

March 5, 2016

From: Chris O'Brien
Captain/Owner/Operator
Hydrologic Sportfishing
Norfolk, Virginia

To: South Atlantic Fishery Management Council
4055 Faber Place drive, Suite 201.
North Charleston, SC 29405

Re: 2016 Cobia Regulations and Pending Closure

Ref A: NOAA MRIP Virginia Cobia Catch Query 2011-2015,
July/August Wave (Weight of Fish)

Ref B: NOAA MRIP Virginia Cobia Catch Query 2014-2015
(Mean Weight)

Ref C: August 2015 Wind Graph (<https://www.wunderground.com/>)

Ref D: August 2015 Observed Wind by Day
(<https://www.wunderground.com/>)

Council Members,

First, thank you for the opportunity to share my comments and recommendations regarding the Atlantic Cobia Fishery. I am a Charter Boat Captain in Norfolk, Virginia and I primarily target cobia during summertime months. I am on the water (Chesapeake Bay and near shore Atlantic Ocean) 20-25 days a month during the summertime, accruing over 500 hrs each year. I'm in my third year as a professional, but have been involved with the fishery for 8 years.

On behalf of numerous fishermen from Virginia, professional and recreational alike, I want to emphasize that we are all huge proponents of cobia regulation change to support a sustainable, healthy, and vibrant cobia population. The topic of stricter regulations has been discussed for several years, as we understand the need for proactivity over reactivity in fisheries management. That said, the pending 2016 Cobia Closure is of great concern to our fishing industry in Virginia for several reasons.

As it's reported from National Marine Fisheries Service (NMFS) Marine Recreational Information Program (MRIP), the cobia Annual Catch Limit (ACL) was exceeded by 245% (~1.7million lbs). This number is alarmingly high! So high in fact, that it does not accurately represent the cobia fishery that we experienced in the 2015 season in Virginia.

Looking deeper into the data, I ran a data query for Virginia, by weight, for a two-month wave, for 2011-2015 (Ref. A). I specifically looked at the July/August wave. The numbers revealed were 62,613lbs, 15,447lbs, 183,808lbs, 70,662lbs, and

587,800lbs, respectively from 2011-2015. There is no apparent consistency to this data. With an average haul of 184,066 lbs over these five years, 2015's number of 587,800lbs is a significant data outlier. **I will go on record and say that the fishing was good, but not so good that Virginia caught 517,138 more pounds of cobia in 2015 vs. the same period in 2014.** The data does not at all accurately depict what our catch was in those 2 months. As a Charter Captain, I averaged 2-3 killed fish a day (avg weight 22 lbs), and was rarely outfished by recreational anglers. According to MRIP data, the avg weight of fish caught was 40.2lbs in Virginia in 2015 (Ref. B). Again, this questions the accuracy of the MRIP data being used to make life-changing decisions regarding Virginia's fishing industry. I don't say this to be prideful, but for complete transparency of the situation. The large majority of recreational anglers don't achieve the same results as professionals who do it everyday, and this is discussed daily at the marinas when questioned about my day's catch by recreational fisherman.

Additionally, Virginia experienced a significant lull in the cobia fishery for the majority of August. During that month, the wind primarily blew from the Northwest (NW), usually in excess of 10-15mphs, with gusts exceeding 30 mphs during the day. (The wind would dissipate over night, and pick-up again in the morning. The average wind speed shows lower because of this) (Ref C, Ref D). A NW wind is detrimental to fishing, for all species and not just cobia, because of the geographic orientation of the Chesapeake Bay. This wind will dirty the bay with the upper bay estuaries' murky, brackish water after just two days of a sustained wind. For cobia sight-fishermen, the number of cobia seen drastically decreases, and at times not even one fish will be seen on the surface during a five or six hour trip. Being one of the most-booked cobia Charter Captains in Virginia, I'll also go on record and attest that the reported MRIP data does not support what actually occurred in Virginia's Cobia fishery in August, 2015. According to my logs, which I maintain meticulously and on a daily basis, I averaged 2 fish per day, fishing 20 days and accruing 135 hrs on the water in August. Many other Captains stopped targeting cobia because they believed the southern migratory movement had started early. This prediction proved wrong as September fishing was very good for the first three weeks of the month before intense Nor'easter seasonal storms eventually pushed the cobia south.

It's the aforementioned information from local fishing professionals that I strongly feel is not considered or factored into MRIP data. I was maybe "dockside assessed" one time in the 2015 season. I say, "maybe", because it was in passing and completely informal, that I was unsure of what was being asked and for what cause. That begs the question: how accurate is the MRIP data? Who is being assessed if a Charter Captain with over 500 hrs on water is not being questioned? And what is the validity of information given to the assessors? These questions are frustrating to say the least as a pending closure of the

cobia fishery will have a serious impact on the local fishing industry, and will cause significant economic hardship.

I'm sure members of the board are aware of the migratory patterns of cobia, and understand that we usually catch our first cobia in Virginia waters around Memorial Day Weekend at the end of May. I urge that this information please be considered in all regulations being discussed, as a June Closure leaves only a few weeks to target one of our highly sought after gamefish.

Recommendation:

I've reviewed the SAFMC possible Framework and Amendment Actions for cobia, and concur on several actions.

- 1) **Standardization** across all states for vessel and bag limits.
- 2) 1 fish per person at 37in (to tip of the tail) (Increase to 40in if necessary)
- 3) 3 fish per vessel per day
- 4) 1 fish over 50in per day
- 5) State by state quota that accurately represents the state's share of the overall quota.

For future data collection through MRIP or any other agency, I would suggest the following:

- 1) Strive to collect more accurate data. Factual data is needed.
- 2) Develop more accurate measures of collection.
 - a. More on the water assessments vs. dockside assessments
 - b. Monthly analysis instead of 2 month waves
- 3) Contact licensed Charter Captains directly for interviews, on-the-water surveys, etc.
- 4) Monthly monitoring of the fishery, with up-to-date issues being disseminated to state/local agencies. (If fisherman truly killed 1.7 million pounds of cobia in 2015 in the designated South Atlantic sector, there should have been red flags thrown after the first indication of quota overage to better inform all parties concerned)

Respectfully submitted and in the best interest of fisheries management,

Captain Chris R. O'Brien
USCG 100 Ton Master License

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Ref A.

Your Query Parameters:

Query: MRIP CATCH TIME SERIES
Year: 2011 - 2015
Wave: BY WAVE
Species: COBIA
Geographic Area: VIRGINIA
Fishing Mode: ALL MODES COMBINED
Fishing Area: ALL AREAS COMBINED
Type of Catch: ALL CATCH TYPES (TYPE A, B1, and B2)
Information: WEIGHT OF FISH (POUNDS)

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Estimate Status	Year	Wave	Common Name	Harvest (A+B1) Total Weight (lb)	PSE	Landings (no.) without Size Information
FINAL	2011	JULY/AUGUST	COBIA	62,613	77.4	0
FINAL	2011	SEPTEMBER/OCTOBER	COBIA	44,811	86.6	0
FINAL	2012	MAY/JUNE	COBIA	11,090	100.6	0
FINAL	2012	JULY/AUGUST	COBIA	15,447	105.2	0
FINAL	2013	MAY/JUNE	COBIA	37,436	56.9	0
FINAL	2013	JULY/AUGUST	COBIA	163,808	59.8	0
FINAL	2013	SEPTEMBER/OCTOBER	COBIA	555	52.2	0
FINAL	2014	MAY/JUNE	COBIA	100,801	66.4	0
FINAL	2014	JULY/AUGUST	COBIA	70,662	63.9	0
FINAL	2014	SEPTEMBER/OCTOBER	COBIA	0	-	0
PRELIMINARY	2015	MAY/JUNE	COBIA	269,090	51.1	0
PRELIMINARY	2015	JULY/AUGUST	COBIA	567,800	52.5	0
PRELIMINARY	2015	SEPTEMBER/OCTOBER	COBIA	5,391	101.3	0

517,138lbs difference from the same period the previous year. 830% increase in landing weight in just one year?

*Huge indicator of miscalculation/overestimation.

The fishing was good, but not 830% better.

PSE, or proportional standard error, is automatically included in all outputs.

Ref B.



NOAA FISHERIES SERVICE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION



Your Query Parameters:

Query: MRIP CATCH TIME SERIES
Year: 2014 - 2015
Wave: ANNUAL
Species: COBIA
Geographic Area: VIRGINIA
Fishing Mode: ALL MODES COMBINED
Fishing Area: ALL AREAS COMBINED
Type of Catch: TOTAL CATCH (TYPE A + B1 + B2)
Information: MEAN WEIGHT

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Estimate Status	Year	Common Name	Average Weight (kg)	PSE	Average Weight (lb)	PSE	Landings (no.) without Size Information
FINAL	2014	COBIA	12.1	66.6	26.8	66.6	0
PRELIMINARY	2015	COBIA	18.2	59.5	40.2	59.5	0

PSE, or proportional standard error, is automatically included in all outputs.

It expresses the standard error of an estimate as a percentage of the estimate and is a measure of precision.

A PSE value greater than 50 indicates a very imprecise estimate.

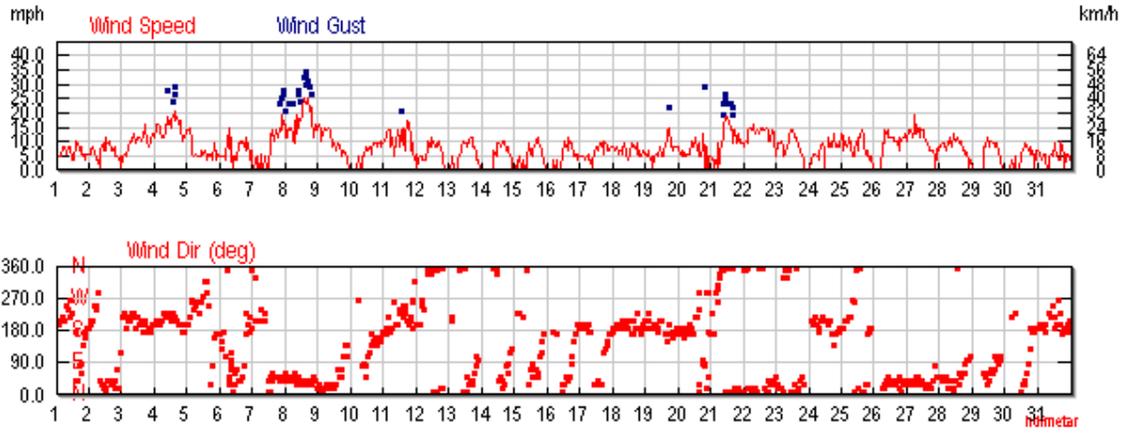
Data Sources by Geographic Area:

MRIP: ME-LA, PR, HI (LA through 2013)

If you want to cite a reference for data retrieved from our website, use: Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division March 7, 2016.

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Ref C.



Ref D.

Daily Weather History & Observations

2015	Temp. (°F)			Dew Point (°F)			Humidity (%)			Sea Level Press. (in)			Visibility (mi)			Wind (mph)			precip. (in)	Events
	high	avg	low	high	avg	low	high	avg	low	high	avg	low	high	avg	low	high	avg	low		
1	91	81	71	70	66	60	79	60	40	29.92	29.89	29.84	10	10	10	12	7	14	0.00	
2	86	80	74	74	72	70	94	80	65	29.94	29.91	29.87	10	10	7	14	6	17	0.00	
3	92	83	73	73	71	67	94	69	44	29.93	29.90	29.86	10	10	8	20	10	25	0.00	
4	93	85	76	74	72	68	87	67	46	29.99	29.95	29.90	10	10	9	25	15	29	0.00	
5	93	85	77	74	69	62	85	62	38	29.97	29.94	29.91	10	10	10	15	6	19	0.00	
6	85	79	73	75	71	65	87	73	58	29.94	29.90	29.82	10	9	1	18	6	24	0.29	Rain
7	81	77	73	73	72	70	93	84	74	29.82	29.80	29.78	10	10	6	22	8	27	0.05	Rain
8	79	76	73	72	69	62	87	75	62	29.95	29.85	29.79	10	9	2	28	17	35	0.13	Rain
9	81	76	71	64	61	57	79	62	45	30.04	29.99	29.94	10	10	10	17	8	21	0.00	
10	83	76	69	67	65	63	84	70	55	30.04	30.00	29.95	10	10	10	13	6	17	0.00	
11	85	79	72	75	70	66	87	76	65	29.93	29.87	29.80	10	9	2	20	11	25	0.29	Rain
12	83	77	70	67	66	64	90	73	55	29.99	29.92	29.84	10	10	10	15	6	20	0.00	
13	83	76	68	67	65	63	84	70	55	30.14	30.05	29.99	10	10	10	13	5	17	0.00	
14	84	77	69	68	61	49	90	61	31	30.20	30.16	30.13	10	10	10	12	4	15	0.00	
15	85	75	64	66	59	49	87	58	29	30.19	30.15	30.11	10	10	10	13	4	15	0.00	
16	85	75	64	66	63	61	87	69	51	30.17	30.15	30.12	10	10	10	14	5	16	0.00	
17	88	78	68	70	67	62	84	64	43	30.15	30.10	30.05	10	10	10	10	6	-	0.00	
18	89	81	72	73	69	67	84	70	55	30.07	30.02	29.97	10	10	9	12	7	14	T	Rain
19	91	82	73	73	69	63	85	64	43	30.02	29.99	29.94	10	10	10	18	7	22	T	
20	94	85	75	76	73	69	91	70	49	29.98	29.93	29.88	10	9	1	23	6	29	0.52	Rain
21	84	80	75	74	70	64	94	76	58	30.04	29.99	29.92	10	9	1	21	10	28	0.46	Rain
22	83	79	75	67	64	60	67	61	54	30.08	30.05	30.02	10	10	10	17	13	23	0.00	
23	83	77	71	65	60	56	73	58	42	30.03	29.98	29.93	10	10	10	15	7	20	0.00	
24	91	80	68	68	64	60	84	62	40	29.94	29.90	29.86	10	10	10	15	8	19	0.00	
25	84	79	74	70	68	65	79	67	55	29.92	29.89	29.86	10	10	10	17	7	20	0.00	
26	82	77	72	69	66	61	87	72	56	30.04	29.97	29.90	10	10	10	16	9	20	0.00	
27	80	77	73	62	59	54	68	57	45	30.12	30.07	30.01	10	10	10	21	10	24	0.00	
28	82	75	68	62	58	56	73	58	42	30.20	30.16	30.10	10	10	10	15	8	19	0.00	
29	84	74	64	64	60	56	84	62	40	30.23	30.18	30.13	10	10	10	13	4	16	0.00	
30	86	76	66	69	63	56	87	64	40	30.17	30.13	30.10	10	10	10	10	4	13	0.00	
31	80	76	72	70	68	65	93	76	58	30.15	30.10	30.07	10	10	6	12	5	14	0.11	Rain

