

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

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

**January 24, 2024**

**Approved May 1, 2024**

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

## ATTENDANCE

### Board Members

Jason McNamee, RI (AA)	David Sikorski, MD, proxy for Del. Stein
David Borden, RI (GA)	Shanna Madsen, VA, proxy for J. Green (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
John Maniscalco, NY, proxy for M. Gary (AA)	Chad Thomas, NC, proxy for Rep. Wray (LA)
Scott Curatolo-Wagemann, NY, proxy for E. Hasbrouck (GA)	Blaik Keppler, SC (AA)
Amy Karlnoski, NY, proxy for Assemb. Thiele	Malcolm Rhodes, SC (GA)
Joe Cimino, NJ (AA)	Mel Bell, SC, proxy for Sen. Cromer (LA)
Jeff Kaelin, NJ (GA)	Doug Haymans, GA (AA)
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)	Spud Woodward, GA (GA)
John Clark, DE (AA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Roy Miller, DE (GA)	Gary Jennings, FL (GA)
Craig Pugh, DE, proxy for Rep. Carson (LA)	Ron Owens, PRFC
Lynn Fegley, MD (AA, Acting)	John Carmichael, SAFMC
Russell Dize, MD (GA)	Jack McGovern, NMFS

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

### Ex-Officio Members

Angela Giuliano, Technical Committee Chair

### Staff

Bob Beal	James Boyle	Jainita Patel
Toni Kerns	Caitlin Starks	Kristen Anstead
Tina Berger	Emily Franke	Jeff Kipp
Katie Drew	Tracey Bauer	Alex DiJohnson
Chelsea Tuohy	Madeline Musante	Kurt Blanchard

### Guests

Robert T. Brown	Brendan Harrison, NJ DEP	Allison Murphy, NOAA
Jeffrey Brust, NJ DFW	Kenny Hejducek, My Joyce Fishing Enterprises	Conor ODonnell, NH FGD
Nicole Caudell, MD DNR	Jesse Hornstein, NYS DEC	Marina Owens, FL FWC
Jessica Clawson, FL FWC	Kathy Knowlton, GA DNR	Cheri Patterson, NH (AA)
Haley Clinton, NC DMF	Thomas Kosinski, Sandy Hook Outfitters	Scott Pearce, FL FWC
Kurt Doherty	Kris Kuhn, PA FBC	Michael Pierdinock, Stellwagen Bank Charter Boat Assn.
Julie Evans	Chip Lynch, NOAA	Michael Pirri
Glen Fernandes	Chris McDonough, SC DNR	Jill Ramsey, VMRC
Corrin Flora, NC DEQ	Joshua McGilly, VMRC	Jeff Renchen, FL FWC
Tom Fote, JCAA	Dan McKiernan, MA (AA)	Harry Rickabaugh, MD DNR
Ben German, NOAA	Jonathan Mendez	Zachary Schuller, NYS DEC
Lewis Gillingham, VMRC		McLean Seward, NC DMF
Paul Haertel		

**Guests (continued)**

Colin Shea  
Phillip Sheffield  
Somers Smott, VMRC  
Kevin Sullivan, NH Dept. of  
Energy  
Scott Thomas, Grumpys Tackle

David Tolbert  
Peter Walsifer  
Peter Whelan  
Christina Wiegand, SAFMC  
Steven Witthuhn  
Michael Woods, Backcountry

Hunters & Anglers  
Chris Wright, NOAA  
Erik Zlokovitz, MD DNR  
Renee Zobel, NH FGD

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

#### **CALL TO ORDER**

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

#### **APPROVAL OF AGENDA**

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

#### **APPROVAL OF PROCEEDINGS**

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

#### **PUBLIC COMMENT**

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

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

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

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

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

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

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

Workshop and the Review Workshop. For the Data Workshop, it includes the usual review of all the available data for the assessment.

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

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

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

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

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

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

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

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

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

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

MS. GIULIANO: We did discuss that on the Technical Committee call. The plan at this point is

not to do a larger Stock ID Workshop, as was done in the past assessment, but at least to review the data. From the discussions of the Southeast Fisheries Science Center, it seems that we would need a preponderance of evidence to make any changes at this point. But at least to look at the data and see what the new data look like.

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

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

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

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

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

observations of changing movement patterns throughout the cobia's distribution that are affecting abundance.

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

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

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

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

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



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

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

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

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

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

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

The Board recommended that the Plan Development Team explore options outside of the current state-by-state quota allocation system.

Specifically, the Board was interested in exploring the idea of a coastwide target that would include regional measures that consider the need for fishing opportunity, based on the seasonality of the species in various regions.

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

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

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

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

The PDT is specifically seeking Board feedback on if the idea of an automatic allocation trigger should be further explored, and if there are any scenarios outside of a state losing de minimis status that would constitute an allocation update. The next alternative that the PDT discussed was the idea of

regional recreational allocations. Regional allocations would mean that each region would implement the same bag and size limit, and seasons would be determined by cobia availability along the coast.

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

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

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

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

The first concern was that quota may be used up before cobia migrate to certain regions throughout the year. Then the PDT was also looking for Board feedback on the feasibility of up-front regulatory changes that may be associated with this regional or coastal allocation process, where states would

potentially need to make changes to their recreational fishing seasons for cobia, and may need to make bag and size limit changes as well.

Up on the screen behind me, these are the current recreational regulations in each state for cobia, where size limits use a combination of fork length or total length, and bag limits vessel limits and seasons vary from state to state. We can pull this slide up again during the Board's discussion, if it's helpful when discussing up front regulatory changes that may or may not be needed with a regional or coastwide allocation approach.

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

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

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

These ideas included potentially adding an up-front uncertainty buffer to the recreational harvest target, or adding a buffer around state level soft targets that indicate when management action is

needed, so we don't fall into a situation, you know where a state is a couple hundred fish over, and have to change management measures to account for a couple hundred fish, when our estimates may not be that accurate.

Then the final option discussed by the PDT is the potential for a quota borrowing system, where if a state or region's overage is balanced by a state or region's underage, management action may not be needed. Then that last bullet there is talking about recreational measure setting timelines. The PDT is seeking guidance from the Board on the preferred timelines for setting recreational management measures.

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

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

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

CHAIR WOODWARD: Thank you, Chelsea. Any questions about here overview of the Draft

Addendum? If not, then we'll be able to launch into going sort of item by item, to respond to the PDT. Chris, are you good for that?

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

CHAIR WOODWARD: All right, seeing no questions, as she described, there are several aspects of this Draft Addendum that we need to provide feedback on. This will be our opportunity to sort of green light, red light, caution light these things as we move forward. I have been asked to bring up that vexing topic, and that is the FES Pilot Study, and the cloud of uncertainty that it has sort of put over things that we're having to deal with here.

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

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

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

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

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

I guess I'll ask Chelsea, was there any discussion about that at the PDT level, and then I guess just raise the question of maybe not a full stop on this Addendum, but should we consider maybe not doing the regional options, knowing that we're going to be working with different MRIP harvest estimates, probably a year or two after this addendum is scheduled to be completed.

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

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

CHAIR WOODWARD: Okay, Lynn.

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

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

MS. TUOHY: With that allocation trigger, the PDT discussed a lot of these topics very briefly. They didn't get into extreme detail on many of them, because they were looking for Board feedback specifically, and their question was, is this something that we should be pursuing? It's an idea that we have.

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

CHAIR WOODWARD: Any follow up on that, Lynn?

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

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

MR. DOUG HAYMANS: You both have stated what has been mulling around in my mind, artificial intelligence, mainly, because that is what it sounds like. It scares me the same as it scares Lynn, and I would much rather have a discussion on the record

about reallocations. I guess my question would be though. Is there something critical in this amendment that absolutely has to go through before we know the results of MRIP study? Can this be paused for now?

CHAIR WOODWARD: Well, I think that is a question that every decision-making body has been struggling with is, where is it prudent to wait, and where is it prudent to move forward? You know as I've alluded to the South Atlantic Council has made decisions to hit the pause button on some things. You know we have an interesting situation that will have assessment results, probably about the same time they project to have the more broader FES study completed, as I understand it. I think that is what the projected timing is. Whether that actually comes to pass or not, I guess remains to be seen.

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

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

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

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

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

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

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

CHAIR WOODWARD: Any other comments? Chris Batsavage.

MR. BATSAVAGE: Currently the process we're working with now, it might be convenient for some of the states but in reality, it's not working. But at the same time, I know it's hard to move forward

with all of these potential options, with the uncertainty with MRIP estimates in the next few years.

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

Compared to what we're doing now, I'm sure we'll get quite a bit of public comment on that, and probably discussion around the table on it. But converting this Board with anything to try to keep from creating more problems from the new MRIP numbers we'll be dealing with. That might be one way to do it. But again, I would look to see what others think about that idea, or just not moving forward with this.

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

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

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

Really, the purpose of this is not to bog us down,

but just to make sure everybody agrees that we need to move forward, recognizing the uncertainties that we are all dealing with. Those in favor of moving forward with this proposed addendum, signify by raising your hand. All right, those opposed, null votes, abstentions.

All right, so I had one no and one abstention. Okay, we have affirmation of moving forward, so now let's deal with these various items here. The allocation trigger obviously is creating some consternation, because I'm not sure we still all understand quite what that means. I think you know, at the Council level, basically we have like what we call the allocation review trigger, so that is different than I think we're talking about here, which is an automated process by which allocations would change as a result of a change in the source data. Now do we want the PDT to continue to explore that and come back to us, and explain to us how that would actually work, so that we would have a better understanding of what trigger means in the context of this Addendum? Shanna.

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

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

But then, the other thing I think I would like to see is, is there an option that we can create that says, once we decide the framework, whether it's regions, whether it's coastwide. Can we just update the numbers with the new FES without having to do

an entire document? I would like to see, I think two sorts of allocation triggers, is what I'm envisioning.

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

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

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

MR. MANISCALCO: I'm sorry, so I totally agree with the FES, as kind of a separate reason to consider or review allocations. But otherwise, an allocation trigger for review should maybe be based upon new assessment catch advice, so put it on that site.

CHAIR WOODWARD: Malcolm.

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

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

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

If you're okay with that, then we'll move on to be

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

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

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

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

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

CHAIR WOODWARD: Shanna.

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

thinking of.

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

CHAIR WOODWARD: Doug.

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

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

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

MS. TONI KERNS: I'm just going to try to more directly answer about the conservation equivalency. In these approaches for the regions to work them

at, is the best way to take the direction from either a TC or a PDT. If that is their original intention, then get a best predictability of what the harvest would be as to keep those measures intact.

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

CHAIR WOODWARD: Mel, can you hear me?

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

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

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



mostly up and running in 2021, so it might be safe to use that, but I was just wondering if the PDT kind of talked through why 2021 also.

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

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

MR. BATSAVAGE: Yes, I would support removing 2020. We know most of the data for all the species were imputed. For North Carolina I think almost all our cobia information was imputed, because our fishery is largely in May and a little bit in June, and our MRIP samplers I don't think were back sampling again until early to mid-June. I don't remember about the 2021. It might have impacted a couple states, but I think definitely we should consider removing 2020.

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

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

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

and five years as an option, and kind of seeing what might work best, and what we have the most amount of data for.

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

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

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

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

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

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

situation.

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

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

MR. MANISCALCO: Unless I'm missing something, we also have the ability to consider multiple years of data and catch, right, when we're determining when changes are necessary. That all gives us kind of additional thought for around what is otherwise a very volatile catch fishery. Okay, thanks.

CHAIR WOODWARD: Adam.

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

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

The level of impact this has had on other recreational fisheries that this Commission manages, cannot be understated. The Summer Flounder, Scup and Black Sea Bas Board, in working with the Bluefish Board, I believe has finally come up with something that has done a better job in the past two years of providing more stability than what there was, by considering the uncertainty around the recreational catch estimate in both directions,

as well as considering what the condition of the resource is. If you're going to introduce a discussion about management uncertainty here, I would like to see the PDT also look at some alternative management that is in place. One example is the Summer Flounder, Scup and Black Sea Bass changes. But are there other ways that we can go about to do measure setting in the process, that is simply comparing recent catch, taking those allocations to some new quotas that come out of the assessment, because our process has failed miserably.

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

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

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

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

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

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

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

I think our tendency as an institution is well founded, but perhaps misguiding and that is, the precautionary principal says, in the face of the uncertainty you always just, you go down. You never go up. I think that is one of the things we certainly continue to struggle with, is how to find that balance in there.

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

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

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

MS. EMILIE FRANKE: Yes, thank you, Mr. Chair. I will provide an overview of the FMP review for the 2022 fishing year. On the next slide, starting with

the status of the FMP, Spanish mackerel is managed cooperatively with the South Atlantic Fishery Management Council. For the Interstate FMP for state waters, Spanish mackerel is managed through the Omnibus Amendment approved back in 2011. The fishery is managed with size limits for both sectors, a creel limit for the recreational fishery, daily trip limits for the commercial fishery, and then there are a few gear restrictions for both sectors. The most recent stock assessment for Spanish mackerel is SEDAR 78. That was completed in 2022, and had data through 2020.

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

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

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

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

recreational side landings were about 4 million pounds in 2022, and this was again about a 54 percent decrease from 2021.

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

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

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

Florida has also noted that they have brought this topic to the South Atlantic Council, and it is currently being investigated further. As far as compliance and 2022 implementation, the Plan Review Team found no inconsistencies among any

state management measures. As far as de minimis, on the next slide, a state qualifies for de minimis if it's previous three-year average of combined landings is less than 1 percent of the coastwide total.

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

With the exception of just a few years, their recreational harvest has been below 75,000 pounds each year, and they have had de minimis status for several of the past nine years. The state also notes that they have very high PSEs for their MRIP data. Then finally on the next slide, the Plan Review Team emphasized two recommendations this year.

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

CHAIR WOODWARD: Any questions for Emilie on her presentation?

MR. BATSAVAGE: Might be more of a question for Erika or the Florida delegation. With the closures around the Canaveral area for space launches. Does that affect both the recreational and commercial fisheries equally, or are the variable landings that we saw in 2022 and looks like 2015 as well. Is that more of a different availability of

Spanish mackerel in the waters? A follow up question I would ask now is, it looks like 2023 recreational harvest through Wave 5 in Florida has gone back up again, kind of not the highest levels, but higher than last year. I didn't know if that was different space closures, or just higher availability. Just any insight, to kind of get a sense of what is going on down there is helpful, thanks.

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

I don't know that there is a clearcut answer to continue the recreational fishery. But we have seen that in not just Spanish mackerel, landings for other species have declined in this area, because of reduced ability to access that fishery.

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

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

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

MS. BURGESS: Thank you.

CHAIR WOODWARD: Any other questions for Emilie? If not, we need Board approval of the FMP review. Do we have a motion, or do we need to read off the bottom of that slide there? We have a

motion prepared, looking up there, if someone is willing to make it once it's up there. Okay, Doug.

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

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

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

CHAIR WOODWARD: Thank you. **Any opposition to the motion? Anybody online raise their hand? Okay, with no opposition we will consider the motion accepted by consent.**

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

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

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

The intent was to do this as a framework and do it

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

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

But despite those concerns, the Council is trying to go ahead, because the potential was there for giving the fishermen some more fish back in this situation. At the December meeting, we saw some new items being added to the Amendment, coming up from NMFS and the Regional Office, looking at the Optimal Yield, potentially updating that, and also getting into potential changes in accountability measures.

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

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

amendment.

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

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

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

MR. CARMICHAEL: The Port Meetings, we are proceeding on with those and our plans are coming together on that. We have staff from our staff lined up to help and assist, Christina Wiegand leading it for our behalf. We've got the locations pretty well settled; you'll see those in the report that came from the Committee.

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

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

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

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

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

MS. MADSEN: Thank you for those comments. That kind of brings up the comment that I wanted to make, less of a question than a comment. In reading through this document, John, I did note that there were some suggestions from some of the folks that there be a Chesapeake Bay specific meeting.

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

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

CHAIR WOODWARD: All right, if there are not any other questions for John, John, thank you for the

update. We appreciate it, and we'll move on.

#### **ELECT VICE-CHAIR**

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

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

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

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

#### **ADJOURNMENT**

CHAIR WOODWARD: Any other business to come before the Coastal Pelagics Board? Seeing none; any opposition to adjourning, because it is 12:00 noon or close to it. No opposition, we will stand adjourned. Thank you, everybody.

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