

**Summary Report of
Coastal Migratory Pelagics Advisory Panel
Gulf of Mexico Fishery Management Council
Webinar Meeting**

Wednesday, March 24, 2021

9:00 am EDT – 6:00 pm EDT

The Gulf of Mexico (Gulf) Fishery Management Council's (Council) Coastal Migratory Pelagics Advisory Panel (CMP AP) was convened at 9:00 AM EDT on March 24, 2021. Mr. Martin Fisher was elected as Chair, and Capt. Tom Marvel as Vice-Chair. The agenda and minutes of the October 9, 2018 meeting were approved as written.

Coastal Migratory Pelagic Landings Update

SERO staff provided an update of CMP landings into 2021 for king mackerel, Spanish mackerel, and cobia. Due to the restrictions resulting from the COVID-19 pandemic, recreational landings for 2020 only account for Wave 1. Gulf Zone cobia landings for 2020 came in below those for 2019; however, the combined stock landings remain well below the stock annual catch limit (ACL). Gulf king mackerel landings have also remained below the stock ACL. Commercial king mackerel landings for the handline fleets have met or exceeded their zone quotas in the Gulf Western and Southern Zones, with the Gulf Northern Zone coming in under its quota. The Gulf Southern Zone Gillnet quota has regularly been met in recent years, with one recent overage. Recreational king mackerel landings are well below the recreational ACL. Spanish mackerel landings remain well below the stock ACL, and have been historically.

AP members questioned the 2020 king mackerel landings due to impacts to the market from the COVID-19 pandemic. Fishing in the Gulf Northern Zone was exceptional in the beginning of 2020; however, commercial fishing stopped when fish houses stopped buying after restaurants closed. Also, recreational fishing may be atypical due to COVID-19; AP members noted a marked increase in recreational fishing effort in 2020.

SEDAR 28 Update: Gulf Migratory Group Cobia

Stock Assessment

Mr. Ryan Rindone (Council staff) summarized the results from the SEDAR 28 Update (SEDAR 28U) stock assessment for the Gulf migratory group cobia (Gulf Group Cobia). This assessment was completed by the Southeast Fisheries Science Center (SEFSC), and built upon the methodology used in SEDAR 28 (2013) but includes data through 2018. This update incorporated recreational catch and effort data adjusted to the Marine Recreational Information Program's Fishing Effort Survey (MRIP-FES). Recreational landings and discards were 1.5 to 3 times higher in the update assessment as compared to SEDAR 28 that used MRIP-Coastal Household Telephone Survey (CHTS) data to estimate recreational catch and effort. This result is similar to the conversion from MRIP-CHTS to MRIP-FES for other Gulf stocks. The majority of landings and discards can be attributed to the recreational sector, with commercial sector discards being minimal. Growth and shrimp selectivity were fixed within the model.

Based on the review of SEDAR 28U, the SSC determined that Gulf Group Cobia is not overfished, but is experiencing overfishing. Furthermore, the results indicate that Gulf cobia has undergone overfishing every year from 1975 – 2018, with the exception of 1993 and 2009. While the stock is not overfished, the biomass is below the level necessary to support the maximum sustainable yield for the stock (B_{msy}), and reductions in fishing mortality are necessary to increase stock biomass to B_{msy} . The results from this stock assessment have been presented to the Gulf Scientific and Statistical Committee (SSC) as well as the Council, and Council staff have been directed to begin a plan amendment to end overfishing.

Something's Fishy

Ms. Emily Muehlstein (Council staff) presented the results from the Something's Fishy tool for Gulf Group Cobia. Responses were gathered from January 8, 2020, to February 7, 2020. There were 586 responses. The majority of responses were provided by private recreational anglers and primarily concerned locations on the Florida Panhandle, Alabama, and off central Florida. Responses were analyzed two ways: manually, and by an automated analysis. They were classified into three categories, indicative of positive, negative or neutral trends of the Gulf cobia stock. Both manual and automated analyses showed the majority of respondents had an overall negative sentiment, but the manual analysis indicated a greater proportion of negative comments than the automated analysis. The results suggest that the average size of fish encountered has decreased and the population appears to have been in decline since approximately 2010. Comments also mentioned that the spring migration has either diminished or moved farther offshore, possibly attributed to red tide, influx of fresh water, or removal of structure.

Draft Management Alternatives and AP Recommendations

Dr. Méndez-Ferrer (Council staff) presented the actions and alternatives in Amendment 32 to the CMP fishery management plan, which considers modifications to Gulf Group Cobia management in response to the SEDAR 28U (2020). Amendment 32 considers seven actions, including: modifications to the catch limits; increases to the minimum size limit; decreases to the possession limit; creation of vessel limits and trip limits; and, modifications to the framework procedure. This amendment is a joint amendment between the Gulf and South Atlantic Councils (collectively, "Councils") and both Councils selected preferred alternatives for several actions.

Action 1

Action 1 modifies the Gulf Group Cobia overfishing limit (OFL), acceptable biological catch (ABC), and ACL, which includes all cobia from Texas through the east coast of Florida. Alternatives in this action include updated catch limits from SEDAR 28U (2020), that incorporate recreational catch and effort data from MRIP-FES. The Councils currently prefer Alternative 2, which follows the SSC's annual catch level recommendations for 2021 – 2023 and subsequent years.

The AP noted that the increase in the minimum size limit from 33 inches fork length (FL) to 36 inches FL hasn't yet been included in the stock assessment because the terminal year of data in SEDAR 28U was 2018, and the minimum size limit change was implemented in 2020. The AP also discussed the biological benefit of fixing the catch limits at the OFL and ABC values for 2021; staff noted that a preliminary closure analysis indicated that the historical stock landings

would have exceeded the 2021 catch limits in several years, had the MRIP-FES adjusted data been used in the past. Dr. Méndez-Ferrer clarified that even though the 2021 projected catch limits are similar in number to the current catch limits, they constitute a substantial reduction, since the landings and effort from the recreational fleet are thought to be much greater under MRIP-FES FES in comparison to the estimates from the previous data collection system. Gulf Group Cobia is not scheduled to be assessed again in the next three years; however, the Gulf Council can request another assessment from SEDAR as necessary. The AP decided to table a motion that considered recommending the Council select Alternative 3 in Action 1 as the preferred alternative.

Action 2

Action 2 considers modifying the apportionment between the Gulf Zone (Texas to the Council jurisdictional boundary in southwest Florida) and the Florida East Coast Zone (FLEC; Council jurisdictional boundary to the Florida/Georgia State Line). The current apportionment uses the average landings from the years 1998 – 2012 for dividing the Gulf Group Cobia ABC between the Zones, which is currently divided 64% to the Gulf Zone and 36% to the FLEC Zone. This apportionment used the MRIP-CHTS data currency; the SEDAR 28U stock assessment, and the SSC catch level recommendations, both use MRIP-FES recreational catch and effort data. These zone allocations have been in place since 2015, during which the Zone annual catch limits have not been met in either zone. Alternatives presented result in a range of apportionment options from 64% to 59% to the Gulf Zone, and 36% to 41% to the FLEC Zone, depending on the years of data used to determine the apportionment.

The AP remarked on the difficulty with deciding a preferred alternative on Action 2 using catch limits and landings defined in MRIP-FES units, since the data are so different from the current quota monitoring system. Staff reminded the AP that the transition to MRIP-FES results in an increase in the estimate of biomass for a stock, but also an increase in the recreational landings and effort. Therefore, remembering that the data currencies are not directly comparable without calibration is important. The AP decided to defer discussion on Action 2.

Action 3

Action 3 considers modifying the sector allocations between the recreational and commercial sectors in the FLEC Zone. There are no sector allocations in the Gulf Zone. The current allocations are divided 92% to the recreational sector in the FLEC Zone, and 8% to the commercial sector. The alternatives in Action 3 use varying methods for determining modifications to the FLEC Zone sector allocations. Alternatives 3 and 4 of Action 3 result in the same allocation percentages, with Alternative 2 resulting in a 95% to the recreational and 5% to the commercial sector.

The AP thought that it should weigh in on this action due to the use of the FLEC region by Gulf fishermen, and thought that the relationship between Actions 2 and 3 were such that the decision on both should be made together. In Action 2, the AP decided to concur with the current Councils' preferred alternative. In Action 3, the AP discussed keeping the current sector allocations, but to begin using MRIP-FES for quota monitoring, which would most closely align with Alternative 3. The AP expressed reservations with any changes in sector allocations, because they did not want to take from any one sector to give to another. Staff noted that the

current sector allocations in the FLEC Zone were established before the current FLEC Zone was defined, and apply to the entire east coast of the U.S. The sector allocations proposed in Action 3 would apply only to the FLEC Zone.

Motion: In Action 2, to make Alternative 3 the preferred.

Action 2 – Modify the Gulf Group Cobia Stock Apportionment Between the Gulf Zone and the Florida East Coast (FLEC) Zone, and Update the Zones’ ACLs Based on the ACL Selected in Action 1.

Preferred Alternative 3: Modify the Gulf Group Cobia stock ACL apportionment at 63% to the Gulf Zone and 37% to the FLEC Zone, based on the MRIP-FES average landings for Gulf Group Cobia for the years 1998 – 2012, and use this apportionment to update the Zone ACLs based on the Gulf Group Cobia stock ACL(s) in Action 1.

Motion carried without opposition.

Motion: In Action 3, to make Alternative 3 the preferred.

Action 3 – Modify the FLEC Zone Cobia Allocation Between the Commercial and Recreational Sectors, and Update each Sector’s ACLs Based on the ACLs and Apportionments Selected in Actions 1 and 2.

Alternative 3: Retain the FLEC Zone cobia ACL allocation of 8% to the commercial sector and 92% to the recreational sector and update the ACL(s) selected in Action 2 based on MRIP-FES landings.

Motion carried with one opposed and one abstention.

Action 4

Action 4 considers modifying the annual catch targets (ACTs) for the Gulf and FLEC Zones. The ACT in the Gulf Zone is currently 90% of the Gulf Zone ACL. The ACT for the recreational sector in the FLEC Zone is 83% of the FLEC recreational sector ACL, based on the equation used to calculate that sector’s ACT. There is no current ACT for the commercial sector in the FLEC Zone. Alternatives in Action 4 allow for the use of the Gulf Council’s ACL/ACT Control Rule, which would establish the ACTs at 90% of their respective ACLs. The Gulf Council’s ACL/ACT Control Rule uses recent landings and the method by which the landings are monitored to create a buffer between the ACL and ACT.

The AP discussed the idea of keeping the same methods for setting an ACT for both the Gulf and FLEC Zones. Staff noted that the alternatives in Action 4 were set up in such a way as to allow the selection of multiple alternatives as preferred in the event the Councils wanted to set an ACT in the FLEC Zone for the commercial sector.

Motion: In Action 4, to make Alternatives 2 and 3 the preferred.

Action 4 – Update and/or Establish Annual Catch Targets (ACT) for the Gulf Group Cobia Zones Based on the Apportionment Selected in Action 2 and FLEC Zone Sector Allocation in Action 3.

Alternative 2: Use the Gulf Council’s ACL/ACT Control Rule to calculate ACTs for the Gulf Zone and the recreational sector in the FLEC Zone.

Alternative 3: Establish an ACT for the commercial sector in the FLEC Zone using the Gulf Council’s ACL/ACT Control Rule.

Motion carried without opposition.

Action 1, revisited

The AP returned to Action 1, since it had made recommendations on the other actions dependent on Action 1. AP members discussed recent landings, and how, although the current landings are very depressed, under the new catch limits, simulations predict that historical landings would have exceeded the proposed catch limits in several years. The AP debated the likelihood of a seasonal closure under either Alternative 2 or 3 of Action 1. Mr. Dale Diaz, the Council Liaison, also noted that any seasonal closure may disproportionately affect some areas of the Gulf more than others, since Gulf Group Cobia are a migratory fish. The AP added that conservation measures have been voted on elsewhere in the amendment, and others have yet to be voted upon.

Motion: In Action 1, to make Alternative 2 the preferred

Action 1 – Modify the Gulf of Mexico (Gulf) Migratory Group Cobia (Gulf Group Cobia) Stock Overfishing Limit (OFL), Acceptable Biological Catch (ABC), and Annual Catch Limit (ACL).

Preferred Alternative 2: Modify the Gulf Group Cobia stock OFL, ABC, and ACL based on recommendation of the Gulf Scientific and Statistical Committee (SSC) as presented in July 2020, for an increasing yield stream for 2021 to 2023, and then maintain the 2023 levels for subsequent fishing years or until changed by a management action. The stock ACL is set equal to the stock ABC.

	Gulf Group Cobia		
Year	OFL	ABC	ACL
2021	3,030,000	2,340,000	2,340,000
2022	3,210,000	2,600,000	2,600,000
2023+	3,310,000	2,760,000	2,760,000

Motion carried without opposition.

Action 5

Action 5 considers modifications to Gulf Zone possession, vessel, and trip limits, and is broken up into smaller components by Zone for organization. This action has many options for reducing Gulf Group Cobia fishing mortality, which will be necessary to end overfishing of the stock. With respect to reductions in the daily per-person possession limit, staff showed data that demonstrate most vessels, recreational and commercial, land one cobia or fewer per trip or per angler. Therefore, reducing the daily per-person possession limit from two fish to one fish is not expected to result in a substantial reduction in fishing mortality Gulf-wide; however, off Louisiana, a larger reduction in fishing mortality is expected from this reduction, as landings per angler and per vessel are highest in that portion of the northern Gulf.

AP members noted the large drop in the number of cobia that could be retained for the northern Gulf recreational and commercial cobia fishery, which stands to see the greatest reduction through the implementation of any trip and vessel limits, and through any reduction in the per-person daily possession limit. The AP discussed the Gulf Council's current preferred alternative in Action 5.1, which addresses the Gulf Zone. The AP also discussed the necessity for reducing the commercial daily per-person possession limit, since the commercial landings make up such a small fraction of the overall landings of Gulf Zone cobia.

Motion: In Action 5.1, to make Alternative 2, Option 2a the preferred.

Action 5.1 – Modify the Possession, Vessel, and Trip Limits in the Gulf Zone
Gulf Preferred Alternative 2: 1 fish per person, regardless of number or duration of trips.

Preferred Option 2a: for the recreational sector

Motion carried with two opposed and one abstention.

The AP discussed the idea of a recreational vessel limit, which would create a limit on the number of cobia that could be retained per vessel, per recreational trip. The AP considered mimicking the regulations already in place for Florida, and sought to address the vessel limits separately for the recreational and commercial sectors. The AP asked about the additive effects of the proposed management measures, which staff reviewed for the several options being considered under Action 5.1. There are geographic differences in terms of the percent reductions in fishing mortality predicted depending on the management alternatives selected. An AP member spoke against additional measures which would disproportionately affect cobia fishermen in the northern Gulf off Louisiana, while other AP members remained in favor of vessel limits. Staff added discussion about the interconnectivity of metapopulations of cobia throughout the Gulf Zone, and how though differing biomass levels in those populations could result in different perspectives of stock condition, those populations of fish are still interconnected and interdependent on one another for recruitment.

Motion: In Action 5.1, to make Alternative 3, Option 3a the preferred.

Action 5.1 – Modify the Possession, Vessel, and Trip Limits in the Gulf Zone

Preferred Alternative 3: Create a recreational vessel limit. Fishermen may not exceed the per person daily possession limit.

Preferred Option 3a: The vessel limit is two fish per trip

Motion carried with four opposed and one abstention.

Motion: In Action 5.1, to make Alternative 4, Option 4a the preferred.

Action 5.1 – Modify the Possession, Vessel, and Trip Limits in the Gulf Zone

Preferred Alternative 4: Create a commercial trip limit. Fishermen may not exceed the per person daily possession limit.

Preferred Option 4a: The trip limit is two fish.

Motion carried with four opposed and one abstention.

Action 5.2 considers similar management measures as Action 5.1, but for the FLEC Zone. The AP discussed a preference for commensurate regulations in the Gulf and FLEC Zones, with some concern about instituting commercial trip limits.

Motion: In Action 5.2, to selected the same preferred alternatives as those previously recommended for the Gulf Zone in Action 5.1

Action 5.1 – Modify the Possession, Vessel, and Trip Limits in the FLEC Zone

South Atlantic Preferred Alternative 2: Reduce the daily possession limit to 1 fish per person, regardless of the number or duration of trips.

South Atlantic Preferred Option 2a: for the recreational sector

South Atlantic Preferred Option 2b: for the commercial sector

South Atlantic Preferred Alternative 3: Create a recreational vessel limit. Fishermen may not exceed the per person daily possession limit.

South Atlantic Preferred Option 3a: The vessel limit is two fish per trip

South Atlantic Preferred Alternative 4: Create a commercial vessel trip limit. Fishermen may not exceed the per person daily possession limit.

South Atlantic Preferred Option 4a: The vessel trip limit is two fish.

Motion carried without opposition.

The AP voted to revisit their previous motion on Alternative 2 in Action 5.1, and wanted commensurate regulations for recreational and commercial fishermen.

Motion: In Action 5.1, to make Alternative 2, Options 2a and 2b the preferred.

Action 5.1 – Modify the Possession, Vessel, and Trip Limits in the Gulf Zone

Gulf Preferred Alternative 2: 1 fish per person, regardless of number or duration of trips.

Preferred Option 2a: for the recreational sector

Preferred Option 2b: for the commercial sector

Motion carried without opposition.

Action 6

Action 6 proposes modifications to the minimum size limit for both fishing sectors in the Gulf and/or FLEC Zones. The Councils currently prefer Alternative 2, which would increase the minimum size limit in the FLEC to 36 inches FL, which would make it equal to the minimum size limit in the Gulf Zone. Staff noted that a minimum size limit of 39 inches FL or larger would, as the minimum size limit increases, disproportionately target the female portion of the spawning stock biomass, which may be counterproductive to rebuilding the biomass of the Gulf cobia stock.

Motion: In Action 6, to make Alternative 2 the preferred.

Action 6 – Modify the Gulf Group Cobia Minimum Size Limit
Preferred Alternative 2: Retain the current recreational and commercial minimum size limit of 36 inches FL in the Gulf Zone and increase the recreational and commercial minimum size limit to 36 inches FL in the FLEC Zone.

Motion carried without opposition.

Action 7

Action 7 proposes modifications to the framework procedures for the CMP fishery management plan, with respect to the responsibilities of each Council in managing the portions of the CMP stocks occurring in their respective jurisdictions. Generally, the proposed modifications from the status quo would allow the South Atlantic Council to independently approve measures that affect fishing in their jurisdiction like size limits, bag limits, seasons, trip/vessel limits, etc. Changes still requiring Gulf Council concurrence include catch limits, allocations, apportionment, and the inclusion/exclusion of species in the CMP fishery management plan. The AP thought it best to defer picking a preferred alternative for Action 7 until the Council gives this action more consideration. However, the AP then discussed a motion to allow the Councils to separately manage CMP species co-occurring in their respective jurisdictions to their greatest benefit. Council staff noted that such an objective is essentially tantamount to the change in the framework procedure proposed in Alternative 2 of Action 7. Thus, the AP reverted back to waiting on more input from the Gulf Council.

Discussion: Commercial Electronic Logbooks

Dr. Hollensead provided a presentation which synthesized information provided by the SEFSC from the June and October Council meetings regarding changes to the commercial electronic logbook program (ELB). Broadly, the changes will affect the precision of effort, catch, and spatial data collected from a number of Gulf commercial fleets. Rather than reporting at a trip-level, fishermen would be required to report fishing operation information at a set-level.

The AP asked SEFSC staff what would constitute a set, as the gear used in Gulf commercial fisheries is highly variable between fleets. Dr. Julie Brown indicated that what constituted a set

could be more subjective depending on the gear type used. For example, “spot fishing” with short movements between quick gear deployments could be aggregated. She emphasized that delineation of effort was the goal of the program. Several members expressed concern that other data collection programs (i.e., observer and state dealer programs) would overlap with the proposed changes to the commercial ELB program and inquired if reporting would need to be duplicated. Specifically, the hail-in of weight per set before reporting to a dealer could result in a double reporting of harvest. SEFSC staff stated that the observer program was limited and that the ELB program would have the ability to reach more of the commercial fleet and that dealers would be responsible for recording harvest weight. However, dealer reports collect harvest weight at the trip-level rather than the set-level. The AP also voiced a number of concerns with the proposed changes. These concerns included the time burden of extra data entry while working on the water, the reporting of proprietary fishing locations, potential safety-at-sea issues regarding the hail-in requirement, duplicate reporting, and any program costs incurred. SEFSC staff mentioned that the software for the ELB programs would be freely available and would work with any mobile device. They also stated that the presented ELB program changes were proposed and that the Council could frame an associated policy document to address the AP’s considerations. The AP agreed that moving commercial reports to an electronic framework would be advantageous; however, more work would be needed to include broad input from the commercial industry and address the concerns of the AP.

Motion: To recommend the Council reject the Commercial ELB proposal as currently written.

Motion carried with no opposition

SEDAR 38 Update: Gulf of Mexico King Mackerel

Due to time constraints, this agenda item was postponed to a later meeting.

Coastal Migratory Pelagics Amendment 34: Atlantic Migratory Group King Mackerel

Ms. Wiegand, South Atlantic Council staff, presented a summary of the actions that are currently being considered for CMP Amendment 34. The SEDAR 38 Update stock assessment for Atlantic migratory group king mackerel (2020) determined the stock was not overfished or undergoing overfishing. The South Atlantic Council’s SSC provided new catch level recommendations, which include revised recreational landings and effort estimates in MRIP-FES. A scoping document with several management actions was presented to the SAFMC at its March 2021 meeting and a follow up document is expected to be presented to the Gulf Council at a later time.

The actions included in Amendment 34 propose updating catch levels (OFL, ABC, ACL, ACT, and sector allocations), increasing the recreational bag limit and possession limit, and reducing the minimum size limit for Atlantic king mackerel. An additional action is being considered to modify the recreational requirement for CMP species in the Atlantic region to be landed with heads and fin intact.

The AP asked about the reasoning behind the goal of removing the minimum size limit for Atlantic king mackerel. Ms. Wiegand responded that it was in a recommendation from the SAFMC's Mackerel-Cobia AP, given the high discard mortality of undersize king mackerel which are often landed when targeting other species, such as Spanish mackerel. Gulf Council staff suggested modifying the title of Action 6, as it states CMP species, yet the alternatives would only apply to king and Spanish mackerel. This comment was brought up as the title may create confusion on whether the changes would extend to Gulf migratory group cobia in the FLEC Zone. Current regulations state that Gulf cobia must be landed with head and fins intact.

Public Comment

During public comment, a CMP AP member voiced concern about the federal regulation that specifies cobia must be landed intact. Mr. Dale Diaz, Council Liaison to the CMP AP, remarked that he believed this regulation was meant to stop anglers from filleting fish before returning to shore. Mr. Johnny Marquez, a Mississippi recreational angler and member of the Reef Fish AP, spoke in opposition to the motion made earlier in the meeting to set a vessel limit for cobia. He stated that it was unwise to make a decision that could have a large impact on the fishery, especially since there are not enough data to support the decision, or any decision that is not more incremental in scale until better data are provided. He supported increasing the minimum size limit, but thought that more restrictive vessel and per person limits should not be considered until the next stock assessment is complete. Because the fishery is prosecuted differently in each state, he suggested setting a vessel limit at six fish per vessel. Capt. Tom Marvel (CMP AP Vice-Chair) agreed with Mr. Marquez's comments. Due to the meeting running behind schedule, written public comment from Capt. Gary Jarvis was received and emailed to the AP members. The comment was in support of establishing trip limits for Gulf cobia, given the steady decline in landings through the five Gulf states. Mr. Diaz thanked all the committee members and attendees, noting that the CMP AP provides a very valuable service to the Council.

The meeting was adjourned at 6:03 pm EDT.

List of Participants

CMP AP present

Martin Fisher, Chair
Tom Marvel, Vice-Chair
Kesley Banks
Charles Bergman II
Joshua Ellender
Christopher Mallory
Jeffrey Matthews
George Niles
Kelty Readenour
William Stein, PhD
Ed Walker
Robert Woithe, PhD

CMP AP absent

James Bruce Roy Cravey
William (Neil) Gryder
Chris Jenkins
James M. Whitfield

Council Liaison

Dale Diaz

Council Staff

Natasha Méndez-Ferrer
Ryan Rindone

Carrie Simmons
John Froeschke
Lisa Hollensead
Emily Muehlstein
Carly Somerset
Bernadine Roy
Karen Hoak

Presenters

Kelli O'Donnell, NMFS
Christina Wiegand, SAFMC