

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 MACKEREL MANAGEMENT COMMITTEE

4
5 Marriott Courtyard Gulfport, Mississippi

6
7 April 17, 2018

8
9 **VOTING MEMBERS**

- 10 Tom Frazer.....Florida
- 11 Kevin Anson (designee for Scott Bannon).....Alabama
- 12 Roy Crabtree.....NMFS
- 13 Dale Diaz.....Mississippi
- 14 Martha Guyas (designee for Jessica McCawley).....Florida
- 15 Robin Riechers.....Texas
- 16 John Sanchez.....Florida
- 17 Bob Shipp.....Alabama

18
19 **NON-VOTING MEMBERS**

- 20 Patrick Banks.....Louisiana
- 21 Leann Bosarge.....Mississippi
- 22 Doug Boyd.....Texas
- 23 Dave Donaldson.....GSMFC
- 24 Phil Dyskow.....Florida
- 25 Johnny Greene.....Alabama
- 26 Campo Matens.....Louisiana
- 27 Paul Mickle (designee for Joe Spraggins).....Mississippi
- 28 Greg Stunz.....Texas
- 29 LT Mark Zanowicz.....USCG

30
31 **STAFF**

- 32 Steven Atran.....Senior Fishery Biologist
- 33 Assane Diagne.....Economist
- 34 Matt Freeman.....Economist
- 35 John Froeschke.....Fishery Biologist-Statistician
- 36 Douglas Gregory.....Executive Director
- 37 Beth Hager.....Administrative Officer
- 38 Morgan Kilgour.....Fishery Biologist
- 39 Ava Lasseter.....Anthropologist
- 40 Mara Levy.....NOAA General Counsel
- 41 Ryan Rindone.....Fishery Biologist & SEDAR Liaison
- 42 Bernadine Roy.....Office Manager
- 43 Camilla Shireman.....Administrative and Communications Assistant
- 44 Carrie Simmons.....Deputy Director

45
46 **OTHER PARTICIPANTS**

- 47 Pam Anderson.....Panama City Beach, FL
- 48 Greg Ball.....Galveston Professional Boaters Association, TX

1 Luiz Barbieri.....GMFMC SSC
2 Bob Beal.....ASMFC
3 Ryan Bradley.....MS Commercial Fisheries United, MS
4 Eric Brazer.....Reef Fish Shareholders Alliance
5 J.P. Brooker.....Ocean Conservancy, St. Petersburg, FL
6 Mark Brown.....SAFMC
7 James Bruce.....MS
8 Gary Bryant.....Gulf Shores, AL
9 Dan Buckley.....Reef Fish Shareholders Alliance
10 Blake Compeant.....St. Larose, LA
11 Laura Deighan.....Audubon Institute
12 Michael Drexler.....St. Petersburg, FL
13 Mike Falgout.....New Orleans, LA
14 Traci Floyd.....MDMR, Biloxi, MS
15 Troy Frady.....AL
16 Susan Gerhart.....NMFS
17 Ken Haddad.....ASA, FL
18 Rick Hart.....NOAA Fisheries, Galveston, TX
19 Mark Kelley.....Panama City Beach, FL
20 Alicia Paul.....Panama City Beach, FL
21 Corky Perret.....MS
22 Ruth Perry.....Shell, Houston, TX
23 Laura Picariello.....Audubon Institute
24 Clay Porch.....SEFSC
25 Lance Robinson.....TX
26 Ashford Rosenberg.....Reef Fish Shareholders Alliance
27 Jessica Stephen.....NMFS
28 Donna Tryon.....Gulf Breeze, FL
29 Mark Tryon.....Gulf Breeze, FL
30 David Walker.....Andalusia, AL
31 Bob Zales.....Panama City, FL

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1 The Mackerel Management Committee of the Gulf of Mexico Fishery
2 Management Council convened at the Marriott Courtyard, Gulfport
3 Mississippi, Tuesday morning, April 17, 2018, and was called to
4 order by Chairman Tom Frazer.

5
6 **ADOPTION OF AGENDA**
7 **APPROVAL OF MINUTES**
8 **ACTION GUIDE AND NEXT STEPS**
9

10 **CHAIRMAN TOM FRAZER:** I would like to call to order the Mackerel
11 Committee. The agenda, I believe, is on Tab C, Number 1, and I
12 could get a motion to approve adoption of the agenda as it's
13 written.

14
15 **MS. MARTHA GUYAS:** So moved.

16
17 **CHAIRMAN FRAZER:** It's moved by Ms. Guyas. Can I get a second?
18 It's seconded by Mr. Diaz. Is there any objections? Seeing
19 none, the motion carries. The second item on the agenda is the
20 approval of the minutes from January of 2017, and if I could get
21 a motion for approval of those minutes.

22
23 **MS. GUYAS:** So moved.

24
25 **CHAIRMAN FRAZER:** It's moved by Ms. Guyas. Can I get a second
26 for that? It's seconded by Mr. Anson. Is there any additions
27 or correction to those minutes? Any further discussion? Seeing
28 none, is there any objection to the approval of the minutes, the
29 motion on the board? Seeing none, the motion carries. We're
30 going to move right into our third item on the agenda, which is
31 the Action Guide and Next Steps, and Mr. Rindone.

32
33 **MR. RYAN RINDONE:** Thank you, Mr. Chair. For the Action Guide,
34 essentially what we're looking at here is a public hearing draft
35 for the Atlantic cobia management amendment, and so what you
36 guys will be doing is just reviewing the document and taking a
37 look at the South Atlantic Council's current preferred
38 alternative and the only action that's in the document, and that
39 is Alternative 2, and feel free to ask any questions.

40
41 We also had the cobia stock ID review workshop, which took place
42 last week, and so I can give you some information about what
43 went on there, and hopefully that will help answer any
44 questions.

45
46 **CHAIRMAN FRAZER:** Thank you. I think we'll proceed with the
47 review of the CMP Amendment 31 and then also just fold right
48 into that stock ID update.

1
2 **REVIEW OF CMP AMENDMENT 31: ATLANTIC COBIA MANAGEMENT**
3

4 **MR. RINDONE:** All right. Essentially, what has happened is a
5 lot of the cobia in the South Atlantic are caught in state
6 waters, and, in 2016, NMFS closed the fishery down, commercial
7 and recreational, for exceeding the ACL, and that was in -- I
8 think it was in June, and then, in 2017, it was closed in
9 January, and so the federal regulations, because of the
10 proportion of landings that are occurring in state waters, the
11 federal regulations aren't having as much of an effect on
12 constraining the landings in the South Atlantic for the Atlantic
13 cobia migratory group.

14
15 The South Atlantic Council is proposing to transfer management
16 in some way or another to the Atlantic States Marine Fisheries
17 Commission, which has management authority in concurrence with
18 the Atlantic states to be able to manage cobia not only in state
19 waters, but out into federal waters if federal management is not
20 taking place, and so, if the South Atlantic Council gives it
21 away to the Atlantic States, then they become the de facto
22 management body. Any questions on that?

23
24 **CHAIRMAN FRAZER:** Dr. Crabtree.

25
26 **DR. ROY CRABTREE:** Just one thing. At least right now, where
27 the South Atlantic Council seems to be heading is removing cobia
28 from the FMP, and so the Atlantic stock would no longer be
29 federally managed. There is already an interstate management
30 plan that has been approved by the Atlantic States Marine
31 Fisheries Commission, and so they would take over management of
32 cobia, of the Atlantic stock, and then NMFS would implement some
33 compatible regulations with the interstate management plan that
34 would be done under the authority of the Atlantic Coastal
35 Fisheries Cooperative Management Act.

36
37 If this all goes through, when we remove cobia, Atlantic cobia,
38 from the federal management plan, we would simultaneously put in
39 place compatible regulations under the ASMFC authority, and then
40 the cobia Atlantic stock would be managed by the Atlantic States
41 Marine Fisheries Commission.

42
43 **CHAIRMAN FRAZER:** Ms. Guyas.

44
45 **MS. GUYAS:** I would love to hear what we think is going to come
46 out of the stock ID workshop, and so, just to be clear, the
47 Atlantic stock right now stops at the Florida/Georgia line, but
48 there is some question as to whether that stock maybe wraps

1 further south, and maybe into the Gulf of Mexico, and I feel
2 like we're really putting the cart before the horse if we sign-
3 on with this before we understand what we're doing. If the Gulf
4 is going to be involved in here, that adds significant
5 complexity to this, and I feel like we may not want to move
6 forward.

7

8 **CHAIRMAN FRAZER:** Go ahead, Ryan, with that stock ID update.

9

10 **MR. RINDONE:** Thank you, sir. The stock ID workgroup met last
11 week in Charleston, and, in short, the spatial telemetry and
12 movement data and the genetic data were in concurrence that
13 there appears to be a transition zone between the Gulf and the
14 Atlantic migratory groups occurring somewhere between Cape
15 Canaveral, and this is approximate, and so don't put a pin on a
16 map, but between Cape Canaveral and Savannah, and they are
17 calling it a transition zone.

18

19 With that comes the acknowledgement that obviously fish don't
20 follow the lines that we draw on maps, but within that area is
21 where the stocks intermingle a little bit, but fish in the Gulf
22 are not found, except in extremely rare occurrences, north of
23 the current stock boundary, which is the Florida/Georgia line.
24 In short, the data presented at the workshop did not support
25 changing the current stock boundary, which is at the
26 Florida/Georgia line.

27

28 **CHAIRMAN FRAZER:** Thank you, Mr. Rindone. Mr. Gregory.

29

30 **EXECUTIVE DIRECTOR DOUG GREGORY:** I just wanted to point out
31 that we have Mr. Bob Beal on the webinar, the Executive Director
32 of the Atlantic States Marine Fisheries Commission, and so he
33 can answer any questions that anybody might have, and he may
34 want to say something, and I don't know.

35

36 **CHAIRMAN FRAZER:** I am certainly open to giving Mr. Beal an
37 opportunity to weigh-in.

38

39 **MR. BOB BEAL:** I don't have a lot to add. I think the summary
40 that Dr. Crabtree and Mr. Rindone have provided about the
41 history of the Atlantic cobia management is spot-on, obviously,
42 and we're trying to work with the South Atlantic Council to
43 solve a big allocation and access problem primarily to the
44 recreational cobia fishery, and, as Mr. Rindone commented, there
45 has been extensive closures, and, when the fishery is open for
46 limited periods, the access and availability to the east coast
47 states is not equitable, and about 82 percent of the harvest now
48 is occurring in state waters, given the water temperature

1 changes along the east coast, and cobia are being caught all the
2 way north to Long Island, New York, and so it's a jurisdictional
3 problem for the South Atlantic Council as well, and so we're
4 just trying to work with them to sort out the access and
5 equitable allocation of that stock.

6
7 I'm happy to answer any questions, but I think, given the
8 preliminary results that came out of the stock ID workshop, and
9 granted those still have to go through peer review, and so they
10 are preliminary, but it seems that the notion of ASMFC taking
11 over the management of the Atlantic group from the
12 Florida/Georgia line north may work pretty well, and then
13 everything south of the Florida/Georgia line would still be
14 managed as it is, which would be the combination of the South
15 Atlantic Council and the Gulf Council, and so that's the
16 background. I'm happy to answer any questions if you have any.

17
18 **CHAIRMAN FRAZER:** Thank you very much. Are there any questions?
19 Dr. Crabtree.

20
21 **DR. CRABTREE:** Not really a question, but just a little to
22 refresh your memory. What happened was we had a big overrun of
23 the Atlantic cobia stock's ACL, and we shortened up the season,
24 but the states continued to allow fishing in state waters, and
25 the fishery is predominantly in state waters, especially off of
26 Virginia and North Carolina, and so we came into a situation
27 where, in 2017, we projected that the entire ACL would be caught
28 in state waters, and so the EEZ was closed year-round.

29
30 This posed a real problem for South Carolina and Georgia, where
31 most of the cobia catch comes from the EEZ, and although it's a
32 small amount of fish, they ended up with their fishery
33 essentially closed down completely.

34
35 It's a little like the red snapper situation in the Gulf. The
36 difference is, in the South Atlantic, we had the ability to fix
37 this by going to the Atlantic States Marine Fisheries
38 Commission, which has binding regulatory authority. They put
39 together an interstate management plan, and then the states have
40 to put in place measures and comply with the interstate
41 management plan and stay within their allocations and things,
42 and so it's a good solution, I think, to the problem, and the
43 way this will work out is the South Atlantic Council will get
44 the report from the stock ID workshop, and I believe they will
45 likely take final action on this amendment in June.

46
47 They meet the week before you meet in Key West, and then this
48 will come back before this council at the June meeting to be

1 approved at that time, and then we'll move forward with the
2 rulemaking and hopefully get all of this taken care of by the
3 end of the year.

4
5 **CHAIRMAN FRAZER:** Thank you, Dr. Crabtree. Chairman Bosarge and
6 then Dale Diaz.

7
8 **MS. LEANN BOSARGE:** I am glad to hear that there is a game plan,
9 and hopefully that will fix some of their issues. I guess my
10 only concern is how -- Is there anything laid out in writing
11 that if, at some point in the future, the councils need to
12 interact with the Atlantic States Commission and how that
13 interaction occurs?

14
15 We are governed under one act, the Magnuson Act, and they're
16 governed under a different act and have different rules that
17 they follow, and it's my understanding that, at some point in
18 the past, this cobia stock was indeed all one stock, and so it's
19 not out of the realm that one day in the future it could be all
20 one stock again, and maybe it's not right now, but I guess, if
21 we're going to get divorced from these cobia, I would like to
22 see what's in the divorce decree, in case we ever have to have
23 any kind of interactions in the future.

24
25 **DR. CRABTREE:** Well, if the stock changes, and remember the
26 cobia is managed under a joint plan with the South Atlantic
27 Council, and that joint plan will still be in place, and cobia
28 will still be in the joint management plan as the Gulf stock.

29
30 If we decided at some point down the road, and the science
31 showed there was a single stock, then we would have to remove
32 the -- We would have to go in and amend the plan to manage that
33 stock, because the Gulf stock would no longer exist.

34
35 There would then be a single cobia stock, and I think what we
36 would do then is then the South Atlantic Council and the Gulf
37 Council would have to decide on an allocation of how many pounds
38 is the Gulf going to manage and how many pounds will the South
39 Atlantic manage, and we would likely then put the management
40 boundary back to Key West, and then what I think would happen is
41 we would probably look to Florida to come into the interstate
42 management plan on the east coast, and we would have to have
43 some sort of new structure as to how that related to the FMP at
44 that point.

45
46 Until that happens, there is no way to do that, but the plan is
47 not going away. The South Atlantic Council still will manage
48 cobia off the east coast of Florida, and, if the stock ID

1 changes at some point in the future, we'll have to do a plan
2 amendment, but, whether we took Atlantic cobia out of this or
3 not, if the stock ID changes, we would have to come in and amend
4 the plan in any case, but the advantage of the interstate
5 management plan is it enables us to bring some rationale into
6 what the states are doing, and it helps the states to see how
7 many pounds of fish they need to stay within.

8
9 It's a significant move forward, and I think it will enable us
10 to stay much closer to the cobia catch levels that we're trying
11 to achieve, but, like all things, nothing we ever do is settled
12 forever, and it's all subject to new science and new advances,
13 and we will have to come in and adapt to that if it happens at
14 any point in the future.

15
16 **CHAIRMAN FRAZER:** Okay. I've got a number of people, but,
17 Leann, to that point.

18
19 **MS. BOSARGE:** To that point, I just want to see something in
20 this document in writing that says, hey, if there is ever some
21 sort of change -- Like you just said, if the stock boundary
22 looks like it needs to change to Key West and we have to change
23 allocations and we have to move that stock boundary, then my
24 understanding, when I asked this question at the South Atlantic
25 Council, was the Atlantic States said, well, if it looks like
26 there's a boundary change, we're just going to make the change
27 and it will be done, and so there is not any communication on
28 where to change the boundary to between the councils and
29 Atlantic States, and do you?

30
31 That's all I want in writing. You've got to consult with us,
32 and we're all going to come to a happy agreement somehow or
33 another and not the Atlantic stock now goes all the way to Key
34 West and so that's it from Atlantic States and we take it and we
35 manage it and, Gulf people, you stay on your side of the line.

36
37 **DR. CRABTREE:** But I don't think the Atlantic States Commission
38 changes the boundary line. Right now, it's Georgia and the
39 states north. That's who is in the interstate management plan.
40 If the boundary, the stock ID boundary, is going to be moved, it
41 will have to be moved by the South Atlantic and the Gulf
42 Councils, because that's what's in the fishery management plan.

43
44 **MS. BOSARGE:** But what's in this document does not say that.
45 What's in this document says that we're not going to manage
46 Atlantic cobia anymore, and it doesn't say we will only manage
47 from the Florida/Georgia line south and around to the Gulf.
48 That is not what is being handed over to Atlantic States, and

1 so, if the stock changes, then they get it, right?

2
3 **DR. CRABTREE:** If the stock boundary changes, as I said, we will
4 have to amend the plan to reflect that, and then the commission
5 will take appropriate steps through the interstate management
6 plan. If the stock boundary goes away and it becomes one stock,
7 then the Atlantic stock no longer even exists, and neither does
8 the Gulf stock. We will then have to amend the plan to manage a
9 single stock and go through it.

10
11 If the stock boundary moves north or moves south, then the
12 council will have to amend the plan to reflect that, and the
13 commission will have to take steps to reflect that, too. Now,
14 we can ask, and I can ask Jack to take a look at what's in the
15 document and add a paragraph that addresses that, but I don't
16 think this is much different than what we do all the time.
17 Stock ID boundaries can change, and, if they do, we have to come
18 in and amend the plan.

19
20 **CHAIRMAN FRAZER:** Thank you. Real quick, and I realize there is
21 two or three people that are in line to chat here, but I think a
22 real quick summary of what we're looking for is some addition of
23 language, potentially, to the amendment coming from -- As a
24 recommendation perhaps, is a letter from this committee to that
25 effect, but, moving forward, I'm going to go first with Ryan and
26 then with Martha.

27
28 **MR. RINDONE:** I am going to yield to Madam Chair, because I
29 think we have the same question, but it's the same thing of who
30 pulls rank? Is it the South Atlantic Council and the Gulf
31 Council or is it the Atlantic States if there gets to be a
32 disagreement?

33
34 **DR. CRABTREE:** About what exactly?

35
36 **MR. RINDONE:** About -- If the line moves in such a way that it
37 causes a burden on the councils or the Atlantic States, who
38 ultimately has the authority to management?

39
40 **DR. CRABTREE:** Well, if the stock boundary line moves, then the
41 South Atlantic and the Gulf Council will need to amend the plan
42 to reflect that move. Now, then the Atlantic States Commission
43 will have to decide what they're going to do.

44
45 **MR. RINDONE:** I guess my question is, if that move would be
46 taking management away from Atlantic States in some capacity, do
47 the councils have the authority to do that, or if let's say the
48 Atlantic stock goes into the Gulf to some degree at some point

1 in the future, just to make sure all the T's are crossed and I's
2 are dotted, do the councils have the ability to draw those lines
3 irrespective of Atlantic States, or how does that function, from
4 a management standpoint?

5
6 **DR. CRABTREE:** The council has the authority to manage this
7 fishery in federal waters, and so the council will move the
8 boundary wherever the council decides the science indicates it
9 needs to be, and then the council will put in place management
10 measures for federal waters.

11
12 If you move the boundary further north, then the council will
13 amend the plan to do that. If the boundary disappears and it
14 becomes one stock, then we will amend the plan accordingly, but
15 we'll have to see what exactly we're dealing with, and then
16 we'll have to have discussions with -- The South Atlantic
17 Council will have discussions with the commission to figure out
18 what to do with the interstate management plans, because we
19 can't really successfully constrain the catches of cobia without
20 the commission and the interstate management plan, because 80
21 percent of the fishery is in state waters, and we don't want to
22 get back into a situation where we're just closing the EEZ and
23 going over the ACLs anyway, and so I can't predict exactly how
24 all of this will play out. It's going to be specific to the
25 situation that we find ourselves in.

26
27 **CHAIRMAN FRAZER:** Okay, and I think we have a number of people
28 that want to chat about this, and so first I have Martha and
29 then Doug Gregory and then Kevin Anson.

30
31 **MS. GUYAS:** I guess my comment was to what Leann has already
32 brought up, and Ryan as well. It kind of feels like, yes, maybe
33 we're okay here for the time being if the line is going to be
34 Florida/Georgia, but there's a lot of ways that this is going to
35 get complicated at some point. If the council and the
36 commission need to sit down and talk about anything, I just
37 don't understand how that even happens at this point, and so it
38 would be nice to clarify that.

39
40 **CHAIRMAN FRAZER:** Thank you. Mr. Gregory.

41
42 **EXECUTIVE DIRECTOR GREGORY:** Roy, I have a hypothetical, to try
43 to get at a direct answer. Let's say cobia move offshore in the
44 Atlantic, and so they're again in federal waters, and the stock
45 ID workshop in the future says there's only one stock of cobia
46 in the Southeast, and does the FMP have the authority to take
47 the Atlantic stock back under federal and away from the
48 commission once it's given to the commission? I think that's

1 the crux of the problem. Do the councils have the authority to
2 take it back if they want to?

3
4 **DR. CRABTREE:** The council has authority to manage federal
5 waters. If your scenario happens, the Atlantic stock no longer
6 exists, but the councils will always have the authority to
7 manage federal waters, and so I'm not really -- Maybe Mara can
8 help, but I don't understand where the confusion is here. The
9 council is not giving up any authority permanently, and the
10 council can always change this, but you still will have to deal
11 with the states, because that's where most of the fishery is.

12
13 Now, if the fishery moves offshore and there are no cobia in the
14 states anymore, and that seems extraordinarily unlikely, that
15 would be a different scenario, but I don't know. Maybe Mara has
16 a comment.

17
18 **CHAIRMAN FRAZER:** I realize that Kevin is next, but, Mara, go
19 ahead.

20
21 **MS. MARA LEVY:** Well, just to say that I think we're confusing
22 the jurisdictions, right? So, the Atlantic States Commission is
23 talking about managing in state waters, only because the South
24 Atlantic Council is saying we want to remove the Atlantic cobia
25 stock from federal management. What they're saying is we don't
26 think it's in need of federal conservation and management
27 because of what's going to be happening through the states,
28 through the Atlantic States Commission.

29
30 If that is scenario changes, the councils always have the
31 authority to say we think this stock of fish is in need of
32 federal conservation and management, looking at the factors
33 outlined in the National Standard Guidelines, et cetera, and so
34 it's not about giving anybody jurisdiction. It's saying, at
35 this point in time, because of the circumstances that we have,
36 we don't think this particular stock is in need of federal
37 conservation and management.

38
39 **CHAIRMAN FRAZER:** I promise, Kevin, that I'm going to get to
40 you, but, Martha, to that point?

41
42 **MS. GUYAS:** I mean, Atlantic States works kind of funny, and
43 they can require states to do different things. I mean,
44 couldn't they require states to extend their regulations into
45 federal waters for cobia? Then we're kind of still there,
46 right?

47
48 **MS. LEVY:** Well, if it's actually under federal management, the

1 states can't extend their regulations, to the extent they're
2 inconsistent, and so you have the provisions that say vessels
3 that are registered in a particular state, the state can have
4 those regulations in federal waters as long as they're
5 consistent with the FMP, but the problem in this case is you
6 have an FMP and you have the need to close fishing in federal
7 waters, and so the states then can allow their vessels to fish
8 in federal waters.

9
10 What is happening is essentially the South Atlantic Council is
11 saying, because of this process that's happening with the
12 states, we don't think we need federal management of this
13 particular stock, because what's going to happen with the states
14 is it's going to manage it sufficiently for the purposes of
15 whatever, using the different factors.

16
17 **DR. CRABTREE:** If I could, there will still be federal
18 regulations in the EEZ, but they will just be put in place under
19 the authority of the Atlantic Coastal Fisheries Act.

20
21 **MS. GUYAS:** That's what I'm saying. The Atlantic States can
22 basically set those regulations in federal waters, and I think
23 that's the conversation that we're having here, or make the
24 states do it.

25
26 **DR. CRABTREE:** NMFS will set the regulations in federal waters.
27 I mean, to me, if we had a similar situation in the Gulf of
28 Mexico, where the Gulf States Commission had regulatory
29 authority, I would likely be wanting to have a conversation
30 about removing cobia from the FMP entirely, and I think cobia
31 would best be managed by the states. It is a state-water
32 fishery, by and large, but we don't have a mechanism in the Gulf
33 to allow us to do interstate management plans, which can require
34 compliance, and so we don't have the recourse in the Gulf like
35 we do on the east coast.

36
37 **CHAIRMAN FRAZER:** Kevin Anson and then Ryan Rindone.

38
39 **MR. KEVIN ANSON:** I guess it was a question or a comment back to
40 Martha on your original statement, when you had expressed some
41 concerns, kind of what we're talking about right now, as to it
42 muddies the waters when we go to the Atlantic States Marine
43 Fisheries Commission management in regard to the east coast of
44 Florida.

45
46 The mixing zone question is separate, or it can be separate, but
47 I'm looking for an explanation as to why it would muddy the
48 water, Martha, because there is some confusion about this mixing

1 zone and state waters and federal waters and jurisdiction change
2 and such, but, just in the context of the document right now,
3 with the preferred alternative, how does it muddy the water?
4

5 **MS. GUYAS:** In my original statement, I was thinking, if the
6 Atlantic stock extends into the Gulf, then we would be in a very
7 muddy situation, whether it's off Florida or further west, and
8 so, if the stock stays north of Florida, then I think it's
9 mostly going to be okay, but I guess what I'm asking for is, if
10 there are situations where the Gulf Council and the commission
11 need to chat, it would be nice to have some bounds about how
12 that happens, and I don't know if it's an MOU or just some words
13 in the document that both the commission and the council can
14 agree upon, but that's all I'm saying, is it would be nice to
15 have some terms by which we get together and how we agree on
16 things.

17
18 **CHAIRMAN FRAZER:** Dr. Crabtree.

19
20 **DR. CRABTREE:** I think the way this will go is most of the
21 interaction between the commission and the council will be with
22 the South Atlantic Council. I mean, they are -- The state
23 directors on the South Atlantic Council are on the commission,
24 and it's the South Atlantic Board, which is made up largely of
25 the states, and so I think most of the interaction with the
26 commission will continue to be through the South Atlantic
27 Council, and then the interactions will be between the South
28 Atlantic Council and the Gulf, since it's a joint plan. That's
29 how I would see the communication happening.

30
31 **CHAIRMAN FRAZER:** Mr. Rindone.

32
33 **MR. RINDONE:** Just a point of clarification. The majority of
34 the cobia caught in the Gulf are caught in federal waters.

35
36 **CHAIRMAN FRAZER:** Thank you.

37
38 **DR. CRABTREE:** That depends on where federal waters are, which
39 seems to be a rather fluid thing these days.

40
41 **CHAIRMAN FRAZER:** Okay, and so let me just kind of get a handle
42 on this one here. What I think is we've had a lot of really
43 good discussion, and I think it raises some issues and some
44 concerns, but I think there's probably ample opportunity to
45 incorporate some language into the document that alleviates
46 those concerns, and so perhaps, as a council, we can provide our
47 input, by way of a letter, perhaps, through the Chair that
48 requests that essentially agreement or some clarification of how

1 things might be handled in the future, and, if we can do that,
2 we would be good to go, if that's acceptable to the committee.
3 Mr. Rindone.

4
5 **MR. RINDONE:** Thank you, Mr. Chair. The IPT can take that
6 direction. You guys don't necessarily have to provide a letter,
7 but we could just include the language based on the discussion
8 that has taken place here, if you guys are comfortable with
9 that. I think we have a pretty good record right now.

10
11 **CHAIRMAN FRAZER:** I am looking around to the council. Is
12 everybody good with that? I don't see any opposition to that,
13 and so I'm okay with that as well. Mr. Beal, go ahead.

14
15 **MR. BEAL:** Hopefully this won't muddy the waters and it will
16 help things out, but the commission, the ASMFC, is very
17 sympathetic to future conditions of the stock and the
18 relationship between ASMFC and the South Atlantic Council and
19 the Gulf Council, and, as a bit of additional background, the
20 South Atlantic Council reached out to ASMFC and asked us to get
21 involved, and so I hope this isn't being perceived as a hostile
22 takeover or that we're trying to wrestle something away from the
23 South Atlantic Council.

24
25 They said, hey, this fishery is occurring in state waters, and
26 we feel that it would be better managed through the ASMFC
27 process, and I think, if the future conditions of the stock
28 changed and the line moved from the Florida/Georgia border down
29 south, or that line disappeared completely, I think the South
30 Atlantic Council would quickly reach out to ASMFC and ask for
31 some changes, and ASMFC has to go through the amendment process
32 as well to move that line from where it is right now.

33
34 I think any future changes in stock condition or stock
35 identification would -- We would have to open up the joint plan
36 that your council and the South Atlantic Council have, as well
37 as the ASMFC plan, and figure out what the best way to manage
38 this critter is, but I think, given the science that we have
39 right now, and I don't foresee the east coast water temperatures
40 cooling off significantly and shifting back to where we were
41 five or ten years ago anytime soon, and I think this is a -- It
42 may not be a permanent fix to what's going on, but I think it's
43 at least a medium-term fix that will solve a lot of problems on
44 the east coast, and so that's additional background for the
45 council to consider.

46
47 **CHAIRMAN FRAZER:** Thank you for those comments, and I think that
48 all of the entities involved are actually trying to move forward

1 in a way that most effectively manages the fishery, and I just
2 think we're just trying to tweak the language a little bit here
3 so that everybody is comfortable moving forward, and I think the
4 council and this committee is happy with Mr. Rindone's
5 suggestion to work through the IPT to modify the language and
6 move forward, and so, unless there is any further discussion, we
7 will move forward. Mr. Rindone.

8
9 **MR. RINDONE:** Thank you, Mr. Chair. There is only one action in
10 this, which is to revise the management system for the Atlantic
11 migratory group of cobia, and it's on page 18 of Tab C, Number
12 4. Alternative 1 is leave current management of Atlantic cobia
13 in the CMP FMP, which is joint between the Gulf and South
14 Atlantic Councils, and the South Atlantic Council currently
15 prefers Alternative 2, which would remove Atlantic group cobia
16 from the CMP FMP.

17
18 Alternative 3 would establish a policy in the CMP FMP for
19 complementary management of Atlantic cobia with the Atlantic
20 States Marine Fisheries Commission. That's a little bit more
21 complex, and then Alternative 4 would establish a framework
22 procedure in the CMP FMP for an enhanced cooperative management
23 system with the commission that allows changes to Atlantic cobia
24 management through NMFS rulemaking. In the interest of time, I
25 can go through what these actually mean in a whole lot more
26 detail, or I can just see if there is any questions.

27
28 **CHAIRMAN FRAZER:** Is there a preference by the committee for
29 this? Chairman Bosarge.

30
31 **MS. BOSARGE:** I was just going to make one observation. You
32 know, if there was an alternative in here that essentially drew
33 a line at that Florida/Georgia line and handed management over
34 above that line, northward of that line, to the commission, it
35 sure does solve a lot of our problems, because then if there is
36 any shift in the stock southward, the Atlantic stock, they don't
37 have jurisdiction to manage below that line. They would have to
38 get back with the councils and see what we wanted to do. Is
39 that not doable though in the Atlantic?

40
41 **DR. CRABTREE:** I don't really understand what you mean. The
42 South Atlantic's jurisdiction is unchanged. They have
43 jurisdiction over federal waters. The Atlantic stock boundary
44 is at the Florida/Georgia line. If the boundary moves, the
45 council will make the appropriate adjustments, but the council
46 is not giving up jurisdiction of anything. Their boundaries on
47 where they have jurisdiction are unchanged.

48

1 They are just deciding that the Atlantic stock at this time
2 doesn't require federal management and can be managed more
3 effectively by the states, and so it's not clear to me how what
4 you're asking about would change anything.

5

6 **CHAIRMAN FRAZER:** Mr. Rindone, to that point?

7

8 **MR. RINDONE:** I think maybe a different way of saying it is, if
9 the South Atlantic Council and the Gulf Council determine later
10 that it needs to be managed federally, they take it back and
11 it's managed federally again and we go through the plan process
12 and we put it back in, and so, if they need to take it back,
13 they can take it back.

14

15 **CHAIRMAN FRAZER:** Okay, and so I think, going back to what I
16 said earlier, I think that we're going to go ahead and move
17 forward with some of this. We're going to bring this back
18 probably later in the week, after I wrap my head around this a
19 little bit, but I suspect that we will work with the IPT to
20 provide some language, or suggest some language, that we can
21 then provide to the South Atlantic Council.

22

23 **MR. RINDONE:** Yes, sir. The IPT will draft up a paragraph or
24 two to outline the functionality behind the questions that were
25 asked here. It's the committee's prerogative if they want to
26 concur with the South Atlantic Council's current preferred
27 alternative now, or if there is a different alternative they
28 think would be more appropriate, or they could not prefer
29 anything at this time. That's up to you all.

30

31 **CHAIRMAN FRAZER:** Is there anybody that wants to weigh-in on
32 this any further? Dr. Crabtree.

33

34 **DR. CRABTREE:** We will need to pick a preferred at some point,
35 and we can wait until the June meeting if that's what folks want
36 to do.

37

38 **CHAIRMAN FRAZER:** My inclination -- Again, I'm going to seek
39 some input from the committee here, but it would be to continue
40 to work through the process, as we have described here, and wait
41 until that June meeting to actually pick a preferred. Dr.
42 Crabtree.

43

44 **DR. CRABTREE:** I think, after consulting with our attorneys, I'm
45 going to go ahead and make a motion to select Preferred
46 Alternative 2 as our preferred.

47

48 **CHAIRMAN FRAZER:** Is there a second to that motion? It's

1 seconded by Dr. Shipp. Is there further discussion? Chairman
2 Bosarge.

3
4 **MS. BOSARGE:** If we go ahead and pick that as a preferred, are
5 you going to put our language in that document and make sure our
6 language gets in this document?

7
8 **CHAIRMAN FRAZER:** Yes, the assumption is -- In fact, it's not an
9 assumption, but in fact it will happen, and we'll work through
10 the IPT to make that happen. Is there any further discussion on
11 the motion? Is anybody opposed to the motion? **Seeing no**
12 **opposition, the motion carries.** Mr. Rindone, do we have any
13 more to cover here?

14
15 **MR. RINDONE:** No, sir, not as it relates to this amendment
16 specifically.

17
18 **CHAIRMAN FRAZER:** Is there any other business by the committee?
19 Seeing none, this concludes the committee.

20
21 (Whereupon, the meeting adjourned on April 17, 2018.)

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23 - - -