i>P. Geer</i>) Possible Action | 12:00 p.m. |
| 6. Consider 2018 Fishery Management Plan Reviews and State Compliance Reports for Black Drum, Spotted Seatrout, and Spanish Mackerel (<i>M. Schmidtke</i>) Action | 12:30 p.m. |
| 7. Other Business/Adjourn | 1:00 p.m. |

The meeting will be held at the Roosevelt Hotel, 45 East 45th Street & Madison Avenue, New York, NY; 212.661.9600

MEETING OVERVIEW

South Atlantic State/Federal Fisheries Management Board Meeting

Thursday, October 25, 2018

11:30 a.m. – 1:00 p.m.

New York, New York

Chair: Pat Geer (GA) Assumed Chairmanship: 02/18	Technical Committee (TC) Chairs: Black Drum: Harry Rickabaugh (MD) Cobia: Vacant Atlantic Croaker: Chris McDonough (SC) Red Drum: Vacant	Law Enforcement Committee Representative: Capt. Bob Lynn (GA)
Vice Chair: Robert H. Boyles, Jr.	Advisory Panel Chair: Tom Powers (VA)	Previous Board Meeting: August 9, 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 August 9, 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. Review Public Comment Summary for Cobia Draft Amendment 1 Public Information Document (11:30 – 12:00 p.m.)
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Background

- In May 2018, the Board initiated Draft Amendment 1 to the Cobia FMP 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.
- In August 2018, the Board approved release of a Public Information Document (PID) requesting public input on management options to be included in Draft Amendment 1. **(Briefing Materials)**
- Five public hearings were held in September by the Commission for the states/jurisdictions of Maryland, Potomac River Fisheries Commission, Virginia, North Carolina, South Carolina, and Georgia. An additional public hearing was held by state staff

in New Jersey. A total of ten members of the public attended the six hearings. (**Briefing Materials**)

- Written comments were accepted from August 10 through October 10, 2018. (**Supplemental Materials**)

Presentations

- M. Schmidtke will present the Public Comment Summary.

5. Provide Guidance to the Cobia Plan Development Team on Options for Inclusion in Draft Amendment 1 (12:00 p.m. – 12:30 p.m.) Possible Action

Board actions for consideration at this meeting

- Provide guidance to the Plan Development Team for management options to include in Draft Amendment 1 to the Cobia FMP.

6. Consider 2018 Fishery Management Plan Reviews and State Compliance for Black Drum, Spotted Seatrout, and Spanish Mackerel (12:30 – 1:00 p.m.) Action

Background

- Black Drum State Compliance Reports are due on August 1. The Black Drum Plan Review Team (PRT) has reviewed state reports and compiled the annual FMP Review. No states have requested *de minimis* status. (**Supplemental Materials**)
- Spotted Seatrout State Compliance Reports are due on September 1. The Spotted Seatrout PRT has reviewed state reports and compiled the annual FMP Review. New Jersey and Delaware have requested *de minimis* status (**Supplemental Materials**).
- Spanish Mackerel State Compliance Reports are due on September 1. The Spanish Mackerel PRT has reviewed state reports and compiled the annual FMP Review. New Jersey, Delaware, and Georgia 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 spotted seatrout and Spanish mackerel.

7. Other Business/Adjourn

South Atlantic Board

Activity level: Moderate

Committee Overlap Score: Moderate (American Eel TC, Horseshoe Crab TC, Shad and River Herring TC, Sturgeon TC, Weakfish TC)

Committee Task List

- Black Drum TC – Fall 2018/Winter 2019: Review 2014 benchmark stock assessment research recommendations and make recommendation for 2019 stock assessment
- Cobia PDT – October 2018 – May 2019: Draft Amendment 1 process; current step: develop Draft Amendment 1
- Red Drum SAS – Fall 2018/Winter 2019: Develop assessment roadmap and update ASC on progress
- Atlantic Croaker TC - July 1: Compliance Reports Due
- Red Drum TC – July 1: Compliance Reports Due
- Cobia TC – July 1: Compliance Reports Due
- Atlantic Croaker PRT – August 1: Update Traffic Light Analysis
- Spot PRT – August 1: Update Traffic Light Analysis
- Black Drum TC – August 1: Compliance Reports Due
- Spotted Seatrout PRT – September 1: Compliance Reports Due
- Spanish Mackerel PRT – October 1: Compliance Reports Due
- Spot PRT – November 1: Compliance Reports Due

TC Members:

Atlantic Croaker: Chris McDonough (SC, Chair), Kristen Anstead (ASMFC), Michael Schmidtke (ASMFC), Tim Daniels (NJ), Michael Greco (DE), Harry Rickabaugh (MD), Jason Rock (NC), Dan Zapf (NC), Dawn Franco (GA), Joseph Munyandorero (FL), Wilson Laney (USFWS)

Black Drum: Harry Rickabaugh (MD, Chair), Jeff Kipp (ASMFC), Michael Schmidtke (ASMFC), Jordan Zimmerman (DE), Chris Stewart (NC), Chris McDonough (SC), Ryan Harrell (GA), Dustin Addis (FL)

Cobia: Michael Schmidtke (ASMFC), Linda Barry (NJ), Angela Giuliano (MD), Alex Aspinwall (VA), Anne Markwith (NC), Mike Denson (SC), Chris Kalinowsky (GA), Christina Wiegand (SAMFC), Michael Larkin (SERO)

Red Drum: Jeff Kipp (ASMFC), Michael Schmidtke (ASMFC), Tim Daniels (NJ), Michael Greco (DE), Robert Bourdon (MD), Lee Paramore (NC), Joey Ballenger (SC), Chris Kalinowsky (GA), Behzad Mahmoudi (FL), Wilson Laney (USFWS), Roger Pugliese (SAFMC)

Spanish Mackerel (PRT): Michael Schmidtke (ASMFC), Randy Gregory (NC), BJ Hilton (GA), Dustin Addis (FL), Christina Wiegand (SAFMC), John Hadley (SAFMC)

Spot (PRT): Michael Schmidtke (ASMFC), Harry Rickabaugh (MD), Adam Kenyon (VA), Dan Zapf (NC), Chris McDonough (SC), Dawn Franco (GA)

Spotted Seatrout (PRT): Michael Schmidtke (ASMFC), Douglas Lipton (MD), Steve Poland (NC), Joey Ballenger (SC), Chris Kalinowsky (GA)

SAS Members:

Red Drum: Jeff Kipp (ASMFC), Michael Schmidtke (ASMFC), Angela Giuliano (MD), Lee Paramore (NC), Joey Ballenger (SC), Liz Herdter Smith (FL)

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

The Westin Crystal City
Arlington, Virginia
August 9, 2018

Draft Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting
August 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 May 2018** by Consent (Page 1).
3. Postponed Motion from May 3, 2018:
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 11). Motion by Chris Batsavage; second by Marty Gary. Motion failed (Page 17).
4. **Move to approve the Public Information Document for Draft Amendment 1 to the Cobia Fishery Management Plan for Public Comment** (Page 21). Motion by Lynn Fegley; second by Spud Woodward. Motion carried (Page 21).
5. **Move to approve Craig Freeman as a member of the South Atlantic Species Advisory Panel** (Page 21). Motion by Joe Cimino; second by Lynn Fegley. Motion carried (Page 21).
6. **Move to elect Mr. Robert Boyles as Vice Chair** (Page 21). Motion by Spud Woodward; second by Malcolm Rhodes. Motion carried (Page 21).
7. **Motion to adjourn** by Consent (Page 22).

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

ATTENDANCE

BOARD MEMBERS

Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Mel Bell, SC, proxy for Sen. Cromer (LA)
Roy Miller, DE (GA)	Malcolm Rhodes, SC (GA)
John Clark, DE, proxy for David Saveikas (AA)	Spud Woodward, GA (AA)
Russell Dize, MD (GA)	Doug Haymans, GA (GA)
Lynn Fegley, MD, proxy for D. Blazer (AA)	Krista Shipley, FL, proxy for J. McCawley (AA)
Pat Geer, VA, proxy for S. Bowman (AA), Chair	Marty Gary, PRFC
Michael Blanton, NC, proxy for Rep. Steinburg (LA)	Jack McGovern, NMFS
Chris Batsavage, NC, proxy for S. Murphy (AA)	John Carmichael, SAFMC
Robert Boyles, SC (AA)	

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

Ex-Officio Members

Chris McDonough, Atl. Croaker Technical Committee Chair

Staff

Toni Kerns	Tina Berger
Robert Beal	Jessica Kuesel
Mike Schmidtke	

Guests

Joe Cimino, NJ DFW	Mike Millard, USFWS
John Clark, DE DFW	

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 August 9, 2018, and was called to order at 10:45 o'clock a.m. by Chairman Pat Geer.

CALL TO ORDER

CHAIRMAN PAT GEER: Okay folks let's get started and begin the South Atlantic State/Federal Fisheries Management Board meeting. My name is Pat Geer of Virginia; and I am the Chairman.

APPROVAL OF AGENDA

CHAIRMAN GEER: The first order of business is approval of the agenda. Are there any modifications to the agenda? What we will probably do, letting you know since we're starting early, we're probably going to try to go right through this and then have lunch after we're done.

We hopefully can get through this in the two hour period we have; but we're going to try to go through this as quickly as possible. If we go any longer we'll break for lunch. We'll see how things go on that one. Hearing any changes to the agenda? Hearing none they are approved by consent.

APPROVAL OF PROCEEDINGS

CHAIRMAN GEER: Approval of the proceedings from the May 3rd. Lynn.

MS. LYNN FEGLEY: I just noticed that in the proceedings from the last meeting under the Index of Motions, Item 3. The motion is listed as to reopen Maryland's commercial fishery for red drum. We would love to have a correction for that. Thank you.

CHAIRMAN GEER: Also that Georgia is still dear to my heart, but I am now in Virginia, so I am no longer the proxy for the delegate in Georgia.

PUBLIC COMMENT

CHAIRMAN GEER: All right moving on, any public comment on the issues that is not on the agenda today? Hearing none; move on to Item Number 4, and this is Consideration of the Traffic Light Approach for Atlantic Croaker and Spot.

CONSIDER 2018 TRAFFIC LIGHT ANALYSIS FOR ATLANTIC CROAKER AND SPOT

CHAIRMAN GEER: We've been working on this for some time now; and Chris McDonough is going to give a brief overview of what they've been working on, so Chris, you have the floor.

MR. CHRIS McDONOUGH: I like the way he said brief. A lot of this stuff you guys have seen before; so I'm going to start off with spot, covering the regular traffic light that we've been doing up to now, and then the regional approach, starting off with the traffic light for the harvest and adult composite indices.

For the harvest composite, the top one there that did trip in 2017, which would have been the second year in a row for that one. Then the adult composite index did not trip in 2017. Since both of them didn't trip, there wasn't any management concern for that; at least for spot the way that was done. The juvenile composite index indicated, this is using the Maryland juvenile survey, didn't exceed the 30 percent threshold in 2017, but it would have triggered since it was carried over from the two previous years that had. These declines in the traffic light indicate continued poor recruitment in the Chesapeake for spot.

For the shrimp trawl discards, this is the late addition, it wasn't in the report. But the shrimp trawl discards also didn't change a great deal from 2016. Discard levels are still pretty low; particularly using that 1989 to 2012 reference period for the traffic light. But a few things to consider are both the Mid-Atlantic and South Atlantic commercial harvest for spot continue to decline; although there was a slight uptick in

the Mid-Atlantic compared to the South Atlantic.

One trend you see with the Mid-Atlantic is you would see a lot of year-to-year angler variability; which that points more towards stability issues. Then for recreational landings, the trends are a little more varied. But one thing to point out in 2017 was that the Mid-Atlantic recreational landings were up quite a bit; whereas the South Atlantic continued to decline.

The summary for the traffic light for the current method did not trigger in 2017 at the 30 percent threshold level. Then neither the juvenile shrimp fishery survey would have triggered in 2017 as well; but since they are advisory indices that we're mainly concerned with the harvest in the adult indexes.

Now for the regional, as the Board directed back in the last meeting, upon the recommendations from the Technical Committee looking at how to improve it. We were looking at adding the CHESMAP Survey and the North Carolina DMF Program¹⁹⁵ for juveniles; the CHESMAP Survey being used for juveniles and adults.

The regional metric approach was a little bit more in line with what we were seeing with harvest surveys; and then also partitioning them by age. I'm not going to read all these. Then the last major change was instead of having triggering occurring of two consecutive years, it was recommended triggering would occur if that red proportion exceeds a 30 percent or more for two of any of the three terminal years in the index.

For the regional TLAs, the Mid-Atlantic did trigger as well as the South Atlantic. The traffic light pretty much shows what you saw in both the harvest figures, where you've got a general decline; although the harvest composite in the Mid-Atlantic actually had low proportion of red, but it would have still triggered in 2017.

In the South Atlantic you're seeing a more steady decline; which is indicated by those increasing proportions of red. For the abundance composites compared to the coastwide one, the Mid-Atlantic did trigger in 2017 above the 30 percent threshold. Then for the South Atlantic it did not trigger in 2017; however the last two years have seen increasing proportions of red.

It was above 30 percent in 2017; so that declining trend continues, or at least that indicates a declining trend. Particularly in the Mid-Atlantic, the addition of the CHESMAP Survey is really what is driving that increased proportion. But it does bring it more in line with what we're seeing in the harvest metric. For the juvenile composite, in this case we're still using for the Mid-Atlantic we're using the Maryland Survey and it also did trigger in 2017. It just illustrates that continued poor recruitment, the fifth year in a row it would have triggered. Then finally, the shrimp fishery which isn't regional that's just in the southern. But the main difference on this one is that now it's using a 2002 to 2016 reference period; which gets rid of the really high levels of discard that were in the other reference timeframe. There was actually a slight increase the last couple years of discards in the shrimp fishery; which is showing up in those increased proportions of red.

However, in 2017 it did actually go down. The summary for the regional traffic light, the harvest composite for both regions triggered in 2017; which did agree with what was happening coastwide. The adult composite triggered in the Mid-Atlantic but did not in the South Atlantic; and the juvenile traffic light in the Mid-Atlantic still showed that pattern to decline, high proportions of red in both the harvest and the adult traffic light.

At this point management response moderate concern would be triggered under this for the Mid-Atlantic; while no management response would be triggered for the South Atlantic. The regional TLA basically, bottom line is the

addition of the other indices is giving us much better synchrony between the harvest and the abundance characteristics within the traffic light. With that that's for spot. We can take some questions on spot and then we can go on to croaker.

CHAIRMAN GEER: Why don't we do that? Are there any questions for Chris at this point on spot? I think the questions are probably going to be the same; moving on.

MR. McDONOUGH: Okay moving on. Croaker, the same format, we'll go over the coastwide TLA and then we'll hit the regional one. For croaker harvest composite continues to show decline, did trigger in 2017. It would have been the fifth year in a row that it's triggered for croaker; and the adult composite index, while it does have declining proportions of green, hasn't hit red yet so it would not have triggered in 2017.

We're seeing disparity there between the two. For the juvenile composite index, which in this case for croaker are the VIMS Juvenile Index and the North Carolina Program 195; they actually in 2017 show completely opposite trends. The VIMS Survey was at one of the lowest values in the entire time series, whereas the North Carolina Survey was up; which is why you get that kind of just red and green on 2017 was a bit unusual. But it did not trip.

Then the shrimp survey, and this is using that 1989 to 2012 reference period, shows a slight increase in recent years in discards; but we still haven't hit that 30 percent level. Like with spot we see a decline in commercial landings; both Mid-Atlantic and the South Atlantic for croaker that peaked in the early 2000s, and basically has just been in decline ever since. Most of the coastwide trends for commercial landings are driven primarily by Virginia and North Carolina where the bulk of the landings occur.

Recreational landings show similar trends with both regions; although the Mid-Atlantic matches up almost exactly the same with

commercial for recreational, whereas the South Atlantic had peaks much earlier in the time series, and it has declined but it's kind of maintained a relative steady state since the mid '90s. For the traffic light for the coastwide under the current management scheme, management concern was not triggered in 2017 for croaker; and neither of the juvenile composite or the shrimp traffic light tripped in 2017 either. But you do see that pattern of high variability with juvenile croaker like you do with spot. Just like with spot, with the improvement recommendations going with a regional approach in South Atlantic and Mid-Atlantic, as well as adding additional surveys; the CHESMAP Survey in the Mid-Atlantic and the South Carolina DNR Trammel Net Survey in the South Atlantic. The age split between adults and juveniles, adults being fished Age 2 or older.

The same regional divide between the Virginia/North Carolina Boarder. Updated reference period of 2002 to 2012, and then instead of consecutive years for triggering three out of four in croaker, it would be triggering any three out of four terminal years in the traffic light. Actually Mid-Atlantic and South Atlantic, both triggered in 2017; and a continuing pattern has been triggering for the last couple of years, matching up with that decline we're seeing in landings both recreationally and commercially in croaker.

One thing, in recent years we're approaching the 60 percent level, so actually those declines continue. For the regional adult composite, the addition of the CHESMAP Survey brought the Mid-Atlantic traffic light more in greater agreement with the harvest composite. You see the Mid-Atlantic did trip in 2017, which is following right in line with what we see with the harvest composite.

South Atlantic did not trigger in 2017; it was actually over 30 percent in 2016, but in 2017 actually it had gone up. That is mainly because the SEAMAP Survey had an increase. For the juvenile composite, the Mid-Atlantic juvenile composite did trip in 2017; and it actually was

above 60 percent. It was actually because the value was so, particularly for the VIMS survey, the index value was so low. That is why that red proportion is so high.

Then in the South Atlantic the juvenile index did not trip, where you've got slight it was the increase in the North Carolina Survey, which we saw in the other coastwide as well. Finally the shrimp fishery did exceed 30 percent in three of the last five years; but it would not have tripped in 2017.

But this again, using the updated or reference period of 2002 to 2016 that increase in the shrimp trawl discards for croaker is showing up as the higher proportions of red in recent years. For the regional croaker summary, harvest composite triggered for both regions; again agreeing with the coastwide TLA, and then the adult and juvenile composite characteristics triggered in the Mid-Atlantic but did not in the South Atlantic.

Again, we're looking at a moderate management concern that would have been triggered in the Mid-Atlantic, whereas it would not have been triggered in the South Atlantic. I know I went through that rather quickly, but I'll take questions on both I guess, and we can go through it.

CHAIRMAN GEER: Are there any questions for Chris? Roy.

MR. ROY W. MILLER: Just trying to wrap my head around the results. Thank you for the report, Chris. It would appear that there is a concern over both spot and croaker for the Mid-Atlantic Region. Is that a fair summary of this analysis?

MR. McDONOUGH: Yes.

MR. MILLER: The next obvious question obviously, and this is for this Board to decide, is what if anything do we do about it? We all know that both of these species are prone to large fluctuations in their abundance; and

natural events may be a driver in these fluctuations, and probably are, events beyond our control.

The question is how extreme does it have to get before we take some management action; and would management action even benefit stocks like spot and croaker? Those are just some questions. I know well, I would appreciate any advice from the Technical Committee in this regard, any advice they could give to the Board.

CHAIRMAN GEER: I have Lynn.

MS. FEGLEY: Thank you for the presentation. Could you talk a little bit about, because we have this issue where especially with croaker we've tripped in the Mid-Atlantic but not the South Atlantic? I know there was some conversation in the TC that if the Mid-Atlantic would take action the South Atlantic should follow suite; because there is some movement of the fish between the areas. I was just wondering if you could offer us some clarity on that.

MR. McDONOUGH: Yes that was quite a point of discussion with the Technical Committee as well as the Plan Development Team. We did feel that if it was triggering in one region and not in another, to try and impose or make management recommendations just for one region would be difficult.

If things were done, some type of management guidelines, whatever they end up being was done. We would think it would probably encompass both the South Atlantic and the Mid-Atlantic; because it would be a lot easier to oversee and some of those trends as you pointed out. Some of them, particularly croaker indicate that it's more likely some of it is environmentally driven; for these long term cycles, particularly when you look at the real long term commercial landings.

With that in mind we're actually kind of right in the middle of a down period for croaker. Whether if we do something now, and I think

this is going to be addressed coming up with the Plan Development Team recommendations and stuff that actually directly address that. But yes those are things that we've been wrestling with.

CHAIRMAN GEER: Anyone else? Roy, I mean John.

MR. JOHN CLARK: Look at that. I got mistaken for Roy Miller. That's pretty impressive. Thank you, Mr. Chair. Chris, I was just curious as to whether these long cycles with both these species have been looked at in relation to like the Atlantic Multi-decadal Oscillation or the NAO, because I know in Delaware they did some work with weakfish and saw some pretty interesting correlations there.

MR. McDONOUGH: Yes. There have been a couple of studies done by Jon Hare looking at particular with croaker, not so much with spot, in changes in population overwintering temperatures in the NAO. Actually one of the recommendations that are going to be covered with the Plan Development Team recommendations was to further examine, and try and model some of the longer term trends as something of a prediction tool with the surveys as well as some of these things, and being able to draw in. But that's kind of going above and beyond. But yes that is certainly on the table to look at.

CHAIRMAN GEER: We're kind of moving right into our next agenda item. I have a technical question to ask of Chris. I know the VIMS Trawl Survey had a major vessel and gear change starting in July of 2015; were they accounted for? Were those adjustments accounted for in the numbers?

MR. McDONOUGH: I believe they were, because the last two years when they had to do the survey it took longer, because they had to kind of bring it back to the previous adjusted units for their conversion.

CONSIDER POSTPONED MOTION FROM MAY, 2018 BOARD MEETING

CHAIRMAN GEER: Are there any other questions about the data or technical questions for Chris? Hearing none; we'll move on to our next agenda item, which is concerning postponement of the motion from the Addendum.

CHAIRMAN GEER: Mike is going to give a presentation of the PDTs recommendations for potential response management triggers.

PLAN DEVELOPMENT TEAM RECOMMENDATIONS

DR. MIKE SCHMIDTKE: In the last South Atlantic Board meeting a motion was postponed. It was a motion to initiate an addendum to the spot and croaker fishery management plans that would incorporate the new traffic light analyses as well as management response to triggers from those analyses. In the aftermath of that meeting a Joint Species Plan Development Team was populated; and they started looking at potential management responses to the TLA updates.

The initial guidance coming out of the meeting was that they would try to look at what responses would achieve a percent red of 35 percent or less. As we got into some of the discussions, the team interpreted that the Board direction for the percent red was applicable to the abundance index rather than the harvest; achieving lower proportion red of harvest would mean that we would need to harvest more.

We interpreted that to be applicable to the abundance index; but one difficulty that the PDT ran into was the lack of a relationship between the harvest and abundance, which is the entire motivation for the task that they were given, as well as the lack of any well-defined stock recruit relationship with either of these species.

That makes it very difficult to try to get any reasonable prediction of an increase in abundance that would result from a harvest reduction. There was more of a larger goal that the PDT wanted to achieve in that they wanted to establish some type of management for these species to begin with; rather than shooting for a certain percent red.

It's been mentioned already, looking at the landings history for croaker especially, these cycles of high and low harvest throughout the history of the fishery. We're clearly in a low point of the cycle; and the overarching goal that the PDT has is that while we're at this low point we don't want to have the stock be fished to the point that it can't recover again. While we recognize that the low fluctuation isn't necessarily due to the fishing, we want to still have the stock at a point where it can recover as it has in the past. Along those lines, we're thinking more about measures that the fishery can kind of deal with as long term management measures that would continue to have this position established; and they would be reevaluated after they're put in place for croaker after three years and for spot after two years, in accordance with what is spelled out in the TLA addenda for those species.

Once we got into discussions about what types of options from a regulatory standpoint would be at our disposal, and could be potentially implemented, seasons were one of those that were given some consideration as well as trip limits; in the form of either vessel or bag limits. Size limits would be really only applicable to croaker. Spot, just the way that the fishery is executed and the biology of the species, the size limits may not be as useful for that.

But those were some of the options that the PDT recommends the Board consider including in a potential management response to the triggers from the updated TLA. There is some precedent for these types of regulations at the state level. There are some states that have implemented bag, size, possession limits and

seasons for croaker; as well as creel and aggregate bag limits for spot.

There are a couple reference points that we could look at the state level then, considering the coastwide management response. The other point that the PDT wanted to make was the consideration of a coastwide management response to the regional triggers. We need to keep in mind that spot and croaker are both single stocks along the coast; they are not divided at the Virginia/North Carolina line.

The regional approach to the TLAs is an artifact of the survey sampling; it is not a construct of the biological stocks or the assessment stocks. These are not distinct populations; therefore any type of downturn in one and action taken in one area is going to have effects in the other region as well. In addition there is an overlap of the fisheries among states.

There has been a lot talked about, particularly with fishermen crossing over between Virginia and North Carolina and fishing croaker on either side of there; because of the connections between the fisheries in the regions there is also some motivation for a coastwide response. If the Board wants to have consideration to the specific regions and how local fisheries are conducted, the PDT would recommend consideration of some type of regionally apportioned TLA response.

We included an example in the memo that we submitted for supplemental materials. That example is if the long term management regime that was established were 100 pound trip limit, and there were a trigger in the Mid-Atlantic under that regime, then a potential response would be an 80 pound trip limit, so a 20 pound trip limit reduction in the Mid-Atlantic and a 90 pound trip limit in the South Atlantic, so a 10 pound trip limit reduction there.

This isn't to indicate any type of actual numbers that would be applied; but more of the idea that if there were a regional trigger there could be a stronger response within that region. But

there needs to be some type of coastwide interaction to take into account that these fish and the fisheries themselves are connected throughout the coast. Then one final point that the PDT discussed, I didn't really include it here, because it's not particularly relevant to the Addendum. But they did discuss that there may be some use in the long term of considering some type of workshop or something to look at those environmental fluctuations relative to the abundance; and consider if there is possibility of an environmental forecasting type of model, based off of the North Atlantic Oscillation or some other environmental metric.

Getting back to the Addendum that was postponed from the last meeting, I just wanted to provide an idea of a timeline. There has been some, in discussions I've had with Board members, there has been some interest in getting a little bit more public input on this Addendum. From the standpoint of how that would be conducted, there is the potential that states could hold their own public hearings, or they could solicit input from their own stakeholders and then kind of send that to the Plan Development Team; for us to incorporate in a draft addendum.

To give a little bit more time for this type of process to happen, I've developed two different schedules for this Addendum, a faster and slower track. The difference would be one meeting period, so we would either have final Board action in February or May of next year; depending on the Board's direction and whether states want to solicit that public input on their own.

The Commission would still attend and hold public hearings after the draft Addendum is approved for public comment that would occur, depending on the track either in October of this year or February of next year. Just as a review before the Board votes on the postponed motion, I just wanted to put kind of a summary table here that highlights the differences between the current TLA and the proposed new TLA.

Those are shown in bold in the various categories of the new indices that would be incorporated. The age structuring that would be incorporated, a new reference time period, the updated triggering mechanism as well as now with what Chris has shown you, you see the TLA result for this year using the current versus the new method. With that I can turn it back over.

CHAIRMAN GEER: Thank you very much, Mike. Thank you for doing this for us; it's nice to have it. This is the motion that's we postponed from last meeting. First of all if there are any questions for Mike, I see several hands going up. Chris.

MR. CHRIS BATSAVAGE: Thanks for going through the potential process, Mike. That is very helpful. In terms of coming up with management options relative to trip limits and seasons, I mean you gave a general timeline for the development of a potential addendum. What kind of timeline do you expect for the Plan Development Team to put options together; and I guess what level of detail. This may be a question for the Board. What level of detail are we looking for, for options such as trip limits and seasons; especially if we start looking to this at a state or regional level?

DR. SCHMIDTKE: That's something that I think that I would probably ask for Board member input, and Board members would probably, from a couple that I've talked to. That was part of the motivation for them wanting to get a little bit more public input; because we're not trying to have necessarily a drastic harvest reduction. That is not necessarily what is being recommended here, but to have some type of management in place that constrains harvest so that the fishery is put in a good position for the population to come back whenever conditions allow. But at the same time, to have something there that the fishery can deal with that the fishery can survive on.

CHAIRMAN GEER: I have Krista and Lynn.

MS. KRISTA SHIPLEY: I'll apologize, since I haven't been part of the conversations in the past. I just want to make sure I understand. This motion and then the PDT recommendations, the PDT recommendations were to include long term management into the addendum in addition to potential management triggers, is that correct?

DR. SCHMIDTKE: Yes.

MS. SHIPLEY: Since this motion was from the last meeting when we didn't have that PDT recommendation, does that motion include those long term management measures as well?

DR. SCHMIDTKE: One of the items that we were tasked with; we had the mindset of what can be done. What changes can be applied to this fishery? The PDT were of the mindset that long term management measures would probably be more beneficial than necessarily anything that was trying to be applied in a short term; as far as whether that is part of the motion, I might have to look for guidance on that.

MS. TONI KERNS: I'm sorry Mike; I was having a sidebar conversation with Caitlin about a compliance report.

DR. SCHMIDTKE: As far as whether the recommended long term management that was not available in the last meeting would inherently be incorporated into this motion.

MS. KERNS: I think the Board can decide here today if you would like to include that and that can be added; and it would be on the record here today and you would be fine.

CHAIRMAN GEER: Okay. Then I have Lynn.

MS. FEGLEY: Could you go back to the slide that outlines the timeline that you had up? I'll say that I was one of the people that I had a great anxiety over the idea of implementing management measures on a fishery like spot that has never been managed through an

addendum. Spot is a really big deal in our state; it is fished by many different, often conflicting sectors.

We already struggle a little bit to smooth those waters. It's going to require some pretty hefty public outreach on our end. I recognize that an amendment probably isn't the right thing to do here; but we're going to need that time, I think to get out to our stakeholders. Just to be clear. If we choose to pass this motion today, the states would go out and have those meetings with their people.

We would bring our management ideas, submit them to the PDT, and they would develop an addendum with our management options for Board review in February. That would then go out to public comment, and we would approve in May. I think that's fine. But my one concern is because these initial hearings that we would do as states, they wouldn't be ASMFC hearings, they would be us talking to our states. We need to make sure amongst the states I think that we have a consistent message. I think Mike, your point that what we're looking for is we're not looking so much for reductions as we're looking for a break. We're looking for just a cap on where we're harvesting so the fisheries aren't growing.

Maybe what we need, could you provide to us, would it make sense to have a table of all of the states? I looked for this for spot; a table for what all of the states has in terms of regulations. In Maryland for spot we have nothing. But Virginia has, I don't know what Virginia has. Maybe it would be something that we could propose to our stakeholders that we match Virginia; or Virginia matches North Carolina.

Because I have a little bit of a concern that what I don't want to have happen is to have all the states come back and have very disparate ideas of what they can stomach; in terms of a regulation. I'm looking for some way to get some consistency and some equity, and maybe the start there is to just have that

understanding of what everybody already has in place, so maybe we can try to find some consistency.

CHAIRMAN GEER: Those regulations for croaker are in the FMP review; which is in our packets that we have for the review this year. Now, there aren't any for spot as you said then that's the issue. I don't know if there are any regulations for spot.

MS. FEGLEY: Does anybody have regulations for spot?

DR. SCHMIDTKE: South Carolina has spot in an aggregate bag limit, and I believe there is a creel limit for Georgia. Is that correct? Yes.

CHAIRMAN GEER: But that's it. I mean if you're interested, those regulations for croaker are in our information packet that we have. Follow up, Lynn.

MS. FEGLEY: Yes thank you. I guess I'm still interested in getting some. I'm getting some feedback from the PDT or from the Technical Group that these long term measurements. I think what your words were, we're looking for long term management; not necessarily a reduction. How do we ask that question to our stakeholders?

How do we couch that to them? You know when we say okay management is coming on spot, what is that going to look like? Do we say we're going to cap harvest, so by our estimation harvest won't be able to increase over the next five years? I'm just trying to understand how we give them some box of what those management measures might look like.

CHAIRMAN GEER: Toni.

MS. KERNS: I was going to address Lynn's other question before. I think that one Lynn, you are correct. We should probably make sure that everybody is using the same information or base information. I think Mike can provide to each of the states the information on the traffic

light, and then tables for what each state have for regulations; so that you can start with those. Then when you and I were talking earlier, I was envisioning these state hearings to sort of give the PDT some additional information from the fishery or from the fishermen about sort of what types of management might be feasible to them; or you know what their vision is in terms of getting at addressing the concerns that we have in this fishery. I don't know, and I would turn to you to say, all of you and ask. Do you have to put these questions into specific box or not; or can it be a little bit open ended? I don't know.

CHAIRMAN GEER: Lynn, follow up?

MS. FEGLEY: I think the nature of how open ended our hearings is depends on how specific we want those options to look in this addendum. If this addendum is going to have options, for example trip limits of 100 pounds per vessel per day. Then that is a very specific and could be an Armageddon option for some states and not for others.

But if the option is going to look more like implement a trip limit such that. I don't know what such that something happens. Then that is open ended. I'm trying to understand what level of detail those options are going to look like in that final addendum, so that we can guide our people to give us the input to create those.

CHAIRMAN GEER: Any additional discussion? Chris and then Krista.

MR. BATSAVAGE: From Lynn's comments, I guess a thought I have on how to frame this for the hearings is I think for the technical folks in our state to do some work on looking at what the average catch per trip is or the range of landings per trip. Just thinking about like the commercial fishery and the different commercial fisheries, to get a sense of what are we dealing with today?

I mean we see what the landings are, but I think what we're really trying to get to with trip limits is how is the fishery behaving? What are they catching right now? It could be a situation, probably a situation where a one-size-fits-all trip limit won't achieve what we're trying to do. We don't want to turn landings into discards in this exercise; at least try to avoid it as much as possible.

There may be some work that needs to be done ahead of time just by the technical staff from the states before we go out to public hearings. Give the fisherman, the public something to work from. You know we don't want it too prescriptive, as Lynn talked about, you know saying we're thinking about this trip limit. At the same time, we don't want it too open-ended either. Just trying to find that happy medium is a challenge we face right now.

MS. SHIPLEY: I think Florida might be in a little bit of an unusual situation; at least with croaker, not having any species specific regulations for that for croaker specifically. I don't think we have them for spot either, but I would have to verify that. I'm having a really hard time wrapping my head around implementing long term management measures for a species that we don't currently specifically regulate, and when TLA measures are not being tripped. I wanted to put that on the record. I'm a little bit uncomfortable with that. I'm certainly uncomfortable with any fast tracking of that in the timeline. If long term measures are going to be implemented, without having the data in front of me I have no idea if the per trip landings are very consistent, or if they are incredibly variable; things like that. I'm certainly uncomfortable with fast tracking that and I'm relatively uncomfortable with including long term measurements without looking at the data a lot more before we figure out what those could potentially be; and talking to people about that.

CHAIRMAN GEER: Robert and then Roy.

MR. ROBERT H. BOYLES, JR.: Just maybe for the Board's knowledge. I wanted to share kind of what South Carolina's motivation was for our spot/croaker. We put basically a backstop management measure in place; really with a lot of support from our constituents, who were looking at potential exploitation, large variability year to year in that exploitation, and came to us and said hey.

Don't you think we ought to have something in place? We've got a relatively modest 50 fish aggregate bag limit on spot, croaker, and whiting. It really was designed really just to be a backstop, not necessarily in response to any management issues. That got favorably received by our General Assembly, so just for the Board's edification. Just know that was kind of our thinking when we went down this road several years ago.

CHAIRMAN GEER: Roy.

MR. MILLER: I'm thinking of things that we could do today. Just to take off on the idea that Krista proposed, perhaps. I see these two species as ones of concern for the Mid-Atlantic; but not necessarily a crisis. Therefore, I see no compelling need to use the fast track approach, using that diagram up before us now.

I think we could eliminate that and consider a slow track approach now. What we should do is the next question; but I think we need public input as to what management mechanisms are palatable, would not put people out of business, and would be conducive to furtherance of these stocks. I'm still struggling for, frankly what those management measures should be. I kind of like South Carolina's model of a backstop aggregate limits.

It sort of reminds me of the old maxim that if you maximize the amount of eggs in the water, eventually good things are going to happen; that environmental conditions will be favorable, and year class success will benefit. Beyond that I'm groping for specifics. I like the idea I've seen on one document, what everyone's size limit

and/or season or bag limits are. That would be helpful, and maybe we can go from there.

CHAIRMAN GEER: Are there any other comments? All right, well, we have a motion that we postpone this and we have to take care of that. I'm hearing in general people want to slow things down. I see two hands, I see Robert and then I've got Bryan.

MR. BOYLES: Mr. Chairman, just a question for staff. What does it look like when we are kind of going down this road where we're kind of casting about for answers; not really sure we want to do an addendum or amendment? But we really do want to get feedback on kind of what the potentials are. Can you all help us? Have we been down this road with other species before; you know trying to engage our constituents and stakeholders with hey, what do you all think? This is what we see. Can they prescribe something for us to chew on?

CHAIRMAN GEER: Toni.

MS. KERNS: I think what you're describing is scoping, right? While yes we can do scoping through an amendment process, a lot of times we don't get the feedback that you all get when you hold hearings for smaller group meetings with your states. When I was discussing this with Lynn, we talked about this alternative path; not because we're not trying to do the work, but just that a lot of the public hearings that we've been having, people haven't been showing up.

If we're looking for some real feedback from industry and the fishery, I thought we might be more successful in having these state meetings to come back to us. I think that you know in terms of the process of what we do here. If you all are not comfortable initiating an addendum until you've gotten that feedback from the public. That is certainly fine. I don't think that it's problematic. You can get that feedback and then come back to this Board and determine how you want to move forward. Then we go from there.

CHAIRMAN GEER: Bryan, then Adam.

MR. J. BRYAN PLUMLEE: My question was very similar to Roberts. I was curious about the quality of the public comments through the amendment process. I'm sort of surprised as a new member, at the lack of public comment at these proceedings. I know how much we debated the actions that are taken here on a state level, our VMRC. I would imagine at these various jurisdictions you have the same type of debates that we do, very vigorous.

But not seeing it here, and I think the public comment process is a very important one, when you're talking about initiating management where there has not been management. I wouldn't mind seeing, I guess a similar timeline with an amendment process, but it may not be a significant difference from what I'm hearing from Toni, to go that path. I don't know if that is very helpful to the discussion, but I wanted to bring it up.

CHAIRMAN GEER: Okay, I had Adam and then Joe.

MR. ADAM NOWALSKY: Just looking at these I understand what staff was trying to do in providing this table. Just from anybody listening to this conversation though, I'm not really sure this is from a perception standpoint. We're talking about fast tracking or slow tracking anything here.

The fast track is pretty much a normal addendum schedule; so in this case it's the fastest track, but I wouldn't really say it's anything expeditious from a perception standpoint, nor do I think the slower track is necessarily a slow track, allowing an extra meeting cycle to go through is not uncommon in anything we go through in these deliberative processes. From that perspective, again for anybody listening, I think either of these aren't fast, aren't slow. One just allows for more deliberation. Where I think we're struggling with though, when we go back to that motion that is before us right now is it was really a two-

part motion. We had information brought forward to us about incorporating some new pieces to the traffic light analyses that I think we're pretty much all in agreement we want to use, and want to see move forward. What we're struggling with though is then how quickly we need to craft and enact the management responses.

Building on what Toni just said, if we want to not initiate this addendum, vote this down, withdraw it, whatever the process would be. I think another potential path forward here might be to move forward with an addendum. Purely on the basis of incorporating those new TLAs that we want to use, so we have them available to us, and use that timeframe to work with our constituents on considering what management responses might be, and take that up as a separate addendum next year.

CHAIRMAN GEER: Joe and then Robert.

MR. JOE CIMINO: I don't have any issues with the timelines discussed if it is a slow track. One thought for me being part of this process for a long time is we tend to forget that spot doesn't even have a technical committee, and it's really just part of an omnibus amendment. I think issues are here to stay for a bit. I think management action is going to be needed at some point. I think it may be appropriate to start moving on that. I certainly see a lot of overlap.

I wouldn't be opposed to seeing spot in the croaker FMP. Being the only state that sits on both the South and the Atlantic Herring Section, which is soon to become a Board. There was talk about what may be a great bait crisis with the loss of Atlantic Herring coming forward. I definitely, without question see ripple effects for the South Atlantic and the spot and croaker fisheries with that bait crisis.

CHAIRMAN GEER: Robert.

MR. BOYLES: Mr. Chairman, I think I'm ready to make a motion; if you're ready to receive one.

CHAIRMAN GEER: I'm not seeing any other hands go up. Okay, you have the floor.

MR. BOYLES: Oh man. I would move to amend the postponed motion. Is that in line from a parliamentary perspective, or do we need to deal with this postponed motion first? A substitute, excuse me.

CHAIRMAN GEER: Go ahead, Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I think parliamentary; the postponed motion is the motion that is before the Board now so treat that as just a motion that was made today if you want. You know, move to amend or move to substitute; anything you want to do is available to this motion Rob.

CHAIRMAN GEER: Robert.

MR. BOYLES: **Mr. Chairman, I would move to amend that motion by striking the words of the postponed motion "and management response to those analyses." In other words, the move to initiate an addendum to the spot and croaker FMP then incorporates a new traffic light analyses, and if I get a second I'll explain.**

CHAIRMAN GEER: Second by Lynn.

MR. BOYLES: Mr. Chairman, what I'm thinking is that we've got a recommendation from the TC to look at the new traffic light analyses to incorporate that in these plans. It strikes me that we could use some discussion with our constituents back home, on terms of potential future management. The way I look at this is simply an addendum to update it with a new traffic light analyses; and then to give the rest of us time to go home and talk to our constituents and say look.

This is what we're seeing coastwide with respect to these species. What do we think we need to do? You know South Carolina has moved, Georgia has moved, or we've got management measures in place now. Maybe

other jurisdictions might want to consider that. Then maybe we can get back on the same page. My intention is to just simplify this, with respect to updating with the new traffic light analyses.

CHAIRMAN GEER: Lynn.

MS. FEGLEY: I like this approach and I like this idea of simplifying and separating. What I want to make sure, especially given Joe's point about what is happening with herring and other bait issues. I want to make sure we're not, there is a balance here. You know we don't want to drag our feet.

I think once we go down this road we need to really make that commitment amongst ourselves that we are going to go back and have these conversations with our constituents. I really like the idea of figuring out for each of our states what that backstop would be. What is a tolerable backstop, and then having that discussion here, so we can figure out what to do with that information?

CHAIRMAN GEER: Mike and then Toni.

DR. SCHMIDTKE: Just I guess a reminder kind of, of what the implications of simplifying the motion would mean. Should an addendum go through that only incorporates the new traffic light updates, the same management responses that are in the current addendum, it would be Addendum I think it is II for croaker and I for spot.

But the same management responses would still apply. As written right now, those are rather vague as is. Those are things that would need to be addressed probably in fairly short order; because what's going to happen is should this motion pass, and the addendum go through and we incorporate the new TLA. Next year when we have the TLA update, there is going to be management action initiated; and it's going to be defined as either management action with moderate or significant concern. That's the guidance on it. The Plan Development Team at that point would then be

looking back to the Board for direction on what does a moderate concern management response look like; in crafting whatever that would be, just a reminder of that.

CHAIRMAN GEER: I've got Toni and then Roy.

MS. KERNS: Mike started part of what I was going to say, and as a reminder. Taking out the TLA is sort of like taking out reference points to the public. It's not always a straightforward piece of information for comment. Having that disjointedness, because you'll have the old management triggers and the new traffic light may also be a little bit confusing to the public.

It's okay. If we need to take this time to figure out where we are we can do that. We don't have to do the traffic light response immediately. We can pause, in order to get this information from the public if necessary. I think that it's on record and we're having this conversation that we are moving forward. It's just that we're gathering all the information that we think we need, in order to move forward in a logical stepwise approach.

CHAIRMAN GEER: Robert.

MR. BOYLES: Mr. Chairman, if it pleases the Board I would move to withdraw my motion then.

CHAIRMAN GEER: Consider it. Okay. Now we're back to where we were to start with. Roy.

MR. MILLER: In consideration of Robert's offer to withdraw the motion. I have to wonder, do we really need an addendum to adopt the traffic light analyses? Can't we just do that like any other tool in our tool boxes? You know when we moved away from virtual population analysis to newer updated models; we didn't use the addendum process to do that.

DR. SCHMIDTKE: If the Board wants to adopt all of the recommendations then an addendum would be required. I think probably the biggest

factor in determining that is the updated triggering mechanism. Right now the triggering mechanism is three consecutive years for croaker, two consecutive years for spot.

One of the proposed recommendations from the TC is for three out of four terminal years, and two out of three terminal years for croaker and spot respectively; because that impacts the management coming out of the previous addenda that would require a new addendum.

CHAIRMAN GEER: Excuse me, but I didn't follow protocol. I should have asked was there any opposition to Mr. Boyles removing his motion; hearing none, well, Lynn?

MS. FEGLEY: Just one more question about this motion. I think we all as Adam said, we all agree that the new traffic light method is something we need to proceed with. If we were to approve this motion, do we need to be specific that we're going to deviate somewhat from the typical addendum process, which is you know the three meeting and take a little more time for public input? Do we need to specify that in the motion?

CHAIRMAN GEER: Toni.

MS. KERNS: If you're not ready to initiate the addendum you don't have to do that today. You guys can wait and do your public process. Get this information. Then come back to the Board and figure out how you want to move forward. You may get information from the public and decide you want to do something that requires an amendment.

I can't predict what the Board will want to do. But you don't have to initiate. But Lynn, no you don't have to put in the motion the timeframe in which you do this. Oftentimes we skip a meeting in between, in order to do analyses in order to draft the addendum. It's just a matter of on record saying that here is the timeline that we're working on.

CHAIRMAN GEER: I've got John then Lynn and Adam.

MR. JOHN CARMICHAEL: Yes, from trying to catch up with this and see what's going on; it definitely seems like we need to slow down and figure out what we're trying to do. I certainly learned more about the traffic light in relation to management just now with the favored substitute. We have this early discussion that we need some sort of tapping the brakes or backstopping or general broad action perhaps.

But then the traffic light seems to lend itself to more of the right here and now type of actions that the Board doesn't seem to think is the appropriate move. I think this needs a slower consideration to figure out what do you do with the traffic light? When the traffic light says you're triggering, what do you do? Our current plan apparently doesn't describe that well enough.

But I also think as Lynn started out. There needs to be, to go out and do this addendum, we need to get the feedback and we need to be on the same page, which says we need to know what the goal is. If anything it would seem that in October we need to maybe if the states can go out and get some feedback, discuss what the goal would be of the addendum and the management, and certainly one is to define what you do when you trigger a traffic light.

But we'll have to put that in terms of long term type things, instead of the short term which it really seems to be geared to. To me that is kind of a challenge; and it might take the PDT having to hear from the state feedback as to what the tolerance is, or what do people even perceive as the need? Then we can maybe go from there.

CHAIRMAN GEER: Then I had Lynn and then Adam. All right Lynn, Adam.

MR. NOWALSY: What are the recommendations from staff versus the merits of voting this motion down, postponing it again,

or adding some text to it to indicate that we need this time to go out to the public, or substitute for it to go ahead and let the public know what we're doing?

CHAIRMAN GEER: Okay, Bob.

EXECUTIVE DIRECTOR BEAL: Well, you know it does sound like there is a consensus building to slow things down and think about it and hear from the public a little bit. I would almost recommend, it's up to the group obviously, but postpone this again until the annual meeting in October.

In the meantime states can make an effort to reach out to their fishing public and see if they can find any folks that are interested in spot and croaker and get some feedback on that. I would suggest that we as staff try to get the AP together, or APs? It's one AP, one South Atlantic AP, right? Yes so the Advisory Panel together and talk about these.

I also think you know online survey and maybe a couple webinars; something sort of this multi-faceted approach to reach out to the public and get some perspective on what's going on out there, what they would like to see as far as management. Bring that back to the October meeting, and then based on that knowledge hopefully substantial knowledge.

This Board can then decide where to go. That would just be my recommendation, sort of this multi-pronged approach between now and October trying to get some data and feedback from the public, and just postpone this again until you get back together at the annual meeting. Just hearing what you're saying that seems to be maybe one way out.

CHAIRMAN GEER: I would have a question about that. Do we want to postpone or do we want to turn this down and start over; because if we postpone it we have to bring it back up at the next meeting. It's just kind of leaving it out there. We can always have a motion later on.

EXECUTIVE DIRECTOR BEAL: Sure, yes I think either approach is similar, you know. You'll get what you get from the public and you can decide where to go at the next meeting.

CHAIRMAN GEER: I had Adam and then Marty.

MR. NOWALSKY: I just wonder if another seven to eight weeks is enough time to get the information we need. This was initiated in May, three months ago. I think it's quite clear that some of these conversations have already been occurring; but yet we don't have that information now. I'm not sure the annual meeting would give us enough time to simply postpone until then; and might encourage me to go in the direction of moving this question, voting on it, and then should it not pass taking it up at some future date.

CHAIRMAN GEER: All right, we've been going around on this so I think. Marty, you have the last words.

MR. MARTIN GARY: I don't want to muddy the waters. Thanks, Mr. Chairman. I like what Bob just suggested, and I appreciate what Adam just said. I can't speak for any other jurisdictions other than my own. We have this ongoing conversation with our constituents, and it's always is anything being done about spot and croaker, same thing over and over and over.

We don't see them. They remember the hay days, and I think they understand there are some cyclical components to this. But they saw what they had at what point and it's not been good since then. They keep asking, are you guys doing anything about this? I say it is being discussed; so just from our perspective, I like what Bob said. It isn't a problem for us to between now and the annual meeting to meet with our advisors and talk to them and come back. But I appreciate what Adam said. Maybe for the other states it's a little more problematic. But I like the idea of postponing. I'm not sure when we revisit it, but I would be supportive of that.

CHAIRMAN GEER: A whole bunch of hands going up, let's go with Lynn then Roy, Chris.

MS. FEGLEY: I was just going to say that I would be in favor of voting this motion down and starting again, and allowing us. You know we have had a conversation in Maryland, but what we haven't provided is any sort of real tangible, okay this is actually what we could do in terms of actual regulatory ideas.

I think those are the conversations that we need to start having. As somebody said, we may all come back and find that we are considering something more appropriate for an amendment. If we come back with information, I think we just need to get the information and start over. We just have to be committed to going forward with it.

CHAIRMAN GEER: Then I had Roy.

MR. MILLER: I hear what Lynn is saying, and I also heard what Bob said. I'm not sure that voting this motion down sends the right message. Postponing action is a reasonable alternative. In terms of proactive things we can do between now and when we next take up this motion again, certainly we can cut and paste information that is already available to us, to show what each state does in the way of management measures for spot and croaker, if any for spot.

We can have that in front of us and be able to hand that to the general public. We could have a list of potential management responses to triggers being tripped. We know that some, particularly for the Mid-Atlantic already tripped using the traffic light analyses; presuming we are going to continue with the traffic light analyses.

You know having it on paper, ready to distribute to the public to get their feedback would be beneficial, I think. Give them a heads up; these are our concerns. These are the things we could do, and have that available to us when we

next take up this motion. That's kind of my recommendation.

CHAIRMAN GEER: Chris.

MR. BATSAVAGE: I think a lot has already been said what I was thinking. But getting to the timing of the public hearings and when we take this back up again. Going back to comments I had earlier about trying to characterize the fisheries in our state, each of our states. It is going to take a little bit of time.

You know we just started talking about going, reaching out to our stakeholders. From my perspective I think I'll need to go back home and talk to our staff to see what's feasible, see existing meeting schedules for our advisory committees for instance, getting the information together. Again, we're maybe more than tapping the brakes right now. I think we need to do a little more planning to figure out the path forward; as far as moving ahead with meetings, what is the expectation of getting these done. What do we hope to get out of it? There so almost afraid to say assembling a workgroup to talk about this more after this meeting. But I think there are still a lot of questions as far as timing overall right now.

CHAIRMAN GEER: John.

MR. CLARK: I think I'll be nulling out with Roy here, because I think we should wait on this. This just reminded me of another sciaenid whose abundance seems to be controlled by factors not related to fishing; weakfish. We took action years ago, they haven't come back. Now we get complaints about why did you cut it back?

The few times I'm out there and there are weakfish, I can only keep one. I mean the public will obviously, when these actions don't bring the stock back, which they may very well not, because we don't know why they are crashing. It could just be something beyond our control. I don't see any reason to hurry on this.

CHAIRMAN GEER: Okay. All right, we will need a motion if we want to postpone again, or to vote this down. I'm not seeing any hands going up. **Call the vote. It's a postponed motion from last meeting; move to initiate the addendum to the spot and croaker fishery management plans that incorporates the new traffic light analyses and the management response to those analyses. Motion by Mr. Batsavage and seconded by Mr. Gary. All those in favor raise your right hand; all those against, null votes, abstentions, the vote fails 0 to 8 to 1 to 2.**

All right well thank you very much for that lively discussion; and we will be taking this up and everyone needs to go to their states, and that is the key to this. We need to go out and communicate to our stakeholders; as Marty was saying, people are asking what's happening with spot and croaker.

Why aren't we doing anything; but starting to have those conversations, so we can come back to this table with some thoughts and some ideas. Thank you very much for that and we're moving on.

UPDATE OF THE REVISED SEDAR 58 SCHEDULE

CHAIRMAN GEER: We're going to go right through our Item Number 6, which is lunch; because I'm sure it's not out there yet, and we'll go to Item Number 7, which is the update of the revised SEDAR 58 Schedule, and that is on Page 36 of your materials. Mike.

DR. SCHMIDTKE: As you all are probably very aware, MRIP updated their estimates of recreational catch and landings earlier this year. With that information SEDAR has decided to push back the activity for the Cobia SEDAR 58 Stock Assessment. The new dates are shown up on the screen that in effect is about two months.

Everything is pushed back about two months from when it was originally scheduled. But the main highlights are shown there on the screen.

The date that the Board would have a final document ready to review and to potentially respond to would be February of 2020. I just wanted to make the Board aware of that date change.

REVIEW COBIA TECHNICAL COMMITTEE REPORT ON RECREATIONAL LANDINGS

CHAIRMAN GEER: Are there any questions to this? Moving on to Item Number 8, which is the review of the Cobia Technical Committee report on recreational landings.

DR. SCHMIDTKE: Our Technical Committee has had a lot of turnover in the last couple months especially. We have lost both our Chair and maybe we could potentially have some other movements, so right now I'm going to just give the Technical Committee report; and we will have a new cobia TC Chair established by the next meeting.

In February of this year the TC was tasked with evaluating recreational management using pounds and numbers of fish, and providing a recommendation on alternative techniques. One that was specifically talked about was done with black sea bass; and looking into some smoothing techniques, things of that nature.

The TC addressed this with three conference calls; and the main conclusions from each of those calls are listed there on the screen. The first one they decided that they needed more information on how MRIP conducts their estimation process, in order to fully evaluate any type of smoothing or outlier analysis or anything like that.

The second call was a call with MRIP staff. We had Dr. Van Voorhees, as well as John Foster and Richard Cody on the phone; and they answered some questions about the MRIP estimation process, specifically as it pertains to cobia. Upon review of the information provided on that call, the TC was then able to form some conclusions and recommendations for the Board.

The TCs recommendation is that if it is practically feasible that management be based on numbers of fish rather than pounds. This removes additional error that is associated with either MRIP or the Southeast Fisheries Science Center; whichever average weight technique is being considered applying an average weight, especially when that average weight will be based on either a small sample size or a sample that is grouped among multiple states or multiple years.

The TC did not see any type of violation of MRIP survey design in 2015 or '16, when cobia recreational landings were very high; thus they did not find any justification for altering these estimates via smoothing or outlier techniques. One of the main points made by the TC, and that was conveyed to the TC with that call with MRIP is that if those high years are moved, you also have to give some consideration that there are low outliers, in which the lows of 2011 or 2012 would potentially be looked at for removal as well.

It was reiterated that MRIP is best suited for evaluating landings trends as opposed to the year-to-year effects; and there has already been action taken related to cobia through a commission to account for this using the current three-year-evaluation process as opposed to evaluating landings on that year-to-year basis.

The TC also recommended the use of alternative metrics for stock monitoring; such as those from age or length data. For example, one of these could be evaluating trends in age distribution over time. This would require states that don't have programs collecting this type of data to begin collections. This information would not be intended to replace any type of information coming out of MRIP; as far as the catch estimates. But it would be more to provide context to any management actions that are taken in response to MRIP estimates. This information was also reflected by the Cobia Plan Development Team; and it is incorporated as a topic in the Public

Information Document for draft Amendment 1. It will be brought up later on in our meeting today as well. But that is the end of the TC report; and I can take any questions on that.

CHAIRMAN GEER: Any questions for Mike on this topic? Chris.

MR. BATSAVAGE: I might have missed this. I apologize in advance if I did. Under the scenario of managing by numbers of fish, would we be converting basically the pounds in the numbers in a similar manner how we do that for black sea bass and summer flounder?

DR. SCHMIDTKE: Under the current FMP there would need to be some type of conversion; because the recreational harvest limit is in pounds. There would need to be some numbers/pounds conversion there. But I think that kind of the spirit of the TCs tasking was for more of the longer term view and in light of the draft Amendment that is underway right now.

The potential to change the management regime from an evaluation of coastwide poundage limit to something else; and if that be some type of numbers limit or something like that. But the TC was more trying to say that the effect of the harvest is better evaluated by the numbers of fish that are removed by the fishery; rather than the poundage. This more associated more error associated with the poundage.

CHAIRMAN GEER: Any other questions for Mike on this? Let's move forward.

**CONSIDER DRAFT PUBLIC INFORMATION
DOCUMENT FROM AMENDMENT 1 FOR COBIA
FOR PUBLIC COMMENT**

CHAIRMAN GEER: Up to Item Number 9, which is Consider the Draft Public Information Document from Amendment 1 for Cobia for Public Comment; and Mike, you have the floor again. This is Page 39 of your materials; if you're following along.

DR. SCHMIDTKE: First I'm going to just do a review of the amendment process, where we are in our timeline, and then I'll go into some of the items talked about in the Public Information Document. The first step of our amendment process is a public information document. It's the Commission's way of scoping.

That provides the public the opportunity to identify issues, management alternatives, contribute to any type of topics that are not currently being considered. They are able to provide input in that way. After the public information document has gone out, public hearings are held; and then a draft amendment is then developed in light of the information that's received during those initial public hearings.

The draft amendment is a more focused document; which lays out a suite of options; and those options can then be selected for the final amendment. There is another opportunity for the public to comment on the options that are listed in the draft amendment as well, before final Board review.

The timeline that we're currently on for draft Amendment 1 is to have a final Board review in August of 2019. In the aftermath of this meeting, should this document be approved for public comment, we would hold public hearings in the time period between now and annual meeting, and there would be a review of the public comment at annual meeting. The written public comment period would begin shortly after this meeting; as long as there is time there to incorporate any changes that the Board has for the Public Information Document. We would then send that out and we would begin scheduling public hearings. The dates that you see there for the public hearings are approximate.

There is some flexibility in those; depending on whether we need to have the public comment summary completed in time for briefing or supplemental materials in the next meeting. But that would be around the timeframe in that

mid-September area that we would be looking to schedule public hearings in the various states.

The issues that are covered by the PID as of now are recommended management for federal waters, a harvest specification process, and biological monitoring. The Board is able at this meeting to add or to edit these topics before the PID goes out for public comment. I'll give a bit of background on each of these issues; and then pose some of the questions that are listed in the PID that we're hoping to get Board and public input on.

The first topic is recommended management for federal waters. The motivation for this is that several of the management measures that are listed in the current FMP are directly tied to a federal FMP. For example, the RHL is set equivalent to 99 percent of and monitored concurrently with the recreational allocation of the federal ACL.

With the action that has been taken by the Gulf and South Atlantic Councils, they've approved the removal of Atlantic cobia from the coastal migratory pelagics FMP, and that is now pending secretarial review. But should the secretary approve that removal as well, there would no longer be a federal plan for cobia. That federal ACL for Atlantic cobia would no longer exist; and would need to be replaced with something else.

The Atlantic Coastal Act allows the Commission to recommend measures for promulgation in federal waters. NOAA Fisheries would be the body that implements these measures. There is a need to address both commercial and recreational measures in the FMP. There has been a lot of focus with the cobia fishery on the recreational side of things; but there are both commercial and recreational measures that would need to be addressed in a draft amendment.

There is a list for both the recreational and commercial fisheries of the types of measures

that are currently in place; and those are some of the things that could be considered for implementation in federal waters. One of the big questions is the process of how these measures should be implemented in federal waters; for example, should separate measures be considered for federal versus state waters.

Should state regulations be essentially extended latitudinally by sectioning off portions of federal waters with different regulations; or should vessels fishing in federal waters be subject to regulations of their state of landing or some other type of method of implementation? That is a question that we're posing to the Board and to the public for input. The second topic covered in the PID is the harvest specification process. There has been a Board desire to consider alternative management strategies to a coastwide quota type of system that is in place right now. SEDAR 58 is underway. It will be released along the timeline that was specified earlier. This harvest specification process would really allow the Board the ability to select from a range of management measures and response to the assessment; as well as potentially move away from a coastwide quota type of system, if that is the Board's desire. This specification process would need to be established for, again both commercial and recreational fisheries for cobia.

There are several questions listed in the PID along with this; but some of those to highlight are what measures should be considered with this specification process? How often should measures be set? Should they be set around an annual basis, or right now there is kind of a three-year-evaluation process of landings; should that timeframe be applied to a harvest specification process?

Should there be an annual harvest limit for both or either fishery? Should harvest be evaluated in pounds or numbers? Then there are some questions about commercial permitting that have been raised. They were somewhat inherited with the cobia fishery; as it's being transferred to the Commission from the

Council, in the sense that there is some confusion about what defines a commercial fisherman when it pertains to cobia.

Are commercial, and this is an area that we would probably look towards the Board and those states that have had confusion along the lines of their commercial permitting for input on what should be done at the state level versus what should be done at the Commission level along those lines. The final topic that is addressed in the PID is biological monitoring.

It was brought up by the Technical Committee in evaluating the impact of recreational landings. The gist of it is again, to provide context to the Board in response to, well in addition to landings information that would also give some information on the health of the stock. This could potentially be implemented through biological monitoring requirements; as are seen in other FMPs.

A question posed to the Board and the public is should the FMP require biological sampling; for which fisheries should that be required, and what would the requirements or the specifications of this sampling process be? Finally just kind of a cover all, if the Board has any other issues that are not addressed in the Public Information Document that you would like to see added, those are things that can be discussed and added in the aftermath of this meeting. That's all I have.

CHAIRMAN GEER: Thank you very much, Mike and Robert has his hand up.

MR. BOYLES: Mike, great presentation. Brave new world as we enter into this realm with cobia management. I just wanted to put on record, I'm a little concerned about the requirements for biological monitoring; with respect to you know this is a rarely encountered species.

I certainly don't dispute the fact that we need to have some provisions to get a handle on what's going on with the stock. But I am

concerned about sampling availability. I would submit to you South Carolina anglers, and certainly our staff, you know have spent a lot of time in the water chasing cobia, sometimes to little avail. I just would hate to get us painted in that box.

CHAIRMAN GEER: Robert, I think some of that was I think along the lines of maybe the carcass recovery program that's in Georgia, the freezer programs that we have in Virginia; those kinds of things where it's by opportunity. If states have those kind of programs already, maybe adding cobia to that list of species that could be collected through that program. That is one option that is relatively, if the state already has one of those programs, relatively easy to initiate for the species. Are there any other comments or additions? Krista.

MS. SHIPLEY: This is pretty minor. Would it be possible to get Atlantic or Atlantic Migratory Group or something like that into the title of the document, just to alleviate any confusion? I know that it's in the first paragraph of the document; but I think it would be great to have that in the title.

CHAIRMAN GEER: That can be done, thank you. Are there any other comments, and additions anybody wants to add to the PID? Okay we need to have an action on this. Do we want to consider this for public comment, this PID? I don't see any hands go up. Lynn.

MS. FEGLEY: You need a motion. **I would move to approve the PID, there we go that.**

CHAIRMAN GEER: I see a lot of hands go up. It's getting close to lunch; seconded by Spud Woodward. **Move to approve the Public Information Document for Draft Amendment 1 to the Cobia Fishery Management Plan for Public Comment; motion by Ms. Fegley, seconded by Mr. Woodward, hearing no opposition approved by consent.** Thank you for that.

I'm going to in the sake of time, unless somebody has an objection to it. Oh, I'm sorry. I have to say that it was approved without objection. I apologize. Thank you.

Fisheries Management Plan Reviews and State Compliance Reports for Croaker and Red Drum

If there is no objections, Item Number 10 the Fisheries Management Plan Reviews and State Compliance Reports for Croaker and Red Drum.

I'm going to suggest we approve those via e-mail. Are there any objections to that?

REVIEW AND POPULATE ADVISORY PANEL

CHAIRMAN GEER: So, we're going to move on to Item Number 11. Is Tina here? We have a nomination for a new AP member from Virginia, Craig Freeman. Do you want me to do it? We have a new member, Craig Freeman who is an Advisory Panel member. You have his information in your packet. Joe Cimino when he was at Virginia kindly recommended him; and so we need to approve him to the Advisory Panel, so I need a motion. Joe.

MR CIMINO: **I think it's only fitting, Mr. Chair. I move to approve Mr. Freeman.** As you can see from the packet, he really checks all the boxes here. I think he would be a great addition.

CHAIRMAN GEER: Do we have a second to that. Lynn Fegley. Move to approve Craig Freeman as a member of the South Atlantic Board Advisory Panel. Motion by Mr. Cimino, seconded by Ms. Fegley, is there any opposition to this motion? **The motion is carried.**

ELECTION OF VICE CHAIR

CHAIRMAN GEER: All right, getting us back on schedule, the last item we have is election of a Vice Chair. Mr. Woodward.

MR. A. G. "SPUD" WOODWARD: **It is my privilege to nominate the sage of the low country, Robert Boyles, Jr.**

CHAIRMAN GEER: Second the motion by Mr. Haymans. We will close nominations; any opposition? Welcome aboard, Robert, and I look forward to many Jeffersonian and I like the Lombardi.

MS. KERNS: We need someone else to second it.

CHAIRMAN GEER: He did. Oh same state, I'm sorry. Malcolm. I apologize for that. Well, thank you again, Robert, we appreciate it.

OTHER BUSINESS

CHAIRMAN GEER: Is there any other business to come before the Board? Hearing none, all right so the main thing is I want everyone to go back to your states, talk about spot and croaker.

As far as the PID, please as soon as possible talk to Mike for scheduling public hearing dates. Do that as soon as possible. You'll be getting an e-mail from us concerning the red drum and Atlantic croaker approval of the management plan and state compliance. Is there anything else to come before this Board? Mike.

DR. SCHMIDTKE: Sorry, just one more thing. This was at the end of the red drum presentation, so that is why it wasn't addressed directly. The Assessment Science Committee tasked the Red Drum Stock Assessment Subcommittee with several pieces of guidance coming out of the last red drum assessment. There has been quite a bit of changeover for the Red Drum Stock Assessment Subcommittee; so that needs to be repopulated, so that they can start addressing some of the guidance from the ASC.

That is something that can be taken care of by e-mail. But I just wanted to make you aware of that. We're going to be looking at particularly areas for tagging information as well as the use of stock synthesis related to red drum. Please be mindful of that. Watch out for your e-mail, and talk to your state scientists or anybody else

that you would be interested in putting on that SAS.

ADJOURNMENT

CHAIRMAN GEER: Okay, anything else; motion to adjourn, thank you?

(Whereupon the meeting adjourned at 12:10 o'clock p.m. on August 9, 2018)

Atlantic States Marine Fisheries Commission

PUBLIC INFORMATION DOCUMENT

**For Draft Amendment 1 to the Interstate Fishery
Management Plan for Atlantic Migratory Group Cobia**



August 2018

Vision: Sustainably Managing Atlantic Coastal Fisheries

**The Atlantic States Marine Fisheries Commission seeks your input on the initiation of
Amendment 1 to the Interstate Atlantic 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 October 4, 2018**. 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.

**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.

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:

<u>Step</u>	<u>Anticipated Date</u>
Approval of Draft PID by the Board	Aug 2018
Public review and comment on PID <i>Current step</i>	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

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.

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

- 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?

**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

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.

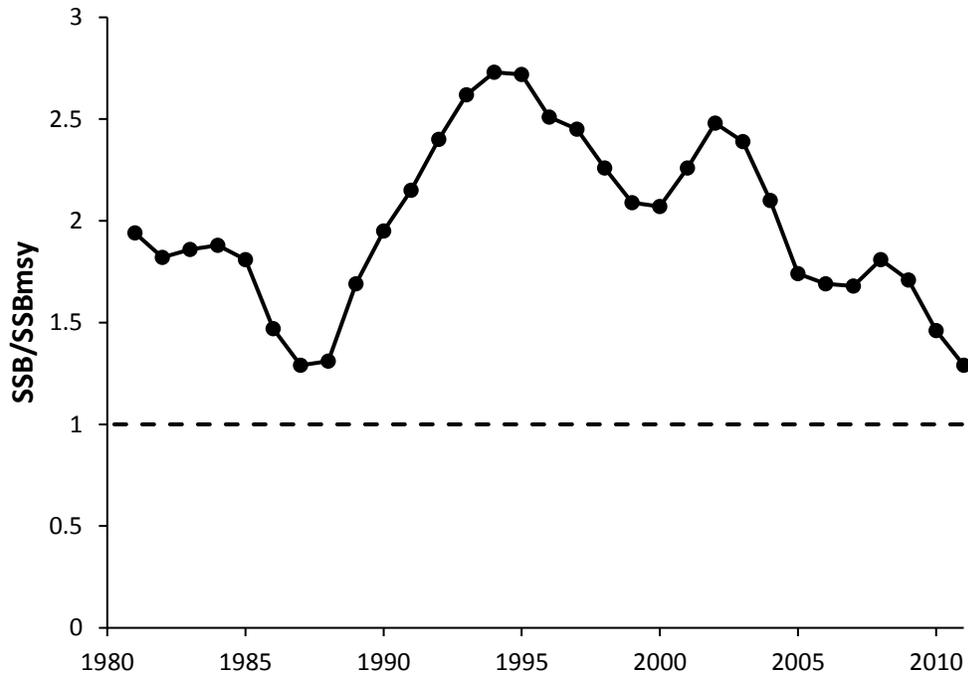


Figure 1. Cobia spawning stock biomass (SSB) relative to the MSY biomass (SSBmsy) reference for 1981-2011 (SEDAR, 2013).

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.

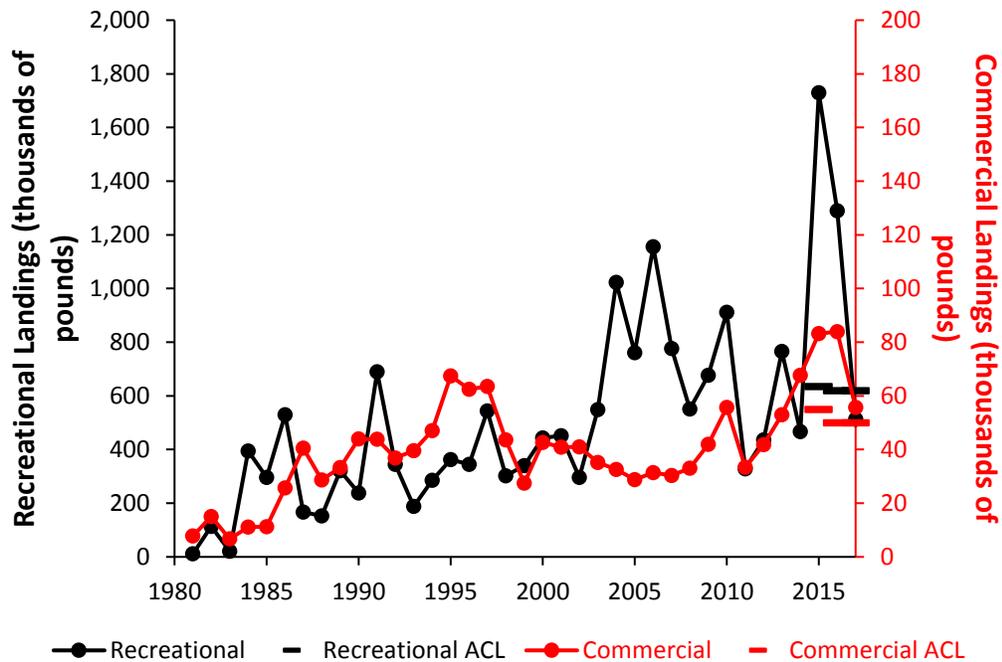


Figure 2. Recreational (black; left axis) and commercial (red; right axis) landings and recent Annual Catch Limits (ACL) for Atlantic cobia. Recreational landings were estimated using effort estimates from the Coastal Household Telephone Survey. Sources: Atlantic Coastal Cooperative Statistics Program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

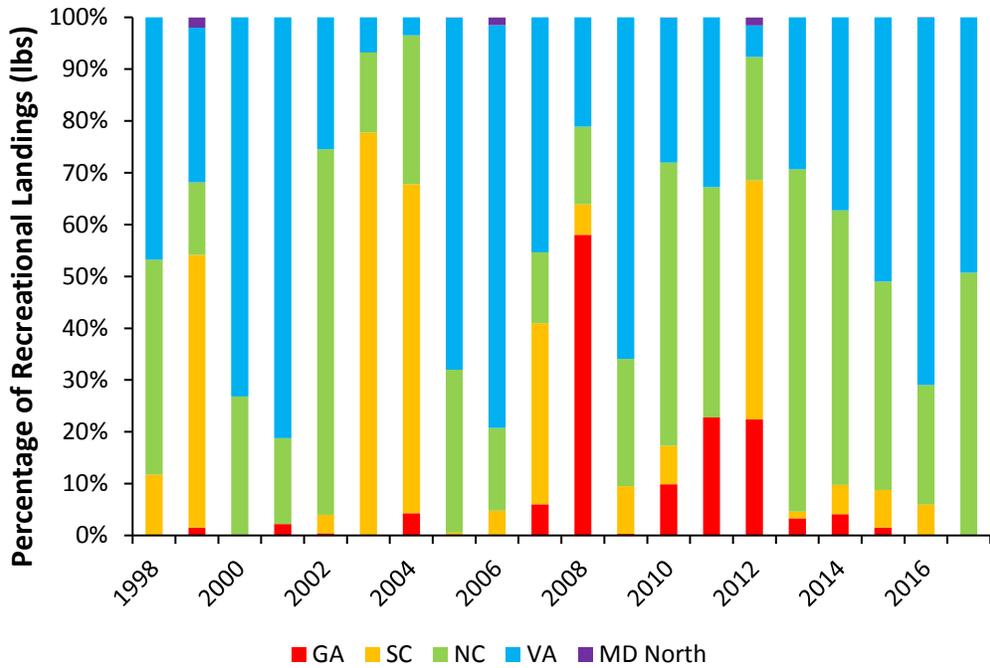


Figure 3. State/regional percentages of recreational landings of Atlantic cobia. Recreational landings were estimated using effort estimates from the Coastal Household Telephone Survey. Sources: ACCSP and MRIP (June, 2018).

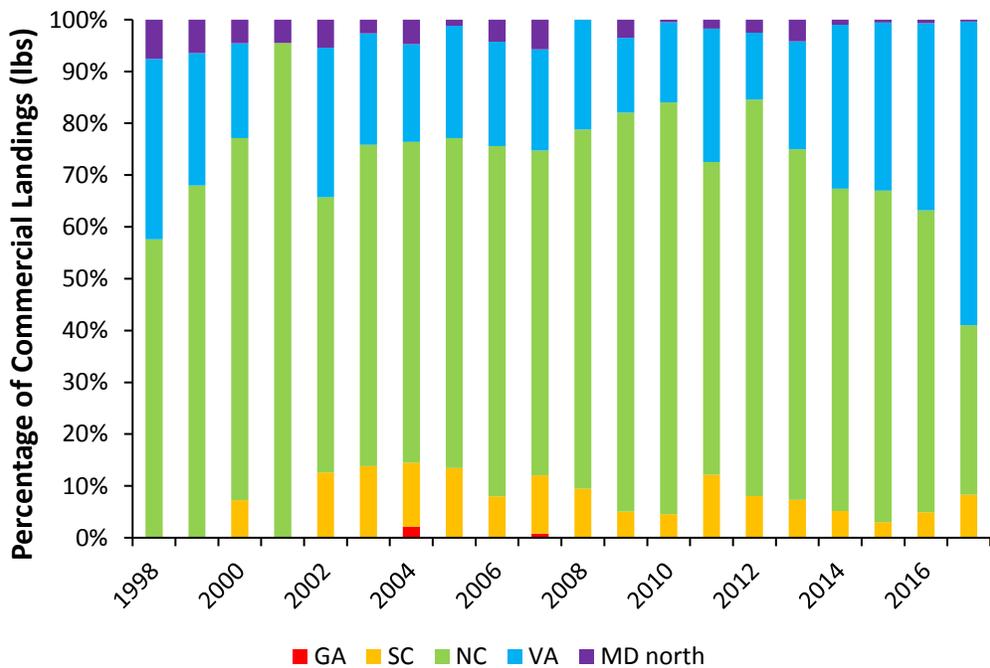


Figure 4. State/regional percentages of commercial landings of Atlantic cobia. Years with confidential landings for each state are omitted. Sources: ACCSP and MRIP (June, 2018).

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 minimal because, in recent years, the majority of Atlantic cobia recreational and commercial harvest has occurred in North Carolina and Virginia state waters. In

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).

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

- Atlantic Coastal Fisheries Cooperative Management Act, Title 16 U.S.C. §§ 5101-5108 (1993).
- 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.
- South Atlantic Fishery Management Council (SAFMC). 2016. Framework Amendment 4 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region. Charleston, SC. 160 pp.
- SAFMC. 2018a. Regulatory Amendment 31 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region. Charleston, SC. 194 pp.
- SAFMC 2018b. The Economic Contribution of Fisheries for Species Managed by the South Atlantic Fishery Management Council, Report May, 2018. Charleston, SC. 23 pp.
- Southeast Data, Assessment, and Review (SEDAR). 2013. SEDAR 28 – South Atlantic Cobia Stock Assessment Report. Available online at: http://sedarweb.org/docs/sar/S28_SAR_SACobia_WithAddendumFinal_5.16.2013.pdf



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MEMORANDUM

October 5, 2018

To: South Atlantic State/Federal Fisheries Management Board

From: Dr. Michael Schmidtke

Subject: Cobia Draft Amendment 1 PID Public Hearing Summaries

In September, 2018, Public Hearings were held to discuss management options for topics presented in the Public Information Document (PID) for Cobia Draft Amendment 1. Hearings were held for Maryland (MD) jointly with the Potomac River Fisheries Commission (PRFC), Virginia (VA), North Carolina (NC) (two hearings), and South Carolina (SC) jointly with Georgia (GA). An additional hearing was held by state staff in New Jersey, and the summary of that hearing is included in this report as well.

No public attended hearings in Morehead City, NC, and Colonial Beach, VA (joint MD-PRFC hearing). Across all six hearings held, a total of ten public individuals attended.

Due to Hurricane Florence, the schedule of hearings was adjusted such that written Public Comment is being accepted through October 10, 2018. A full summary of all Public Comments, including written comments not included in this summary, will be available in Supplemental Materials for the South Atlantic Board meeting at the Commission's 2018 Annual Meeting.

M18-105

Cobia Draft Amendment 1 Public Information Document Public Hearing Summary (NJ; state-held)

Galloway, NJ

September 6, 2018

6 Attendees

Staff: 5 New Jersey Department of Environmental Protection Staff

Attendees: Kevin Wark

Management in Federal Waters

- Have the federal regulations mirror the state regulations.

Harvest Specification Process

- Prefers evaluations in numbers of fish.
- Suggests a state permit system which would allow for better monitoring.

Additional Comments

- Supports the use of VTRs to provide full documentation of fishing activity and to establish fishing history for the vessel/fisherman.
- Observed cobia are attracted to structures uncovered by sand mining with the result that people are starting to target cobia in waters off NJ.
- Observed that with warmer water, there are higher numbers of cobia.
 - The fish come closer to shore in August and September but are gone in October.
- Observed that net fishermen don't normally high-grade their cobia catches.
- NJ should have either a small bag limit or have specifications to include incidental cobia catch.
- Even though NJ has relatively small cobia landings, they should have some allotment/recognition in the management plan.
- Don't force the commercial fishermen to dump/waste their cobia catches.
 - Fishermen don't direct their activity to harvest cobia but would like to sell their incidental catches even late in the season when the "directed" fishery is closed (NJ fishermen are still encountering the cobia at that time).
- States should define who is commercial versus recreational for accountability with quotas.

Cobia Draft Amendment 1 Public Information Document Public Hearing Summary (VA)
Newport News, VA
September 19, 2018
6 Attendees

Staff: Dr. Michael Schmidtke (ASMFC), Pat Geer (VA), Alex Aspinwall (VA)

Attendees: Mike Avery (Virginia Saltwater Sportfishing Association), Craig Freeman, Dr. Andrew Scheld (Virginia Institute of Marine Science)

Management in Federal Waters

- Avery and Freeman supported regulations for federal waters determined by state of landing.

Harvest Specification Process

- Avery: Suggested adding cobia to the commercial Greater Atlantic Regional Fisheries Office to monitor commercial harvest in federal waters. Any additional permit to provide additional monitoring of commercial harvest in federal waters should be free.
- Avery: Would prefer streamlining of reporting process. Report catch to single agency then share data among different users.
- Avery: Recreational stakeholders want stability in the season. Once season and limits are decided, don't want mid-season changes or closures. Prefer multi-year but at least annual setting of season then allow season to play out.
 - Freeman supported.
- Avery: Happy with process of state allocation then allowing states to set own regulations to adhere to quota/target. Fine with current management structure but not with current allocation due to the exclusion of Florida east coast from the FMP's jurisdiction. If east coast of Florida were included with Atlantic stock, 2015 and 2016 recreational harvests would not have been overages.
- No specified preference on numbers vs. pounds for recreational harvest.
- Avery: Would be nice to have some form of benefit for trophy fish provision (1 fish over 50 in total length)

Biological Monitoring

- Avery: Don't want to see additional requirements that would become burdensome for fishers.
- Freeman: Any station or freezer needs to be conveniently located for adequate participation.

Additional Comments

- Freeman: Current commercial regulations, particularly the possession limit of 2 fish per license holder (VA-specific), resulting in decline in commercial harvest to the point that commercial fishery is not viable.
- Freeman and Avery: Would like to remove the per license holder provision (which is VA-specific) to the coastwide 2 fish per person possession limit.
- Freeman: Commercial limit in VA should not be less than the recreational (effectively is if only 1 license holder on a vessel)
- Avery: Does not accept results of the SEDAR 58 Stock ID Workshop or that they should be applied in management jurisdictions. Thinks that Commission management should include east coast of Florida, and quota allocations for that region should be added to quota from Georgia north then allocated to states along the Atlantic coast.
- Freeman: Changes to commercial regulations in 2018 did have a significant economic impact on commercial fishery.

Cobia Draft Amendment 1 Public Information Document Public Hearing Summary (GA, SC)
Pooler, GA
September 24, 2018
6 Attendees

Staff: Dr. Michael Schmidtke (ASMFC), Doug Haymans (GA), Dawn Franco (GA), Chris Kalinowsky (GA), Robert Boyles (SC)
Attendees: Frank Gibson (SC), Daniel Utley (SC), Collins Doughtie (SC), Al Stokes (SC)

Management in Federal Waters

- Doughtie: State jurisdictional boundaries should be extended by latitude into federal waters.
 - Stokes supported. Would help law enforcement as well.
 - Utley supported.

Harvest Specification Process

- Doughtie: Supports Board ability to make quick regulation changes. Supports increased use of webinars to gather public comment more quickly.
- Stokes: Supports recreational management using numbers of fish.
- Stokes: Concern about difference in commercial and recreational per person limits. Recreational fishermen would get commercial licenses, catch under commercial regulations, and then sell directly to restaurants. Were able to continue fishing outside of recreational season. Would like to have similar regulations between commercial and recreational.
- Doughtie: Would support gamefish status extended into federal waters off SC.

Biological Monitoring

- Doughtie: Don't think weigh-in stations would work. Freezers already set up in SC.

Additional Comments

- Doughtie: Should consider lowering recreational coastwide vessel limit to 2 fish per vessel per day.
 - Utley supported.
- Doughtie: Observed a lot of small fish in 2018; anticipating fairly large cobia harvest in 2019, but don't want fishing so much as to make population crash.
- Doughtie: Trophy fish regulation, similar to Virginia's for hook and line, could be considered for other areas. Should not be too large because female fecundity may regress at the oldest ages/largest sizes. Should be research-informed. Potential drawback is measurement of a large cobia that's close to limit could be difficult/dangerous.

Cobia Draft Amendment 1 Public Information Document Public Hearing Summary (NC)

Manteo, NC

September 26, 2018

4 Attendees

Staff: Chris Batsavage (NC), Bruce Crostic (Marine Patrol)

Attendees: Bill Gorham, Travis Kemp

Management in Federal Waters

- Kemp: Federal recreational regulations should be based on state where the fish is landed.
- Gorham: Maintain most liberal recreational regulations in federal waters (1/person & 6/vessel) or restrict harvest to state of landing

Harvest Specification Process

Harvest Limits

- Kemp: Do not manage under current ACL.
- Gorham: A coastwide harvest limit should cover the documented migratory range of Atlantic cobia, which includes northeast Florida; if not, then do not manage under an ACL; another option is to set the harvest limit at a percentage above the peak harvest (or a percentage over a time series average) to allow for more management flexibility, especially during times of high cobia abundance.
- Gorham and Kemp: Flexibility in management to achieve stability in the regulations is key; do not want to see the harvest limit drastically reduced—there isn't much more NC can do with the regulations to reduce harvest

Recreational Management Options

- Gorham and Kemp: All recreational management options except for gear restrictions (ex. Circle hooks, no live bait, etc.) should be considered in the specification process.
- Gorham: Should be at least a 5-year time period for evaluating recreational harvest against management targets or reset the recreational harvest limit after the next stock assessment—stable regulations are needed.
- Gorham: Number of fish should be used instead of weight to manage recreational fishery—how would that be done (calculated, implemented)? Number of fish would provide a level playing field among the states and provide more stable regulations.

Commercial Management Options

- Gorham: Anything that preserves the commercial cobia fishery should be explored. Better communication is needed among the agencies to avoid early commercial closures. Commercial discards (in the fall) when the fishery is closed is a concern.

Commercial quota is very small, especially compared to cobia aquaculture. Maybe state-by-state commercial allocations, but overall commercial allocation very small.

Biological Monitoring

- Gorham and Kemp: Data collection (biological monitoring) should be required by the states in order to ensure that it happens.
- Gorham: supports NC's carcass collection program and is willing to help the process (collecting more cobia samples, stakeholder buy-in); carcass collection freezers are needed at charter boat marinas to collect more samples; life history information is really needed; concerned that size limit (36") may bias carcass samples toward female fish and impact this could have on the cobia population long term

Additional Comments/Questions

- Who pays for biological monitoring? State-funded, not typically funded by ASMFC; cost of monitoring not typically paid for by fishermen in state.
- NC has a spring pulse fishery of variable length; a summer/early fall pier fishery, a shorter pulse fishery in the fall as well as a commercial bycatch fishery in the fall and VA has cobia in their waters for 6 months—how can we manage based on migratory patterns of the species among the states and in the states?
- Kemp: Small cobia are very abundant now. A lot of small cobia were caught during a recent surf fishing tournament on Hatteras Island; has cleaned more male cobia this year compared to other years.
- Gorham: Cobia fishery in VA is very large (larger than last stock assessment); doesn't want to see small ACL reduce harvest even further.
- Kemp: Very little directed cobia effort by private boat anglers in NC after possession limit decreased to 1 per vessel on June 1.
- Gorham: Better accounting of anglers targeting cobia in NC is needed to get a better idea of effort and harvest.
- Kemp: Mandatory reporting of cobia in VA doesn't seem to be a problem up there; compliance seems like it's good.
- Gorham: Speaks on behalf of a lot of anglers, which is why many people don't come to hearings. Calls fishermen along the NC coast to get their thoughts and feedback before coming to meetings.
- Gorham and Kemp: Have a private Facebook page where anglers can provide questions and comments to us and we provide comments to the managers. Will survey anglers on the Facebook page.

