

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2  
3 MACKEREL MANAGEMENT COMMITTEE

4  
5 Perdido Beach Resort Orange Beach, Alabama

6  
7 October 25-26, 2021

8  
9 **VOTING MEMBERS**

- 10 Dakus Geeslin (designee for Robin Riechers).....Texas
- 11 Kevin Anson (designee for Scott Bannon).....Alabama
- 12 Susan Boggs.....Alabama
- 13 Leann Bosarge.....Mississippi
- 14 Billy Broussard.....Louisiana
- 15 Jonathan Dugas.....Louisiana
- 16 Tom Frazer.....Florida
- 17 Martha Guyas (designee for Jessica McCawley).....Florida
- 18 Bob Shipp.....Alabama
- 19 Andy Strelcheck.....NMFS
- 20 Troy Williamson.....Texas

21  
22 **NON-VOTING MEMBERS**

- 23 Dale Diaz.....Mississippi
- 24 Dave Donaldson.....GMFMC
- 25 Phil Dyskow.....Florida
- 26 Bob Gill.....Florida
- 27 LTJG Adam Peterson.....USCG
- 28 Chris Schieble (designee for Patrick Banks).....Louisiana
- 29 Joe Spraggins.....Mississippi
- 30 Greg Stunz.....Texas

31  
32 **STAFF**

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

45  
46 **OTHER PARTICIPANTS**

- 47 Peter Hood.....NMFS
- 48 Tim Griner.....SAFMC
- 49 Mike Larkin.....NOAA Fisheries

1 Kelli O'Donnell.....NMFS  
2 Clay Porch.....SEFSC  
3 Christina Wiegand.....SAFMC  
4  
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PAGE 35: Motion to recommend the council approve CMP Amendment 32 and that it be forwarded to the Secretary of Commerce for review and implementation and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. [The motion carried on page 35.](#)

PAGE 54: Motion in Action 2 to move Alternative 3 to Considered but Rejected. [The motion carried on page 54.](#)

PAGE 61: Motion in Action 1 to make South Atlantic Preferred Alternative 3 the preferred. [The motion carried on page 61.](#)

PAGE 65: Motion in Action 2 to make South Atlantic Preferred Alternative 1 the preferred. [The motion carried on page 65.](#)

PAGE 66: Motion in Action 3 to make South Atlantic Preferred Alternative 2 the preferred. [The motion carried on page 66.](#)

PAGE 67: Motion in Action 4 to make South Atlantic Preferred Alternative 2 the preferred. [The motion carried on page 67.](#)

PAGE 72: Motion in Action 5 to make Alternative 1 the Gulf Council preferred. [The motion carried on page 74.](#)

PAGE 75: Motion in Action 6 to make Alternative 1 the Gulf Council preferred. [The motion carried on page 76.](#)

PAGE 78: Motion to recommend CMP Amendment 34 be taken out to public hearings. [The motion carried on page 78.](#)

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1 The Mackerel Management Committee of the Gulf of Mexico Fishery  
2 Management Council convened on Monday afternoon, October 25,  
3 2021, and was called to order by Acting Chairman Kevin Anson.

4  
5 **ADOPTION OF AGENDA**  
6 **APPROVAL OF MINUTES**  
7 **ACTION GUIDE AND NEXT STEPS**  
8

9 **CHAIRMAN KEVIN ANSON:** I would like to go ahead and start the  
10 Mackerel Committee, and that would take us to the first item on  
11 the agenda. Before we get started on approving the agenda, I  
12 just want to go through the members of the committee.

13  
14 We have Mr. Riechers as the Chair, but Mr. Geeslin is sitting in  
15 for him, and I took over for the Chair duties, and we have  
16 myself as Vice Chair, according to the new committee schedule,  
17 Ms. Boggs, Ms. Bosarge, Mr. Broussard, Mr. Dugas, Dr. Frazer,  
18 Ms. Guyas, Dr. Shipp, Mr. Strelcheck, and Mr. Williamson, to  
19 round out the rest of the members on the new committee schedule.

20  
21 Item Number I, Adoption of the Agenda, are there any additions  
22 or modifications that are needed for the agenda? Seeing none,  
23 is there any opposition to accepting the agenda as written?  
24 Seeing no opposition, the agenda moves forward as written.

25  
26 Item Number II on the agenda, Approval of the August 2021  
27 Minutes, are there any changes or modifications the minutes that  
28 are needed? Is there anyone in opposition to accepting the  
29 minutes as written? Seeing none, the minutes are approved.  
30 Item Number III, Action Guide and Next Steps, Dr. Mendez-Ferrer.

31  
32 **DR. NATASHA MENDEZ-FERRER:** Thank you, Mr. Chair. For this  
33 Mackerel Committee, in Agenda Item Number IV, we will have a  
34 Review of Coastal Migratory Pelagics Landings, where Ms. Kelli  
35 O'Donnell from NMFS Southeast Regional Office will provide an  
36 update on the status of CMP landings relative to ACLs, and this  
37 is for information only, and no action is required by the  
38 committee.

39  
40 Agenda Item Number V, we will discuss a history of CMP permits  
41 and sale of recreational cobia. To give you a little bit of a  
42 reminder, CMP Amendment 32 will be addressing some changes to  
43 the language as it relates to CMP permits, and so we'll have  
44 actually Mr. Peter Hood discussing the history of CMP permits  
45 and the proposed changes to the regulatory language, and then  
46 council staff will provide an overview of the Gulf states  
47 regulations, as it relates to the sale of cobia, and this is a  
48 great chance for the committee to ask questions and provide

1 direction to staff.

2  
3 Agenda Item Number VI, we will have final action on Amendment  
4 32, Modifications to the Gulf of Mexico Migratory Group Cobia  
5 Catch Limits, Possession Limits, Size Limits, and Framework  
6 Procedure. The South Atlantic and the Gulf Councils have  
7 finalized their public hearings, and so you will see, today, a  
8 summary of the comments that we have received during these  
9 public hearings.

10  
11 As a reminder, this amendment will address the overfishing  
12 status of Gulf cobia by modifying catch limits, sector  
13 allocations, possession limits, size limits, and language to the  
14 CMP framework procedure. What we're looking for during this  
15 item is for the committee to review the document, provide  
16 feedback, and consider approving for final action. Once  
17 approved, then the South Atlantic Council will also review the  
18 document during their December meeting, and, if the Gulf Council  
19 approves for final action at this point, then that would be the  
20 opportunity for the South Atlantic to also approve before  
21 transmittal.

22  
23 Agenda Item Number VII would be Draft Amendment 33,  
24 Modifications to the Gulf of Mexico Migratory Group King  
25 Mackerel Catch Limits and Sector Allocations. If you remember,  
26 this was an item that was going to be discussed during the  
27 August 2021 meeting, but, due to time, we had to move it to this  
28 October meeting.

29  
30 Council staff will present draft options to be considered in CMP  
31 Amendment 33, which examines Gulf migratory group king mackerel  
32 catch limits and sector allocations, and the SEDAR 33 update  
33 stock assessment found Gulf king mackerel to be not overfished  
34 and not undergoing overfishing, and CMP Amendment 33 was  
35 initiated by the council in response to the stock assessment.

36  
37 The range of actions and alternatives to modify catch levels and  
38 sector allocations incorporate the projections and  
39 recommendations using recreational catch and effort data  
40 calibrated to MRIP-FES, and so the committee should review the  
41 proposed actions and alternatives and provide direction to  
42 staff.

43  
44 Lastly, we have a public hearing draft of Amendment 34, Atlantic  
45 king mackerel catch levels and management measures, and we will  
46 have a presentation by Ms. Christina Wiegand from the South  
47 Atlantic Council, and she will present the draft amendment, and  
48 this amendment considers changes to catch levels for Atlantic

1 king mackerel, and it will modify sector allocations and  
2 management measures, including recreational bag limit, size  
3 limit, and provisions requiring fish to be landed with heads and  
4 fins intact.

5  
6 At its September 2021 meeting, the South Atlantic Council  
7 approved this draft for public hearings, and so, as you know,  
8 this is a joint plan amendment, and so the committee can provide  
9 recommendations and discuss if this draft is also approved for  
10 public hearings before the South Atlantic can schedule those  
11 meetings.

12  
13 Then, if we have time, we have Other Business to address  
14 additional items that get brought up to the committee. Thank  
15 you, Mr. Chair.

16  
17 **CHAIRMAN ANSON:** Thank you. Any questions? All right, and so  
18 that will take us into Item Number IV, Review of Coastal  
19 Migratory Pelagics Landings, and Ms. O'Donnell.

20  
21 **REVIEW OF COASTAL MIGRATORY PELAGICS LANDINGS**

22  
23 **MS. KELLI O'DONNELL:** Thank you, Mr. Chair. This is just to  
24 note that 2021 landings are still preliminary. Our commercial  
25 landings, we've got through August 31 from the Science Center,  
26 and the recreational landings will be through June 30, and that  
27 will be for MRIP, LA Creel, and headboat landings, and no Texas  
28 landings, as of yet.

29  
30 Gulf cobia, the Gulf Zone, commercial is still looking a little  
31 bit lower than it has in previous years, which we will see, in  
32 the next slide, that, when you compare the commercial landings  
33 back even to 2018, they have been lower than what these past  
34 recent years have been, including the average of looking at what  
35 a three-year time span has been. Recreational has been kind of  
36 on par for the past two years, but significantly lower than what  
37 it was in the years prior to that.

38  
39 For the FLEC Zone, again, commercial landings are lower than  
40 what they have been in the past years, and, again, about half of  
41 what their ACL is, which is 70,000 pounds, and they are  
42 definitely lower than that has been, and I am not quite sure  
43 why, but we've been hearing from the fishermen that in some  
44 places that people are still seeing them, and some places they  
45 are not.

46  
47 Recreational has done a little bit better at the start of this  
48 year, and I'm not sure where they will go for the rest of this

1 year, but they are kind of back up on track of what they were  
2 doing for their three-year average, and even the 2020 fishing  
3 year, which was, both of those, greater than their 2019 fishing  
4 year.

5  
6 King mackerel commercial landings are pretty much the same as  
7 what they have been, and we only did not see the 2020/2021  
8 fishing year approach and meet or exceed that ACL because the  
9 southern hook-and-line zone was closed before the end of the  
10 fishing year. Once we got in more landings reports, it showed  
11 that they were able to reopen, and we did reopen them, but what  
12 we heard from fishermen is, by the time that they were reopened,  
13 it was bad weather, and they really weren't able to go out and  
14 catch any, but, by the time we got updated landings for that, it  
15 was already the start of the next fishing year, and so we  
16 weren't able to reopen again.

17  
18 You can see, from those two spikes that are right in the middle  
19 of the lines, those are coinciding with the opening of the  
20 gillnet component, and just depending on if they fished as soon  
21 as they opened in January or if they waited until the end of  
22 January or the beginning of February to start fishing.

23  
24 King mackerel recreational landings are similar to what they  
25 were last year, but they're still well below what their ACL is,  
26 at about a little bit less than half.

27  
28 Spanish mackerel is still lower than what it has been in recent  
29 years, although it's pretty similar to what it was last year,  
30 and we haven't really been hearing much from the fishermen as to  
31 why landings have been lower, and so I would be interested if  
32 anybody has any insight to that.

33  
34 You can see here that, even compared to the overall stock  
35 landings, commercial is slightly lower, as is recreational,  
36 although recreational has kind of had a historic up and down,  
37 and commercial has been pretty steady in recent years, but it is  
38 lower this year than it has been in any of the most recent  
39 timeframe, and I think that is my last slide, and I'm here if  
40 there are any questions.

41  
42 **CHAIRMAN ANSON:** Any questions for Ms. O'Donnell? Seeing none,  
43 thank you very much.

44  
45 **MS. O'DONNELL:** Thank you, Mr. Chair.

46  
47 **CHAIRMAN ANSON:** That takes us to Item Number V, Presentation on  
48 History of Coastal Migratory Pelagic Permits and Sale of

1 Recreational Cobia and Ms. O'Donnell.

2  
3 **MS O'DONNELL:** That is actually going to be Mr. Hood presenting  
4 that.

5  
6 **CHAIRMAN ANSON:** All right. Peter Hood.

7  
8 **PRESENTATION ON HISTORY OF COASTAL MIGRATORY PELAGIC PERMITS AND**  
9 **SALE OF RECREATIONAL COBIA**

10  
11 **MR. PETER HOOD:** Credit where credit is due, and Kelli put  
12 together this presentation. She had hoped to present it, but,  
13 the way the timing is with the committee, she had some other  
14 obligations, and so, instead, you're going to have to deal with  
15 me.

16  
17 The first couple of slides, I will be talking about CMP  
18 Amendment 19, which later turned into CMP 20A, and the timeframe  
19 that this action was being discussed was basically back in June  
20 and August of 2012, and this was a joint amendment, and so I  
21 will be referring to the South Atlantic Council and some of  
22 their decisions and then the Gulf Council with your decisions.

23  
24 There was an Action 2, which had a sale of cobia Alternative 5,  
25 and, again, that got moved to Considered but Rejected.  
26 Basically, the Mackerel Committee discussed that they didn't  
27 think that Alternative 5 was necessary, as Alternative 2, which  
28 we'll see in a second, would create a commercial cobia permit  
29 and would cover that particular concern.

30  
31 There was a Gulf -- Also, there was discussion in the committee  
32 about selecting Alternative 2, as the Gulf group preferred,  
33 which, again, we will look at in a second, but that motion  
34 wasn't seconded, and the discussion stated that, because the  
35 states had the sale of cobia covered with their individual state  
36 requirements for a commercial license, or prohibition on the  
37 sale, therefore really no action would work.

38  
39 This is the rest of this action, and, again, there was a no  
40 action alternative, and, basically -- I guess there was a  
41 lengthy discussion by the committee about not having to create a  
42 new federal permit for the sale of cobia, again with the idea  
43 with the states needing to cover that, and there had been a  
44 discussion too about -- You know, we had requiring a Gulf king  
45 mackerel or Spanish mackerel permit, to also cover the sale of  
46 cobia, which is Alternative 3, or creating certain federal  
47 permits, in Alternative 4, which could be used to cover that.  
48 However, again, in the council discussion, it was felt that that

1 wasn't needed.

2  
3 In this slide, we have, in Action 1, there, the council did put  
4 in alternatives regarding the sale of king and Spanish mackerel,  
5 and both the South Atlantic and Gulf Councils were clear that  
6 they wanted to require these permits, and so a king mackerel  
7 permit to sell king mackerel and a Spanish mackerel commercial  
8 permit to sell Spanish mackerel.

9  
10 Then that meant that there could be no private angler sales that  
11 occurred, and only if you had a for-hire -- Only if a for-hire  
12 vessel had a commercial permit, and then they could sell those  
13 species. However, they didn't want to move forward with cobia,  
14 and, again, that was part of the reasons for that, and so that's  
15 why, when they took final action in October, we didn't have any  
16 prohibition on commercial sales for cobia, or recreational  
17 sales.

18  
19 This is the last slide, and it will talk about dealer permits,  
20 and, basically, I guess, in terms of what the council's intent  
21 was, when the council is working -- Sorry. Both councils were  
22 clear that they wanted to require a king mackerel permit, and,  
23 again, this is what came out as final action.

24  
25 With the generic dealer reporting amendment, this is just to  
26 sort of indicate what was needed for dealer permits, and this is  
27 the Preferred Option 2b, and it basically was to require a  
28 single dealer permit to purchase the species that are listed  
29 below there, and the proposed rule said the reason for this type  
30 of permit was that it would provide flexibility to fishermen and  
31 dealers, by allowing federally-managed species to be harvested  
32 from federally-permitted vessels and then sold and transferred  
33 to any dealer who had a Gulf and South Atlantic dealer permit.

34  
35 Then throughout the rulemaking, vessels with a commercial or  
36 charter permit for CMP and vessels with commercial permits for  
37 spiny lobster would only be allowed to sell federally-managed  
38 species that were harvested in either federal waters or  
39 adjoining waters, and then a dealer who had a valid Gulf and  
40 South Atlantic dealer permit, and also all federally-permitted  
41 vessels that harvested CMP under the bag limit in federal  
42 waters, or adjoining waters, would be required to sell those CMP  
43 to a dealer who had a valid Gulf and South Atlantic dealer  
44 permit. Anyway, that is the presentation, and I hope I muddled  
45 through it enough that it was understandable, but I would be  
46 happy to take any questions, if anybody has those.

47  
48 **CHAIRMAN ANSON:** Any questions for Peter? Ms. Boggs.

1  
2 **MS. SUSAN BOGGS:** Thank you, Mr. Chair, and thank you, Peter,  
3 for the presentation. I know I'm the one that brought this up  
4 at the last council meeting, and so, from what I understand,  
5 based on what this document says, as long as you hold a state  
6 license, dealer license, you can sell cobia.

7  
8 The only reason I brought this up, and I know the white paper  
9 that we're going to see next, is, when we were catching a lot of  
10 cobia in the Gulf, and I have talked to several fishermen, this  
11 was an issue, especially when you had the big cobia tournaments,  
12 and they would catch these fish, and they would bring the fish  
13 in and land, and they would go sell them so that they could pay  
14 for their tournament costs.

15  
16 I understand the fishery, right now, is not that dynamic, and I  
17 know that there are a lot of the tournaments that have been  
18 cancelled, because the fish can't even meet the minimum weight  
19 right now, but, when it comes back -- My whole point to this is  
20 one of these unintended consequences that sometimes this council  
21 doesn't think about, and that is, if you have the ability to get  
22 monetary gain from a species, and it's a species, like king  
23 mackerel right now, that, no matter what you do with them, you  
24 keep having king mackerel appear, and people are going to want  
25 to target that species.

26  
27 I just want to make sure that, whatever we do -- Because nothing  
28 we've done, this council or councils past have done, with cobia  
29 seems to be correcting the issue, and I don't know if it's a  
30 change in migratory patterns, and I've heard that, but whatever  
31 we're doing is not right, and maybe we don't need to do anything  
32 with cobia, and, I mean, maybe we could let it be, and maybe one  
33 day the heavens will open up and cobia will be swimming  
34 everywhere, but I just -- Those are the kinds of things that I  
35 look at.

36  
37 It's not maybe what we're dealing with right now, but what are  
38 we going to be dealing with in the future, when we do rebuild  
39 this fishery, and then are we going to harm it again because  
40 it's available for sale for anybody that wants to go out and  
41 catch it and sell it? Thank you.

42  
43 **CHAIRMAN ANSON:** Dr. Shipp.

44  
45 **DR. BOB SHIPP:** My apologies. I'm still trying to figure out  
46 these icons. I didn't mean for my hand to be up. Sorry.

47  
48 **CHAIRMAN ANSON:** It's all right. Anyone else? Ms. Bosarge.

1  
2 **MS. LEANN BOSARGE:** Can we go the third slide, I think it is?  
3 Okay. I just wanted to make sure that I understand what's  
4 allowed here, and so that Preferred Alternative 2 -- That  
5 essentially says, if you're on a for-hire trip, you can retain  
6 the bag limit, and you can sell the bag limit, so long as that  
7 vessel also holds a commercial permit for that species, right,  
8 and I think that's what I read there, and so it only applies to  
9 for-hire, and it wouldn't apply to private anglers? Could  
10 somebody help me out? Is that right?

11  
12 **CHAIRMAN ANSON:** Ms. Levy.

13  
14 **MS. MARA LEVY:** Correct, but this is only for king and Spanish  
15 mackerel, and so what we were showing is that there was some  
16 alternatives and actions considered with respect to cobia, and  
17 those were put in Considered but Rejected.

18  
19 **MS. BOSARGE:** Okay, and so you can sell king and Spanish  
20 mackerel, but you cannot sell cobia? I'm sorry, and I'm trying  
21 to follow you, Mara.

22  
23 **CHAIRMAN ANSON:** Ms. Levy.

24  
25 **MS. LEVY:** You can sell cobia, because the point was the council  
26 was looking at prohibiting bag limit sales for all of these, for  
27 Spanish mackerel, king, and cobia, but they only did it for king  
28 and Spanish mackerel. The council decided not to pursue the  
29 action that either would have required a cobia permit to sell or  
30 prohibit bag limit sales of cobia, and so sale of cobia caught  
31 under the bag limit is permitted, is allowed.

32  
33 **MS. BOSARGE:** So long as that vessel also holds a commercial CMP  
34 permit, or does that not even matter with cobia?

35  
36 **MS. LEVY:** It doesn't matter with cobia. No federal permit is  
37 required. I think the point we were trying to make is that the  
38 states, which I think you will see in the next presentation, is  
39 the states have regulations about sale of cobia, and what this  
40 presentation was showing was that, when the council was talking  
41 about either requiring a permit for cobia, a federal permit, or  
42 prohibiting bag limit sales, the discussion was the states all  
43 regulate the commercial sale of cobia, and so, at that time, the  
44 council did not feel it was necessary to pursue any actions in  
45 that regard with respect to cobia.

46  
47 **MS. BOSARGE:** Okay, and so a follow-up, Mr. Chairman. I think I  
48 am following her now, and I think I'm with Susan on this one. I

1 think, given the state of this fishery, I do have some  
2 reservations about that, and, generally speaking, I have a  
3 little bit of a reservation about recreational harvest on a  
4 vessel with no commercial permits and that fish possibly being  
5 sold, because, once it enters commerce, that, in my mind, is  
6 commercial fishing, at that point, and, although there may be  
7 some regulations on the state side about what can be sold, and  
8 we manage federal waters, and so, if there's no permit, no  
9 federal commercial permit, I don't think you should be selling  
10 the fish, if it was harvested in federal waters, and so I will  
11 just leave it there and wait for the next presentation.

12  
13 **CHAIRMAN ANSON:** Any other questions for Mr. Hood? Peter, I  
14 have just a quick question, and I don't want to take up too much  
15 time, but I'm just curious about the South Atlantic sargassum  
16 permit. Are those still issued, and how do you -- Do you track  
17 landings for those?

18  
19 **MR. HOOD:** I really don't know, and I remember when they did  
20 that FMP, and I think there was one person who was harvesting  
21 sargassum, and so that was why they did the plan, but I do not  
22 know if that person is still harvesting sargassum.

23  
24 **CHAIRMAN ANSON:** But it sounds like it was for sure limited  
25 entry then, with just one permit being issued.

26  
27 **MR. HOOD:** Yes, and I don't think it was limited entry, and I do  
28 recall the big concern about that particular fishery, and it was  
29 if there would be adverse effects to many of the CMP species.

30  
31 **CHAIRMAN ANSON:** All right. Thank you. Mr. Williamson.

32  
33 **MR. TROY WILLIAMSON:** I don't want to beat a horse to death  
34 here, but I'm still a little confused about the cobia issue. If  
35 you catch a cobia in either federal or state waters, and you  
36 bring it into the dock, you can sell it in a state that allows  
37 it, and is that correct?

38  
39 **MR. HOOD:** My understanding of it is that -- I think, in  
40 Florida, you need to have a restricted species license, which is  
41 the state's -- It's basically what they require if you're going  
42 to be doing commercial fishing. If you go out on a recreational  
43 trip, and you harvest a cobia, and you just happen to have that  
44 particular kind of license, then you can come in and sell it.

45  
46 Martha will be either nodding her head or shaking her head, but  
47 she can explain it, but I think that's what Natasha is going to  
48 be talking about, in terms of what the state requirements are,

1 but, if you're properly documented in a particular state, and  
2 that state allows for the sale of cobia, I do think that, yes,  
3 you can harvest the cobia and then sell it. On a recreational  
4 trip, you can sell it, but you would have to be properly  
5 documented.

6

7 **CHAIRMAN ANSON:** Mr. Williamson, to that point?

8

9 **MR. WILLIAMSON:** Just a follow-up, and what do you mean about  
10 properly documented?

11

12 **MR. HOOD:** It's just having the proper licenses or permits that  
13 would be required in a particular state, and I think Ryan has  
14 his hand up, and he might be able to further elaborate on that.

15

16 **CHAIRMAN ANSON:** There's a couple of folks, and so Ryan and then  
17 Emily.

18

19 **MR. RYAN RINDONE:** Mr. Chair, I was just going to encourage us  
20 to go through the next thing to be presented, which was looking  
21 at the state regulations, because what we're looking at right  
22 now is really only half of the puzzle, and we're trying to  
23 figure out what the puzzle looks like by only seeing half the  
24 picture right now, and I think a lot of the questions will be  
25 answered by combining the information we heard in Peter's  
26 presentation and then also looking at the states' requirements,  
27 and I think that will answer the questions.

28

29 **CHAIRMAN ANSON:** That's a good approach, Ryan, and I appreciate  
30 that. Hopefully it will make things a little clearer and help  
31 elucidate what is the specific issue related to cobia and  
32 federal catches of cobia with recreational vessels. Emily.

33

34 **MS. EMILY MUEHLSTEIN:** Thanks for the opportunity to speak. I  
35 see the council struggle with it, and understanding that I also  
36 struggled with it, and I just wanted to give you guys a little  
37 background that we were hearing actually from South Atlantic  
38 commercial fishermen, commercial CMP fishermen, about this, and  
39 that's where the concern sort of initially came from, at least  
40 from my end, through council general comment.

41

42 Natasha and I, and Mara, sort of went back and forth, trying to  
43 figure out how this all works, and so I figured I would sort of  
44 take a shot at explaining it in the most simple way that I can  
45 before we move on to the state regulations, to Ryan's point.

46

47 My understanding, and, Mara, please correct me if I'm wrong, is,  
48 basically, anybody, meaning recreational or for-hire anglers,

1 can sell cobia to non-permitted dealers as long as the state  
2 regulations allow them to do so. However, federal dealers can  
3 only purchase cobia from commercial fishermen that have either a  
4 CMP permit for Spanish mackerel or for king mackerel, and so,  
5 basically, commercial fishermen must have -- Selling to federal  
6 dealers, like if they have a reef fish permit, but they don't  
7 have a CMP permit, would not be able to sell cobia to a federal  
8 dealer.

9  
10 I think they also wouldn't be able to sell it to a state dealer,  
11 because you have to -- State dealers can't buy from federally-  
12 permitted fishermen, but I think that's something Mara would  
13 have to classify, but I was just hoping that maybe that was  
14 simplifying what we're talking about here, is the confusion,  
15 because I know it took me a long time to kind of wrap my head  
16 around that.

17  
18 **CHAIRMAN ANSON:** I would like to get to the next agenda item,  
19 but, since you brought it up, Emily, the concern amongst the  
20 commercial fishermen in the South Atlantic is that there are  
21 fish that are being recreationally caught, and I guess, for the  
22 purposes of our discussion here regarding cobia and federal  
23 permitting, is that they're being caught in federal waters, and  
24 that those fish somehow are either not being sold through a  
25 dealer or are able to be sold through a dealer, and I am just  
26 trying to get more information as to what specifically their  
27 concern is.

28  
29 **MS. MUEHLSTEIN:** I think the issue lies in federal versus state  
30 dealers, right, and so the fact that a state dealer can buy from  
31 a non-federally-permitted fisherman, but a federal dealer can't,  
32 and so the concern that I was hearing from the fishermen, in the  
33 South Atlantic anyway, was just about the general recreational  
34 sale, and they sort of felt like it was through this loophole,  
35 because the only prohibition on the sale of cobia was through  
36 the dealer amendment, which limits the purchase and not the sale  
37 of the cobia from federally-permitted vessels.

38  
39 **CHAIRMAN ANSON:** All right. Thank you. That will take us to  
40 the next agenda item. Dr. Mendez-Ferrer, are you ready to  
41 discuss that?

42  
43 **DR. MENDEZ-FERRER:** Yes, Mr. Chair. In the document that you  
44 see in front of you, it's basically a compilation combining all  
45 of the responses when we sent out a request to the five Gulf  
46 states to give us their regulations as it relates to the  
47 recreationally sale of cobia in each one of the states and what  
48 kind of magnitude -- If this was happening, what was the

1 magnitude of that recreational sale.

2  
3 Basically, it kind of summarizes to either it is not allowed or  
4 you need a permit, and so I can go through each one of the  
5 states, and, of course, allow each one of the representatives to  
6 chime-in and provide some more background, or information, as  
7 needed.

8  
9 If we scroll down to Florida, as has been mentioned during the  
10 committee, in order to sell cobia, you need to have a saltwater  
11 products license, or an SPL, and a restricted species  
12 endorsement, and so that means that that concern about someone  
13 from a private vessel being able to catch cobia and sell it --  
14 You still need a permit in order to do that.

15  
16 One other thing that I included in here under each one of the  
17 states for the committee to see was the size limits, bag limits,  
18 and vessel limits, just so that you can keep that in your mind,  
19 since we're addressing making changes to those limits in CMP  
20 Amendment 32.

21  
22 From the response we received from Florida, over the last  
23 twenty-five years, there are no data to indicate recreational,  
24 and that means from private or for-hire, fishermen that are  
25 selling cobia to state or federal wholesale dealers in Florida.  
26 Like I mentioned, in order to sell cobia commercially, you need  
27 to have an SPL or an RS endorsement.

28  
29 If we move on to Alabama, a commercial fishing license is  
30 required for any person who sells or attempts to sell finfish  
31 caught in Alabama waters, and so that translates to you cannot  
32 sell cobia that has been recreationally caught unless you have a  
33 commercial fishing license. Alabama also provided some  
34 commercial landings, which are included in Table 1, and, as you  
35 can see, some of these landings have been sort of fluctuating,  
36 and they are in the range of -- In the past ten years or so,  
37 they have been in the range of about a thousand pounds of cobia  
38 landed.

39  
40 In Mississippi though, cobia is considered as a gamefish.  
41 Therefore, the sale of cobia that are landed in state waters is  
42 not allowed. Now, Mississippi has provisions in order to sell  
43 cobia that is legally landed in other state waters, and so you  
44 would still need to abide -- I guess, in Mississippi, and  
45 correct me if I'm wrong, you still need to abide by the laws of  
46 the state in which the cobia were landed, in order to be able to  
47 sell cobia in Mississippi.

48

1 Moving on to Louisiana, again, in Louisiana, in order to be able  
2 to sell cobia, you also need a commercial fishing license, and  
3 so the recreational sale of cobia should be zero, and then,  
4 again, some of the things that we do need to keep in mind is  
5 that, the way that these data are collected, it's not really  
6 capturing if there is any illegal sale of cobia by the  
7 recreational sector.

8  
9 If we move on to Texas, Texas also has cobia listed as a  
10 gamefish species, and it also requires a commercial finfish  
11 fishermen's license in order to be able to sell cobia, and so  
12 there is additional information that is included here, and we  
13 also have copies of each of the letters that the states sent us,  
14 and I would be willing to take some questions, but hopefully  
15 each of the state representatives will be able to provide more  
16 insight on how this could be addressed.

17  
18 **CHAIRMAN ANSON:** All right. Thank you. Any questions or  
19 comments? Leann.

20  
21 **MS. BOSARGE:** So it does seem like you can sell these cobia in  
22 most of the states, and I see where, some of the states, their  
23 regulation only addresses cobia caught in state waters, and so  
24 these cobia that are being caught in a different state's waters,  
25 and not the state waters for that regulation, or in federal  
26 waters, are, in fact, able to be landed, and I saw where Florida  
27 does say that they have to be sold to a licensed dealer in  
28 Florida, right?

29  
30 Some of the states were more ambiguous about who it can be sold  
31 to, and it strikes me that I can hear from the other side of the  
32 table that this is in fact happening at times, and that person  
33 is pretty close to the Florida line, and I have to think that  
34 it's probably happening on the other side, yet there is no data  
35 supporting that it is, and so, to me, it seems like it probably  
36 is happening, but it's not being captured in the data.

37  
38 The bigger picture, to me, is the fact that you have a federal  
39 permit that you're supposed to have, in order to catch this  
40 species, and there is lots of requirements that go along with  
41 that federal permit, right, reporting and things of that nature,  
42 and yet we're allowing fishing to occur in federal waters  
43 without that permit, with the intention of selling that catch  
44 when it gets to the dock, and so, to me, it's a double standard.

45  
46 Most, I guess, commercial fishermen are probably going to have a  
47 commercial permit for it. However, as a recreational fisherman,  
48 you can go out there and harvest cobia in the EEZ without any

1 federal permit and sell it, and that's a little bit of a double  
2 standard, to me, regardless of what the state regulation may be.  
3 If you have a federal permit for it out there, you should have  
4 to have a federal permit if you're going to catch it  
5 commercially.

6  
7 **CHAIRMAN ANSON:** I will just -- For Alabama, when you read the  
8 first sentence there, there it does talk about -- There appears  
9 to be some ambiguity there in regard to where the fish are being  
10 caught and whether or not there is to be reporting.

11  
12 From the commercial fishing license side, yes, there is kind of,  
13 in state waters, you need to have a license -- Either way, any  
14 seafood that is bought, the initial purchase, or transaction,  
15 needs to be a reported through a seafood dealer, and the seafood  
16 dealer needs to report it, and so I guess the point, from our  
17 perspective, in relation to the request that was made for the  
18 summary of the regulations, was that, with the way that things  
19 are set up, and the way that either the person selling it has to  
20 have the commercial fishing license or, at the point of sale,  
21 that it has to go through the seafood dealer as the initial  
22 point of sale, the transaction, and it's a requirement of the  
23 seafood dealer to report those transactions via trip tickets.

24  
25 As far as the accounting of those fish, they should be accounted  
26 for, and so that was one of the questions that came up, as I  
27 recall, was that there was concerns that there was fish that are  
28 entering via the commercial side of the house that weren't being  
29 accounted for, for allocation purposes or evaluation later on,  
30 and so that addresses that.

31  
32 As far as the issue of whether or not we need to clarify that at  
33 the council level, I don't have a problem either way, but I just  
34 was trying to, at the last meeting, explain that it may not be  
35 going on, and, if it is, it's probably on the small side, and we  
36 don't have any way to track that, but, Martha, do you have  
37 anything?

38  
39 **MS. MARTHA GUYAS:** Well, I was just going to say, in Florida, if  
40 you're going to sell, you have to have the commercial licenses,  
41 which in this case is a saltwater products license, and an RS,  
42 and that's regardless of where those -- I mean, if you fished in  
43 federal waters or another state, then you need to be following  
44 that other state's regulations to have the permits over there,  
45 and, otherwise, you have a Lacey Act problem, which is double  
46 bad, but then you must sell to a wholesale dealer, a state-  
47 licensed wholesale dealer, and the dealer can only buy from a  
48 commercial fisherman with an SPL and, in this case, an RS.

1 That's just the case for Florida, and I saw that Mara had her  
2 hand up, I think probably to respond to the federal piece of  
3 that.

4

5 **CHAIRMAN ANSON:** Mara.

6

7 **MS. LEVY:** Well, maybe I misheard you, Leann, but there is no  
8 federal permit for cobia at all, and so commercial -- There is  
9 no commercial federal permit for cobia, and so I just wanted to  
10 make sure that that's clear.

11

12 **CHAIRMAN ANSON:** Any other -- Troy.

13

14 **MR. WILLIAMSON:** Am I missing the point here that there was a  
15 supposition that recreational fishermen were in some fashion  
16 catching and selling cobia, and we have no data here to support  
17 that at all, and am I missing it?

18

19 **CHAIRMAN ANSON:** It appears, from what the states have provided,  
20 that there is nothing on record, at least, for that. Susan.

21

22 **MS. BOGGS:** Thank you, Mr. Chair. I'm not sure, and maybe Mara  
23 or Andy can answer this question, and there's probably been a  
24 lot that has happened from the time period of Amendment 20A to  
25 now, but 20A is specific that, to sell king mackerel, you must  
26 have a commercial king mackerel permit.

27

28 To sell Spanish mackerel, you must have a commercial Spanish  
29 mackerel permit, but I don't see, unless I am missing it, that  
30 there is a Spanish mackerel permit, and the point to my question  
31 is, is should we decide to do something with cobia, does all  
32 that now fall under king mackerel, or would we be looking at  
33 creating a new permit, because I don't see anything here that  
34 addresses Spanish mackerel.

35

36 **CHAIRMAN ANSON:** While we're giving NOAA staff a chance to look  
37 that up, Martha.

38

39 **MS. GUYAS:** I was going to say, if we're talking about king and  
40 Spanish mackerel, at least in Florida, we have a king and  
41 Spanish mackerel tournament permit that, if the tournament gets  
42 that permit, they are able to donate their catch to a licensed  
43 wholesale dealer that is identified on the permit, and like they  
44 have to kind of team up together.

45

46 They donate the catch to the dealer, and that allows the dealer  
47 to make sure that the seafood safety and all that stuff is being  
48 followed, and then the dealer can sell those fish and donate the

1 proceeds to whatever charity that the tournament has identified.

2  
3 Cobia is not a part of that right now, and I'm not sure if  
4 that's what you're saying, that it should be, but we have that  
5 in Florida, and I'm not sure if other states have set that up,  
6 and I know that these amendments had allowed the states to do  
7 that, and those fish are identified differently on trip tickets  
8 as tournament fish. It's not very often that -- I mean, we do  
9 issue a couple a year, I think, and there are some, but it's not  
10 super common.

11  
12 **CHAIRMAN ANSON:** Mara.

13  
14 **MS. LEVY:** Just to Susan's question, there is a Spanish mackerel  
15 commercial vessel permit, 622.370(a)(3).

16  
17 **MS. BOGGS:** I may be looking in the wrong spot, because I was  
18 looking at the NMFS website, and it's an open access permit.  
19 Okay. It's open access. Okay. I missed it. Thank you.

20  
21 **CHAIRMAN ANSON:** All right, committee. Any other further  
22 discussion on this topic? It appears that there is not, and  
23 that will take us to Item Number VI on the agenda, Final Action  
24 for Amendment 32: Modifications to the Gulf of Mexico Migratory  
25 Group Cobia Catch Limits, Possession Limits, Size Limits, and  
26 Framework Procedure. If you want to go ahead with our public  
27 comments, Ms. Muehlstein.

28  
29 **FINAL ACTION: AMENDMENT 32: MODIFICATIONS TO THE GULF OF MEXICO**  
30 **MIGRATORY GROUP COBIA CATCH LIMITS, POSSESSION LIMITS, SIZE**  
31 **LIMITS, AND FRAMEWORK PROCEDURE**  
32

33 **MS. MUEHLSTEIN:** I would be happy to. Thank you. So far, we  
34 have hosted seven in-person meetings and one webinar meeting. I  
35 think this is a good opportunity for us to remind you that we  
36 are hosting our final public hearing on this issue tonight, in  
37 the same room that the council meeting is being held, and folks  
38 can also join that meeting virtually, and a link to the webinar  
39 public hearing can be found on the council meeting materials  
40 page.

41  
42 I am just going to quickly go through each of the locations and  
43 give you sort of a general overview of what we heard at each  
44 location, and then I will go through the written public comment  
45 that we received, and so we started in Destin, Florida. We had  
46 eleven members of the public, and eight of them spoke.

47  
48 Just to remind you all, this is sort of where we've been,

1 historically, from anglers that there is a big issue with the  
2 cobia population. In Destin, we heard support for a forty-two-  
3 inch minimum size limit, to allow cobia more time to reproduce,  
4 and so that would be Action 6, Alternative 4a.

5  
6 We did hear overall support for more restrictive cobia  
7 management measures from the folks in Destin. They supported  
8 lowering the trip limit and creating a vessel limit, and they  
9 also encouraged the states to set similar regulations.

10  
11 In Gulfport, Mississippi, we had five members of the public  
12 attend, and three of them spoke. Generally, in Mississippi,  
13 they supported a more measured approach to modifying cobia  
14 management. They supported retaining the current thirty-six-  
15 inch minimum size limit in the Gulf and suggested increasing it  
16 in the FLEC Zone, and that's the council's current preferred  
17 alternative.

18  
19 They did support a -- Some anglers supported a two-fish-per-  
20 recreational-vessel limit, and then they supported no action on  
21 both vessel and per-person catch limits for cobia, and so it was  
22 a little bit split there.

23  
24 Next, we'll move to Corpus Christi, Texas, where we had zero  
25 members of the public attend. We then went to Galveston, and we  
26 had four members of the public attend, and three of them spoke.  
27 In Galveston, we heard that they had seen, generally, the stock  
28 decline. We heard support for a two-fish-per-vessel  
29 recreational and commercial trip limit, and so that's Action  
30 5.1, Alternatives 3a and 4a. We heard support for a one-fish  
31 commercial bag limit, which is Action 5.1, Alternative 2b, and  
32 we also heard that, from the Galveston folks, that the council  
33 consider creating a no minimum size limit at all for cobia.

34  
35 Next, we hosted a meeting in Madeira Beach, and we had three  
36 members of the public attend. One spoke. In Madeira Beach, we  
37 heard support for the current thirty-six-inch minimum size  
38 limit. We also heard support for a one-fish-per-person bag  
39 limit, and that's Action 5.1, Alternatives 2a and 2b.

40  
41 Then we hosted a hearing in Baton Rouge, Louisiana. We had  
42 three members of the public attend that meeting, and one spoke.  
43 At that meeting, we heard support for a one-fish-per-  
44 recreational-angler per day, and that would be Action 5.1,  
45 Alternative 2a. We heard that there was no support for a vessel  
46 limit in Baton Rouge, and we also heard, in Baton Rouge, that  
47 the council should consider a regional management approach for  
48 cobia.

1  
2 Next, we moved to Fort Myers, Florida, where we had twelve  
3 members of the public, and nine of them spoke. In Fort Myers,  
4 overall, we did hear that they're not seeing the decline in the  
5 cobia stock that the rest of the Gulf might be seeing and that  
6 the population is healthy in the south Florida area.

7  
8 We heard support for no action across-the-board, and we also  
9 heard that, in Action 5.1, support for no additional commercial  
10 per-person or vessel limits, because the commercial sector has a  
11 much smaller impact than the recreational sector does on cobia,  
12 and we also heard support for Action 5.1, Alternative 4c, which  
13 would create a six-fish commercial vessel limit. We heard  
14 support for a two-fish recreational vessel limit, and we heard  
15 support for a one-fish-per-person bag limit, with no vessel  
16 limit.

17  
18 Finally, we had a virtual meeting, and we had four members of  
19 the public attend that, and all four spoke. At that meeting, we  
20 heard that there was not support for the creation of a  
21 commercial trip limit, especially in light of the other  
22 recreational-driven fisheries closures this fall, and we heard  
23 support for a thirty-six-inch minimum size limit in both the  
24 Gulf and the FLEC Zone.

25  
26 We also heard support for a two-fish recreational vessel limit  
27 and support for a one-fish-per-person and four-fish-per-person  
28 vessel limit in the FLEC Zone, specifically, and then support  
29 for a one-fish per person recreational bag limit.

30  
31 Next, I will move on to the written public comments that we  
32 received, and this is the comments that we received over the  
33 history of the document. We have only received ten written  
34 comments. We heard support for the Preferred Action 5.1,  
35 Alternatives 2a and 2b, which would create a bag limit on one-  
36 fish per person per day for both sectors.

37  
38 We heard support for Action 5.1, Alternative 3a, which would  
39 create a two-fish-per-person vessel limit in the recreational  
40 sector. We heard support for Preferred Action 6, Alternative 2,  
41 which is keeping the current thirty-six-inch size limit in the  
42 Gulf, but increasing the size limit in the FLEC Zone.

43  
44 We heard support for Action 5.1, Alternatives 4b or 4c, and that  
45 would create a commercial vessel limit of four or six fish,  
46 because commercial fishermen only harvest about 12 to 15 percent  
47 of the cobia annually, and limiting the cobia to two per vessel  
48 for the commercial sector only improves the fishery by less than

1 1 percent.

2  
3 We heard that the cobia should be a gamefish, and no commercial  
4 sale should be allowed at all. We also heard that commercial  
5 limits needed to be reduced on all species that had been  
6 depleted. We heard that the council should consider creating a  
7 three-year moratorium on the harvest of cobia, until the stock  
8 recovers a little bit.

9  
10 We heard that the council should create a one-fish-per-vessel  
11 daily limit, and we heard that the council should create a two-  
12 fish-per-person-per-year limit, and then we also heard that  
13 there has been a drastic reduction in the population over the  
14 past twenty years, and so that concludes the summary, and I'm  
15 happy to answer any questions, if you have them.

16  
17 **CHAIRMAN ANSON:** Does anyone have any questions for Emily? Go  
18 ahead, Martha.

19  
20 **MS. GUYAS:** Not a question, but I just wanted to say thanks to  
21 staff for pulling this off, and I know it was a very short  
22 timeframe, and kind of challenging, and I thought it was worth  
23 it, and I think that people that attended these workshops would  
24 probably agree with that, and so I just wanted to say thanks.

25  
26 **CHAIRMAN ANSON:** I echo that too, to staff pulling this off, and  
27 one more hat trick they need to do is to try to get tonight's  
28 comments in for Full Council. Emily, is that the plan?

29  
30 **MS. MUEHLSTEIN:** It is, yes. I'm going to add them to this  
31 summary and update this link, and I will be able, if you want,  
32 to summarize them at Full Council as well, what we hear tonight.

33  
34 **CHAIRMAN ANSON:** Yes. Thank you. Any questions for Emily, or  
35 comments for Emily? Seeing none, that will take us to our next  
36 item on the agenda, and that is South Atlantic public comments  
37 and Ms. Wiegand.

38  
39 **MS. CHRISTINA WIEGAND:** Thank you, and so we just finished up  
40 our cobia public hearing road show last week. We started out  
41 with a bang in Key West, with no members of the public  
42 attending, but, once we moved up to the coast to Jupiter, things  
43 got a little better. We had five members of the public attend,  
44 and four of them made public comment.

45  
46 While we were there, we heard from fishermen that they would  
47 like the councils to understand that recreational cobia can be  
48 caught and sold from the EEZ in state waters. As you guys just

1 talked about, that is contingent upon having the proper state  
2 permits to make you a commercial fisherman. We also heard  
3 support for considering a three-fish-per-trip limit for the  
4 commercial sector, based on the rationale that this would really  
5 help fishermen on the rare days that they do encounter cobia.

6  
7 We also heard concern about raising the minimum size limit.  
8 Fishermen felt that the cobia they're catching on the east coast  
9 of Florida are typically between thirty and thirty-seven inches  
10 fork length, and raising that minimum size limit to thirty-six  
11 inches is likely going to hurt fishermen. They don't catch  
12 cobia often, but, when they do, it really helps them cover their  
13 expenses.

14  
15 There was support for bringing the bag limit down to one-fish-  
16 per-person for the recreational sector, but also support for  
17 keeping commercial fishermen at two-fish-per-person, simply  
18 because of the number of people on boats. Commercial fishermen,  
19 especially kingfish fishermen, typically operate alone, versus  
20 recreational fishermen that will typically have multiple people  
21 onboard. There was also notes about just that the general  
22 reduction in the catch limit required is going to be a pretty  
23 big hit to fishermen.

24  
25 We also heard a lot about sharks and some desire for the council  
26 to take a look and consider how shark depredation is affecting  
27 the cobia population and that it shouldn't be considered natural  
28 mortality, because, once that fish is hooked, it's no longer a  
29 natural form of mortality.

30  
31 Then, moving up the coast to Cocoa Beach, we had two members of  
32 the public attend, and both made public comment. First, there  
33 was some concern about the estimates of recreational catch  
34 through the MRIP program and the new FES numbers and a feeling  
35 that, because of those MRIP changes, the council may take fish  
36 away from the commercial sector and the non-fishing public and  
37 that that may not be based on the best estimates available.

38  
39 Alternatively, the other attendee felt that the information  
40 being gathered for both sectors was the best information  
41 available, and that he doesn't catch a lot of cobia, but, every  
42 now and then, they show up, and he agrees with the proposed  
43 regulations. Last, but not least, we headed to Jacksonville,  
44 and we ended things the same way we began, with no members of  
45 the public attending that hearing.

46  
47 **CHAIRMAN ANSON:** Thank you. Any questions? All right. I don't  
48 see any. Thank you, Christina. We appreciate it. That will

1 take us to Tab C, Number 6(c), and that will be the Amendment 32  
2 document. Dr. Mendez-Ferrer.

3  
4 **DR. MENDEZ-FERRER:** Thank you, Mr. Chair. After the committee  
5 has heard the kind of public comments that we have received, I  
6 can go through the actions within this amendment, to remind you  
7 of what are the current preferreds, and just to make sure that  
8 those are still going to remain preferreds, and then the  
9 committee should also discuss if this amendment is approved for  
10 final action.

11  
12 As a reminder the South Atlantic Council is scheduled to see  
13 this during their December meeting, and so the purpose of this  
14 plan amendment, again, is to consider whether to modify Gulf  
15 group cobia catch limits, revise the apportionment between the  
16 Gulf Zone and the FLEC Zone for Gulf group cobia, in response to  
17 new information on the stock provided by the SEDAR 28 update  
18 stock assessment, and revise the sector allocations in the FLEC  
19 Zone, modify management measures related to size and possession  
20 limits, and to clarify the language in the CMP framework  
21 procedure regarding the responsibilities of the Gulf and South  
22 Atlantic Councils for the management of Gulf group cobia.

23  
24 The need is to end overfishing of Gulf group cobia, as required  
25 by the Magnuson-Stevens Act, update existing Gulf group cobia  
26 catch limits to be consistent with the best scientific  
27 information available and contemporary data collection methods  
28 and to clarify the Gulf and South Atlantic Council's  
29 responsibilities in the framework procedure.

30  
31 As a reminder, this amendment has seven actions, and Action 5  
32 has been subdivided into sub-actions for each of the zones.  
33 Action 1 modifies the Gulf group cobia OFL, ABC, and ACL.  
34 Currently, the preferred alternative is to modify these catch  
35 limits based on the recommendations of the councils' SSCs, and  
36 so this is using an increasing yield stream for 2021 to 2023,  
37 and, again, incorporating the MRIP-FES currency. As a reminder,  
38 this is an approximate 33 percent reduction from the current  
39 catch limits used or monitored in FES. I can stop here and see  
40 if the committee has any concerns or any questions regarding  
41 this action and the current preferred alternative.

42  
43 **CHAIRMAN ANSON:** Just to be clear on the preferred alternative,  
44 this is the Gulf and the South Atlantic?

45  
46 **DR. MENDEZ-FERRER:** This is for the whole Gulf group, and so  
47 it's for the entire migratory stock, including the Gulf Zone,  
48 which is the Gulf Council's jurisdiction, and the FLEC Zone,

1 which is the Atlantic portion of the Florida Keys and the east  
2 coast of Florida to the Florida/Georgia state line.

3  
4 **CHAIRMAN ANSON:** Okay, and this is the preferred alternative  
5 from the South Atlantic, correct, as well?

6  
7 **DR. MENDEZ-FERRER:** Yes, and so, in this document, if you see  
8 "preferred", it means that both councils have concurred, and, at  
9 this stage, both councils concur on all of the preferred  
10 alternatives that are included here.

11  
12 **CHAIRMAN ANSON:** Thank you.

13  
14 **DR. MENDEZ-FERRER:** If there were to be any change right now,  
15 then the South Atlantic, in December, would have to concur on  
16 replacing the preferred alternative before we can approve for  
17 final action.

18  
19 **CHAIRMAN ANSON:** All right. Thank you. Any discussion? Mr.  
20 Gill.

21  
22 **MR. GILL:** Thank you, Mr. Chairman. I am not on your council,  
23 and I apologize, and I'm having a hard time understanding the  
24 conversation. Are we looking for questions and comments on all  
25 the actions in the document? Is that correct?

26  
27 **CHAIRMAN ANSON:** Go ahead, Natasha.

28  
29 **DR. MENDEZ-FERRER:** I was just going to say that there is still  
30 -- After hearing the public comments, we want to see if the  
31 committee has any other questions or if there is any inclination  
32 on modifying what the preferred alternative is. Otherwise, if  
33 the committee agrees on leaving the preferred alternatives as  
34 they are, and then approving this for final action, then the  
35 South Atlantic could also approve for final action, and we could  
36 transmit this next year. Otherwise, we may have to do a little  
37 bit more tinkering with the document.

38  
39 **CHAIRMAN ANSON:** That's what I was just going to say, is that  
40 we've heard public testimony, or public hearing testimony, and  
41 this is listed as final action at this meeting, and so I would  
42 prefer that we go through at least the action items and just hit  
43 them and give an opportunity for folks to make those comments,  
44 if they do. Otherwise, if there are no comments, we will just  
45 quickly go through this, is my hope, but at least to give  
46 everybody a chance to hear that these are the action items and  
47 the alternatives, or the preferred alternative, as it's written  
48 right now, to make sure that that is good for everyone.

1  
2 **MR. GILL:** Sorry for the confusion, and so I have a comment  
3 relative to Action 5, and would that be appropriate at this  
4 time?  
5

6 **CHAIRMAN ANSON:** No, and if we can continue through each of the  
7 action items, until we get to Action 5. Anyone else? All  
8 right. Continue, Dr. Mendez-Ferrer.  
9

10 **DR. MENDEZ-FERRER:** Thank you, Mr. Chair. Action 2 would modify  
11 the apportionment of the ACL that we just selected in Action 1  
12 between the Gulf Zone and the FLEC Zone, and the current  
13 preferred alternative is to update the apportionment to be 63  
14 percent of that ACL to the Gulf Zone and the 37 percent to the  
15 FLEC Zone, and these ACLs will be monitored in MRIP-FES  
16 currency, and this percentage was calculated using MRIP-FES  
17 landings from 1998 to 2012, which is the same time series that  
18 was used for the apportionment that we're currently in, which is  
19 64 percent to the Gulf and 36 percent to the FLEC Zone, but,  
20 again, in Alternative 3, we're incorporating MRIP-FES.  
21

22 If we wanted to retain a 64 percent/36 percent, and monitor in  
23 MRIP-FES, then that would have to be Alternative 2. I know  
24 that's been one of the comments that has been brought up  
25 previously, and so the preferred alternative is basically  
26 shifting 1 percent to the FLEC Zone, based on the new  
27 calculations.  
28

29 **CHAIRMAN ANSON:** Any committee discussion? Seeing none, please  
30 continue, Natasha.  
31

32 **DR. MENDEZ-FERRER:** All right. Action 3 applies to the FLEC  
33 Zone. As a reminder, we manage the stock -- In the Gulf Zone,  
34 we manage Gulf Zone cobia as a single stock, and, in the FLEC  
35 Zone, it is managed under sector allocations.  
36

37 The preferred alternative on Action 3 is to retain the FLEC Zone  
38 cobia ACL allocation of 8 percent to the commercial sector and  
39 92 percent to the recreational sector, and then the ACLs would  
40 be updated based on Action 2. As a reminder, Actions 1, 2, 3,  
41 and 4 kind of feed off of each other, and the final numbers will  
42 depend upon the preferred alternatives, and so, in the document,  
43 you will see the tables that have the calculated ACLs for each  
44 one of the combinations.  
45

46 **CHAIRMAN ANSON:** All right, and so we're on Action 3. Any  
47 discussion? Seeing none, please continue.  
48

1 **DR. MENDEZ-FERRER:** All right, and so Action 4 would update the  
2 annual catch targets for Gulf Group cobia zones based on the  
3 apportionments from Actions 1 and 2. The current preferred  
4 alternative is Alternative 2, which would be to use the Gulf  
5 Council's ACL and ACT Control Rule to calculate the ACT for the  
6 Gulf Zone and the recreational sector in the FLEC Zone.

7  
8 In the FLEC Zone, the commercial sector does not have an ACT.  
9 With Preferred Alternative 2, it would standardize the way that  
10 the ACTs are calculated for the Gulf Zone and the FLEC Zone, and  
11 that would result in a 10 percent buffer, and so the ACTs would  
12 be 90 percent of the ACLs of the Gulf Zone and the recreational  
13 sector in the FLEC Zone.

14  
15 **CHAIRMAN ANSON:** All right. Any discussion on the preferred  
16 alternative in Action 4? Seeing none, please move to Action 5.

17  
18 **DR. MENDEZ-FERRER:** Action 5.1 would modify the possession,  
19 vessel, and trip limits in the Gulf Zone. The alternatives that  
20 are listed here are the same ones that are included in Action  
21 5.2, which modifies possession, vessel, and trip limits in the  
22 FLEC Zone, and, currently, the preferred alternatives are the  
23 same in Action 5.1 and 5.2.

24  
25 Right now, Preferred Alternative 2 would reduce the daily  
26 possession limit to one fish per person, regardless of the  
27 number and duration of trips, and Preferred Option 2a is for the  
28 recreational sector is for the commercial sector.

29  
30 Preferred Alternative 3 would create a recreational vessel  
31 limit. Fishermen may not exceed the per-person possession  
32 limit, and the current preferred option is setting the vessel  
33 limit to two fish per trip. In Preferred Alternative 4, it  
34 would create a commercial trip limit, and the current preferred  
35 option is the trip limit for the commercial sector be two fish,  
36 and I can stop here for any questions or comments that the  
37 committee may have.

38  
39 **CHAIRMAN ANSON:** All right. Mr. Gill.

40  
41 **MR. GILL:** Thank you, Mr. Chairman. I've got a question and a  
42 comment, and the question might have been better addressed  
43 before we started, but, Dr. Mendez-Ferrer, has all the -- Has  
44 someone looked at all the preferreds, to see, in the aggregate,  
45 whether they get us to where we need to go to achieve whatever  
46 it was, the one-third reduction?

47  
48 **DR. MENDEZ-FERRER:** Yes, and we had -- I can't remember if it

1 was at the June meeting, but we provided a decision support tool  
2 that you could see the various modifications of alternatives to  
3 the catch limits and then play with the Excel sheet to what the  
4 changes would be in relation to if we were to change the per-  
5 person possession limit and each one of the vessel and trip  
6 limits.

7  
8 **MR. GILL:** Okay. Thank you, and I don't believe that it changed  
9 in the August meeting, and so my comment is it seems to me that  
10 one of the basic responsibilities that we have around the  
11 council table is to maximize the opportunities for people to  
12 fish, or catch fish, within the constraints of the science.

13  
14 That suggests, to me, that, where there are opportunities to  
15 permit bigger bag limits, bigger vessel trip limits, whatever,  
16 that have no impact on achieving the goal that we're trying to  
17 achieve in whatever amendment we're addressing, that ought to be  
18 considered, and yet we have an example here, in Action 5,  
19 specifically Preferred Alternative 4, where -- And it happens to  
20 be commercial, but, frankly, I don't care whether it's  
21 commercial, charter, private rec, but it has no impact on the  
22 need of this framework. It has zero, and that is, in part,  
23 because of the low levels of catch, but the analysis says that  
24 it doesn't make any difference what that number ought to be.

25  
26 On the other hand, we're constraining everybody to two fish per  
27 trip, and I am hard-pressed to understand that rationale. Now,  
28 for example, I happened to chair the public hearing in Fort  
29 Myers, and I would defer to Mr. Dyskow in this regard, but they  
30 report their stock is in good shape, and obviously a number of  
31 them target cobia, mainly diving, and I am hard-pressed to  
32 explain why we should not offer as a preferred 4c.

33  
34 It makes no difference to the objective that we're trying to  
35 achieve. Now, it might be said that the rationale is, well, if  
36 we've got to do it, they've got to do it kind of thing, which I  
37 think is poorly based, if that's the case, but I don't  
38 understand the rationale.

39  
40 It seems, to me, that the opportunity to fish, to the extent we  
41 can allow it, would trump consistency, and so I would offer that  
42 as a suggestion, and I'm not a member of the committee, and I  
43 understand all of that, but I am thinking that, on Preferred  
44 Alternative 4, we're missing the point here for the  
45 stakeholders. Thank you, Mr. Chairman.

46  
47 **CHAIRMAN ANSON:** Thank you for the comment. Susan.

48

1 **MS. BOGGS:** Thank you, Mr. Chair, and thank you, Bob, for your  
2 comments, and I will say that I am probably one that has dug my  
3 heels in on this one, and I will explain why. It comes back to  
4 these unintended consequences, and I understand that, currently,  
5 the commercial sector is not impactful on cobia, but, there  
6 again, if we restrict the recreational sector to a point of  
7 basically no fishing, and, again, the heavens open up and cobia  
8 start swimming everywhere, the commercial fishermen -- I support  
9 the commercial fishermen, and I am not trying to hurt the  
10 commercial fishermen. I am trying to look at it holistically.

11  
12 If the fish open up, and they're not restricted, and they make  
13 it a fishery, and it now becomes a financial gain for them, and  
14 I get that. I understand that, but the pace that this council  
15 moves -- In order for us to catch up, while they are creating  
16 their catch history, it ultimately could hurt the recreational  
17 sector, and that's more what my mindset is. I agree that they  
18 don't impact us, and I might be swayed to go to six fish per  
19 vessel per day, but I don't think we can leave it open-ended,  
20 for those reasons. Thank you.

21  
22 **CHAIRMAN ANSON:** Any other discussion? Mr. Williamson.  
23

24 **MR. WILLIAMSON:** Segueing on Bob's comment that the public  
25 hearing, and I forget where it was, but the anecdotal evidence  
26 supported a large population of cobia in that area, and I have  
27 forgotten what the scientific data has shown us, and can someone  
28 refresh my memory on that?

29  
30 **CHAIRMAN ANSON:** Natasha, do you have that handy?  
31

32 **DR. MENDEZ-FERRER:** I'm sorry, Mr. Chair, but can you repeat the  
33 question?  
34

35 **MR. WILLIAMSON:** Basically, the question is does the scientific  
36 data support a six-fish per trip?  
37

38 **DR. MENDEZ-FERRER:** If we go to Table 2.5.1, and it's page 33 of  
39 the document, this table shows you the predicted, or the  
40 estimated, percent reduction in cobia landings, and this is  
41 using data from 2017 to 2019, as it relates to each one of the  
42 alternatives that are included in this action, and so you were  
43 asking about Alternative 4c, and so that would be the last row.  
44

45 It's an estimated reduction of -- It's very low, and one of the  
46 things that we have noticed in the data, when doing this  
47 analysis, is that the number of cobia harvested for commercial  
48 trips, the majority of those trips are reporting one or less

1 cobia per trip, and so that is why the estimated reduction right  
2 now, as it pertains to the commercial sector, is still low, and  
3 it's because the landings have been also very low for that  
4 sector. Does that answer your question?  
5

6 **MR. WILLIAMSON:** I believe so, and so, in essence, the data do  
7 not support a six-fish per trip limit.  
8

9 **CHAIRMAN ANSON:** Martha.  
10

11 **MS. GUYAS:** Natasha is right, and so the table on 33 is for Gulf  
12 Zone, and you can see the vessel limit, trip limit, I guess the  
13 vessel limit per trip, the recreational certainly makes a bigger  
14 difference than the other numbers. However, if you go to the  
15 other part of this action, the table for the FLEC Zone, the  
16 reductions in the commercial and recreational trip limit to two  
17 fish per trip, those are needed to get to where we want to be.  
18 Those are bigger reductions. On the commercial side, it's 9  
19 percent, and, on recreational, it's 18.9.  
20

21 Sitting here in the FWC seat for Florida, I sure would like for  
22 these trip limits to be the same, or vessel limits to be the  
23 same, across the state in Florida, and the way that we manage  
24 state waters, or I think we're heading, hopefully, towards state  
25 waters, is to have to state and federal and Atlantic and Gulf  
26 and everybody in the same boat here, and the South Atlantic  
27 side, to get to where we're going to go, if we're going to make  
28 gains -- I think, as the Gulf Council, we've already taken some  
29 steps, and I think we need to continue leading the South  
30 Atlantic, and so that's why I would support the preferred  
31 alternatives that we have right now.  
32

33 **CHAIRMAN ANSON:** Mr. Gill, did you have a question?  
34

35 **MR. GILL:** Thank you, Mr. Chairman, and I understand Martha's  
36 point. My argument for that is that we're denying opportunity  
37 for purely bureaucratic reasons, but what I wanted to respond to  
38 was Troy's comment, and that is that, for Table 2.5.1.1, it  
39 doesn't matter what you do on the commercial trip limit, and it  
40 doesn't have any impact on getting us closer to the goal,  
41 whether it's two fish, four fish, or six fish, and so I would  
42 disagree that the data don't support a six-fish. Four is fine,  
43 but it doesn't make any difference. It doesn't get us closer to  
44 the goal in a meaningful fashion. Less than 1 percent is,  
45 frankly, not countable.  
46

47 **CHAIRMAN ANSON:** Any other comments on Action 5? Seeing none,  
48 Natasha, you can continue.

1  
2 **DR. MENDEZ-FERRER:** Thank you, Mr. Chair. If we go to Action  
3 5.2, it modifies the possession, vessel, and trip limits to the  
4 FLEC Zone, and, like I mentioned, the current preferred  
5 alternatives on this action are the same as we have preferreds  
6 in the Gulf Zone. Like Martha pointed out, Table 2.5.2.1 has  
7 the estimated percent reductions in the FLEC Zone, which seem to  
8 have a slightly higher impact on the reducing the harvest of  
9 cobia than compared to the Gulf Zone, but I can stop here and  
10 see if anyone has anyone has any questions or concerns or  
11 comments about the current preferreds.

12  
13 **CHAIRMAN ANSON:** Any comments or questions? Seeing none, please  
14 continue.

15  
16 **DR. MENDEZ-FERRER:** All right. Moving on to Action 6, it  
17 modifies the Gulf group cobia minimum size limit. The current  
18 preferred alternative is Alternative 2, which would retain the  
19 current recreational and commercial minimum size limit of  
20 thirty-six inches fork length in the Gulf Zone, and it would  
21 increase the minimum size limit for the recreational and  
22 commercial sector in the FLEC Zone also to thirty-six inches.  
23 The FLEC Zone currently has a minimum size limit of thirty-three  
24 inches fork length. I can stop here, to see if the committee  
25 has any additional comments on the current preferred.

26  
27 **CHAIRMAN ANSON:** Committee, any comments or questions? All  
28 right. Seeing none --

29  
30 **DR. MENDEZ-FERRER:** Moving on to Action 7, Action 7 would modify  
31 the framework procedure, the CMP framework procedure, which  
32 basically outlines the responsibilities of each of the councils  
33 in the management of CMP resources.

34  
35 What the current preferred alternative -- We only have two  
36 alternatives in this action, and the preferred alternative would  
37 increase the South Atlantic's responsibilities in the management  
38 of FLEC Zone cobia, and so, as it's currently written, the South  
39 Atlantic can unilaterally, via a framework amendment, set vessel  
40 trip limits, closed seasons or areas, and gear restrictions for  
41 FLEC Zone cobia.

42  
43 With this alternative, then the list grows to include per-person  
44 bag and possession limits, size limits, in-season and post-  
45 season accountability measures, and specification of ACT and  
46 sector ACTs, and, again, as a reminder, these are for management  
47 measures that would solely apply to the FLEC Zone.

48

1 Anything that would account for management measures that would  
2 affect the whole stock, that would be addressed via a full-on  
3 plan amendment and would require the voting and the approval by  
4 both councils. By increasing the responsibilities of the South  
5 Atlantic Council, hopefully this can expedite the process in  
6 applying some of those management measures, as listed here.

7  
8 **CHAIRMAN ANSON:** Any discussion from the committee? Seeing  
9 none, continue, please.

10  
11 **DR. MENDEZ-FERRER:** That's the last of the actions. I don't  
12 know if the committee has any additional questions, as it  
13 relates to the CMP permits, and that discussion is included in  
14 Chapter 3, but, other than that, I would like to know if the  
15 committee would approve this amendment for final action.

16  
17 **CHAIRMAN ANSON:** I am not seeing much discussion on the  
18 preferreds that have been presented here, and I think we need to  
19 have a motion, in order to move this document forward to Full  
20 Council. Martha.

21  
22 **MS. GUYAS:** I am willing to make that motion, if staff wants to  
23 tee it up.

24  
25 **CHAIRMAN ANSON:** Mara.

26  
27 **MS. LEVY:** Maybe, while you're doing that, or after you pull the  
28 motion up, you might want to look at the codified text, and  
29 there's just a few things that I want to point out, especially  
30 related to the bag and possession limit and the commercial trip  
31 limit, because we're shuffling the regulations around a bit,  
32 because we haven't had that before, and so I just wanted to note  
33 those places for you.

34  
35 **CHAIRMAN ANSON:** Okay. Sounds good. Bernie, can you take us to  
36 the codified text? Mara, I think we've got it on the board.

37  
38 **MS. LEVY:** Okay, and so if we just scroll down to the top of  
39 page 2, and so the first thing that I wanted to point out is  
40 that we're removing and reserving 622.383, and what that is now  
41 is the limited harvest species in the regulations, and the only  
42 thing in there is the cobia possession limit, and it's the  
43 current two-fish possession limit, commercial or recreational,  
44 and there's no vessel limit, and there's no, quote, bag limit or  
45 commercial trip limit.

46  
47 We're going to get rid of that, and we're going to create  
48 provisions in the applicable regulations that deal with bag and

1 possession limit and commercial trip limit, and so, if you just  
2 scroll back up to the bottom of the next page, in 622.382,  
3 that's the bag and possession limit for CMP, and so we're going  
4 to create a (b). Right now, there's (a), and that's king  
5 mackerel and Spanish mackerel, and so we're not going to touch  
6 that. We're going to have the new Paragraph (b), and it's going  
7 to be the Gulf migratory group cobia bag and possession limit.

8  
9 Then, if you scroll down just to the top of page 2, that's  
10 showing where it's going to be one fish per person per day, not  
11 to exceed two fish per vessel per trip, which is what the  
12 current preferred alternative is right now. Then, if we scroll  
13 down to the bottom of page 3, that is 622.385, which is the  
14 current commercial trip limits, and we're going to add cobia and  
15 Gulf migratory group cobia, and we're going to add language that  
16 it cannot be possessed or landed in amounts not exceeding one  
17 fish per person or two fish per vessel.

18  
19 If that language -- Because that's very similar to the current  
20 language for the trip limits for king mackerel and Spanish  
21 mackerel that are applicable, and so we're just trying to keep  
22 the same language. The introductory paragraph there talks about  
23 trip limits, the per-day trip limit, and so that's why it  
24 doesn't say "per-day" right there, because it's already in the  
25 introductory paragraph that's not included.

26  
27 I just wanted to give you an opportunity to look at how we've  
28 done the commercial trip limits and the bag and possession  
29 limits, since both are new to cobia.

30  
31 **CHAIRMAN ANSON:** All right. Thank you. Any questions for Mara?  
32 Leann.

33  
34 **MS. BOSARGE:** It looks like we're going to go down the road of  
35 having the bag limits match for commercial and recreational.  
36 However, if you didn't, and you set me straight earlier, which I  
37 appreciate, that, yes, we have a commercial CMP permit, but it  
38 doesn't cover cobia, and so how are you going to delineate what  
39 a commercial vessel is, if you put this under a commercial  
40 regulation, if there is no commercial permit for this species in  
41 federal waters?

42  
43 **CHAIRMAN ANSON:** Mara.

44  
45 **MS. LEVY:** Well, you'll see some language, and I didn't point  
46 this out, but maybe I should have, and so, right now, the South  
47 Atlantic has actual allocations between commercial and  
48 recreational, but there is no permit, and so the way that they

1 have it in the regulation is this quota applies to persons who  
2 fish for cobia and sell their catch, and that's the commercial,  
3 and so that's why, when you see here the beginning language  
4 under (2), it says the following trip limit applies to persons  
5 who fish for cobia and sell their catch.

6  
7 In the bag and possession limit, we say that that applies to  
8 persons who fish for cobia and don't sell their catch, and  
9 that's really the only way we can delineate in the regulations,  
10 and it's going to be based on what happens to the fish. Because  
11 there is no permit, there is really no other way for us to do it  
12 at this point.

13  
14 **CHAIRMAN ANSON:** Any other discussion on the codified text?  
15 Seeing none, Martha.

16  
17 **MS. GUYAS:** Can we bounce back to that motion, and I will make  
18 it and read it out loud? **The motion is to recommend that the**  
19 **council approve CMP Amendment 32 and that it be forwarded to the**  
20 **Secretary of Commerce for review and implementation and deem the**  
21 **codified text as necessary and appropriate, giving staff**  
22 **editorial license to make the necessary changes in the document.**  
23 **The Council Chair is given the authority to deem any changes to**  
24 **the codified text as necessary and appropriate.**

25  
26 **CHAIRMAN ANSON:** There's a motion on the board. Is there a  
27 second? It's seconded by Troy. Any discussion on the motion?  
28 **Any opposition to the motion?**

29  
30 **EXECUTIVE DIRECTOR SIMMONS:** When we get to Full Council it's a  
31 roll call, unless the committee would like me to do the roll  
32 call for a committee.

33  
34 **CHAIRMAN ANSON:** Bob Shipp, do you have your hand raised?

35  
36 **DR. SHIPP:** No, I did not. As usual, I'm trying to figure this  
37 out, but no. Thank you.

38  
39 **CHAIRMAN ANSON:** All right. I will ask it again. **Is there any**  
40 **opposition to this motion amongst the committee members? We**  
41 **have one in opposition. The motion carries with one opposed.**

42  
43 Mr. Chair, we are scheduled for a fifteen-minute break during  
44 this committee, and is it okay to go ahead and do that now? All  
45 right. Let's shoot for a ten-minute break, because it will  
46 probably turn into fifteen. All right. Ten-minute break.

47  
48 (Whereupon, a brief recess was taken.)

1  
2 **CHAIRMAN ANSON:** So far through the agenda, we have completed  
3 through Item VI, and that will take us to Item VII, Draft  
4 Amendment 33: Modifications to the Gulf of Mexico Migratory  
5 Group King Mackerel Catch Limits and Sector Allocations. Mr.  
6 Rindone will lead us off, I assume, with Tab C, Number 7(a).

7  
8 **AMENDMENT 33: MODIFICATIONS TO THE GULF OF MEXICO MIGRATORY**  
9 **GROUP KING MACKEREL CATCH LIMITS AND SECTOR ALLOCATIONS**

10  
11 **MR. RINDONE:** Will do. Amendment 33 is a joint plan amendment  
12 between the Gulf and South Atlantic Councils, and it's looking  
13 at modifications to Gulf of Mexico kingfish catch limits and  
14 sector allocations.

15  
16 We'll go on down to the introduction, and so the background for  
17 this all stems from the completion of the most recent stock  
18 assessment for kingfish, which was the SEDAR 38 update, which  
19 found that the stock is healthy, and it's not overfished or  
20 undergoing overfishing. However, biomass is at a depressed  
21 level compared to where it was when it was last assessed under  
22 SEDAR 38.

23  
24 Basically, one of the main reasons for that is that recruitment  
25 has not risen to the long-term average, and despite us not, us  
26 being the Gulf fleets, the directed fleets as a whole, the  
27 commercial and recreational fleets, not landing the total ACL  
28 for the stock, even though that excess biomass has been out  
29 there, it still hasn't resulted in recruitment rising equivalent  
30 to or higher than the long-term average.

31  
32 This is just a refresher for the spatial delineation for the  
33 stock, and so the old delineations for the stock, prior to  
34 Amendment 26, are shown in this top map here, and the Atlantic  
35 group is still divided into the northern and southern zones, but  
36 the Gulf zones were broken out and changed with the seasons, and  
37 so we have a summer season and a winter season, and the winter  
38 was when the mixing zone would extend up the east coast to the  
39 Volusia County line.

40  
41 After CMP 26, which used SEDAR 38 as its basis for best  
42 scientific information, this mixing zone was delineated to just  
43 being south of U.S. 1 in the Keys. This is what we have now,  
44 and so the Gulf Council manages Gulf kingfish to the Dade/Monroe  
45 County line on the southeastern coast of Florida, and the Keys  
46 are managed under Gulf Council regulations.

47  
48 That hashed area there just below the Keys, that constitutes the

1 mixing zone that really only occurs in the wintertime, and so  
2 November to March, and the amount of landings that occur during  
3 that window are minor in comparison.

4  
5 In the Gulf, we have a western zone, which has a handline  
6 component for the commercial sector, a northern zone, which has  
7 a handline component, and then the southern zone, which has a  
8 handline and gillnet, and so the commercial sector is broken up  
9 into four pieces, if you will. The recreational sector doesn't  
10 have any zones or anything, and it's just the Gulf zone.

11  
12 This document is only dealing with Gulf migratory group king  
13 mackerel, and so the Atlantic migratory group is generally left  
14 out of this one, but, right now, the total annual catch limit is  
15 divided 68 percent to the recreational sector and 32 percent to  
16 the commercial sector. 2 percent of that commercial allocation  
17 is intended to accommodate for the sale of kingfish by the for-  
18 hire component of the recreational sector, and that was a  
19 historical consideration. This has been the sector allocations  
20 that we have had for thirty-five years.

21  
22 We'll go to the purpose and need, or we'll look at these  
23 landings real quick, and so you can see this landings table here  
24 shows you the recreational landings in CHTS and FES against the  
25 current ACL, which is in CHTS, and then the commercial landings  
26 against the commercial ACL, and then, in the green columns  
27 there, the total landings are in both CHTS and FES. The main  
28 outlier year here, in recent history anyway, is the 2014/2015  
29 fishing year, which saw a considerable bump in the projected  
30 recreational harvest that wasn't seen in the years prior to, and  
31 hasn't been seen since.

32  
33 Generally speaking though, the total landings for both sectors  
34 have been below the ACL and CHTS for the last twenty-some-odd  
35 years.

36  
37 **CHAIRMAN ANSON:** Ryan, we have a question over here from Bob.

38  
39 **MR. GILL:** Thank you, Mr. Chairman, and I'm going to portray my  
40 ignorance with this question, but, in Table 1.1.1. why is there  
41 not a column that denotes the total ACL in FES units?

42  
43 **MR. RINDONE:** Because the ACL isn't in FES units. It's in CHTS.

44  
45 **MR. GILL:** Yes, I understand that, but, you know, it's just like  
46 the landings we have for both recreational and commercial have  
47 both, to show the impact, and, granted, they were collected in  
48 CHTS back in the day, but we did utilize a conversion factor.

1 My thinking is that it would be helpful to see what the  
2 equivalent FES would be for the total ACL.

3

4 **CHAIRMAN ANSON:** Did you want to answer that, Ryan?

5

6 **MR. RINDONE:** We have a table in here that looks at a simulation  
7 that was done by the Science Center that I'm going to get to a  
8 little bit later that shows you what the total ACL would have  
9 been had FES been used, and all other things being equal, but  
10 that's a little bit further down in the document, and I will  
11 have some other comments to make with regard to that, if you  
12 want to wait for that, Bob, and is that okay? Okay.

13

14 **CHAIRMAN ANSON:** Leann.

15

16 **MS. BOSARGE:** Ryan sort of touched on what I was going to say,  
17 and that's actually what I've been over here punching in my  
18 calculator, is trying to pull those numbers from the back of the  
19 document, where we do have ACLs in FES, to try and see, in my  
20 mind, for what percentage of the total ACL, in FES currency, was  
21 landed when you add rec FES landings plus commercial landings,  
22 and how close we were getting to that overall ACL.

23

24 Then, also, I can divide the ABC with the ACL, and so, anyway, I  
25 can get the FES ACL and multiply it times 68 percent and get the  
26 rec ACL in FES, and I was trying to see, well, how close were  
27 they coming, given historical rec landings in FES, and so I  
28 think that will be helpful, to -- I don't know if you want to  
29 add it in this table, and this table is pretty wide already, but  
30 it would be, I think, helpful to have that at our fingertips, to  
31 really kind of grasp where we're at, landings-wise.

32

33 **MR. RINDONE:** I think we can make an additional table  
34 specifically looking at the recreational landings for that.  
35 Insofar as it relates to the commercial landings, the commercial  
36 landings tend to be equivalent to or just over the commercial  
37 ACL, and so, by having the FES equivalent version from that  
38 table in the appendix put in there and compared to the  
39 commercial landings, as they have been reported historically, I  
40 don't know how informative that would be, because the  
41 presumption would be, at least based on the landings history,  
42 that, if fish are allocated to the commercial sector, they are  
43 likely to be caught, and so, that underage, I don't know how  
44 informative that would be, specifically, but, for the  
45 recreational sector, I certainly can see the point.

46

47 **MS. BOSARGE:** Yes, and just a kudos to the Science Center. They  
48 did that a while back now, and I know they had to do that in

1 addition to all of our stock assessments and everything else,  
2 but I do find that extremely helpful in understanding where  
3 we're at in this fishery, as far as utilization, when I can  
4 actually compare apples-to-apples on both sides, on both the  
5 catch and what the quota would have been, and so thank you.

6

7 **CHAIRMAN ANSON:** All right, Mr. Rindone.

8

9 **MR. RINDONE:** Sure. We'll go on down, and so this table shows  
10 you the commercial landings by zone and the percentage of the  
11 commercial ACL that was landed in each year. Like I previously  
12 stated, generally speaking, the commercial sector has been  
13 catching the fish that have been allocated to it, and,  
14 currently, the western handline component of the commercial  
15 sector holds 40 percent of the commercial allocation, and the  
16 northern handline is 18 percent, and then the southern handline  
17 and southern gillnet components are 22 percent apiece.

18

19 The east Florida handline component was removed from what the  
20 Gulf had to consider as part of CMP Amendment 26, when we  
21 changed the definition for the mixing zone, and so that's why  
22 that's grayed-out from 2016/2017 and forward. Any questions on  
23 this table? Okay.

24

25 Right here shows you the catch limits, as recommended by the SSC  
26 for the 2021/2022 through the 2023/2024 and subsequent fishing  
27 years. These values are in pounds whole weight and use MRIP-FES  
28 data, and so these values are higher than the catch limits that  
29 we currently have on the books, but, again, the consideration  
30 being that these do use MRIP-FES data, and so recreational catch  
31 and effort is expected to be greater, as a proportion, than  
32 previously considered.

33

34 What's being proposed in Amendment 33 is to look at these catch  
35 limits, and then you guys also wanted us to look at sector  
36 allocations, and an important thing to remember for kingfish is  
37 that the catch limits are not affected by the sector  
38 allocations. Sector allocations are applied after the fact, and  
39 the two are completely divorced, and so it doesn't really matter  
40 what you guys ultimately decide to do with respect to sector  
41 allocations. The catch limits won't change, or the total OFL  
42 and ABC won't change as a result.

43

44 Fleet selectivities are generally pretty similar, and the only  
45 fleet that operates in a really disparate way is the gillnet  
46 fleet, but, as far as the handline component, it's all more or  
47 less harvested by trolling.

48

1 Scrolling down to the purpose and need, the purpose of this  
2 amendment is to revise the catch limits for the Gulf migratory  
3 group kingfish and to review recreational and commercial  
4 allocations in response to new information on the stock provided  
5 in the SEDAR 33 update stock assessment.

6  
7 The need for this amendment is to ensure that catch limits are  
8 based on the best scientific information available to prevent  
9 overfishing, while achieving optimum yield, and to increase  
10 social and economic benefits for the king mackerel component of  
11 the CMP fishery through sustainable harvest, in accordance with  
12 the provisions set forth in Magnuson. Do you guys have any  
13 edits, tweaks, or concerns about the purpose and need? All  
14 right.

15  
16 **CHAIRMAN ANSON:** Ms. Boggs.

17  
18 **MS. BOGGS:** Thank you, sir. Under the history of management,  
19 the first paragraph, right above where it's in bold of  
20 "Amendment 18", should that be 3.7 million pounds, or did this  
21 fishery -- I mean, I can't believe we started at thirty-seven  
22 million pounds.

23  
24 **MR. RINDONE:** Yes, and it's probably a missing decimal point.  
25 Thanks for pointing that out. We'll go back to Action 1.  
26 Action 1 would modify the Gulf migratory group king mackerel  
27 overfishing limit, acceptable biological catch, and the total  
28 annual catch limit.

29  
30 Alternative 1 is shown here in the table, and it describes for  
31 you guys what our current state of management is like, and there  
32 is also a row here for the equivalent 2019/2020 subsequent year  
33 ABC, using the MRIP-FES equivalent. Now, for this particular  
34 row, this is -- This accounts for the change from the Coastal  
35 Household Telephone Survey to FES and was calculated by the  
36 Science Center and pulls from the data that are in the appendix  
37 in the back, and this is really just for comparison only, as it  
38 relates to the status quo, so that we can demonstrate, for  
39 Alternative 2, which uses the SSC's updated recommendations,  
40 that Alternative 2 is a reduction compared to Alternative 1, and  
41 the stock is still not considered to be overfished or undergoing  
42 overfishing, but the total biomass and spawning stock biomass of  
43 the stock are depressed comparatively from where they were under  
44 the original SEDAR 38 assessment.

45  
46 Like I mentioned previously, one of the large factors that could  
47 be contributing to this is recruitment, or the lack thereof. We  
48 don't use an ACT, presently, for kingfish in the Gulf, and the

1 stock is -- Again, it's still considered to be healthy, and the  
2 council has a general practice, for stocks in that sort of  
3 condition, not to use an additional management target, such as  
4 the annual catch target, in most circumstances, and so we have  
5 not included one here.

6  
7 Landings are reported in landed weight, meaning that whole  
8 weight and gutted weight are combined, and so the OFL and the  
9 ABC, while recommended by the council's SSC in pounds whole  
10 weight, the ACL proposed would still be in landed weight, to be  
11 consistent with how the fishery operates. Any question about  
12 Alternative 2? I have the AP recommendation also, Mr. Chair. I  
13 can go through those by action, if you would like.

14  
15 **CHAIRMAN ANSON:** It probably would be good to merge those into  
16 one, and go ahead and do that, and then I have a question.

17  
18 **MR. RINDONE:** Sure. For Action 1, the AP was presented with all  
19 of this information at their webinar meeting in July, and, under  
20 Action 1, they recommended that the council adopt Alternative 2  
21 as a preferred.

22  
23 **CHAIRMAN ANSON:** Ryan, I think we had Dr. Nance provide a  
24 summary of the different models that were used, and I can't  
25 recall the exact detail as to why we had an increasing trend in  
26 OFL, and typically there's a decreasing trend as you go farther  
27 in time, and so do you remember? Is it because recruitment is  
28 expected to improve?

29  
30 **MR. RINDONE:** When we do the projections, we make assumptions,  
31 right, about what future conditions might be like, and so one of  
32 the assumptions is that recruitment is going to be at some level  
33 that we set, and so, right now, recruitment is below that, and  
34 so the thinking is that, given the fact that the stock has been  
35 underharvested compared to its ACL, and recruitment  
36 notwithstanding, and the expectation that recruitment, over the  
37 long term, should be at some higher level and that eventually  
38 the stock will reach that level and it will rebuild to a higher  
39 asymptote, if you will, a higher long-term yield.

40  
41 That's why these are increasing instead of decreasing, like we  
42 normally see when a stock is quite healthy and recruitment has  
43 been as expected, or better than expected. A good recent  
44 example for you guys would be vermilion snapper, and vermilion  
45 snapper started off higher and became lower, and that's because  
46 there is quite a bit more fish out there than are necessary to  
47 maintain the amount of harvest that they are allowed.

48

1 In this case, the harvest is tempered, because, even though the  
2 stock is not overfished, it's still not at its long-term  
3 equilibrium value, and so we're rebuilding to it, but we're not  
4 in a rebuilding plan, and I want to make that clear.

5

6 **CHAIRMAN ANSON:** Any questions or comments? Martha.

7

8 **MS. GUYAS:** It's probably a reflection of what time in the  
9 afternoon it is, but, under Action 1, how come we have a "N/A"  
10 under the OFL for the FES conversion, in that table?

11

12 **MR. RINDONE:** I don't know, specifically, and I will have to  
13 look at that.

14

15 **CHAIRMAN ANSON:** Any other questions or comments? Leann.

16

17 **MS. BOSARGE:** Do you want to answer Martha's question first?

18

19 **MR. RINDONE:** I don't have an answer for her question  
20 immediately.

21

22 **MS. BOSARGE:** All right. I was just -- So what we were  
23 comparing, when we were talking about kind of where -- Sometimes  
24 it's very hard for us to figure are we going up, are we going  
25 down, are we reducing harvest or increasing harvest, when we  
26 look at some of these CHTS versus FES numbers, and so I think  
27 the point that you were making is that we are -- Our harvest is  
28 not quite as high as maybe it has been in the past, that we're  
29 taking a slight reduction in harvest, but not very great, and  
30 you're comparing, I think, and -- Can you scroll down just a  
31 little, so we can see Alternative 1 and 2 at the same time?

32

33 What you're kind of comparing is, in that first table, that  
34 total ACL of 11.54 million pounds, and that uses the projections  
35 that the Science Center did for us, and it's about what our  
36 quota, our ACL, would have been, right, under FES, before this  
37 new assessment, right, and then, with this new assessment, we're  
38 looking at somewhere in the neighborhood of -- Well, we start  
39 out at 9.37 million, but we go up to almost ten million, once we  
40 get to 2023/2024.

41

42 I just want to make sure, and so the stock is pretty healthy,  
43 and that seems to be a reflection of what the average  
44 recruitment, recent average recruitment, trends are, that  
45 they're a little down, and they're not super high, but they look  
46 like they're going to be on the upswing, and that's why we're  
47 seeing some increases, as we go forward, but, overall, the stock  
48 is really healthy and doing well, performing well, right, and I

1 just want to make sure, because I'm hearing some mixed messages.

2  
3 It's like, oh, they're not doing so good, but, I guess, the way  
4 I'm looking at it, is they seem to be a pretty healthy stock,  
5 pretty robust, that that's pretty much some average recruitment  
6 in the recent times, but being carried forward in the  
7 projections, that difference.

8  
9 **MR. RINDONE:** The values that are shown for the FES equivalent  
10 are considerate of the recruitment period that only goes through  
11 about -- It uses an average, and it only goes through the 2014  
12 fishing year, and so the updated projections that are shown in  
13 Alternative 2 use an additional few years of data, which have  
14 continued to show lackluster recruitment.

15  
16 The outlook for recruitment is more pessimistic in Alternative 2  
17 than it is in Alternative 2, but it's also probably a little bit  
18 more realistic for Alternative 2 than it is Alternative 1, and  
19 there's cost-benefit, right? There's a cost if we overestimate  
20 what we think recruitment can be in the short-term, and that is  
21 that we could set a catch limit higher than we should, and then  
22 we could end up overharvesting.

23  
24 The other side of it is that, if recruitment does rebuild, and  
25 then we've constrained it too much, then there's missed  
26 opportunity, and what we have seen for kingfish though is that  
27 this lower level of recruitment has persisted for the last ten  
28 to twelve years, and so it's not to say that there's been --  
29 That there's necessarily been some sort of regime shift or  
30 anything like that yet, and we don't have the data to  
31 necessarily justify the decision, but we can be considerate of  
32 the fact that it has been lower recently, and just bear that in  
33 mind in how you guys feel about proceeding, as far as what you  
34 want to do in setting catch limits.

35  
36 The stock is healthy, and that is true, based on the stock  
37 assessment. However, it is not at a level where it's at what we  
38 can fish it up to its maximum sustainable yield, and we're  
39 building up to be able to fish at that level at equilibrium.

40  
41 **CHAIRMAN ANSON:** Dr. Froeschke.

42  
43 **DR. FROESCHKE:** Just briefly, if the stock -- In terms of the  
44 minimum stock size threshold, MSST, the stock is above MSST, and  
45 it is below the biomass at MSY, and so you're in that buffer  
46 zone. That's why, when you get the projections from stock  
47 assessments and you're below BMSY, the stock is expected to  
48 increase in size to achieve the management target, and that's

1 why you see increases in catch over time.

2  
3 In previous assessments, the king mackerel has been above the  
4 BMSY estimate, and so it essentially was implying that we had  
5 foregone yield, and you would see these declining yield streams,  
6 and so you could fish it down to BMSY, and so we're no longer in  
7 that case where we think we have foregone yield, and, at this  
8 level of recruitment, we would hope that the current landings  
9 would constrain the fishing mortality enough to allow some  
10 rebuilding of the stock, or growth in size of the stock.

11  
12 **CHAIRMAN ANSON:** Any other comments on Action 1 from the  
13 committee? Just trying to keep an eye on the clock, we are  
14 scheduled to wrap this up at 5:30, and we've got forty minutes,  
15 but we do have another action item with another amendment, and  
16 I'm just throwing that out there, but, if you want to continue,  
17 Ryan.

18  
19 **MR. RINDONE:** Sure. So no other questions on this one then?

20  
21 **CHAIRMAN ANSON:** Not on Action 1.

22  
23 **MR. RINDONE:** All right. There is one more table, Table 2.1.1,  
24 and so this table shows you an analysis of the SEDAR 38 update  
25 model performance, and this is the simulation that was done by  
26 the Science Center, and so Model 3 from this analysis represents  
27 the SEDAR 38 update base model, using the same terminal fishing  
28 year of 2012/2013 that was used in the original SEDAR 38  
29 assessment.

30  
31 It includes MRIP-FES and uses the updated median shrimp bycatch  
32 estimate, which was greater than the original, and it plugs all  
33 that stuff in together, and so this is basically what things  
34 would have looked like had we had all the information that we  
35 have now, but constrained the model to the terminal year that  
36 was used when our catch limits were originally set.

37  
38 You see the Model 3 there shows the ABC in FES, against the ABC  
39 in CHTS, and so you can see the difference there between the two  
40 of those, and that's for the same terminal year, and then you  
41 can see that, when things were all updated, the difference  
42 between them, in that far-right column, the difference is a  
43 little bit more narrow, but, generally speaking, what this is  
44 showing you is that the stock -- Like we've discussed, the stock  
45 is at a somewhat depressed condition from what it could be.  
46 Like Dr. Froeschke said, we're below MSY, but we're above MSST,  
47 and so it's still healthy, but not marathon ready.

1 Then Table 2.1.2 shows you the comparison of where the current  
2 landings are in CHTS and FES, versus the proposed landings in  
3 FES in the two right-most columns, for the first year and the  
4 last year of the projections.

5  
6 If you're comparing all of these, if you're comparing it to the  
7 last year of projections, which, at this base, it looks like  
8 about what we would be having for our first year of management,  
9 and we're still not going to -- We're still not expecting to see  
10 fishery closures.

11  
12 Action 2 would modify the sector allocation commercial zone  
13 quotas for Gulf king mackerel. Currently, these allocations are  
14 split 32 percent commercial and 68 percent recreational, and  
15 they were based on the available landings from 1975 to 1979 in  
16 Amendment 1, and, because of the dates that were used for  
17 setting these allocations, we don't have an FES conversion, and  
18 so it's kind of an open book. You guys can leave it or change  
19 it to whatever it is that you think is appropriate.

20  
21 We've got a couple of options in here for you to consider, and  
22 so Alternative 1 for Action 2 -- Unlike reef fish, for this one,  
23 you can leave things the same, and that is a viable alternative.  
24 Alternative 2 would modify the sector allocation for kingfish by  
25 reallocating the commercial sector percentage to the average  
26 difference between the total landings from the 2016/2017 to  
27 2019/2020 fishing years, using MRIP-FES and the total projected  
28 ACL from the 2023/2024 fishing year in Action 1.

29  
30 Now, we picked these years because these years represent our  
31 current stock management boundary, and this is our current  
32 management state of nature, if you will, but you have options to  
33 reallocate, to the commercial sector, 25 percent, 50 percent, 75  
34 percent, or 100 percent of the average difference between the  
35 total landings and what was actually caught and what the ACL was  
36 for 2023/2024. You can see how all of that shakes out there in  
37 those tables.

38  
39 **CHAIRMAN ANSON:** Leann.

40  
41 **MS. BOSARGE:** I think this is where it will be extremely helpful  
42 to try and compare the apples to apples, and so we're using a  
43 quota from today, right?

44  
45 **MR. RINDONE:** No.

46  
47 **MS. BOSARGE:** In Alternative 2, that projected ACL of 9.9?

48

1 **MR. RINDONE:** We're using the landings from today against the  
2 projected ACL for the 2023/2024 fishing year.

3  
4 **MS. BOSARGE:** Okay. Excuse me. The projected ACL, future ACL,  
5 as opposed to matching it up with the year that you're looking  
6 at, and so like fishing year 2016/2017, and we went back and re-  
7 estimated what the recreational landings would have been in FES  
8 currency back then, and we've gone back and re-estimated what  
9 the total ACL is FES currency would have been back then, in  
10 those model projections that we were looking at, that we were  
11 just talking about.

12  
13 To me, that's the two numbers that we need to compare, to see  
14 how many fish were left on the table with the differences  
15 between those two numbers in this alternative, as opposed to  
16 looking at what FES landings were projected to have been in 2016  
17 and comparing that to a quota that's for 2023, and you need to  
18 compare that full year to itself, and, to me, that was one of  
19 the greatest benefits of having those projections for the ACL  
20 back in time. You're trying to look at historical landings and  
21 see, historical, how many fish were left on the table.

22  
23 **MR. RINDONE:** The reason why I would say that that -- The chink,  
24 I guess, in that armor for that is that I think, for the  
25 commercial sector, the expectation is that, if allocated those  
26 fish, those fish would have been landed, and so, if we're  
27 comparing what the ACL would have been back then, you're  
28 assuming, using those data instead of the data that we have  
29 used, that the commercial sector would not have landed those  
30 fish, had they been allocated to them. I think the exact  
31 opposite is also what we assumed to be true, that, if allocated  
32 those fish, the commercial sector generally would be expected to  
33 land them, up to some threshold. Tell me if I'm not mapping  
34 this well.

35  
36 **MS. BOSARGE:** Okay, and so let me give you an example. If you  
37 did it the way I'm talking about, in 2016, you would be looking  
38 at the percentage of the total FES-adjusted ACL overall that was  
39 landed to be 58 percent, and that's going to be a bigger  
40 difference than what we're showing there. The percentage of the  
41 FES rec ACL, the rec portion of the ACL that was landed, is 54  
42 percent, and so I think it will make a difference if you compare  
43 apples to apples.

44  
45 **MR. RINDONE:** Right, but what I am saying is that it's not  
46 apples to apples, because the commercial sector -- If we had  
47 done everything in FES back when we set these, then the  
48 commercial allocation would have been larger, back then, than it

1 was, which means the historical landings, from that point in  
2 2014 forward, would have allowed the commercial sector to  
3 harvest more fish than it did, and so, by comparing the  
4 differences in the landings, you're assuming that the commercial  
5 sector would not have caught those fish, but what we generally  
6 assume is that it's not effort-limited at this point, and it's  
7 quota-limited. By doing that, you're making an assumption that,  
8 which we probably don't believe, that they would not have caught  
9 those fish back then.

10  
11 **MS. BOSARGE:** Okay, and so let me give you actual numbers. In  
12 2016, and I was using Model Number 2, to truly compare apples to  
13 apples, and so the overall ACL with FES would have been 13.69  
14 million pounds. The rec portion of that is 9.3 million pounds.  
15 The FES rec landings in 2016 were 4.98 million pounds, and so  
16 call it five million pounds and nine million pounds, for the  
17 sake of round numbers, right, and that's four million pounds  
18 left on the table for rec only, and so that would be a  
19 difference of four million pounds, if you assume the commercial  
20 would have caught its whole 32 percent, right? That difference,  
21 in that column that we see right there, instead of saying 2.1  
22 million pounds, it would be about five million, and so I think  
23 it would make a difference.

24  
25 **MR. RINDONE:** That just requires making a separate assumption  
26 that we would just set the commercial landings, for the sake of  
27 this analysis, equal to the commercial ACL.

28  
29 **MS. BOSARGE:** Yes.

30  
31 **MR. RINDONE:** Okay. So, if we're making that -- That's not an  
32 assumption that I was making as part of this. I was using the  
33 actual landings, but we can do some of that, and the  
34 justification could be that the commercial sector typically  
35 lands its ACL, and so assume that, for the sake of this  
36 analysis, and you guys can move forward based on that  
37 assumption.

38  
39 **MS. BOSARGE:** Yes, and I would like to see that analysis, and I  
40 think that would be helpful. Thanks for bearing with me on  
41 that.

42  
43 **CHAIRMAN ANSON:** I have a question from Susan.

44  
45 **MS. BOGGS:** Now I think I'm totally confused. I read this  
46 document and thought I had my head wrapped around it, but I am  
47 not correct in saying the commercial quota cannot and should not  
48 be converted to FES, because their numbers are their numbers,

1 and is that not correct, because that's how I was seeing it,  
2 that you convert recreational to FES, because that's what is  
3 being measured in FES, but the commercial quota is in pounds,  
4 and, I mean, the pounds don't change, and so maybe I am missing  
5 what -- I have kind of got myself confused in the conversation,  
6 and I'm sorry.

7  
8 **MR. RINDONE:** Because of the way that we do the projections and  
9 everything, and the allocations for kingfish are different, and  
10 it's all done after the fact, if we had used FES data originally  
11 in SEDAR 38, it would have resulted in a higher OFL and ABC,  
12 and, if we had applied our current sector allocations to that,  
13 then the commercial sector would have received an increase in  
14 catch as a result of using those FES data, and that would have  
15 happened back then.

16  
17 The assumption, based on Ms. Bosarge's and I's exchange, was,  
18 here, what she's looking to see is -- Assuming, from that point  
19 forward, for the sake of doing Alternatives 2 and 3 in Action 3,  
20 that the commercial sector catches its ACL, and then look at the  
21 difference between the recreational sector's landings in FES and  
22 what its ACL would have been, and then compare those and pull  
23 the difference out from that, and then the math runs through  
24 those numbers instead. Does that sound right, Leann? We're all  
25 speaking the same language? Okay.

26  
27 Alternative 3 is basically the same thing, except we use a ten-  
28 year time period, and, originally, we have included this, just  
29 to give you guys some additional options, and I would caution  
30 you about this particular alternative, because it uses -- The  
31 time period that it covers includes a time when the mixing zone  
32 was larger and spatially and temporally variable, compared to  
33 what it is today. Now it's fixed, and so, from the 2016/2017  
34 fishing year until today, it's been -- It's in the same place,  
35 and it doesn't change, and the management is the same over that  
36 period, and so the management environment has been stable.

37  
38 Alternative 3 includes basically two different management  
39 environments in the same time block, and so there is some  
40 unaccounted for, and likely unexplainable, variability in there  
41 that I don't know that we could necessarily tease out, but we  
42 could certainly redo everything the way that Ms. Bosarge and I  
43 were just talking about.

44  
45 If we scroll down to Table 2.2.1, you can see the proportion of  
46 the sector ACLs that were landed in MRIP-CHTS for the 2001/2002  
47 through 2019/2020 fishing years, and everything is in landed  
48 weight, and so you can see those percentages there in the light-

1 blue columns and the percentage of the total ACL landed in that  
2 gray column in the far right. Generally speaking, like we were  
3 talking about, the commercial sector is landings its ACL, and  
4 the recreational sector is not.

5  
6 The CMP AP, when talking about all of this for Action 2, had  
7 quite a bit of discussion, and they had asked to create a new  
8 Alternative 4 under Action 2 to explore an allocation sharing  
9 alternative, similar to that in the CMP Amendment 29, which was  
10 tabled, and recalibrated every three years.

11  
12 Essentially, what that would mean would be that -- That would be  
13 allocation sharing that you use as threshold, like landings  
14 threshold, triggers to determine when to shift allocation  
15 between the recreational and commercial sectors, and so say, for  
16 instance, 5 percent of the allocation could be shifted to the  
17 commercial sector, and, if the recreational sector lands 80  
18 percent of its ACL, then that allocation shifts back to the  
19 recreational sector for the following fishing year.

20  
21 The accountability measures are pooled in such a way to prevent  
22 a closure on behalf of the recreational sector for sharing of  
23 allocation, some percentage of it, with the commercial sector,  
24 and, basically, it was a way to just provide a little bit more  
25 flexibility insofar as the sector allocations are concerned.

26  
27 There is, obviously, an administrative burden to that, and there  
28 is also -- I guess another consideration would be for the  
29 commercial sector, and, in some years, you might have 32  
30 percent, and in some years you might have 37 percent, and it's  
31 completely dependent on the FES landings for the recreational  
32 sector, which, historically, if we look at those in the  
33 document, they can be pretty variable, and they can show some  
34 wide swings, and so it could introduce some uncertainty in how  
35 long the fishing seasons could be, but there are a lot of  
36 factors that could go into that for the commercial sector  
37 already. In Tab C, Number 7(b) is the CMP AP's recommendations.

38  
39 The CMP AP also had a couple of other recommendations for you  
40 guys, and that was to eliminate the minimum size limit for  
41 commercial king mackerel, and that had to do a lot with reducing  
42 dead discards, because, by the time those undersized fish make  
43 it to the boat, they're usually already dead, and they are being  
44 pulled along when trolling, and it's going five to six knots,  
45 and those fish just don't survive well, especially the small  
46 ones. In an effort to reduce fish being thrown back dead, they  
47 thought the minimum size limit for the commercial sector would  
48 be appropriate.

1  
2 They also raised issues with fish identification for smaller  
3 king mackerel, especially compared to Spanish mackerel, and they  
4 suggested setting similar size limits to that of Spanish  
5 mackerel would be appropriate, and so they recommended that the  
6 council set the recreational minimum size limit for king  
7 mackerel equal to Spanish mackerel. That was all the  
8 recommendations from the AP, Mr. Chair.

9  
10 **CHAIRMAN ANSON:** Thank you, Ryan. Any follow-up to the  
11 discussion that was had? Ryan mentioned something about  
12 bringing back that one amendment regarding using an average that  
13 was tabled, and is there any interest amongst the committee go  
14 ahead and include that, give direction to staff to include that?  
15 Do we need a motion for that?

16  
17 **MR. RINDONE:** No, and I think we understand at this point, and  
18 we'll be able to drum up an additional table, and that will help  
19 better explain that part of the story.

20  
21 **CHAIRMAN ANSON:** I think that would be good, yes.

22  
23 **MR. RINDONE:** There were a couple of other tables in Action 2  
24 that, if we're going to redo how we're doing that analysis, it  
25 doesn't really merit going through those at this point.

26  
27 **CHAIRMAN ANSON:** Mr. Strelcheck.

28  
29 **MR. STRELCHECK:** I guess three points. One, I don't often agree  
30 with Leann, but, today, I guess we're agreeing on everything,  
31 and so she beat me to the punch in terms of the analysis, and so  
32 I am supportive of looking at it in that way.

33  
34 Two, I don't think it's appropriate today, just given the time  
35 limitations, but we often get talking about allocation and get  
36 bogged down in the numbers and the calculations, and I think it  
37 would benefit us, whether at Full Council or the next council  
38 meeting, to talk about what we're trying to accomplish with the  
39 allocation. I think I have a clear idea, but I think it's worth  
40 spending the time as a council discussing, obviously, our  
41 rationale for any change in allocation, as we're considering it  
42 under the alternatives.

43  
44 Then, Ryan, I guess a question for you would be we're fairly  
45 early in the document, but you explained some solid rationale  
46 for why we wouldn't consider Alternative 3, and so I am happy to  
47 recommend that that be moved to Considered but Rejected, if it's  
48 appropriate today.

1  
2 **MR. RINDONE:** I will say that this is my personal opinion on it,  
3 that, when we're thinking about how we use data across large  
4 time series, and, in this case, we have a rather dramatic  
5 difference in the spatial and temporal features of fisheries  
6 management that are all included under that same timeframe, and  
7 I can't tell you what sort of effect that does or doesn't have,  
8 and I have no way to know how to calculate that, and so I think  
9 that would probably be prudent.

10  
11 **CHAIRMAN ANSON:** I'm sure we could have more committee  
12 discussion, but that sounds like a reasonable plan forward, is  
13 to remove Alternative 3, for some of the rationale that Ryan had  
14 provided. Mr. Dyskow.

15  
16 **MR. PHIL DYSKOW:** Thank you, Mr. Chair. This question is  
17 directed at Andy. I agree with you that anything we can do to  
18 streamline the development of this amendment is great, and you  
19 said that you had a very clear idea of what we're trying to do  
20 with allocation, as it applies to this document, and could you  
21 articulate that, so the rest of us can better understand what  
22 your thinking is?

23  
24 **MR. STRELCHECK:** Sure. Based on the alternatives that are  
25 before us, and although they're complicated, it's clear to me,  
26 at least based on historical landings practices, that the  
27 commercial sector was landing their quota, and the recreational  
28 sector was not, and so, obviously, a decision to shift  
29 allocation from the recreational sector to the commercial sector  
30 is to more fully utilize the quota, right, and so I think that  
31 would be more of the conversation that we need to have, in light  
32 of now the numbers being in the FES units, and what shift, if  
33 any, should we make, or is it worth continuing with the status  
34 quo, given the changes to the numbers we've seen.

35  
36 **CHAIRMAN ANSON:** Before we move off of this topic, it was  
37 brought to my attention that we ought to at least discuss the  
38 timeline and need for each of the action items and whether or  
39 not one action item, Action Item 1, needs to go on a faster  
40 track than Action 2, and, if that's the case, then probably have  
41 some discussion now to break up the document. Ryan.

42  
43 **MR. RINDONE:** Sure, and that's something that you guys certainly  
44 could do. If you wanted to more quickly tackle Action 1 as a  
45 separate framework action, and then tackle the sector  
46 allocations, which would still be a plan amendment, and it would  
47 still ultimately have to also go to the South Atlantic Council  
48 for their consent as well, and we could do that, and, in the

1 short term anyway, implementing Action 1 through a framework  
2 action would afford about a 400,000-pound increase to the  
3 commercial sector, while still allowing the recreational sector  
4 to remain open year-round under the current sector allocations.  
5

6 This is assuming that you guys concur with the SSC and the AP,  
7 and you go forward with Alternative 2, and we can probably knock  
8 this one out pretty easily, and I think this would be low-  
9 hanging fruit, and that would also allow you guys to put that  
10 through, and that's taken care of, and then you can hash out  
11 what you want to do, insofar as allocations are concerned, at a  
12 more deliberate and appropriate pace for that part of the  
13 conversation. A motion would probably be appropriate, if that's  
14 the route you guys want to take.  
15

16 **CHAIRMAN ANSON:** I was just going to ask that, and so a motion  
17 would probably be needed. Troy.  
18

19 **MR. WILLIAMSON:** We're talking about landings here, and is there  
20 -- Do we have any data about the catch-and-release by the  
21 recreational folks? I mean, we're talking about utilizing the  
22 resource to the fullest extent possible, and we all recognize  
23 that recreational fishermen have a different objective, rather  
24 than bringing in a mackerel or king mackerel to the dock, and  
25 gut it and gill it or otherwise dispose of it.  
26

27 **CHAIRMAN ANSON:** Ryan.  
28

29 **MR. RINDONE:** Sure. Thank you, Mr. Williamson, and we've  
30 actually had some conversations at the AP and council meetings  
31 in the past about that very topic, about the idea for the  
32 recreational sector about there being a benefit to leaving the  
33 fish in the water, because it increases the possibility of a  
34 recreational fisherman being able to interact with the species,  
35 presumably, if there is more out there, and also the notion that  
36 it could increase the probability of them interacting with a  
37 larger member, a larger representative, of the species, like a  
38 smoker kingfish.  
39

40 That's been discussed in the past, and that's certainly  
41 something that you guys can talk about more and see if you get  
42 anything out of public testimony, but those are the general  
43 opinions that we've heard as it relates to that topic.  
44

45 **MR. WILLIAMSON:** But there is no actual measurement, metric,  
46 like it is, of bringing something to the dock and being counted?  
47

48 **MR. RINDONE:** We don't have a number, a percentage, of kingfish

1 that are caught, that are discarded, by the recreational fleet,  
2 no. I mean, we could probably ask folks and generally get like  
3 an anecdotal idea about it, but I think those data would be  
4 highly uncertain.

5  
6 **MR. WILLIAMSON:** One final question. What is the commercial  
7 sector -- Once they harvest kingfish, what's it used for?

8  
9 **MR. RINDONE:** What's it used for?

10  
11 **MR. WILLIAMSON:** Yes.

12  
13 **MR. RINDONE:** It's used for a variety of things, and it's most  
14 popular -- I mean, it is a popular table fare, and it's sold in  
15 most seafood houses, and the kingfish that are caught in the  
16 Gulf tend to be shipped, and I know a lot gets shipped up north,  
17 to New York and northeastern markets, during Lent, and a lot of  
18 it gets eaten as part of the Lenten fast, for people not eating  
19 meat, but still eating fish.

20  
21 Puerto Rico used to be a very large market for Gulf-caught  
22 kingfish, and I don't know if it still is specifically, and  
23 there might be an economist on the line that could maybe speak  
24 to that a little bit more, and perhaps some of the commercial  
25 fishermen that will be here testifying -- Maybe they can shed  
26 some light on where some of those fish go, but, in the past,  
27 those have been some of the places that it's gone.

28  
29 Typically, when the western zone opens on July 1, the price per  
30 pound can be high as four-dollars-and-change, and, as the fish  
31 migrate from west to east, and the markets tend to fill up with  
32 fish, that price, obviously, goes down, like with anything  
33 that's not open year-round, and, as more of it hits the market,  
34 the price will tend to go down, and then it tends to go back up  
35 around Lent, when the demand really picks back up.

36  
37 **MR. WILLIAMSON:** All right. Thank you. They must call it  
38 something else. I've never seen it in a fish market.

39  
40 **MR. RINDONE:** You've never seen what?

41  
42 **MR. WILLIAMSON:** I have never seen a king mackerel being  
43 marketed in a fish market in my area.

44  
45 **MR. RINDONE:** We get it in Tampa, and it makes great --

46  
47 **CHAIRMAN ANSON:** All right, and so I will address one of the  
48 things that Troy brought up, and that is I think, in the APAIS

1 survey, the recreational survey, there is disposition on the  
2 fish that are caught, and so there is, I believe, information.  
3 Now, whether it's readily handy or not, or it has to be actually  
4 run, but there is a disposition code on the fish and what the  
5 angler does with it, and so I think we can tease out some of  
6 that information that Troy was asking about.

7  
8 Then, to my other comment earlier about we need a motion, if it  
9 is the desire of the committee, or at least one individual, to  
10 offer it, whether or not we want to split out the action items  
11 into two action items. Leann.

12  
13 **MS. BOSARGE:** I would actually say that that's really probably  
14 not necessary, in this case. I mean, we have two actions in  
15 this document, and it's a pretty streamlined document, and we're  
16 not overfished or undergoing overfishing here, and so it's not  
17 like there's a dire need to go in and cut quotas and reduce  
18 harvest, to try and rebuild the stock, and I would say leave  
19 this document just like it is, and I don't see really where it  
20 needs to be streamlined, and we're talking about removing  
21 Alternative 3, and so then there's really only two alternatives  
22 in Action 2, and so I would say let's proceed on, for at least  
23 one more meeting, and see how we're coming with this before we  
24 decide that it's taking too long and we need to separate  
25 something out, because it doesn't look like an overly  
26 complicated document at this point, to me.

27  
28 **CHAIRMAN ANSON:** All right. Any further discussion before we  
29 move on to the next topic? Andy.

30  
31 **MR. STRELCHECK:** I agree, and I think keeping the document  
32 together is important. **I am going to make a motion to remove**  
33 **Alternative 3 in Action 2 to Considered but Rejected.**

34  
35 **CHAIRMAN ANSON:** We'll work on getting that on the board. Andy,  
36 that's your motion? I believe it is. Is there a second to the  
37 motion? It's seconded by Martha. Any discussion on the motion?  
38 **Seeing no discussion, is there any opposition to the motion?**  
39 **Seeing none, the motion carries.**

40  
41 Any other business with this action item? Great. That will  
42 take us -- Mr. Chair.

43  
44 **MR. DIAZ:** Mr. Anson, the next agenda item has seven actions,  
45 and we're thinking that's going to take forty-five minutes to an  
46 hour to go through. We do have a public hearing scheduled for  
47 this afternoon, and so we're going to move the last agenda item  
48 to first thing in the morning, and so we're going to start up

1 the Mackerel Committee at 8:30 promptly in the morning, and  
2 we're going to do the public hearing in just a little while.  
3 We're going to start the public hearing at 5:30, and so is that  
4 okay with you, Mr. Anson?

5  
6 **CHAIRMAN ANSON:** That's fine with me.

7  
8 **MR. DIAZ:** That's okay with you, Ms. Guyas? All right. That is  
9 the plan, and so, if you have any other business, you can take  
10 care of it now, and, after you finish that, we'll adjourn this  
11 committee and knock off for today. Thank you.

12  
13 **CHAIRMAN ANSON:** When we passed the agenda, there was not any  
14 other business that was indicated, but I will entertain any, if  
15 there is any other business items. Seeing none, that  
16 temporarily concludes the meeting.

17  
18 **MR. DIAZ:** Thank you, Mr. Anson, and we will start up promptly  
19 at 8:30 in the morning. Thank you, all.

20  
21 (Whereupon, the meeting recessed on October 25, 2021.)

22  
23 - - -

24  
25 October 26, 2021

26  
27 TUESDAY MORNING SESSION

28  
29 - - -

30  
31 The Mackerel Management Committee of the Gulf of Mexico Fishery  
32 Management Council reconvened on Tuesday morning, October 26,  
33 2021, and was called to order by Acting Chairman Kevin Anson.

34  
35 **CHAIRMAN ANSON:** We're going to go ahead and get started with  
36 Mackerel. Before we get into Ms. Wiegand's presentation, just  
37 to refresh everyone's memory, since it's been a night, Ryan, if  
38 you can go ahead and read the action guide and the agenda item,  
39 just to prep everyone for the discussion, please. Thank you.

40  
41 **PUBLIC HEARING DRAFT AMENDMENT 34: ATLANTIC MIGRATORY GROUP KING**  
42 **MACKEREL CATCH LEVELS AND ATLANTIC KING AND SPANISH MACKEREL**  
43 **MANAGEMENT MEASURES**

44  
45 **MR. RINDONE:** Sure. This is Agenda Item VIII, and Ms. Christina  
46 Wiegand from the South Atlantic Council staff is going to  
47 discuss the public hearing draft for CMP Amendment 34, which  
48 looks at Atlantic migratory group king mackerel catch limits and

1 management measures.

2  
3 This amendment is being considered as a result of the update to  
4 the Atlantic migratory group of king mackerel, from that SEDAR  
5 38 update assessment, and some of the other management measures  
6 that are considered are modifications to sector allocations,  
7 recreational bag limit and size limit, and provisions requiring  
8 a fish to be landed with heads and fins intact.

9  
10 At its September 2021 meeting, the South Atlantic Council  
11 approved the draft amendment to go out to public hearings, and  
12 so Ms. Wiegand will talk to you guys about that, and so, like  
13 any of the plan amendments for CMP species, this one is a joint  
14 amendment, which is why you guys are seeing it, and so,  
15 ultimately, the Gulf and South Atlantic Councils will need to  
16 agree on the preferred alternatives that are contained within  
17 the amendment before final action can be taken. The committee  
18 should provide recommendations and discuss if this draft is  
19 ready to go out to public hearings.

20  
21 **CHAIRMAN ANSON:** All right. Thank you. That would take us then  
22 to Agenda Item Number VIII for the Draft Amendment 34. I  
23 believe that would be Tab C, Number 8(a). Ms. Wiegand, are you  
24 on the phone?

25  
26 **MS. WIEGAND:** I sure am.

27  
28 **CHAIRMAN ANSON:** Very good. It's good to hear your voice. Take  
29 it away.

30  
31 **MS. WIEGAND:** All right, and so I will be going over, like you  
32 said, Attachment 8(a), and it's the decision document, and this  
33 is what we typically present to our council, and I know you guys  
34 are running a little bit over on time, and so I will try to keep  
35 it to just the information you need to make decisions today.

36  
37 As Ryan just said, this amendment is coming about as a result of  
38 the update SEDAR 38 assessment, which, fortunately, found that  
39 Atlantic migratory group king mackerel is not overfished, nor is  
40 it undergoing overfishing. In fact, due to a number of years of  
41 excellent recruitment, we're actually seeing a pretty  
42 substantial increase in the OFL and ABC recommendations that are  
43 coming out of the SSC. If you scroll down to Table 1, you can  
44 see those recommendations.

45  
46 Then, of course, as you guys have talked about at-length with  
47 other amendments, the council is looking at modifications to  
48 sector allocations through this amendment, because the SEDAR 38

1 update included the revised recreational landings based on the  
2 new MRIP Fishing Effort Survey, and then, last, but not least,  
3 there are a couple of actions in this amendment that look at  
4 modifying management measures for Atlantic king and Atlantic  
5 Spanish mackerel, and I will get more into that a little bit  
6 when we get there, but these actions are based off of  
7 recommendations that we got from the Mackerel Cobia Advisory  
8 Panel.

9  
10 Once the assessment came in, before the council even discussed  
11 actions and alternatives, we took the information to the  
12 advisory panel and said we're seeing a pretty substantial  
13 increase in the ABC. The commercial and recreational sectors  
14 haven't been meeting their ACL, and so we talked to them a  
15 little bit about if there were any management changes that they  
16 felt were needed or might help them have the fishery they would  
17 like to see in the future.

18  
19 If you look at the list of actions in this amendment, scrolling  
20 down a little bit, the first three actions address those SSC  
21 catch levels, and the following four actions are going to be  
22 those management changes that are based on Mackerel Cobia AP  
23 recommendations.

24  
25 What I am really looking for you guys, at this meeting, is to  
26 review the draft amendment, and there have been some changes  
27 since I brought this to you last, consider selecting preferred  
28 alternatives. The South Atlantic Council has selected preferred  
29 alternatives on all but one action, and then consider whether  
30 you are comfortable with this amendment going out to public  
31 hearings.

32  
33 If you do approve it for public hearings, we'll be holding those  
34 on November 15 and 16, and then our council will review the  
35 draft amendment and public comments and make any modifications  
36 they feel necessary in December. You will do the same in  
37 January, and then we'll be looking at formal review in March for  
38 us, April for you all, and possibly sooner, and, really, that  
39 depends on what comes out of the public hearings and if either  
40 council feels like there is any need to make any changes over  
41 the winter. Does anyone have any questions about timing, or are  
42 we ready to dive into the meat and potatoes of this amendment?

43  
44 **CHAIRMAN ANSON:** Does anyone have any questions? I don't see  
45 any. Please proceed.

46  
47 **MS. WIEGAND:** All right. Moving on to the purpose and need  
48 statement, if you scroll down a little bit, the purpose of this

1 amendment is to revise the annual catch limits and annual  
2 optimum yield for Atlantic migratory group king mackerel, to  
3 revise recreational and commercial allocations for Atlantic  
4 migratory group king mackerel, and to revise or establish  
5 management measures for Atlantic migratory group king and  
6 Spanish mackerel.

7  
8 The need for this amendment is to ensure annual catch limits are  
9 based on the best scientific information available and to ensure  
10 that overfishing does not occur in the Atlantic migratory group  
11 king and Spanish mackerel fisheries, while increasing social and  
12 economic benefits through sustainable and profitable harvest of  
13 Atlantic migratory group king and Spanish mackerel.

14  
15 Again, you will notice that Spanish mackerel is roped in there a  
16 couple of times, and this amendment does primarily focus on  
17 Atlantic migratory group king mackerel, but Action 7 will  
18 address Spanish mackerel as well, and we can talk about that  
19 when we get there, but that's why you're seeing it in the  
20 purpose and need statement. Any questions or concerns here,  
21 before I move into the actions?

22  
23 **CHAIRMAN ANSON:** I don't see anybody raising their hand. Go  
24 ahead.

25  
26 **MS. WIEGAND:** All right. Action 1, this action would revise the  
27 total annual catch limit and annual optimum yield for Atlantic  
28 migratory group king mackerel, to reflect the updated ABC level.  
29 Alternative 1 is not a viable alternative, because it keeps the  
30 current acceptable biological catch level and ACL level in  
31 place, which is currently 12.7 million pounds.

32  
33 I don't have the conversion of that number to MRIP-FES numbers,  
34 and that's not something that our council has asked for, but,  
35 after listening to your discussions yesterday, I do think that  
36 information is valuable, and we will likely include that in the  
37 next iteration of this document.

38  
39 Alternative 2 would update the annual catch limit to be equal to  
40 the updated acceptable biological catch level. Alternative 3,  
41 which is the South Atlantic's current preferred alternative,  
42 sets a buffer of 5 percent between the ABC and the ACL, and so  
43 the ACL would be equal to 95 percent of the updated ABC.

44  
45 Alternative 4 sets a larger buffer of 10 percent, and so 90  
46 percent of the acceptable biological catch level would be the  
47 ACL, and then Alternative 5 was added at the last meeting, and  
48 this would be a constant catch, and it would set the ABC and the

1 ACL to 21.8 million pounds, which is the lowest value for the  
2 ABC provided by the SSC.

3  
4 While the council did decide to add that, they did not select  
5 that as their preferred alternative, and they left Alternative 3  
6 as their preferred. The reason they have selected this as a  
7 preferred, and the reason they're considering buffers in this  
8 amendment, is based on feedback they got from the advisory  
9 panel. Advisory panel members felt that, because there was such  
10 a substantial increase in the ABC and ACL, even considering the  
11 conversion to FES, that it would be prudent for the council to  
12 set a small buffer in between the ABC and ACL. If you scroll  
13 down to Table 2, you can see those alternatives in numeric form.

14  
15 The potential revised ACLs in Alternative 2 and Alternative 5  
16 are all higher than observed landings in recent years, and so  
17 they aren't expected to result in any sort of constraint on the  
18 commercial or recreational fisheries. With that, I will stop  
19 here, if there's any discussion and if the council feels as  
20 though they're comfortable selecting a preferred alternative.

21  
22 **CHAIRMAN ANSON:** Mr. Gill.

23  
24 **MR. GILL:** Thank you, Mr. Chairman. I'm not on your committee,  
25 and my comment is I'm delighted that you added an Alternative 5,  
26 but the way you chose to define it was probably the worst  
27 possible for consideration of fishing opportunities, and how we  
28 tend to do it is the Gulf Council is use the mean of the OFL,  
29 the mean of the ABC, and, in this case, that would result in the  
30 mean of the ACL, and this fish appears to be in good shape, and  
31 it could support that, and that's, fundamentally, where you get  
32 to on Alternative 3, and so, down the road, I would urge the  
33 South Atlantic Council to consider utilizing a different  
34 constant catch strategy, to allow more opportunities for  
35 fishing. Thank you.

36  
37 **CHAIRMAN ANSON:** Leann.

38  
39 **MS. BOSARGE:** Thank you. I was just wondering, and did you have  
40 discussion about -- So your old ABC was right around twelve  
41 million, and what came out of that assessment was thirty-two  
42 million pounds, and the thirty-two million caught my eye, and I  
43 can't remember ever seeing a catch level recommendation like  
44 that, and, as a matter of a fact, we found a typo yesterday of  
45 thirty-seven million, and we know it was a typo right off,  
46 because it was thirty-seven million, but this is thirty-two  
47 million.

48

1 Did you all have any discussion, and, I mean, I'm sure we're  
2 going to go with the flow and do you what you want to do here,  
3 for the most part, but I just wondered, and what did you all say  
4 about thirty-two million pounds? Do you think that's  
5 sustainable or what?  
6

7 **MS. WIEGAND:** Well, I see that Tim has his hand up, and I am  
8 happy to defer to him. I will say that our council has noted  
9 that that's a fairly large ABC, and that's one of the reasons  
10 they were comfortable sort of setting a buffer between the ABC  
11 and ACL, but if Tim wants to elaborate a bit more on the  
12 discussion the council has had.  
13

14 **CHAIRMAN ANSON:** Go ahead, Tim.  
15

16 **MR. TIM GRINER:** Thank you. Well, I wasn't really intending to  
17 elaborate on that, but I was curious with Mr. Gill's statement  
18 of the arithmetic mean for a constant catch level, and, if I  
19 understand what he described, would that not -- When you reach  
20 the year of that lowest value that you used for your arithmetic  
21 mean, for that year, you would be above your SSC's recommended  
22 ABC, and I'm curious how you can do that. We have talked about  
23 that, and we've had that discussion. However, that's going to  
24 put you out of compliance with your SSC's recommended ABC for  
25 that year, and could you all explain a little bit how you go  
26 about overcoming that? Thank you.  
27

28 **CHAIRMAN ANSON:** Dr. Porch, did you want to make an attempt?  
29

30 **MR. GILL:** I can address it if you like, Kevin.  
31

32 **CHAIRMAN ANSON:** Go ahead, Bob.  
33

34 **MR. GILL:** Thank you. Tim, thank you very much, and so how  
35 typically we've come to define that is, if you take the mean of  
36 the OFL, the yield stream, and the mean of the ABC yield stream,  
37 that pretty much works out to exactly the right numbers, and so,  
38 yes, the SSC has to be involved in that thinking, to allow that  
39 and to provide that ABC, but, from a science and a fishery point  
40 of view, it's imminently workable, and it's about what we do all  
41 the time when we do constant catch here in the Gulf Council.  
42

43 **CHAIRMAN ANSON:** I guess, to further elaborate, my recollection  
44 is that, essentially, you're leaving fish in the water on a  
45 short-term, with the hopes that you will get the extra  
46 recruitment and such on the backend, so to speak, and we are  
47 talking about relatively short periods of time, and so that's  
48 kind of what goes into that rationale and that thinking. Susan.

1  
2 **MS. BOGGS:** Thank you, and I just want to clarify, and the  
3 numbers in this document are still in the CHTS and not FES,  
4 correct, and so that makes me wonder what are those numbers  
5 going to look like when they're converted. Thank you.

6  
7 **CHAIRMAN ANSON:** Christina.

8  
9 **MS. WIEGAND:** The numbers in this document are in the FES  
10 currency, but it's just the previous ACL of 12.7 million, and  
11 that's in the old CHTS numbers, but the numbers you're seeing in  
12 Table 2 are FES numbers.

13  
14 Then I did want to note, and so, under Alternative 5, our  
15 council, we did have discussion about sort of different ways to  
16 set a constant catch, but the concern was that, if we were to go  
17 with anything other than that 12.8, like Tim was saying, that  
18 keeps us at or below the SSC's recommendations -- If we decided  
19 on anything else, the council would then have to go back to the  
20 SSC with that number, and that would delay this amendment, and  
21 so there were concerns about delaying this amendment, but that's  
22 certainly not to say that the council couldn't, at this point,  
23 decide that we do actually want to go back to the SSC and  
24 consider a different way to do constant catch, but that's why  
25 the 12.8 was chosen at the last meeting.

26  
27 **CHAIRMAN ANSON:** All right. Any further discussion? I think,  
28 traditionally, we would handle these one at a time, the action  
29 items, and so is there anyone that is interested in making a  
30 motion about this action item and the preferred? Anyone at all?  
31 Go ahead, Martha.

32  
33 **MS. GUYAS:** I will do it. **I will, despite the conversation that**  
34 **we've had, given that this is the South Atlantic's deal, I will**  
35 **make a motion to adopt I think it's Preferred Alternative 2, or**  
36 **select Alternative 3. Alternative 3 is the preferred**  
37 **alternative.** Sorry. I am thinking 3 and saying 2, just to kind  
38 of keep things moving along.

39  
40 **CHAIRMAN ANSON:** Thank you for that. We're getting that on the  
41 board. The motion is, in Action 1, to make the South Atlantic  
42 Preferred Alternative 3 the preferred. Is there a second to the  
43 motion? It's seconded by Dr. Frazer. Is there any discussion  
44 on the motion? **Is there any opposition to the motion? Seeing**  
45 **none, Ms. Wiegand, you can continue.**

46  
47 **MS. WIEGAND:** All right. Then we'll move on to Action 2, which  
48 looks at revising the sector allocations and sector annual catch

1 limits for Atlantic migratory group king mackerel. The way we  
2 structure these for our amendments is they all tier off of each  
3 other, and this is similar, I believe, to what you guys have  
4 been doing, and so all of the numbers I'm going to show you  
5 under Action 2 are based on the selection of Preferred  
6 Alternative 3 in Action 1.

7  
8 The council, at their last meeting, the South Atlantic Council  
9 at our last meeting, made quite a bit of modifications to this  
10 action, and, right now, we currently have three alternatives.  
11 The current preferred alternative is Alternative 1, no action,  
12 and we're retaining this action in the amendment because of that  
13 tiering, and so, while we're keeping the same percentages under  
14 Alternative 1, the ACLs do change, based on Action 1.

15  
16 The current preferred alternative of no action keeps the  
17 recreational sector and commercial sector allocations at 62.9  
18 percent and 37.1, respectively. Alternative 2 is a little bit  
19 different, and this is similar to what was explained for our  
20 cobia actions last night, and the goal was to make sure that the  
21 commercial sector never experienced an annual catch limit lower  
22 than what they were experiencing now.

23  
24 In order to do that, based on Preferred Alternative 3 in the  
25 previous action, which has that decreasing yield stream, we had  
26 to make sure that the annual catch limit, the commercial sector,  
27 would experience during the 2026/2027 fishing season was equal  
28 to the current ACL, and that results in a 77.3 percent  
29 allocation to the recreational and 22.7 percent to the  
30 commercial sector.

31  
32 Alternative 3 uses a time series of 2014 to 2019, and this  
33 assures that there were no commercial or recreational closures  
34 experienced during the time period used, and that would result  
35 in a 68.9 percent allocation to the recreational sector and a  
36 31.1 percent allocation to the commercial sector.

37  
38 Again, looking at average landings over the last five years,  
39 none of these allocation alternatives are likely to result in a  
40 closure for either sector. When we took this to the advisory  
41 panel, our Mackerel Cobia Advisory Panel passed a motion  
42 requesting to keep the current sector allocations in place, and  
43 so selecting Alternative 1, no action.

44  
45 If you scroll down to Table 3, it sort of is an easier way than  
46 the alternative language to understand the allocations and the  
47 calculation used, and the council's rationale for selecting no  
48 action was that the king mackerel fishery is really a success

1 story, and they would like to keep the historic makeup of the  
2 fishery in place, and there are also no concerns about either  
3 sector reaching their annual catch limit or having an issue  
4 where catch would be constrained.

5  
6 You can also see, in Table 4, and that gives you the numeric  
7 allocations, based on the current preferred alternative, and the  
8 commercial sector is broken up into two sections, the northern  
9 section and the southern section, and the northern section runs  
10 from the North Carolina/South Carolina north through the Mid-  
11 Atlantic Council's jurisdiction, and the southern zone runs from  
12 the North Carolina/South Carolina line down to that Miami-  
13 Dade/Monroe County border with the Gulf migratory group.

14  
15 The council has decided not to address the current allocations  
16 between the northern and southern zone for the commercial  
17 sector, and, again, that was based off of a recommendation from  
18 the Mackerel Cobia Advisory Panel to keep those in place, and,  
19 again, it does not appear that those zone annual catch limits  
20 would be constraining on catch either. With that, I will stop  
21 and see if there's any discussion or desire to select a  
22 preferred alternative.

23  
24 **CHAIRMAN ANSON:** All right. Is there discussion? Leann.

25  
26 **MS. BOSARGE:** No, no desire to select a -- Well, wait a minute.  
27 Do they have a preferred? Anyway, my question is this, and  
28 where is the table that shows the percentage of ACL landed for  
29 each component, like for the commercial and for the  
30 recreational? I see the revised ACL.

31  
32 **MS. WIEGAND:** Those tables are in the full amendment document.  
33 If you look at Chapter 4, the biological effects section, there  
34 are two tables that shows recreational landings by year since  
35 the 2000/2001 season, and commercial landings by year for the  
36 same time period.

37  
38 **MS. BOSARGE:** Okay. Well, then, just generally, how far under  
39 are both sectors? You said you weren't meeting the ACL, and so  
40 I assume both sectors --

41  
42 **MS. WIEGAND:** I would say the recreational sector, just looking  
43 at the numbers, they have been right around say five-million,  
44 approximately, and so well below the allocation proposed here,  
45 and, similarly, I would say the commercial sector, combined  
46 zones, has been right around two-million, or a little higher in  
47 some years, and, again, that's combined for both zones, and so,  
48 again, significantly below the ACLs proposed here.

1  
2 **CHAIRMAN ANSON:** Those were -- That five million recreational,  
3 that was in FES numbers, or adjusted numbers, that are provided  
4 in the table?  
5  
6 **MS. WIEGAND:** Yes, sir. Those are FES-adjusted numbers.  
7  
8 **CHAIRMAN ANSON:** Leann.  
9  
10 **MS. BOSARGE:** Okay, and so I'm sorry, but I am just not that  
11 familiar with your numbers, in like absolute numbers, and so,  
12 percentage-wise, is it like commercial is landing 50 percent of  
13 their allocation, and the recs landed about 50 percent of their  
14 allocation, or is one side a little closer or a little farther?  
15 What does that look like? You can ballpark it for me, and it  
16 doesn't have to be exact.  
17  
18 **MS. WIEGAND:** Give me one second to do like some quick -- Let me  
19 just whip out a phone calculator here, and so it looks like  
20 we've got the lowest recreational ACL proposed under the  
21 preferred alternatives of about thirteen million, and I would  
22 say it looks like the max the recreational sector has landed in  
23 the last -- Let me scroll to that table, since I am doing some  
24 quick math. The max they have landed in the last ten years is  
25 right around seven-million pounds.  
26  
27 **CHAIRMAN ANSON:** While you're looking that up, Martha, did you  
28 have another comment or question?  
29  
30 **MS. GUYAS:** Well, just a suggestion. I mean, we've got -- I  
31 think staff has the amendment pulled up, and it's another tab,  
32 and we can scroll to the other document, if you have a page  
33 number for that, Christina, and we can look at the table and  
34 kind of figure this out.  
35  
36 **MS. WIEGAND:** It's page 59, and it doesn't have the percentages,  
37 but it does have the landings over the last two decades.  
38  
39 **MS. GUYAS:** Is that PDF page 51 or actual page 51?  
40  
41 **MS. WIEGAND:** It's actual page 59.  
42  
43 **MS. GUYAS:** Thank you.  
44  
45 **MS. BOSARGE:** All right. I appreciate that, and maybe, before  
46 we see it again, maybe -- I mean, I know it's your document, but  
47 if we could have some percents, like percent of ACL landed for  
48 each sector, just because we aren't as familiar with the

1 absolute numbers as your council is, and that may help us, at a  
2 glance, really be able to get a thirty-thousand-foot view of  
3 your fishery. Thanks so much for pulling that up for me.

4  
5 **CHAIRMAN ANSON:** All right. Any other discussion? Is there any  
6 interest in making a motion to accept the preferred at this  
7 time, what the South Atlantic has selected? Martha.

8  
9 **MS. GUYAS:** I will make a motion that, in Action 2, we select  
10 **Alternative 1 as the preferred alternative.**

11  
12 **CHAIRMAN ANSON:** Again, we'll give a second for it to be put on  
13 the board. We have the motion on the board. Is there a second  
14 to the motion? Dr. Frazer seconds. Thank you. Any discussion  
15 on the motion? **Is there any opposition to the motion? Seeing**  
16 **none, the motion carries.** Ms. Wiegand.

17  
18 **MS. WIEGAND:** All right, and so I did do some quick math. For  
19 Full Council, or whenever you guys see this amendment again, I  
20 can get more firm numbers, but it looks like, if you look at the  
21 lowest ACL for the commercial and recreational sector, and their  
22 highest landings over the last ten years, the rec sector would  
23 be landing about 53 percent of the proposed ACL, and the  
24 commercial sector would be landing about 40 percent of their  
25 proposed ACL, but I will get some more firm numbers for you next  
26 time.

27  
28 Moving on to Action 3, this looks at revising the recreational  
29 annual catch target for Atlantic migratory group king mackerel.  
30 Alternative 1 would keep the current annual catch target in  
31 place, which is a viable alternative, and Alternative 2 would  
32 update, based on the revised ABC, using the current equation  
33 that's in place, is that one minus the percent standard error,  
34 or 0.5, whichever is greater. Alternative 3 would set the  
35 recreational ACT equal to 90 percent of the ACL. Alternative 4  
36 would set the ACL equal to 85 percent of the ACL.

37  
38 We're only looking at recreational ACTs here, because there is  
39 no commercial ACT in place right now, and it's not currently  
40 tied to any accountability measures, and so it would just be a  
41 number with no management relevance.

42  
43 The recreational ACT is tied to the recreational accountability  
44 measure. If the recreational landings exceed the recreational  
45 ACL, and the stock ACL is exceeded, the bag limit is reduced the  
46 following year, to ensure that the recreational ACT is met and  
47 the recreational ACL is not exceeded.

48

1 If you scroll down to Table 5, you can see the PSE values for  
2 the last few years and the five-year average, which is what is  
3 used to calculate that percentage buffer, and then here are your  
4 resulting ACTs in Table 6, and, like I said, the council's  
5 preferred alternative is currently Alternative 2, which uses the  
6 same equation that we've been using and just updates based on  
7 the new ABC levels.

8

9 **CHAIRMAN ANSON:** All right. Leann.

10

11 **MS. BOSARGE:** One quick question, and so that Table 5, where it  
12 says PSEs for Atlantic king mackerel from weight estimates for  
13 all modes, is that all recreational modes, and so private and  
14 for-hire, or is that all modes and also including commercial?

15

16 **MS. WIEGAND:** Just recreational.

17

18 **CHAIRMAN ANSON:** Anyone else? Any further discussion? Martha.

19

20 **MS. GUYAS:** In Action 3, I move that we select Alternative 2 as  
21 the preferred alternative.

22

23 **CHAIRMAN ANSON:** We're getting the motion on the board. Tom,  
24 you seconded that? Okay. All right. The motion is, in Action  
25 3, to make South Atlantic Preferred Alternative 2 the preferred.  
26 Is there any discussion on the motion? **Is there any opposition**  
27 **to the motion? Seeing none, the motion carries.** Christina.

28

29 **MS. WIEGAND:** All right. Moving on to Action 4, now we're  
30 getting away from the catch limit actions and moving into some  
31 of the management actions. Action 4 looks at increasing the  
32 recreational bag and possession limit for Atlantic migratory  
33 group king mackerel in the EEZ off of Florida, and so, right  
34 now, in the EEZ off of Florida, the bag limit is two fish per  
35 person.

36

37 Alternative 2 is the South Atlantic's current preferred, and  
38 that would increase the daily bag limit to three fish per  
39 person. This was a request from the Mackerel Cobia Advisory  
40 Panel, and they've actually been asking for this change for a  
41 couple of years now, and it would simply create consistency in  
42 the regulations.

43

44 North of Florida, the bag limit is three per person, and my  
45 understanding is that throughout the Gulf it's also three fish  
46 per person, and so the guys on the east coast of Florida would  
47 just like to see consistency in the regulations and allow them  
48 to catch three fish per person as well.

1  
2 We did do some analysis, to see how much that would increase  
3 harvest, using two different methods. Method 1 assumes that all  
4 trips that met the two-king-mackerel bag limit would now also  
5 meet the three-king-mackerel bag limit.

6  
7 Method 2 is a little more conservative, and it isolated the  
8 trips that met the two-king-mackerel bag limit, and it allowed  
9 them to meet that three-king-mackerel bag limit if those trips  
10 also reported discarding of king mackerel, and so, with Method  
11 1, you see about a 14 percent increase in harvest. With Method  
12 2, you see about a 3 percent increase in harvest, and, again,  
13 those aren't expected to result in any kind of closure for the  
14 recreational sector.

15  
16 Really, it's expected to have minor effects on overall harvest,  
17 and the majority of anglers are currently only catching one fish  
18 per person, but this would create consistency in regulations  
19 throughout the management area.

20  
21 **CHAIRMAN ANSON:** All right. Any committee discussion? Martha.

22  
23 **MS. GUYAS:** I move that, in Action 4, we select Alternative 2 as  
24 the preferred alternative.

25  
26 **CHAIRMAN ANSON:** I see a team going, and so we have the motion  
27 being put on the board. **In Action 4, to make the South Atlantic  
28 Preferred Alternative 2 the preferred.** Is there any discussion  
29 on the motion? **Is there any opposition to the motion? Seeing  
30 none, Ms. Wiegand.**

31  
32 **MS. WIEGAND:** All right. Action 5, Action 5 looks at reducing  
33 the minimum size limit for recreational harvest of Atlantic  
34 migratory group king mackerel, and this action was proposed by  
35 the Mackerel Cobia Advisory Panel as a way to both increase  
36 recreational harvest and reduce discards.

37  
38 The AP reported that some of these smaller fish are often  
39 discarded dead and that sometimes there can be a challenge in  
40 identifying smaller juvenile king mackerel and Spanish mackerel,  
41 and so the current minimum size limit is twenty-four inches fork  
42 length. The South Atlantic Council's current preferred  
43 alternative is Alternative 2, which would reduce the minimum  
44 size limit to twenty-two inches fork length. There is also  
45 Alternative 3, which would reduce it to twenty inches fork  
46 length, and Alternative 4 proposes removing the minimum size  
47 limit altogether.

48

1 There is limited information on discards, which can make it  
2 challenging to do a thorough analysis, but we did pull discarded  
3 king mackerel length data from the FWC charter and headboat  
4 trips, and we noted that the majority of recreational discards,  
5 about 44 percent, were at twenty-three inches fork length, but  
6 there were also reported discard lengths down to twenty-two  
7 inches fork length and twenty inches fork length, which suggests  
8 that king mackerel are being caught at lengths below the minimum  
9 size limit and discarded. I will pause here.

10  
11 **CHAIRMAN ANSON:** Mr. Gill.

12  
13 **MR. GILL:** Thank you, Mr. Chairman. I'm not on your committee,  
14 but, for the record, I do not support the current preferreds for  
15 both 5 and 6. I support Alternative 1, and the rationale is  
16 that 50 percent maturity for these fish is twenty-inches and  
17 thirty-two inches, male and female respectively, and so we're  
18 just going down way below where we can have fish mature and  
19 sustain the population, and I would argue that twenty-four is a  
20 little low, but certainly I would not support twenty-two. Thank  
21 you.

22  
23 **CHAIRMAN ANSON:** Thank you for your comment. Christina, to that  
24 point, you mentioned that there is a high discard mortality  
25 associated with those released fish, and do you recall what that  
26 mortality rate is?

27  
28 **MS. WIEGAND:** I don't recall what the mortality rate used in the  
29 assessment was, off the top of my head, and that concern about  
30 damaged fish being discarded dead came from the advisory panel,  
31 and so it came from anecdotal information from our fishermen.

32  
33 **CHAIRMAN ANSON:** All right. Thank you, and just a quick  
34 question about the analysis that was made. You mentioned  
35 charter and headboat trips for the percentage of the  
36 recreational discards for the twenty-three, twenty-two, and  
37 twenty-inch size groups, and did you also try to look at the  
38 recreational data? I know it didn't have length information  
39 associated with discards, but least, on the disposition code, it  
40 does ask the anglers why they discarded, at least in the sense  
41 of legal or not legal, and did you look at that data, or did  
42 that data show anything?

43  
44 **MS. WIEGAND:** I am not the data analyst for this amendment, and  
45 I'm not sure if that data was looked at, but I can check and  
46 make sure, and my guess is that it didn't provide any  
47 information that would have been enlightening for this action,  
48 but I will look into that.

1  
2 **CHAIRMAN ANSON:** Thank you. Ryan.

3  
4 **MR. RINDONE:** Thank you, Mr. Chair. Christina, I am looking at  
5 page 6 of the SEDAR 38 update assessment for South Atlantic king  
6 mackerel, and this is in Section 2.3 on discards, and it's the  
7 last paragraph, and it says that discard mortality assumptions  
8 remain unchanged from SEDAR 38 and were as follows, and so it's  
9 20 percent discard mortality from the commercial handline  
10 fisheries, 100 percent discard mortality for the gillnet and  
11 shrimp trawl fishery, 22 percent discard mortality for the  
12 recreational headboat fishery, and 20 percent discard mortality  
13 for the recreational private, charter, and tournament fisheries.

14  
15 You have commensurate discard mortality for the commercial  
16 handline and the recreational private, charter, and tournament  
17 fisheries, which makes sense, because of the way in which those  
18 fleets fish for kingfish, and it's very similar.

19  
20 **MS. WIEGAND:** Thank you, Ryan. I appreciate you looking that up  
21 for me.

22  
23 **CHAIRMAN ANSON:** Thank you, Ryan, and I see, Mike Larkin, your  
24 hand is up.

25  
26 **DR. MIKE LARKIN:** I didn't see any data, and so the problem was,  
27 when you decrease the minimum size limit, we don't know the  
28 lengths of the data, and we have the lengths at the dock, but  
29 not the ones that were released, and, when I looked at the  
30 discards, unless I missed something, and I will look again, but  
31 I didn't see anything with those discards that they were  
32 undersized or oversized, and it was just discards, and so you're  
33 saying that there is data that does reveal that those discards  
34 were undersized or oversized?

35  
36 **CHAIRMAN ANSON:** My recollection, from the APAIS survey, and  
37 it's been a few years, but I thought the longstanding  
38 disposition codes included a discarded released alive legal and  
39 discarded alive not legal, and, of course, when you have a fish  
40 that has either a size limit or a bag limit, it should be either  
41 because the bag limit was exceeded or the size limit.

42  
43 **DR. LARKIN:** Yes. Got you. I guess, to answer your question,  
44 and thanks for educating me, and I will look into that, and so  
45 this didn't consider that, but I can certainly dig further and  
46 see if we do have that information.

47  
48 **CHAIRMAN ANSON:** Thank you. Leann.

1  
2 **MS. BOSARGE:** Mr. Gill actually answered the question that I was  
3 going to ask, and I wanted to know what the size at maturity  
4 was, and you said twenty-eight and thirty-two? Is that what you  
5 said, Bob? So, especially with that thirty-two, and this would  
6 put you ten inches under that, and so I don't know if any of  
7 those twenty-two-inch fish are sexually mature, and it would  
8 probably be a small amount of them, I'm guessing, and I guess,  
9 just at heart, I have an issue with killing babies. You've got  
10 to let them reproduce at least once, at least half of them,  
11 right?

12  
13 You've got a fishery that's in a good spot, and let's not screw  
14 it up, and so I don't think I will support that preferred  
15 either. To me, the cost and benefit don't -- There is no  
16 justification for the risk and reward, and so you're trying to  
17 get people to catch more fish. However, if you do that, and you  
18 succeed, you're going to be harvesting on a whole lot of  
19 juveniles that are not sexually mature, and you may actually  
20 shoot yourself in the foot, from a management perspective,  
21 right, with the health of the stock, and so I probably won't  
22 support this preferred.

23  
24 **CHAIRMAN ANSON:** Thank you. Andy.

25  
26 **MR. STRELCHECK:** I think there is some clarification needed with  
27 regard to the size at sexual maturity. I am looking at page 35  
28 of the document, and it does indicate that males are sexually  
29 mature, or 50 percent of males are sexually mature, at twenty-  
30 eight inches, but it also indicates that females are sexually  
31 mature, 50 percent, at a range between eighteen to twenty  
32 inches, and so there's a difference between female and male  
33 sexual maturity, at least as written in the document, and, Mike,  
34 I guess that could be confirmed, but that appears to be relevant  
35 to this conversation.

36  
37 **CHAIRMAN ANSON:** Dr. Porch.

38  
39 **DR. CLAY PORCH:** Thank you. I wouldn't get too, too hung up on  
40 the age of sexual maturity, because the very young animals  
41 anyway, around that size, are not producing many eggs, the ones  
42 that -- If you are focused on protecting fish, it would be the  
43 very large ones, but that can't be thought of in a vacuum apart  
44 from what the catch limit is.

45  
46 Really, if you're looking at things like long-term yield, they  
47 go hand-in-hand, what size you start harvesting the animals and  
48 how many you take, and it depends, on the interplay with natural

1 mortality and other factors, whether increasing the size limit  
2 would lead to a lower long-term yield or a higher long-term  
3 yield, and I couldn't answer that question categorically just on  
4 this amount of size change, but I am just cautioning that we  
5 really shouldn't be setting catch limits and size limits as  
6 completely separate factors.

7  
8 They really go hand-in-hand, and they are two measures that  
9 ultimately determine how much yield you can take over the long-  
10 term, and so I would be -- That's my long way of saying I would  
11 be cautious about changing size limits without doing any further  
12 analysis in tandem with catch limits.

13

14 **CHAIRMAN ANSON:** Martha.

15

16 **MS. GUYAS:** Is that on the South Atlantic's to-do list, to look  
17 at this, I mean if they're going to talk about changing these  
18 limits, the size limits? Have they asked for that analysis?

19

20 **CHAIRMAN ANSON:** Christina, can you answer that question?

21

22 **MS. WIEGAND:** They haven't asked for that specific analysis, but  
23 that certainly doesn't mean that the Gulf Council can't ask for  
24 it, and staff can see what can be put together.

25

26 **CHAIRMAN ANSON:** Do we have any further discussion on this  
27 action item? All right. Ryan.

28

29 **MR. RINDONE:** Thank you, Mr. Chair. Just in the discussion of  
30 size at sexual maturity and maturity rates for kingfish, it  
31 doesn't appear as if any new data have been generated for  
32 Atlantic migratory group king mackerel since the study done by  
33 Finucane et al. in 1986, and so, if anyone is looking for a  
34 project, it might be high time to take a look again.

35

36 **CHAIRMAN ANSON:** Leann.

37

38 **MS. BOSARGE:** So one question and one comment. I think, if we  
39 do have some reservations about changing that size limit,  
40 because it's for both. This one is for recreational, but the  
41 next action is for commercial, and they're both the same, and  
42 so, if we have any reservations about that, we probably --  
43 Because the South Atlantic wants to take final action in March  
44 or April or something like that, we should probably pick our  
45 preferred and send it to them, so they know that, but, and that  
46 may be Alternative 1, based on the discussion we've had.

47

48 However, I was just wondering, from Clay, and an analysis like

1 that -- I guess almost what you're saying is you need new  
2 projections, which would be catch level recommendations, taking  
3 into account a minimum size limit of twenty-two inches, and how  
4 in-depth is that? Is that a lot of work for you all, and what  
5 kind of turnaround time would something like that be?

6

7 **CHAIRMAN ANSON:** Clay.

8

9 **DR. PORCH:** It would require some discussion about how that  
10 effectively changes the selectivity, because that's essentially  
11 what you're doing, is selectivity and retention factors in the  
12 assessment model, but it can be done, and, in fact, really,  
13 ideally, if these sorts of measures were going to be considered,  
14 then we could even build that into the assessment process and  
15 budget the time accordingly.

16

17 **CHAIRMAN ANSON:** So you're saying it can be done, but, relative  
18 to the time schedule that's been laid out, or desired, is it  
19 doable to have that analysis?

20

21 **DR. PORCH:** What was the time schedule?

22

23 **CHAIRMAN ANSON:** As I recall, essentially, it's March and April  
24 that it would be coming back to the councils for final action.

25

26 **DR. PORCH:** Yes, that would be tough. I don't think we could  
27 crank something out, because those same analysts are on to other  
28 species right now.

29

30 **CHAIRMAN ANSON:** Leann.

31

32 **MS. BOSARGE:** Okay. **In that case, I will make a motion that we**  
33 **choose Alternative 1 as our preferred, the Gulf preferred, if I**  
34 **get a second.**

35

36 **MS. BOGGS:** I will second.

37

38 **CHAIRMAN ANSON:** Leann has a motion, and it will be put on the  
39 board, and it was seconded by Susan. Is there any discussion  
40 for making Alternative 1 the Gulf preferred in Action 5, which  
41 is to leave it as-is, the size limit? Dr. Frazer.

42

43 **DR. FRAZER:** I just want to ask Ryan a question, and, to me,  
44 it's hard to decouple this from the discard mortality, right,  
45 and so the data that was referred in the actual amendment I  
46 guess is around 20 percent discard mortality, and how old are  
47 those data, and are they simple inferred, because those don't  
48 jibe with the anecdotal accounts from either the recreational

1 fishermen or the charter/for-hire sector.  
2  
3 **MR. RINDONE:** One second, Dr. Frazer.  
4  
5 **DR. FRAZER:** Thanks, Ryan, for getting on that.  
6  
7 **CHAIRMAN ANSON:** While Ryan is looking that up, does anyone else  
8 have any comments or questions? Mr. Williamson.  
9  
10 **MR. WILLIAMSON:** Tom, I guess it's a question to you, and what  
11 is the anecdotal evidence showing?  
12  
13 **DR. FRAZER:** I mean, just discussing -- So we've talked about  
14 mackerel for several meetings now, and I'm just trying to get a  
15 better handle on what that realized discard mortality looks  
16 like, and so I think we've been using something similar for the  
17 Gulf fishery, a value close to 20 percent, as well, but I think  
18 a lot of people, that I have talked to anyway, and I would like  
19 to hear some public comment, or testimony, about that, would  
20 suggest that it's much higher than that, just because of the  
21 nature of the fishery. It's certainly a data need, from my  
22 perspective.  
23  
24 **MR. WILLIAMSON:** Thank you.  
25  
26 **CHAIRMAN ANSON:** Mr. Griner.  
27  
28 **MR. GRINER:** Thank you. I was just going to add a little bit to  
29 what Dr. Frazer said there, and I agree, and I do believe that  
30 it's much higher, and I believe that the recreational sector  
31 does encounter a lot of these at that smaller twenty-two or  
32 twenty-inch range, and so I think, by leaving this at twenty-  
33 four inches, I really think you're still killing those animals,  
34 or a good bit of them, and so I know it may be anecdotal  
35 evidence, but we're hearing a lot of that from the recreational  
36 sector.  
37  
38 They do encounter these, especially in the private recreational  
39 sector, where they tend to fish in some shallower waters and get  
40 into some schools of fish that are much smaller in size, and,  
41 the way these fish are caught, it's very difficult for that fish  
42 not to die at twenty inches, or twenty-two inches, when it's  
43 been dragged behind the boat, and so I do think that does  
44 deserve some thought. Thank you.  
45  
46 **CHAIRMAN ANSON:** Thank you. Ryan, have you been successful in  
47 identifying the information?  
48

1 **MR. RINDONE:** I have, and so SEDAR 16 is from when the last  
2 discard mortality estimates of Atlantic king mackerel were  
3 generated, and so this would date back to about 2006 and 2007,  
4 that era, and I think an important thing for both councils to  
5 consider, with respect to discard mortality estimates, is, if  
6 we're thinking that these need to be updated, what about the  
7 method by which the fleets select these fish, the practice of  
8 fishing, and has that fundamentally changed.

9  
10 I think, when we think about the way in which the bulk of  
11 kingfish are harvested, hook-and-line via trolling, that that  
12 practice is -- We may have become a little bit better at finding  
13 the fish, through different technologies, but we're still  
14 dragging a lure behind a boat, and so the general practice by  
15 which a fish is caught is probably pretty similar today as it  
16 was back when these discard mortality estimates were determined.

17  
18 Some of them, the practices is very much unchanged, and like the  
19 gillnet fishery operates the same way generally that it always  
20 has, and that technology is the same, and so 100 percent there  
21 is certainly believable, and 20 percent for the hook-and-line  
22 fishery -- I can't think, in my mind, of a way in which the  
23 directed effort by those fleets has fundamentally changed in the  
24 last fifteen or so years.

25  
26 **CHAIRMAN ANSON:** All right, and so we have the motion on the  
27 board. Is there any further discussion on the motion? I am  
28 trying to speed things up here, Madam Chair, Vice Chair, to get  
29 through the document in a timely manner. I don't see any  
30 additional discussion, and so we'll go ahead and just raise your  
31 hand on this. **All those in favor of the motion in Action 5 to**  
32 **make Alternative 1 the Gulf Council preferred, and that is to**  
33 **leave the minimum size limit for recreational harvest of**  
34 **Atlantic migratory group king mackerel at twenty-four inches**  
35 **fork length, all those in favor, raise your hand; all those**  
36 **opposed. It's six to two, and the motion carries.** All right,  
37 Christina.

38  
39 **MS. WIEGAND:** All right. Moving on to Action 6, this one is  
40 very similar, and it looks at reducing the minimum size limit  
41 for commercial harvest of Atlantic king mackerel. You've got  
42 the same alternatives here.

43  
44 The one thing to note, however, is that, for the commercial  
45 sector, the council's Preferred Alternative 2 of twenty-two  
46 inches fork length also includes removing the allowance for  
47 commercial fishermen to possess undersized king mackerel in  
48 quantities not exceeding 5 percent by weight of the king

1 mackerel onboard. Alternative 3 is the same, with a twenty-two-  
2 inch fork length, and then Alternative 4 looks at removing the  
3 minimum size.

4  
5 These actions were split by sector based on a recommendation  
6 from the Mackerel Cobia AP. The commercial AP members have  
7 expressed a lot of concern about reducing the minimum size  
8 limit, both because smaller king mackerel are going to be  
9 targeted in abundance and that they're also likely to result in  
10 a lower-value fish entering the market, and so that's why the  
11 council split these.

12  
13 I will also say that, in the past few weeks, I've heard a lot  
14 from commercial fishermen, while we were out doing the cobia  
15 hearings, expressing a lot of concern about the twenty-inch  
16 minimum size limit.

17  
18 We did do some analysis on this. The thing to keep in mind is  
19 that the commercial observer program, while they had a large  
20 sample size of discarded king mackerel, they use these length  
21 bins that are -- These three-centimeter size bins, which  
22 essentially results, when they're converted to inches, to  
23 discard length size bins with large twelve-inch gaps, and so,  
24 due to that range, it's really difficult to distinguish the  
25 exact length of the king mackerel that was discarded, but,  
26 looking at the median, you get about a twenty-nine-inch fork  
27 length, which suggests a percentage of legal-sized fish are  
28 discarded by the commercial sector.

29  
30 Again, the council's current preferred alternative is that  
31 twenty-two inches fork length, to match the recreational sector,  
32 in Action 5.

33  
34 **CHAIRMAN ANSON:** Thank you. Leann.

35  
36 **MS. BOSARGE:** I make the same motion here, to make the Gulf  
37 preferred Alternative 1, to retain the current twenty-four-inch  
38 length, which, I guess for the commercial, also retains that 5  
39 percent whatever it was, and so Alternative 1 for the preferred.

40  
41 **MR. BROUSSARD:** Second.

42  
43 **CHAIRMAN ANSON:** All right. We have a motion made by Leann and  
44 seconded by Mr. Broussard in Action 6 to make Alternative 1 the  
45 Gulf Council preferred. Martha.

46  
47 **MS. GUYAS:** Just a question, and I think this is for Christina,  
48 but I understand you may not have the history here, and so I

1 see, in Alternative 1, currently, there's a 5 percent, I guess,  
2 allowance for undersized kingfish, and is that because of the  
3 gillnet component of this fishery? I am just trying to  
4 understand why that's in place now and with the current South  
5 Atlantic preferred getting rid of that tolerance allowance, and  
6 like what are the implications for that?

7  
8 **MS. WIEGAND:** So I'm not sure about why that 5 percent allowance  
9 was initially put into place, and it's possible that it was for  
10 the gillnet fishery, and we don't allow gillnets for king  
11 mackerel on the east coast of Florida, but I don't know the  
12 history of that. I will say that the council's rationale for  
13 wanting to remove that was to prevent too many smaller fish  
14 coming into the market, based on the feedback they got from the  
15 AP.

16  
17 **CHAIRMAN ANSON:** Ryan.

18  
19 **MR. RINDONE:** Thank you, Mr. Chair. It had partly to do with  
20 the historical gillnet fleet, which, like Ms. Wiegand said, is  
21 no longer allowed, but also for depredation and cutoffs and  
22 things like that, because the fish has to be landed -- If the  
23 fish's tail is bitten off, but there's still a considerable  
24 amount left, then it still may be able to be of use, and the  
25 fisherman can get something for it, but that's not expected to  
26 be a common occurrence, where a fisherman is going to be landing  
27 a whole bunch of bitten-off fish, and so that's why it was kept  
28 a minimal amount of 5 percent.

29  
30 Also, and I was trying to look this up as quickly as I could,  
31 and you may recall that I had said that the size at maturity  
32 information hadn't been updated since 1986 for the Atlantic  
33 stock, and so I have that information for you, and it estimates  
34 that the size at which 50 percent of individuals, sexes  
35 combined, I'm sure, is between fifty-five and sixty centimeters,  
36 or 21.6 to 23.6 inches fork length.

37  
38 **CHAIRMAN ANSON:** Thank you for the information. Is there any  
39 further discussion on the motion? **Is there any opposition to**  
40 **the motion? Seeing none, or hearing none, the motion carries.**  
41 Christina.

42  
43 **MS. WIEGAND:** All right. Action 7, last but not least, this  
44 looks at modifying the recreational requirement to land king and  
45 Spanish mackerel, or Atlantic migratory group king and Spanish  
46 mackerel, with heads and fins intact.

47  
48 Currently, cutoff or damaged king mackerel and Spanish mackerel

1 that are caught under the recreational bag limit cannot be  
2 possessed and cannot be landed. Alternative 2 proposes allowing  
3 those damaged fish, under the recreational bag limit that comply  
4 with the minimum size limit, to be possessed and offloaded  
5 ashore, and there are sub-alternatives that would allow that for  
6 king mackerel and for Spanish mackerel.

7  
8 Commercial fishermen are already allowed to keep cut or damaged  
9 king and Spanish mackerel that meet the minimum size limits, but  
10 recreational fishermen are unable to do that, and so, due to  
11 increasing report of shark depredation, the Mackerel Cobia AP  
12 has requested a similar provision be put in place for the  
13 recreational sector.

14  
15 Our council currently hasn't selected a preferred alternative  
16 this action. They've had a lot of discussion about how these  
17 regulations, if it was allowed for the recreational sector,  
18 would interact with, or possibly conflict with, regulations that  
19 are currently in place in state waters, and they have also had  
20 discussions about whether they want to undertake a larger  
21 amendment or an amendment that would address this for all South-  
22 Atlantic-managed species, and so, right now, there is no  
23 preferred alternative under this action.

24  
25 **CHAIRMAN ANSON:** Thank you. Any committee discussion? Mr.  
26 Williamson.

27  
28 **MR. WILLIAMSON:** My question is what are the states' regulations  
29 regarding this, the damaged fish?

30  
31 **MS. WIEGAND:** It varies by individual state, and I'm sure Martha  
32 can provide details on state regulations, but most states in the  
33 South Atlantic do require fish to be landed with heads and fins  
34 intact.

35  
36 **CHAIRMAN ANSON:** Martha.

37  
38 **MS. GUYAS:** That is the case for the recreational fishery in  
39 Florida.

40  
41 **CHAIRMAN ANSON:** Andy.

42  
43 **MR. STRELCHECK:** My recollection is part of the complexity with  
44 this is that some states in the South Atlantic have to actually  
45 go to their state legislature to make changes like this, and so  
46 it's a lot more complicated than the rulemaking, and so we just  
47 had some reservations of proceeding with this type of change.

48

1 **CHAIRMAN ANSON:** Any other discussion? Seeing none, we have  
2 come to the end of the document, in as much as the action items  
3 that needed our input, and we have a couple that differ from the  
4 South Atlantic at this point, and so we heard about the public  
5 hearing schedule. Christina, do you have any thoughts with the  
6 two action items that have different preferreds, and do you have  
7 any problems with still going forward with a recommendation on  
8 public hearings, approval for public hearings, or does that  
9 create any --

10  
11 **MS. WIEGAND:** It's my understanding that, while both councils  
12 have to agree to send the amendment out to public hearing, that  
13 there's no requirement for there to be consistency in preferred  
14 alternatives to go out to public hearing, and so, assuming that  
15 my understanding is correct, I don't think there's any issue  
16 sending this out for public hearings, but certainly it gives the  
17 public specific actions to comment on, given that the councils  
18 have two separate preferreds.

19  
20 **CHAIRMAN ANSON:** Thank you. What is the committee's desire  
21 regarding public hearings? Do we still go with the schedule  
22 that Christina discussed earlier? Martha.

23  
24 **MS. GUYAS:** I don't have a problem with that, and so, if you  
25 need a motion, I will move that we recommend **CMP Amendment 34 be**  
26 **approved for public hearings.**

27  
28 **CHAIRMAN ANSON:** We have a motion made, and it's coming up on  
29 the board. Is there a second to the motion? It's seconded by  
30 Dr. Frazer. **The motion is to recommend CMP Amendment 34 be**  
31 **taken out to public hearings.** Is there any discussion on the  
32 motion? **Is there any opposition to the motion? Seeing none,**  
33 **the motion carries.** Christina, do you have anything else?

34  
35 **MS. WIEGAND:** No, sir. That was everything I needed. Thank you  
36 guys so much for spending the first hour of your morning talking  
37 about Atlantic king mackerel.

38  
39 **CHAIRMAN ANSON:** Thank you. Madam Chair, that would conclude  
40 the Mackerel Committee, because we handled Other Business  
41 yesterday. Thank you.

42  
43 (Whereupon, the meeting adjourned on October 26, 2021.)

44  
45 - - -  
46