

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 MACKEREL MANAGEMENT COMMITTEE

4
5 Courtyard Marriott Gulfport, Mississippi

6
7 April 3, 2023

8
9 **VOTING MEMBERS**

- 10 Kevin Anson (designee for Scott Bannon).....Alabama
- 11 Susan Boggs.....Alabama
- 12 Billy Broussard.....Louisiana
- 13 Tom Frazer.....Florida
- 14 Dakus Geeslin (designee for Robin Riechers).....Texas
- 15 Bob Gill.....Florida
- 16 Michael McDermott.....Mississippi
- 17 Chris Schieble (designee for Patrick Banks).....Louisiana
- 18 Andy Strelcheck.....NMFS
- 19 C.J. Sweetman (designee for Jessica McCawley).....Florida
- 20 Troy Williamson.....Texas

21
22 **NON-VOTING MEMBERS**

- 23 Dale Diaz.....Mississippi
- 24 Dave Donaldson.....GSMFC
- 25 Jonathan Dugas.....Louisiana
- 26 LCDR Lisa Motoi.....USCG
- 27 Joe Spraggins.....Mississippi
- 28 Greg Stunz.....Texas

29
30 **STAFF**

- 31 Assane Diagne.....Economist
- 32 Matt Freeman.....Economist
- 33 John Froeschke.....Deputy Director
- 34 Beth Hager.....Administrative Officer
- 35 Lisa Hollensead.....Fishery Biologist
- 36 Ava Lasseter.....Anthropologist
- 37 Mary Levy.....NOAA General Counsel
- 38 Natasha Mendez-Ferrer.....Fishery Biologist
- 39 Emily Muehlstein.....Public Information Officer
- 40 Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
- 41 Bernadine Roy.....Office Manager
- 42 Carrie Simmons.....Executive Director
- 43 Carly Somerset.....Fisheries Outreach Specialist

44
45 **OTHER PARTICIPANTS**

- 46 Martin Fisher.....CMP AP Chair
- 47 Peter Hood.....NMFS
- 48 Tom Marvel.....CMP AP Vice Chair
- 49 Kelli O'Donnell.....NMFS

1 Tom Roller.....SAFMC
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3 - - -
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3 [PAGE 15](#): Motion to recommend the council approve Draft
4 Framework Amendment 12: Modifications to the Commercial Gulf
5 King Mackerel Gillnet Fishing Season and forward it to the
6 Secretary of Commerce for review and implementation and deem the
7 codified text as necessary and appropriate, giving staff
8 editorial license to make the necessary changes in the document.
9 The Council Chair is given the authority to deem any changes to
10 the codified text as necessary and appropriate. [The motion](#)
11 [carried on page 16.](#)

12
13 [PAGE 18](#): Motion to prohibit the recreational sale of Gulf
14 cobia. [The motion failed on page 24.](#)

15
16 [PAGE 25](#): Motion to remove the following from the GMFMC Proposed
17 Actions for 2023 (action schedule) because sale of
18 recreationally-caught cobia is prohibited by the states: (line
19 22) Framework Amendment: to prohibit the sale of recreationally-
20 caught cobia. [The motion carried on page 26.](#)

21
22 - - -
23

1 The Mackerel Management Committee of the Gulf of Mexico Fishery
2 Management Council convened at the Courtyard Marriott in
3 Gulfport, Mississippi on Monday morning, April 3, 2023, and was
4 called to order by Chairman Kevin Anson.

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

10 **CHAIRMAN KEVIN ANSON:** This is Tab C, Number 1, the Mackerel
11 Management Committee, and the first item is the Adoption of the
12 Agenda. First, I want to read out, before we get to that, just
13 the members. Of course, it's myself, Mr. Geeslin, Mr. Schieble,
14 Ms. Boggs, Mr. Broussard, Dr. Frazer, Mr. Gill, Dr. Sweetman,
15 Mr. McDermott, Dr. Shipp, Andy, and Mr. Williamson.

16
17 **DR. GREG STUNZ:** Dr. Shipp is not online today.

18
19 **CHAIRMAN ANSON:** Okay.

20
21 **DR. STUNZ:** Just to be aware, and, also, we have two AP members,
22 that you're aware of, ,that are online and prepared, when you're
23 ready.

24
25 **CHAIRMAN ANSON:** Yes. Thank you. Adoption of the Agenda, are
26 there any changes to the agenda? Seeing none, is there any
27 disagreement with adopting the agenda as written? Seeing none,
28 the agenda is adopted.

29
30 The second item is Approval of the October 2022 Minutes. Are
31 there any changes needed to the minutes? Any opposition to
32 accepting the minutes as written? Seeing none, the minutes are
33 adopted. Item Number III is the Action Guide and Next Steps.
34 Dr. Mendez-Ferrer.

35
36 **DR. NATASHA MENDEZ-FERRER:** Thank you, Mr. Chair. For today's
37 Mackerel Committee, we have Agenda Item Number IV, a review of
38 coastal migratory pelagics landings, and we'll have Ms.
39 O'Donnell providing an update on the status of CMP landings
40 relative to the annual catch limits, and this is for information
41 only. No action is required by the committee.

42
43 The next agenda item is final action on CMP Draft Framework
44 Amendment 12, Modifications to the Commercial Gulf King Mackerel
45 Gillnet Fishing, and so staff will review the action that would
46 remove the regulatory language restricting the Gulf king
47 mackerel gillnet component from prosecuting the fishery during
48 the weekends and observed federal holidays. This document was

1 presented to the CMP AP in December, and the AP concurs with the
2 current preferred option to remove this regulatory language.

3
4 Staff will also summarize additional public comments regarding
5 this action, and the committee should consider recommending that
6 the council take final action on the document and submit it to
7 the Secretary of Commerce for implementation.

8
9 The next agenda item is Agenda Item VI, the recommendations from
10 the CMP AP December 2022 meeting, where staff will discuss the
11 additional recommendations raised by the AP during this meeting,
12 and the committee should evaluate these recommendations and
13 provide direction to staff, as appropriate. The last agenda
14 item is Other Business. If time permits, additional items may
15 be brought up for discussion during the adoption of the agenda
16 to be considered at a future committee meeting. Thank you, Mr.
17 Chair.

18
19 **CHAIRMAN ANSON:** Thank you. Any questions from the committee
20 about the action items for today? All right. Seeing none, that
21 will take us to Item Number IV on the agenda, and that's the
22 review of coastal migratory pelagics landings. Ms. O'Donnell,
23 are you on the line?

24
25 **REVIEW OF COASTAL MIGRATORY PELAGICS LANDINGS**

26
27 **MS. KELLI O'DONNELL:** I think I'm having some internet issues,
28 and so Mr. Hood is going to go over them, because I need to do a
29 computer restart.

30
31 **CHAIRMAN ANSON:** Okay. Mr. Hood.

32
33 **MR. PETER HOOD:** Okay. I will work on it, and Kelli will be
34 able to chat, and if any questions come up that might be
35 stumpers for me. Just, basically, notes on the landings data,
36 and, you know, all of our 2022 and 2023 landings are
37 preliminary.

38
39 Recreational 2022 landings include MRIP, LA Creel, SRFS,
40 headboat landings through December 31, and then we have Texas
41 landings through May 14. Commercial landings are available
42 through February 28 of this year, and commercial king mackerel
43 monthly landings, from all four zones -- As we give the
44 presentation, they were combined, and just to recall that
45 there's a July start date to that fishing year, except for the
46 Northern Zone start, which starts on October 1, and then the
47 recreational portions of the ACLs for cobia and king mackerel
48 are based on the recommended catch limits, in FES units, but

1 Spanish mackerel units -- The catch limits are still in CHTS
2 units.

3
4 Here we have cobia, and you can see just sort of -- We have the
5 average of 2020 to 2022 fishing years, which is the green-dashed
6 lines, and then we have the 2017 to 2019 average, which is that
7 more yellow, or orange, line, and you can see that, for 2023,
8 and you only have two months there, but we're operating a little
9 bit below what we had in previous years.

10
11 Then this just shows the cobia landings, commercial and
12 recreational, as well as the stock ACT, which is that dashed
13 line above, and you can see that we've stayed below the stock
14 ACT and that recreational landings account for most of the cobia
15 landings.

16
17 This is the cobia Florida East Coast Zone commercial landings,
18 and, you know, again, you can see where, at least for this year,
19 we're on par with the previous years, and you can see that 2022
20 was a little bit above what we had seen in 2021, but, again, you
21 know, we're -- You know, the landings are pretty close to that
22 2020 to 2022 average, but we are below the 2017 to 2019 average.

23
24 Here we have the recreational landings, and you can see that the
25 2022 fishing year is pretty much, you know, compatible with what
26 we've seen in some of the other years, and it's a little bit
27 below 2022.

28
29 Here we have king mackerel commercial landings, and, again, you
30 can see that, basically, landings for the 2022-2023 fishing year
31 are, you know, pretty much we had seen in other years. This is
32 recreational landings, and, for 2022-2023 fishing year, and,
33 again, we only have through, you know, basically three waves,
34 Waves 4 to 6, landings are below what we've seen in previous
35 years.

36
37 This is Spanish mackerel commercial landings, and, basically,
38 we're on par with, you know, what we've seen in the last few
39 years, but we are below the 2017 to 2019, or, actually, the
40 2017-2018 fishing year to the 2019-2022 fishing year average.
41 Here we have Spanish mackerel, just the stock landings, and,
42 again, you can see that, with Spanish mackerel, it's more of a
43 recreational than a commercial fishery, and we have stayed below
44 the ACL. I guess that's it.

45
46 **MR. DALE DIAZ:** I am not on the committee, but I did want to
47 mention that I was the Gulf Council representative at the South
48 Atlantic meeting, and Mr. Roller may want to weigh-in on this,

1 but the South Atlantic is scratching their heads, just like
2 we're scratching our heads, and they're getting reports from
3 folks in the South Atlantic, and other parts of the Atlantic
4 seaboard, that mackerel just aren't where they usually are, in
5 the numbers that they normally are, just like we're getting, and
6 I did want to mention that the South Atlantic is looking at
7 having some port meetings, along the entire Atlantic seaboard,
8 cooperating with the other councils in that area, and they may
9 want to approach us, later in the year, from the discussions
10 that they had, and do a presentation here at our meeting, at
11 some point in the future, and let us know what they're up to,
12 and maybe see if we want to cooperate with them, but the timing
13 on it -- I think that they were talking about maybe doing a
14 presentation at our August meeting, is what I took away from
15 that, but I did just want to let the council know that they're
16 seeing the same type of issues, and trying to figure out what's
17 going on, and figure out a method to figure out what's going on,
18 and so I don't have any more to report on that, but I wanted to
19 just make sure I mentioned it. Thank you.

20

21 **CHAIRMAN ANSON:** Susan, did you have your hand up?

22

23 **MS. SUSAN BOGGS:** I do have a couple of questions. On Slide 5,
24 Peter, can you remind me -- Does the FLEC Zone -- Do they have a
25 payback if they exceed their ACT and ACLs? Then I have another
26 question.

27

28 **MR. HOOD:** Well, I don't think there's a payback, but we are
29 monitoring that, and we will likely have a -- You know, if it
30 looks like we'll have to close it, we'll be doing some
31 projections. Right now -- You know, we just got, I think, the
32 Wave 6 information, and so, you know, at the next meeting, I
33 will be able to let you know what's been happening there, but we
34 will project a closure.

35

36 **MS. BOGGS:** So, I mean, 2022, 2020, your averages -- The only
37 year that they're under is 2021, and so I just -- That concerns
38 me, just because of the issues that we're seeing and hearing
39 with cobia, and then I do want to come on down to the king
40 mackerel, and king mackerel is in trouble, and it looks like
41 Spanish mackerel, too.

42

43 I can tell you, at our dock, I haven't seen a king mackerel this
44 year. I've seen a few Spanish, earlier in the year, and they
45 seemed to be biting and doing well, but now it's kind of shut
46 down, and so I would be interested to know, and I think we've
47 had this conversation at another council meeting, and I don't
48 know that it's for the agency to do or if it's something that we

1 need to task staff with, but is if we can see a chart that shows
2 the landings by state, to see where these fish are being caught,
3 because, when we talk about cobia, Florida is not seeing them,
4 Alabama is not seeing them, and Mississippi is not seeing them,
5 but Louisiana is like, oh no, no, the cobia are here, and so, if
6 we could have a better understanding of where these fish are, to
7 help us make some of our decisions, and I would really like to -
8 - Not just cobia and mackerel, but, I mean, all of our species,
9 because, to me, that's important, when I go to make a decision,
10 but we've heard it now for over a year, cobia and king mackerel
11 and Spanish mackerel, and we've got to do something. Thank you.

12
13 **CHAIRMAN ANSON:** I have several people. I have Dr. Frazer, Dr.
14 Sweetman, and then Mr. Strelcheck.

15
16 **DR. TOM FRAZER:** I'm just going to follow-up a little bit on
17 Susan's question. I mean, it's hard to understand how the
18 distributional patterns of these fishes might have shifted and
19 whether or not the landings data are reflective of a fishing
20 problem or a distributional shift for other environmental
21 factors, and what I wanted to ask, from the agency perhaps, is
22 whether or not there is information available along the
23 northeast coast, to see if they're seeing an uptick, for
24 example, in cobia landings.

25
26 You know, I've talked to a number of commercial charter/for-hire
27 guys, as well as recreational guys, all the way up to New York,
28 and they're catching a lot more cobia than they have in the
29 past, but I don't know how to account for that, you know, and so
30 does that agency have that information available? Maybe it's in
31 state waters and you don't.

32
33 **MR. ANDY STRELCHECK:** We do have the information available, and
34 I don't recall how long ago it was, three to five years ago, and
35 Tom may remember the exact timing, but we actually turned over
36 management to the Atlantic States Marine Fisheries Commission,
37 in part because cobia were being caught more prevalently in
38 Virginia and Maryland and those areas, as well as it's
39 frequently caught in state waters, but there has been a northern
40 shift of cobia.

41
42 In terms of, you know, other species, we're hearing a lot of,
43 you know, complaints about dolphin, right, moving -- Well,
44 either not being present in Florida, right, and maybe not moving
45 out of Florida, but just not being there, because of
46 temperature, and then, as it was mentioned earlier, king
47 mackerel and kind of the mystery of what's going on there, as
48 well as Spanish mackerel being caught further north, and so

1 there's definitely some factors at play here, whether it's
2 climate driven or not, and distribution of the species changing.
3 You know, the question, in the Gulf, is kind of what's going on
4 comparatively to the east coast.

5
6 **DR. FRAZER:** Again, to that point, it will be helpful, at some
7 point, I think, to see what that -- What the new data streams
8 look like for the Northeast and how that might affect management
9 decisions that are made here, right, and, until you have both
10 pieces of information, right, I think it's difficult to chart a
11 path forward.

12
13 **CHAIRMAN ANSON:** Dr. Sweetman.

14
15 **DR. C.J. SWEETMAN:** Thank you, Mr. Chair. I just wanted to
16 touch on the point that Dale brought up from the South Atlantic
17 Council's meetings, about them holding some port meetings, and I
18 think that's going to happen in the fall, and they're going to
19 discuss it at their June meeting. Is that right, Tom? Yes, and
20 so I just wanted to kind of -- At one of our last couple of
21 meetings, you know, we discussed a lot of concerns about the
22 king mackerel fishery, and, quite frankly, not a lot of answers
23 as to what's exactly going on there.

24
25 I think I made a motion to potentially look at an interim
26 analysis, to try and get some information along those lines,
27 and, from my understanding, the best possible survey that we
28 have could be a larval survey, and I don't think we're really
29 going to get too much information there, and so I'm really
30 trying to figure out any possible way that we can solicit
31 feedback and get more information about what's actually going on
32 with both of these fisheries here, and so I also understand that
33 it's going to be a significant effort to be involved in these
34 port meetings, and so I'm in favor of that, but I also just
35 wanted to throw that out there for the council's discussion.

36
37 **CHAIRMAN ANSON:** All right. I had Andy.

38
39 **MR. STRELCHECK:** I wanted to go back to Susan's comment about
40 the Florida East Coast Zone. One thing to keep in mind is
41 Amendment 32 was approved by the Gulf and South Atlantic
42 Councils, and that went into place in November of last year,
43 right, and so that's going to also affect and change some of the
44 harvest rates and catch levels, obviously, for cobia.

45
46 **CHAIRMAN ANSON:** All right. I've got several folks. Mr.
47 Geeslin.

48

1 **MR. DAKUS GEESLIN:** I just wanted to remind the group that we
2 did make cobia regulation changes here, just here recently, and
3 I'm not sure that we've had time enough for those to really
4 impact the stock and recruitment, to where those fish are
5 entering into the fishery.

6
7 Just of note is, at the state level, when we looked within the
8 Gulf in Texas, half of our -- Roughly half of our catch comes
9 from federal waters, a little less than half in the state
10 waters, and we did mirror the bag limit reduction, and our
11 commission didn't buy-off on the vessel limit, the two-fish-per-
12 vessel limit, but that just happened. That just happened two
13 weeks ago, and so, even at the state level, I don't feel like
14 we've had enough time for those regulations to really be
15 implemented and take effect in the stock.

16
17 **CHAIRMAN ANSON:** Mr. Roller.

18
19 **MR. TOM ROLLER:** Thank you. My name is Tom Roller, and I'm a
20 South Atlantic Council member from North Carolina, and I also
21 serve as the chair of the Mackerel Committee, and I just wanted
22 to touch base, really briefly, on the port meetings.

23
24 That's been a discussion that the council has had for years, and
25 it's been coming from our advisory panel, because we have been
26 scratching our head with these fish, both king and Spanish
27 mackerel, as distribution changes are pretty expansive in that
28 fishery.

29
30 The port meetings are going to be a substantial lift, and we're
31 talking about coordinating those efforts with the Mid-Atlantic
32 and New England Councils, as well as the Atlantic States Marine
33 Fisheries Commission, and we are hopeful that the Gulf will be
34 part of that conversation as well, and it's expressly different
35 than the visioning project, and our advisory panel members in
36 particular, and it's just an ask to our fishermen, to see what
37 this fishery looks like now, because we're seeing such a shift,
38 all the way up into Massachusetts, and so we hope that this
39 discussion will take place in the entire range of where these
40 fish are being caught currently.

41
42 **CHAIRMAN ANSON:** Thank you. Dr. Simmons.

43
44 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Thank you, Mr. Chair. Just
45 a couple of things, and we're kind of bouncing around cobia and
46 Spanish and king mackerel, and so Spanish mackerel -- The Gulf
47 will get an assessment in June on Spanish mackerel, and that
48 will go to the SSC in July for review, and that will be in the

1 new MRIP currency, I believe.

2
3 Before then, we're going to send out the tool for Fishermen
4 Feedback that we'll also have available for the council in
5 August, when they get the results of the stock assessment in
6 July.

7
8 For king mackerel, we wrote a letter to the Science Center,
9 asking them to look at some type of interim analysis approach,
10 or other parameters or metrics, that we may be able to determine
11 what's potentially going on with the stock, and we have not had
12 a chance to delve into that yet, and so I don't know that we can
13 throw our hands up just yet, and we have that request sent in,
14 and we're waiting to hear back from them. The Framework
15 Amendment 11 was just implemented, and it became effective on
16 January 6 of this year, and so I think we need to wait a little
17 bit and see if we can come up with some of that information for
18 the SSC to look at, to give it a little bit of time.

19
20 **CHAIRMAN ANSON:** Ms. Boggs.

21
22 **MS. BOGGS:** Thank you, Dr. Simmons, and I almost need a
23 storyboard in front of me to remember everything that we've
24 done, because we take a lot of action, and, Mr. Geeslin, I
25 understand what you're saying, and that's why I asked about the
26 FLEC Zone, and I knew we had done something, but I couldn't
27 remember, and, of course, obviously, I didn't do enough homework
28 for this conversation, but back to the cobia.

29
30 I agree with what you're saying, but it's April 3, and we have
31 not seen one cobia come into Orange Beach, and that is highly,
32 highly, highly unusual, and I had a boat captain comment the
33 other day, and somebody has a boat at the marina now, and they
34 have a tower, and I said, why aren't you out there cobia
35 fishing, and he said, wait, never mind, there's none out there,
36 and so it's a problem in Orange Beach.

37
38 I don't think any of the measures that we've taken are going to
39 solve the issue. I think it's a migration problem, water
40 temperatures, and I think they're there, but we just have to
41 find out where they are, but I don't think anything we're doing,
42 until we figure out where these fish are, is really going to
43 make any improvements on the stocks, because they're just not
44 catching them. No matter what we do, they're not catching them.

45
46 **CHAIRMAN ANSON:** Mr. Hood.

47
48 **MR. HOOD:** Thanks. As part of that ain't technology grand

1 theme, Kelli is trying to flag our attention that she does have
2 some answers to some of the questions, and then she was our lead
3 on Amendment 32, and she has been tracking cobia, and so she may
4 have some insight there. Thank you.

5
6 **CHAIRMAN ANSON:** Does she have -- Is she able to speak yet?
7 Kelli, can you --

8
9 **MS. O'DONNELL:** Yes, and I did a computer restart, but I just
10 didn't want to jump in and interrupt everybody, and so I hope
11 you can hear me now, but I did want to remind everybody that, as
12 I've mentioned, that, with the Amendment 32, the changes that
13 were -- We had projections in that amendment that showed that
14 the FLEC Zone recreational sector would most likely be closing,
15 even with additional management measures that would be
16 implemented with the changes in the catch limit, and so those --
17 With it not being effective until the end of the year, as others
18 have mentioned, those other management measures didn't really
19 have time to -- For 2022, and that really put those catch levels
20 up under the previous management measures, and so, by the end of
21 2023, all of the management measures are in place.

22
23 **CHAIRMAN ANSON:** Kelli, can you hear me?

24
25 **MS. O'DONNELL:** Yes, I can hear.

26
27 **CHAIRMAN ANSON:** Okay. Great. We're having difficulty on our
28 end, and, unfortunately, a third, or more, of what you just
29 said, we didn't -- We couldn't hear you. Sorry about that.
30 Maybe we'll come back in a little bit to you, and, Peter, can
31 you fill in the blanks of what Kelli was saying?

32
33 **MR. HOOD:** I think the key thing is just, you know, we are
34 projecting, you know, what's happening with cobia, and we are
35 seeing that, in some cases, fish aren't showing up, and then,
36 obviously, we'll be following it, and, particularly for the FLEC
37 Zone, you know, if we need to do a closure, we'll do a closure,
38 and so we are aware of it. Thanks.

39
40 **CHAIRMAN ANSON:** Thank you. Natasha.

41
42 **DR. MENDEZ-FERRER:** To recap, the FLEC Zone does have a post-
43 season accountability measure, and that is that, if total FLEC
44 Zone stock ACL is exceeded in one year, then, the following
45 year, the recreational season will be projected to be closed
46 when the ACT is met, and, during the analysis that we were doing
47 for CMP Amendment 32, we were predicting this kind of activity
48 to happen, and so that's on page 21 of the amendment.

1
2 Regarding the comments, part of the drive to begin modifying
3 management measures for cobia is because we have been receiving
4 comments from the public saying, hey, we're not catching this
5 fish, and that was reflected in the stock assessment, and so I
6 feel like we're doing -- We're taking proactive measures, in the
7 way that we can right now, to kind of address these issues.

8
9 **CHAIRMAN ANSON:** All right. Any other questions related to
10 Agenda Item Number IV? All right. Seeing none, that will take
11 us to Agenda Item Number V, Final Action for the Draft Framework
12 Amendment 12, Modifications to the Commercial Gulf King Mackerel
13 Gillnet Fishing Season. Ms. Muehlstein, are you on the phone?
14 Natasha.

15
16 **FINAL ACTION: DRAFT FRAMEWORK AMENDMENT 12: MODIFICATIONS TO THE**
17 **COMMERCIAL GULF KING MACKEREL GILLNET FISHING SEASON**
18

19 **DR. MENDEZ-FERRER:** I am going to help Emily here, as we go
20 through the various agenda items, and we did not receive any
21 public comments. Ms. Muehlstein did post a video on YouTube,
22 with providing some background and some information about the
23 action that we're discussing here.

24
25 We presented this document to the CMP AP during their December
26 2022 meeting, and this meeting was chaired by Captain Tom
27 Marvel, and we do have him on the line to answer any questions,
28 and we also have Mr. Martin Fisher, if you also have any
29 questions for him, and he's also online.

30
31 From the CMP AP comments, we received some comments regarding
32 how the sixteen vessels that are actually permitted -- They are
33 very active in the fishery, but the AP, as a whole, stated that
34 they do concur with the current preferred option of removing the
35 closure on weekends and observed federal holidays, as it no
36 longer serves the original purpose, and it is unnecessary. I
37 can stop here, to see if the committee has any questions to our
38 vice chair and chair, who are online.

39
40 **CHAIRMAN ANSON:** Are there any questions for the vice chair or
41 chair? Seeing none, is there -- That takes us to the next -- We
42 need a motion at this point. Does anyone have a motion for this
43 action? Natasha.

44
45 **DR. MENDEZ-FERRER:** We can go through the document and show you
46 the language for the preferred option, if the committee wishes.
47 This should be a pretty straightforward action. That will be
48 Section 1.3 of the document.

1
2 Just to remind the committee, king mackerel is managed by the
3 Gulf and South Atlantic Council, and this action would solely
4 apply to the gillnet component, which is in the Southern Zone,
5 and so it's like the southern portion of Florida, including the
6 Florida Keys.

7
8 Currently, the preferred option is to remove the weekend and
9 holiday closure for the gillnet component for Gulf migratory
10 group king mackerel. Like I've mentioned, most of the fleet
11 would like their season to be more efficient, to complete the
12 season more efficiently, and then move to stone crab and the
13 lobster fishery, which are more profitable, and those analyses
14 are included in Chapter 2, and so, if there is a motion to
15 approve this option -- We also have the codified text, which we
16 have General Counsel to go over.

17
18 **CHAIRMAN ANSON:** All right, and so go ahead with -- Well, let's
19 go with -- Dr. Sweetman.

20
21 **DR. SWEETMAN:** This seems pretty straightforward to me. I'll
22 make a motion to approve Draft Framework Amendment 12 to remove
23 the weekend and holiday closure for the gillnet component of the
24 Gulf migratory group king mackerel and to pass that over to the
25 Secretary for review and implementation.

26
27 **MR. GILL:** Seconded.

28
29 **CHAIRMAN ANSON:** All right, and so we have a motion. Give staff
30 just a minute or two to put it up, before we vote. Is there any
31 discussion on the motion, while we're waiting for that? Mr.
32 Strelcheck.

33
34 **MR. STRELCHECK:** We don't need to select a preferred, and we
35 already have a preferred, and we just need to approve the
36 amendment.

37
38 **CHAIRMAN ANSON:** Ms. Levy, you had your hand up? **The motion is**
39 **to recommend the council approve Draft Amendment 12:**
40 **Modifications to the Commercial Gulf King Mackerel Gillnet**
41 **Fishing Season and forward it to the Secretary of Commerce for**
42 **review and implementation and deem the codified text as**
43 **necessary and appropriate, giving staff editorial license to**
44 **make the necessary changes in the document. The Council Chair**
45 **is given the authority to deem any changes in the codified text**
46 **as necessary and appropriate. Ms. Levy.**

47
48 **MS. MARA LEVY:** Well, I will just note that the codified text is

1 in the briefing book, 5(d), and so, if you want to look at that,
2 and it really just takes all the language out related to the
3 weekend and holiday closure and leaves the rest. **Then, just for**
4 **this motion, can we put "Draft Framework Amendment", just so**
5 **we're clear that it's a framework?** Thanks.

6
7 **CHAIRMAN ANSON:** All right, and so any -- No further discussion?
8 So this will be a roll call vote at Full Council.

9
10 **MS. BERNADINE ROY:** Excuse me, but Mr. Marvel has his hand up.

11
12 **CHAIRMAN ANSON:** Mr. Marvel.

13
14 **MR. TOM MARVEL:** Is there any need to put in language that the
15 opening date remains the same, the first Tuesday after Martin
16 Luther King, or would that have any confusion in this?

17
18 **CHAIRMAN ANSON:** I am getting a head shaking of no from our
19 legal counsel, that it does not require it. Ms. Levy.

20
21 **MR. MARVEL:** Okay.

22
23 **MS. LEVY:** If you look at the codified text, it still has that
24 piece in it, and so the codified text is where the actual
25 language would be.

26
27 **MR. MARVEL:** All right. Thank you.

28
29 **CHAIRMAN ANSON:** Ms. Boggs.

30
31 **MS. BOGGS:** So, Mara, in the codified text, the only words that
32 are highlight is "during", and then -- So does everything after
33 "during" come out? I'm a little confused, and it doesn't make
34 sense.

35
36 **MS. LEVY:** No, and that's just highlighting -- The stuff that's
37 coming out is between the first and second sentence, but we
38 didn't -- I mean, you have to put the comment somewhere, and so
39 the codified text has this stuff already removed.

40
41 **CHAIRMAN ANSON:** All right, and so we'll go ahead and vote on
42 the motion. **Is there any opposition to the motion? Seeing**
43 **none, the motion carries.**

44
45 That will take us to Item Number VI, Recommendations from the
46 CMP Advisory Panel December 2022 Meeting, Tab C, Number 5(b).
47 Dr. Mendez-Ferrer.

48

1 **CHAIRMAN ANSON:** All right. Thank you. Ms. Boggs.
2
3 **MS. BOGGS:** Well, so I would like to make a motion, based on the
4 **AP's recommendation, that the council make the recreational sale**
5 **of Gulf cobia prohibited.** If I get a second, I will elaborate
6 on that.
7
8 **CHAIRMAN ANSON:** There's a motion. Does anyone want to second
9 it? Mr. Gill.
10
11 **MR. GILL:** I will second it for discussion, because I think
12 there's some questions out there that could be answered, even
13 though I'm not inclined to support the motion.
14
15 **CHAIRMAN ANSON:** Any discussion on the motion? Mr. Gill.
16
17 **MR. GILL:** Thank you, Mr. Chairman, and so my question for Mara,
18 I think, is, is there anything that this motion, if it were
19 passed, would do to improve the fishery, take care of the issue
20 at-hand, and I have a difficult time in seeing where adding
21 another level of thou-shall-nots, since every state prohibits
22 it, and it is indeed an enforcement question, but adding more on
23 to it, to me, seems to accomplish nothing. On the other hand,
24 you're the legal beagle, and I may be missing a whole bunch, and
25 could you comment on what this, legally, might do or might not
26 do?
27
28 **MS. LEVY:** Well, I mean, I'm not an enforcement attorney, and so
29 I won't really speak to that. I mean, I think you're correct,
30 right, and so, if it's already prohibited by every state, the
31 question the council should be asking is whether it's really
32 necessary to also have a prohibition at the federal level.
33
34 I mean, I guess, if someone violated the rules, now they would
35 have a federal violation and a state violation, but I'm not sure
36 that should necessarily be one of the objectives, moving
37 forward, and so, I mean, I guess, if you're really concerned
38 about it, then requiring a permit to sell cobia might get you
39 somewhere. I mean, I don't know, and I think we would have to
40 think about, you know, the ramifications of that and how that
41 might help or not help.
42
43 **CHAIRMAN ANSON:** Mr. Marvel.
44
45 **MR. MARVEL:** I would -- Can I turn this to Martin, and he has
46 his finger on the pulse of this better than I do down here.
47 Martin, can you answer this question?
48

1 **CHAIRMAN ANSON:** Mr. Fisher, I think you're turned on.
2
3 **MR. MARTIN FISHER:** Thank you, Mr. Chairman, and thank you, Tom.
4 I guess I would have to start with a question for Mr.
5 Strelcheck, or for Mara, and are there any other rules on the
6 books that prohibit the sale of recreational fish, or species,
7 because, if there are, it would seem, to me, that this would be
8 in line with precedent.
9
10 **CHAIRMAN ANSON:** Ms. Levy.
11
12 **MS. LEVY:** Well, to the extent you require a commercial permit
13 to sell something, yes, you're essentially prohibiting
14 recreational sale, right, but, I mean, so you have that, for
15 example, in the reef fish and king mackerel and things like
16 that.
17
18 **MR. MARVEL:** Thank you.
19
20 **CHAIRMAN ANSON:** Natasha.
21
22 **MR. FISHER:** Okay. Well, then the motion on the board isn't
23 addressing the permit question, and it's addressing prohibiting
24 the sale, and so I guess I really don't have anything to offer,
25 other than I would support the idea of having a federal permit
26 to sell cobia, just like we do have permits for Spanish mackerel
27 and king mackerel and swordfish, et cetera. Thank you.
28
29 **CHAIRMAN ANSON:** Natasha.
30
31 **DR. MENDEZ-FERRER:** A couple of things that I do want to remind
32 the committee about cobia. Gulf Zone cobia is managed as a
33 stock, and so we don't have sector allocations, and so that's
34 one thing. The FLEC Zone does have sector allocations, and they
35 do have a recreational and commercial ACL. The other thing is
36 that we just reduced the possession limits for cobia, and
37 increased the minimum size limit, and so those are things that I
38 do want you guys to be considering on how the impact of this
39 document might --
40
41 **CHAIRMAN ANSON:** Andy.
42
43 **MR. STRELCHECK:** Questions for either Martin or Tom, and, in
44 terms of what you're aware of, in terms of the recreational sale
45 of cobia, is this a Gulf-wide problem that you're hearing about,
46 or is this a localized problem, and we've talked a little bit
47 about a need for enforceability of state restrictions that
48 already are in place, but I would like to understand the

1 magnitude of this issue, from the AP's perspective.

2

3 **MR. FISHER:** Tom, do you want me to take that?

4

5 **MR. MARVEL:** Yes, and go ahead, Martin.

6

7 **MR. FISHER:** Okay. Well, Andy, it's kind of hard to know,
8 because some of it is -- You know, people don't really want to
9 throw other people under the bus, but we have a systemic problem
10 of some recreational anglers selling their catch to defray the
11 cost of fuel and their trips, and it's not just cobia, and it's
12 grouper and snapper, but, from what I understand, the cobia
13 issue is somewhat prevalent in the Panhandle. I do not know
14 about Texas and Louisiana, and that's all I can really offer you
15 there. Thank you.

16

17 **CHAIRMAN ANSON:** Susan.

18

19 **MS. BOGGS:** So, based on the conversation around the table, I
20 would like to modify the motion, if the seconder is up for it,
21 or I don't know if I can offer myself a substitute motion. Then
22 I would like to give some rationale, if the seconder approves,
23 and so to prohibit the recreational sale of Gulf cobia or to
24 require -- Let's do this.

25

26 I'm sorry, Bernie, but to require a federal commercial fishing
27 permit for the sale of Gulf cobia. I think that encompasses
28 both the first motion that the AP made and the second motion.
29 This, I think, just captures it all, and so you have to have a
30 federal commercial fishing permit for the sale of cobia, and so
31 it restricts you from selling it, and I agree with the comments
32 that were just made.

33

34 We see it in Alabama, and I see the truck, and, if I could get
35 his license plate number, I would turn him in, at the
36 restaurants about once a week, and I know what he's doing, and,
37 you know, the commercial fishermen, the true commercial
38 fishermen -- The charter/for-hire fishermen, we have all of
39 these standards that we have to meet, and we have to have
40 federal permits, EPIRBs, the inspections, turtle gear, and the
41 list goes on, and to allow someone to offset his expense for his
42 fun trip, and not have to meet all of these requirements, it's
43 heinous, and it's reckless, because, if you're going to make
44 these -- The shrimpers, too.

45

46 I mean, they have to do the TEDs and everything else, and so to
47 let these recreational fishermen go out and come back and sell
48 these fish to pay for their trip -- Pardon me, but they're on a

1 damn commercial or charter trip. I mean, they're no different
2 than everybody else that's out there fishing and making a profit
3 from it, and so, you know, there is no true charter/for-hire
4 fishermen, because you've got your dually-permitted fishermen,
5 and there is truly no recreational fishermen, because I assure
6 you that every boat that comes to my dock is on a charter,
7 because Andy is going to give me ten-bucks for fuel, and Mike is
8 going to give me twenty-bucks for fuel, and that's a charter.

9
10 It's kind of crazy, the conversations we have at this table,
11 but, you know, if you want to sell your fish commercially, then
12 you go and you comply with the commercial requirements to sell
13 your fish commercially, and I don't know if I will get a second
14 for this motion, but I went ahead and gave my comments. Thank
15 you.

16
17 **CHAIRMAN ANSON:** Do we have a second for the motion? Dr.
18 Simmons.

19
20 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Just to
21 remind the committee and council, you did ask us to look at
22 this, and it was October of 2021, when we were working on
23 Amendment 32. This came up, and we didn't really realize the
24 magnitude, like we've been talking about, of the issue, and so
25 we have it listed as a C priority right now, based on the
26 implementation of Amendment 32 for cobia and those rules being
27 in place now, and we did put this, again, in front of the CMP
28 AP, and clearly they still think this is an issue, and it seems
29 like the committee, and perhaps the council, still thinks that
30 this is an issue, and so I'm not sure that we need a motion.

31
32 I think it would be good, because, in thinking through this a
33 little bit, I'm not sure we can do this by a framework action,
34 Mara, and this sounds like it will probably have to be a big
35 full plan amendment, where we're looking at making major changes
36 to permits, which is, I think, a little bit different than what
37 we originally anticipated was occurring, but I will leave it up
38 to the chair, and the committee, of how you want to handle that.

39
40 **CHAIRMAN ANSON:** All right, and so I wanted to get -- Mr. Gill,
41 you raised your hand earlier, and is that for a second for the
42 motion? No? It's not?

43
44 **MR. GILL:** No, sir. I thought it was under discussion and that
45 it had been seconded.

46
47 **CHAIRMAN ANSON:** We still don't have a second for Susan's
48 motion, and I just wanted to wheel back a little bit here,

1 before I get to a couple of folks that had their hands raised.
2 You know, right now, we're not -- The council is not allowing
3 any recreational fishermen to go and catch cobia and sell it.

4
5 In the states -- You know, we had a presentation, and the states
6 all provided information as to what the regulatory environment
7 is for cobia specifically, and whether or not that can be sold,
8 and there are licensing restrictions that occur in each of the
9 states regarding that, and so, if they don't go through that
10 process, then it's an illegal sale, and I think that kind of
11 goes into what Mara was saying earlier to answer a question that
12 was posed by Mr. Fisher, is that, you know, if we create another
13 license, or a permit, is that going to solve the problem, and
14 probably not.

15
16 Again, I think it has to go back to the magnitude of the
17 problem, and, you know, if it such a problem, then the states
18 ought to be receiving phone calls, from their stakeholders, to
19 say where and when, approximately, these types of things are
20 going on, and that would help on the enforcement aspect of it,
21 to enforce the laws that are currently on the books, but I will
22 go ahead. I had Andy and then Mr. Diaz had their hands up.
23 Andy. No? Mr. Diaz.

24
25 **MR. DIAZ:** Thank you, Kevin. I'm not on your committee, but, a
26 long time ago, I was in law enforcement, for about ten years.
27 I'm actually 110 years old, by the way, but it looks to me like
28 all the states have a mechanism to deal with the illegal sale of
29 recreational fish, or cobia, and, just from being in law
30 enforcement, you have to witness a misdemeanor, and, for
31 uniformed officers to walk up on the sale of cobia and witness
32 it, it's just a rare thing that can happen. I mean, people are
33 aware of when a uniformed officer is around.

34
35 I think these type of cases require some type of covert thing,
36 and it happens so infrequently that I don't know if states would
37 dedicate the resources to do it, but the reason I say all of
38 that is because of your point, and there are tools to enforce
39 this now, and this would be a different tool, but is that going
40 to solve the problem, and so that was your question, and so I
41 just bring that up. I'm not sure this makes the problem
42 solvable. I think the problem is how difficult it is to make
43 these cases and the infrequency in which they happen and where
44 law enforcement is hamstrung. Thank you, Mr. Anson.

45
46 **CHAIRMAN ANSON:** Thank you. Mr. Gill.

47
48 **MR. GILL:** Thank you, Mr. Chairman. For one, a point of order.

1 Do we have a second or not? If we don't have a second, then
2 this discussion is out of order, because we don't have the
3 motion on the board that should be under discussion, and we're
4 not talking about what's written on the board currently, because
5 we don't have a second. We need to go back to the original
6 motion, which was seconded, and pertain the discussion to that
7 motion, but I have a comment as well.
8

9 **CHAIRMAN ANSON:** We will bring that motion up. Staff will bring
10 that up. Do you want to go ahead and make your comment to the
11 original, or the only, motion that's on the board?
12

13 **MR. GILL:** Thank you, Mr. Chairman. Yes, I do, and so one of
14 the questions, in my mind, was, and I would ask Tom or Martin to
15 respond, is why the AP separated it into two motions and did it
16 sequentially, because apparently, the way I perceive their
17 intent, is it's really directed to the second motion, and so I
18 would ask Tom, or Martin, if there's something there that the AP
19 was trying to say that is not evident from why we have it split
20 into two.
21

22 **MR. MARVEL:** I will let Martin address that, but let me just
23 say, Bob, that, no, I think the general feeling on the panel was
24 similar to those just expressed by Susan, that, if this occurs,
25 it just does not seem right, but we did discuss the frequency,
26 how problematic, how widespread, it is, and it seemed like it
27 was restricted to a small geographic area, if that, and let me
28 turn it over to Martin, because he's further up the coast and
29 more in-tune to this, and so go ahead, Martin.
30

31 **MR. FISHER:** Thank you, everybody. I guess, Mr. Gill, the
32 answer to that question is it was an evolution, just like what
33 occurred now. The first motion came as we were discussing the
34 issue, and then we realized the same thing that your committee
35 just realized, that that didn't really get to the meat of the
36 matter, but that an actual permit would directly address the
37 need for accountability, and that's how we got to there. Thank
38 you.
39

40 **CHAIRMAN ANSON:** Mr. Gill.
41

42 **MR. GILL:** Thank you both for those comments, and I will just
43 add fuel to the fire, because this, to me, just adds another
44 layer, that effectively accomplishes nothing, and it doesn't
45 cure the problem trying to be addressed.
46

47 **CHAIRMAN ANSON:** Anyone else have any comments? I guess we'll
48 go ahead and vote and dispense with this, since it's a motion on

1 the board, and then I want to follow-up with something with Dr.
2 Simmons.

3

4 **The motion is to prohibit the recreational sale of Gulf cobia.**
5 **All those in favor, raise your hand. Seeing none, the motion**
6 **fails.**

7

8 Dr. Simmons, and so, to go to a point that you brought up then
9 about the action item, or the action schedule, there is an
10 action item that has got a C priority, and I wondered if anyone,
11 on the committee at least, wants to make a recommendation to
12 remove that from the action schedule. Ms. Boggs.

13

14 **MS. BOGGS:** Okay. I am not making a motion to remove it,
15 because I think this is something that needs to be addressed. I
16 have seen -- I haven't seen, but I have heard, and the same
17 thing with amberjack, and we've got recreational fishermen going
18 out there and spearfishing and coming back in and selling their
19 amberjack, and you're trying to find ways to help the fishery,
20 and to allow someone that is not commercial --

21

22 I just made a list, and there are twelve things, and I've not
23 got them all, but twelve things that we have to comply with to
24 go fishing with customers on our vessels to catch these fish,
25 and, of course, we have to comply with all the regulations, and
26 that is a choice, yes, that we have made, and I'm sure -- Well,
27 I'm not sure, but the commercial fishermen have made the
28 decision themselves to comply with all of these requirements, so
29 that they can go out and make a living on the water.

30

31 To allow fishermen who are just out there on a day on the water,
32 and they catch a cobia, and they're like, man, I can go sell
33 this fish, and I can cover my costs, but they don't have to
34 comply with these twelve things that everyone else has taken an
35 oath, so to speak, because they do when they have their
36 captain's license, to do this and to do it properly.

37

38 I am going to offer up a motion, just because I'm kind of
39 ticked-off right now, that the council require a federal
40 commercial fishing permit to sell Gulf cobia harvested from the
41 EEZ, and then I have a question for Mara, if I get a second.

42

43 **CHAIRMAN ANSON:** So we'll try to get the motion on the board.

44

45 **DR. JOHN FROESCHKE:** Susan, could you repeat your motion, so we
46 can get it on the board?

47

48 **MS. BOGGS:** To require a federal commercial fishing permit to

1 sell Gulf cobia harvested from the EEZ.
2
3 **CHAIRMAN ANSON:** Susan, that is your motion, correct?
4
5 **MS. BOGGS:** Yes, that is correct.
6
7 **CHAIRMAN ANSON:** All right. Do we have a second for the motion?
8 Seeing none, the motion fails. Mr. Gill.
9
10 **MR. GILL:** Thank you, Mr. Chairman. **I move that we remove line**
11 **22 from the action schedule, the framework amendment to prohibit**
12 **the sale of recreationally-caught cobia.**
13
14 **CHAIRMAN ANSON:** All right. We have a motion, and it's getting
15 putting on the board, and it's to remove the Item Number 22, I
16 believe you said, Mr. Gill.
17
18 **MR. GILL:** That's correct, Mr. Chairman.
19
20 **CHAIRMAN ANSON:** Which is the prohibition of the sale of cobia.
21
22 **MR. GILL:** Recreationally-caught.
23
24 **CHAIRMAN ANSON:** Recreationally-caught, yes, and we have a
25 second from Dr. Frazer. Any further discussion on this motion?
26 Andy.
27
28 **MR. STRELCHECK:** Just a suggested friendly amendment. **For those**
29 **that might be reading the minutes, or seeing a summary of the**
30 **minutes of this meeting, I think it's really important that they**
31 **understand that the sale of recreationally-caught cobia is**
32 **prohibited by the states, and so I would recommend the reasoning**
33 **of to remove the following from the action table, because the**
34 **sale of recreationally-caught cobia is prohibited by the states.**
35
36 **CHAIRMAN ANSON:** For further clarification, it would be any
37 recreationally-caught fish are prohibited from sale, really, you
38 know, just to be clear, but so -- All right. Any discussion on
39 the motion? Mr. Williamson.
40
41 **MR. TROY WILLIAMSON:** Well, I would just like to follow-up on
42 Andy's comment about people reading the minutes, and I think
43 it's important to note that we're talking about recreational
44 fishermen commercially selling their catch, for whatever reason,
45 and I don't think there's any evidence in the AP record of this
46 occurring, and it's just speculation and anecdotal evidence, as
47 far as I able to discern. If that's not the case, if there is
48 some evidence that this is happening, then I would sure like to

1 know about it. Otherwise, I think we're just beating a dead
2 horse and giving recreational fishermen a bad name here.

3
4 **CHAIRMAN ANSON:** Any other discussion on the motion? **Is there**
5 **any opposition to the motion? One. The motion passes, or**
6 **carries.** That takes us to Other Business. Is there any other
7 business? Mr. Diaz.

8
9 **OTHER BUSINESS**

10
11 **MR. DIAZ:** I am not on your committee, but I just wanted to make
12 a quick comment. I am wondering if it might be worth, the next
13 time that the Law Enforcement Technical Committee meets, to have
14 a topic about the sale of recreational fish in the commercial
15 market, and let them kick that around, and maybe they could
16 bring whatever information they have from each state to that
17 meeting and see if they could have a discussion on it that might
18 help us in the future with this issue.

19
20 The last time we asked them to look at some stuff for us, I
21 think we asked them to look at people running charters, but
22 without the proper permits, in federal waters, and they had some
23 great discussions, and I'm hoping that they could have some
24 really good discussions here that might shed some light on this
25 issue, or maybe some ways that it can be approached from their
26 end, and so that's just a comment. Thank you.

27
28 **CHAIRMAN ANSON:** That's a good comment, Mr. Diaz. I don't know,
29 and does that need a motion from the committee? No? Then we'll
30 just go ahead and add that, and that was just fish in general,
31 and not just cobia, correct? Yes, I think that would be more
32 appropriate.

33
34 **MR. DIAZ:** The sale of recreationally-caught species by
35 recreational fishermen would be the topic. Thank you.

36
37 **CHAIRMAN ANSON:** Thank you. Ms. Boggs.

38
39 **MS. BOGGS:** So I would like to ask my question of Mara, while
40 we're on this topic, and I know we're running over, but this is
41 a bug that I've got to understand, and so, when I look at the
42 background of this document that Natasha put together, the
43 second paragraph, the second-to-last sentence -- Well, the
44 paragraph is talking about a revision to the regulatory language
45 in 50 CFR, and I'm a little bit confused, I mean, and it
46 specifically says -- I think maybe we missed the point here, and
47 it says this will allow federally-permitted dealers to accept
48 Gulf cobia harvested from the exclusive EEZ from any vessel, and

1 that's what I was getting at. If anybody can go out there and
2 harvest a cobia and come back to a dealer and sell it, I just --
3 I don't understand how we allow that to happen.

4

5 **CHAIRMAN ANSON:** Ms. Levy.

6

7 **MS. LEVY:** You're talking about the change we made to the
8 regulations to clarify the restrictions on sale and purchase
9 when we did the Amendment 32 rulemaking, because there was an
10 inconsistency there about you could -- If you have a commercial
11 permit, you could sell, right, potentially, cobia to a federal
12 dealer, but the federal dealer, under the regulations, wasn't
13 allowed to accept it, and that's not what we intended, right,
14 and we want them to either both be prohibited or not, and so we
15 changed the language of the regulations so that it actually made
16 sense.

17

18 It didn't say that a private recreational angler could sell to a
19 dealer, and we don't speak to that in the regulations. The
20 regulations don't speak to the sale of cobia outside the sale
21 and purchase restrictions, and they don't speak to non-permitted
22 vessels.

23

24 **CHAIRMAN ANSON:** Ms. Boggs.

25

26 **MS. BOGGS:** This will be my last comment, but -- Because I
27 believe that I brought this whole subject up when we were
28 discussing cobia, and everybody looked at me like I was crazy,
29 and so here we are again, but, I mean, this clearly says, if I'm
30 reading this right, you made the amendment, which allows a
31 dealer to accept Gulf cobia harvested from the EEZ from any
32 vessel, and so a recreational fisherman can come to the dock and
33 sell those fish to a dealer, but then you're telling me the
34 states are saying, no, you can't do that, and is that what I'm
35 understanding?

36

37 **MS. LEVY:** Right, and so I'm saying the federal regulations
38 don't speak to it, and so the state regulations would presumably
39 apply, right, and that's what I'm saying, is we don't speak to
40 it in our regulations.

41

42 **CHAIRMAN ANSON:** I think, you know, from my perspective, you
43 know, as long as they have a state commercial license, then that
44 fish could be eligible to be brought in and sold, and then it's
45 reported, and that was, I think, part of the concern, is that
46 the fish are going -- Not only are they going -- Undermining the
47 permitting structure, and all the things that the commercial
48 folks have to do, and their business, but it's also related to

1 just making sure that the fish are reported and that, if they
2 were applying for and getting the state commercial fishing
3 licenses, that, as long as that fish was eligible to be sold, it
4 should be sold through the appropriate mechanisms within each
5 state, and that then entails it being reported through that
6 process of sale, and so any other discussion? Andy. Mara.

7
8 **MS. LEVY:** I just also wanted to clarify those regulations,
9 because I'm looking back at it, and they're not easy to
10 understand, right, and so the inconsistency was if you had any
11 type of federal permit, you have to sell to a federal dealer,
12 any species, right, and so including cobia, but the regulations
13 said, if you were a dealer, you could only accept CMP species,
14 which includes cobia, from a CMP-permitted vessel, right, and so
15 we were requiring every vessel, every commercial federal vessel,
16 to sell cobia to a federal dealer, but we weren't allowing the
17 dealers to accept that, unless they had a CMP permit, and that
18 was the inconsistency. We couldn't require them to sell but
19 then prohibit the dealer from accepting.

20
21 **CHAIRMAN ANSON:** Andy.

22
23 **MR. STRELCHECK:** I wanted to go back to Dale's comments, and so
24 I really appreciate him raising the Law Enforcement Advisory
25 Panel, and one of my thoughts is, you know, given the
26 restrictions, and maybe they're not well known, especially at
27 the state level, and, you know, can we do an outreach and
28 education blitz with regard to, you know, informing dealers of
29 the state restrictions, as well as any federal requirements, you
30 know, work with each of the states on that, and you have
31 distribution lists, as well as the Gulf Council and NOAA
32 Fisheries has distribution lists, just to educate people about
33 what the restrictions are.

34
35 It doesn't necessarily mean it's going to prevent it from
36 happening, but maybe it will at least cut down on some of it
37 from happening, as well as inform recreational anglers that are
38 on our distribution lists, and so that's just a suggestion.

39
40 **CHAIRMAN ANSON:** All right. Mr. Chair, I think we're about
41 ready to wrap this up. Any last comments or other items for
42 Other Business? Seeing none, Mr. Chair, that concludes the
43 Mackerel Committee.

44
45 (Whereupon, the meeting adjourned on April 3, 2023.)

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