



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

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APR 19 2018

F/SER25: KG

Mr. Robert Beal
Executive Director
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N
Arlington, Virginia 22201

Dear Mr. Beal:

In May 2017, the Atlantic States Marine Fisheries Commission (ASMFC) requested that the South Atlantic Fisheries Management Council (South Atlantic Council) discuss removing Atlantic cobia from the Fishery Management Plan (FMP) for the Coastal Migratory Pelagics Resources in the Gulf of Mexico and Atlantic Region (CMP FMP). The South Atlantic Council subsequently directed staff to begin work on Amendment 31 to the CMP FMP (Amendment 31), which considers alternatives for a complementary plan with the ASMFC as well as removal of Atlantic cobia from the CMP FMP. In December 2017, the South Atlantic Council reviewed a draft of Amendment 31 and selected removal of Atlantic migratory group cobia from the CMP FMP as their preferred alternative. The South Atlantic Council is scheduled to approve Amendment 31 for review by the Secretary of Commerce (Secretary) at their June 2018 meeting.

In a letter dated March 14, 2018, the South Atlantic Council requested more information regarding how the ASFMC would manage Atlantic cobia if it was removed from the CMP FMP. The ASFMC Interstate FMP, as currently written, supports complementary Atlantic cobia management with the South Atlantic Council but does not address managing Atlantic cobia in federal waters in the absence of management under the CMP FMP. Under complementary management, the South Atlantic Council would continue to provide an annual catch limit, federal permitting would still apply, and habitat areas of particular concern would remain. Management measures, such as size limits, bag limits, and closed seasons would be implemented under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), in coordination with the ASFMC.

If the South Atlantic Council approves Amendment 31 with removal of Atlantic migratory group cobia as their preferred alternative, and if Amendment 31 is approved by the Secretary, NOAA Fisheries will promulgate regulations to remove Atlantic cobia from federal management under the Magnuson-Stevens Act and, at the same time, will promulgate regulations under the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) to replace the existing Magnuson-Stevens Act based regulations in federal waters. This will ensure that Atlantic cobia continues to be managed in federal waters and there is no lapse in management of the stock.



NOAA Fisheries requests that the ASFMC amend the Interstate FMP to address Atlantic cobia management in federal waters and inform us of any measures that the ASFMC would like to request from the Secretary under the ACFCMA. One option is to implement the management measures contained in the existing Interstate FMP in federal waters. The Interstate FMP mandates that states implement for the commercial sector a 33 inch fork length (FL) minimum size limit, a 2 fish per person possession limit, and a vessel limit not to exceed 6 fish per vessel. These commercial measures are consistent across all Atlantic states. The Interstate FMP also mandates that states implement for the recreational sector a 36 inch FL minimum size limit (or equivalent total length measurement), a 1 fish per person bag limit, and a maximum daily vessel limit not to exceed 6 fish per vessel. To accommodate a state's larger minimum size limit, federal regulations could require recreational harvesters to comply with more restrictive state regulations in any state where the fish are landed. Finally, the Interstate FMP requires states to establish seasonal limits to restrict harvest to the harvest target. Federal regulations could establish a consistent season stock-wide, or require that anyone harvesting in the exclusive economic zone must comply with the seasonal requirements of the state where the fish are landed.

NOAA Fisheries request that the South Atlantic Board discuss these issues at the May 2018 ASFMC meeting and provide specific direction as to the desired management measures in federal waters under the ACFCMA.

Sincerely,



for Roy E. Crabtree, Ph.D.
Regional Administrator

cc: Andy Strelcheck (F/SER)
Heather Blough (F/SER)
Jack McGovern (F/SER 2)
Rick DeVictor (F/SER 25)
Gregg Waugh (SAFMC)
Charlie Phillips (SAFMC)