

**PUBLIC HEARING
CMP AMENDMENT 30
WEBINAR**

OCTOBER 25, 2016

MR. AVERY: I am Mike Avery, and I'm the current President of the Virginia Saltwater Sportfishing Association, and so we network with a lot of anglers throughout the state, and I'm also a charter captain in Virginia that also fishes for cobia. I have a couple of comments that I want to make verbally, a little bit not necessarily on this particular amendment, but I want to get it on the record, and then I will make a comment on this amendment, and we will be providing, later, written comments, but, for now, this is just the verbal comments.

We are aware of a procedure that the National Marine Fisheries Service has called emergency rules, and they're established, and there is criteria out there, and I want to read the criteria for an emergency rule. It says an emergency rule can be defined as a result from recent, unforeseen events or recently discovered circumstances and it presents serious conservation or management problems in the fishery and can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participation to the same extent as would be expected under normal rulemaking processes.

Where I'm going with this is we would like to see a motion made within the council at the next meeting that an emergency rule be considered to redo the zone split that was done during the last stock assessment. That is the crux of our problem, and that's why we are faced with what we call an artificial notion of overfishing.

When you split the zone and you gave Georgia through New York a very small quota, as compared to even the Atlantic coast of Florida, you created a situation where we're going to lose/lose. We're always going to be in this overfishing situation, at least an artificial overfishing situation, whereas, if you look at the numbers overall for the true Atlantic coast, from Key West through New York, we're really not overfishing, and so our overfishing situation is artificially created by the council, and we believe that an emergency rule should go in place to fix this injustice done in the stock assessment and which should not have accepted blindly what the SSC came up with for this zone split. I think it was not done correctly.

I think, when it came up, that the council could have questioned the SSC and not just shrugged their shoulders and said, well, that's what they came up with, so that's what we're going to accept. I think, from this day forward, until a new stock assessment is done, we're going to always be in this artificial overfishing notion that we've overfished and we have to shorten the season and we have to reduce bag limits, and I don't think we're there yet.

I think that we need to address this through an emergency rule, and so that will be part of our comments we make, is that we think we need to have an emergency rule put in place, and those procedures do exist, and they can be done. They can be started at the South Atlantic if a motion is made, and so I just want to make that recommendation to the council as the first comment.

The second comment is I just want to, additionally, go on record, and we've said this before, is that we're opposed to co-management with the Atlantic States Marine Fisheries Commission until a new stock assessment is done. It really makes no sense to us to enter into co-management and just adding another layer of complexity to manage a very small quota among the states. We don't think there's any advantage to that, and so we're opposed to that until we have either the stock assessment corrected through an emergency rule or a new stock assessment done, and then I think we should consider it, but not until then, and so I just want to say those two points on the record.

Now, on this amendment, now you've kind of complicated things, in my mind, about what our position should be. I would say to you that our position is if your analysis is correct in the tables, Table S2, if your analysis is correct that if we start the season on 1 June that we get almost a full year of fishing, which I don't really believe that's true, but, if that analysis is correct and we can fish all the way to almost the end of May and everybody still gets almost a full year of fishing, then we support starting the season on 1 June.

Having said that, if the analysis is incorrect and we believe that we're always going to overfish and achieve our targets and ACL early, then we really, to be fair to the other states, we really think 1 May is the correct choice, because our concern is, if we really start on 1 June, and we reach our quota before the end of summer, then we've really screwed our southern neighbors from Georgia, South Carolina, and North Carolina, who now can't fish in the spring, until the following 1 June, and so what I'm saying is -- I know I'm kind of being wishy-washy, but the analysis seems to support 1 June.

What I'm saying is if the analysis is correct, or reasonably correct, we support 1 June. If the analysis is as we think it probably should be, we would revert to 1 May, and so I am just throwing that out there as kind of wishy-washy, I know, but that's kind of where we stand for now, and that's all I have.

MR. DEEM: For the record, I would like to disagree with my friend, Mike. I think that you should turn the entire thing over to the ASMFC and let them handle this on a state-by-state basis with conservation equivalency, giving allocation to each state and let them handle it in the season that is best for their particular fishery. Let them schedule it when it's best for their fishermen, their allocation, and let them set the regulations that allow them to divide up that allocation as it works best for them. That's it.

MR. GORHAM: Bill Gorham, and I'm a lure manufacturer from North Carolina, representing charter captains, recreational, for-hire, which is actually charter captains too, and associated businesses in northeastern North Carolina and some of Virginia.

We actually agree with Captain Avery. Given all of the circumstances that we've brought to light through the South Atlantic, through our review of SEDAR 28 and state-by-state research of cobia, it's overwhelmingly clear that Amendment 18 and 20B seem to be geared towards spawning aggregations in state waters, and the federal regulations are supposed to be in federal waters, which actually supported a population that was one and the same, and, looking at tagging results, it's known that the same fish that go to these spawning aggregations in, quote, unquote, spawning months also travel into Florida waters during the winter.

From a conservation standpoint, if we're trying to protect the same fish that are going to the same areas and spawning, we need to be protecting them in federal waters, and federal regulations should reflect what the science says in federal waters. Ultimately, for the emergency action, I know a rule -- I know I've gone back and forth with this with our state representatives, and obviously coming from just me or a group of us is one thing, but I really hope, I really hope, the council looks at it. I will be giving detailed reasons why at the next South Atlantic meeting. I believe several of the criteria are met, from that new science to pitting the states against each other, and ultimately creating unfair access to the fishery.

Just real quick, on the Atlantic States allocation, I think, again, if we were at the 2014 ACL, we could probably all live with some form of allocation, but, for North Carolina, you have your boat season, and then you have your pier season. Looking at catch rates even for Virginia and using the same methodology that's coming up with those season lengths, you're looking at a two-and-a-half-week season. What conservation equivalent could you come up with when you're being predicted to catch 250,000 pounds every two weeks? If that's what you want, that's what you get.

Atlantic States, we were also against Atlantic States taking any further action, given our ACL, because they have no authority or no power to adjust, raise, or lower the ACL, which everything is dependent upon, and so the season lengths that we fear we would end up with with an Atlantic States allocation or Atlantic States joint management would be detrimental on behalf of the stakeholders in Hatteras, and I'm not sure if many of the people on the council are even around, but, this past hurricane, there are several of our charter captains that don't have a home. They're completely flooded out, and their boats were lost. It's going to take them all winter to get back, and cobia is their fishery, that month of May. That's how they're going to rebound.

If we don't have it, especially this May, it's going to hurt, and the regulations of less than one per person, up to six per boat, really did hurt them this past year, but we do support or at least we must have our fishing year for cobia start on May 1. For the piers, it must go through the end of August. How we get there is I guess up to the councils and science, but that's all. Thank you.

MR. BLOW: I'm Wes Blow. I'm a recreational fisherman from Virginia. As far as the season changing, I don't see how that really will benefit any of the states. To pick the June 1 would greatly benefit Virginia, and be a big disadvantage to the southern states, which is a situation that Virginia is in now, with no state-by-state allocation system.

I firmly believe that the only fair and equitable way to manage a migratory fish is to have some type of state-by-state allocation system for it. I do encourage the co-management with ASMFC. I believe that will be very good in the long run, so that each state can apply their regulations that would help them to catch the most fish for their fair share.

Another thing that I would like to make a note of is Virginia last year, during the season that they kept their state waters open, went to a two fish per boat limit, and obviously, with the numbers that came out, people were capable of catching plenty of fish, and so the three, four, five, and six boat limits, I don't see where that is necessary.

Another issue that I would like the South Atlantic Council to consider is the quality of fish that are available now. If you look at the citations of the larger fish that Virginia has been catching

over the last ten years, we have not had an over hundred-pound fish since 2011, and the ninety-pound class fishes, we've only had a few, and this year we had none, and so, last year, Virginia enacted the rules with the two-fish limit per boat, and only one of them being over fifty inches.

I don't know what the records are for the southern states to us, but, in Virginia, the quality fish -- There is plenty of fish out there, but the bigger fish are being killed off, and if the South Atlantic Council doesn't take measures to protect these large fish, I think it's a big injustice to the whole seaboard that won't have that quality of fish. Thank you.

(Whereupon, the webinar was adjourned.)

Transcribed By:
Amanda Thomas
October 2016

CMP AMENDMENT 26 SCOPING WEBINAR COMMENTS

FEBRUARY 4, 2015

RUSTY HUDSON: On action 5 or proposed to be, management to address effort in the Florida east coast sub zone, uh some of that may get problematic with the suggestions um versus the other four actions and it may be better served being put in Amendment 28, as a thought. There may be a subset of that idea that somebody's looking for like you referred to about the current subzone and maintaining some resemblance of that but I know that we need to go south of the Flagler/Volusia line for sure, maybe even further south based on the SEDAR 38. Take us down to where I think we had like 4% or something like that Gulf stock and usually they didn't return to the Gulf for something but that was down near Jupiter Inlet or something. But uh, just some ideas and then of course that leads into a whole other host of choices. Do you maintain the same number of fish versus poundage of fish? So that could actually complicate 26 whereas it could be better served in 28 by moving that action, just a thought.

Yeah I got cut off; I was trying to say that some of the other information dealing with the allocation and the differences between what the current Atlantic allocation is and the mixing zone allocation. When you think about the two of them as separate entities, the 3.88 million pound and the uh 1.1 I guess it is because the Gulf ya know was being reduced for a couple of years in a row. Um, that's that's part of 5 million pounds and then everybody's trying to frame that based on this recent 20B issue, which uh might actually be the cart in front of the horse but that's another situation and so um just trying to keep it simple. Uh we just need to incorporate the scientific advice that came from SEDAR 38 and then see where does that put us ya know with regards to everything from uh Texas to Massachusetts and the one thousand three hundred some odd permits that are currently active. Anyway, just wanted to throw that out there, we'll be submitting a comment by the 11th and uh or the East Coast Fishery section will and DSF probably will and uh we'll see what else we can do to move forward.

Transcribed By:

Julie O'Dell

SAFMC Staff

February 2015

Last Name	First Name
Duval	Michelle
Fields	Mark
Harris	Ashley
Hudson	Rusty
Johnson	Janelle
Laks	Ira
M	T
MacLauchlin	Bill
Shipman	Susan
Vinyard	Liz
Von Harten	Amber
Wassick	Ann
Waugh	Gregg
colby	barrett

KARI MacLauchlin

M.KE Collins

Questions Log C:\Users\SAFMC Present\Documents\QuestionsLog 2016_10_25 18_58.rtf

Q: hello hear you loud and clear[Mitchell Roffer] [tunadoctor@me.com] [Q: 6:01 PM] [A: 6:15 PM]

A: thx

Q: Is the division of Atlantic vs Gulf genetically based?[Mitchell Roffer] [tunadoctor@me.com] [Q: 6:15 PM]

Q: With this amendment was any consideration of climate change and the fish moving further north and sooner?[Mitchell Roffer] [tunadoctor@me.com] [Q: 6:16 PM]

Q: Thank you for having this meeting on webinar as it allows everyone to participate without having to drive to a single location.[Mitchell Roffer] [tunadoctor@me.com] [Q: 6:49 PM]