GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

MACKEREL MANAGEMENT COMMITTEE

Opal Key Resort & Marina and Virtual Key West, Florida

June 22, 2021

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Susan Boggs.....Alabama
Leann Bosarge.....Mississippi
Dale Diaz.....Mississippi
Jonathan Dugas.....Louisiana
Martha Guyas (designee for Jessica McCawley).....Florida
John Sanchez.....Florida
Andy Strelcheck.....NMFS
Ed Swindell.....Louisiana
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TABLE OF CONTENTS

Table of Contents.....3

Table of Motions.....4

Adoption of Agenda and Approval of Minutes and Action Guide and Next Steps.....5

Coastal Migratory Pelagics Landings Update.....6

Draft Amendment 32: Modifications to the Gulf of Mexico Migratory Group Cobia Catch Limits, Size Limits, and Framework Procedure and South Atlantic Recommendations.....8

Draft Amendment 33: Modifications to the Gulf of Mexico Migratory Group King Mackerel Catch Limits and Sector Allocations.....33

Draft Amendment 34: Atlantic King Mackerel Catch Levels and Management Measures.....55

Adjournment.....66

- - -

TABLE OF MOTIONS

PAGE 11: Motion in Action 3 to make Alternative 3 the preferred alternative. The motion carried on page 12.

PAGE 15: Motion in Action 4 to make Alternative 2 the preferred alternative. The motion carried on page 15.

PAGE 18: Motion in Action 5.1 to make Alternative 2, Option 2b the preferred alternative. The motion carried on page 21. A re-vote was taken on page 27 to confirm that the motion carried.

PAGE 22: Motion in Action 5.1 to make Alternatives 3 and 4, Options 3b and 4b, the preferred. The motion failed on page 27.

PAGE 32: Motion in Action 7 to make the amended Alternative 2 the preferred alternative. The motion carried on page 32.

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The Mackerel Management Committee of the Gulf of Mexico Fishery Management Council convened on Tuesday morning, June 22, 2021, and was called to order by Chairman Robin Riechers.

ADOPTION OF AGENDA
APPROVAL OF MINUTES
ACTION GUIDE AND NEXT STEPS

DR. TOM FRAZER: We're going to get started right away with the Mackerel Committee, and Robin Riechers is the chair of that committee. Robin, if you're ready to go.

CHAIRMAN ROBIN RIECHERS: Yes, sir, Mr. Chairman, but I have asked Kevin to take and run the meeting, just simply because he can see the hands there, and someone then doesn't have to prompt me about that.

DR. FRAZER: No problem. I apologize that I didn't get that message. Kevin, go ahead.

VICE CHAIRMAN KEVIN ANSON: Thank you, Mr. Chair. We'll start with Tab C, Number 1, the Mackerel Management Committee agenda. The members that are present here at the table and online is, of course, Mr. Riechers online, Ms. Boggs, Ms. Bosarge, Mr. Diaz, Mr. Dugas, Ms. Guyas, Mr. Sanchez, Mr. Strelcheck, Mr. Swindell, and Mr. Williamson are in attendance. We'll start with the agenda. Are there any modifications that are needed for the agenda? Seeing none, is there any opposition to accepting the agenda as written? Seeing no opposition, the agenda is approved as written.

Moving on to Item Number II, Approval of the April 2021 Minutes, Tab C, Number 2, are there any modifications to the minutes needed? I have two. Page 12, line 29, I believe it needs to be changed -- The "2021" reference needs to be changed to "2001", and then, on page 16, line 18, there is a time series reference, and it's listed as "2008 through 2018" in the minutes, and I think it needs to be changed to "2000 to 2008".

MR. RYAN RINDONE: Kevin, can you repeat that last one again, please?

VICE CHAIRMAN ANSON: Page 16, line 18, the time series needs to be changed from "2008 to 2018" to "2000 to 2008".

MR. RINDONE: Thank you.

VICE CHAIRMAN ANSON: Any other changes to the minutes? Can I

get a motion to accept the minutes as amended then?

MR. JOHN SANCHEZ: So moved.

MR. TROY WILLIAMSON: Second.

VICE CHAIRMAN ANSON: Mr. Sanchez with the motion and Mr. Williamson with the second. Any opposition to the motion? Seeing none, the minutes are approved as amended.

Item Number III, Action Guide and Next Steps, Dr. Mendez-Ferrer, I think it would be best maybe just to refer to the document before each agenda item, but Dr. Mendez-Ferrer.

DR. NATASHA MENDEZ-FERRER: Thank you, Mr. Chair. The first item that we'll be discussing is Agenda Item Number IV, Coastal Migratory Pelagics Landings Update, and we will have Ms. Kelli O'Donnell from NMFS Southeast Regional Office providing you with an update on the status of CMP landings in relation to their ACLs, and, as usual, this is for information only, and no action is required by the committee.

VICE CHAIRMAN ANSON: Thank you. We have Ms. O'Donnell on the line.

MS. KELLI O'DONNELL: Yes, I'm here, Mr. Chair.

VICE CHAIRMAN ANSON: All right. Go ahead.

COASTAL MIGRATORY PELAGICS LANDINGS UPDATE

MS. O'DONNELL: First, we've got our Gulf Zone cobia commercial landings, and the 2021 landings are preliminary, but we can see, from the past couple of years, and even the three-year average from 2018 to 2020, landings have been fairly similar over the past couple of years.

We didn't have time to request a breakout of the Gulf Zone recreational landings from the stock landings that come in, and so we are presenting them as these bar graphs, with 2020 being the last year, because we did just get in most of 2020 landings, although they are still preliminary, because we only have half the year's landings from Texas, and, even with 2020 being a year where people were thinking maybe not as much fishing going on, recreational landings were still pretty similar, as well as commercial.

For the Florida East Coast Zone commercial landings, they've

kind of been all over the place the past couple of years, and, again, keep in mind that 2021 is still preliminary, but it does look like the past couple of years landings have been going down for the commercial sector.

For the recreational sector, they seem to be doing pretty well, and Natasha will be going into some more detail with this when she goes over the decision tool, when we talk about CMP 32 and what this could mean with how their landings have been generally pretty steady over the past couple of years, and, again, we do have most of the 2020 recreational landings, and we're just waiting for the last little bit from Texas.

King mackerel commercial landings, we have combined all of the zones together for this, and it was brought up at the last meeting why was there such a jump at the beginning. Well, last meeting, we had started and did a calendar year of January to December.

This time, we changed the slide to be the actual fishing year of July, and that jump that happened around January and February was due to the gillnet sector opening for their fishing year and then just depending on the past couple of years, if they had closed in January or closed in February, filling their whole quota of around 500,000 pounds, and so that's why that big jump was there, and you can still see that within this figure, around that January to February timeline.

Also, to note that king mackerel commercial has been one of the only ones within the CMP that routinely meets their total ACL, and another note was we just got notice that we had a lot of late northern zone commercial landings that came in, and they have now exceeded the quota, and so we are in the process of putting in a closure package for the northern zone, and so that will mean, once that closes, the only zone that is still open would be the western zone, although all of the zones, except for the northern, are starting their new fishing year on July 1.

King mackerel recreational landings, you can still see that they have steadily, over the past couple of years, been well below half of what their ACL is, and the 2020 and 2021 is looking kind of like it's going a little bit lower, but keep in mind that we only have Wave 1 landings for 2021, and so, once we have the rest of those, that will probably adjust that 2020 and 2021 landings like a little bit.

Spanish mackerel commercial, again, is another one of those ones that has kind of been all over the place, and, even though our

2021 landings are preliminary, the fishing year ends in March for this, and so that's only a couple of months that we have in there that are preliminary, and 2020 is considered final, and so they did have a lot lower landings this past year than what they have in the past few years, and I'm not sure if anybody has any insight to what has been going on with that at all.

Same as we saw for the cobia stock, we did not have time to request a breakout of the recreational landings separately, and so we're just showing the bar graph that combines the commercial and recreational, and we were able to put in a little bit of those 2021 landings, because their fishing year does end in March, and we have almost all of that for Wave 1, but just remember that that number can kind of fluctuate a little bit until those recreational landings are final. I think that is the last slide, and I'm not sure if anybody has any questions at all.

VICE CHAIRMAN ANSON: Thank you for the presentation. Any questions from the committee? I am not seeing any questions. Do you have anything else, Ms. O'Donnell?

MS. O'DONNELL: That's it for me. Thank you, Mr. Chair.

VICE CHAIRMAN ANSON: All right. Thank you. Next, that will take us to our next item. Dr. Ferrer.

DRAFT AMENDMENT 32: MODIFICATIONS TO THE GULF OF MEXICO MIGRATORY GROUP COBIA CATCH LIMITS, POSSESSION LIMITS, SIZE LIMITS, AND FRAMEWORK PROCEDURE AND SOUTH ATLANTIC RECOMMENDATIONS

DR. MENDEZ-FERRER: Thank you, Mr. Chair. Agenda Item Number V is Draft Amendment 32: Modifications to the Gulf of Mexico Migratory Group Cobia Catch Limits, Possession Limits, Size Limits, and Framework Procedure.

This draft, this version of the draft amendment, includes a couple of updates since April. We have updated analyses related to possession limits, and we're including some closure analyses, and the South Atlantic Council reviewed this amendment last week, and so I will have to be referring kind of back and forth between some of their decisions that I have not been able to highlight on this version of the amendment, but, today, the committee will need to vote on some of the decisions that have been made and provide feedback to staff regarding the range of actions and alternatives that we're including, with the hopes that we could move forward with a creating a public hearing

draft that we would present in August for the Gulf and in September for the South Atlantic.

If we got to Figure 1.1.5. to remind the committee, the reason why we are doing this amendment is that the latest stock assessment for Gulf migratory group cobia determined the stock was not overfished, but is undergoing overfishing, and so received direction from the council to address modifications to OFL and ABC and ACL, overall catch limits, and we're looking at changing possession limits and size limits, and we are also including another action to address some issues regarding the management of cobia through the framework procedure.

Like I mentioned, we have seven actions. Actions 1 through 4 are kind of tied to each other, and just know that, as you're selecting the overall Gulf group cobia ACL, and, when I speak about the Gulf group, I'm referring to cobia that are throughout the whole range from Texas to the Florida/Georgia state line.

Then this ACL is apportioned between two zones, and the Gulf Zone are cobia within the Gulf Council's jurisdiction, and then the FLEC Zone includes the southern portion of the Florida Keys and the Florida east coast.

Action 3 would modify the recreational ACL and the sector allocation for the FLEC Zone. This action would not be changing sector allocations in the Gulf Zone, because we manage this as a single stock, and then Action 4 looks at the ACTs for each of the zones.

If we move to Action 1, Action 1 modifies the Gulf group OFL, ABC, and ACL. Currently, we have three alternatives. Alternative 1 is no action. Alternative 2 modifies the OFL, ABC, and ACL based on the council's SSC recommendations for the years 2021 -- An increasing yield stream from 2021 to 2023. This is another, Alternative 3, which would be to keep the OFL, ABC, and ACL constant for the year 2021.

The way that preferred alternatives are being outlined in this draft is, when you see "preferred", just the word "preferred", it means that both councils have agreed, or concurred, that that alternative is the preferred, and so, if we reach a point where one council has selected a preferred, versus the other, you will see that it either says Gulf Council or South Atlantic Council.

Last week, there were no changes to the preferred alternative on the South Atlantic, and so I can stop here and see if the committee has any questions or any further discussion regarding

the alternatives presented in this action.

VICE CHAIRMAN ANSON: Thank you. Is there any questions from the committee? Ms. Boggs.

MR. BOGGS: Thank you, Dr. Ferrer. My question is we're looking at this document, and it's June, and the first year in the preferred that has been chosen by this council is the year 2021, and so I don't see this document going into effect in 2021, and so what happens now? Do we just jump into 2022 and have this really large increase in the OFL starting in 2022?

DR. MENDEZ-FERRER: My understanding is that, yes -- You're correct. This amendment, it's very unlikely that it will be implemented in 2021, and so we would be -- When it gets implemented, we will be using 2022 numbers, and so, when I mentioned that we updated closure analyses, we are including what the predicted closure dates, based on the changes being proposed here would be if we were to implement this this year, but, also, with an implementation year of 2022.

VICE CHAIRMAN ANSON: Any other questions from the committee on Action 1? All right, Dr. Ferrer, if you can continue.

DR. MENDEZ-FERRER: All right. Moving on to Action 2, Action 2 would modify the apportionment of that total Gulf group ACL between the Gulf Zone and the FLEC Zone. Currently, we have five alternatives here. The preferred alternative for both councils is Alternative 3, which modifies the apportionment to be 63 percent of the Gulf group ACL to the Gulf Zone and 37 percent of the Gulf group ACL to the FLEC Zone, and this ACL would be monitored using MRIP-FES landings, and this was calculated using data from 1998 to 2012.

At the last April meeting, the Gulf Council made a motion to move Alternative 4 to Considered but Rejected, because the difference between Alternative 4 and Alternative 3 was so small, only 1 percent, and so, last week, the South Atlantic concurred with moving Alternative 4 to Considered but Rejected. I can stop here, to see if the committee has any questions or any further discussions on the apportionment of the Gulf group ACL.

VICE CHAIRMAN ANSON: Thank you. Are there any questions or comments from the committee? Seeing none, please continue.

DR. MENDEZ-FERRER: All right. Action 3 modifies the FLEC Zone cobia sector allocation. In April, the council, the Gulf Council, did not select a preferred alternative, since this is

focused on management with the South Atlantic Council, and so this was discussed last week, and the South Atlantic selected Alternative 3 as the preferred, and so that is to retain the 8 percent commercial sector allocation and 92 percent of the ACL to the recreational sector, and these ACLs would be updated based on MRIP-FES landings.

They selected Alternative 3 because Alternative 3 and 4 are very similar in maintaining the current percentages, which, currently, their sector allocation is divided 8 percent to the commercial and 92 percent to the recreational, but, when comparing what the actual poundage would be and how they're calculated between 3 and 4, Alternative 3 is less confusing and more straightforward.

Alternative 3 would retain -- Also, Alternative 3 would retain the commercial quota close to the current poundage, which is already pretty small, and the South Atlantic Council did not want to lower the poundage any further at this time.

I can stop here, if the committee has any questions, and we would need to vote on if we want to concur on the sector allocation for the FLEC Zone cobia to be Preferred Alternative 3. We also have Ms. Wiegand on the line, and she is my co-lead from the South Atlantic Council, and so, if you have any questions that might be more directly towards their discussion, she can also help with the answers.

VICE CHAIRMAN ANSON: All right. Thank you. This is kind of a -- Dale.

MR. DALE DIAZ: You can finish what you were saying, Kevin, and you can call on me when you're done.

VICE CHAIRMAN ANSON: I was just going to repeat trying to get some action out of the committee is all, just to repeat Dr. Ferrer's comment. Thank you.

MR. DIAZ: Okay. **I was going to make a motion that we make Alternative 3 the preferred.**

MS. MARTHA GUYAS: I second that.

VICE CHAIRMAN ANSON: All right. We have a motion, and it's seconded by Martha. I will give a second for staff to put that on the board. While they're going that, Dale, did you want to explain your motion?

MR. DIAZ: At the last meeting, I was reluctant, and I think the rest of the committee was, to try to weigh-in on something that is strictly a South Atlantic Fishery Management Council issue. They have weighed-in, and it's a decision that mainly affects the South Atlantic, and I respect their decision, and I would go along with it. Thank you.

VICE CHAIRMAN ANSON: Thank you. I think the motion is on the board. Dale, does that look good for you? Great. Any discussion on the motion? **Seeing none, is there any opposition to the motion? Seeing none, the motion carries.** Any other discussion in this action item?

DR. MENDEZ-FERRER: No, sir, and we can move on to Action 4.

VICE CHAIRMAN ANSON: Dr. Ferrer, go ahead.

DR. MENDEZ-FERRER: All right. If there aren't any other questions on Action 3, then we can move on to Action 4.

VICE CHAIRMAN ANSON: Go ahead and move on, please.

DR. MENDEZ-FERRER: All right. Action 4 proposes to modify annual catch targets for the Gulf group cobia zone, and this will be updated based on the apportionment selected in Action 2, and then for the FLEC Zone based on the sector allocation for Action 3.

There is one minor change to Alternative 1 from the draft that you all saw in April. Alternative 1, no action. The Gulf Zone ACT equals 90 percent of the Gulf Zone ACL, and so we're scratching the part where it said that this 90 percent was calculated using the Gulf ACL/ACT Control Rule. We went back on the record, and so we modified -- We corrected the language here.

The FLEC Zone ACT is calculated in a different way, by multiplying the ACL times one minus the proportional standard error of the FLEC Zone recreational landings, or 0.5, whichever is greater. Alternative 2 proposes to use the Gulf Council's ACL/ACT Control Rule to calculate the ACTs for both zones, for the Gulf Zone and the recreational sector FLEC Zone.

Alternative 3 would establish an ACT for the commercial sector in the FLEC Zone, and that would also be calculated using the ACL/ACT Control Rule. Now, if Alternative 3 were to be selected as a preferred, we would probably need to add one more action to this document to modify accountability measures for the FLEC

Zone commercial sector as the way that accountability -- They don't have a post-season -- The way that the closures work in the FLEC Zone are different from the Gulf.

In the Gulf Zone, once the ACT is met, the fishery is closed, and so, for the FLEC Zone, if the commercial sector reaches the ACL, that's when there is a closure for the recreational. It's a post-season accountability measure. If their ACL is exceeded, then it would need to be a modification on the following fishing year, so that it doesn't exceed the ACT. I know it's a bit confusing, but the South Atlantic selected Preferred Alternative -- Their selected preferred alternative is Alternative 2, to use the Gulf Council's ACL/ACT Control Rule to calculate the ACTs for both zones.

The South Atlantic, at this time, is not choosing to select Alternative 3 as preferred, because the current accountability measures for the FLEC Zone are not tied to an ACT, and the South Atlantic Council didn't feel as though the ACT was needed, because commercial landings have been below the ACL in recent years, and, when we looked at the potential for a closure for the commercial sector ACL, it didn't look like that was going to happen, based on the catch limit recommendations that are being proposed in this amendment.

One thing to note is that, when we ran the council's ACL and ACT Control Rule for the Gulf Zone, the ACT would also equal 90 percent of the Gulf Zone ACL, and so, at this point, that 90 percent would basically stay the same, and so, when you look at the tables, that's the reason why you will see the -- When you scroll down to Table 2.4.1, we see that the ACTs, using Alternative 1 for the Gulf Zone, versus Alternative 2, would be the same.

One thing to note is that, and to Susan's point, when we looked at the -- We ran a closure analysis looking at what potential closures we would see with these ACTs in the year 2021 and 2022, and so, if -- As we currently stand, with the preferred ACL alternative, and looking at the most conservative ACTs, in 2021, the ACT would be projected to be met between October and November, and this is without considering any changes to possession limits, vessel limits, trip limits, or changing the minimum size limit.

Now, looking at the potential closures that could happen in the year 2022, under the most conservative ACTs for that fishing year, no closure is projected under most of the alternatives, except for Alternative 5, which would have a closure around the

month of December.

All of these analyses are included in Appendix F of your document, and so, if you want to see the tables, we can go there, or I can stop here for any questions, before we move on with the discussion.

VICE CHAIRMAN ANSON: All right. We do have a question from Leann.

MS. LEANN BOSARGE: I had a question. The South Atlantic bases their ACT, and so their buffer between the ACL and the ACT, on the rec side, and it's based on a formula that is generated by the PSE, the percent standard error, around the landings, and I'm sure it's somewhere in this document, but what was the PSE before on CHTS, versus what's the PSE now on FES for them?

DR. MENDEZ-FERRER: One second, Leann. I will have to go back to Action 4, or, Christina, if you have those numbers readily available, feel free to chime in.

MS. CHRISTINA WIEGAND: I don't have the numbers readily available. I have the numbers that were in the document for the current PSEs, and I will try to find the ones for CHTS, what it would have been based on when we originally set it.

MS. BOSARGE: Okay. Do we know generally? Did the error go up, or did the error go down, when we moved to FES?

MR. RINDONE: Up.

MS. BOSARGE: So they're more uncertain. The FES numbers are more uncertain than the old CHTS, even though we improved the survey.

MR. RINDONE: Using the proportional standard error as the metric, yes.

MS. BOSARGE: All right.

VICE CHAIRMAN ANSON: Any other questions from the committee?

DR. MENDEZ-FERRER: Mr. Chair, on this action, we will also need a vote from the committee. The South Atlantic's preferred alternative, currently, it's Alternative 2, and so the committee would have to decide if they want to concur or if they want to make any changes to the alternatives on this action.

VICE CHAIRMAN ANSON: Thank you. Martha.

MS. GUYAS: I will make that motion to select Alternative 2 in Action 4 as the preferred alternative.

VICE CHAIRMAN ANSON: We have a motion. Is there a second to the motion?

MR. ANDY STRELCHECK: Second.

VICE CHAIRMAN ANSON: It's seconded by Andy Strelcheck. I will give just a second for the motion to be put on the board. Martha, is that your motion?

MS. GUYAS: Yes.

VICE CHAIRMAN ANSON: All right. Any discussion on the motion? **Seeing no discussion, is there any opposition to the motion? No opposition, and the motion carries.** Dr. Ferrer.

DR. MENDEZ-FERRER: Thank you, Mr. Chair. Moving on to Action 5, Action 5 proposes to modify the Gulf Zone and the FLEC Zone cobia possession, vessel, and trip limits, and so this action has been divided into two sub-actions, and Sub-Action 5.1 is focused on the Gulf Zone, and 5.2 is focused on the FLEC Zone.

Here is where the committee -- We would need some discussion from the committee. From the draft that you all saw in April 2021, we have -- That draft included some preliminary analyses to predict the potential of reducing cobia harvest based on the alternatives that are being proposed here, and so the tables that are included in Action 5.1 and 5.2 have been updated.

Also, included in this briefing book is a decision support tool that can help you kind of play with the different combinations of the alternatives that are being presented in Action 5 and Action 6 and how this will affect the recreational -- Excuse me. The cobia harvest, in terms of a closure or how close we're going to get to the ACT, and so, currently -- At the last April 2021 meeting, the Gulf Council passed a motion to remove "preferred" from Alternative 2, Option 2b, and so that would be -- That alternative would reduce the daily possession limit from two fish to one fish per person, regardless of the number or duration of trips, and that could be for the recreational or commercial sector.

When the South Atlantic discussed this action at its last meeting, the South Atlantic chose to maintain the current

preferred alternative, and so that would be to also reduce the possession limit from two to one fish per person for the recreational and the commercial sector.

Right now, I guess, we would need to sort -- In order for this action to pass, both councils need to agree, and the reason why they did not change their stance is because the goal of this amendment is to reduce harvest and to recover from an -- Prevent overfishing, and so the council would like to maintain consistency in regulations between federal waters and Florida state waters, as well as retaining consistency between the regulations in the Gulf Zone and the FLEC Zone.

When we discussed Action 5.2, the South Atlantic Council's preferred alternatives matched those in 5.2 and 5.1, and so there are two -- Right now, both councils are agreeing on creating a recreational vessel limit of two fish per trip and creating a commercial vessel trip limit also of two fish per trip, and so we can -- If we scroll down to Table 2.5.1.1, and so that would be in Action 5.1, and you can scroll down to Table 2.5.1.1.

That table summarizes what the predicted percent reduction in cobia harvest would be related to each one of the alternatives on these actions, and, as you can see, reducing the per-person daily possession limit for the recreational sector is expected to have a reduction of 1.2 percent, and, for the commercial sector, of less than 1 percent.

If we move on to setting a recreational vessel limit per trip of two fish per vessel, there is an expected reduction of 9 percent in harvest, but then the effects are much lower for the commercial, and so we have two -- I guess I have two questions for the committee. One of them is we need to make a decision on the Alternative 2, since we're currently not concurring on the commercial sector, on reducing the commercial sector per person possession limit, and, also, discuss, if the committee does not want to modify the commercial sector possession limit and retain that too, would it still want to retain -- Modify and create a trip limit for that sector?

One of the things that -- If we scroll back up to the figures, most of the trips are already catching one cobia per vessel, and we've heard, from public testimony, that our anglers are having issues catching cobia, and so these percent reductions might be a reflection of that, that the fish aren't there for people to catch.

As the stock recovers, with these changes in the catch limits that we're proposing, that story may change, as there may be more fish in the water and more opportunity for anglers to catch the fish, and so I can open the floor for some discussion, and maybe we can begin by talking about the per-person possession limit in Alternative 2.

VICE CHAIRMAN ANSON: That's a good plan, Dr. Ferrer, and so let's talk about Preferred Alternative 2. Do we want to make any changes? Martha.

MS. GUYAS: I would support adding in Option 2b again. I mean, this is essentially what the commercial is doing now, and it does make the regulations more consistent. I mean, in Florida, we're already at one fish per person, no matter who you are, and we're dealing with an -- The stock is undergoing overfishing, and it's in danger of being overfished, and so I think that's probably the right thing to do here. Maybe that's Chester that wants to talk about the South Atlantic meeting, and so I will stop there.

VICE CHAIRMAN ANSON: Chester, if you want to go ahead.

MR. CHESTER BREWER: I am excited. This is my first chance to speak. I've been sitting here on my hands for a day-and-a-half now. Yes, we were concerned, because we realized that we were not coming to the same preferred that the Gulf Council potentially had picked, but our thinking, I think, was controlled by a couple of different things.

One is that, obviously, as has been mentioned, cobia are -- While they're not overfished, overfishing is occurring, and so there is some need to constrain the catch a little bit, and then the other one was really dealing more with the FWC.

My understanding is that the FWC has already gone to one fish per person, recreational and commercial, in western Florida, the Gulf side, and the representatives -- Our FWC representative indicated that the FWC is going to do the same on the Atlantic side, and so, for the sake of consistency between both coasts and between the federal and state, we thought it would be more conservative, and probably a better idea, to just go to one fish per person across-the-board, and, in looking at some of these figures here, that does not really adversely impact the commercial folks that much. Less than 1 percent is what the tables are showing.

VICE CHAIRMAN ANSON: Thank you, Chester. Martha.

MS. GUYAS: I am going to make a motion here that, in Action 5.1 we add Option 2b as a preferred alternative.

VICE CHAIRMAN ANSON: All right. We have a motion. Is there a second to the motion? I am not seeing any hands, and so the motion --

MR. STRELCHECK: I will second for discussion.

VICE CHAIRMAN ANSON: We have a second for discussion by Andy. Go ahead.

MR. STRELCHECK: Martha, I went on your website after the South Atlantic Council meeting, and I found conflicting information with regard to bag limit and vessel limit for cobia on the Atlantic coast, and I've seen two fish, and I've seen one fish per person, and I've also seen a six-fish vessel limit. Can you clarify?

MS. GUYAS: Yes, and so the Atlantic does not have the one fish per person and two fish per vessel like we do on the Gulf side. They have the same regulations that were in place before, and we haven't made those changes over there. At least the vessel limit is the same, and I can't remember if it's one or two per person over there, and I can check that, really quick.

At the time, when the FWC did this, this was maybe 2017, and fishermen came to us from the Gulf coast, really concerned about cobia, and they talked about how tournaments have been cancelled, and they're just not seeing the fish, and so, at the time, the FWC took action on the Gulf coast and then decided to consider Atlantic once we had this assessment in hand.

Now we have it, and it's not looking good, and so, once the councils dispense with this amendment, we'll take a package to our commission for consideration for cobia, to basically make what's in place on the Gulf coast in Florida in state waters consistent throughout the state. Hopefully we have consistent regulations for federal waters as well, but that's kind of the rough game plan at this point.

VICE CHAIRMAN ANSON: Andy.

MR. STRELCHECK: To add to that, during the South Atlantic Council meeting, I think we were giving a lot of deference to Florida, because they're the only state that would be affected on the east coast for Gulf cobia, in the FLEC Zone, but, in terms of the Gulf of Mexico, Florida is not the only state that

manages cobia, and so the issue of consistency certainly is appropriate for Florida, but other states, obviously, will have varying bag limits and vessel limits, and I don't know if there's any consideration or intent for Alabama through Texas to consider consistency and how important that is, obviously, from the standpoint of these options, and so I just wanted to mention that.

VICE CHAIRMAN ANSON: Leann.

MS. BOSARGE: We removed this last time, and I spoke in favor of what we did last time, and, yes, the purpose and need may say to reduce harvest, but what you want to do is holistically substantially reduce harvest in a way where the stock can rebuild, right, and grow again, and this would get you, what, maybe a thousand -- I calculated it last time, and it was like 1,500 pounds, and it's just minimal, right, because our harvest has been constrained so much on the commercial side already, through both state and federal regulations combined, right.

I'm not going to make or pass any judgments on that, but we have been constrained, to the Nth degree, and some people may not see it as substantial to reduce us to one, but, when you look at it, there's 20 percent that is landing that two fish right now, and so that's not insignificant, in my world.

Think about it this way. First off, how many commercial fisheries do you have where our limits are set in numbers of fish? We don't fish that way. We fish on a certain number of pounds, because we have a different purpose for fishing, right, and so we're already in a weird predicament here, where you're telling us that we actually have a bag limit of two fish.

When you take it down to one fish, I mean, at that point, you really have no market anymore for the fish, and what you will do is essentially wipe the commercial fishery off the map completely. We're only barely on the map for this species already, because of the regulations, and this will just take us out, and I just don't see where that's fair and equitable, nor does it really promote any conservation benefit.

You saw it's less than 1 percent that is the benefit that you're going to see in the reduction in harvest, and so, for that reason, I would vote against this motion.

VICE CHAIRMAN ANSON: Ms. Guyas and then Mr. Sanchez.

MR. GUYAS: Just to clarify, the Atlantic state waters

regulations for Florida, the vessel limit is six across-the-board right now. It's per person recreational, currently, but two per person commercial, and so I would expect that commercial limit is going to change, once the commission considers how to move forward here, so that we can get out of this overfishing situation.

VICE CHAIRMAN ANSON: John.

MR. JOHN SANCHEZ: Again, I would echo, I guess, some of what's been said already, that the commercial landings of cobia are nothing compared to what we're trying to accomplish here in terms of reduction, and so to impact them by lumping them in with a one fish, it doesn't make much sense to me, and I don't think it accomplishes much biologically, yet the impact will be real for them, and so I would like to see them stay at two fish.

VICE CHAIRMAN ANSON: Any other discussion from the committee? Andy.

MR. STRELCHECK: I guess a question for staff. With regard to the recreational landings, do we project, by reducing the bag limit to one, that we would be potentially exceeding the catch limit, if no other actions are taken, or will it remain under the catch limit?

DR. MENDEZ-FERRER: For the Gulf Zone, without any changes to the current possession in vessel or trip limits, under the preferred alternatives that we have right now, we are not expected to meet the ACT, and so maybe, Bernie, we can open the spreadsheet that we have in the briefing book.

MR. STRELCHECK: While you're doing that, I guess my comment is the commercial sector operates differently, and reducing the bag limit from two to one, obviously, from a conservation standpoint, reduces harvest, but we are managing them with a catch limit, and so we are constraining harvest, regardless of what the vessel limit or bag limit is, and so, although I seconded the motion, I think I'm going to speak against it, because I think the catch limit is reasonable, in terms of constraining harvest here.

DR. MENDEZ-FERRER: If you scroll down to the purple panel below this, when you play with the alternatives that are in the top panel, these numbers right here, the ACT overage and underage that you see on this little table, those are the numbers that are going to change, and so, like I mentioned earlier, under the most conservative ACTs, we would only be expected to exceed the

ACT in Alternative 5, and Alternative 5, to remind the committee, is, if the stock ACL were to be apportioned 59 percent to the Gulf Zone and 41 percent to the FLEC Zone, and that currently is not our preferred alternative. The preferred alternative, where we currently stand, is Alternative 3, and so that middle column.

If you scroll up, right now, these are selections for the status quo, which are two fish per person for the commercial, two fish per person for the recreational, no vessel limit for the recreational, and no trip limit for the commercial, and so what Andy was talking about is, if we were to not make any changes in the possession limit, given the changes that we're making in catch limits, we're not predicting that we're going to exceed or meet the ACT.

Now, if you change this to -- If, in Number 2, if you change that two fish per person to -- Let's put this into what the current preferreds are, and so, that one, leave at two fish per person, and then, for Number 3, change that to two cobia per trip, and this is Action 5.1. and that one reduced to one fish per person, and then the vessel limit of two cobia per vessel, and we'll keep the size limit at thirty-six, which is where we currently are. If you scroll down, then there is a slight change, and so, if you look at Alternative 3, we would be 14 percent below the ACT.

You can play with this, and I guess, once we vote on the motion on the board, I feel like we may need -- Depending on the outcome, we may need to revisit Alternative 4, which is setting a trip limit for the commercial sector. I will be quiet for now and let you vote on the action on the board.

VICE CHAIRMAN ANSON: Thank you. There is a motion on the board. Is there any other discussion on the motion? **All those in favor, please your hand, real and digital, six; for the record, all those opposed raise your hand, four. It's six to four, and the motion carries.** All right, and so we have the second alternative that Dr. Ferrer had mentioned that we need to discuss, potentially.

DR. MENDEZ-FERRER: Just, given the discussions that we've been having today, currently, Alternative 4, which would be to create a commercial trip limit of two fish per trip, is preferred, and, when I say preferred here, it's both councils have selected that as a preferred.

If, during today's discussion, and I guess I want to ask the

committee if this is still considered a preferred alternative, to create a trip limit. If we make any changes here, then this would need to go back to the South Atlantic Council for further discussion, because they are currently selecting a trip limit of two fish for the commercial sector as a preferred.

Again, to remind the committee, Alternative 2 is focused on the per-person daily possession limit, and Alternative 4 is a trip limit, and so this is a slightly more conservative alternative.

VICE CHAIRMAN ANSON: All right. Thank you. Is there -- Is everyone happy with what we have? Dale.

MR. DIAZ: Thank you, Mr. Chairman. We jumped to Alternative 4, and I wanted to talk about Alternative 3. Is this the appropriate time to do that?

VICE CHAIRMAN ANSON: Go ahead.

MR. DIAZ: Thank you. As I read through the document, and I think about this, we've got a lot of moving parts here, and that's why I wanted to try to look at this a little bit closer. **I want to make a motion, and, if I get a second, I will try to give some rationale, and so, in Action 5, I would like to make the preferred alternative Alternative 3b. The vessel trip limit is four fish per person, and that would be my motion, if I get a second.**

VICE CHAIRMAN ANSON: We have a motion, and it's seconded by Mr. Schieble. Is there any further discussion? Dale.

MR. DIAZ: Yes, sir. I will try to give some rationale. I do realize that we're not overfished, but we are undergoing overfishing, and we're trying to right the ship. I am in favor of righting the ship, but a lot of stuff has already taken place, and I just wanted to mention a few things.

The Gulf Council changed to thirty-six inches, and the last stock assessment did not include the impact of that change, and so we're going to figure out exactly what that means in the future, I believe. In the document right now, the preferred, for the FLEC Zone, it looks like it's going to go up to thirty-six inches, and so that's a move in a positive direction, and we just went over Alternative 2 here, which drops the bag limit to one fish per person, and so we've made some substantial changes already.

I think the per-vessel limit, in my opinion right now, is a

little bit too much, to drop it down to two, and that's why I wanted to do some type of compromise, and even our own document, on page 35, if we're talking about Alternative 3, it says, "However, since the majority of trips catching cobia retain one fish per vessel, the predicted reductions in harvest from options in Preferred Alternative 3 are low."

Also, there is some public comments, and the public comments are kind of all over the place, but there are some public comments that would prefer to have more than two fish per vessel, and so that's my rationale for making the motion. Thank you, Mr. Chair.

VICE CHAIRMAN ANSON: All right. Thank you. Martha.

MS. GUYAS: I am going to speak against this motion. I mean, right now, the situation is people can't -- They can hardly catch one fish per trip, let alone four, but, once we get to a situation where things are looking better, then maybe people start catching more fish on a trip.

I mean, right now, people are lucky to see a cobia, let alone harvest it, on a recreational trip, and so this might have some unintended consequences, in that, as the situation gets better, people start taking more fish per trip, and then we end up facing quota closures, which I think is particularly challenging in the case of cobia, because it is coastal migratory, and we've got fish in different places at different times, and this could have some serious impacts for some of the communities that at least have historically depended on cobia being there at different times of the year.

Once we start seeing some progress, I am not opposed to looking at going back up in the vessel limit, or maybe even the possession limits, for recreational and commercial, but, I mean, we're in a bad place right now, and so my preference is to right the ship first and then start ratcheting up on the vessel limit. I realize this is a decrease from where federal waters is now, but I just think that this could have some serious unintended consequences, and so I do not support this motion.

VICE CHAIRMAN ANSON: Susan.

MS. BOGGS: Thank you, Mr. Chair. I wanted to speak in opposition to this motion as well, for a lot of the same reasons that Martha just mentioned, and, Dale, you mentioned it too, but cobia tournaments being cancelled because the cobia can't even meet a thirty-pound weight limit.

I know I've spoken to the charter fleet in Orange Beach, and I've talked to some of them in Destin and along the Florida Panhandle, and they're not seeing the cobia, and I agree. I think there may be some unintended consequences, and, until we can see some rebound in the cobia, I would not be in favor of this motion. Thank you.

VICE CHAIRMAN ANSON: Chris.

MR. CHRIS SCHIEBLE: I would like to speak in favor of this motion, I guess reiterating what Dale said. Back in 2018, we took action on cobia, and that action, with the size limit change of thirty-six inches, was supposed to give us a 26 percent reduction in harvest recreationally and a 10 percent reduction commercially, right, and we haven't really seen those benefits at this point, because the current stock assessment goes through 2018 data, and this rule went into effect I think in 2019, after getting it finalized.

We don't know if we've seen a benefit of the 26 percent, or the 10 percent, reduction, yet at this point in harvest. I would like to take a step-wise approach to this. To take a pile, a litany, of action here at one time, we won't know which independent action has given us a benefit, two or three years down the road from now, if we keep taking multiple actions at one time.

I think a step-wise progress here would be good, and we saw, in the workbook there, the decision tool, a minute ago, that it showed a reduction in ACL for every single alternative when no vessel limit was selected, and so I'm not sure that we need a vessel limit at this point yet. Maybe the other actions, by themselves, will be enough.

VICE CHAIRMAN ANSON: Martha.

MS. GUYAS: To that point, just a reminder to the committee that the analysis that we have indicates that what we've already done for cobia is not enough, and so we do need to look at some other thing, and, I mean, this seems to be an appropriate one, and so, once again, our current action is not enough for cobia, and we're going to have to make some changes here.

VICE CHAIRMAN ANSON: Leann.

MS. BOSARGE: In the last action item, we kept commercial and recreational consistent with each other, and, Dale, would you be

amenable to have this preferred option apply to both commercial and recreational, and so it would be for both Alternative 3 and Alternative 4, to make the Option b the preferred?

MR. DIAZ: I would if the seconder agrees.

MR. SCHIEBLE: I will agree for the discussion.

VICE CHAIRMAN ANSON: Tom.

DR. FRAZER: I am just trying to adhere to the process here, Chris, and I'm not sure that you're on this committee. Kevin, can you check that? He can't second the motion.

VICE CHAIRMAN ANSON: Good catch, Dr. Frazer. John.

MR. SANCHEZ: If we need a second, I will second it.

VICE CHAIRMAN ANSON: All right, and so we still have the motion on the board, and Mr. Sanchez has seconded the motion. Do you approve of the change, the addition then, of commercial and recreational, John?

MR. SANCHEZ: I will agree to that. We're real good at the takeaway business, but we're not real great at the giveback business, and so I will agree.

VICE CHAIRMAN ANSON: Okay. **If staff can make that correction, to add the Option 3b for Alternative 4 as well.** Dr. Frazer.

DR. FRAZER: Thank you, Kevin. I think we're going to have to go back and just make sure that we have everything correct on the record. The previous motion that was passed, Chris, did you vote on that? We're going to have to go back and redo that.

VICE CHAIRMAN ANSON: So, Dale, is that the motion?

MR. DIAZ: It is, and, while I have the mic, I am okay with adding Alternative 4. I think we've always had the same limits for recreational and commercial in the Gulf on vessel limits, and I don't see why we would change that now, and the commercial harvest is quite small, and I don't think the impact is great. Thank you.

VICE CHAIRMAN ANSON: Is there any further discussion on the motion? J.D.

MR. J.D. DUGAS: I have a question. Does Preferred Alternative

4 increase the commercial trip limit from where it currently is?

DR. MENDEZ-FERRER: Mr. Chair, I can answer that question.

VICE CHAIRMAN ANSON: Go ahead.

DR. MENDEZ-FERRER: No, and it would create one. Currently, there are no vessel limits and no trip limits. If you refer back to Alternative 1, currently, the recreational and commercial sector have a daily possession limit of two fish per person, but they don't have a vessel limit or a trip limit.

MR. RINDONE: Mr. Dugas, the commercial trip limit -- Technically, it's a de facto trip limit, due to the crew size limitation for the commercial vessels, and so at four persons, and so it would be eight fish per trip, or per day, and so two fish per person. If it was reduced to four fish, that would be a 50 percent reduction to what they can keep now.

VICE CHAIRMAN ANSON: All right. Any further discussion on the motion? Andy.

MR. STRELCHECK: I was just looking at the decision tool and share that it's about a hundred-thousand-pound difference in landings with this alternative versus a two-fish vessel limit, and I guess my concern with the alternative on the board is this brings us much closer to our catch target, and granted not the catch limit at that point, for exceeding harvest and potentially triggering accountability measures, and so there's a kind of risk/reward here, in terms of you potentially allow more harvest, but you have a higher likelihood of accountability measures being triggered, and so I just wanted to acknowledge that.

VICE CHAIRMAN ANSON: Thank you, Andy. Chester.

MR. BREWER: I was going to say, if you really want to help cobia, we need to get rid of some sharks, but the -- As somebody who does fish for cobia, and I do fish, obviously, for the most part, over on the east coast of Florida, and some on the west coast, we need to be careful about increasing trip limits, because what's happening more and more and more, to catch a legal keeper cobia, you're having to catch more and more fish that are more and more being eaten by sharks, and so there's sort of a multiplier effect when you increase your trip limit, because people are going to try to catch what they legally can, and that's four fish, and they're going to probably keep going until they've got four fish, and so I would be really careful

about increasing the trip limits.

VICE CHAIRMAN ANSON: Thank you, Chester. Any other discussion on the motion? Seeing none, we will go ahead and vote on it. **All those in favor of the motion on the board, signify by raising your hand, four hands raised; all those not in favor of the motion, also raise your hand, six. The motion fails.** Dr. Frazer, does staff have the other previous motion, or motions?

DR. FRAZER: Yes, and we'll put it up on the board. I think the process, Kevin, is we'll go ahead and read the motion again, to make sure that we have the original motion maker and the seconder, and then we'll take a re-vote.

VICE CHAIRMAN ANSON: All right. We have this one, and Martha, I believe, made this motion.

MS. GUYAS: I think I did, yes, and so this would set commercial at one fish per person, just to summarize where we're at.

VICE CHAIRMAN ANSON: Then, Andy, did you second this?

DR. FRAZER: He did, yes.

VICE CHAIRMAN ANSON: All right, and so we have the motion on the board. **We need to go ahead and revote, and so all those in favor of the motion in Action 5.1 to make Alternative 2, Option 2b, the preferred, all those in favor of the motion, please signify by raising your hand, five with Robin, and I will raise my hand; all those opposed. The motion carries six to five.**

DR. FRAZER: We're good to go.

VICE CHAIRMAN ANSON: All right. Thank you. Do we have a need, or maybe not a need, as the committee sees it, for Preferred Alternative 4, and do we need to address that? Okay. We will move on then. Dr. Ferrer.

DR. MENDEZ-FERRER: Okay. If I follow this correctly, currently, Option 2 in 5.1, Option 2b, for Alternative 2, is the preferred. Then the current preferreds for Alternatives 3 and 4 have not changed, correct, at this point. In Action 5.2, we have the same list of alternatives listed here, but they would apply to the Florida East Coast Zone, and, currently, both councils concur on reducing the daily possession limit from two to one fish per person for the recreational sector and the commercial sector on creating a recreational vessel trip limit of two fish for the recreational sector and a commercial vessel

trip limit also of two fish in Alternative 4, and so it seems like we have preferred alternatives that align, at this point, between the Gulf Zone and the FLEC Zone.

If you scroll down, I guess we kind of give you some perspective. The tables on page 42, the changes being proposed under this action would have a stronger effect, a larger effect, on the Florida East Coast Zone, and so, at this point, both councils are concurring on the preferred alternatives for Action 5.2. I can stop here, if we have any other questions or discussions.

VICE CHAIRMAN ANSON: Okay. Any questions? Martha.

MS. GUYAS: Just a comment. I mean, I'm glad to see that the South Atlantic has done this, and I just feel like, if we deviate from the path that we've set forward for them, then they may deviate as well, and then we start losing some of the benefits here and some of the credits towards ending overfishing, and so I'm just putting that out there.

VICE CHAIRMAN ANSON: Thank you for putting that out there, Martha. Any other comments? Dr. Ferrer.

DR. MENDEZ-FERRER: Okay. Action 6 proposes to modify the Gulf group cobia minimum size limit. Alternative 1, no action, would retain the current recreational and commercial minimum size limit of thirty-six inches fork length for the Gulf Zone, and, to remind the committee, this was actually implemented in March of 2020, and so the effects from that change have not been fully captured yet by the data that we currently have.

The FLEC Zone has a minimum size limit of thirty-three inches, and so both councils are currently selecting Alternative 2 as preferred, which would retain the current recreational and commercial minimum size limits of thirty-six inches fork length in the Gulf and then increase the recreational and commercial minimum size limit from thirty-three to thirty-six in the FLEC Zone, and so, under the current preferred alternative, both zones would have a minimum size limit of thirty-six. Alternative 3 and Alternative 4 then allow the councils to increase the size limit from either thirty-nine or to forty-two.

Currently, both councils are agreeing. The changes associated with the proposed alternatives, you guys can also play with these alternatives in the decision support tool that we used earlier, and so I will stop here for any further discussion.

If we scroll to the table, to Table 2.6.1, you can see the predicted percent reduction associated with the changes. At this point, that percent reduction on the Preferred Alternative 2 is zero, but that's based on the status quo, because we are currently at thirty-six, and so there wouldn't be a change, but increasing it from thirty-three to thirty-six in the FLEC Zone, then we would see a predicted -- About a 27 percent expected reduction in cobia harvest.

VICE CHAIRMAN ANSON: All right. Thank you. Both councils have the same preferred.

DR. MENDEZ-FERRER: Yes, and I just noticed that I need to make an edit on the table.

VICE CHAIRMAN ANSON: All right, and so there is there any discussion or questions about the preferred? Leann.

MS. BOSARGE: No, and it's just a general comment. If you look at this species, right, whether state or federal, it's pretty close to a gamefish, generally speaking. I mean, almost all the harvest is recreational. It's in a pretty bad spot, and overfishing is occurring, and, like Martha said, you're not even seeing the fish, much less catching them.

We're heard lots of testimony from all our different sectors that we've got a problem with cobia, and I say this not to place blame, but I say this so that hopefully we can look at this and realize that, at some point -- I mean, we're using the same old tricks, right? We're doing to decrease the bag limit, and so the rec guys are going to get down to one fish per person, and now we're going to put a vessel limit on you, and you're going to get down to two fish per boat.

You can only go so far, and, in some of the other species, we're talking about half a fish per person, and we've been through this with other sectors, and, at some point, you have to make a real change to how you're going to manage your fishery, and I think you're starting to get there on the rec side, where you're going to get down to the point that you just -- You don't have many options left, and you're going to have to look at something different.

How do you want to manage your fishery, when you've got no more room left to decrease bag limits? I just think you need to start thinking about that and where you want to go. I mean, you can cut the commercial sector out of this completely, and you're still going to have a problem, and so, by and large, it is your

fishery, recreationally, and how do you want to manage it? What are you going to change?

You don't have a limit on capacity of fishermen, and that's kind of what we changed on the commercial side, and that's how we chose to do it, and that's fine, and you may not want to go that route. You may not want to limit industry, and I can see where that would be an issue for you, but you're going to have to come up with something else, because, as you can see, it's not a bottomless pit of fish, and they're disappearing on you, and so what do you want to do differently that will work best for you?

I don't know if it's tags, and I don't know what it is, but I am just hoping that you will start to think about it, because it's coming, and, at some point, you're going to have to deal with it.

VICE CHAIRMAN ANSON: Thank you for the comment, Leann. Andy.

MR. STRELCHECK: Just a comment about the table that was up previously that was showing the size limit reduction of zero, and so I can understand why it's being presented that way, and maybe you have acknowledged the reduction that we're getting from the recently-implemented size limit change in the document, but, if you haven't -- I couldn't find it, and I would recommend at least including that information in the document, because, to me, we are realizing a reduction, but it's just kind of a timing situation with regard to when we implemented that size limit change, and, to me, showing a zero percent reduction from the size limit really isn't truly what is occurring.

DR. MENDEZ-FERRER: Just to capture that, you're suggesting to include all the analysis that was the predicted percent reduction when the change was implemented? I think it was close to 20 percent, but I will have to double-check Framework Amendment 7.

MR. STRELCHECK: Yes, and I think the way you presented it in the table is fine, but there might be either a footnote or an acknowledgement that there is a realized reduction occurring based on a previous action that has taken place, or at least acknowledge it in the description of effects.

DR. MENDEZ-FERRER: Okay.

VICE CHAIRMAN ANSON: All right. Any further discussion for Action 6? Seeing none, Dr. Ferrer.

DR. MENDEZ-FERRER: All right, and so we can move on to Action 7. Action 7 has been slightly reworked. For Alternative 1, instead of just putting a snippet of the CMP framework procedure, we are now including the full framework procedure, and this text is also included in Appendix A.

If we scroll down to Alternative 2, at its April meeting, the Gulf Council passed a motion to select Alternative 2 as preferred, and so Alternative 2 would modify the framework procedure to update the responsibilities of each council for setting regulations to the Gulf group cobia, and the changes are associated with the section of the framework procedure that outlines the responsibilities of each council.

As it's currently written, the South Atlantic can modify vessel trip limits, closed seasons and areas, and gear restrictions for FLEC Zone cobia via a framework amendment, and so, when we passed this alternative in April, the text in 1(a) says the South Atlantic Council will have the responsibility to specify management measures that affect only the east coast of Florida, including the Atlantic side of the Florida Keys.

At that point, we were still getting some concerns as to what actions are included here, and so, after some discussion with the IPT, after that meeting, the IPT is proposing some revised language for Alternative 2, and so we can scroll down a little bit more to that.

Instead of -- What we're doing here is now we're kind of outlining which management actions the South Atlantic can address via framework, in terms of managing cobia in the FLEC Zone, and so the South Atlantic Council will have the responsibility to set vessel trip limits, closed seasons or areas, gear restrictions, and that remains the same as we currently have it in our framework procedure, but, to this list, we're adding per person bag and possession limits, size limits, in-season and post-season accountability measures, and specification of ACTs or sector ACTs for the east coast of Florida, including the Atlantic side of the Florida Keys, for Gulf migratory group cobia, and that is the Florida East Coast Zone.

Again, to remind you all, when it comes to changes that would affect the entire migratory group stock, those are addressed jointly, and so this only pertains to kind of those changes that the South Atlantic can take in a faster, or quicker, manner to address changes related to FLEC Zone cobia.

Last week, when the South Atlantic saw this action, they selected this revised Alternative 2 as preferred, and there are two other minor changes that we have to address when we are updating the framework procedure, and one of them is, from this Number 1, the reason why we're scratching cobia is because Atlantic migratory group cobia was removed from the CMP FMP, via CMP Amendment 31, and so we need to reflect that change here.

Also, there seemed to be an error in the framework procedure that refers to an ABC/ACL Control Rule, which we don't have, and it should say ACL/ACT Control Rule. I can stop here, to see if we have any questions, if the committee likes this approach of outlining these responsibilities as they are listed here, or if you wish to retain the preferred alternative as it was selected in April.

VICE CHAIRMAN ANSON: All right, committee, and so we have this new Alternative 2, and it was selected as preferred by the South Atlantic, and so is there any discussion? Martha.

MS. GUYAS: I think I like the way this was rewritten. I think it's easier to understand, and so do we need to do another motion to, I guess, confirm that we're okay with these changes to Alternative 2?

VICE CHAIRMAN ANSON: I would think we would have to come up with a motion that selects this new, amended Alternative 2 as a preferred, if that's your intent.

MS. GUYAS: Okay. I can do that then. **I will make a motion that, in Action 7, that we select the modified Alternative 2 as the preferred alternative.**

VICE CHAIRMAN ANSON: All right, and so we have a motion to make the new amended Alternative 2 as the preferred alternative. Is there a second to the motion? It's seconded by J.D. Any discussion on the motion? I kind of agree with Martha that it does clarify things and make it a little easier to understand and read, and so that's my two-cents. All right. **Seeing no further need for discussion, or request for discussion, all those in favor of the motion, signify by raising your hand. The motion carries.**

Dr. Ferrer, that wraps up the document, I think, and is there any other comments or information from the South Atlantic that you would like to share?

DR. MENDEZ-FERRER: No. At this point, unless I am missing

anything, if Christina or Chester want to chime in, but I think that wraps up this document.

VICE CHAIRMAN ANSON: All right. Martha.

MS. GUYAS: Just a question. So I guess this goes back to the South Atlantic in September, and so then is it -- If they get onboard with everything that we did today, are we final in October, potentially?

DR. MENDEZ-FERRER: We would bring a public hearing draft for August and September, August for the Gulf Council and a public hearing draft for the South Atlantic in September, and so if those get approved.

VICE CHAIRMAN ANSON: All right. Great. If there is no other questions about this amendment, we're a little early for a break, but I think it would be a good time to go ahead and take a fifteen-minute break, if that's okay, Mr. Chair.

DR. FRAZER: Yes, and I think we're actually right on time, and so we'll come back at 10:15.

(Whereupon, a brief recess was taken.)

VICE CHAIRMAN ANSON: We're going to start back the Mackerel Management Committee, and we're going to continue in the agenda with Agenda Item Number VI. Dr. Mendez-Ferrer, if you can read, or summarize, the guideline.

DRAFT AMENDMENT 33: MODIFICATIONS TO THE GULF OF MEXICO MIGRATORY GROUP KING MACKEREL CATCH LIMITS AND SECTOR ALLOCATIONS

DR. MENDEZ-FERRER: Thank you, Mr. Chair. Agenda Item Number VI, we'll have Draft Amendment 33, Modifications to the Gulf of Mexico Migratory Group King Mackerel Catch Limits and Sector Allocations, and so council staff, Mr. Rindone, will present draft options to be considered in this amendment, which examines Gulf migratory group king mackerel catch limits and sector allocations.

The SEDAR 38 update assessment found Gulf king mackerel to be healthy, not overfished, and not undergoing overfishing, and CMP Amendment 33 was initiated by the council in response to that stock assessment. The range of actions and alternatives to modify catch levels and sector allocations incorporate the projections and recommendations from using MRIP-FES, and the

committee should review the proposed actions and alternatives and provide feedback to council staff for consideration, as appropriate.

VICE CHAIRMAN ANSON: Thank you. Any questions? Dr. Simmons.

DR. SIMMONS: Thank you, Mr. Chair. Not a question on the action schedule, but just going back to cobia, Amendment 32, at Full Council, if we could just get a little discussion and feedback regarding the plan for public hearings, if we need to hold in-person public hearings, how many, et cetera, and so, if everyone could be thinking about that, and then we could spend some time discussing it, when we get to that part of the committee report, that would be helpful.

Also, if we could get some information regarding what the South Atlantic Council may be doing, and are they going to plan any in-person meetings after the September council meeting regarding public hearings? That would also be informative, and so, maybe at Full Council, we could discuss that. Thank you.

VICE CHAIRMAN ANSON: Thank you, Dr. Simmons. Dr. Mendez-Ferrer.

DR. MENDEZ-FERRER: I think we can move on to CMP Amendment 33 with Mr. Rindone.

MR. RINDONE: All right. This document looks to modify the Gulf kingfish catch limits and sector allocations, based on the results of the SEDAR 38 update stock assessment. We can go ahead and scroll down into the background information.

Kingfish is managed jointly, just like cobia is, between the Gulf and South Atlantic Councils, and, because we're changing catch limits and sector allocations in this document, this document is also considered to be a jointly-developed document, and so the South Atlantic will need to sign-off on this at some point.

The purpose of this amendment is to revise the catch limits for Gulf kingfish and to review recreational and commercial allocations in response to new information on the stock provided in the SEDAR 38 update stock assessment, and the need for this amendment is to ensure that catch limits are based on BSIA and to ensure that overfishing does not occur, while increasing social and economic benefits of the king mackerel component of the CMP fishery through sustainable harvest, in accordance with Magnuson. Do you guys have any edits to the purpose and need?

All right. Then we can go down to Chapter 2.

Action 1 in Chapter 2 is to modify the catch limits, and so our current catch limits are shown there under Alternative 1, and these are based on CHTS units, and we have an overfishing limit of 8.95 million pounds and acceptable biological catch of 8.55 million pounds, and the annual catch limit is set equal to the ABC.

Alternative 2 would revise the OFL and ABC for king mackerel, as recommended by the SSC, for 2021 to 2023 and subsequent years. The total ACL would still be set equal to the ABC, and we do not use an annual catch target, or an ACT, for kingfish, at present, and so we're not currently proposing that here, and so you guys can see those catch limits increase from 2021 to 2023 and subsequent years, and the reason for that is that, although the Gulf kingfish stock is thought to be healthy, based on the last stock assessment, spawning stock biomass, at present, is below that at maximum sustainable yield, and so we're rebuilding back up to that spawning stock biomass at maximum sustainable yield level. Mr. Chair.

VICE CHAIRMAN ANSON: All right. We have a question from Dale.

MR. DIAZ: Thank you, Mr. Chair. Ryan, this question is for you, I believe, or maybe Andy, but, sometime back, I got into the website where you could look at the landings that were converted into FES, and what it basically looked like to me was that FES numbers were basically double the previous numbers.

My question to you is is the current OFL, ABC, and ACLs are only slightly higher now, and I would have been anticipating to see those go up substantially, being that the difference was double for FES, and so can you give us some insight as to why the numbers are like they are? I am going to say the numbers are low, but the numbers are like they are? Thank you, sir.

MR. RINDONE: Sure, and so there's a couple of things that are probably at play here. One is that recruitment for kingfish has been lackluster for the last eight years or so, and, like several of the species that we manage, a couple of good years of recruitment can certainly drive a lot, as far as the abundance that is seen out on the water, and it's also important to remember that the update assessment for -- That we're using for this document, the terminal year of data there was 2017.

The projections used the landings that we had available between 2017 and now, to the extent that we could, but everything else

was fixed at those 2017 levels, which would have included recruitment, which, again, was still low.

The other factor to consider is that the recreational sector, under the CHTS monitoring regime, was only landing between 35 and 40 percent, approximately, of its ACL, and it's been that way for a couple of decades, and so you have routine underharvests for a long period of time by one sector, and then you have the other sector is meeting or, in recent years, modestly exceeding its ACL, and so it's different for kingfish than it is for like some of our reef fish species, because our reef fish species -- Typically, those ACLs are being met by both sectors.

In this case, there is a lot of fish that are left in the water every year, which is unusual for many of the species that we manage. Kingfish, Spanish mackerel, vermilion, there's only a few that have that scenario.

MR. DIAZ: Maybe I am not understanding you right, but it seems like the underharvest on the recreational side would be something that would maybe even make the ACLs, OFLs, and ACTs higher, but, the way I'm hearing you explain it, it's not a positive thing.

MR. RINDONE: The catch limits are predicated on whatever is in Year X being caught, and then that tells you that, in Year X-plus-one, in the following year, that you can catch that amount, and so, if you're not catching what you're allowed to catch in Year X, then whatever is in Year X-plus-one could be an underestimate, if the fish are out there to be caught.

Then, like in the case of cobia, the presumption is that the stock was in a little bit of trouble, and we're still underharvesting, and so maybe those fish aren't there, and so that's a little bit of a different situation.

Despite the underharvest, the stock assessment still says that the Gulf kingfish stock is healthy, but that underharvest isn't helping the recreational side of things, and so, like with the reef fish stocks and the increase from CHTS to FES, it presumes this large increase in harvest, which presumes that there must have been a lot more fish out there, and so we don't have that part of the data telling us, or giving us, that signal, in the kingfish stock assessment, because the recreational sector isn't catching those fish. They're not bringing them back to the dock.

If they were, then that conversion perhaps would have shown a larger proportion of landings being attributable to the recreational sector, which in turn would presume that the stock must have been larger in the past than we had previously thought, but, because you have that underharvest, that signal is confounded, and so that's why -- That may be one reason why you're not seeing this big jump in the ACL that we have seen for other migrations from CHTS to FES. I will look down the line to Dr. Porch, if I have misspoken on any of this, or John, to see if anyone else has an opinion.

VICE CHAIRMAN ANSON: Dr. Froeschke.

DR. JOHN FROESCHKE: Well, just a couple other things that are different about this one, and so it's true that we have been, especially on the recreational sector, well under the catch limits that were set in the previous assessment. However, despite the most recent assessment result that said that we were not below the MSST, but we were below MSY levels for the first time in any recent mackerel assessment that I am aware of, which suggests that the observed harvest level, being, i.e., combined recreational and commercial, was sufficient to drive the biomass down relative to previous assessments.

It could be because of poor recruitment and things like that, but it does suggest that, had we been fully catching the ACLs from both sectors, we likely would have been to the detriment of the stock biomass, and so, based on taking that information and going forward in a new assessment, it suggests that we probably would not be experiencing the levels of increase, and you probably would have had to make some sort of reduction, and that's why you do see, in the catch recommendations, it's an increasing yield stream and things, because the model is attempting to rebuild the biomass to a higher level, and so there's kind of that, and that's different, and we have had not had that scenario for mackerel.

VICE CHAIRMAN ANSON: All right. John Sanchez.

MR. SANCHEZ: I had something else to say, but, to this point, I am wondering if the basically tripling our shrimp trawl bycatch numbers, if that doesn't have an impact, speaking directly to what Dale has been asking.

VICE CHAIRMAN ANSON: Ryan.

MR. RINDONE: I am trying to remember specifically what the

effect in the model was of that, and I would have to look that back up, and so, I mean, if it's removing those smaller individuals, then, yes, it would have an effect on biomass, but I also don't recall that signal being something that was really driving the stock either, and so I will look that up, and I will circle back to you guys on that at Full Council.

VICE CHAIRMAN ANSON: Leann.

MS. BOSARGE: Just for clarification, you don't really see those numbers in the observed data for kingfish in the bycatch. However, we have a model that uses a proxy, which is the SEAMAP trawl, right, for shrimp trawl bycatch, because, in observer data, you don't have it for every single year, right.

Now, the model is supposed to use the trajectory, right, of the SEAMAP bycatch as a proxy, but, given the levels that they're showing, my guess is it's probably pulling more than just the trajectory, and so I think a good -- This is probably a discussion for the SSC, but I think sometimes you're almost asking that model to make chicken salad out of chicken poop, right?

The numbers aren't there, but you're asking it to create them, and so I think one thing that could be helpful, going forward in the future, is, in situations like that, for species where the shrimp trawl bycatch is very minimal, right, you almost want to look at the life history parameters of that species and use that as a context for the observer data and what you see or don't see.

In other words, think about gray trigger, for example. Gray trigger really doesn't have a significant portion of its life history that it spends off the reef, right, and so, if you do see very minimal numbers in observer data, which that can get complicated, depending on the protocols for that observer data and what they list as a species or not, and you also know that the life history parameters of that species don't lend itself to showing up in shrimp trawl bycatch, then, at some point, you want to step back and say should we actually be trying to include this as an index in the assessment, because, in doing so, we don't have the data there, and we're going to have to ask a model to create the data, and we're going to have to tell the model to use a proxy, which that proxy, if it only takes a trajectory, is okay.

However, if it actually pulls CPUEs from SEAMAP data, that's not reflective of true shrimp trawl bycatch, because SEAMAP is out

there, and they want to catch fish, right, and they're trying to assess what's happening, it's a fishery-independent index to see what the stock looks like, and they don't pull fish excluders. They're not trying to get fish out of the net, and we do, right, and so their bycatch is going to be significantly greater than what ours is.

In the future, I think, for a lot of our different assessments, and I think that's something that some of these working groups have maybe discussed, and I don't know if they got to the point where they could really discuss it in detail, but I hope that we will get to that point, where we take a step back, and, if the numbers aren't there, if you don't see it, let's look at it in the context of the life history before we try and create the numbers from a proxy.

VICE CHAIRMAN ANSON: Dr. Porch.

DR. CLAY PORCH: Thank you. I just wanted to clarify that it's not that we use SEAMAP straight up replacing for shrimp trawl data. There are adjustments made for whether they're not pulling BRDs, et cetera, and, also, there is some data in the observer information on various species, and so it's not that the model just -- It's more a semantic issue, maybe, but it's not that the model is just making fish up. I mean, there is some data that underpins all that.

Having said all of that, I would agree that our estimates of bycatch are less than perfect, for a number of reasons, one of being that we only have 1 percent coverage of the shrimp trawl fishery, and so, if we could increase that substantially, it would be extremely helpful, and, of course, that's expensive, and that's not in the budget right now, and we are looking at alternative ways to come up with more robust estimates of bycatch.

The way the models typically use that information is they use the effort estimates that we have a better handle on, the same ones that you use to monitor for red snapper regulations, and we use those effort trajectories, and then we scale the magnitude of bycatch to the median across all years, and so it's not that we're trying to fit bycatch estimates every single year, because those have a high variance associated with it, but we just say that the average across the years should be about this value that we estimate from the information, and so the real trajectory part of it is in the effort data that we have a little bit better handle on. Thanks.

VICE CHAIRMAN ANSON: I have several people. I have John, who had his hand up earlier, and then Ryan and then Dale.

MR. SANCHEZ: Thank you, Kevin. When we started asking for the creation of Amendment 33, a reallocation document to address what we said was happening, and there was, perhaps arguably, a little bit of an overage utilization on the commercial side and a history of underutilization on the recreational side.

We thought, well, given that we're looking at allocation periodically on everything, we need to look at this one, and it's seemingly the shoe seems to be on the other foot, and it's probably long overdue, and so we got into it, and then I almost feel like, now, it's one of those be careful what you ask for, because then comes FES, and FES pretty much indicates that these landings, if you can believe it, have doubled the recreational landings over time, and, whether you believe it or not, you're kind of saddled with it, because it's the best available data, but it leaves me shaking my head.

How uncertain was our reporting platform, estimating platform, for the recreational landings that it lent itself to an underestimation to where it doubles, and then the kicker is, in that same time period, when you see that this doubling of this generates a higher ACL, and then we've got some issues with it, as Dale just pointed out, and it's not as high as one intuitively would think, when you're doubling the landings, but you stop and you think, okay, if the commercial guys were fully utilizing it, but they never had a chance to participate in this historical, I guess, increased ACL that apparently the recreational sector has, and, in my mind, not only in this fishery, but in any fishery, these are going to be biased discussions regarding allocation, because there is no way to clearly quantify this foregone commercial opportunity in every one of these fisheries.

It seems like having a reporting platform that lends itself to underestimation results in you being rewarded increased allocation, and that just seems bad wrong to me.

For us to discuss allocation, and, again, in all, pretty much, fisheries, this one included, we're going to have to address that foregone opportunity that the commercial sector is not having an opportunity to access, and I understand that perhaps generating FES-equivalent ABCs back in time is probably a daunting, monumental task, but, unless somebody comes up with a meaningful way to address this, then these discussions are all going to be biased.

I don’t know what to do with it, and then I look at this document further, and I look at some of the tables in it, and I compare the references to some of the commercial landings over time to SEDAR 38, back in 2014, the commercial landings then, and they’re off by like 800,000 pounds a year, and I don’t have an explanation for that, because, in my mind, when you’re dealing with commercial landings, they’re solid numbers.

We open and close seasons according to them, and they don’t lend themselves to these underestimations or what have you, and yet, in the document, it’s here, and then we get to the next action item, and we’re kind of being asked to pick a percentage. Well, John, what’s your ask, and what do you think it should be, but, if I don’t have numbers that I feel are correct to work with, honest to god, I can’t formulate defensible arguments to ask that here’s what I think the allocation split should be, and so I’m going to ask that maybe whoever generated --

Whoever is responsible for generating the landings that are in SEDAR 38, 2014, and I have a table that I can show -- For them to just take a look at that, review that, and explain how they compare to the table in this document, I think Table 1.1.1, because, again, they’re off by 800,000-plus-pounds a year, and, over ten years, that’s eight million pounds, and that’s a bitter pill to swallow.

I think we need to find out what we’re working with before we can generate some meaningful suggestions on what we think this allocation should be. Thank you.

VICE CHAIRMAN ANSON: Ryan, you were next. Do you have any information about John’s concerns?

MR. RINDONE: I will probably only partially explain some of those differences, and so, directly to Mr. Sanchez’s comments, there is continual QA/QC that happens with all of the data, recreational and commercial, and so the data pulled from one year may differ the next year, as some of that quality assurance and quality control happens, to try to look for outliers or incorrect reporting or missing reports.

For the commercial data, it’s submitted through written trip tickets, and some of those data come in later, and so there could be differences that could be attributed to that, but, again, that’s only a partial explanation for that.

To what Dr. Porch was saying about using the median value over

time, and just for Ms. Bosarge's edification, because I anticipated her asking, that time period is 1975 to 2017, and, back to Mr. Sanchez's question from earlier that I said I would circle back on, and it was easier to find than I thought, and so the tripling of the median bycatch level for shrimp bycatch most directly affected the estimate of virgin biomass, and so like the starting biomass at the beginning of the modeling period, and it had less effect on the current spawning stock biomass level.

Essentially, what that means is, assuming that median value of shrimp bycatch over time, the model compensates for that by saying that, well, if this many kingfish have been removed due to shrimp bycatch over time, then the stock must have been larger back in time than we previously thought, but it still resulted in providing the same general conclusion in the present day. Mr. Chair.

VICE CHAIRMAN ANSON: John, do you have something? Then Dale after John.

MR. SANCHEZ: To that, yes. I can understand that, over time, numbers get vetted, and they get massaged a little bit, and that they might change a little bit, but not 800,000-plus pounds a year, eight million pounds over a ten-year period. That's just too much, and so I would like whoever, the Regional Office or the Science Center, to take a look at how those SEDAR numbers compare and differ so dramatically from Table 1.1.1 in the document.

VICE CHAIRMAN ANSON: Any other discussion about Action 1? Just a general comment about the data, the FES, and, obviously, as FES is starting to be included in the assessments for these species we manage, the recreational data is, it appears, creating some issues, as to how the outputs come out, what is generated through the assessment.

I, frankly, have my concerns about this species too in the FES, just like I have with some reef fish species, and so I don't know what the answer is, and so, Leann, you bring up some good points, as to there might need to be some closer looks, and maybe the research track assessments would do that, whether or not it's on the board for activities for the research track group to look at specifically for each species, and I don't know if that's something that the council might need to address, if, every time before a research track assessment is concerned, is kind of make sure that we have a good handle as to what is on the docket for the group to look at, or concerns that we have

about the model or previous assessments, and that might be something that we might want to look at in a more structured way, potentially. Ryan, did you have a comment?

MR. RINDONE: Yes, sir. Just to your point about the research track assessments, and just a note for the committee, we don't have a research track scheduled for kingfish any time in the next four or five years. If there is a need to do a deeper dive into the recreational and commercial data, since those datasets themselves wouldn't be presumed to be changing, that may be something that can be done through a topical working group, through our operational assessment approach, and so it may not require the research track to dive into that.

VICE CHAIRMAN ANSON: Leann.

MS. BOSARGE: I don't know if now is the appropriate time, but, at some point, I wanted to back up to that purpose and need, whenever you think it's appropriate.

VICE CHAIRMAN ANSON: Any other comments about Action 1? Mr. Swindell.

MR. ED SWINDELL: I am looking a little further down in the document, and I am looking at Table 2.1.1, where it gives a really -- I guess you have used the FES analysis back to 2001, and did we have the FES analysis at that time, or was this just working backwards with the proposed difference in what we have now and the FES now and working back, and you didn't have FES, I assume, back in 2001 and 2002, and is that right?

VICE CHAIRMAN ANSON: Ryan.

MR. RINDONE: FES came online across the Gulf in 2017, but it's been back-calibrated for the CHTS data all the way back to 1981, and so we have presented the last twenty years of data here, for the convenience of the committee, and not to put an extra-large table in here. If you guys want to see more of the data, there's an appendix that has it going back further.

MR. SWINDELL: May I, Mr. Chairman? FES came about in 2017, and is that right?

MR. RINDONE: It was in development before that, but it came online in the Gulf in 2017, yes.

MR. SWINDELL: But was it being used prior to that? I mean, the data was being collected prior to 2017?

MR. RINDONE: The data were being collected through MRIP, through the Coastal Household Telephone Survey program, prior to 2017.

MR. SWINDELL: So we feel though that it is accurate to project it all the way back to 2001 on this data that I am looking at this table here that we're talking about in the total catches and everything for the recreational landings?

MR. RINDONE: The data are actually calibrated all the way back to 1981, but I will let Dr. Porch jump in.

DR. PORCH: I mean, Ryan is exactly right about that. It's calibrated back to 1981, but what they did is they contracted some folks to basically look at cellphone use, the increase in cellphone use, and other factors that caused the old Coastal Household Telephone Survey to be biased, and they made corrections for that, and that's actually been peer reviewed.

They did put considerable effort to figuring out how the bias would have changed over time, and so there was very little bias, right, in 1981, because there weren't people using cellphones, but, as cellphones came online, people stopped using their landlines, or mostly used them to screen calls, and they needed to account for that, and it changed the sampling frame, and there were some other things that caused it to change, and so that's what they did, and Ryan is right that it's calibrated all the way back to 1981, but the adjustment is less and less through time, until it's practically zero in 1981.

MR. SWINDELL: Okay. Has the SSC really looked at this, the data change? I think they have, and they approved using the FES data as a calibration tool. You know, for years, we looked at the fact that the recreational people were not landing anywhere near their allocation, and now they are well, or close to it, but, still, if I then go out to the proposed, if I look at 2021 in this same chart, to 2023, you're up to over nine million pounds, and there is still total landings in the FES projected is still quite a bit less.

What are we going to do, and so are we going to keep pushing on lessening the commercial and recreational catch, or number of fish, and the size and so forth, because it looks to me like you've got plenty of room for -- And almost no risk to take, if you just leave it alone. Thank you.

VICE CHAIRMAN ANSON: All right. Any other comments for this

action? Mr. Sanchez.

MR. SANCHEZ: One final one. It just -- In thinking all this through, and how long we've been discussing this and trying to get it through and the history of it, and we started by thinking that we need to look at these allocations, a while back, and that ended up with pretty much a three-fish bag limit. Then we had to wait and see, well, is the three-fish bag limit going to raise the recreational landings by the magnitude to where there isn't going to be that utilization, and that was kind of the pitch.

That didn't happen, and then we brought it back up again, in I think it was Amendment 29, which we affectionally dubbed the Bosarge Method, where we kind of offered a passive way to have allocation go back and forth, as needed, and it created a mechanism to do that, and that didn't gain any traction, and it was put on hold, and I think it's still one of the amendments we have on hold, but, had we been able to do that, we probably would have avoided all this right now, and it could have probably been used to effectively address all these changes in landings reports. None of that history isn't -- I haven't forgotten it, and it's not lost for me over time, and yet here we are, and it seems like we can't get it out of first gear.

VICE CHAIRMAN ANSON: All right. I know some of you will have some opinions about this question, but I will offer it anyways, but does anybody have any other recommendations for suggesting another alternative for this action? Ryan.

MR. RINDONE: Well, not that, but Ms. Bosarge had mentioned revisiting the purpose and need.

VICE CHAIRMAN ANSON: Sorry. I meant the next action too, by the way. Leann, the purpose and need.

MS. BOSARGE: Thank you, Mr. Chair. When I read the need statement, I don't know, and it kind of struck me, and so this is a fishery that's not overfished or undergoing overfishing, and we're actually underfishing, right, in this fishery, and so the need for this amendment is to ensure catch limits are based on the best scientific information available and to ensure that overfishing does not occur, while increasing the social and economic benefits of the king mackerel component of the CMP fishery through sustainable harvest in accordance with provisions set forth in the Magnuson-Stevens Fishery Conservation and Management Act.

To me, somewhere in there, if this is a fishery where we underfish, it really should say, you know, to base it on the best scientific information and ensure achieving of OY, on a continuing basis. I mean, that's one of our mandates, right?

You want to have the optimum yield from the fishery without jeopardizing the stock, right? You want to fish just hard enough, but not too hard, and that's not in here anywhere, and I think that that's an issue, and so I would like to see something added, and, I mean, I will leave it flexible to staff, that we want to achieve OY on a continuing basis, and I don't think the "while increasing the social and economic benefits", I don't think that covers it. I think we need to state it very clearly there.

VICE CHAIRMAN ANSON: Mr. Rindone.

MR. RINDONE: Thank you, sir. Just justification for why the IPT recommended this need statement, and it was because the SEDAR 38 update assessment indicated that, while the stock was not overfished or undergoing overfishing, the current spawning stock biomass level is below the spawning stock biomass at MSY, which would indicate that, be it because of poor recruitment or what have you, more harvest than perpetually sustainable may have occurred during certain years in the recent past, and that has reduced the stock size below SSB at MSY, and so that's why "to ensure overfishing does not occur".

To Ms. Bosarge's point about having a statement about OY in there, if I could propose an edit, and, Leann, you tell me what you think, but "and to prevent overfishing and ensure OY is achieved on a continuing basis", or something to that effect, and we can wordsmith. That's why the overfishing statement is in there, just because of the difference where SSB current is versus SSB at MSY.

MS. BOSARGE: Yes, I'm pretty comfortable with how you worded the OY part. I mean, if you feel that we need to put something about overfishing in there, I mean, then I will leave that to you, but I just -- Although, yes, maybe there is an MSY, but we have catch levels that we are not reaching, right, and we have sustainable catch levels that were given to us by the assessment, through the SSC to us, right, and we're not meeting those, and, to me, the issue here is not an overfishing issue, but it's an achievement of the allowable harvest for the OY, but I will leave it up to you, if you think we need the overfishing in there still.

VICE CHAIRMAN ANSON: Ms. Levy.

MS. MARA LEVY: Thank you. I would suggest that we do leave the overfishing, but add the OY, and we can work with the IPT to tweak the language, and I would get away from ensuring anything, just because we hope to achieve things, but we can't ensure things, and so I'm sure we can come back to you with something that includes both of the components of National Standard 1.

VICE CHAIRMAN ANSON: Thank you. I think, Ryan, we can move on to Action 2.

MR. RINDONE: Did you guys want to make any recommendations about Action 1, or are you comfortable with the alternatives that are contained there? I know we only have two, and we only have two here because, currently, the ACL is set equal to the ABC, and we don't use an ACT, and the stock is considered healthy, and so adding an ACT, based on the council's previous decisions made for this and for other species, just doesn't seem necessary, and so we haven't proposed that to you, but, if you guys are good with this, then we can move forward.

VICE CHAIRMAN ANSON: I am not seeing any hands being raised, and so I think we can move on.

MR. RINDONE: Okay. Action 2, the final one, is sector allocations, and we also have commercial zone quotas included in here, because those -- If the sector allocations are modified, the actual poundages for those quotas could change.

The current no action alternative shows that we have a commercial allocation of 32 percent and a recreational allocation of 68 percent, and this allocation was derived during Amendment 1 to the CMP FMP, based on the average landings from 1975 to 1979, and Alternative 2, which is incredibly unhelpful to you guys we'll admit, says that you can change them to something else, based on some percentage or some set of years or whatever approach that you would like to take.

Now, there is a key difference here for kingfish compared to other species, and that is that the catch projections for kingfish are entirely divorced from the sector allocations, and so, whatever you change the sector allocations to, we don't need to go back and have the Science Center rerun projections to accommodate that. The allocations are applied after the fact for this species. That's the first part, which is kind of a convenience, because it means that you guys can fiddle with things a little bit more, and we don't have to wait on those

analyses.

The second part of this though is the time period for which the current sector allocations are based, and 1975 to 1979 falls outside of the calibration period for FES, which means that we don't have a way to recreate those data in our current data currency, which is unusual for species that we manage.

Usually, we have things that -- We have sector allocations that are based on more contemporary time series, and this one has been in effect since 1985, and so all of the landings, essentially, from that point forward have used that sector allocation. Just so you guys know, we are going to convene the Mackerel Advisory Panel on -- Natasha, is it July 22?

DR. MENDEZ-FERRER: Yes, on July 22.

MR. RINDONE: We're going to, hopefully, get some good recommendations from them to feed to you guys about ideas about how to address sector allocations, and see what they can come up with.

That AP, in the past, has been very good about being able to work together, especially when the questions are difficult, and some of you might remember the re-tooling of the commercial zone quotas that they did, and the commercial, for-hire, and recreational guys on that AP all got together, and they worked it out, and they did a solid job for you guys on that, coming up with those recommendations. Hopefully that AP can come together again and give you guys something to chew on. Mr. Chair.

VICE CHAIRMAN ANSON: Thank you, Ryan. Dale.

MR. DIAZ: Thank you, Mr. Chair. I will be interested to see what the AP recommends here. In the past, I have always been in favor of doing some type of reallocation here, not extreme, but some type of reallocation, because I just -- You know, we say we want to try to manage the fisheries for the greatest good of the nation, and I just never have felt like we have utilized this fishery that way, and it's more complicated now that FES has been thrown into the equation, and the numbers that we're getting for catch limits are not going up very much, which makes it a lot more complicated, in my mind.

Having said all that, I do have a question, and so there is a purpose to my rambling. Ryan, on a lot of these other species, when FES has been introduced, it's been said, many times, that, if you don't reallocate, you have reallocated. I think I've

done this right, but what is the impact of not reallocating? I guess, if you can answer that, and, if you can, I will tell you the way I've tried to look at it, and you can tell me if it's right, but I will see if you'll take a shot at it first. Thank you.

MR. RINDONE: From a data standpoint, I can't tell you. I don't know. The underharvest on the recreational side is atypical for these situations, and, like we discussed before, usually the recreational sector lands most, if not all, of its ACL for these species that we have observed recently, that we have considered these migrations from CHTS to FES.

This situation is different, and we don't have that, and, even still, despite all of that, and despite the revision in the landings, we're -- If you go back to I think it's the Table 1.1.1, or go to Table 2.1.1, and it's the one that has the projected catches for the future in it, like for 2021 and beyond.

If you scroll down to the bottom there of that table, and you look at like the 2018/2019 fishing year and the 2019/2020 fishing year, those fishing years, the total landings, in FES, are still coming under our projected 2021 ACL of 9.37 million pounds, which would be Alternative 2 of Action 1, and so there's still room there.

I don't have a way to tell you that, and we don't have a way, because of the way that the projections are done with this species, to be able to tell you what the past catch limits would have been in FES, to serve as a comparison, which would help tell you a little bit more about what sort of effect migration to FES had, in terms of the catch limits, and I see that Dr. Porch has his hand up.

VICE CHAIRMAN ANSON: To that point, Dr. Porch?

DR. PORCH: Yes. He's right that we don't have it calculated all the way back in time, what the ABC would have been, and that would be a difficult undertaking, but we do have an analysis where we redid SEDAR 38 with FES, and so that ended in I think 2014, and, in that case, the ABC was about 50 percent larger, when you add FES, and so what that means is, assuming the percentages have been calculated the same way, the percent of fish left on the table by the recreational fishery would be the same, but the total number left on the table would have been much higher. The total poundage left on the table would have been higher. Now, whether the council would have made a

different decision, knowing that, or not, I can't say, but, yes, there would have been more poundage of fish left on the table.

VICE CHAIRMAN ANSON: All right, and so I've got several folks here. First is Mara.

MS. LEVY: Thank you. I just wanted to make the point that this particular stock just seems ripe for a discussion on allocation, just based on the fact that, if you look at the no action on when the years of the allocation were established, and when you look at the table that's on the board now, in terms of what the landings have been between each sector, and this is not sort of like the other more recent reef fish species that we've been talking about.

You can't just plug numbers in and come up with a new allocation, and the FES seems to have less of an impact. I mean, even when you changed to FES, like Ryan said, you're still, at least in the last few years, not coming up to the total ACL, and so, I mean, I just think that it warrants discussion.

If you decide not to change the allocation, you can certainly do that, but there should be some discussion about why that's appropriate, and so I encourage a discussion and some consideration of the allocation with respect to this stock.

VICE CHAIRMAN ANSON: Yes, and the council, a year or two ago, we set up a process, if you will, or a decision tool guideline for determining allocation, or how allocation discussions would proceed, and I think, within that document, or discussion, we also had kind of a schedule, and this, obviously, I think kind of supersedes that, as far as the timeline, and we're a few years ahead of schedule, I think, which is fine, and I think we need to address some things here, and I think allocation discussions are appropriate, but, Dale, you had your hand up?

MR. DIAZ: Yes, but I am still trying to sort some of this out, but my original question to Ryan is if we could figure out -- We've said before that, if we don't reallocate, we have reallocated, and so we're going to go up. In 2021, the ABC/ACL will be 9.37 million pounds, and the last ACL we had, ABC/ACL, was 8.55 million pounds, and so is the difference there mostly attributed to FES, or is that something that you can't determine at this point?

MR. RINDONE: I just pulled up what Dr. Porch had just mentioned about rerunning SEDAR 38 with FES units, and so -- Like Dr.

Porch said, the amount of fish that were presumed left behind from that assessment would have been larger. The amount of recreational harvest would have been presumably larger as well, and so it's a matter of scaling, but those fish are still -- More than half of the recreational ACL was still being left behind.

When we look at this through the lens of the update assessment, and we see that our current spawning stock biomass is below that at MSY, and so, at some point in the recent past, more fish had been harvested than the stock was able to sustain, given its recruitment levels perhaps, or maybe there was another variable at play, and we like to think that the commercial landings are known with a little bit more certainty than the recreational landings, and so that makes some forgiveness for some variability there, but, as far as like if you kept the current sector allocations at 32/68, if we used past species and past conversions to FES as the barometer for that, then, yes, the commercial sector would benefit, to some degree, at least marginally, presumably, by the sector allocations remaining the same.

If we look at say the 2015/2016 fishing year to 2019/2020, and I only picked those because that's the last five or six years, and so I see that the 2014/2015 fishing year was a little bit higher, and, actually, it was a lot higher, and I will mention something about that in a second, but, if we just look at those last five years, based on our current landings, versus our proposed ACLs, there is still some safety.

If you did nothing, and it was some partial reallocation to the commercial sector as a result, it doesn't appear as if that would be resulting in an overharvest. In the past, the recreational sector has indicated that they -- For them, a more optimal scenario is to leave some of these fish in the water, because it increases the probability of interaction with the species while they're out there fishing, and possibly the probability of coming across a smoker, or a large kingfish, if more of them are left out there, and I would defer to those council members that made those comments in the past to reiterate that, if they would like.

With brief respect to the 2014 fishing year, that one is a little bit anomalous in the last decade or so, where we saw a large spike in the recreational landings for that year that wasn't able to be explained in discussions about the data, but it also wasn't thought to be erroneous, but we haven't seen a spike like that in the last five years either. That's just to

not think the 2014/2015 year to be typical, is my --

VICE CHAIRMAN ANSON: Thank you. Andy, you had your hand raised. Is it to this discussion, or did you have something else?

MR. STRELCHECK: Thanks, Kevin. Last week, I was at the South Atlantic Council meeting, and we were talking about Amendment 34, which to me has some relationship to this, and I guess a few things. One of the discussions was this antiquated allocation that can't be updated with FES, because it goes back in time pre-1981, and so the same situation that kind of the Gulf Council is facing right now.

I asked my team to look at the allocation policy, and it does not speak directly to that issue, but it does acknowledge that allocations should be periodically evaluated to remain relevant to the current conditions, right, and so that's kind of up to the council's consideration.

From a direction to staff standpoint, the alternatives, presuming the council wants to move forward with considering allocation, seem to be a wide range here, one of which could be, essentially, carrying forward the old allocation, but essentially not linking it to those landings, and we're just saying that we think this is reasonably calculated and justified accordingly.

I think some other options could be like we've considered holding the commercial quota at whatever the quota level is and determining the allocation from that, and then everything remaining goes to the recreational, but I think another reasonable alternative would be looking at kind of this issue of optimizing yield, given that one sector, the commercial, is largely bumping up against their quota, and the recreational, although confused by FES, may or may not be bumping up against their quota now, and determining if there is some redistribution that needs to happen from the recreational to the commercial, based on the changes that we're seeing with FES.

I think there's a number of ways that you could look at this, and I don't want to be prescriptive to staff, in terms of years to use, but, to me, there's at least three approaches there that could be considered and brought back to us for further consideration.

VICE CHAIRMAN ANSON: Thank you. I have several people. I have Leann, Martha, and then John.

MS. BOSARGE: Thank you, Mr. Chair. So two comments. John requested that analysis, and I don't remember if it was at the last meeting or the meeting before, where he wanted to see if it was possible to show us what the past ABCs, or ACLs, would have looked like had we had FES numbers in the assessment at that point, and I think the Science Center actually ran some analysis, and they sent it to staff, and staff sent it to us in April, and I found it very informative.

I was surprised that wasn't in our briefing book for this meeting, because it does give you some sort of idea, using a couple different variables, and they ran it under four different sets of assumptions, so you can look and see how things change, but it gives you an idea of what those ABCs would have been overall, both commercial and recreational, what the ABC would have been, so that you can see how much foregone yield we missed out on, right, that, if we had been given our commercial allocation of 32 percent of that much higher ABC and ACL, we would have been able to catch more fish, and we've missed out on that, all these years, and so that was your de facto reallocation, you know. The point is I would like to see that presented to the council.

To staff's current request, as to what we would like to see as some of these alternatives, we are underfishing this. We are not achieving optimum yield. On Table 1.1.1, I did my best to run some numbers here, and, on average, for the years that we have in this table, 2001 through 2020, even with the new FES landings, we're still leaving, on average, 20 percent of that total ACL uncaught, in the water. That is not providing the greatest good to the nation, and we're not achieving OY by doing that.

What I would like to see, in some of the alternatives for allocation percentages, is a shift of all, or a portion, of that uncaught 20 percent to the commercial sector, so that we can achieve OY and land some of those fish, and so I can't tell you what those percentages would be, and I will have to leave that up to staff, but, that uncaught 20 percent, I do want to see some alternatives that shift all, or a substantial portion of that, to the commercial sector.

VICE CHAIRMAN ANSON: Thank you. Next is Martha.

MS. GUYAS: Thanks. Just to weigh-in on this, I mean, I definitely think we need to look at allocations here, and I agree with the suggestions that Andy made, and then with what

Leann said too. I mean, we need to look at these things at the table.

I am kind of hoping that, with the Mackerel AP -- It's real easy to get lost in numbers here, right, because there's lots of twists and turns, and I am kind of hoping that they can have a higher-level discussion, maybe before getting into the weeds here, about what should this fishery look like, moving forward.

We have had these discussions about potentially shifting more to commercial for quite some time, like John talked about, and do they think that's the way to go, and then, kind of based on what their recommendation is, we may need to back up and try to draft alternatives that kind of fit that, as options to look at for the council. I am just hoping that we can try to avoid -- At least have that group not get lost in the numbers and really focus on like what should this fishery look like, and then we can go from there.

VICE CHAIRMAN ANSON: John.

MR. SANCHEZ: Well, yes, I am lost in the numbers. I look at 2.1.1, and, just like 1.1.1, the commercial landings are underrepresented. Again, you go back to the SEDAR commercial landings for the same time period, and they're off by about 800,000 pounds a year, and so what's going on here is we're increasing, and, if you believe FES, which I am a little skeptical, you're increasing twofold the recreational landings, and then you're underrepresenting the commercial landings, and so it's just the numbers -- I am lost in them.

VICE CHAIRMAN ANSON: So is there any way, Ryan, that you can dig into that a little bit for the next meeting, as to that discrepancy, and see if you can reach out to the appropriate folks at the Science Center or NOAA and see if they can help explain that?

MR. RINDONE: We definitely can reach out and try and get some feedback and bring that back to you guys. As far as the percent of the ACLs that is landed and some idea of what some of the averages might look like, I would draw you guys' attention to Table 2.1.1, where there is a couple of columns there that describe the percent of the sector ACL that's been landed.

In recent years, the commercial sector has been landing its ACL, and, like we discussed, the recreational sector hasn't in the last twenty years, and this is based on the CHTS landings and catch limits, which is important to remember here, and so using

a table like this, with the data calibrated to FES, against perhaps our proposed catch limits in Action 1, might provide you guys with some idea of how you can move forward, but we can put something like that together for the AP to chew on first, if you like, and then that can be something that's used to help inform the recommendations to you guys, since it kind of sounds like that's what Ms. Bosarge is talking about anyway.

VICE CHAIRMAN ANSON: That sounds like a good plan. All right. I have gone through the names of folks that I saw had their hand raised, and we are getting near the last thirty or so minutes in the committee, and we have one more agenda item. I don't want to necessarily stop the discussion that we have here, but, if anybody has any other ideas or thoughts that they could offer for council discussion now, or certainly, for council discussion, be thinking of it and bring it up then, so that staff can go forward and bring back a more fleshed-out document next time around. All right. Ryan, anything else?

MR. RINDONE: No, sir, not for Amendment 33.

VICE CHAIRMAN ANSON: All right. That would take us then to Agenda Item Number VII, Draft Amendment 34, Tab C, Number 7. Dr. Mendez-Ferrer, are you still on the line? Do you want to --

DRAFT AMENDMENT 34: ATLANTIC KING MACKEREL CATCH LEVELS AND MANAGEMENT MEASURES

DR. MENDEZ-FERRER: I am still here. Thank you, Mr. Chair. Agenda Item Number VII, the committee will see Draft CMP Amendment 34: Atlantic King Mackerel Catch Levels and Management Measures, and this document will be presented by Ms. Christina Wiegand from the South Atlantic Council. She will go through the actions and alternatives being considered in this amendment.

The amendment includes changes to catch levels for Atlantic migratory group king mackerel, modifications to sector allocations, and management measures that include recreational bag limits, size limits, and provisions requiring fish to be landed with heads and fins intact. This is a full plan amendment, and the committee may be able to provide feedback and recommendations, and I will leave it to Christina to point out which actions or alternatives may require additional voting by the committee at this point.

VICE CHAIRMAN ANSON: All right. Thank you.

MS. WIEGAND: Good morning, everyone. It's nice to finally be

able to present to you. I've been working for the South Atlantic Council on CMP issues for about four years now, and I don't believe that I have ever had the pleasure of presenting something to you guys, and so I'm looking forward to chatting with you this morning.

Like Natasha said, I'm going to be going over Coastal Migratory Pelagics Amendment 34. This is a joint amendment, like the other two that you have discussed today, and so we are looking for your council to discuss the actions and alternatives and perhaps select preferreds.

Our council discussed this last week, on Thursday, and so there are some changes and preferred selections that our council has made that aren't outlined in this document, and so this was submitted prior to our meeting, but I will be going over those as we talk about each individual action.

Much like your CMP Amendment 33, this amendment is addressing the update to SEDAR 38 that was completed in April of 2020, and, luckily, it indicated that Atlantic king mackerel was not overfished or undergoing overfishing. In fact, recreational and commercial landings and catch per unit effort, as well as recruitment, have all shown an increasing trend, which resulted in some pretty substantial increases to the OFL and ABC recommendations we received from the SSC.

The first part of this amendment is looking to address those new catch level recommendations, and the second is looking to address sector allocations. Of course, like you all just talked about, due to the revised recreational landings that are based on the new MRIP-FES methodology, the South Atlantic Council is revising sector allocations. Additionally, our allocation trigger policy has the South Atlantic Council reviewing sector allocations every time they receive an updated stock assessment.

Then, last, but not least, there are some actions in here that would address management measures for king mackerel, as well as Spanish mackerel. The commercial and recreational landings have been well below the ABC and ACL recommendations recently, even considering the switch to FES numbers, and so one of the things the council did was talk to our advisory panel, to see if there were any management measures that could be modified that may help improve utilization of this resource.

They are primarily focused on the recreational sector, and that's because the council has already undergone actions looking at raising trip limits for the commercial sector, via CMP

Framework Amendments 6 and 8, and so those are sort of the three sets of actions you're going to see in this amendment.

Here is the purpose and need statement. The purpose of this amendment is to revise the annual catch limits and annual optimum yield for Atlantic migratory group king mackerel, to revise the recreational and commercial allocations for Atlantic migratory group king mackerel, and to revise or establish management measures for Atlantic migratory group king and Spanish mackerel.

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

Here we go right into the meat of the amendment, and Action 1 looks at revising the stock annual catch limit and annual optimum yield for Atlantic king mackerel to reflect the updated ABC catch level that we received from the SSC.

Alternative 1 is, obviously, the no action alternative. Alternative 2 would set the ACL equal to the updated ABC level. Alternative 3 would set the ACL equal to 95 percent of the updated ABC level, and Alternative 4 would set the ACL equal to 90 percent of the updated ABC level.

At their meeting last week, the South Atlantic Council selected Alternative 3 as their preferred, putting that 5 percent buffer in between the ACL and the updated ABC level, and this was based on recommendations from the council's Mackerel Cobia Advisory Committee.

The advisory panel noticed the very large increase in the ABC recommendation, and they felt that, given this large increase, there was room to be a little bit conservative, and they had recommended that the council put a buffer between the ABC and ACL level, which is why the council picked Alternative 3 as their preferred, and I will go ahead and pause here, to see if there's any questions or if there's a desire from the Gulf's Mackerel Committee to also select Alternative 3 as their preferred.

VICE CHAIRMAN ANSON: All right, committee. Any discussion? Ms. Wiegand, what is the timeline? Have you all discussed kind

of when you would like to get this document finished, completed?

MS. WIEGAND: Absolutely. Our goal is to have this amendment approved for public hearings in September, have you guys review the document again in October, and then we would be looking for taking formal action to approve this amendment in December of this year or March of next year, at the latest.

VICE CHAIRMAN ANSON: All right. Thank you. Ryan.

MR. RINDONE: Thank you, and just a reminder to the committee that, like Amendments 32 and 33, Amendment 34 is a plan amendment, which will require the councils to agree on preferred alternatives before final action can be taken.

MS. WIEGAND: If you scroll to the next slide, you can see the annual catch limit numbers that are associated with each of the alternatives proposed, and, again, Alternative 3 is now the South Atlantic Council's preferred alternative.

VICE CHAIRMAN ANSON: Again, anyone from the committee? Leann.

MS. BOSARGE: Well, two questions. It's kind of strange that there aren't any numbers under that Alternative 1, at least for the 2021/2022 season, or year, so you could see, within the table, what your catch limits are changing from to, and that seems like it would be helpful. We put that in there, even though it is based on the old CHTS numbers. To us, that's helpful anyway.

Do you have a preferred, because it wasn't listed on the last slide, but I thought I heard you say that your council did just pick a preferred.

MS. WIEGAND: Correct. This presentation was put together prior to our meeting last week, and so, last Thursday, when the South Atlantic Council discussed this amendment, they did select Alternative 3 as preferred, and, to your previous comment, the current ABC is at 12.7 million pounds, if that's helpful. The reason we didn't include it in the table is just to note that the ABC and ACLs that were in place and the proposed ABCs aren't directly comparable, because of the updated assessment including the MRIP-FES numbers, but the current ABC is 12.7 million pounds.

VICE CHAIRMAN ANSON: Leann.

MS. BOSARGE: Thanks. So, they're not directly comparable, but

it's still -- I mean, essentially, what we're saying is you're going to pretty much, in most of these cases, just about double your harvest, overall, what you're going to take out of the water. It's a big increase. Those are big numbers. Thirty-three million, twenty-eight million, twenty-four million. Those are big numbers, compared to where you're at now, the 12.7.

That's just an observation, but I don't know, Mr. Chair, if you're really wanting to pick preferreds today. I mean, it's kind of the first time we've seen this, and I don't know. It's up to you.

VICE CHAIRMAN ANSON: Well, I don't have a desire, necessarily. I was a little surprised at the timeline, as to how quickly this -- Since it is a joint amendment, how quickly the time schedule is, currently, and, if we're going to adhere to that time schedule, if we agree to it, then I think we ought to start going down the road of offering preferreds at this meeting. Dr. Frazer.

DR. FRAZER: Go ahead and let Martha respond to Leann, and then I will get back to you.

VICE CHAIRMAN ANSON: Martha.

MS. GUYAS: I mean, I guess we can pick preferreds at this meeting, so that we're not holding them up. Christina, what was the preferred on this one again? Sorry. Not having this on the slide is killing me.

MS. WIEGAND: I'm sorry. It's Preferred Alternative 3, and I will note that, if you would like me to bring this back to you all again, with some updated analyses that we're planning on doing for our council between now and September anyway, we could -- I'm comfortable bringing it back to your August meeting again, but I'm going to defer to Gulf Council staff, as to whether or not you have room on your agenda to discuss this again in August, but Alternative 3 is currently the preferred.

MS. GUYAS: So I don't know if this coming back in August is necessarily all that helpful. It might be helpful to see more analysis, if there's concern on this committee about picking preferreds, but it's going to go back to the South Atlantic, and so that would mean that it would come back to us maybe in October? Okay. I don't know. I think I'm fine with that, waiting to pick preferreds until October. If we pick something now, and then they end up changing it, we're just having this conversation all over again anyway, and so --

VICE CHAIRMAN ANSON: Dr. Frazer.

DR. FRAZER: I just have a question for Christina, and maybe Chester could weigh-in, and it's related to this issue of optimum yield, and Leann alluded to it in our discussion of Amendment 33, and what I find interesting in the presentation here is that the OY, or the optimal yield, is equal to the ABC and equal to the ACL, but there's a number of allocation issues.

That suggests that, to me, that the value of a fish is the same, regardless of the allocation, and I wanted to know if there any economic analyses coming out of the South Atlantic Council that would suggest that's true.

VICE CHAIRMAN ANSON: Chester.

MR. BREWER: Christina may have something. I don't.

MS. WIEGAND: I was going to say go ahead, Chester, but our council has not discussed OY in that respect for this particular amendment, and it has been discussed for other amendments. This is normally a question I would defer to our economist who conducts those type analyses, and so I will say that, at this time, no, there isn't any economic analysis in that respect in the amendment, but I can talk to our economist and see to what extent he would be able to put something together and provide that kind of information.

DR. FRAZER: Thank you. That would be helpful, and, again, I didn't mean to put you on the spot, but I just think it gets to the crux of the issue here.

VICE CHAIRMAN ANSON: All right, and so it sounds like we want to wait to get some further analysis and have more time to chew on this, but, certainly, we would like to hear some of the details related to the action items in this document, and so, Ms. Wiegand, if you can continue.

MS. WIEGAND: Absolutely. Moving on to Action 2, Action 2 looks sat revising sector allocations for Atlantic migratory group king mackerel. We've got Alternative 1, which is the original sector allocations of 37.1 to the commercial sector and 62.2 to the recreational sector, and these were set in Amendment 1 to the CMP FMP, and they were allocated based on the largest number of years, beginning in 1979, that there were consistent catch data for.

Alternative 2 is based on, and this one is a little complicated to explain, and so stay with me here for a minute, but Alternative 2 aims to maintain the current commercial ACL, beginning in the 2026/2027 season and then allocate the remainder to the recreational sector.

This is based on the idea that the council did not want the commercial sector to experience a poundage allocation any less than what they currently were experiencing now. Because the ABC yield streams from the SSC decrease over time, we made sure that the poundage the commercial sector is experiencing now was the poundage that would be experienced during the 2026/2027 fishing, or the lowest ABC that was recommended, and set the percentages there. Obviously, those percentages change based on which alternative is chosen as preferred in Action 2, and so I know that was a little confusing, and I can go back to it, if I need to.

Alternative 3 is a little bit more simple, based on average landings from 2004 to 2019, and Alternative 4 is based on a shorter and more recent time series of 2014 to 2019, and Alternative 5 is based on balancing long-term and short-term time series with 50 percent being to 2000 to 2008 and another 50 percent being a more recent time period, 2017 to 2019.

Now, at their meeting last Thursday, the council made a number of modifications to this action. They requested an additional alternative be added that would allocate 37.1 percent to the commercial sector and 62.2 percent to the recreational sector, and they selected that alternative as preferred. The reason they did this is because is based on their informed judgement and their desire to keep the makeup of the fishery the same.

King mackerel has been sort of a success story for the South Atlantic Council, in terms of management, and they wanted to keep the historical breakup of the fishery in place. This is also a recommendation from the Mackerel Cobia AP that requested the 37.1 percent and the 62.2 percent allocations remain in place, and so that is currently selected as the council's preferred alternative.

I know it's a little bit hard, when the presentation was put together before those decisions, but I am happy to explain again, if need be.

VICE CHAIRMAN ANSON: All right. Thank you. Any questions? Leann.

MS. BOSARGE: I was looking through the document, but I didn't see it right off. What has it looked like in your fishery over there, generally? Has the commercial sector been bumping up against their quota? Has the recreational sector been bumping up against their quota, because I thought you said you all were -- That there was fish on the table, that there was underfishing occurring, and I'm just wondering, and is it being underfished on both sides or one?

MS. WIEGAND: It's being underfished on both sides, and so there has not been a closure -- Well, if you will remember, looking at past landings streams for king mackerel can be a little complicated, because it wasn't until 2017 when we set a firm boundary between the two migratory groups at the Miami-Dade/Monroe line, and it used to move quite a bit, depending on the season, but, in general, no. Atlantic migratory group king mackerel, both the commercial and recreational sectors haven't been experiencing closures over the last few years, and they have been underharvesting.

VICE CHAIRMAN ANSON: Martha.

MS. GUYAS: I guess the same as the other action, and, I mean, I would like to see at least an updated document that has all the alternatives in it before we select preferreds just off the board here.

VICE CHAIRMAN ANSON: That sounds like a good plan. Any other questions from the committee? Seeing none, please continue.

MS. WIEGAND: All right. Just as a note on those prior actions, there are no combinations of the ABC and ACL under Action 1, or any of the allocation alternatives, that are going to result in a closure for either sector, based on landings over the last five years, and so this sort of gets at Leann's question.

The maximum landings over the last five years from the recreational sector were right around seven million pounds, and the lowest proposed ACL of any combination of Action 1 and Action 2 alternatives is close to thirteen million pounds. Similarly, with the commercial sector, the maximum landings from the last five years were right around 2.9 million, and the lowest proposed commercial ACL is 4.7 million.

Moving on, this is looking at revising the recreational annual catch target for Atlantic migratory group king mackerel. Like you saw previously with cobia, our current recreational ACT equation is based on the PSE.

Alternative 2 would update to reflect the updated ABC level, and Alternative 3 would revise the recreational ACT to be equal to 90 percent of the sector ACL, and Alternative 4 would be equal to 85 percent of the sector ACL.

The South Atlantic Council intends to revisit this action at their September meeting. Now that they've selected preferreds under Action 1 and Action 2, we'll be able to bring them updated numbers and analysis for this action.

VICE CHAIRMAN ANSON: Hold on one minute, please, Ms. Wiegand. Leann.

MS. BOSARGE: Just like in our cobia document, tell me about those PSEs. What were they under CHTS, and what are they now under FES, the percent standard errors? Generally, it went up, or it went down?

MS. WIEGAND: I don't have those numbers on me. That's something we intend to bring to the council in September.

MS. BOSARGE: All right. Thanks.

VICE CHAIRMAN ANSON: All right. Go ahead. Continue, Ms. Wiegand.

MS. WIEGAND: All right. Moving on to Action 4, this looks at increasing the recreational bag and possession limit for Atlantic migratory group king mackerel in the EEZ off Florida. Currently, in the EEZ off the east coast of Florida, the bag limit is two fish per person, and Alternative 2 looks at increasing the bag limit to three fish per person.

This is based on recommendations from the Mackerel Cobia Advisory Panel. They would like to create consistency in the recreational bag limit throughout the management jurisdiction. North of Florida is three fish per person, as well as throughout the Gulf, and so they're asking that the east coast of Florida be brought into alignment with those areas and have a three-fish-per-person bag limit.

We did do a preliminary analysis, to look at how that would increase recreational landings. Method 1 assumes that any trip off the east coast of Florida that met the two-fish bag limit would now meet that three-fish bag limit, and it resulted in an increase of 14 percent. Method 2 assumed that any trip that met a two-fish bag limit and then subsequently discarded a king

mackerel would now meet the three-fish bag limit, which results in a 3 percent increase, and neither of these methods would lead to a recreational closure. I will pause here, to see if there are any questions.

VICE CHAIRMAN ANSON: Any questions from the committee? Seeing none, please continue.

MS. WIEGAND: All right. Moving on to Action 5, this looks at reducing the minimum size limit for the recreational and commercial harvest of Atlantic migratory group king mackerel. The current minimum size limit is twenty-four inches, and there are alternatives for twenty-two inches, twenty inches, and removing the minimum size limit entirely.

This was, again, included in the amendment based on a recommendation from the Mackerel Cobia Advisory Panel, as a way to increase recreational harvest and reduce discards. The AP reports that small king mackerel are often caught when individuals are fishing for other species, particularly Spanish mackerel, and they almost always are discarded dead, and so they wanted to see the minimum size limit lowered.

At the council meeting, our council asked that we split this action to address the recreational sector and the commercial sector separately, because commercial sector representatives on the AP have indicated that dealers are concerned about a reduction in the minimum size limit, because they feel those smaller fish are likely to fetch a lower value on the market, and so we'll be splitting this action so that it addresses each sector separately, and the council has selected a preferred alternative of twenty-two inches fork length for the recreational sector.

VICE CHAIRMAN ANSON: All right. Ms. Wiegand, where did the data come from for the recreational discard information?

MS. WIEGAND: I believe that came from the FWC for-hire survey, but I am scrolling down in the document. Yes, it was the FWC charter and headboat data, is where that information was pulled from.

VICE CHAIRMAN ANSON: All right. Thank you. Martha.

MS. GUYAS: Not to that, but I was going to ask, because I don't know off the top of my head, but what's the size of maturity for these fish?

MS. WIEGAND: There is 50 percent maturity at twenty-two inches.

VICE CHAIRMAN ANSON: Any additional discussion from the committee? Seeing none, please continue.

MS. WIEGAND: All right. Moving on to the last action in this amendment, this is Action 6, which looks at modifying the recreational requirement for king mackerel and Spanish mackerel to be landed with heads and fins intact.

Currently, if you're fishing under the recreational bag limit, you cannot possess any cutoff or damaged fish. Alternative 2 would allow cutoff or damaged fish that are caught under the recreational bag limit that comply with the minimum size limit to be possessed and offloaded offshore, and there are sub-alternatives under there to allow that for king mackerel and Spanish mackerel.

This was included in the amendment based on, again, a recommendation from the Mackerel Cobia AP as a way to increase recreational harvest and address the increase in shark and barracuda depredation that our council has heard a lot about, and I'm sure that your council has as well.

It's important to note that the provision to keep cutoff fish is already allowed for the commercial sector, and so it's in the regulations that the commercial sector can keep damaged fish that comply with the minimum size limit.

Our council hasn't selected a preferred alternative here yet. They have asked all of the state representatives on the council to look at how this regulation would interact with regulations in state waters and what process they may need to go through to modify state regulations to comply with any changes the council may make here. With that, I will see if there are any questions or comments.

VICE CHAIRMAN ANSON: All right, committee. Any questions? Martha.

MS. GUYAS: Christina, I assume this is going to go through you all's Law Enforcement AP also, this action in particular.

MS. WIEGAND: We did talk to our Law Enforcement AP about it, back in April, and it wasn't explicitly on their agenda, but we did cover it during sort of the overview we give them of all amendments that are on the table, and we asked them specifically about this issue, and they didn't provide any comment at the

time. There didn't seem to be concern from NOAA OLE that this was going to cause negative enforcement problems for them, but there are still some concerns from our state representatives about how it would interact in state waters.

VICE CHAIRMAN ANSON: Any other questions? All right, Ms. Wiegand. Please continue.

MS. WIEGAND: All right. Moving forward one more slide, I will be brief, since we already went over this, but our council is looking to have public hearings now pushed to the fall of 2021, after our September meeting, and so we'll be considering approval for public hearings in September, which would put final approval in December of 2021 or March of 2022, most likely.

That's all I have for you. If there are any other questions about this amendment, or any other information you would like from staff or from our council, I can make sure we provide it the next time around.

VICE CHAIRMAN ANSON: Thank you for the presentation. Is there any other requests from the council or the committee? I don't see any hands being raised, and so I think we are good for now. We look forward to the new information, and we'll have some good discussion at the next council meeting. Thank you.

MS. WIEGAND: Thank you.

VICE CHAIRMAN ANSON: That takes us to the last item on the agenda, and that's Other Business. I did not see anybody ask for any other business items to be included, but I will provide an opportunity, for anybody who wishes to bring up an item, to do so now. I am not seeing any hands, and so this concludes the Mackerel Committee.

(Whereupon, the meeting adjourned on June 22, 2021.)

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