

Dear Mr. Waugh,

I am a recreational fisherman from Virginia that is very concerned about the cobia fishery. In Virginia I have seen a tremendous increase in the effort for cobia fishing. I have also noticed in the last several years a decline in the catch of larger fish. Virginia citation data reflects this. I have also noticed an increase in the catch of smaller fish during this same time period. I would like you to consider doing a cobia stock assessment as soon as possible. I feel this should be a high priority for the South Atlantic Fishery Management Council.

I want the fishing stock to be managed so it is sustainable for the future and I also want Virginia treated fairly in future cobia regulations. A state or regional allocation system should be enacted and if this is only obtainable through joint or co-management with ASMFC I would be in favor of that. I would suggest a daily boat limit of 3 fish per day or 1 per person whichever is less and a minimum FL of 36 inches and only one of the three fish boat limit allowed to be over 46 inches FL. I would want the boat limit the same for charter/head boats and recreational boats. I would also recommend a closure in the season during early season spawning.

Wes Blow  
Newport News, Virginia  
[Wesamy2000@cox.net](mailto:Wesamy2000@cox.net)

Capt Hartig and Dr. Duval,

I represent the Norfolk Anglers Club in Hampton Roads, Virginia and our organization has been supportive and involved in fishery issues with our Virginia Marine Resources Commission. We share the concern of many regarding this past year's harvest from the Atlantic Cobia Stock. Our organization proposes four measures for SAMFC consideration when amending the 2016 cobia fishing regulations. While these are small steps, we believe they're all positive actions to benefit the cobia fishery this year and in future years. Hopefully, these efforts will become a basis of standardization among all the states fishing the Atlantic Cobia Stock and SAMFC is the organization to make that happen. The four measures we propose are;

1. Institute a Captain/Crew exclusion for cobia possession limits for recreational and charter operations.
2. Establish a 6 cobia boat limit for charter and recreational vessels.
3. Reduce the current SAMFC possession limit of 2 cobia to 1 cobia and increase the size of the fish.
4. Provide a defined seasonal period for individual states to manage the cobia fishery in their waters.

I have attached our organization's proposed measures and hope you'll provide it to your advisory panel and give it favorable consideration. Combined with individual state conservation efforts these measures will help improve our cobia fishery.

Sincerely,

Will Bransom  
Captain USN (Ret)

I would like to submit the following public comments to be considered as NC decides what to with regards to handling the Cobia fishing season in state waters.

1. I have been recreationally fishing for Cobia out of Oregon and Hatteras Inlets for about 10 years now. We first learned the fishery from Capt. Donnie Davis, of DOA Charters back in 2007 where we fished a 1-day charter. We were immediately “hooked” on Cobia fishing by the end of the day with Donnie. During our day of fishing we were educated on the species, fishing techniques, as well as the importance of the fishery to local charter captains. We learned first-hand the comradery that surrounds this spring/summer fishing season in OBX. It is important that the State take into consideration when crafting future regulations that this fishery does provide a significant revenue stream for both private charter captains, as well as local businesses and the state.
2. I typically spend 10-15 days a year trailering my boat from Maryland to OBX to fish for Cobia. We harvest only what we can reasonable eat within a few months. We rent accommodations during this time, buy fuel, groceries, etc. which also further supports the local economy.
3. I have always been a supporter of “scientific data” as a basis for decision making, however the credibility of the data and its source are most important to making good sustainable decisions. In fact I have participated for the last 5 years in a University of Mississippi Cobia Tagging Program, whereby I have caught, tagged, and released fish to aid in this data collection. I do support fishing regulations, however we need to be sure whom (recreational or commercial) is being regulated fairly and properly. What is the percent of Cobia mortality as bycatch to other commercial fishing seasons? I support catch limits and possession limits, but would also support a NC based tagging requirement program so that the species (in NC waters in particular) are better understood as well as their ranges which could help with both recreational and commercial regulation development.
4. I support a boat limit, but would ask that the regulations take into account the needs of local charter captains, and that a significantly reduced “boat Limit” could impact their ability to fill charters. Most customers of charter boats want to take fish home at the end of the day, and if a party of 6 could only take home 2-3 fish, this could negatively impact the ability to fill charters. Whereas if there were an increase to the minimum length (incrementally reduced as season progresses), this would not has as much of an impact, other than making it a greater challenge for the captain to find quality fish. In addition, closing the season early could impact early summer vacationers as well as many look forward to catching the tail end of true cobia fishing season

in mid to late June. I mention incrementally, as my experience has been that the larger fish are seen and caught in the early part of the season.

Thank you for taking the time to host the forum and take public comments.

Tight lines- Matt Reno, vessel BONAFIDE

Matthew C Reno  
Project Manager  
Department of Community Services  
City of Bowie  
15901 Excalibur Road  
301-809-3076 (o)  
240-216-0525 (c)  
<http://www.cityofbowie.org>

Dear Dr. Duval and Dr. Crabtree,

Thank you for the opportunity to offer public comments on the proposed 2016 Recreational Season for Atlantic Cobia. I am deeply opposed to a proposed shortening of the season for three reasons:

- 1) The 2015 catch data that triggered the proposed closure is such an outlier that SAFMC should consider a review period to revisit stock assessments and data collection methods.
- 2) If the 2015 catch data is accurate, that would indicate that the historic catch data that was utilized to calculate the 2015 ACL is woefully inaccurate and should not be utilized to trigger a closure.
- 3) North Carolina has already instituted a reduced creel limit and is weighing a larger size limit. Virginia already has a one fish per day limit. SAFMC should allow the impact of these measures to be calculated before requiring states to adhere to an economically devastating closure.
- 4) The intent of the Magnuson Stevens Act (MSA) is to develop fisheries management policies that produce optimum yield while balancing the needs of the fishery with the economic impact on the local communities. The public admission by SEDAR in the 2013 stock assessment that data collection on the cobia stock assessments and catch data having a high degree of inaccuracy from the recent Fisheries Management Plan meeting would suggest that the burden of proof required by the MSA has not been met to justify a closure that would have a devastating economic impact on Virginia and North Carolina coastal communities. Similar comments in the same plan (and by SAFMC representatives at the recent North Carolina Marine Fisheries Commission meeting) indicating that the cobia biomass is not overfished. Despite the inflexibility of the MSA, I do not believe that the intent of the MSA is to close a healthy fishery.

Instead of a closure, I recommend the following actions:

- 1) Amend the Fisheries Management Plan to reflect the following:
  - a. Amend Accountability Measures to better factor economic hardships and potentially inaccurate historical catch data. One year overages of the ACL should trigger reductions of creel limits in federal waters. **A MINIMUM of a three-year average resulting in an annual average ACL overage should be utilized to initiate a shortened season/closure.** This is necessary to reflect the cyclical nature of fishing and minimize the impact of unique outlier seasons. This will also allow SAFMC to see the impact of the reduced creel limits many states have already approved instead of guessing that the impact of those reduced daily creel

limits will not be enough to get under the ACL. Let those measures have an opportunity to be evaluated.

b. Conduct a revised stock assessment for ONLY Georgia-New York zone population of fish and **recalculate the ACL based on the average annual catch of cobia from 2015-2018** using the new zoning paradigm and data calculation methods. Either the historical catch data was artificially low and the ACL wasn't an appropriate measurement for the health and scope of the fishery, or the data collection for 2015 was inaccurate. A more accurate data collection should be the burden of proof to justify a closure. A default equation should not take the place of appropriate data collection, even if appropriate data collection is "hard" for regulators, especially in the face of the devastating economic impact a closure will cause for families.

c. In the wake of the zone split, the East Florida positive variance should be considered. The allocation of 880,000 pounds to Florida (and only caught 330,000 pounds) and only 620,000 pounds of ACL to the rest of the Atlantic states (especially Virginia and North Carolina where cobia remain in our waters all summer) does not treat the Mid-Atlantic equitably to Florida and the MSA specifically says that the laws impact should not negatively impact one state to another state's benefit. The resulting catches show that there are more fish to catch for a longer period of time in Virginia and North Carolina than there are in Florida. The Georgia-New York zone should receive at least 250,000 pounds of Florida's 2015 ACL for future ACL calculations.

- 2) Develop new, more robust, and more transparent data collection methods.
- 3) Include Virginia representation on the SAFMC when that council makes decisions impacting Virginia fishermen.
- 4) Hold more public meetings where Virginia and North Carolina fishermen can participate in the face-to-face public comment when SAFMC impact their fisheries.
- 5) If a closure is instituted after a minimum three year catch average is determined to be over the ideal ratio for sustainability of the cobia biomass, those closures should be instituted on a rolling basis matching the cobia's migration pattern. This will allow the states to both share the burden of a limited season and access the fishery equally.

Below is the justification of these actions.

-

#### **Outlier: 2015 Catch Data**

-

As a health data quality expert, the accepted best practice for statisticians when there is a significant variance in traditional performance isn't to panic and declare an emergency. The responsible action is to conduct a root cause analysis of the data collection to confirm that there was no significant change that caused the variance.

Review of the historical catch data seems clearly to indicate that the 2015 catch data for Virginia and North Carolina is a huge outlier. According to NOAA's own data (\*Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division February 27, 2016 <https://www.st.nmfs.noaa.gov/SASStoredProcess/do> ), Virginia averaged 275,791 pounds of recreational cobia catch from 2008-2015. That means, if the data is accurate, Virginia recreational anglers caught 3.125 times as many fish in 2015 as in an average year. When you examine the average annual catch from 2008-2014 (without factoring 2015 into the average), you find that according to the data, Virginia anglers caught 4.4 times the poundage of cobia than the average for the previous seven years. North Carolina 2015 catches according to NOAA were 2.228 times the average catch from 2008-2015 (and 2.7 times the average annual catch from 2008-2014.)

-

### Virginia

FINAL	2008	COBIA	116,420	65.1	0
FINAL	2009	COBIA	445,993	31.3	0
FINAL	2010	COBIA	254,414	38.9	0
FINAL	2011	COBIA	107,424	57.8	0
FINAL	2012	COBIA	26,537	74.3	0
FINAL	2013	COBIA	221,800	50.5	0
FINAL	2014	COBIA	171,463	47.1	0
PRELIMINARY	2015	COBIA	862,281	39.2	0

Total 2,206,332

### North Carolina

FINAL	2008	COBIA	82,566	52.7	0
FINAL	2009	COBIA	166,195	37.6	0
FINAL	2010	COBIA	498,581	23	0
FINAL	2011	COBIA	145,796	46.4	0
FINAL	2012	COBIA	104,106	31.9	0
FINAL	2013	COBIA	506,067	30.2	0
FINAL	2014	COBIA	247,386	30.7	0
PRELIMINARY	2015	COBIA	675,859	29	0

Total | 2,426,556

South Carolina

INAL	2008	COBIA	32,497	69.3	0
FINAL	2009	COBIA	62,332	68.8	0
FINAL	2010	COBIA	67,946	53.1	0
FINAL	2011	COBIA	0	.	0
FINAL	2012	COBIA	201,223	80.6	0
FINAL	2013	COBIA	9,873	63	0
FINAL	2014	COBIA	26,439	56.6	0
PRELIMINARY	2015	COBIA	125,181	47.1	0
TOTAL			525,491		

Georgia

FINAL	2008	COBIA	320,174	66.3	0
FINAL	2009	COBIA	2,009	110.1	0
FINAL	2010	COBIA	89,840	56.1	0
FINAL	2011	COBIA	74,651	67	0
FINAL	2012	COBIA	97,766	57.6	0
FINAL	2013	COBIA	25,183	56.3	0
FINAL	2014	COBIA	19,079	71.5	0
PRELIMINARY	2015	COBIA	32,027	74.7	
TOTAL			660,729		

This kind of a staggering outlier would indicate one of three things:

- 1) North Carolina and Virginia anglers had the most robust and catchable cobia population accessible to them in the better part of 30 years.
- 2) Fishing pressure on cobia tripled more than tripled from one year to the next, overfishing the stock.
- 3) Something is wrong with the data collection methods that indicate either the historical catch data used to determine the 620,000 pound ACL was woefully inaccurate, or the data collection for 2015 was woefully inaccurate.

Scenario 1 certainly doesn't meet the MSA burden to close a fishery. Number 2 is a dubious claim, especially given SEDAR's comments in the South Atlantic Cobia Stock Assessment



(citation: [http://sedarweb.org/docs/sar/S28\\_SAR\\_SACobia\\_WithAddendumFinal\\_5.16.2013.pdf](http://sedarweb.org/docs/sar/S28_SAR_SACobia_WithAddendumFinal_5.16.2013.pdf)  
)

*“Current stock status in the base run was estimated to be  $SSB_{2011}/MSST = 1.75$  (Table 5.1), indicating that the stock is not overfished.” –SEDAR [South Atlantic Cobia Stock Assessment](#) Page 19, PDF*

-  
-

### **Inaccuracy of ACL Calculation and Historical Catch Data**

As a health quality data professional, if there is suddenly a 400% occurrence jump in a negative outcome the first step is to determine the root cause and review the data method collection methodology before taking action. If the 2015 catch data for cobia in Virginia and North Carolina is accurate, that would be a clear indicator of one of two phenomenon.

- 1) That thousands of new fish and fishermen that had never factored into the annual cobia fishery miraculously entered the equation in one year, or much more likely...
- 2) That the 2008-2014 data woefully underestimated the size of the cobia population, the number and size of caught fish.

Section 101-627 of the MSA states: “101-627 (8) The collection of **reliable data** is essential to the effective conservation, management, and scientific understanding of the fishery resources of the United States.” The presence of a 400% outlier in the data is too significant to regard either the Historical Catch Data or the 2015 Catch Data as reliable. In addition, a 400% variance is too large and statistically significant and the economic impact too great to not conduct in-depth root cause analysis. The economic impact on the populations is too great to close a fishery before conducting a root cause analysis.

-

## **Intent of Magnuson Stevens Act**

While the MSA does clearly state that accountability measures must be applied in the face of an ACL overage, I do not feel that an automatic season closure in this case aligns with the intent of the Magnuson Stevens Act. Section 101-627 established the Regional Fishery Management Councils to “**exercise sound judgment** in the stewardship of fishery resources through the preparation, monitoring, and revision of such plans under circumstances (A) which will enable **the States, the fishing industry**, consumer and environmental organizations, and other interested persons **to participate in, and advise on, the establishment and administration of such plans**, and (B) **which take into account the social and economic needs of the States.**”

A closure of the cobia fishery given the data presented and the process by which the decision was made does not align with these basic premises.

- 1) All the states impacted have not been given an opportunity to participate in the process, as Virginia and Virginia’s recreational fishermen do not have representation on the South Atlantic Marine Fisheries Council. Also, the only public meeting (scheduled for March 7-11 in Jekyll Island Georgia) is not located in a flyable location and isn’t drivable for most Virginian fishermen.
- 2) The North Carolina Marine Fisheries Commission WAS INSTRUCTED TO ISSUE A CLOSURE IN STATE WATERS BY SAFMC chair Michelle Duval BEFORE SAFMC held their public meeting March 7-11<sup>th</sup>. Here is her brief [http://portal.ncdenr.org/c/document\\_library/get\\_file?uuid=dfc725a4-f5db-48ab-ab68-de1d6628dc94&groupId=38337](http://portal.ncdenr.org/c/document_library/get_file?uuid=dfc725a4-f5db-48ab-ab68-de1d6628dc94&groupId=38337) and here is the audio to both her and Louis Daniels, now resigned Executive Director of North Carolina Marine Fisheries telling the board that there will be a federal closure and states that do not close will be out of compliance with state law. <http://portal.ncdenr.org/web/mf/02-2016-mfc-audio>. This action seems to be a fait accompli- already decided before the public “**has an opportunity to participate in and advise on the establishment and administration of such plans.**”
- 3) As noted earlier, the lack of a root cause analysis and the significant outlier data driving the cobia closure is unacceptable. The economic impact is too great (in my case as a “weekend warrior” fisherman, I spend well over \$8,000 a year between charters, hoteling, gas, food, pier fees, t-shirts, tackle, bait, and everything else involved in taking a family of three to the Outer Banks and the Chesapeake Bay over the summer. Not being allowed to fish for cobia is a nuisance for me, however, that policy takes my \$8,000 out of the local economies of those communities. There are many more like me, and those dollars are counted on by countless families. People will lose their jobs and children will

be hurt by this closure. No child should be economically stressed by a closure of, using SEDAR's own words, a healthy, not overfished, cobia fishery.

Thank You,

Jonathan E. French

2820 Emma Lee Street #303

Falls Church, VA 22042

[French60wasp@Gmail.com](mailto:French60wasp@Gmail.com)

**From:** Bill Gorham [<mailto:getbowedup40@gmail.com>]  
**Sent:** Friday, March 4, 2016 9:41 AM  
**To:** Duval, Michelle <[michelle.duval@ncdenr.gov](mailto:michelle.duval@ncdenr.gov)>  
**Subject:** Cobia Closure

Hello, I am Bill Gorham a recreational fishermen, business owner, and VA real estate agent currently living in the Outer Banks of North Carolina. Since graduating from Virginia Tech with a BA in Sociology with a concentration in Criminal Justice and a Masters in Health Promotions, I have been an REO real estate agent in the state of Virginia, mostly in the Hampton Roads area (area around the lower Chesapeake Bay). During the past five years I've assisted banks or their choice of assets companies in the liquidation of hundreds of their default loans. I have been subject to the rigors of changing policies, laws, or operating procedures while working with Fannie Mae, Freddie Mac, Veteran Affairs and others. I, as many other agents who wanted to continue selling real estate post 2007, quickly learned we were on the front lines of this economic pit fall. This was due to us often being the first people to knock on the door once the property had been sold at auction.

I am proud to say that in every case that if there was property still occupied when I knocked on the door, I attempted everything within my power to help the people who answered. I have seen the pain, loss of pride, struggle, and fear from those who lost their homes due to economic changes or other outlier reasons beyond their own control

I have fished for cobia in NC waters from Hatteras inlet to the VA-NC line for the past 10 years. The past 5 years my seasonal cobia fishing would move to the Chesapeake Bay Mid July til mid Sept or as weather and water temperatures dictated. I recently started a Lure company and our signature lures are Cobia bucktails. I have three children under the age of five years old, many factors were weighted into this decision and only days after receiving our 2016 supplies of hooks, bucktails, paint, eyes, packaging, stickers, this possible closure was announced.

Since hearing of the possible shorten season or closure for 2016 I have attempted to research documents referenced by Kari MacLauchlin, SAFMC staff as to how or why a closure is possible. I have also reviewed summary data collection from state agencies or college programs. These include, the final SEDAR 28, CMP Amendments related to cobia, the VIMS tagging program, NOAA data collection power points, searches of catch poundage within the NOAA data base, phone interviews with over a dozen local charter captains, and the MSA.

The reason for the countless hours of research is due to the fact that one, my personal experience cobia fishing (over 45 days a year), social network with other cobia fishermen, and fear of not being about to provide for my three children. A closure of June 15<sup>th</sup> would result in the total loss of the

Hampton Roads (VA) market, as they are the largest market, with the longest cobia season (tackle sales) I will not be able to offset material costs with sales.

Jig sales in the North Carolina and Virginia states tend to be at their highest after school lets out in mid-June until school starts back again in early September. My daughter often comes up to me in the shop and asks, "Daddy are you tying hooks so I can buy toys?" I always reply, "yes baby." Little does she know those "toys" are really food, insurance, cloths, formula, and I admit every now and then a real toy. So maybe this research has really been about being able to find the honest truth, factual data evidence, of why I will not be able to buy those "toys".

In the sake a time I remove a detailed summary and I appears the default is the "law" requires. There have at least 20 Amendments to the FMP, one can be brought forth to correct this mess, god knows it should be done in this situation, and I pray you would agree.

request an Amendment to the FMP as follows; email to state reps

1. Amend Accountability Measures to better factor economic hardships, in consideration of a new zone ACL that was without 10-15 years of catch data throughout the zone and in an effort to insure AM's and overall FMP takes into consideration the presence of incomplete data in the factoring of exceeded ACL, by using three years of total catch poundage average NOT just the year an ACL is exceeded.

Request proposals for;

1. New stock assessment for GA-NY zone.
2. Allow ACL increases if/when when zone splits occur if 1st year zone split and allocated ACL is exceeded.

Dr. Michelle Duval, Chair, South Atlantic Marine Fisheries Council  
Dr. Roy Crabtree, NOAA Fisheries Regional Administrator, Southeast Region  
In Care Of: Kim Iverson, Public Information Officer

Dear Dr. Duval and Dr. Crabtree,

A Jonathan E. French sent you the following letter, I am resending the letter to state that I have read, fully understand, and fully endorse his statements as follows.

Thank you,

Lawrence Gray  
P.O. Box 2426  
Kitty Hawk, NC 27949

---

March 4, 2016

Dr. Michelle Duval, Chair, South Atlantic Marine Fisheries Council  
Dr. Roy Crabtree, NOAA Fisheries Regional Administrator, Southeast Region  
In Care Of: Kim Iverson, Public Information Officer  
4055 Faber Place Drive, Suite 201  
North Charleston SC 29405

Dear Dr. Duval and Dr. Crabtree,

Thank you for the opportunity to offer public comments on the proposed 2016 Recreational Season for Atlantic Cobia. I am deeply opposed to a proposed shortening of the season for three reasons:

- 1) The 2015 catch data that triggered the proposed closure is such an outlier that SAFMC should consider a review period to revisit stock assessments and data collection methods.
- 2) If the 2015 catch data is accurate, that would indicate that the historic catch data that was utilized to calculate the 2015 ACL is woefully inaccurate and should not be utilized to trigger a closure.
- 3) North Carolina has already instituted a reduced creel limit and is weighing a larger size limit. Virginia already has a one fish per day limit. SAFMC should allow the impact of these measures to be calculated before requiring states to adhere to an economically devastating closure.
- 4) The intent of the Magnuson Stevens Act (MSA) is to develop fisheries management policies that produce optimum yield while balancing the needs of the fishery with the economic impact on the local communities. The public admission by SEDAR in the 2013 stock assessment that data collection on the cobia stock assessments and catch data having a high degree of inaccuracy from the recent Fisheries Management Plan meeting would suggest that the burden of proof required by the MSA has not been met to justify a closure that would have a devastating economic impact on Virginia and North Carolina coastal communities. Similar comments in the same plan (and by SAFMC representatives at the recent North Carolina Marine Fisheries Commission meeting) indicating that the cobia biomass is not overfished. Despite the inflexibility of the MSA, I do not believe that the intent of the MSA is to close a healthy fishery.

Instead of a closure, I recommend the following actions:

- 1) Amend the Fisheries Management Plan to reflect the following:
  - a. Amend Accountability Measures to better factor economic hardships and potentially inaccurate historical catch data. One year overages of the ACL should trigger reductions of creel limits in federal waters. A MINIMUM of a three-year average resulting in an annual average ACL overage should be utilized to initiate a shortened season/closure. This is necessary to reflect the cyclical nature of fishing and minimize the impact of unique outlier seasons. This will also allow SAFMC to see the impact of the reduced creel limits many states have already approved instead of guessing that the impact of those reduced daily creel limits will not be enough to get under the ACL. Let those measures have an opportunity to be evaluated.

b. Conduct a revised stock assessment for ONLY Georgia-New York zone population of fish and recalculate the ACL based on the average annual catch of cobia from 2015-2018 using the new zoning paradigm and data calculation methods. Either the historical catch data was artificially low and the ACL wasn't an appropriate measurement for the health and scope of the fishery, or the data collection for 2015 was inaccurate. A more accurate data collection should be the burden of proof to justify a closure. A default equation should not take the place of appropriate data collection, even if appropriate data collection is "hard" for regulators, especially in the face of the devastating economic impact a closure will cause for families.

c. In the wake of the zone split, the East Florida positive variance should be considered. The allocation of 880,000 pounds to Florida (and only caught 330,000 pounds) and only 620,000 pounds of ACL to the rest of the Atlantic states (especially Virginia and North Carolina where cobia remain in our waters all summer) does not treat the Mid-Atlantic equitably to Florida and the MSA specifically says that the laws impact should not negatively impact one state to another state's benefit. The resulting catches show that there are more fish to catch for a longer period of time in Virginia and North Carolina than there are in Florida. The Georgia-New York zone should receive at least 250,000 pounds of Florida's 2015 ACL for future ACL calculations.

2) Develop new, more robust, and more transparent data collection methods.

3) Include Virginia representation on the SAFMC when that council makes decisions impacting Virginia fishermen.

4) Hold more public meetings where Virginia and North Carolina fishermen can participate in the face-to-face public comment when SAFMC impact their fisheries.

5) If a closure is instituted after a minimum three year catch average is determined to be over the ideal ratio for sustainability of the cobia biomass, those closures should be instituted on a rolling basis matching the cobia's migration pattern. This will allow the states to both share the burden of a limited season and access the fishery equally.

Below is the justification of these actions.

Outlier: 2015 Catch Data

The accepted best practice for statisticians when there is a significant variance in traditional performance isn't to panic and declare an emergency. The responsible action is to conduct a root cause analysis of the data collection to confirm that there was no significant change that caused the variance.

Review of the historical catch data seems clearly to indicate that the 2015 catch data for Virginia and North Carolina is a huge outlier. According to NOAA's own data (\*Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division February 27, 2016 <https://www.st.nmfs.noaa.gov/SASStoredProcess/do> ), Virginia averaged 275,791 pounds of recreational cobia catch from 2008-2015. That means, if the data is accurate, Virginia recreational anglers caught 3.125 times as many fish in 2015 as in an average year. When you examine the average annual catch from 2008-2014 (without factoring 2015 into the average), you find that according to the data, Virginia anglers caught 4.4 times the poundage of cobia than the average for the previous seven years. North Carolina 2015 catches according to NOAA were 2.228 times the average catch from 2008-2015 (and 2.7 times the average annual catch from 2008-2014.)

Virginia

FINAL 2008 COBIA 116,420 65.1 0

FINAL 2009 COBIA 445,993 31.3 0

FINAL 2010 COBIA 254,414 38.9 0

FINAL 2011 COBIA 107,424 57.8 0

FINAL 2012 COBIA 26,537 74.3 0

FINAL 2013 COBIA 221,800 50.5 0

FINAL 2014 COBIA 171,463 47.1 0

PRELIMINARY 2015 COBIA 862,281 39.2 0

Total 2,206,332 275,791

North Carolina

FINAL 2008 COBIA 82,566 52.7 0

FINAL 2009 COBIA 166,195 37.6 0  
 FINAL 2010 COBIA 498,581 23 0  
 FINAL 2011 COBIA 145,796 46.4 0  
 FINAL 2012 COBIA 104,106 31.9 0  
 FINAL 2013 COBIA 506,067 30.2 0  
 FINAL 2014 COBIA 247,386 30.7 0  
 PRELIMINARY 2015 COBIA 675,859 29 0  
 Total 2,426,556 303,319  
 South Carolina  
 FINAL 2008 COBIA 32,497 69.3 0  
 FINAL 2009 COBIA 62,332 68.8 0  
 FINAL 2010 COBIA 67,946 53.1 0  
 FINAL 2011 COBIA 0 . 0  
 FINAL 2012 COBIA 201,223 80.6 0  
 FINAL 2013 COBIA 9,873 63 0  
 FINAL 2014 COBIA 26,439 56.6 0  
 PRELIMINARY 2015 COBIA 125,181 47.1 0  
 TOTAL 525,491 65, 686  
 Georgia  
 FINAL 2008 COBIA 320,174 66.3 0  
 FINAL 2009 COBIA 2,009 110.1 0  
 FINAL 2010 COBIA 89,840 56.1 0  
 FINAL 2011 COBIA 74,651 67 0  
 FINAL 2012 COBIA 97,766 57.6 0  
 FINAL 2013 COBIA 25,183 56.3 0  
 FINAL 2014 COBIA 19,079 71.5 0  
 PRELIMINARY 2015 COBIA 32,027 74.7  
 TOTAL 660,729 82,591  
 661,701

This kind of a staggering outlier would indicate one of three things:

- 1) North Carolina and Virginia anglers had the most robust and catchable cobia population accessible to them in the better part of 30 years.
- 2) Fishing pressure on cobia tripled more than tripled from one year to the next, overfishing the stock.
- 3) Something is wrong with the data collection methods that indicate either the historical catch data used to determine the 620,000 pound ACL was woefully inaccurate, or the data collection for 2015 was woefully inaccurate.

Scenario 1 certainly doesn't meet the MSA burden to close a fishery. Number 2 is a dubious claim, especially given SEDAR's comments in the South Atlantic Cobia Stock Assessment

(citation: [http://sedarweb.org/.../S28\\_SAR\\_SACobia\\_WithAddendumFinal\\_5.1...](http://sedarweb.org/.../S28_SAR_SACobia_WithAddendumFinal_5.1...) )

"Current stock status in the base run was estimated to be SSB2011/MSST = 1.75 (Table 5.1), indicating that the stock is not overfished." –SEDAR South Atlantic Cobia Stock Assessment Page 19, PDF

#### Inaccuracy of ACL Calculation and Historical Catch Data

As any statistician that is competent knows, if there is suddenly a 400% occurrence jump in a negative outcome the first step is to determine the root cause and review the data method collection methodology before taking action. If the 2015 catch data for cobia in Virginia and North Carolina is accurate, that would be a clear indicator of one of two phenomenon.

- 1) That thousands of new fish and fishermen that had never factored into the annual cobia fishery miraculously entered the equation in one year, or much more likely...
- 2) That the 2008-2014 data woefully underestimated the size of the cobia population, the number and size of caught fish.



Section 101-627 of the MSA states: “101-627 (8) The collection of reliable data is essential to the effective conservation, management, and scientific understanding of the fishery resources of the United States.” The presence of a 400% outlier in the data is too significant to regard either the Historical Catch Data or the 2015 Catch Data as reliable. In addition, a 400% variance is too large and statistically significant and the economic impact too great to not conduct in-depth root cause analysis. The economic impact on the populations is too great to close a fishery before conducting a root cause analysis.

#### Intent of Magnuson Stevens Act

While the MSA does clearly state that accountability measures must be applied in the face of an ACL overage, I do not feel that an automatic season closure in this case aligns with the intent of the Magnuson Stevens Act. Section 101-627 established the Regional Fishery Management Councils to “exercise sound judgment in the stewardship of fishery resources through the preparation, monitoring, and revision of such plans under circumstances (A) which will enable the States, the fishing industry, consumer and environmental organizations, and other interested persons to participate in, and advise on, the establishment and administration of such plans, and (B) which take into account the social and economic needs of the States.”

A closure of the cobia fishery given the data presented and the process by which the decision was made does not align with these basic premises.

1) All the states impacted have not been given an opportunity to participate in the process, as Virginia and Virginia’s recreational fishermen do not have representation on the South Atlantic Marine Fisheries Council. Also, the only public meeting (scheduled for March 7-11 in Jekyll Island Georgia) is not located in a flyable location and isn’t drivable for most Virginian fishermen.

2) The North Carolina Marine Fisheries Commission WAS INSTRUCTED TO ISSUE A CLOSURE IN STATE WATERS BY SAFMC chair Michelle Duval BEFORE SAFMC held their public meeting March 7-11th. Here is her brief [http://portal.ncdenr.org/c/document\\_library/get\\_file...](http://portal.ncdenr.org/c/document_library/get_file...) and here is the audio to both her and Louis Daniels, now resigned Executive Director of North Carolina Marine Fisheries telling the board that there will be a federal closure and states that do not close will be out of compliance with state law. <http://portal.ncdenr.org/web/mf/02-2016-mfc-audio>. This action seems to be a fait accompli- already decided before the public “has an opportunity to participate in and advise on the establishment and administration of such plans.”

3) As noted earlier, the lack of a root cause analysis and the significant outlier data driving the cobia closure is unacceptable. The economic impact is too great (in my case as a “weekend warrior” fisherman, I spend well over \$8,000 a year between charters, hoteling, gas, food, pier fees, t-shirts, tackle, bait, and everything else involved in taking a family of three to the Outer Banks and the Chesapeake Bay over the summer. Not being allowed to fish for cobia is a nuisance for me, however, that policy takes my \$8,000 out of the local economies of those communities. There are many more like me, and those dollars are counted on by countless families. People will lose their jobs and children will be hurt by this closure. No child should be economically stressed by a closure of, using SEDAR’s own words, a healthy, not overfished, cobia fishery.

Thank You,

Jonathan E. French

Dr. Michelle Duval, Chair, South Atlantic Marine Fisheries Council  
Dr. Roy Crabtree, NOAA Fisheries Regional Administrator, Southeast Region  
In Care Of: Kim Iverson, Public Information Officer  
4055 Faber Place Drive, Suite 201  
North Charleston SC 29405

Dear Dr. Duval and Dr. Crabtree,

Thank you for the opportunity to offer public comments on the proposed 2016 Recreational Season for Atlantic Cobia. I am deeply opposed to a proposed shortening of the season for three reasons:

- 1) The 2015 catch data that triggered the proposed closure is such an outlier that SAFMC should consider a review period to revisit stock assessments and data collection methods.
- 2) If the 2015 catch data is accurate, that would indicate that the historic catch data that was utilized to calculate the 2015 ACL is woefully inaccurate and should not be utilized to trigger a closure.
- 3) North Carolina has already instituted a reduced creel limit and is weighing a larger size limit. Virginia already has a one fish per day limit. SAFMC should allow the impact of these measures to be calculated before requiring states to adhere to an economically devastating closure.
- 4) The intent of the Magnuson Stevens Act (MSA) is to develop fisheries management policies that produce optimum yield while balancing the needs of the fishery with the economic impact on the local communities. The public admission by SEDAR in the 2013 stock assessment that data collection on the cobia stock assessments and catch data having a high degree of inaccuracy from the recent Fisheries Management Plan meeting would suggest that the burden of proof required by the MSA has not been met to justify a closure that would have a devastating economic impact on Virginia and North Carolina coastal communities. Similar comments in the same plan (and by SAFMC representatives at the recent North Carolina Marine Fisheries Commission meeting) indicating that the cobia biomass is not overfished. Despite the inflexibility of the MSA, I do not believe that the intent of the MSA is to close a healthy fishery.

Instead of a closure, I recommend the following actions:

- 1) Amend the Fisheries Management Plan to reflect the following:
  - a. Amend Accountability Measures to better factor economic hardships and potentially inaccurate historical catch data. One year overages of the ACL should trigger reductions of creel limits in federal waters. A MINIMUM of a three-year average resulting in an annual average ACL overage should be utilized to initiate a shortened season/closure. This is necessary to reflect the cyclical nature of fishing and minimize the impact of unique outlier seasons. This will also allow SAFMC to see the impact of the reduced creel limits many states have already approved instead of guessing that the impact of those reduced daily creel limits will not be enough to get under the ACL. Let those measures have an opportunity to be evaluated.
  - b. Conduct a revised stock assessment for ONLY Georgia-New York zone population of fish and recalculate the ACL based on the average annual catch of cobia from 2015-2018 using the new zoning paradigm and data calculation methods. Either the historical catch data was artificially low and the ACL wasn't an appropriate measurement for the health and scope of the fishery, or the data collection for 2015 was inaccurate. A more accurate data collection should be the burden

of proof to justify a closure. A default equation should not take the place of appropriate data collection, even if appropriate data collection is “hard” for regulators, especially in the face of the devastating economic impact a closure will cause for families.

c. In the wake of the zone split, the East Florida positive variance should be considered. The allocation of 880,000 pounds to Florida (and only caught 330,000 pounds) and only 620,000 pounds of ACL to the rest of the Atlantic states (especially Virginia and North Carolina where cobia remain in our waters all summer) does not treat the Mid-Atlantic equitably to Florida and the MSA specifically says that the laws impact should not negatively impact one state to another state’s benefit. The resulting catches show that there are more fish to catch for a longer period of time in Virginia and North Carolina than there are in Florida. The Georgia-New York zone should receive at least 250,000 pounds of Florida’s 2015 ACL for future ACL calculations.

2) Develop new, more robust, and more transparent data collection methods.

3) Include Virginia representation on the SAFMC when that council makes decisions impacting Virginia fishermen.

4) Hold more public meetings where Virginia and North Carolina fishermen can participate in the face-to-face public comment when SAFMC impact their fisheries.

5) If a closure is instituted after a minimum three year catch average is determined to be over the ideal ratio for sustainability of the cobia biomass, those closures should be instituted on a rolling basis matching the cobia’s migration pattern. This will allow the states to both share the burden of a limited season and access the fishery equally.

Below is the justification of these actions.

#### Outlier: 2015 Catch Data

The accepted best practice for statisticians when there is a significant variance in traditional performance isn’t to panic and declare an emergency. The responsible action is to conduct a root cause analysis of the data collection to confirm that there was no significant change that caused the variance.

Review of the historical catch data seems clearly to indicate that the 2015 catch data for Virginia and North Carolina is a huge outlier. According to NOAA’s own data (\*Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division February 27, 2016 <https://www.st.nmfs.noaa.gov/SASStoredProcess/do> ), Virginia averaged 275,791 pounds of recreational cobia catch from 2008-2015. That means, if the data is accurate, Virginia recreational anglers caught 3.125 times as many fish in 2015 as in an average year. When you examine the average annual catch from 2008-2014 (without factoring 2015 into the average), you find that according to the data, Virginia anglers caught 4.4 times the poundage of cobia than the average for the previous seven years. North Carolina 2015 catches according to NOAA were 2.228 times the average catch from 2008-2015 (and 2.7 times the average annual catch from 2008-2014.)

#### Virginia

FINAL 2008 COBIA 116,420 65.1 0

FINAL 2009 COBIA 445,993 31.3 0

FINAL 2010 COBIA 254,414 38.9 0

FINAL 2011 COBIA 107,424 57.8 0  
FINAL 2012 COBIA 26,537 74.3 0  
FINAL 2013 COBIA 221,800 50.5 0  
FINAL 2014 COBIA 171,463 47.1 0  
PRELIMINARY 2015 COBIA 862,281 39.2 0  
Total 2,206,332 275,791

#### North Carolina

FINAL 2008 COBIA 82,566 52.7 0  
FINAL 2009 COBIA 166,195 37.6 0  
FINAL 2010 COBIA 498,581 23 0  
FINAL 2011 COBIA 145,796 46.4 0  
FINAL 2012 COBIA 104,106 31.9 0  
FINAL 2013 COBIA 506,067 30.2 0  
FINAL 2014 COBIA 247,386 30.7 0  
PRELIMINARY 2015 COBIA 675,859 29 0  
Total 2,426,556 303,319

#### South Carolina

INAL 2008 COBIA 32,497 69.3 0  
FINAL 2009 COBIA 62,332 68.8 0  
FINAL 2010 COBIA 67,946 53.1 0  
FINAL 2011 COBIA 0 . 0  
FINAL 2012 COBIA 201,223 80.6 0  
FINAL 2013 COBIA 9,873 63 0  
FINAL 2014 COBIA 26,439 56.6 0  
PRELIMINARY 2015 COBIA 125,181 47.1 0  
TOTAL 525,491 65, 686

#### Georgia

FINAL 2008 COBIA 320,174 66.3 0  
FINAL 2009 COBIA 2,009 110.1 0  
FINAL 2010 COBIA 89,840 56.1 0  
FINAL 2011 COBIA 74,651 67 0  
FINAL 2012 COBIA 97,766 57.6 0  
FINAL 2013 COBIA 25,183 56.3 0  
FINAL 2014 COBIA 19,079 71.5 0  
PRELIMINARY 2015 COBIA 32,027 74.7  
TOTAL 660,729 82,591  
661,701

This kind of a staggering outlier would indicate one of three things:

- 1) North Carolina and Virginia anglers had the most robust and catchable cobia population accessible to them in the better part of 30 years.
- 2) Fishing pressure on cobia tripled more than tripled from one year to the next, overfishing the stock.

3) Something is wrong with the data collection methods that indicate either the historical catch data used to determine the 620,000 pound ACL was woefully inaccurate, or the data collection for 2015 was woefully inaccurate.

Scenario 1 certainly doesn't meet the MSA burden to close a fishery. Number 2 is a dubious claim, especially given SEDAR's comments in the South Atlantic Cobia Stock Assessment (citation: [http://sedarweb.org/docs/sar/S28\\_SAR\\_SACobia\\_WithAddendumFinal\\_5.16.2013.pdf](http://sedarweb.org/docs/sar/S28_SAR_SACobia_WithAddendumFinal_5.16.2013.pdf))

“Current stock status in the base run was estimated to be  $SSB_{2011}/MSST = 1.75$  (Table 5.1), indicating that the stock is not overfished.” –SEDAR South Atlantic Cobia Stock Assessment Page 19, PDF

Inaccuracy of ACL Calculation and Historical Catch Data As any statistician that is competent knows, if there is suddenly a 400% occurrence jump in a negative outcome the first step is to determine the root cause and review the data method collection methodology before taking action. If the 2015 catch data for cobia in Virginia and North Carolina is accurate, that would be a clear indicator of one of two phenomenon.

- 1) That thousands of new fish and fishermen that had never factored into the annual cobia fishery miraculously entered the equation in one year, or much more likely...
- 2) That the 2008-2014 data woefully underestimated the size of the cobia population, the number and size of caught fish.

Section 101-627 of the MSA states: “101-627 (8) The collection of reliable data is essential to the effective conservation, management, and scientific understanding of the fishery resources of the United States.” The presence of a 400% outlier in the data is too significant to regard either the Historical Catch Data or the 2015 Catch Data as reliable. In addition, a 400% variance is too large and statistically significant and the economic impact too great to not conduct in-depth root cause analysis. The economic impact on the populations is too great to close a fishery before conducting a root cause analysis.

#### Intent of Magnuson Stevens Act

While the MSA does clearly state that accountability measures must be applied in the face of an ACL overage, I do not feel that an automatic season closure in this case aligns with the intent of the Magnuson Stevens Act. Section 101-627 established the Regional Fishery Management Councils to “exercise sound judgment in the stewardship of fishery resources through the preparation, monitoring, and revision of such plans under circumstances (A) which will enable the States, the fishing industry, consumer and environmental organizations, and other interested persons to participate in, and advise on, the establishment and administration of such plans, and (B) which take into account the social and economic needs of the States.”

A closure of the cobia fishery given the data presented and the process by which the decision was made does not align with these basic premises.

1) All the states impacted have not been given an opportunity to participate in the process, as Virginia and Virginia's recreational fishermen do not have representation on the South Atlantic Marine Fisheries Council. Also, the only public meeting (scheduled for March 7-11 in Jekyll Island Georgia) is not located in a flyable location and isn't drivable for most Virginian fishermen.

2) The North Carolina Marine Fisheries Commission WAS INSTRUCTED TO ISSUE A CLOSURE IN STATE WATERS BY SAFMC chair Michelle Duval BEFORE SAFMC held their public meeting March 7-11th. Here is her brief

[http://portal.ncdenr.org/c/document\\_library/get\\_file?uuid=dfc725a4-f5db-48ab-ab68-de1d6628dc94&groupId=38337](http://portal.ncdenr.org/c/document_library/get_file?uuid=dfc725a4-f5db-48ab-ab68-de1d6628dc94&groupId=38337) and here is the audio to both her and Louis Daniels, now resigned Executive Director of North Carolina Marine Fisheries telling the board that there will be a federal closure and states that do not close will be out of compliance with state law. <http://portal.ncdenr.org/web/mf/02-2016-mfc-audio>. This action seems to be a fait accompli—already decided before the public “has an opportunity to participate in and advise on the establishment and administration of such plans.”

3) As noted earlier, the lack of a root cause analysis and the significant outlier data driving the cobia closure is unacceptable. The economic impact is too great (in my case as a “weekend warrior” fisherman, I spend well over \$8,000 a year between charters, hoteling, gas, food, pier fees, t-shirts, tackle, bait, and everything else involved in taking a family of three to the Outer Banks and the Chesapeake Bay over the summer. Not being allowed to fish for cobia is a nuisance for me, however, that policy takes my \$8,000 out of the local economies of those communities. There are many more like me, and those dollars are counted on by countless families. People will lose their jobs and children will be hurt by this closure. No child should be economically stressed by a closure of, using SEDAR's own words, a healthy, not overfished, cobia fishery.

Thank You,

Sean Hankinson

Good afternoon mr. Mike Collins. My question to you on cobia closure is, why is it that Virginia recreational fishers catch the blunt end of the stick on cobia closures. Why is it that the Data that was collected for the entire East Coast Catch, supposedly Saying that cobia were over fished in the 2014 2015 fishing season. And if the stats are proven true why wasn't there action taken to put in place a fair bag limit to preserve our cobia fishing for the entire East Coast from the Florida Keys to New York. Instead of letting all of our East Coast anglers in the south enjoy the cobia fishing season and totally deny the middle eastern states such as Virginia any opportunity to also do so! If regulations need to be set in place then all means do so. But make it fair for the entire eastern coast line. What's good for Florida should be good for Virginia as these school migrate north. Thank you for your time sir. Sincerely Paul Harris. Please feel free to contact me via email at RPM outdoors [3@icloud.com](mailto:3@icloud.com) with any resolution to my question thank you have a nice day.

Sent from my iPhone

**From:** Ken Neill [<mailto:jackcrevelle@msn.com>]  
**Sent:** Wednesday, February 24, 2016 9:44 AM  
**To:** O'Reilly, Rob (MRC)  
**Subject:** FW: cobia-from Capt. Jorj Head

> 1. I question the data that says VA went from a hundred and something thousand pounds in 2014 to eight-hundred and something pounds in 2015. I'm out there all summer and talk to a lot of the serious cobia fishermen, and I did not see a noticeable difference in the two years.

>

> 2. I question the DNA study that concluded there are two separate stocks of cobia. Apparently there were two studies that were somewhat conflicting. (Wes and I both agree that there could almost be three stocks. We both feel from tagging data and information from experienced captains that many of our fish winter offshore of North Carolina).

>

> 3. If there are two stocks, I question the data that concludes that the Florida stock is substantially more than the Northern stock. If that is the case it doesn't make much sense that Florida didn't come close to their quota and the Northern states went 2.5 times over theirs.

>

> 4. Virginia does not have representation at SAFMC. They therefore are not taking Virginia's interest in to consideration.

>

> 5. If a closure is recommended anytime after June, Virginia will be affected more than any of the other states involved.

>

> 6. Virginia (VMRC) did not follow the federal recommendation of 2 fish per commercial fishermen and is going to continue to allow commercial fishing for cobia when the recreational sector is closed.

>

> 7. VMRC should stand up for its recreational anglers and realize that closing the season is putting an unfair burden on Virginia and not follow the SAFMC recommendation.

>

> 8. If SAFMC would reduce boat limits to 1 or 2 fish per boat for all states involved each state would share the same restrictions and that should reduce the harvest and eliminate or reduce a closure.

>

> 9. Virginia's fishermen don't seem to have much of a voice. It seems this case would be something that would almost require legal representation to get our points heard but don't know who could organize or fund it.

>

> 10. In my opinion cobia is the number one fishery the state currently has to offer. I'm sure there are millions of dollars spent yearly by recreational anglers pursuing cobia. There are many tackle shops, charter captains and mates, bait suppliers, marinas, restaurants, fuel docks, and so forth that rely heavily on this fishery to get through the summer. I would think Virginia would want to do everything possible to avoid a closure to this valuable fishery.



From: Justin Kelly [<mailto:rjustink@yahoo.com>]  
Sent: Saturday, March 26, 2016 12:39 AM  
To: Duval, Michelle <[michelle.duval@ncdenr.gov](mailto:michelle.duval@ncdenr.gov)>  
Subject: Cobia

Dr. Duval,

I am from Virginia and I fish in the Chesapeake Bay and nearshore off Va Beach. I am very concerned with the harsh and unfair closure of the cobia fishery on June 20. The only state effected will be Virginia as our cobia fishery doesn't even begin until after Memorial Weekend.

I have a couple of questions for you in regards to Cobia:

1. Can you explain how the figure of 1,540,775 pounds of fish for the recreational fishermen was concluded? The number is astounding and equivalent to 30,815 50 pound fish being killed. It seems obvious that the numbers must be made public with the math/extrapolation to back it up before such drastic measures are taken on cobia, especially in Virginia where the cobia season doesn't even start until June. As an FYI, from 2014 (232) to 2015 (266), there was a grand total increase of 34 citation catches, not to mention a significant amount are "release" citations. Rolling back to the figure I presented of 30,815 50 pound fish to make up your number, this means a hell of a lot of additional fish had to be caught to increase the catch numbers so drastically for 2015. None of the data I see in the SEDAR reports that significant of an increase in catch data over any period in the report.

2. Why June 20 to end the season instead of a late start? The only fishery impacted will be Virginia, where the consequences will significantly impact the economies in the coastal areas. GA, SC will get full seasons, NC will get roughly 75% of its full season while VA will get barely a start as the fish do not show in large numbers until the 2nd weekend of June.

3. The policy of imposing a catch limit decrease for 2016 based on a new ACL, implemented after a split stock determination, is based off of catch rate numbers that appear to include all fish caught more than 5 years ago from the Florida keys northward through New York. This is penalizing the areas in a reduced segment based on what was caught by all of Florida when they are no longer included in our areas assessments. That is bad science and bad policy. The data presented in SEDAR 28 doesn't show a deviation of catches year to year to conclude that landings in 2015 were so high.

4. If indeed there is a separate stock of cobia north of Florida and said stock of cobia had an ACL over 1 million pounds when Florida was included for years then the data should suggest that said stock is rather healthy instead of depleted as the new regulations suggest. There is no decline in biomass, instead there has been a separation of biomass.

5. In referring to cobia, the impact north of middle Virginia is inconsequential as the cobia fishery is almost nonexistent above the rappahanock River in the Chesapeake bay and chincoteague on the ocean side. Catches above these lines are outliers. Therefore, when you express concern for fishermen through New York for cobia, consider those anglers do not target cobia. Those fish are accidental by catch at best.

6. This snapneck reaction to the split cobia stock and catch limit has been a complete overreaction. The data needs to be studied more rather than jumping to the conclusion that the cobia stock is in crisis. The data doesn't even present that with acknowledgement that the data is not 100% sound in the SEDAR report.

Finally, as I have questioned the science and approach, I do have a suggestion for consideration moving forward as it appears that is what will happen now that the ball is in motion. The one action that makes complete sense and I have not seen mentioned by anyone is any conversation is a universal catch limit for the whole stock of cobia. 1 fish per person, over 40", per day. That proposed limit is harsher than any currently regulated from Georgia northward. Virginia which will be impacted the most already has the toughest regulations.

Sincerely,

A concerned fisherman.

Justin Kelly

SAFMC,

I am emailing my public comments regarding cobia since we will be working offshore during the webinar on Monday. Please include this in the public record.

Our legislators are getting pressure to subsidize industrial fish farms where fish including cobia would be cruelly confined in crowded cages that will pollute our waters with waste while spreading disease and parasites. These massive cages would restrict our access to public waters and could be filled with invasive or genetically modified species, some of which will eventually escape. Stocking native seafood such as cobia could be the perfect blend of open-water mariculture and wild-caught seafood that lives free and self-sufficient until harvested. This proven solution would create more recreational opportunity while feeding more people and generating more revenue.

I respectfully ask the council to consider setting guidelines for how many cobia each state can stock and what percentage of releases would constitute their Hatchery Supported Quota.

Please set up an official online forum where stakeholders can log in to discuss fishery issues with each other and council staff. This would make it much easier for fishermen to be part of the process without having to miss work.

I am always happy to answer any questions or go into greater detail about how stocking native seafood could benefit all of humanity. Our fisheries should be a model that shows others around the globe how to focus more on enhancing our fisheries and food supply than restricting our freedom to access them.

Sincerely,  
Chris McCaffity



Norfolk Anglers Club  
P.O. Box 8422, Norfolk, VA 23503-0422  
A Non-Profit IRS 501-C7 Organization  
[www.NorfolkAnglersClub.com](http://www.NorfolkAnglersClub.com)

Will Bransom  
President

Ned Smith  
Treasurer

Dr. James Eisenhower  
Secretary

Board of Directors

Will Bransom

Henry Trountr

Ned Smith

Dr. James Eisenhower

Kevin Synowiec

Mike Hubert

Tom Hubert

Neal Taylor

Ben Capps

February 7, 2016

South Atlantic Marine Fisheries Council  
Captain Ben Hartig  
Chairman, South Atlantic Marine Fisheries Council  
9277 Sharon Street  
Hobe Sound, FL 33455

**Re: Proposed Regulations Changes for the Taking of Cobia for the 2016 season**

Dear Captain Hartig,

The Norfolk Anglers Club requests that the Council consider the following proposed Cobia regulation changes for the 2016 season. Our organization feels the actions of the South Atlantic Marine Fisheries Council in establishing the current cobia possession limits have been both conservative and responsible in preserving this fishery. However, after reviewing the 2015 Preliminary Annual Catch Limit information, it's clear additional steps are necessary to preserve the Atlantic Cobia Stock until another Stock Assessment can be completed. Our organization would like to propose four measures for the 2016 season.

1. **Captain/Crew Exclusion:** Exclude the Captain and Crew of Charter operations, both OUPV and Inspected Vessels, from the possession limit calculations. It is understood that Charter Operations may conduct multiple charter trips per day and without a Charter Crew exclusion the possibility of exceeding the daily per person cobia limit exists in every state in the Atlantic Cobia Fishery.

2. **Recreational/Charter Boat Limit:** Establishing a 6 fish boat limit for the Charter and Recreational sectors for all states fishing the Atlantic Cobia Stock (GA-NY). Many states already institute boat limits for commercial cobia operations and a Charter/Recreational boat limit is viewed as establishing parity with the commercial fishery. Further, within the Operator Uninspected Passenger Vessel (OUPV), or 6-Pack Charter, operations this would preserve the daily possession limit/per person regulations without causing undue harm to our Charter industry. A boat limit of less than 6 would cause exceptional harm to the OUPV Charter Fleet.

3. **Possession/Size Limit:** Reduce the possession limit from 2 Cobia to 1 Cobia and increase the minimum size limit from 33in fork length (FL)/37 inch total length (TL) to a larger class fish with an equivalent FL and TL dimension defined.

4. **Seasonal Period:** Provide states within the Atlantic Cobia Stock fishery with an established number of days the fishery may be open, e.g 90 days. Individual states are in the best position to understand when cobia migrate into their waters and regulate the fishing season within the defined period.

Sincerely,

William Bransom

My family and I visit Hatteras Island annually. Catching (and eating) Cobia has become a highlight of our trip. Once my son caught his first Cobia, it was love at first bite! That's all he talks about when we make plans for our beach trip. A vacation that, due to scholastic sports, only allows us to come as early as the last week of June or the first week of July. So now we will not be permitted to fish for our favorite fish. He/we are already very disappointed! We are already questioning whether or not to charter with our guide. It will be a disappointing change for us for certain!!!

Sincerely,  
Steve Preston

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3303**

May 20, 2016

South Atlantic Fisheries Management Council  
4055 Faber Place Drive, Suite 201  
North Charleston, SC 29405

Dear Council Members:

I am writing to request that the Council take several actions to improve management of Atlantic cobia. Without these actions, fishermen in North Carolina and Virginia, as well as the businesses and communities that support them, will be subject to lost recreational opportunities and undue economic harm.

First, the council should consider asking the National Marine Fisheries Service (NMFS) for an emergency measure to provide additional recreational fishing opportunities for Atlantic cobia. As you know, due to accountability measures put in place in Amendment 20B, and on the back of science that is suspect (at best), the federal recreational season for 2016 will be shortened considerably and close on June 20<sup>th</sup>.

Section 305(c) of the Magnuson-Stevens Act authorizes the Secretary to promulgate emergency measures to address fishery emergencies. NMFS' policy guidelines (62FR 44421; August 21, 1997) define the existence of an emergency as a situation that:

- results from recent, unforeseen events or recently discovered circumstances; and,
- 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 participants to the same extent as would be expected under the normal rulemaking process.

It is important to point out that the justifications described in the guidelines include the prevention of "significant direct economic loss or to preserve a significant economic opportunity that otherwise might be foregone," and the prevention of significant economic impacts.

In my opinion, the circumstances surrounding a June 20<sup>th</sup> closure of the cobia fishery would satisfy NMFS' definition of an emergency. The suspect estimate of 2015 overharvest was certainly an unforeseen and recently discovered circumstance. A shortened 2016 season and early closure present a serious management problem in the fishery. And at this point in the process, the immediate economic benefits of emergency measures to provide additional recreational opportunities for Atlantic cobia in 2016 outweigh the value of pursuing a normal rulemaking process, which could not be completed prior to the June 20<sup>th</sup> closure date.



Second, I am pleased to see the Council pursuing a Framework Amendment to address issues with cobia management in 2017 and beyond. As part of that effort, I would encourage the Council to address discriminatory impacts on North Carolina and Virginia fishermen. Existing accountability measures for cobia mandate that an overharvest in one year result in a shortened season the next. Implementing that reduction by closing the season earlier disadvantages North Carolina and Virginia fishermen because the fish are available to them later in the fishing year relative to states to the south. When an alleged overharvest is attributable to all states involved in the fishery, a more equitable distribution of accountability is required.

Finally, I would urge the Council to do all it can to work with NMFS to improve the science used in the management of all fisheries, including cobia. It is astonishing to me that the 2015 overharvest number was derived from estimates purporting to show that targeted cobia trips increased by more than 40,000 in 2015, and that the number of successful trips was up 50%. According to a document shared by Council staff at a recent cobia webinar, "Type A (observed)+B1 (not observed) numbers were up in 2015 relative to 2014 by 2.9x in Georgia, 3.6x in South Carolina, 1.6x in North Carolina, and 3.4x in Virginia." For many of the fisherman I represent, believing these estimates not only requires a significant suspension of common sense, it defies the reality they observe on the water every day.

Thank you for your consideration on this important matter.

Sincerely,



Walter B. Jones  
Member of Congress

ROBERT J. WITTMAN

1ST DISTRICT, VIRGINIA

HOUSE ARMED SERVICES COMMITTEE

CHAIRMAN, READINESS SUBCOMMITTEE

SEAPOWER AND PROJECTION FORCES  
SUBCOMMITTEE

NATURAL RESOURCES COMMITTEE

ENERGY AND MINERAL

RESOURCES SUBCOMMITTEE

WATER, POWER, AND OCEANS SUBCOMMITTEE

CO-CHAIR, CONGRESSIONAL  
SPORTSMEN'S CAUCUS

CO-CHAIR, CONGRESSIONAL  
SHIPBUILDING CAUCUS

CO-CHAIR, CONGRESSIONAL  
CHESAPEAKE BAY WATERSHED CAUCUS

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-4601**

March 18, 2016

WASHINGTON OFFICE:

2454 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-4261

DISTRICT OFFICES:

STAFFORD OFFICE  
95 DUNN DRIVE SUITE 201  
STAFFORD, VA 22556  
(540) 659-2734

PENINSULA OFFICE  
401 MAIN STREET  
P.O. Box 494  
YORKTOWN, VA 23690  
(757) 874-6687

MIDDLE PENINSULA OFFICE  
508 CHURCH LANE  
P.O. Box 3106  
TAPPAHANNOCK, VA 22560  
(804) 443-0668

WWW.WITTMAN.HOUSE.GOV

Dr. Michelle Duval, Chair  
South Atlantic Fishery Management Council  
4055 Faber Place Drive  
Suite 201  
North Charleston, SC 29405

Eileen Sobeck, Assistant Administrator  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Dr. Duval:

On behalf of my constituents and all Virginia fishermen, I write to express my concerns about National Oceanic and Atmospheric Administration (NOAA) Fisheries' recent announcement to close the recreational cobia fishery in the Atlantic zone beginning on June 20, 2016.

As you can imagine, the closure will have devastating financial impacts on fishermen, watermen, and the surrounding communities along the Chesapeake Bay, who rely on the cobia fishery to make a living. In addition to the economic impact on my District, I am also concerned about the scientific information used to close the fishery.

The latest stock assessment data for cobia was conducted in 2012 for the entire South Atlantic cobia fishery, which indicated the stock was not overfished (SEDAR 28, Pg. 19). The Magnuson-Stevens Act and its National Standard 2 require the "best scientific information available"; however, in this case, there is no other stock assessment data on cobia available for the specific zone that is being closed.

This closure comes on the heels of several regulatory changes to how the annual catch limit (ACL) for cobia is calculated in the South Atlantic. It is my understanding that following the 2012 cobia stock assessment, cobia management zones were modified based on the genetic composition of the stock identified in the assessment. The "Atlantic zone" was separated from the Florida stock and now includes cobia from the Georgia-Florida line northward to New York. It is surprising that only a year after these changes were implemented, Virginia alone saw nearly a 400 percent increase in cobia catches over the average from the previous seven years worth of historical catch data. According to the NOAA Fisheries announcement, the closure was triggered by only recreational landings data for 2015, which is not sufficient as the "best scientific information available." Additionally, a 400 percent difference between one season and the previous seven seasons – a significant outlier – warrants a review period to revisit stock assessments and data collection methods.

**RECEIVED**

**MAR 21 2016**

**South Atlantic  
Fishery Mgmt. Council**



Given the economic impact of the closures and the variability of the data, I respectfully request that the South Atlantic Fisheries Management Council (SAFMC) conduct a revised stock assessment for only the Atlantic zone population of cobia and recalculate an appropriate ACL using the new zoning model. Both the fishing community and the regulators can agree that cobia are not overfished. I urge SAFMC to revisit its data collection methods used and ask that NOAA Fisheries reconsider its decision to close a viable fishery based on these methods. Thank you for your timely consideration of this request.

With kind regards, I remain.

Sincerely,

A handwritten signature in blue ink, reading "Robert J. Wittman", with a stylized flourish at the end.

Robert J. Wittman  
Member of Congress

Cc: Douglas E. Grout, Chair, Atlantic States Marine Fisheries Commission  
John M. R. Bull, Commissioner, Virginia Marine Resources Commission

I was in the cobia webinar this evening, but a brief electrical interruption knocked me off and I could not get back in.

I've been fishing for cobia since the late 50s. First in the Destin area, Keys and for the past 35 years, East Central Florida.

Each year for the last 35 years, I start sight fishing for cobia in late Feb or early March depending on the weather. Some years are better than others, but I usually catch my fair share of fish up to 60 lbs. This year is the first year I didn't catch a legal fish. It wasn't for a lack of trying, they just weren't here. Last year was a little better, but we caught only a few. It's mostly over by mid April. We also have a small cobia run 15 miles NE of Port Canaveral in July when the cold water pushes them up on the shallow water shoals. Most are juveniles.

Here's a good benchmark of cobia fishing the past few years. Sunrise Marina at Port Canaveral has a March cobia tournament each year. They give a \$50 gift certificate for each fish over 50 lbs, and \$1000 for heaviest fish. This year the winning fish was 49 lbs, none over 50 were registered. Last year 3 certificates were given and the winner was 57 lbs. The year before last more than 30 certificates were given out for fish over 50 lbs, and the winner was 67 lbs.

The menhaden bait pods and manta rays this year held few fish. They have always been reliable for catching cobia for the first boats to find them. Free swimmers were mostly nonexistent.

I suggested to the council more than once that the size should be raised to 36" fork length, boat limit of 6 fish, and require the netting of all smaller cobia. It's sad to see anglers gaff undersized fish then throw them back. No gaffing of fish under 36" should be allowed. We net all cobia caught.

I have tagged cobia, first for Mote, then SCDNR and now for The Gulf Lab in Mississippi, so I have some knowledge of their movements, as many tags have been recovered. Most of my tagged fish were recovered within the same general area, with a few recovered off the Pan Handle & one off Orange Beach, AL. How much mixing of the stocks goes on is anyone's guess but it does go on.

I wish I could describe my passion for cobia fishing. When I started pier fishing in the Destin area almost 60 years ago we saw schools numbering in the thousands, 20 to 50 fish schools were common. Now days a school of 10 is a big deal.

As my days on the ocean are numbered, I am saddened to see the decline of the once great Florida coastal cobia migrations to their spawning grounds. With the increased pressure, better tackle and electronics, they are harassed all the way up both coasts. There is some indication that they are staying further off the East coast. The commercial kingfish boats caught quite a few in Feb and Mar this year 8 to 12 miles off the coast while fishing for kingfish.

I sure hope the SAFMC has the stones to do the right thing.

Regards,

Capt Ron Rincones  
Grant Valkaria, Fl

Why don't you pussies stop being mice and start enforcing your own menhaden regulations before all the species are for profit only.

What's gonna happen to your jobs when there's no rec boats to hassle?

I bet the Va general assembly won't write any laws to protect your salary, so why conform to they're laws with there members reaping the benefits of raping our bay?

I bet I don't get a response to this question. Mice

Sink the Omega fleet!

Ryan

Gmcsierra2014@verizon.net

**From:** Parker Slaybaugh <[parkerslay89@gmail.com](mailto:parkerslay89@gmail.com)>

**Date:** Friday, February 19, 2016 at 3:47 PM

**To:** Sammy Corbett <[samjcorbett3@gmail.com](mailto:samjcorbett3@gmail.com)>, Mark Gorges <[captgorgesmfc@gmail.com](mailto:captgorgesmfc@gmail.com)>, "[captjoemfc@yahoo.com](mailto:captjoemfc@yahoo.com)" <[captjoemfc@yahoo.com](mailto:captjoemfc@yahoo.com)>, Chuck Laughridge <[sobxl1@gmail.com](mailto:sobxl1@gmail.com)>, "[rds.mfc@gmail.com](mailto:rds.mfc@gmail.com)" <[rds.mfc@gmail.com](mailto:rds.mfc@gmail.com)>, "[janetrosemfc@gmail.com](mailto:janetrosemfc@gmail.com)" <[janetrosemfc@gmail.com](mailto:janetrosemfc@gmail.com)>, Mike Wicker <[amikewicker@gmail.com](mailto:amikewicker@gmail.com)>, "[awillis.mfc@gmail.com](mailto:awillis.mfc@gmail.com)" <[awillis.mfc@gmail.com](mailto:awillis.mfc@gmail.com)>, Kim Iverson <[kim.iverson@safmc.net](mailto:kim.iverson@safmc.net)>, Michelle Duval <[michelle.duval@ncdenr.gov](mailto:michelle.duval@ncdenr.gov)>

**Subject:** Cobia Fishing

Good Afternoon,

My name is Parker Slaybaugh and I am a resident of Virginia but have grown up visiting the Outer Banks of North Carolina and I am there a significant portion of the summers. When I was young I would do everything I could to live down there and spend as much time possible fishing with my father, brother, uncle, and other family members. We have photos from when I was as young as 7 years old on the pier with my father fishing hoping to catch a Cobia. We grew up with my father teaching us how to "pin fish" for Cobia from the piers of the Outer Banks. We did it so often that many of the locals took us under their wings and even when my dad wasn't able to fish due to work constraints they would let us come out there and fish along side of them. Fishing from the pier for Cobia has grown into a passion and a love of mine. To be quite frank it kept my brother and I out of a lot of trouble. It gave us something to do instead of looking for something else to pass the time, something else that likely would have lead to mischief. Now as an adult I continue close relationships with many of those same locals and spend many weekends on the pier enjoying each others company and hoping to catch a Cobia.

My story is the one of many that come to the Outer Banks. I am reminded of another teenager who was coming out every day just to bottom fish and he often came out and asked us about what we were doing by fishing with 2 poles (anchor rod and fighting rod) at the end of the pier. We explained to him and told him we were fishing for Cobia. He was intrigued and we later learned that his father would drop he and a friend off at the pier every day during that vacation just so he would not have to deal with him. His father was more concerned with doing whatever else he was doing. Many people on the pier felt sorry for this young guy who loved to fish but had a father who refused to do it with his son. Later that day while he was fishing on his bottom rig he started yelling he had hooked a Cobia. Skeptical, we walked over thinking like most people he had hooked a stingray. Surprisingly, this kid had in fact hooked a small Cobia. We helped him get it up on the pier and even though it was under sized he was happy as could be to have caught a prized Cobia. The next day a group of fishermen pitched in to but this kid his own supplies so he could pin rig with the rest of us while he was on the pier. He didn't catch anything that week but several weeks later he came back and caught his first keeper Cobia. That friendship grew into a mentorship between that kid and some of the other elders on the pier. Two years later that same boy came back down and by this time was a pin rigging pro. This time he landed a 90 pound breaking pier records up and down the coast. He was walking on the moon he was so happy and proud of what he had accomplished.

I see myself in him, my dad showed me the love of fishing and our small group of friends taught him the love of fishing. The love of fishing is first taught from the beaches and piers, not from a boat. Most people like myself aren't fortunate enough to own a boat to chase Cobia up and down the east coast. Many of us are anchored to a few wooden planks or a pile of sand. And quite honestly, we catch very few Cobia. Last year at Jeannette's Pier people fished that pier for Cobia mostly ever day between May and October. We maybe caught 20 Cobia, but the fellowship and the friendships that are formed there are more valuable than the Cobia. But, the Cobia are the common thing that connects us all.

I write this to you to beg you to consider making an exception for people fishing from land. We account for a very small percentage of the Cobia caught, but the Cobia that we catch mean way more because so much more time and effort goes into catching a fish of that size from a pier. Think about hauling a 90 pound Cobia up and over the rails on a pier. We rarely catch a Cobia from the pier before June 15th. Being so close to the beach the fish don't reach that close to the beach until Mid to late June. If a June 15th season is forced on the piers also that will effectively be the end of any Cobia fishing from the pier. Some of my favorite memories from the Outer Banks are laying around on the pier hoping one of our reels start screaming with a Cobia bite. I write this to you to tell you my personal story, but I also write this to you on behalf of many many people who love the sport of Cobia fishing who aren't able take a boat out, and with this season closure the sport of Cobia fishing will be taken away from us 100%. I have signed the names of many other friends who support this email below.

One may say well you can still fish for Cobia from the pier and release them. The problem with this how are you going to get a 40, 50, 60 pound Cobia up 30 feet on a pier without killing it? No drop net is big enough to haul a fish that size up over the railings on a pier. You have to use multiple gaffs to get a fish that size up to the pier. Gaffing a fish like that will mortally wound it, and a dead fish will be forced to be thrown back into the water and go to waste. So that would mean people would likely have to cut their lines while the fish is still in the water, most anglers likely wont want to do that. Please consider the logistics of this ban on pier fishing for Cobia.

One other thing we ask for you to consider is this. Why not implement a tagging system for Cobia statewide or for the whole east coast. If you harvest a Deer you must tag it and report it over the phone system. Why not do the same thing for Cobia and only give each angler 2 tags for the YEAR. That could greatly cut down on the number of fish kept and would allow you to choose when and what fish you want to keep. That would keep the charter boats in business too because most of their clients only fish once a year and if they only have 2 tags for the year and are limited to one fish per day, you are cutting down drastically on the number of Cobia killed. This would allow the season to be kept open all year.

In closing, I understand something must be done, but the bulk of the fish are being caught by boats. Us pier fishermen account for very few fish. Please make an exception this group of fishermen, because this is a great avenue for making sure teens are set out on the right track. I would be happy to answer any questions you may have. Thank you!

Parker Slaybaugh  
(804) 731-4976

Also supported by:

Travis Kemp  
Bob Tenbusch  
Garrett Grant  
Westin Browder  
Kenny Crawford  
Cj Rice  
Sonny Abernathy  
Sam Short  
Chandler Olsen

Stephen Whelees  
Rob Rollason  
Spike Stephenson  
Tyler Haase  
Bart Fuller  
Blake Mellott  
Mike Allen  
Keith Wilson  
Geo Craig  
Sal Spinella  
Jean Marc Burnette  
Lee Short  
Madelaine Spangler  
Ryan Lambert  
Benjamin Rollason  
Thomas F Linnehan Jr.  
Che Cormier  
Daniel Gallatin  
George Craig  
David Slaybaugh Sr.  
David Slaybaugh Jr.  
Madison Slaybaugh  
Mark Wiseman

**From:** Marvin Spring <[marvin55spring@gmail.com](mailto:marvin55spring@gmail.com)>

**Date:** March 3, 2016 at 2:05:24 PM EST

**To:** [fishzack@comcast.net](mailto:fishzack@comcast.net)

**Subject:** Cobia in Virginia

Zack,

Thank you for your time today. Please pass this along as a formal complaint of NOAA and it's ill conceived practices that have a negative impact on the charter fishing and recreational fishing community in the southeastern United States.

I consider it a crime punishable with Jail time for any federal employee that uses His position to hamper any citizens ability by limiting seasons and or limit citizens ability to take fish using falsified information.

Everyone knows that MRIP uses falsified data to determine their seasons and limits.

This is a flagrant misuse of authority and I will not stand for this type of treatment.

I demand that the season and limits stay the same or I will press for jail time to all of those, whether employed or not, plus I will be sending this to every congress and senate seat holder and demand that NOAA be defunded and or funding be reduced drastically.

This is blind copied to all lawyers that are mounting meetings for class action and will be posted on facebook also.

Sincerely,

Marvin Spring  
Captain





Virginia Saltwater Sportfishing Association, Inc. (VSSA)  
P.O. Box 28898, Henrico, VA 23228  
<http://www.ifishva.org>  
A Non-Profit 501-C3 Organization  
Representing All Virginia Recreational Saltwater Anglers

Mike Avery  
President

Curtis Tomlin  
Vice President

Kevin Smith  
Treasurer

Brent Bosher  
Secretary

Board of  
Directors

John Bello  
Chairman

Dr. Robert  
Allen

Jerry Aycock

Mike Avery

Brent Bosher

Murphy  
Sprinkle

Doug  
Ochsenknecht

Bob Reed

Kevin Smith

Curtis Tomlin

Jerry Hughes

Dr. Roy Crabtree, NOAA Fisheries Regional Administrator, Southeast Region  
And the Chairman, SAFMC Mackerel Committee  
In Care Of: Kim Iverson, Public Information Officer  
4055 Faber Place Drive, Suite 201  
North Charleston SC 29405

Dear Sir,

March 3, 2016

We are writing to you about the situation on cobia and possible closures. The Virginia Saltwater Sportfishing Association (VSSA) is a growing organization of recreational fisherman in the Commonwealth of Virginia. Our mission includes representing the interests of Virginia's recreational saltwater anglers, ensuring the long-term sustainability of Virginia's fisheries, while protecting Virginia's marine, boat, and tackle industry jobs. We appreciate the great work SAFMC does for the protection of the species that they manage in the Atlantic.

**Virginia recreational anglers do not support the closing down both Federal and State waters for cobia.** It is our belief that the management policies that got us in this situation created an artificial notion that cobia stocks are in trouble. In 2014, the South Atlantic Fishery Management Committee (SAFMC) split the Atlantic cobia stock into two zones, East Florida and Georgia to New York. Florida was allocated 830,000 pounds of the Annual Catch Limit (ACL), and only caught 351,829 pounds based on [NOAA's 2015 data](#). The Georgia to New York Zone only received 630,000 pounds of the ACL, and caught 1.541 million pounds. When combined under the old criteria, the ACL was only exceeded for the entire Atlantic by 300,000 pounds in a record season. Best case, the split was not reflective of the true size of the biomass of cobia in the Georgia-New York zone. Worst case, the artificially low ACL for Georgia to New York created by SAFMC would have been exceeded almost every year except for two or three of the worst seasons on record since 1990. The ACL does not reflect the true health of the cobia population.

**On behalf of all the anglers in Virginia, VSSA respectfully requests the National Marine Fishery Service (NMFS) not establish a complete closure of recreational cobia fishing.** Anglers are willing to consider lower limits, including low boat limits (3 or 4 per day, per boat) to ensure the cobia stocks remain healthy. Anglers are very dissatisfied with the decision to close a healthy cobia season as the result of one season's MRIP data with very low intercepts. In Virginia waters, the daily limit is one fish, per person, per day. Our experienced cobia anglers continue to tell us there are many cobia in our waters and see no evidence of overfishing or reduced stocks. A closure does not weigh the economic impact to the Virginia recreational fishery community and Magnuson-Stevens requires "to the extent practicable, minimize adverse economic impacts on such communities." If a closure for Federal waters is inevitable, please at least allow the states to establish policies of reduced limits that keeps our season open rather than a complete closure for both Federal and State waters.

If you have any questions or comments, the best way to contact us is through our website or email, [ifishva@gmail.com](mailto:ifishva@gmail.com), or my phone: 757-329-5137

Sincerely,

*Mike Avery*  
Mike Avery, President

**MESSAGE:**

been chartering for over 30yrs ,taking out over 18000 average time spend with customers is 5hrs, over 50% of my overall fish is returned to the water. 62% come back yr after yr. they do not mind in the way I fish. I do not target cobia if so will not put out only three lines NOT 8lines recommend ONE COBIA PER BOAT NOT 3 AND CLOSE THE SEASON FOR A FEW YRS UNTIL YOU ALL THINK BEST.

Capt Wally

[info@seawolfcharter.com](mailto:info@seawolfcharter.com)

My husband & I rec fish on the OBX....Ocracoke specifically is "home" ....fisherman rely on fish to feed their families and to keep the local tourism economy alive. I am an environmental advocate and would like to see careful consideration on limits of Cobia. We have already lost a fight to limit beach fishing ORV access, another issue that needs fixing! Valerie Howard Willis