

**PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
COASTAL PELAGICS MANAGEMENT BOARD**

**The Westin Crystal City
Arlington, Virginia
Hybrid Meeting**

August 7, 2024

Approved October 22, 2024

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INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of May 1, 2024** by consent (Page 1).
3. **Move to approve the Atlantic Cobia FMP Review for the 2023 fishing year, state compliance reports, and *de minimis* requests for Rhode Island, New York, New Jersey, Delaware, Maryland, Georgia, and Florida.** Motion by John Clark; seconded by David Sikorski (Page 3). Motion approved by consent (Page 3.)
4. **Motion to postpone deliberation on Addendum II to the Atlantic Cobia Management Plan until the Annual Meeting.** Motion by Erika Burgess; seconded by Doug Haymans (Page 10). Motion fails (4 in favor, 7 opposed, 1 abstention, 1 null). (Roll Call: In favor – SC, GA, FL, SAFMC; Opposed – RI, NY, NJ, NC, VA, PRFC, DE; Abstention – NOAA; Null – MD) (Page 16).
5. **Move to postpone final action on Addendum II until the Board receives the presentation of SEDAR 95 results and receives TC recommendations on applying SEDAR 95 to management, including recommendations for the total harvest quota.** Motion by Ben Dyar; second by Erika Burgess (Page 16). Motion fails (3 in favor, 7 opposed, 2 abstentions, 1 null). (Roll Call: In favor – SC, GA, FL; Opposed: RI, NY, NJ, NC, VA, PRFC, DE; Abstentions – NOAA, SAFMC; Null – MD) (Page 19).
6. **Main Motion**
Move to adopt for issue 3.1 Recreational Allocation Framework, a combination of Option C4 – Northern Regional Allocation for RI, CT, NY, NJ, DE, MD, VA and Option B2 – State Allocations for NC, SC, GA, with allocations based on 50% of 2014-2023 landings and 50% of 2018-2023 landings (excluding 2016, 2017, and 2020). Motion by Shanna Madsen; second by Jason McNamee (Page 19).

Motion to Substitute

Motion to substitute to adopt Option A for Issue 3.1 until the SEDAR 95 stock assessment is concluded.

Motion by Doug Haymans; second Ben Dyar (Page 20). Motion fails (3 in favor, 6 opposed, 2 abstentions, 2 null). (Roll Call: In favor – SC, GA, FL; Opposed – RI, NY, NJ, DE, PRFC, VA; Abstentions – NOAA, SAFMC; Null – MD, NC) (Page 22).

Main Motion

Move to adopt for issue 3.1 Recreational Allocation Framework, a combination of Option C4 – Northern Regional Allocation for RI, CT, NY, NJ, DE, MD, VA and Option B2 – State Allocations for NC, SC, GA, with allocations based on 50% of 2014-2023 landings and 50% of 2018-2023 landings (excluding 2016, 2017, and 2020). Motion by Shanna Madsen; second by Jason McNamee. Motion substituted (Page 22).

Motion to Substitute

Move to substitute to approve in Section 3.1 Recreational Allocation Framework Option C4. regional harvest allocations based on 50% of 2014-2023 landings and 50% of 2018-2023 landings (excluding 2016, 2017, and 2020) with a northern region of Rhode Island through Virginia and a southern region of North Carolina through Georgia. Motion by Ben Dyar; second by Doug Haymans (Page 23). Motion passes (11 in favor, 2 abstentions). (Roll Call: In favor – RI, NY, NJ, FL, NC, VA, PRFC, MD, DE, SC, GA; Abstentions – NOAA, SAFMC) (Page 23).

Main Motion as Substituted

Move to approve in Section 3.1 Recreational Allocation Framework Option C4. regional harvest allocations based on 50% of 2014-2023 landings and 50% of 2018-2023 landings (excluding 2016, 2017, and 2020) with a northern region of Rhode Island through Virginia and a southern region of North Carolina through Georgia. Motion carries without opposition (Page 24).

7. **Move to adopt for issues 3.2 Updates to State/Regional Allocations - Option B Allocation Changes via Board Action, 3.3 Data and Uncertainty in Recreational Landings Evaluations - Option B Extend Rolling Average to Five Years, 3.4 Overage Response for Recreational Landings Evaluations – Option A Status Quo, 3.5 Timeline for Setting Commercial and Recreational Measures – Option B Five-Year Specifications.** Motion by Shanna Madsen; second by John Maniscalco (Page 24). Motion passes (10 in favor, 3 abstentions). (Roll Call: In favor – RI, NY, NJ, NC, VA, PRFC, MD, DE, SC, GA; Abstentions: FL, NOAA, SAFMC) (Page 27).
8. **Move to approve Addendum II to Amendment 1 to the Atlantic Cobia FMP, as modified today, with an implementation date of today (August 7, 2024).** Motion by Shanna Madsen; second by John Clark (Page 29). Motion passes by unanimous consent (Page 29).
9. **Move to adjourn** by consent (Page 30).

ATTENDANCE

Board Members

Jason McNamee, RI (AA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Chad Thomas, NC, proxy for Rep. Wray (LA)
John Maniscalco, NY, proxy for M. Gary (AA)	Ben Dyar, SC, proxy for Blaik Keppler (AA)
Jim Gilmore, NY, proxy for Sen. Thiele (LA)	Mel Bell, SC, proxy for Sen. Cromer (LA)
Joe Cimino, NJ (AA)	Malcolm Rhodes, SC (GA)
Jeff Kaelin, NJ (GA)	Doug Haymans, GA (AA)
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)	Spud Woodward, GA (GA)
John Clark, DE (AA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Craig Pugh, DE, proxy for Rep. Carson (LA)	Gary Jennings, FL (GA)
Roy Miller, DE (GA)	Ron Owens (PRFC)
Lynn Fegley, MD (AA)	John Carmichael (SAFMC)
David Sikorski, MD, proxy for Del. Stein (LA)	Jack McGovern (NMFS)
Shanna Madsen, VA, proxy for Jamie Green (AA)	

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Angela Giuliano, MD, Cobia TC Chair

Staff

Bob Beal	Caitlin Starks	Katie Drew
Toni Kerns	Jeff Kipp	Jainita Patel
Tina Berger	Tracy Bauer	Chelsea Tuohy
Madeline Musante	James Boyle	Emilie Franke

The Coastal Pelagics Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person, and webinar; Wednesday, August 7, 2024, and was called to order at 1:15 p.m. by Chair Robert E. Beal.

CALL TO ORDER

CHAIR ROBERT E. BEAL: I'm going to call the Coastal Pelagics Board to order. Again, my name is Bob Beal. This is like déjà vu all over again from this morning. Spud Woodward is online but realizes that chairing this meeting remotely or virtually is difficult to do. He asked me to stand in and be the Chair for this meeting, and I'm glad to do that.

APPROVAL OF AGENDA

CHAIR BEAL: Spud will likely be participating virtually in the conversation, however. With that we'll go ahead and review the agenda. Are there any changes or edits to the agenda that was provided ahead of time? Not seeing any; the agenda stands approved.

APPROVAL OF PROCEEDINGS

CHAIR BEAL: Then consideration of approval for the Proceedings from May 2024. Are there any edits or changes to the proceedings from May, '24? Yes, Emilie.

MS. EMILIE FRANKE: Just to let the Board know, we did receive two edits on Page 11 and Page 17, just making sure the names of Board members who provided comments are correct.

PUBLIC COMMENT

CHAIR BEAL: Great, thank you, and we will make those changes. All right, with that it brings us to Public Comment. Are there any members of the public that would like to comment to the Board at this time? Seeing no hands in the room and no hands online, we will jump right into the FMP Review for Cobia. Emilie, take it away, thank you.

CONSIDER APPROVAL OF ATLANTIC COBIA FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE FOR THE 2023 FISHING YEAR

MS. FRANKE: For this Cobia FMP Review, this is for fishing year 2023, so I will go over the status of the FMP, status of the stock, the fishery and the PRT comments, and the Board's action for consideration today is to consider approving this review for fishing year 2023, the state compliance reports and *de minimis* requests. For the FMP, cobia is currently managed under Amendment 1 and Addendum I to Amendment 1. Again, this is the Atlantic cobia stocks, so we're only talking about cobia from the Florida/Georgia border and northward.

Amendment 1 transitioned Atlantic cobia to sole management by the Commission, and currently the total harvest quota, this is across both sectors, is 80,112 fish. This was initially set as a total quota in 2020 and has been the total harvest quota since then. It is currently set for 2024 through 2026. The allocation is 96 percent recreational and 4 percent commercial, and in 2023, there were no management changes. States maintained the same management measures they had in place in 2021 and 2022. For the commercial fishery, the coastwide quota is about 73,000 pounds. It's a 33-inch fork-length minimum size limit, 2 fish per person, 6 fish per vessel, and non *de minimis* states do submit landings reports in season. If we reach the commercial closure trigger, then the commercial fishery closes with 30-day notice, and 4 percent of the commercial quota is set aside to cover *de minimis* harvest.

For the recreational fishery there is a 76,908 fish coastwide harvest quota. The non *de minimis* states right now are Georgia, South Carolina, North Carolina, and Virginia. They have a minimum size of 40-inch total length or 36 inches fork length, and the seasons and the vessel limits for those states are determined by each state, but the maximum vessel limit is 6 fish.

Each of these four states has a state-specific harvest target, and every few years there is an evaluation of the state's average landings against that target, to

determine if they have to make changes to those seasons or vessel limits. Then right now, the *de minimis* states are from Maryland northward.

They have a different set of measures, a minimum size of 37 inches total length, and 33 inches fork length, a vessel limit of 1 fish, and a year-round season, or *de minimis* states can choose to implement the same measures as the nearest non *de minimis* state. For example, Maryland and PRFC have implemented the same measures as Virginia.

For these *de minimis* states, there is a quota set aside to cover the *de minimis* harvest. There is no *de minimis* evaluation against any sort of target. As far as the status of the stock, SEDAR 58, which was completed in 2020 with data through 2017, indicated the stock was not overfished, and overfishing is not occurring.

There is a new stock assessment, SEDAR 95 that is ongoing as we speak, and is expected to be complete in late 2025. As far as the fishery, last year in 2023 total landings across both sectors was about 2.8 million pounds. Commercial comprised about 2 percent of that and recreational almost 98 percent of those landings.

In 2023 landings were a 45 percent increase from 2022, driven by an increase in recreational landings. On the commercial side, landings were about 64,500 pounds. This was a decrease from 2022 and was below the commercial quota. North Carolina and Virginia comprised the majority of landings, and again, the quota was not exceeded, and so the commercial fishery was not closed.

On the recreational side, recreational landings last year were 98,311 fish. This is the second highest harvest in the time series and a 41 percent increase from 2022. Just note that the 2023 landings were above the coastwide quota. Just to sort of illustrate the increase in landings we've seen in the past decade or so.

Over the past ten years the average landings were about 79,500 fish versus the time series average of about 40,500 fish. Then as far as live releases, live releases last year about almost 249,000 fish were released alive. The PRT just notes that in the most recent years we've seen an increase in the proportion of fish that have been released alive, as compared to previous years. This is just a figure of total landings in pounds. You can see in orange there at the bottom the commercial sector relatively stable, given their percent quota that they are allocated. Then you can see the recreational landings in blue. You know you see the increase in recent years, but you also see the continued year to year variability that we tend to see with cobia.

Here on the screen, I know it is a lot to look at, but just to kind of give a little bit of visual of the recreational landings data in number of fish for the last ten years. Then at the bottom you can see the current state targets. You can see the *de minimis* states from Rhode Island through Maryland, pretty variable.

Some years you see a couple thousand fish harvested, however, last year in 2023 it was a much lower harvest estimate. You can see Virginia has been above their target in recent years. North Carolina has seen a little bit of a decrease and has been below their target. South Carolina has been just below or sort of right around their target in recent years, and then Georgia has had a couple years below their target, and then a couple years above their target.

Again, some variability. You can see in red there '21 and '23, the coastwide recreational quota was exceeded. The PRT does want to note that changes in harvest year to year for states is likely due to multiple factors, including poor stock distribution. But also, fish availability nearshore or offshore, as well as state regulatory changes in effort.

Then the other item of note for last year was North Carolina's harvest estimate was very low. North Carolina noted that weather conditions in 2023 reduced the number of fishable days, and anecdotal observations in North Carolina suggest that cobia

are staying in North Carolina waters for a shorter period of time. This all could have contributed to that low estimate.

The PRT does want to note though that this could be an anomaly, and future estimates may not be this low. As far as implementation, the PRT found no inconsistencies in state implementation. Just of note that New York did declare an interest in the cobia FMP earlier this year. New York has implemented measures consistent with a recreational *de minimis* state, and also implemented commercial measures for a non *de minimis* state.

New York is providing in-season landings reporting at this time. As far as *de minimis*, *de minimis* qualifies for the recreational sector if states have been less than 1 percent of the coastwide total for two or three years. Rhode Island, New York, New Jersey, Delaware, Maryland, and Florida have requested and qualified.

On the commercial side states need to be less than 2 percent of coastwide landings for two or three years. Rhode Island, New Jersey, Delaware, Maryland, Georgia, and Florida have all requested and all qualify except for New Jersey. New Jersey landings did exceed that 2 percent threshold in 2021 and 2023.

However, New Jersey is still requesting *de minimis*. They note that those landings were anomalously high, compared to their past decade, and New Jersey notes they are continuing to work toward in-season reporting should that become necessary. As far as PRT comments, the PRT recommends the Board approve all *de minimis* requests, including the New Jersey commercial request. The PRT notes that multiple states could exceed the *de minimis* threshold over the next few years if landings continue to increase in the Mid-Atlantic. This could have some implications, including more states needing to implement in-season monitoring. If state allocations are

maintained, then that would mean adding new states to the allocation framework.

This all kind of reflects some of the challenges and why Draft Addendum II was initiated. Then again, just a reminder that we have this new stock assessment that will inform stock status in management in the near term. I'm happy to take any questions.

CHAIR BEAL: Great, thanks, Emilie, appreciate that. Are there questions or comments on the FMP review? Yes, Joe.

MR. JOE CIMINO: Not a question, I just want to make a comment on New Jersey's commercial harvest. It's not a directed fishery, it's bycatch in our gillnet fishery, and it's really a small number of individuals, which does give us, we feel that if we need to move into a more update reporting system, that we can do that, getting into compliance then if it comes to that.

CHAIR BEAL: Great, thanks, Joe. Any other comments or questions? I keep forgetting to look online. Not seeing any. Great, is there a motion to approve the FMP Review and *de minimis* requests? John, I think we will have a motion on the board you can read in, hopefully.

MR. JOHN CLARK: **Move to approve the Atlantic Cobia FMP Review for the 2023 fishing year, state compliance reports, and *de minimis* requests for Rhode Island, New York, New Jersey, Delaware, Maryland, Georgia, and Florida.**

CHAIR BEAL: Great, thank you, is there a second to that? Dave Sikorski, thank you. **Any objection to the motion on the board to approve the FMP Review and *de minimis* requests? Seeing none; it stands approved.** Thank you, Emilie, and the Board. Now we move on to Addendum II.

CONSIDER ATLANTIC COBIA ADDENDUM II ON RECREATIONAL ALLOCATION, HARVEST TARGET EVALUATION, AND MEASURES SETTINGS FOR FINAL APPROVAL

CHAIR BEAL: We're going to go through essentially the usual process, which is reviewing the options that are in the document, and public comment summary and the Advisory Panel report, and then the Board will consider action on the final approval of Addendum II. With that, Emilie, are you ready to go? Jump right into the options and public comment summary, thank you.

REVIEW OPTIONS AND PUBLIC COMMENT SUMMARY

MS. FRANKE: I'll just plan at the beginning just one or two slides. I'm reminding everyone the current recreational management framework, because I think that is helpful as a reminder, before we get into the options. Then I will get into the options, the public comment summary and the AP report, sort of all in one.

The AP Chair could not be here today, so asked that I give the report. It is a lot of information to go through after each set of options I will talk through the public comments and AP comments for that set of options before I move on to the next set. Just bear with me. Just a visual reminder of how the current recreational management framework works. At the top you have the harvest quota that can be set for up to three years at a time. In that green box 1 percent of that recreational harvest quota is set aside for *de minimis* states, then you have the rest of the quota that is currently allocated to Georgia, South Carolina, North Carolina, and Virginia, currently based on landings data from 2006 to 2015. Then those allocation percentages determine the state harvest targets in number of fish. Then those four states again, every few years evaluate their average harvest relative to those targets. If they exceed the targets the state has to adjust measures to reduce to the target. If their harvest has been

below their target, they have the option to liberalize measures. That is where we are in terms of status quo.

Just a reminder, as I mentioned earlier, the total harvest quota and state recreational measures have been status quo for the last few years. The Board also decided to maintain status quo state recreational measures for this year for 2024, instead of adjusting measures based on the harvest evaluations.

Recreational measures could change for 2025. This Addendum would determine the allocation framework, which would determine the state harvest targets for 2025, which would impact the evaluations to determine the 2025 measures. Also, a reminder that measures could potentially change again in 2026 or 2027, as we get the results of the next stock assessment. That is SEDAR 95. It's expected to be complete in late 2025, so it is not clear whether we would have that information in time to inform 2026 management or not.

That leads us to Draft Addendum II, which covers several topics. This Addendum was initiated due to the concern about the data currently used for state allocations, which is currently 2006 to 2015. The distribution of landings has changed since 2015. We've seen increased landings in some Mid-Atlantic states, but has been relatively stable in southern states, which indicates a possible range expansion.

We've also had a couple states declare into the fishery, because of increasing cobia presence in their state waters. Updating the allocation data could account for these changes. Also, MRIP estimates for cobia tend to have really high PSEs. There have been some concerns about using these uncertain data to make state level management decisions.

One way to potentially reduce this uncertainty is by increasing the sample size and considering management at a regional or coastwide level. This Addendum also considers other ways to address uncertainty, so thinking about the number of years included in the average we're using for landings

evaluations, whether to use point estimates, and also thinking about whether to compare a state's performance on its own or relative to other states or regions.

Then also, there is this potential need to update allocation percentages in the future. If updates are considered via addendum, for example like this process. This of course takes several months. The Board is considering whether or not to be able to make changes in certain situations via Board action.

Then finally, there is concern about changing management measures too frequently. Right now, the Board can set the quota for up to three years, and the Board is considering whether or not to consider setting measures for a longer period of time. Here is the timeline. The Board initiated this Addendum back in October. The Addendum was developed and then approved for public comment in May. We did have our public comment period in June and early July, and we're currently here in August to review public comment, select management measures, and consider final approval of the Addendum. As far as the public comment period, we received 7 written comments from 6 individuals and 1 organization. We did hold 7 public hearings, 4 of those were in person and 3 of them were via webinar. There were 37 members of the public who attended, and some attendees provided comments. Some of those comments were on the specific options, others were on for the more general cobia management topics.

ADVISORY PANEL REPORT

Then the Advisory Panel, which is the South Atlantic Species Advisory Panel, as a reminder that is still a combined advisory panel covering both sciaenids and cobia and Spanish mackerel. The AP met on July 25, and we had five AP members in attendance from Virginia and North Carolina.

Getting into the management options. As I mentioned, I will go through each of these five option sets, and within each of those option sets I will go over the public comment and the AP report for those relevant options. First, Section 3.1. This is one of the biggest sections in this Addendum. This is the recreational allocation framework, and there is sort of two components to think about here.

The first is how the recreational quota is allocated at a geographic level, so state by state, regional or coastwide. The second thing to think about is the timeframe of data being used. Currently, we use a combination of 2006 to 2015 data, and 2011 to 2015 data. Alternatively, this Addendum considers using 2018 to 2023 data. However, excluding 2020 due to COVID impacts.

Then the other option is using a combination of 2014 to 2023 data, and 2018 to 2023 data. Just going back just a little bit further in the dataset. Again, you would exclude 2020, we would also exclude 2016 and 2017, because there were fishery closures during those years. As far as the options, we first start with the state-by-state framework.

Option A would be status quo. We have those state-specific targets, state-specific allocations, and the state specific targets for state specific management measures. Option B would maintain that same state by state specific framework, but it would update the data used for those allocations, so it would consider using those more recent data.

The Option B options would also consider increasing the amount of the quota that is set aside for the *de minimis* states. Currently, 1 percent of the quota is set aside to cover harvest in the *de minimis* states. These option B alternatives would set aside 5 percent to cover harvest in *de minimis* states.

On the screen you can see the allocation percentages for each of the options. I'm not going to go through each one, but you can see status quo, Option A, using the 2006 through 2015 data. Then you can see for Options B1 and B2, a lot of that quota shifts up to Virginia. You see Virginia's quota increases.

You see that set aside for *de minimis* states also increase, then you see a pulse of decrease in the North Carolina, South Carolina, and Georgia quotas. I did have a request from a Board member to include in my presentation what these percentages would mean for state targets in 2025, so just applying these percentages to our current total recreational quota. I'll show those up on the screen, but I just want to emphasize, this is under our current 76,908 quota regime. Of course, as this total quota changes, these state targets will change. But I had a request to include these calculations in the presentation. I also included here on the right in that gray column the average harvest for each date for the last three years.

These are the data that would be used in the harvest evaluations. I'll leave it up here for just a beat or two. As I mentioned, you can see Virginia's average harvest has been over the targets. North Carolina has been below their targets, and then depending on the option that you select, South Carolina has been either over or under, and then Georgia has been over as well.

As an alternative to a state-by-state framework, Option C considers a regional allocation framework. For all of these regional options they would use the more recent data. The goal here is to eventually establish a region-wide size and vessel limit for all the states that are in a region. States could still have different seasons, because cobia availability really depends on which state you're in, time of year.

But all states in a region would eventually have to have the same size and vessel limit. The next time a reduction is needed, which could be for next year, or after the next stock assessment. The states in a region would work together to determine what the regional measures would be. Up on the screen here you have the regional options.

The top half of the options would be a regional breakdown at the North Carolina/South

Carolina border. Your northern region would be North Carolina north, and your southern region would be South Carolina and Georgia. You can see that of course the northern region would have the majority of the quota, and then the South Carolina and Georgia would have about 12 to 13 percent. Again, these options are all using the more recent data.

The other bottom half of these options would be a different regional split at the Virginia/North Carolina line, so the northern region would be Virginia north. The southern region would be North Carolina, South Carolina, and Georgia. Again, with that request to see what those allocation percentages would translate to, in terms of state targets under our current 76,908 fish quota regime that is here on the screen.

You can also see the average harvest for each of the regions. For the first regional breakdown, both the northern and southern region have been above the potential targets. For the second regional breakdown, the northern region has been above their target, and the southern region it depends which option you choose. I'll leave it up there for just a beat.

Finally, as an alternative to state or regional allocations, we simply have a coastwide management. We would only have that coastwide recreational quota. There would not be any state or regional allocations. The goal here is that eventually all states in the management unit would have the same size and vessel limit, working toward that coastwide target. Again, states could have different seasons. The next time a reduction is needed or after the next stock assessment, the states would work to determine what the coastwide measures would be to reach the target. Again, just sort of where are we right now. The current coastwide quota is 76,908 fish. The coastwide average for the last three years has been about 86,000 fish. In terms of public comments. On the recreational allocation framework, we heard one comment for Option A, status quo, noting that high uncertainty, low harvest in the northern states, and the fact that overfishing is not occurring means that

management should not change., things should just remain status quo.

We did hear two comments for the state-by-state allocations using the more recent data, indicating that it is important to use the new data, and this would be easier to coordinate keeping that state-by-state allocation. We did hear some concerns from South Carolina stakeholders that South Carolina with their proposed decreased allocation would essentially be penalized for the conservation action that the state has voluntarily taken in implementing a spawning closure.

I believe that was in 2018, so that closure decreased harvest, and therefore decreased as opposed to allocation. We also heard one comment for the regional allocation, noting that this would best address uncertainty, and one comment for coastwide management, noting that this is the best way to address the MRIP PSE issue, and also captures the coastwide changes in stock distribution.

There were some commenters that did not select an option, but they noted that they are opposed to increasing Virginia's allocation. They noted there would be negative impacts to the stock if more quota were given to Virginia, due to higher effort, that this would not protect the resource questions about why management should change in the southern states when the impact is coming from the Mid-Atlantic states, and equity concerns about reducing quota in states that have important historical cobia fisheries.

Then one commenter also noted that the combined 10 year and 6-year timeframe would incorporate the most years of data. As far as the Advisory Panel, we did have 4 AP members who supported status quo. The AP members noted there should be no change while we have a current stock assessment in the works, that again, overfishing is not occurring so there is no reason to change anything before the next assessment.

They noted that changing management now and again after the assessment would be difficult on stakeholders, and concern that the proposed 2018 to 2023 basis for new allocations is too short of a timeframe, given the high uncertainty and the pulse nature of the fishery. Then we had 1 AP member that supported state allocations, somewhere between status quo and Option B.

This AP member noted that Virginia's allocation could increase, but not by the full amount proposed in the Addendum, and concern that if management moved to coastwide, without having some sort of state or regional allocation that Virginia's harvest could increase even more. That was the first section. That is by far the longest section.

I am going to go through the rest of the options and public comments, and then I am happy to take any questions. The next section is 3.2. This is future updates to allocations. Option A is status quo, allocations can only be changed via the addendum or amendment process. Then Option B would be a change via Board action. Allocations could change via Board action, but only under two very specific scenarios. One would be if a state loses *de minimis* status and needs their own harvest target, that is if we keep the state-by-state allocations, or if the harvest estimates for our source data are changed. For example, if we have those potential updates to MRIP data in the future, the Board could potentially address that via Board action.

As far as public comments on this section, we had two comments for the status quo Board Addendum process, noting that future discussions of allocations should have sort of more attention and high level of discussion and public participation. Also, a similar comment to before that given high uncertainty and overfishing not occurring, management process should simply stay the same right now.

The AP did not have any specific comments on this particular section. Moving on to Section 3.3 now. This is the data and uncertainty in the harvest target evaluations. Option A is status quo, and we use up to a three-year rolling average of harvest

data in the evaluations against the target. Just as a reminder, this is three years under the same management measures. Option B, the alternative here would be to use up to a five-year rolling average. Again, this would have to be five years under the same management measures.

For this next evaluation, since the last management change that we had was 2021, we could still only use three years. But this option would give the Board in the future the potential to use up to five years. Just sort of a reminder in this section. There is a provision we're calling the confidence interval provision.

If the Board were to move to a regional or coastwide framework, the Board could potentially in the future switch to using confidence intervals instead of averages of point estimates. This would be to directly address uncertainty. Again, you know we have the point estimates on the left as we compare the average against the target.

If the Board switched that confidence interval approach in the future, we could evaluate for each year, if the target fell within that confidence interval. That is not something the Board necessarily has to decide today. This is something the Board could address if they wanted to switch in the future.

As far as the public comments, we had two comments for the status quo, Option A, the three-year average, concern that we don't want too much time between evaluations, we don't want to miss a trend and take action too late, and again, management should stay the same given where things are right now. We also had two comments for the alternative, the five-year average, noting that additional years of data would help level out the landings, especially in low harvest years that might have been due to poor fishing conditions.

We had two AP members who supported that five-year average, again more data are better,

could balance out those years that are affected by weather conditions, limiting effort. Then we also had one AP member note support for that confidence interval approach in the future. Section 3.4, this is on the overage response during these evaluations. Status quo here if a state or a region exceed their target, that state or region has to adjust their measures to reduce down to their target. The alternative here is what we're calling performance comparison. If a state or region exceeds their target a reduction would not be required if two criteria are met. One, if another state or region is below their target, and that state or region is not liberalizing their measures, and two, if we have not exceeded the coastwide quota. We had two public comments for status quo, noting that we should keep the accountability by state, and also again that management should stay the same, given where things are in terms of uncertainty, overfishing not occurring.

For the AP comments we had one AP member who noted he would typically support Option B, so taking into account you know the performance of all states or regions, and performance of the coastwide quota. But he was unsure whether or not to support this for cobia, just due to the high uncertainty in determining how close are we actually to the target.

On to the last section here, this is the timeline for setting measures. The status quo here is the Board can set specifications for up to three years. The alternative is the Board could set specifications for up to five years. Again, the intent here is to reduce the frequency of management changes, and to better align with when the stock assessment would be available.

For public comment, we had two comments for status quo, setting measures for up to three years. Again, concern that five years would be too long. The assessment wouldn't provide that much new information, since cobia are pretty data limited, and again that same comment that everything should stay status quo, given the high uncertainty, low harvest in the northern states, and overfishing not occurring.

We then had four comments for Option B, setting measures for up to five years, noting that there is a need for consistency and continuity in the regulations, and to align with the stock assessments. As far as the AP comments, we had 1 AP member support setting measures for up to 5 years, again noting the importance of aligning with stock assessments. With that I am happy to take any questions. I know I went through that a little bit expediently. I am happy to go back to any slides.

CHAIR BEAL: Thanks, Emilie, as always, a great presentation. Any questions for Emilie? Lynn, go ahead, please.

MS. LYNN FEGLEY: Thank you, Emilie, for the excellent job running through that. Can you help me understand. I'm a little confused about the confidence interval approach and the reference to in the future. What does future mean in the mind of a PDT? Is that with the recalibration, or what is that?

MS. FRANKE: The PDT left that pretty open, sort of basically it's up to the Board, and the Board has the ability to make that switch to the confidence interval approach via a vote, so it wouldn't have to be an addendum. I think the PDT was thinking maybe when we have the new MRIP estimates.

Maybe if the Board switches to a regional approach, and uses that approach for a few years, and decides that it makes sense with the data to use a confidence interval approach. It is a little bit open, and I think depending on which allocation framework the Board selects for this Addendum, the Board could ask the TC to take a closer look at what are the PSEs, at whatever geographic scale we have. Would the confidence interval approach be viable at this time? It's a little slow open.

CHAIR BEAL: John Clark, please.

MR. CLARK: Thanks for the great presentation, Emilie. My question is actually more toward the states that have bigger cobia fisheries. I mean we've had these discussions. There has been a lot of concern about reallocation, and yet when I look at the public hearings and the comments, it doesn't look like there was that much public interest. I'm just curious for those states that do have the bigger cobia fisheries, if they had any thoughts as to why this document, which may actually result in some fairly large changes in allocation, has not elicited more public interest.

CHAIR BEAL: I'll look for hands from those states, yes 37 members of the public going to hearings is not a big crowd is it. We'll go to Shanna and then Chris.

MS. SHANNA MADSEN: Yes, thanks for the question, John. I found myself asking that question as well. I did talk to our AP members, and there seem to be some confusion surrounding the document, as to when things would be implemented. A lot of people said they were having a hard time essentially engaging with some of their constituents.

Because people didn't understand that essentially no matter what in 2025, some levels of changes are going to have to be made to most of our state's management measures. I think there was a lot of hesitancy there in kind of speaking up and saying what was preferred, because they thought if they kind of ignored it, then there would not be management measure changes in 2025, frankly.

CHAIR BEAL: Chris, do you have some perspectives as well?

MR. CHRIS BATSAVAGE: Yes, the short answer is I'm not sure why we had such low turnout in North Carolina, but online and in person I went to considerable lengths to get the word out and to set the meeting up, the in-person meeting, to be as convenient as possible for people who fish for cobia, and they still didn't show up. I mean I have just got to look at, at least in North Carolina, the lack of public engagement.

Outside of the AP, I will credit the AP was well attended by North Carolina members, that although cobia is an important recreational fishery, it is pretty far down the list, in terms of important fisheries, at least in North Carolina, and I'm just meaning look at the landings and the timing of the fishery. But I think also, just the lack of engagement in an important action like this. I think that probably spoke louder to me than no one turning out. That is just kind of my perspective on it. Thanks.

CHAIR BEAL: John, you have follow-up?

MR. CLARK: I was just curious if either Georgia or South Carolina had any input. You know as I said, I know that it seems from the conversations we've had here, they were both very concerned in their states about the reallocation.

CHAIR BEAL: Yes, Doug Hayman and Ben Dyar have their hands up online, so I will go to Doug first, please.

MR. DOUG HAYMANS: I don't mean to be flippant about this comment, but red snapper. I think there is a high level of apathy amongst our fishing public. They don't believe that we're hearing them, and it's possibly due to red snapper issues and other things that are outside of the Commission's purview. But we had 7 members of the public plus a whole lot of staff there. I mean overall, that is probably average for what we get in Georgia, no matter what the fishery is. But I do think that other issues affected this and other meetings.

CHAIR BEAL: Ben, you are ready to go.

MR. BEN DYAR: The in-person meetings, I think we had 12 or 13, which we were relatively happy with, obviously more is always better, and had some good comments in that in-person meeting. The virtual meeting from our end was poorly attended, but we do have a historical very important fishery down in the southern zone, South Carolina.

Some of those comments alluded to that. It is still felt in those areas. But as far as more people, I'm not sure if it was the timing of everything, where we were kind of first on the list. You know it was kind of, about a week maybe week and a half turnaround to get the word out. We did as much public outreach as we could, with all the different groups. But again, felt like our attendance in the in-person meeting was relatively well attended.

CHAIR BEAL: Great, thanks, Ben. Other comments or questions around the table on Emilie's presentation?

APPROVAL OF ADDENDUM II

CHAIR BEAL: Not seeing any around the table or online, so that brings us to considering approval of Addendum II. I see Erika's hand up, go ahead, please.

MS. ERIKA BURGESS: Thank you, Bob. Given the fact that many of the Commissioners that would be affected by their state specific by the decisions made today, I would like to **offer this motion for the Board**. That would be **to postpone deliberation on Addendum II the Atlantic Cobia Management Plan until the annual meeting**.

CHAIR BEAL: Thank you, Erika, is there a second to that motion? I see Doug Hayman's hand up online, so I am going to assume that is a second from Doug, unless I hear different. Erika, do you want to comment more on the motion?

MS. BURGESS: Yes, Bob, thank you. Having experienced the challenges with participating in a hybrid meeting on Monday with the discussions about menhaden, I know how difficult it is, sorry that was Tuesday. I know how difficult it is to engage and have dialogue and discussions, and effectively make your case for your positions. I think just out of consideration for the folks who are unable to be here out of something that is completely out of their control, I would like to give them the opportunity to discuss this in-person in the fall.

CHAIR BEAL: Doug, as seconder of the motion, do you have any comments on it?

MR. HAYMANS: Considering the difficulty I have in unmuting myself, I think Erika has made the point quite well, and I agree with her motion and her reasoning.

CHAIR BEAL: I have Ben Dyar's hand up online, go ahead, Ben.

MR. DYAR: I was actually going to second the motion as well, but now that I'm online. Yes, difficulties in trying to communicate. You know I know we have hybrid opportunities, but not sure if they were exactly foreseeing this specific scenario, where something, a large decision that could affect a lot of constituents in our state and others, trying to have these dialogues in person, and then being virtual making it very difficult to have that back and forth. Anyway, just wanted to second that as well.

CHAIR BEAL: Other comments around the table? John Clark.

MR. CLARK: Just curious what this would do to the timeline if this was postponed until the annual meeting.

CHAIR BEAL: Emilie, can you handle that?

MS. FRANKE: Yes. If the Board was interested in applying any potential new allocation framework for 2025, this would obviously shorten the timeline for getting 2025 measures in place. If the Board selected options at the annual meeting, so it would be up to the Board and states as to how fast they could then do their evaluations against the target, and figure out what the new management measures would be for 2025, and also discuss, would measures be ready in time for January?

I would guess probably not. Would it be something like a middle of 2025 implementation or would states just need to wait until 2026 to sort of use that new

allocation framework? That does still leave the question of what to do for 2025, and I think the Board is sort of still in the position of using the current allocations then perhaps to figure out 2025 measures, or as I mentioned, using any new allocation and maybe implementing like mid-2025.

CHAIR BEAL: All set, John? Other questions or comments on the motion? Dave.

MR. DAVID SIKORSKI: I'm supportive of the motion, but I am interested in hearing other states talk about what is the big problem with this extension. One question that comes to mind with Emilie's last comment is, what is the earliest season that any state has on the coast, and how does October affect implementation for that? I'm comfortable with not changing anything for 2025, personally, given all the confusion and all the uncertainty. I'll stop there, but I'm supportive of this motion.

CHAIR BEAL: I think Emilie can answer your question about the timing of the seasons.

MS. FRANKE: Yes, so we do have some states that have a year-round season. Of course, the states on the northern end, of course there is not many cobias around in the early part of the year. South Carolina does have a year-round season. Again, it would be up to the Board.

If there was some sort of middle of 2025 implementation or using the current allocations to do 2025 measures and then switching in 2026, or something like that. It really would be up to the Board as to whether there is enough time to apply any new allocation to 2025 measures. We do have some states that have a year-round season, and then Georgia's season, I believe opens March 1.

CHAIR BEAL: Chris.

MR. BATSAVAGE: Yes, I think just with the timing and the administrative processes that states have, it looks like if we waited until October, we probably won't have something in place until 2025, which means then if we stick to the FMP, at least a couple states will have to take reductions in 2025, unless

the Board gets them on a free pass, which personally I don't support.

I'm kind of torn on this motion. I mean I understand not being in the room is challenging for these hybrid meetings, but we've kind of been in this format for a while now, and for a while we were completely, all on webinar, and we also addressed some pretty big allocation actions like bluefish, and then flounder, scup, black sea bass I think might have been hybrid. You know with the challenges with timing and the fact that we've kind of been operating in this realm for a while. I'm struggling to support this motion at this time.

CHAIR BEAL: Joe Cimino.

MR. CIMINO: Yes, I am in the same boat as Chris. For some reason I seem to always draw parallels with sea bass here. What we had to go through doing hybrid votes for sea bass, when we were coming up with motions on the fly, and all trying to text each other. I don't know that we're necessarily in the same situation here, you know with two states that aren't able to make it. But hopefully I'm in communication.

The other parallel to sea bass here is that it is one of the species that we're constantly setting regulations at the last minute. You know it doesn't make our regulation books, because those get printed earlier in the year, and we do it with fluke too. It's a crummy way to do business. I always feel bad that is how we approach the public. If we end up with a regional approach and the *de minimis* states are moving away from the regulations that they have, then I would like to have the time available to make that known. I really struggle with this motion.

CHAIR BEAL: Ben Dyar online, I see your hand up. Is that a holdover hand or is that a new one?

MR. DYAR: That was holdover.

CHIAR BEAL: Okay, thank you. Mel Bell, go ahead, please.

MR. MEL BELL: I appreciate what Chris said, and yes, we've done this before. We've operated in the virtual world. But that was not an optimal situation. Erika mentioned it. I just know from Tuesday, in trying to just coordinate with each other, regarding menhaden discussions. It was extremely difficult, and it kind of felt like we're at a disadvantage.

Sure, if we're all operating like that, that is one thing. But if some states are having to operate with kind of their hands a bit restricted, and other states can operate more freely together, because it is much easier when we're all there. We can talk to each other, we can talk to whoever we need to talk to, and we can argue our case, whatever it might be.

But just because we have done it and lived in that world before, doesn't mean that is an optimal way to operate. I really feel like, from South Carolina's perspective, I feel like we're at a disadvantage, certainly. It is a big fishery for us. I know the public hearing attendance wasn't what many folks would like. Ours wasn't bad.

A lot of the input that was received was from our fishermen, so it is still a big deal fishery for them. I'm going to make sure we're representing them well in their concern. I just feel like given the circumstances that we didn't choose to get stomped on by this storm, and I know folks have been through other weather situations as well.

But we're just kind of regionally at a disadvantage, in terms of our ability to properly participate in deliberations. From my perspective, whether the decision is made now or October, from South Carolina's standpoint, it is going to take us a while to implement what we would need to implement, in terms of changes.

That is really more whether it's now or October, it's going to be about the same if we get things in place. We wouldn't be any worse off, in terms of being able to implement changes if we waited 'til

October. But just feel like those of us that are not there and believe me we really wanted to be there. But things just didn't work out that way and couldn't make it up. I'm in favor of the motion, myself.

CHAIR BEAL: Thank you, Mel, and it's good to hear from you. Other hands online or, Ben, your hand is back up again, is that a new comment?

MR. DYAR: Mel covered what I was going to say, thank you.

CHAIR BEAL: Yes, Eric.

MR. ERIC REID: Yes, I am sympathetic to the three or four states that actually have a fishery for real, that they couldn't communicate with each other, and they couldn't be here. We have been doing this for a long time, and we are only talking about three or four states that had to talk to each other. We've had plenty of time to do it. That being said, I would prefer to move ahead today. Thank you.

CHAIR BEAL: Other comments around the table? Erika.

MS. BURGESS: I've already addressed my motion at the beginning, but I would just like to highlight that this was not a planned absence from the Commission, and this did not give them opportunity to really make their case ahead of the meeting. If they had known months out that they were not going to be here, they might have taken a different approach. Additionally, I would hate to be in the situation that they are currently in and be facing the same prospect where we've got some of the largest participants, traditional participants in the fishery not able to fully participate in deliberations of the management plan.

CHAIR BEAL: Other comments, or are we ready to caucus and vote on this motion? Spud, go ahead, I see your hand online.

MR. A. G. "SPUD" WOODWARD: Thank you, Bob, and thank you for Chairing. Just a couple of comments from my perspective. I know it has been mentioned, well we've had to live in this world before. But I chaired menhaden during the COVID virtual world, and it is fundamentally different when everybody is in a virtual environment versus some in and some not. With all due respect to what Erika had to say, it's one thing to discuss options and possibilities before meetings, but in-meeting dynamics are completely different.

When you're not there to caucus both formally and informally, it is a disadvantage. You know the will of the Board be done, but I think the spirit of the Commission has always been to afford maximum opportunity for coordination and for consideration of other points of view. That is all we're asking in this situation is that we be given the opportunity to be there, so that we can most effectively participate in deliberations on a subject matter that at its best is extraordinary difficult, and that is allocation.

CHAIR BEAL: I'll try John Clark, and then Ben, you have your hand up. I'm not sure, it sort of keeps coming back. I just want to make sure I'm not missing you. John, go ahead.

MR. CLARK: This is very difficult, because I certainly understand what our Commissioners from South Carolina and Georgia are going through. It must be horrible, and then have this decision. But I'm just curious, I mean I have full sympathy. But we have had a lot of time we've been discussing this. Are there new arguments that they've come up with? I understand there are some motions that are probably ready to go here if this is voted down. That they think they could make better in person than they have made already at like previous meetings here?

CHAIR BEAL: Thanks, John, I'm not sure if that is a rhetorical question or a direct question to Board members, or if any Board members want to respond to that.

MR. CLARK: Well, it's kind of not really rhetorical, because I'm just thinking that we have had this

Addendum has been available for months now, and I have heard from different states on this. I was just like I said, just curious if there is something that has changed that they might be able to bring up at the meeting.

CHAIR BEAL: Other hands, other perspectives? Jim Gilmore.

JAMES J. GILMORE: Just a more practical thing. I am having difficulty understanding something. Like when Doug talks, yes when Doug Haymans is talking, I'm having difficulty hearing him, whereas some of the others I can. I mean we start getting into that first section and we start getting into back and forth, it's going to be tough to follow.

As much as I don't like to delay, I think I would support the motion, just because I'm really having difficulty understanding some of what is coming over the PA. Maybe we should get a standard microphone for these guys so that in the future we can really hear them more clearly. Whoever the second person was you can hear very clearly. I mean that is just a technology thing we may want to think about in the future.

CHAIR BEAL: Lynn Fegley.

MS. FEGLEY: I guess Chris Batsavage alluded to this, but I guess what I really want to understand is the negative impacts. We understand the timeline, so it sounds like if we delay this until October, and I am sympathetic to what is happening here. But if we delay until October, it seems to me that what we're going to have for '25 is states that are going to have to make some very substantial changes, and we're going to have turnaround. It sounds like we're going to set ourselves up for some pretty severe regulatory change pretty quickly. I guess I'm maybe facing my colleague in Virginia, or to better understand, what are the impacts of delay?

CHAIR BEAL: Yes, Shanna, do you want to respond?

MS. MADSEN: Yes, so I think some of the concerns that are going around the table right now have me very concerned when there is talk of us potentially using the same allocations for 2025 that we hold right now, whilst we redebate this document. Virginia would take a 50 percent cut if we went ahead and used the same allocations that we have currently in 2025.

I think that I've said this on the record several times that we are at the point right now where Virginia recognizes that no matter what they are going to take a cut. Every single option in this document will lead to Virginia making a management change, and we are onboard with that, and we will do so.

However, that sort of management whiplash that we would have to potentially go through, would be potentially completely crushing for our entire fishery for a whole year. From our standpoint, I do feel for our comrades down in the south that are unfortunately not able to be here in person. However, with the amount of change that we could potentially see from this document, we need the time to be able to react fast. I would not support this motion today.

CHAIR BEAL: David Sikorski.

MR. SIKORSKI: I think Chris used the word free pass earlier. I guess we've done that before. Can anyone speak to the biological ramifications of that because I think we all know the economic.

CHAIR BEAL: Emilie will give it a try.

MS. FRANKE: Just to be very clear with what is being referred to. Last year the Board was considering setting measures for this year, 2024. The TC did do the typical state target our landings evaluation against the targets, but the Board also asked the TC to do another analysis looking at if the Board just stayed status quo in 2024, you know was there a big risk to the stock.

In short, the analysis found, and someone can help me out, because I wasn't actually there for that meeting, if needed, but that there wasn't a big risk of staying status quo in 2024. The Board decided, let's just stay status quo in 2024, let's develop this Addendum and go from there. The Board could potentially discuss that approach, perhaps again for 2025.

I think that maybe Bob or Toni could weigh in, but the FMP doesn't specifically say that the Board cannot sort of do those extra analysis to stay status quo. However, the FMP does lay out this process of doing the target harvest evaluations against the target, and setting measures based on that. I think the Board has to think about just how to move forward for 2025.

CHAIR BEAL: Shanna, do you have a follow up?

MS. MADSEN: I do. Frankly, I don't think that I would support kicking that can down the road and going status quo again in 2025. We're at the point right now where we are pretty unsure of what the *de minimis* states are landing. We are landing a very considerable amount of cobia without taking changes to our management measures. I do think that it is a bad idea for the stock right now. I would not support us staying status quo for 2025.

CHAIR BEAL: Eric Reid.

MR. REID: I didn't mean to hurt Spud's feelings, but it occurs to me that we don't, okay we have people who are not here in person, which apparently, we don't know what their options are, what their discussion points are. But we have motions that are coming to address final action today. I don't know whether or not it would make any sense to table this motion until after we dispose with what's coming, and if everybody is comfortable at that point, what is the point of delaying?

We don't even know what's coming here. We get some motions on the board, we talk about

it, we debate it like we would do, which whether we're in person or not we can still debate it. If we get to a point where everybody is comfortable with that, we just vote it, we move along, as opposed to stopping now, not knowing what is in front of us in the next 5 minutes, 10 minutes, 16.5 minutes, Ms. Madsen, hopefully.

I don't want to make a motion to table and everyone is like, the hell with it, let's just stop now. But that is what I would propose. I don't know how you all feel about that. If you feel like that makes sense, I'll make the motion to table this and we'll move along, and then you can kill it at the end. That is my proposal, but I'm not going to make it unless I get some support for it in a pretty unanimous support.

CHAIR BEAL: I had a couple hands, John Maniscalco, Joe and then Jeff Kaelin. We'll go right down the row then. Go ahead, John.

MR. JOHN MANISCALCO: That does sound like a viable option to maybe debate where we want to go with the Addendum, and perhaps check back in with the states not present in person, to see if they feel as if they can either live with the results and/or if they feel as if they were able to communicate their points with that.

CHAIR BEAL: Joe Cimino.

MR. CIMINO: Ditto.

CHAIR BEAL: That was quick, thank you, Jeff.

MR. JEFF KAELIN: Yes, I think we should move along and work through the motions we have ahead of us, so we can get our regulations in place for 2025. You know why come back here in two months and go through the same material, when the hearings have been over for a couple of months, and we've all chewed on this for a long time, so I'm in favor of moving ahead.

CHAIR BEAL: Erika, go ahead, please.

MS. BURGESS: I don't know if point of order is the right thing in here, but my motion is very specific to deliberation. If we could just vote on this motion, and then I think we could resolve whether we're going to have deliberation or not today. I don't know why you would table the motion to discuss it and then have the same motion, because we've already don't have point of the motion, so if we could just vote on this, I would appreciate that.

CHAIR BEAL: I have one more hand, and then we're going to vote. Shanna.

MS. MADSEN: Erika covered it, thanks, Erika.

CHAIR BEAL: All right, two-minute caucus on the motion on the board. All right, I think we're pretty close to the three minutes. Does anyone else, either online or in the room, need more time to caucus? Seeing no hands; for the couple states that are online that have multiple representatives online, please just vote once, so it will be a lot easier to count these votes. With that, **all those in favor of the motion to postpone, please raise your hand and we'll call out the state names.**

MS. TONI KERNS: The South Atlantic Council, South Carolina, Georgia, Florida.

CHAIR BEAL: All right, if you could lower those hands, it would be great. Those in opposition to the motion to postpone.

MS. KERNS: Rhode Island, New York, New Jersey, North Carolina, Virginia, Potomac River Fisheries Commission, and Delaware.

CHAIR BEAL: Are there any abstentions?

MS. KERNS: NOAA Fisheries.

CHAIR BEAL: Any null votes? Maryland has a null vote. The motion fails for lack of majority, 4 to 7, 1 and 1. With that where does the Board want to go? Ben, you have your hand up, are you going to help us move along?

MR. DYAR: Yes, I have another motion, thank you, Mr. Chair, that I would like to make.

CHAIR BEAL: Yes, go ahead, please.

MR. DYAR: I move to postpone final action on Addendum II until the Board receives the presentation of SEDAR 95 results and receives Technical Committee recommendations on applying SEDAR 95 to management, including recommendations for the total harvest quota. If I get a second, I can make comments.

CHAIR BEAL: Is there a second to that motion? Erika, are you seconding? Ben, do you have any additional comments on the motion?

MR. DYAR: Yes, Mr. Chair, thank you. The most recent cobia assessment that was completed in November of 2019 had a terminal year of 2015. Although stock status indicated the stock was not overfished or undergoing overfishing, since that terminal year, as noted recently, Mid-Atlantic states have recorded increased levels of harvest, including some non *de minimis* states, while southern states harvest have stayed relatively stable, potentially indicating an expansion of the range.

This increase in harvest has led to exceeding the coastwide target by 18 percent in three of the last six years. There has not been a stock status determination encompassing this same timeframe to account for these changes. Furthermore, harvest levels, allocations and soft targets were established, and projections created in the previous stock assessment that had low probability for the stock being overfished through 2024, nor did it project a decline in the spawning stock biomass.

But the previous stock assessment could not have accounted for this level of increase in harvest or effort. Before allocating harvest towards one of the stocks largest spawning aggregations, the stock status determination seems prudent. Cobia tick nearly all the boxes for a hyper stability fishery, which is exactly what we went through and witnessed in South Carolina.

For a minute, just kind of giving some background. There were high levels of skilled effort, charter captains and tournament fishermen, which were directed seasonally on a main spawning aggregation. This was our genetically distinct cobia population we have in South Carolian. This was done without supporting independent data.

This led to catch numbers being relatively stable, and then basically falling off the cliff within a 3-to-4-year time span and ultimately crashing. We have currently then set in 2016, set management measures to close state waters during that spawning run of cobia, and we have a cobia stocking program. Seven years later, we are still not clear on the status of that stock. That is not to say that this would happen or is currently happening with the Cobia Atlantic Migratory Group. I have no evidence to allude that this is the case and realize that it is on a much larger scale. But this is something that we should as a collective body in managing this stock, should be attentive to. Something that I feel important that we should always bring, I should have brought forward and note, that not just for this Addendum, but in future management for this fishery, and the need for independent data.

A second point, and one that was noted in the public comment and by the AP. Allocation options in the Addendum have a likelihood of requiring immediate management changes, which will potentially need to be revisited with just in two years, based on the outcome of the benchmark stock assessment.

This contrasts with some of the options in the Addendum, as it includes options to increase the timeline for setting major measures with a goal to decrease management whiplash, and to better align with the new stock assessment information. The goal of this motion is to preserve the work of the PDT and the Addendum II document, as they have beneficial options that address the difficulties in managing a data poor fishery.

I fear that moving forward with immediate changes to allocations without exhausting all the tools allowed to us as managers, would not be in the best interest of the resource, feeling it would be cleaner for management changes that the document is taking as a whole, and revisited once we have management recommendations resulting from the ongoing stock assessment that accounts and incorporates the changes we have seen in the fishery since this last stock assessment. Thank you.

CHAIR BEAL: Erika, as seconder, do you have anything to add? She does not. Any other comments? Chris.

MR. BATSAVAGE: This question is for Ben. If the stock assessment doesn't pass peer review, what is the status of this Addendum? Can we move forward or is the action on this Addendum dependent on the assessment passing peer review?

CHAIR BEAL: Ben, do you want to respond to that?

MR. DYAR: Yes, I do, Mr. Chair, thank you. Chris, good question, thank you. That was taken into account when trying to formulate this motion, and that it doesn't necessarily hinge on the assessment passing peer review, just that there would be recommendations from the TC regardless.

If it did not pass peer review there would still be recommendations to either utilize the same total harvest quota as we have in the past, or whatever that might be, barring not passing peer review, or hopefully as it would pass peer review. If I'm misinterpreting that, please, Emilie or someone correct me.

CHAIR BEAL: Other comments around the table or online. Joe.

MR. CIMINO: I have been giving this a lot of thought, both MRIP recalibration and the idea of the assessment. Reallocation is a very difficult decision. We have a chance here to do this kind of a priori, right. Like we do this based on what we believe is the best formula, regardless of whether or

not it is more painful or less painful, based on what we see where the stock is at. I almost don't see the connection for the two. Yes, we will have to respond to this assessment, and I very much hope it passes. That happens regardless. To move us into the current timeframe, and away from something that was happening a decade ago, and isn't reflective of the management system that we're in now, I also think happens regardless of the assessment. I can't support this motion.

CHAIR BEAL: Other comments? John Clark.

MR. CLARK: Just a question. What is the timeframe of this SEDAR 95, and when would the recommendations be coming? Couldn't we complete the Addendum now, and then just change things either through an addendum or if the other option passes for Board action, do things at the time when this comes through?

MS. FRANKE: Yes, so SEDAR 95 is anticipated to be complete near the end of 2025. I'm not sure if it would be done in time for the Board to receive the presentation at the 2025 annual meeting. It might be that the Board receives the presentation at the January or February 2026 meeting, so maybe it could inform 2026 management, maybe the soonest it could be used is 2027. Can you repeat the second part of your question?

MR. CLARK: Well, I think that answers it. I was just curious as to why we, I was thinking like if we go with an option now based on the Addendum, we would always have the ability to change it once we do get this, because you're talking way off into the future now. Okay, thank you.

CHAIR BEAL: John, we're trying to keep that for the annual meeting in Delaware, so there is some excitement.

MR. CLARK: Isn't Wilmington exciting enough?

CHAIR BEAL: That's a good point. Other comments on, yes, Shanna.

MS. MADSEN: It will surprise no one that Virginia is not going to support this motion. I've heard comments today kind of to the effect that if we wait until SEDAR 95, we are avoiding management whiplash. I think we're increasing the likelihood of us actually going through management whiplash, quite frankly. Either way, any option in this document, including status quo, requires many of the states to change their management measures.

We're having issues with our *de minimis* states popping in and out of *de minimis*. We have no way of actually addressing that unless we do something in this document today. We have two states that are over their soft target, so they will also be changing their management measures. Management whiplash is going to occur if you pass this motion. I will not be supporting this motion today.

CHAIR BEAL: I have one hand online, Doug Haymans, and I think we're quickly getting to the point where more debate on this may not change anyone's mind. I'll let Doug have the last comment, and then it will be time to vote on the motion. Go ahead, Doug, please.

MR. HAYMANS: I guess to Shanna's comment I would ask; you know these are soft targets in a fishery, it's not overfished, not undergoing overfishing. Yet if I read soft target right, from the document it means that management measures are adjusted to reduce harvest to the target. Since 2021, Virginia has not changed its regulations, even though it has exceeded every year.

I can see that every year since 2024. I hate to go out of compliance, because I don't see us changing our regulations based on PSEs under 50 percentile, so if anything, it seems to me that the states that are doubling their quota should be the ones that have changed their regulations over the last three years. I will be voting in support of this motion.

CHAIR BEAL: With that, we'll do a two-minute caucus, I don't think we need the full three. Then we'll vote. We're at the two minutes, so with that **all Board members in favor of the motion to postpone final action, please raise your hand.**

MS. KERNS: Florida, Georgia, South Carolina.

CHAIR BEAL: All right, please lower those hands. All those in opposition to the motion to postpone, please raise your hand.

MS. KERNS: Rhode Island, New York, New Jersey, North Carolina, Virginia, Potomac River Fisheries Commission, Delaware.

CHAIR BEAL: All right, any abstentions?

MS. KERNS: NOAA Fisheries and South Atlantic Council.

CHAIR BEAL: Any null votes? I'm looking at you, Maryland, null votes.

MS. KERNS: Maryland.

CHAIR BEAL: Great, thank you. The motion fails for lack of majority, 3 in favor, 7 in opposition, 2 abstentions and 1 null vote. That brings us to a really good point to take a break, I think. Let's take about a five-minute break, and then we'll see where we go from here.

(Whereupon a recess was taken.)

CHAIR BEAL: All right, looks like everyone is back in the room, maybe not quite back in their seats, but close enough. We're going to get started. What is the Board's pleasure? Where do you want to go from here? Shanna.

MS. MADSEN: I would like to get a motion up so we can start to have some conversation on it. I am going to start with Issue 3.1. My motion is, **move to adopt for Issue 3.1 recreational allocation framework, a combination of Option C4, northern regional**

allocation for Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland and Virginia, and Option B2, state allocations for North Carolina, South Carolina and Georgia, with allocations based on 50 percent of 2014 to 2023 landings, and 50 percent for 2018 to 2023 landings, excluding 2016, 2017, and 2020. If I can get a second, I will speak to that.

CHAIR BEAL: Is there a second for the motion? Jason McNamee. Go ahead, Shanna, please.

MS. MADSEN: This action that I have before us I think remains consistent with a lot of the comments that folks around the table have heard me make in the past year or so. Our MRIP uncertainty still remains high, and I've really tried to support this move away from state-by-state allocation. But I did want to recognize that our southern neighbors have some differing management measures that they would like to maintain.

I'm trying to attempt a compromise to support their fisheries with this motion. In this motion, *de minimis* states are going to be captured in those harvest estimates for MRIP and our PSEs should be better grouping up as a region. I went with the longer historical timeframe that continues to acknowledge historical landings, but also more accurately representing the expansion of the stock. That is what I've got.

CHAIR BEAL: Jason, do you have any additional comments?

DR. JASON McNAMEE: I'll be quick, Shanna did a nice job, so I'll just add it. I agree with her characterization, it seems like a really nice compromise, and the original approach for the northern extent of the stock, I think is becoming increasingly important. You know as we're seeing fish up in Rhode Island, that is why we're sitting at the table.

It is intermittent at this point, but it's becoming more frequent. To be involved in the management in a way that we wouldn't have to come back to the table at some point scrapping for allocation. You

know I think this regional approach does the trick of kind of looking up to the north, looking to the future a little bit for the stock.

CHAIR BEAL: Other hands around the table? Chris, and then I see Doug Haymans online, so go ahead, Chris.

MR. BATSAVAGE: Yes, I support this motion. As has been stated plenty, the cobia stock has changed a lot in terms of timing and distribution. This motion addresses it, especially for the *de minimis* states, where we know there are more fish being caught north of Virginia, so allocating 5 percent of the RHL is appropriate, as opposed to 1 percent.

Yes, this will shift a lot of the allocation to Virginia, and we heard concerns from Board members and the public on that. It will shift allocation away from the states south of there. However, as Emilie shared in the presentation, it doesn't necessarily mean that the states losing allocation will need to make management changes on this. I think another important point, two other important points to think about. If we did make this change with more current years is the base years we're using, the base allocations on. We're at a time where we had much more liberal regulations, it was a 33-inch size limit, 2-fish possession limit, no vessel limit, year-round season. But we're probably not going to have regulations like that again. The other point is, at least North Carolina, the fish they aren't there like they used to be. Instead of a 6-to-8-week season, it is sometimes only a week, sometimes it's maybe 4. Although it's I think it's probably just maybe more for stakeholders in my state that are concerned about a shift in allocation.

This is maybe more reflective of just how the fishery is operating now, and how the fish are distributed. Just one final thing, just about allocations in general. I think at the Council and ASMFC level, we're not setting allocations for 20 years anymore. Yes, I think we've all realized if we need to revisit allocation decisions on a

fairly regular basis, and I see this with cobia as well. That's it.

CHAIR BEAL: Doug Hayman, go ahead, please.

MR. HAYMANS: I would like to offer a substitute motion, please.

CHAIR BEAL: Yes, go ahead.

MR. HAYMANS: I would **move that we adopt A, status quo, until the SEDAR 95 Stock Assessment is complete.**

CHAIR BEAL: Is there a second to that motion for status quo in Section 3.1? I see Ben Dyar's hand went up first, there is another hand as well. Ben has seconded it, Doug, would you like to comment in support of your motion?

MR. HAYMANS: Sure, we're working with a fishery that is not overfished or undergoing overfishing. We've been fishing that at the same levels for about the last six years, and there hasn't been tremendous outcry over the levels at that point. We haven't enforced the south's quota to this point in the states that continue to overfish. I do not see the harm in continuing the level of harvest that we have now, until the time that the stock assessment is complete.

CHAIR BEAL: Ben, do you have any comments relative to the motion?

MR. DYAR: Yes, echoing some of my sentimental statements in the motion I had to postpone, this concerns allocating more resources until we have more information through some type of stock assessment through these changes in effort that we've seen. But also, in regards to the motion.

In some of my comments from our constituents in South Carolina, concerns again with us closing areas, a season closure for our spawning stock aggregation in South Carolina having that affect our harvest levels, and therefore our quotas in these allocations are a concern. Then having to take even more cuts with this potential motion that Shanna

made. For that reason, I am in support of status quo.

CHAIR BEAL: Emilie has a comment.

MS. FRANKE: I just want to clarify, and just make sure the maker of the motion is aware that since the motion says until the SEDAR 95 stock assessment is concluded, that just means that the Board would be required to at least talk about allocation when the stock assessment is complete.

CHAIR BEAL: Comments around the table, John.

MR. CLARK: Emilie, I'm just curious as to, just to visualizes in my head again, can you put up that table you had before that showed with the main motion that is up there right now, not the substitute, what the actual impact would have been based on last year's landings.

CHAIR BEAL: Staff is working on getting that up there, John, any other comments while they're working on that? Yes, John, the other John, Maniscalco.

MR. MANISCALCO: I can't support this motion, status quo doesn't provide any of the *de minimis* states with data that could be used to determine allocations, given that status quo stopped in 2015, I believe, and many of the *de minimis* states have little to no useable MRIP estimates of landings from which to base an allocation upon, in the event that we exceed 1 percent.

CHAIR BEAL: Other comments around the table? I see Doug's hand is back up, so go ahead, Doug, please.

MR. HAYMANS: To John's comment a moment ago. I don't think that's going to change whether the northern states get allocation or not. MRIP is still going to be off the charts and unusable. Again, the northern states that are *de minimis* have continued to harvest, and there hasn't been a penalty applied with their

overages, and I don't believe there will be one applied, even if we stick to those. I'm sorry, we stick with status quo. There is not going to be a penalty applied and they will continue to be able to fish.

CHAIR BEAL: Emilie, do you want to explain the figure that is up on the screen now, relative to the main motion, prior to the motion to substitute.

MS. FRANKE: Sure, I had a request to pull this table back up, so this table shows if you apply the allocation percentages for the state-by-state options to our current 76,908 quota regime, these are the state targets you would get. In the main motion made by Ms. Madsen, you can see that would be Option B2 for the southern states, so North Carolina, South Carolina, and Georgia.

Then in the gray column you can see the average harvest for the last three years that would be used in the evaluation. For example, Georgia's new target under B2 would be 4,647 fish, and their average harvest the last three years has been 8,840 fish. Again, the main motion this would apply to Georgia, South Carolina, and North Carolina.

CHAIR BEAL: Great, thanks, Emilie. Other comments around the table? Doug, your hand is still up, is that just a leftover? All right, thank you. Any other comments around the table on the motion to substitute or the main motion since we're sort of debating these at the same time. Seeing none; let's caucus for two minutes and we'll vote on the motion to substitute. Is everyone ready to vote? Not seeing a need for more caucus time. Just as a reminder, the **Board is about to vote on the motion to substitute to adopt Option A for Issue 3.1. All those in favor of the motion to substitute, please raise your hand.**

MS. KERNS: South Carolina, Georgia, Florida.

CHAIR BEAL: All right, we can lower those hands, please, all those opposed to the motion, please raise your hand.

MS. KERNS: Rhode Island, New York, New Jersey, Delaware, Potomac River Fisheries Commission, Virginia.

CHAIR BEAL: All right, any abstentions?

MS. KERNS: NOAA Fisheries and South Atlantic Council.

CHAIR BEAL: Any null votes?

MS. KERNS: North Carolina and Maryland.

CHAIR BEAL: The motion fails for lack of majority, 3 in favor, 6 in opposition, 2 abstentions and 2 null votes. That brings us back to the main motion. Is there any more debate on the main motion or are folks ready to have a one-minute caucus and vote? Ben, I see your hand up, do you have a comment?

MR. DYAR: Yes, Mr. Chair. I think I would like to offer a secondary motion.

CHAIR BEAL: Ben, did you say you want to make a substitute motion?

MR. DYAR: Yes.

CHAIR BEAL: Go ahead, Ben, please.

MR. DYAR: **Move to adopt for Issue 3.1 Recreational Allocation Framework Option C4 for Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, as well as North Carolina, South Carolina and Georgia with the weighted 10 year and 6-year average, 50 percent of the 2014 -2023 landings and 50 percent of the 2018-2023 landings, excluding 2016, 2017, and 2020.**

CHAIR BEAL: All right, thanks, Ben, we're getting that motion up on the board. While we're getting it up there, is anyone comfortable seconding that now, or do you want to see the text. There is the text. Go ahead and second that motion. I don't see a hand for a second, so that motion fails for lack of a second. Oh, Doug,

your hand was up. Was that to second the motion?

MR. HAYMANS: Yes, that is a second.

CHAIR BEAL: Eric Reid has a point of order, go ahead.

MR. REID: Yes, point of order, Mr. Chair. When you have a main motion and a motion to substitute, the procedure is you perfect both motions and then you dispose of both motions before you can take another motion. That is the way I see Robert's Rules, that is the way we use it. The second motion as substitute would be inappropriate at this time. That is my opinion.

CHAIR BEAL: The way we've been doing it at the Commission is allowing for multiple substitutes under the main. I think we'll go forward with this motion to see where it goes, and we may come back to your point. But I think **where we are is we have a motion from Ben Dyar, essentially adopting or substituting the main motion with Option C4.**

Is there any need to caucus on this, or are folks ready to go? Caucus, all right, one-minute caucus. For those online we're, obviously that was a lot longer than a one-minute caucus. We're trying to work through one technical question that has come up. While I saw Doug Hayman's and Ben's hand up before we went into caucus, or right as we went into caucus, and they've gone down now.

But I did not give either of them, which I should have, the opportunity to talk in support of their motion. I should have done that, so I'll do that first, starting with Ben then go to Doug, and then while they are speaking, we are going to continue to work on the question that has come up, sort of in the room, and then we'll explain where we are with that after Ben and Doug make their comments. Ben, go ahead, please, and then we'll go to you, Doug.

MR. DYAR: Yes, that is why I had my hand raised, actually, so I appreciate that. **The motion to substitute is for region, for North Carolina, South Carolina, Georgia.** The document, one of the main

points the document tries to address is the concerns for PSEs and the data. When looking at, I don't know if we had that slide that was just up back up, but it kind of gets at that with the harvest numbers if you go state by state.

Georgia having to take almost a 50 percent potential reduction immediately, I know all this can change in the future, but that is what we're looking at, and then South Carolina having to take a reduction as well, with Georgia having in the last, since 2018 not having any PSEs below 30, and only one of those years, so 5 out of the last 6 years they have been above 50 in their PSEs, and South Carolina has had 3 out of the last 6 above 50 as well, and no years below 30.

Having to take 50 percent reductions in Georgia and taking reductions in South Carolina with PSEs at that level, it makes it very difficult. When we got to go in South Carolina, in the timing of things in South Carolina, we do not have a Commission, we are legislatively managed in all of our fisheries, so choosing to change size limits or bag limits or seasons we have to go through the full legislative process.

That doesn't commence until July the next year, so you know when we're talking about trying to make these nimble changes, and any changes based on high level PSEs, we have to try to explain that to our legislatures, and that makes it very difficult to base those management changes on. When you look at the PSEs provided in the document for the region, the southern region, they get no PSEs are above 50 in that C4 option, and some years even being below 30. That is one main reason I think that this document was trying to address not only the changes in harvest in recent years, in different regions, but also the high-level PSEs, and specifically this unique fishery, this pulse fishery. Again, that I mentioned it has kind of the potential for hyperstability and fear that we would be heading down that road. Thank you.

CHAIR BEAL: Doug, do you want to follow up?

MR. HAYMANS: I was just echoing Ben's comments. I agree, and that's why I had my hands up. That option would provide the least risk to PSEs. I echo Ben's comments.

CHAIR BEAL: There was one question about a number in one of the tables associated with one of the options, and I think staff is correct on where we are, and Emilie can explain it now. Thanks, Emilie.

MS. FRANKE: I just had a question or someone had a question about sort of looking at the percent allocations for the regional options, and noticed, you know if you look at for example, C4. The southern region gets 31.31 percent. Then when you look at the state-by-state table and add up North Carolina, South Carolina, and Georgia, it only adds up to 30.5 percent. That is because the calculations for the percent allocations are slightly different for state by state versus regional.

That is because for state by state the *de minimis* comes off the top. For those four Virginia, North Carolina, South Carolina, and Georgia, we're looking at those four states on their own, what the proportion of each of those states for that four-state total, and then we take 5 percent off the top for *de minimis*. It's a little bit different. For the regional approach we look at what's the coastwide total and just what is the percent for each region. I double checked, triple checked the math, I promise it's right. I almost had a heart attack, but we're fine.

CHAIR BEAL: All right, deep breath, everything is okay. All right, any other? I think we've caucused, or everyone has caucused, and we've given the opportunity to the maker and the seconder to comment. Is there any need for additional caucus time now that you've heard those comments of the maker and seconder? I don't see any, so we're going to go ahead and vote. **All those in favor of the motion to substitute, please raise your hand.**

MS. KERNS: Rhode Island, New York, New Jersey, Florida, North Carolina, Virginia, Potomac River Fisheries Commission, Maryland, Delaware, South Carolina, Georgia.

CHAIR BEAL: Thank you, could you lower those hands. Those in opposition, please raise your hand. Seeing no hands around the table, abstentions.

MS. KERNS: NOAA Fisheries and South Atlantic Council.

CHAIR BEAL: Any null votes n-u-l-l? Look at that, the first vote without a null vote, we're making progress. That motion carries 11 in favor with 2 abstentions and no votes in opposition. That becomes our main motion. I assume, I hope there is no need to caucus on this one. Is everyone ready to vote?

Let me try this and see if I can get away with it. **Is there any opposition to this motion? Seeing no opposition, is there any abstentions for voting on this motion? I see no abstentions or opposition, so this motion carries.** That is Section 3.1. Are there any other motions to move us along with the document? Yes, Shanna. Well, actually, Shanna, Spud has his hand up. I'm not sure if it's a question about what just happened or if he has another motion, so Spud, go ahead, please.

MR. WOODWARD: I've got a question. If we have made a decision to go to regional management, and all of the *de minimis* states are in the north region. Shouldn't the *de minimis* quota be taken off of that regional allocation and not the overall? It's a question.

MS. FRANKE: Thanks, Spud. For the regional calculations, the calculations have nothing taken off the top. That northern region accounts for all of those states. There was no taken off the top calculation for the regional. That taken off the top calculation was only for the state by state.

CHAIR BEAL: Are you okay, Spud, with that explanation?

MR. WOODWARD: I guess so, I've got to ponder on it. Thank you.

CHAIR BEAL: I'll go back to Shanna; you had your hand up before that.

MS. MADSEN: I'm going to make an attempt to make a mega motion, we'll see how this goes. The mega motion I have is **move to adopt for Issues 3.2, Updates to State and Regional Allocations - Option B, Allocation Changes via Board Action. Section 3.3 Data and Uncertainty in Recreational Landings Evaluation – Option B Extend the Rolling Average to Five Years, 3.4 Overage Response for Recreational Landings Evaluations - Option A Status Quo, and 3.5 Timeline for Setting Commercial and Recreational Measures – Option B Five-Year Specifications.**

CHAIR BEAL: Is there a second to Shanna's mega motion? John Maniscalco, thank you. Shanna, do you want to explain?

MS. MADSEN: I guess I'll go through each one of these and kind of talk through what my justification or thought process was. For Issue 3.2, I selected Option B to allow the Board some flexibility in being able to update allocations with those calibrated numbers from MRIP. It does not force the Board to necessarily do things that way but does allow us a little bit of flexibility to be able to address that issue.

For Issue 3.3 I chose to extend the rolling average to five years, again my thought process here was to address yearly variation in MRIP estimates, as well as allow us in the future the option a few things of confidence intervals, which I think really is the future management of this fishery that we're looking for. For Issue 3.4 I selected Option A, status quo, and I did this to protect stock. I think having regional allocations and those longer rolling averages should help us to smooth out variation. I don't think it's a good idea for us to go borrowing from other regions, in this case it is in the best interest for the conservation of the species, and for Issue 3.5 I selected Option B, five-year specification setting. I was doing this in hope of getting us in line with the assessment schedule and the landings

evaluations, while once again trying to smooth out those large swings in recreational estimates.

CHAIR BEAL: Thank you, Shanna. John, do you have any follow up comments?

MR. MANISCALCO: Shanna said it well, you know allow the Board to be nimble, pay attention to the quality of the data that we are working with, being responsible to the stock, and also to hopefully align us in order to be able to react to stock assessments.

CHAIR BEAL: Yes, Joe.

MR. CIMINO: A question for Emilie. Emilie, can you bring us back to 3.2 B, since as you mentioned. Well, if we just voted to get rid of *de minimis* then what are the situations in which the Board would be looking at this?

MS. FRANKE: Sure, for Section 3.2 this is the option for the Board to update the, in this case regional allocations via Board vote, instead of an addendum. Originally there were two specific scenarios the Board could use that Board vote ability. The first is if a state came out of *de minimis* and needed their own state harvest target.

However, we're now in regional allocation, so that scenario is no longer applicable. Now, the other scenario where the Board could make a change to allocation percentages via Board action is if the harvest estimates for the allocation source data are revised. In a couple years if MRIP says, our time series has been updated, then the Board could look at that revised time series that would impact those percentages and make those changes via Board vote instead of an addendum.

CHAIR BEAL: Just for clarity, I want to make sure that everyone is on the same page that I am now, is Option B for Section 3.2 doesn't give the Board the ability to move from state by state to regional and regional to state by state. The previous motion that was passed was

regional, and if this were to pass that gives the Board the opportunity to move regional allocation but doesn't allow the shift to a different allocation scheme altogether. Just want to clarify that on the record. I had Lynn, and then Ben Dyar online, so go ahead, Lynn.

MS. FEGLEY: I was going to ask for the same clarification, but also, I wanted to clarify for the record that Option B wouldn't preclude the Board going to an addendum if they really felt like they needed to. It just allows them to take Board action if it's appropriate.

CHAIR BEAL: Yes, that is correct, and toward the end of the motion there is a notion of setting five-year specs, and it is sort of up to five-year specs. If the Board didn't feel comfortable with that and they want to set three, that is fair as well. Just providing sort of the maximum flexibility for the Board should they chose to use that, the way I view this. Ben Dyar, go ahead, please.

MR. DYAR: Just clarification, apologies for not fully understanding. The second bullet, that would not include, that would specifically be for harvest estimates, or would that include any changes in allocation for a stock assessment, so the Board would be able to make those changes as well, or would that again have to go through, that would be done through the TC and their management recommendations, is that correct?

MS. FRANKE: Correct. For that second bullet this is the scenario when the Board could use this Board action, harvest estimates for allocation source data are revised. That is only if the MRIP time series is revised. Based on the vote that just happened, our source data for allocation are 2014-2023 MRIP data. If MRIP changes the estimates for that time series, then the Board could use this Board action to update the allocation percentages accordingly. This does not give the Board the ability to change allocations based on the stock assessment, that would be an addendum.

CHAIR BEAL: Other hands, yes, John.

MR. MANISCALCO: Just to clarify though. If a stock assessment suggested a different catch limit is appropriate, that would be advice from the TC that would automatically be implemented, right? That would not require an addendum to adjust.

MS. FRANKE: Correct. I guess just to clarify, there are sort of two separate things we're talking about here. We're talking about allocations, which is the percent each region gets, so that is what this option is addressing. That is addressing the potential changes to the MRIP historical time series. When we're thinking about the stock assessment, which would potentially tell us what the total quota should be for the coast, that is something separately in the FMP the Board can already set via a Board action.

CHAIR BEAL: Other comments. Doug, I see your hand up, go ahead, please.

MR. HAYMANS: A question, if we combine regionally, that means that each of the states within the region need to come to the same management measures with the exclusion of seasons. I think that is right. Does that mean that Rhode Island through Delaware have to match Virginia's 40-inch total length, or does Virginia have to come down to the 37 inches? I'm trying to figure out what the implications are.

MS. FRANKE: Absolutely, thanks, Doug. That is for the region to decide. After this meeting we have the regional allocation that northern regions average harvest has been over that northern regional target, so those states in the region are going to have to get together, you know via the Technical Committee, to figure out what the size limit and vessel limit should be for every state in that region. It could be that all the states end up, maybe at Virginia's current size limit, it could be maybe a size limit in between. That is for the TC and the states to figure out, but yes, all those states.

MR. HAYMANS: If I may, a follow up. Then the TC recommendation comes back to the Board, so the southern region gets to vote on the northern region's management measures and vice versa.

MS. FRANKE: Correct, so the FMP is set up so any recommended changes to state measures are considered by the Board. That is how it currently is as well for the state-by-state allocations. If states have had to change their measures in the past the Board has had to vote on that.

MR. HAYMANS: Okay, thank you.

CHAIR BEAL: Other comments or questions. Are we ready for a caucus on this? I see no other hands, let's go two-minute caucus and we'll take a vote.

MR. HAYMANS: Bob, I'm sorry to interrupt the quiet in the room, but could we possibly get a few extra minutes on that caucus, please, it's pretty difficult to text between all of our constituents on this end.

CHAIR BEAL: Yes, fair enough, Doug, we'll give you a couple more minutes, and then I'll check back in with you to see if you need more time. Doug Haymans, I'm just checking in to see how you're doing and see if you need some additional time.

MR. HAYMANS: Well, I think what I need, Sir, is a clarification on Option B regarding confidence intervals. Is that rolled in as if under Option B or is it not? I'm not clear. I can't get my compadres to clear it up for me.

MS. FRANKE: Sure, so the question is for Section 3.3, Option B, which extends the number of years used in the rolling average for harvest target evaluations. The confidence interval is a separate piece that is part of Section 3.3. Selecting Option B does not require the Board to move to confidence intervals.

Basically, Addendum II just has that option, that provision in there that allows the Board to switch from a rolling average to confidence intervals when the Board sees fit. It is not tied to selecting Option

B. Until the Board says otherwise, we're going to continue to use this rolling average approach, and Option B would allow up to five years to be used for the rolling average.

MR. HAYMANS: Okay, thank you.

CHAIR BEAL: Doug, does that indicate you are ready to vote, or you need another minute?

MR. HAYMANS: I guess I am ready to vote.

CHAIR BEAL: Those in favor of the motion that is up on the board, please raise your hand.

MS. KERNS: Rhode Island, New York, New Jersey, North Carolina, Virginia, Potomac River Fisheries Commission, Maryland, Delaware, South Carolina.

CHAIR BEAL: All right, please lower those hands. Those in opposition.

MR. HAYMANS: I'm sorry, Bob, I went the opposite direction, my hand is raised in support.

CHAIR BEAL: All right, we will record Georgia as in support of the motion, thanks, Doug. Okay, is there anyone in opposition to the motion? Any abstentions?

MS. KERNS: Florida, NOAA Fisheries, and the South Atlantic Council.

CHAIR BEAL: I believe that is all the votes, so there shouldn't be any null votes, is that correct? All right, that motion carries, 10 in favor, 0 in opposition, and 3 abstentions. We have one clarification on how the regulations will work within the regions, and Emilie will make that, and then we'll carry forward with approval of the document.

MS. FRANKE: Great, so yes, I just wanted to go back to Doug's question, just to again clarify for the record how this regional allocation will work. All of the states in a region, you know

right now states have differing regulations. When a reduction is needed, or after the next stock assessment, whichever comes first. All states in a region are required to come to the same vessel limit and the same size limit.

Because, as you saw on table earlier, that a reduction is going to be needed in the northern region, all those northern region states will be required to come up with the same size and vessel limit for next year. For the southern region, North Carolina, South Carolina, and Georgia, because a reduction is not needed at this time, those states can all stay status quo for now, until a reduction is needed in the future or until the next stock assessment. I hope that is clear, if you have any questions, let me know.

CHAIR BEAL: John, go ahead.

MR. CLARK: But the northern region states can still have different seasons, correct?

MS. FRANKE: Yes, correct.

CHAIR BEAL: John Maniscalco.

MR. MANISCALCO: This question is on a different matter if that is okay.

CHAIR BEAL: Is everyone okay with what Emilie just described? All right, seeing none, go ahead, John.

MR. MANISCALCO: I am just curious as to what it would take for the Technical Committee to kind of start considering how they would approach this confidence in full process, rather than, I almost don't see any reason why we should consider point estimates. Moving forward if we have the ability to look at utilized confidence intervals. I would like the TC to start thinking about how they would implement that then.

CHAIR BEAL: Is the Board comfortable with, Jason, go ahead and comment on that, then I'll go back to my question.

DR. McNAMEE: I maybe put my hand up too quick, because I was just going to support it. I think that is a great idea. I think there are some options, like there are some bells and whistles to tinker with on the approach. For instance, what confidence limit, what metric are we using for the confidence limit, 96 percent, 80 percent? There are like some options in there that I think we need to see and think about a little bit, but I would like to start by seeing and thinking about that, so I'm supportive of thinking about this in some way.

MS. FRANKE: Yes, so I think if it sounds like the Board would like to task the TC while they are doing the analysis to determine the measures for the northern region, the TC can also discuss the confidence interval approach, what that would look like for the regional approach that was selected. Two things to point out.

The confidence interval approach does specify 95 percent confidence intervals already, and the second thing, just to remind folks that will be part of the TCs discussion is, if you have a year with a harvest estimate that has a PSE between 30 and 50, the TC sort of has the ability to discuss whether or not the approach would be appropriate for that year.

That would be part of the TC discussion. But I think we can bring all of that back to the October meeting, the discussion of the confidence interval approach, as well as the analysis of potential northern region measures. As I mentioned, right now the rolling average approach indicates that the northern region needs to take a reduction.

If for some reason the confidence interval approach indicates a different outcome, then again, we can bring all of that to the October meeting, and the Board can discuss how to move forward, and whether to use the confidence interval approach. I think if you basically bring all analysis to the table.

CHAIR BEAL: Jason and then Toni.

DR. McNAMEE: I'm fine if Toni wants to go first.

MS. KERNS: Just a reminder that when the TC was trying to work through the confidence interval approach, they could not reconcile some issues with the SAS code, and so they may or may not be able to address that between now and the October meeting, because they are going to have a pretty big lift anyway, bringing forward recommended management measures. It may take a little bit longer than just the next meeting as it adds up, but we'll see what we can do.

CHAIR BEAL: Jason.

DR. McNAMEE: Yes, and just I'll throw a response. That is fine with me, like I'm not feeling like the house is on fire when you could do this now. In fact, I think we should slow walk it a little bit and ensure we're comfortable. That is actually my question. I recognize that it was specified in the document, but I guess what if we wanted to change that? Is it another document that would need to be produced, because I don't know, I am thinking people might want to think about that a little more, the actual size of the confidence limits.

CHAIR BEAL: Yes, Jason, I think for better or for worse it will probably take a new addendum, because the draft addendum specifically stated the 95 percent confidence intervals. Ben, you have your hand up, go ahead, please.

MR. DYAR: I just want to say, I am all in support of getting more information to make better decisions as managers, and so I've been looking into the confidence interval approach and analyzing that. I do support, just wanted to make a comment, and again not to continue to ring the bell. When you're looking at, and I think Jason you alluded to that when looking at maybe different percentage confidence intervals.

But when looking at the coastwide right now, which has the lowest PSEs of all, you know the confidence interval ranges from 40,000 to 150,000 fish. With a pulse fishery resource that unfortunately lacking independent indices, just want to throw caution

there when starting to look at this. I know once these things get rolling, they kind of get rolling, but just wanted to mention that again. I am for getting more information, but didn't want to seem like once we task folks that then we have to continue down that path.

CHAIR BEAL: I don't see any other hands up. Where we are now is final approval of Addendum II with an implementation date, ideally. Is anyone willing to make a motion to that effect? Shanna.

MS. MADSEN: I don't necessarily want to make it a motion just yet, but I do want to just let the Board know what Virginia's intention is here. We are going to offer an implementation date of the end of February. This is just so that we can go through our regulatory process. We need a little bit longer of a buffer than we used to.

I am also quite frankly down two whole staff members, so we've got a long list of things on our plate, so we're going to just kind of ask for forgiveness if it is okay that we go ahead and implement in February. I'll let folks talk about that if there is some discomfort.

CHAIR BEAL: Emilie, go ahead, please.

MS. FRANKE: Are you talking about implementation for 2025 measures and not necessarily implementation of the Addendum? Because just to sort of clarify, you know if the implementation of the Addendum is effective today immediately, then all of this would be into effect, we would use the new allocations to determine measures for next year. I just want to clarify that you're talking about implementation of 2025 measures.

MS. MADSEN: Apologies, Emilie, I got those two things confused. You are 100 percent right, as always. We are fine with an implementation date of today. Then in the future we would want to have a conversation about when we are implementing our management measures.

CHAIR BEAL: Great, so is anybody ready to make that motion by filling in the blank at the end of the motion? Thank you, Shanna, go ahead, please.

MS. MADSEN: **Move to approve Addendum II to Amendment 1 to the Atlantic Cobia FMB, as modified today, with an implementation date of today.**

CHAIR BEAL: Is there a second? John Clark, thank you. Any comments? I think, Shanna, you've already made your comments in support of the motion. John, do you have anything to add?

MR. CLARK: I do not, thank you.

CHAIR BEAL: Great, thank you. Let's try this. **Is there any opposition to the motion on the board? Seeing no hands in the room, and no hands online, any abstentions? Seeing none; the motion passes unanimously by consent.** All right that's it for the Addendum.

UPDATE FROM THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL MACKEREL PORT MEETINGS

CHAIR BEAL: The only thing left on the agenda is an update from John Carmichael on the South Atlantic Fishery Management Council Mackerel Port Meetings. John, are you ready to go?

MR. JOHN CARMICHAEL: Yes, let me get this right quick. Since our last update as I had mentioned we had completed the April meetings there in North Carolina and they went quite well, appreciated all the support. Soon after our last meeting we rolled out webinars in New England. There weren't a lot of attendees, which is not surprising, given the fishery is really just getting started up there in some ways.

But those that did attend gave a lot of good insight, and heard a lot about the species and I think made good connections up there to let people know about this fishery and how it's managed really, which is so important. In June there was a meeting

held with the Mid-Atlantic Fishery Management Council meeting.

(Whereupon the meeting adjourned at 3:32 p.m. on Wednesday, August 7, 2024)

Only one member of the public was there, but there was a lot of input from the Mid-Atlantic Council members who were in attendance. and got a lot of great information there as well. Things have been a little tough since then, we had meetings planned in July here recently, and towns in Georgia, ran into issues with another meeting that was planned in Pooler, because of air condition problems with the venue, and also had issue with Murrel's Inlet in South Carolina dealing with Tropical Storm Debbie here this week.

Staff is working on rescheduling the meetings for South Carolina. Upcoming in the end of September on the 30th, working on meetings in Florida, finalizing the locations now, but there is definitely a lot of interest down there, which is not surprising, and we appreciate the ongoing help with FWC to get that going.

Then Mid-Atlantic Council region scheduled for the week of November 18, and our staff will be reaching out to the Commission to get something set up for that. Good thing is, we're getting a lot of positive feedback, even when there is not a lot of attendance we're getting great input from the fishermen, and certainly helping spread awareness of this fishery and potential management changes that are coming. That concludes that report, Mr. Chair.

ADJOURNMENT

CHAIR BEAL: Great, thank you, John, and thank you and your staff for all the hard work on these Port Hearings, you're really putting a lot of time and effort into getting those comments, so we appreciate that. Any questions for John on the meetings? Seeing none in the room and none online, I think that is everything before the Coastal Pelagics Board today, unless I see any other hands. All right, we stand adjourned.