



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmf.org

MEMORANDUM

January 29, 2018

To: South Atlantic State/Federal Fisheries Management Board
From: Cobia Technical Committee
Subject: Cobia TC Review of FMP Implementation Plans

At their October 2017 meeting, the South Atlantic State/Federal Fisheries Management Board (Board) took final action to approve the Interstate Fishery Management Plan (FMP) for Atlantic Migratory Group Cobia. In January 2018, the Cobia Technical Committee (TC) met via conference call to review state-submitted plans for implementing the FMP. State-submitted implementation plans were included as Briefing Materials for the February 2018 Board meeting.

Brief summaries of state implementation plans, as well as comments and recommendations from the TC for each plan are below. All states are required to implement the following commercial measures: a minimum size limit of 33 inches fork length or 37 inches total length, a possession limit of no more than 2 fish per person, and a vessel limit of no more than 6 fish per vessel. All states are required to implement the following recreational regulations: a minimum size limit of 36 inches fork length or 40 inches total length, a bag limit of 1 fish per person, and a daily vessel limit of no more than 6 fish per vessel, and/or a season that, combined with other regulations, will achieve a harvest at or below the state's recreational harvest target (see Table 1) allocated from the coastwide recreational harvest limit (RHL). Upon Board approval, jurisdictions must implement the FMP regulations by April 1, 2018.

Table 1. Recreational harvest targets for non-*de minimis* states.

State	GA	SC	NC	VA
Harvest Target (pounds)	58,311	74,885	236,313	244,292

A state or jurisdiction may apply for *de minimis* status for their recreational fishery if their recreational landings, in weight, are less than 1% of the coastwide recreational landings for 2 of 3 years from 2014-2016. *De minimis* states may choose to match the recreational regulations of the nearest non-*de minimis* state. *De minimis* states that do not choose to match the recreational regulations of another state are required to implement the following recreational regulations: no more than 1 fish per vessel per trip and a minimum size limit of 29 inches fork length or 32 inches total length.

M18-17

Technical Committee Review and Recommendations

All states submitted regulatory language that adhered to the coastwide commercial requirements of the FMP (minimum size limit, possession limit, vessel limit). Any deviations from the required regulations described above were more conservative and are noted in the descriptions below. All non-*de minimis* states (GA-VA) submitted regulatory language that adhered to the coastwide recreational requirements of the FMP (minimum size, bag limit). Any deviations from the required regulations described above were more conservative and are noted in the descriptions below. The following descriptions of state implementation plans include whether states qualify for *de minimis*, proposed recreational seasons or vessel limits, comments on whether any measures deviated from those described in the FMP (also described above), and the TC's recommendation for approval. If multiple sets of regulations are proposed, the recommendation for each is listed respectively.

New Jersey

De minimis: Yes

Proposed Recreational Season/Vessel Limit: Match Virginia

Notes/TC Comments: None

TC Recommendation: **Approve**

Delaware

De minimis: Yes

Proposed Recreational Season/Vessel Limit: Two options proposed

1. Season: None; Vessel limit: 1 fish
2. Match Virginia

Notes/TC Comments: None

TC Recommendation:

1. **Approve**
2. **Approve**

Maryland

De minimis: Yes

Proposed Recreational Season/Vessel Limit: Match Virginia

TC Comments: None

TC Recommendation: **Approve**

Potomac River Fisheries Commission

De minimis: Yes

Proposed Recreational Season/Vessel Limit: Two options proposed

1. Season: None; Vessel limit: 1 fish
2. Match Virginia

TC Comments: No recreational landings data to justify *de minimis* because landings would be reported as Maryland or Virginia.

TC Recommendation:

1. **Approve**
2. **Approve**

Virginia

De minimis: No

Proposed Recreational Season/Vessel Limit: Seven options proposed

1. Season: May 15-Sept. 15; Vessel Limit: 3 fish
2. Season: May 15-Aug. 31; Vessel Limit: 3 fish
3. Season: June 1-Sept. 30; Vessel Limit: 3 fish
4. Season: June 1-Sept. 15; Vessel Limit: 3 fish
5. Season: May 15-Aug. 31; Vessel Limit: 4 fish
6. Season: June 1-Sept. 30; Vessel Limit: 4 fish
7. Season: June 1-Sept. 15; Vessel Limit: 4 fish

TC Comments:

The Virginia Marine Resources Commission (VMRC) does not yet have a preferred option because it would first like to solicit public comment on which vessel limit and elements of the recreational season are most important to stakeholders. They have proposed and predicted landings for several management options, summarized above and outline in their proposed implementation plan. Table 1 from the Virginia implementation plan shows these options with predicted landings using average weights from the Southeast Fisheries Science Center (SEFSC) and VMRC's Marine Sportfish Collection Project.

The TC notes that three of these options, denoted above as options 1, 2, and 5, exceed Virginia's harvest target (244,292 lbs) when predicted landings are estimated using average weights from the SEFSC. None of the proposed options exceed the target when predicted landings are estimated using average weights from VMRC. **The TC recommends that options denoted above as 3, 4, 6, and 7 be approved for management use as predicted landings using either average weight method would achieve the harvest target.**

Due to lack of sufficient sample sizes, the SEFSC average weight estimate for Virginia had to be derived by pooling samples across the entire 5 years, leading to one average weight estimate of 34.04 pounds for all 5 years. The VMRC Sportfish Collection Project collects length samples as frozen carcasses donated by recreational anglers. Annual average lengths were calculated for 2011-2015 and converted to average weights, using the length-weight conversion factor from Southeast Data, Assessment, and Review (SEDAR) 28, to provide annual average weight estimates. These data are summarized in Table 2 of the Virginia implementation plan.

Due to an inadequate number of samples for annual average weights to be estimated through SEFSC methods and discrepancies between the SEFSC average weight and those estimated based on samples from the VMRC Sportfish Collection Project, VMRC has contacted the National Oceanic and Atmospheric Administration Southeast Regional Office (SERO) to request that VMRC length and weight data be considered for incorporation in future cobia landings projections for Virginia. NOAA would evaluate the methods and resultant average weights to determine whether VMRC data are representative of cobia caught in the state.

Given the potentially great difference in landings predictions depending on which average weight method is used and the much greater number of samples that are incorporated into the VMRC average weight estimates, **the TC recommends that options 1, 2, and 5 be approved for management use, conditional upon approval for their use in federal landings projections by the SERO.** If the SERO does not determine that VMRC methods and average weights are usable prior to the FMP implementation date of April 1, 2018, the only options that would be recommended for management in 2018 would be options 3, 4, 6, and 7.

The TC also notes that VMRC has proposed two methods for implementing the two fish per person commercial possession limit, particularly with respect to the commercial hook-and-line fishery, which currently operates under an exemption that allows up to 6 cobia per vessel, regardless of how many crew members are on board. VMRC indicates in their plan that they will implement either a 2-per-person possession limit or 2-per-commercial-licensee possession limit for hook-and-line fishing, either of which would satisfy the requirements of the FMP. Thus, **the TC recommends approval of all proposed commercial options.**

TC Recommendation:

- Recreational Season/Vessel Limit:
 1. **Approve, conditional**
 2. **Approve, conditional**
 3. **Approve**
 4. **Approve**
 5. **Approve, conditional**
 6. **Approve**
 7. **Approve**
- Commercial: **Approve all proposed commercial options**

North Carolina

De minimis: No

Proposed Measures: Two options proposed

1. Season: None; Vessel Limits: For-hire: 4 fish, Private: 2 fish
2. Season: None; Vessel Limits: For-hire: 3 fish, Private: 1 fish

TC Comments:

North Carolina has proposed two recreational season and vessel limit options. Using the above numerical denotations, option 1 is predicted to exceed North Carolina's harvest target by 20,244 pounds. Option 2 is predicted to land 34,205 pounds less than the harvest target.

Justification for the proposed option 1 is included in North Carolina's proposed implementation plan. Briefly, this justification cites uncertainty surrounding landings estimates from the Marine Recreational Information Program (MRIP) and North Carolina's 2017 harvest, which was less than the harvest target through wave four, after which landings are typically minimal (2% or less of the annual total).

Despite the justification provided for option 1, which exceeds North Carolina's harvest target, the TC notes that recreational landings estimates and management decisions based on recreational landings under the Interstate FMP will be made using numbers from MRIP and average weights from the SEFSC, in accordance with the complementary nature of the Interstate FMP with the South Atlantic Fishery Management Council's (SAFMC) Coastal Migratory Pelagics (CMP) FMP. Therefore, **the TC recommends that the Board not approve North Carolina's proposed option 1 for management use because this option is not expected to achieve the state's harvest target. The TC recommends that option 2 be approved for management use, because this option is expected to achieve the state's harvest target.**

TC Recommendation:

1. **Do not approve**
2. **Approve**

South Carolina

De minimis: No

Proposed Measures: Season: None, but will close when federal waters close; Vessel Limit: 3 fish from June 1-April 30 within the Southern Cobia Management Zone

TC Comments:

South Carolina intends to match federal regulations for determining its recreational season for cobia. In addition to federal availability of the fishery, South Carolina has a Southern cobia management zone in state waters (area south of Jeremy Inlet, SC to the SC/GA border) that places a 1 fish per person per day limit and a 3 fish/daily boat limit as well as restricting recreational harvest from May 1-May 31 within the Southern Cobia Management Zone.

While no specific analyses predicting landings under the proposed regulatory measures were provided, based on knowledge of recent catch histories and likely reductions due to proposed measures, **the TC does not expect the proposed measures to exceed South Carolina's recreational harvest target.**

TC Recommendation: **Approve**

Georgia

De minimis: No

Proposed Measures: Season: March 1-October 31; Vessel Limit: 6 fish

TC Comments:

In addition to the proposed recreational season, the Department of Natural Resources (DNR) Commissioner has the power to close all or any portion of state water for up to six months if deemed necessary for the protection of the resource. The TC noted that if Georgia is using MRIP to project state landings, the time lag of data entry and release may limit how quickly such a closure could occur.

While no specific analyses predicting landings under the proposed regulatory measures were provided, based on knowledge of recent catch histories and likely reductions due to proposed measures, **the TC does not expect the proposed measures to exceed Georgia's recreational harvest target.**

TC Recommendation: **Approve**