

**PUBLIC COMMENT SESSION
CMP FRAMEWORK AMENDMENT 4
WEBINAR**

AUGUST 1, 2016

MR. AVERY: I am Mike Avery, and I'm the current President of the Virginia Saltwater Sportfishing Association here in Virginia. We network with many anglers and cobia anglers here in Virginia, and so I'm not just speaking for myself, but for our organization here. Our position in Virginia is we do support a reduction, at the federal level, of going from two cobia per person to one cobia per person.

We don't support boat limits, yet we do not believe that the South Atlantic Council, or anyone in NMFS, has made a case for reductions when all you have is one year of data, 2015, and we've been a relatively steady state, and this is quoting your own document from Table S1 in your framework amendment, where you can see all the way from 2005 to 2014 that we've been a relatively steady state.

We have one year of spike, and so all of what we've done here, the closure in 2016 and now the framework amendment to reduce us in future years, is all based on one year of spike, and you don't know what the data for 2016 and 2017 and 2018 is going to be. You can't know that. It's impossible to predict, when we've been a steady state for the last ten years. At this point, we believe you have justification going from two fish per person to one fish per person, and so I think we support that in the framework amendment and not boat limits.

The second point is we don't like the accountability measures that call for closures based on one year of data. We really think that the framework amendment ought to at least consider a three-year average of exceeding the ACL before you go into an accountability measure. I think just a one-year spike -- If you look at -- I mean we've all looked at the MRIP data, and obviously we question it and your margin of error, which your PSE is very high, almost to the point of being a coin toss high, and so here you are closing us down based on one year of data, with a margin of error that's approaching 50 percent, a coin toss, and so, yes, we certainly support redoing your accountability measures so that you don't have closures based on just a one-year spike, based on data that's just highly questionable.

A third point is we -- I get that this came from a stock assessment and you can't change it, but we still believe, and all of the anglers believe, that your zone split and giving a single state on a single coast such a large quota for themselves is grossly unfair and -- Let me see if I have the numbers here, and I know you guys are aware of them, but you have given from Georgia through New York a smaller quota, a smaller ACL, than one single state on a single coast, and so that's just -- To me, and I know it's probably in the science somewhere, and I think it is, but it kind of smells of cronyism and nepotism and favoritism towards Florida fishermen and ignoring the rest of the Atlantic coast.

We strongly urge the council to consider actions to rethink that zone split or, at a minimum, shift some of that 850,000 pounds from a single state and give it back to the rest of the Atlantic coast. It's just grossly unfair, and that's what caused us to exceed an ACL that's all artificial, and no respectable cobia fisherman really appreciates having to be closed down based on artificial zone

splits and management measures. It's just not right, and we really urge the council to consider whatever you can do, framework amendments or plan amendments or moving up the schedule of the stock assessment, whatever you can do to rethink that grossly unfair zone split. It's just wrong, and the council should not even -- It should see that it's wrong and do something about it.

Our third point is we in Virginia don't support any closed seasons. We don't think, again, based on a single year of data, that you have even come close to justifying any closed season, and so we don't buy any of your numbers that say, okay, if the fish is this size and you keep this many fish that you will exceed your ACL on this data and therefore you should close.

We don't buy any of that, because your MRIP data is based on just what happened in 2015, and, again, I go back to the point of it's not sound data and it's only from one year of data, and so we don't support any closed seasons or even projected closed seasons for projected ACLs. That's all I have, and I do plan to try my best to attend the public hearing in Virginia Beach and listen to the concerns, and we will try to get as many anglers as we can there, and I appreciate the time, and that's all I have. Thank you.

MR. GORHAM: I would like to reiterate what like Avery was saying. Ultimately, our public comment is that we do not support the June 1 start date. We also agree and ask that the council continues to push to get the stock ID either assessment -- Ultimately, I don't believe there needs to be a whole new SEDAR, but if they could just look at the zone or if there could even be poundage, unused poundage, used to go to the Atlantic group, because, at the end of the day, it's clear that the ACL is set so low for the Atlantic group that, without these drastic measures, it will ultimately result in shortened seasons that will be economically devastating to at least northeastern North Carolina and Virginia.

It's just clear to us that we do not fit into this very low ACL, and it appears to be easier -- It would be more fair, more equitable, and it would be more in line with the even little bit of science that we have been able to provide to the South Atlantic, and it would be consistent with the best available science, to have that line moved lower and regain more ACL. Again, we know and we recognize that the council itself cannot do that, but that does not mean it shouldn't be done immediately from whomever, because the science is there.

Lastly, we do support a one fish per person. I do understand what Captain Zack was saying. It does bring up a very good point, and that also leads to why I was asking the benefits, as to giving cobia an extra year to spawn, what that would do in the overall picture compared to just taking away, in theory, 65 percent of females. That's kind of where my question came from. Ultimately, again, thank you for having these meetings where the largest stakeholders are in the area. It does give us an ability to speak out, and I look forward to more formal and complete public statements on those dates. Thank you.

MR. BLOW: I will be real short and quick to it. I am from Virginia, a recreational fisherman. A previous person kept saying Virginia, Virginia. I don't think he is fairly stating all the views of all Virginia people, but my opinions on what should be done is I do strongly believe in a boat limit for fish. A two or three boat limit would be good. Virginia enacted a two-fish limit this year for their coastal season.

I do strongly believe that we should have a maximum of say fifty inches, because the larger fish do produce more eggs. In Virginia, I have seen far fewer large fish, and so that's the reason for wanting only one of the boat limit to be allowed to be over fifty inches. Virginia has had a one fish per person for ten years, and so I think, coast-wide, that would be a great thing.

As far as changing the fishing year, I would not want to see it changed. I don't see the benefit of playing around with the dates. Keep it the same as it's been forever. Accountability measures, changing that from just a one year or a three-year average, that could be -- I looked at all those numbers for the last ten years, and it's about equal. This year, if we weren't looking at just last year's problem, then it would have been better, but if we change that, it's about equal how it would benefit us over the last ten years, and so I'm really kind of either way on that.

Lastly, the seasons for recreational and charter fishermen I believe should all be the same. North Carolina this year, in their state rules, really changed the fishing season around for recreational and charter, and I don't see how that's fair at all. I believe that should stay the same for both recreational and charter throughout the year. That's all I have. Thank you for your time, and I look forward to seeing you in Virginia Beach.

MR. LINK: My name is Patrick Link. I'm a recreational fisherman from Virginia. I asked a question earlier regarding standard error in the MRIP data, and I would just like to make a point so that, hopefully, when this is read by the council members that maybe haven't dug into the MRIP data, so they know that in the May and June wave that fifteen cobia became 561,000 pounds.

That alone would have put us, I think, halfway, if not almost over, the allowable catch for the year. To say that there was consideration on this data is highly, highly questionable. I know you guys don't necessarily oversee this data, but I would like to see some sort of measures be put into place to kind of take into account statistical outliers, which is fairly obvious, considering we had two waves, one in Virginia and one in North Carolina, this year that were in the top five in the last thirty years of wave data. It seems to have been the perfect storm, I guess, of bad data. That's what it looks like to me.

As far as what I would like to see done, I think I kind of agree with Wes. I have no problem with boat limits. I think that there is good science behind either slot or boat limits. For the most part, most of your anglers here in Virginia, we want to save this resource, but we also want a fair and equitable shot at that resource, and that does not seem to be happening. We would also like to see the boundary be changed.

I still have not -- I have seen numerous published studies stating that the two stocks are actually indeed the same, but the latest stock assessment does not say that, and so the words "using best science" here seems to be a little bit of a slippery slope, because the best science, to me, would be peer-reviewed, published data, as opposed to, I guess, the data that was published during SEDAR 28. Not published, but taken during SEDAR 28. Other than that, I will look forward to seeing everyone in Virginia Beach, and we do appreciate your time, and thank you very much.

MR. O'REILLY: I just wanted to respond to Patrick, because his suggestion is exactly what I brought before the Mid-Atlantic Council, and it was part of the recreational omnibus amendment that went forward to National Marine Fisheries Service. There, it was to assess the standard

deviation, one standard deviation, for a three-year running average, and so that would be where one standard deviation is 65 percent of all the data, from the mean in both directions, and so, to look at the lowest standard deviation, part of it is about 32 percent, and the council liked it, but National Marine Fisheries Service rejected it. That was GARFO, and I'm not sure how the Southeast NMFS would handle that either, but, in time, something like that needs to be considered, and so I agree with you.

My comments are on a little bit of a disappointment that the public hearing process won't attempt to achieve what I asked for down at the South Atlantic Fishery Management Council meeting, which was bordering on allocation, but it was a very good suggestion, I thought, and I hope there is efforts to look at the states and what they've done in the last three, five, or ten years, pick one. Virginia has been anywhere from 35 to 43 percent of the fishery, and it would be good to know how the framework process, which parts of the framework process, come closest to fairness and come closest to a result where all the states have something similar to what they had in let's just say the last three years or the last five years.

That could be pretty tough to do, but I mean I think that's really, short of ASMFC involvement, which is not certain at all, that's what we have to look forward to before we have a major amendment to the plan, and so I hope that that can sort of be in everyone's mind, that that's really the crux of the situation, that we want to make sure that, instead of the 24 percent that the June 20 closure would have given Virginia -- It would have been about 24 percent of our last three years of landings, when we just got off of 43 percent from 2015.

Again, I understand the background of how that happened, that when the South Atlantic Fishery Management Council met that no one wanted to change the bag limit at that time and no one wanted to really look at boat limits. Everyone said, well, let's just -- At least the majority must have said, from what I've read, let's go with the closed season. Now we have a chance to be a little different and a little fairer, and that's my comment.

MR. LEGRANDE: I just want to echo what most of my fellow anglers here in Virginia Beach have said. To a degree, there needs to be some regulations here, some added regulations, and I've been charter fishing here for cobia for the past twenty years. We've seen ups and downs, which are probably mostly cyclical, just like every other fish, but, honestly, this year, we have -- Right now, when I leave Virginia Beach, in Lynnhaven, I can go eighty miles in either direction and we're going to have some of the best fishing we've ever had.

I agree that the stock assessments need to be updated. I think we're working off of bad data, not to repeat the same thing that everyone else has said, but I think that's the common theme of all this, is we really need to look at where these fish truly are, where the limits really need to be, and the actual harvest. I hold a tuna fishing permit, and I get calls from them three times a week asking for catch reports and days I've been out fishing. Like I said, over the past twenty years, I have never been asked for cobia data, and that really concerns me, because I don't feel like the data we're using is anywhere near what it should be.

Speaking with the other twenty charter boat captains here, none of us have ever been questioned about our catch reports, sightings, landings, or anything like that, and so I'm just very concerned about where the data is coming from, and hopefully there's not a hasty decision made just based off of these couple of years. Hopefully there is some real effort put into getting some actual

numbers going forward. That's all I have to say, and I look forward to seeing you in Virginia Beach.

(Whereupon, the webinar was adjourned.)

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SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

PUBLIC COMMENT SESSION HAMPTON INN BLUFFTON, SOUTH CAROLINA AUGUST 9, 2016

MR. PHINNEY: I would like to go on record stating that I am a charter boat captain, for about thirty-some years. My specialty is offshore fishing, and I do not target cobia. I've been cobia fishing since 1947 with my dad. He used to drag me out there from sunset to sunrise every day about on the weekends, and I am very sensitive about the cobia, and I refused a lot of charters in the past with people that want to go cobia fishing, and I told them that I don't do that, because I will release them, but I think it would be a good idea to go to thirty-six inches on the cobia. I am very sensitive, and I have caught cobia in December offshore, twenty-five miles. I'm Major Walter A. Phinney, Jr., US Army Retired, twenty years in the Army, and I commanded 420 troops in Vietnam, and so I think I know what I'm talking about. Thank you.

MR. PARKER: Captain Bill Parker, Runaway Fishing Charters, Hilton Head Island, chartering out of Hilton Head for thirty years. This is the thirty-first season, and my comment on the different actions for the council here is I like the -- Just like the State of South Carolina, one fish per person and three fish per vessel. Also thirty-six-inches fork length. As far as the fishing year, I would like to see a federal closure like we have for amberjack during January, February, March, and April, the same closure for cobia, and that is it.

MR. HARTER: My name is David Harter. I'm from Hilton Head Island, South Carolina, and I have been fishing here recreationally since 1975, and I have been intimately involved, through the Hilton Head Island Sportfishing Club and the Hilton Head Reef Foundation and with Waddell Mariculture Center, with cobia research really since the late 1990s.

I helped work with Don Hammond, who wrote the first cobia paper for South Carolina back in 2000, and, since that time, I've been involved with satellite tagging research, a lot of which has ended up reinforcing some of the DNA and genetic research that Dr. Denson did later on, but, in light of all of that experience that I've had with cobia and cobia research here, I think the council's recommendations are right on. I agree with the size limit, and I agree with the per-person limit, the per-angler limit, and with the boat limit. I think they're all well thought out, and I think that's a good plan for our cobia fishery here. Thank you.

MR. WALLY: Captain Wally, charter boat captain since 1983. I had the pleasure of taking Mel Bell out diving on 6hi, at the reef there, and I was very impressed with him. Since that time, I've been dealing Mel throughout the years, and he is very dedicated and very professional, and he is very concerned about our fish resources, and he does take care of a lot of charter boat captains out there. For me, it's a pleasure and an honor of knowing Mel Bell, and I thank you kindly.

Transcribed By:
Amanda Thomas
August 16, 2016



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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Coastal Migratory Pelagic Regulatory Amendment 41 (Atlantic cobia)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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Coastal Migratory Pelagics Regulatory Amendment 4 (Atlantic cobia)



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Coastal Migratory Pelagics Regulatory Amendment 4 (*Atlantic cobia*)



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Coastal Migratory Pelagics Regulatory Amendment 4 (*Atlantic cobia*)



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Coastal Migratory Pelagics Regulatory Amendment 4 (*Atlantic cobia*)



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Coastal Migratory Pelagic Regulatory Amendment 41 (*Atlantic cobia*)



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Commercial

☐

Charter/For-Hire

☐

NGO

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

COASTAL CONSERVATION ASSOCIATION

☒

Recreational

☐

Other

Describe

CHECK HERE IF YOU WISH TO
MAKE A STATEMENT.
(PLEASE ATTACH A WRITTEN
COPY IF AVAILABLE)☐Coastal Migratory Pelagic Regulatory Amendment 41 (*Atlantic cobia*)**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405**PUBLIC COMMENT ATTENDANCE RECORD**
Public Hearing Meeting

LOCATION OF MEETING

Bluffton

DATE

August 2016

☐Check here if your contact
information is on file. Provide your
name and any updates below.

YOUR NAME (PLEASE PRINT)

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SECTOR (Please check all that apply)

☐

Commercial

☐

Charter/For-Hire

☐

NGO

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

CCA Bluffton Chapt.

☒

Recreational

☐

Other

Describe

CHECK HERE IF YOU WISH TO
MAKE A STATEMENT.
(PLEASE ATTACH A WRITTEN
COPY IF AVAILABLE)☐Coastal Migratory Pelagic Regulatory Amendment 41 (*Atlantic cobia*)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD
Public Hearing Meeting

LOCATION OF MEETING

Bluffton

DATE

August 2016

☐

Check here if your contact information is on file. Provide your name and any updates below.

YOUR NAME (PLEASE PRINT)

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SECTOR (Please check all that apply)

☒

Commercial

☐

Charter/For-Hire

☐

NGO

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Bluffton Marine Sports & Supply

☐

Recreational

☐

Other

Tackle Shop
Describe owner

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COPY IF AVAILABLE)

☐

Coastal Migratory Pelagic Regulatory Amendment 41 (*Atlantic cobia*)

**PUBLIC COMMENT SESSION
MURRELLS INLET COMMUNITY CENTER
MURRELLS INLET, SOUTH CAROLINA
AUGUST 11, 2016**

MR. IREDELL: That sounds reasonable. If you start in May, possibly you would exceed the limit, maybe, of 620,000 pounds, but June 1 would be okay with me, because, if I caught two cobia in a season, that would last me all year. That would be fine for my wife and I. I don't think anybody needs any more than that, unless you're going to sell them.

In terms of accountability, what I would like to see is more accountability for the recreational fishermen. Now, that could be done in a number of ways. I have talked to a lot of charter captains, and they're in favor of it, the same as the commercial fishermen, but just have some kind of mechanism where -- You don't have the money to have people at the ramps and every input point for vessels, to say what did you catch and how many and what species and how often do you fish, et cetera.

To have some kind of digital or electronic method of every licensed recreational fisherman to provide input, that would really help all species and not just targeted species that are in trouble, and there is plenty of recreational licenses, and I'm sure that 99 percent of the recreational fishermen that I deal with really would like to have some kind of data to look at when these rules of bag limits and size limits and seasons occur.

If we had that, we wouldn't have the problem of all of a sudden, uh oh, we've exceeded our limit, like black sea bass or now cobia, and what's next? King mackerel or Spanish mackerel or things like that? I think if more recreational fishermen spoke out on this, and I am going to do my part to try to encourage, and I hope the council takes this under advisement, but come up with some kind of a mechanism where recreational fishermen can record their catch.

It's on an honesty basis, but most recreational fishermen are conservation-minded also. I'm a member of the CCA, and I try to get involved with that program, oyster reef replenishment and things like that, and support Scott Whittaker and the South Carolina CCA. Anyway, thank you so much for this opportunity to address the council.

(Whereupon, the public hearing was adjourned.)

Transcribed By:
Amanda Thomas
August 2016



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD
Public Hearing Meeting

LOCATION OF MEETING

DATE

Murrells Inlet SC

August 2016

☐

Check here if your contact information is on file. Provide your name and any updates below.

YOUR NAME (PLEASE PRINT)

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SECTOR (Please check all that apply)

☐

Commercial

☐

Charter/For-Hire

☐

NGO

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

☒

Recreational

☐

Other

Describe

CHECK HERE IF YOU WISH TO
MAKE A STATEMENT.

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COPY IF AVAILABLE)

☐

Coastal Migratory Pelagic Regulatory Amendment 4 (Atlantic cobia)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD
Public Hearing Meeting

LOCATION OF MEETING

DATE

Murrells Inlet

11 August 2016

☐

Check here if your contact information is on file. Provide your name and any updates below.

YOUR NAME (PLEASE PRINT)

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SECTOR (Please check all that apply)

☐

Commercial

☐

Charter/For-Hire

☐

NGO

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

☒

Recreational

☐

Other

Describe

CHECK HERE IF YOU WISH TO
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COPY IF AVAILABLE)

☐

Coastal Migratory Pelagics Regulatory Amendment 4 (Atlantic cobia)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD
Public Hearing Meeting

LOCATION OF MEETING

DATE

August 2016



Check here if your contact information is on file. Provide your name and any updates below.

YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

Tom Swetzel

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EMAIL ADDRESS

SECTOR (Please check all that apply)

☐

Commercial

☐

Charter/For-Hire

☒

NGO

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

☐

Recreational

☐

Other

Describe

CHECK HERE IF YOU WISH TO
MAKE A STATEMENT.

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COPY IF AVAILABLE)

☐

Coastal Migratory Pelagic Regulatory Amendment 41 (*Atlantic cobia*)

Dolphin - Yellowtail Allocation

PUBLIC COMMENT SESSION
N.C. DIVISION OF MARINE FISHERIES - CENTRAL DISTRICT OFFICE
MOREHEAD CITY, NORTH CAROLINA
AUGUST 10, 2016

MR. FRENCH: My name is Jonathan French. I have traveled here, and I'm a resident of Virginia, living in Falls Church. I'm a recreational fisherman, and, as I have noted at some prior public comments, from a financial and quality of life perspective, the fishery probably impacts me less than any other folks that will come and bring comments up.

At the same time, I am a strong proponent of good governance, and I know too many folks who, if this isn't done correctly, could suffer significant damage to their quality of life and perhaps lose their business, and so that's why I've made the effort to come down here today. I also want to apologize to the council for my surly mood last night.

The revelation that the Atlantic States decision to do complementary management, effectively taking away North Carolina and Virginia's ability to not comply, and essentially no longer have jurisdiction over decisions within their own waters, I found to be incredibly problematic, and I think that that worsened my mood.

I want to talk today about some of the amendments. Some of you have heard this before, but I also want to discuss the decision to split management zones. I am going to be briefer on that topic, but there are a couple of things that I would like this audience to hear, for folks who may not have been present last night.

I will start with the decision to split management zones. The council has acknowledged that, one, Amendment 20B says that decision was based on genetic and tagging data and recommendations from commercial and recreational statistical workgroups. That is reinforced in the white letter that was published and presented to the Atlantic States Fishery Management Commission, and I am mixing up my metaphors probably there, and also a letter to Senator Mark Warner that said genetic information indicates there are two stocks of cobia. One stock occurs in the Gulf of Mexico and extends through the east coast of Florida, and a second stock extends from Georgia through New York.

Again, I would significantly ask that the SSC consider that the peer-reviewed research on the topic -- First of all, the population genetic comparisons among the cobia from the northern Gulf of Mexico, U.S. western Atlantic, and southeast Asia, published in the *North American Journal of Aquaculture* by Texas A&M and some other contributors, came to the conclusion that cobia that were sampled from the waters of Virginia, Mississippi, and Louisiana were genetically homogeneous, and so that would indicate that they're not two separate stocks, but that there is one genetic, homogeneous population of cobia that lives in the Gulf and the Atlantic. I do recognize that they are probably two different migratory patterns, but they're not genetically separate, based on this research.

That being said, I recognize that the council has their own research. I do want to point out that, in the SEDAR 28 report, there is a South Carolina study, and that's the one that I have brought up here with me, "Population Genetics of Cobia: Implications for Fishery Management Along the Southeastern United States", where the contact author is Tanya L. Darden.

That comes from the South Carolina Department of Natural Resources, and, when you study the SEDAR 28 report, a vast majority of the data referenced comes from South Carolina Department of Natural Resources submissions. However, that report says, based on their information, their offshore groups were genetically homogeneous as well, and the offshore groups in reference to the migratory fish.

They do acknowledge that there is a unique genetic inshore population in South Carolina, but those South Carolina fish apparently, or at least according to this study, are not migratory in their nature, and so that doesn't necessarily represent a mixing and a separate group in the Gulf. It means that there's a separate group in South Carolina. The quote from that is that "No fish collected outside of South Carolina were genetically identified as South-Carolina-stocked fish. Therefore, our evaluation of hatchery contribution represents their contribution to South Carolina cobia populations."

That genetic uniqueness, at least in the peer-reviewed research that I have been privy to, would suggest that there is not necessarily mixing at the Florida state line and there is a unique population there in South Carolina. That population doesn't move, and so the management steps that have been taken by South Carolina's Assembly and their Department of Natural Resources are appropriate for managing that fishery and should not necessarily spill over into the management in other areas.

That decision, that genetics decision, essentially created the situation where the management zone line was moved. That's the words from the SEDAR 28 report, and, again, when you look at the data since 2006, if you use the 2014 management zone and the 2014 ACL, we have only been over very slightly in three of those years, 2006, 2010, and 2015. 2006 and 2010 were slightly over and within the statistical deviation. 2015, as I indicated in my comments earlier, was over, from the looks of it, over 500,000 above the standard deviation and is a bit of an outlier.

Our concern is that that, again, took place in the one year where a one-year overage could have produced a closure, and, if you go back to the record for the South Atlantic Mackerel Committee meeting minutes in 2009 and 2010, there are requests from South Carolina to implement many of the reductions in the ACL and the changes in the management zones that have now happened, as early as 2009, before any of this data was brought to bear in the SEDAR report, which, if I remember correctly, was published at the end of 2013, and Director Waugh did say on the record that those changes were going to happen, I believe in the September 2010 meeting. I will make sure that I get that quote, but it is in previous past comments with hyperlinks to those statements being made on the record.

Our hope is today that the SSC will consider a return to that management barrier. I do realize that the council is not responsible for that, but I do ask that you put that request forward. With that framework being in place, a one fish per person limit at thirty-seven inches would eliminate the need for early closures, I believe, based on the statistical performance of the last ten years, and that's why I requested that the chart be reworked assuming that east Florida being maintained and the 880,000 pounds that essentially was carved out and added to east Florida would then be returned, based on their historical catch information being added into this graph.

Thirty-seven inches, a one fish per person, and a full-year fishing period. As I indicated last night, I am hesitant to recommend an accountability measure. The year-to-year sounds good, in the means that it alleviates the 2015 impact from the average. However, I am hesitant to recommend that, because it creates a situation where, year-to-year, good years produce closures and bad years keep things open. I mean we want good fisheries, and so I worry that that roller-coaster will ultimately drive people out of the fishery, and, again, this is a public trust to be enjoyed by everybody.

I hear comments about pressure. I disagree that the amount of pressure has increased as much as some have indicated that it has, but, to me, more people enjoying the opportunity and being managed properly is something that's a positive and not necessary a negative.

I don't believe I have any other comments at this time, outside of that we do request, again, a statistical overview for the root cause analysis for the 2015 overage. If that has occurred, we would love to have information published to that effect. We do ask that, again, if you're looking at that South Carolina peer-reviewed research that's cited in the SEDAR 28 report, it talks a lot about that unique population of fish in South Carolina, but it also says that there is evidence of a unique population offshore of Virginia. I don't think there is very much known about that population, whether it's a genetically-unique population or whether it's a group that has a slightly different migratory pattern or what have you, and what the size of that group is.

One of the things that is sort of a message that I'm seeing, in reviews of social media, et cetera, is, in Florida, you see a lot of folks complaining about a smaller number of fish. I know that Zack, in the Florida South Atlantic meeting, indicated that the fishery seems to be struggling in Georgia, and, of course, Mr. Boyles has said the same thing in South Carolina, but North Carolina northwards, and especially in the Chesapeake Bay, it seems like there are more and more and more fish.

Again, in the bay, you have the additional accessibility. You have folks who can essentially leave their dock and go fish at York River Spit, which is essentially the mouth of a river, and so it's very small craft, very accessible, and, if there are more and more fish that are there, a good population is also going to mean an increased catch, and I don't know that we know enough about the fish in that area or that the information about Virginia's catch and stocks was weighed heavily enough in the ACL determination.

One other thing to consider, and I hesitate to bring it up, but it's just been overwhelming over the last couple of days, is we're starting to get reports of decent numbers of fish being caught in the Chincoteague area off of Ocean City, off of Indian River Inlet in Delaware, and, even this morning, we had folks sending us pictures on Facebook of a cobia fry off the coast of New Jersey, and there is the distinct possibility that the lack of fish in Georgia and South Carolina and the potential absence of fish in the data collection methods that were started on May 1 in the center of tagging could be the responsibility not necessarily of increased pressure in that area, but a change in the migratory pattern of the fish.

Again, a root cause analysis we feel is critically important to ensure that access to this public trust is maintained and there is a reasonable balance that does achieve a maximum sustainable yield, based on the best science available. Again, I'm happy to answer any questions, and I thank you all for your time this evening.

MR. KEMP: I'm Travis Kemp. I'm a pure angler. I fish in North Carolina and Virginia. I support a thirty-seven-inch fork length and one per person and the season staying open and not closing. Our pure season is essentially July and August for where I fish, Jennette's. We don't catch them in September. It's rare to catch one in May and June. This year, we caught three in June. We caught most of our fish in July.

Closing the season on July 17 would essentially kill our season for pure fishing in North Carolina for cobia. It would hurt all the tackle shops on the Outer Banks, lure manufacturers, the charter guys, which the charter guys fish the piers too when it's blowing. The guys who fish charters come out there and fish with us. I guess that's about it. There isn't really much else I can say.

I fish from the eastern shore, Buckroe, all the way to Avon, every pier, but I mainly fish from Jennette's, and I keep record of the fish that are caught there, and 2015 was probably our worst year in the past three or four years, and so it doesn't make sense to me. I think there was thirty-two keeper cobia caught in 2015 off of Jennette's, and that's keepers, and so thirty-three inches was our limit then.

MR. GORHAM: Bill Gorham, with Bowed Up Lures. I'm just going to reemphasize what we would like to see is an analysis of the estimated season for 2017 and beyond. We're talking about an average of ten years, excluding 2015, given that it's such an outlier. Then looking at the low, mean, and high averages. We request this, given the extensive amount of research and information that we have provided both the state and federal agencies that has resulted in the current situation in northeastern North Carolina and Virginia, while the states of Georgia to New York are -- Ultimately, it's an ACL with a 2015 catch estimate and accountability measures that leave a situation across the board that we feel is not fair and equitable, and maybe looking at this new average could get us closer to that, or at least these regulations closer to that.

I think, across the board, I, and many of the people I have the honor to speak for, do support a one fish per person. I know we have debated and gone back and forth about the size limit. We agree to the thirty-six or suggest the thirty-six or thirty-seven fork length, given that this allows an extra year of spawning and could potentially add to the estimated spawning stock biomass. We would like it to be noted that this reduction from two fish per person to one fish is being agreed upon despite the general agreement that the cobia fishery is healthier today than ever in the waters of northeastern North Carolina and Virginia.

As far as the accountability measures, referencing Action 3, we do get the logic behind it, to where it would go from a reduction with an overage. Then, if we don't exceed it the second year, it would reset back to Amendment 4's regulations, and I think that is fair and reasonable and stays within the accountability measures. Nothing is not being done the year after an overage, but you're also not being punished consecutively for a given year, given that our current ACL is a catch average, and one of the flaws of that is that you have highs and you have lows, and it's foreseeable that you will have overages. That's all I have for today. Thank you very much.

(Whereupon, the public hearing was adjourned.)

Transcribed By:
Amanda Thomas
August 2016



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD
Public Hearing Meeting

LOCATION OF MEETING

DATE

Morehead City, NC August 10, 2016



Check here if your contact information is on file. Provide your name and any updates below.

YOUR NAME (PLEASE PRINT)

Chris Elkins PhD

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297

EMAIL ADDRESS

SECTOR (Please check all that apply)



Commercial



Charter/For-Hire



NGO



Recreational



Other

Describe

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We have posted comments
on line (COTA-NC)
Coastal Migratory Pelagics Regulatory Amendment 4 (Atlantic cobia)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD
Public Hearing Meeting

LOCATION OF MEETING

DATE

Morehead City, NC August 10, 2016



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YOUR NAME (PLEASE PRINT)

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SECTOR (Please check all that apply)



Commercial



Charter/For-Hire



NGO



Recreational



Other

Describe

NCMFC

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Coastal Migratory Pelagic Regulatory Amendment 41 (Atlantic cobia)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD
Public Hearing Meeting

LOCATION OF MEETING

DATE

Morehead City, NC August 10, 2016

☐

Check here if your contact information is on file. Provide your name and any updates below:

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SECTOR (Please check all that apply)

☐

Commercial

☒

Charter/For-Hire

☐

NGO

☒

Recreational

☐

Other

Describe

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MAKE A STATEMENT.
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COPY IF AVAILABLE)

☐

Coastal Migratory Pelagics Regulatory Amendment 4 (*Atlantic cobia*)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD
Public Hearing Meeting

LOCATION OF MEETING

DATE

Morehead City, NC August 10, 2016

☒

I think?

Check here if your contact information is on file. Provide your name and any updates below.

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SECTOR (Please check all that apply)

☐

Commercial

☐

Charter/For-Hire

☐

NGO

☐

Recreational

☒

Other gov't (state)

Describe

CHECK HERE IF YOU WISH TO
MAKE A STATEMENT.
(PLEASE ATTACH A WRITTEN
COPY IF AVAILABLE)

☐

Coastal Migratory Pelagics Regulatory Amendment 4 (*Atlantic cobia*)

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405**PUBLIC COMMENT ATTENDANCE RECORD**
Public Hearing Meeting

LOCATION OF MEETING

DATE

Morehead City, NC August 10, 2016

☐

Check here if your contact information is on file. Provide your name and any updates below.

YOUR NAME (PLEASE PRINT)

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SECTOR (Please check all that apply)

☐

Commercial

☐

Charter/For-Hire

☐

NGO

☐

Recreational

☒

Other

State Gov
Describe

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

NC DMF

CHECK HERE IF YOU WISH TO
MAKE A STATEMENT.
(PLEASE ATTACH A WRITTEN
COPY IF AVAILABLE)☐Coastal Migratory Pelagics Regulatory Amendment 4 (*Atlantic cobia*)**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405**PUBLIC COMMENT ATTENDANCE RECORD**
Public Hearing Meeting

LOCATION OF MEETING

DATE

Morehead City, NC August 10, 2016

☐

Check here if your contact information is on file. Provide your name and any updates below.

YOUR NAME (PLEASE PRINT)

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EMAIL ADDRESS

SECTOR (Please check all that apply)

☐

Commercial

☐

Charter/For-Hire

☐

NGO

☒

Recreational

☐

Other

Describe

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

CHECK HERE IF YOU WISH TO
MAKE A STATEMENT.
(PLEASE ATTACH A WRITTEN
COPY IF AVAILABLE)☒Coastal Migratory Pelagics Regulatory Amendment 4 (*Atlantic cobia*)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

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DATE

☐

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Morehead City, NC August 10, 2016

YOUR NAME (PLEASE PRINT)

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SECTOR (Please check all that apply)

☐

Commercial

☐

Charter/For-Hire

☐

NGO

☒

Recreational

☐

Other

Describe

CHECK HERE IF YOU WISH TO
MAKE A STATEMENT.
(PLEASE ATTACH A WRITTEN
COPY IF AVAILABLE)

☒

Coastal Migratory Pelagics Regulatory Amendment 4 (*Atlantic cobia*)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

4055 FABER PLACE DRIVE, SUITE 201
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Check here if your contact information is on file. Provide your name and any updates below.

Morehead City, NC August 10, 2016

YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

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EMAIL ADDRESS

Bowed Up Lures

SECTOR (Please check all that apply)

☐

Commercial

☐

Charter/For-Hire

☐

NGO

☒

Recreational

☒

Other

Describe

Lure Company

CHECK HERE IF YOU WISH TO
MAKE A STATEMENT.
(PLEASE ATTACH A WRITTEN
COPY IF AVAILABLE)

☒

Coastal Migratory Pelagics Regulatory Amendment 4 (*Atlantic cobia*)

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405**PUBLIC COMMENT ATTENDANCE RECORD**
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information is on file. Provide your
name and any updates below.

YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

Jack Cox Jr

MAILING ADDRESS (STREET OR BOX NO., CITY, STATE, & ZIP CODE)

EMAIL ADDRESS

SECTOR (Please check all that apply)

☒

Commercial

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CHECK HERE IF YOU WISH TO
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(PLEASE ATTACH A WRITTEN
COPY IF AVAILABLE)☐Coastal Migratory Pelagic Regulatory Amendment 41 (*Atlantic cobia*)**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405**PUBLIC COMMENT ATTENDANCE RECORD**
Public Hearing Meeting

LOCATION OF MEETING

DATE

Morehead City, NC August 10, 2016

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information is on file. Provide your
name and any updates below.

YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

Libby Cox

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COPY IF AVAILABLE)☐Coastal Migratory Pelagics Regulatory Amendment 4 (*Atlantic cobia*)

**PUBLIC COMMENT SESSION
HILTON GARDEN INN
KITTY HAWK, NORTH CAROLINA
AUGUST 11, 2016**

MR. CATON: My name is Rick Caton, and I'm the owner of Custom Sound Charters, the Fishing Vessel Free Agent. I have been involved in the cobia fishery commercially and recreationally since 1978 from West Palm Beach to the Chesapeake Bay. It behooves me that the South Atlantic Marine Fisheries Commission, NOAA, and the North Carolina Marine Fisheries can start saying in February that the cobia are overfished, not overfished, and are not enduring overfishing.

It sure looks to me like a solution in search of a problem. How can the agency, North Carolina Division of Marine Fisheries, NOAA, South Atlantic Marine Fisheries, in two months bring a healthy, thriving fishery to its knees with no data and data is that so flawed that Ray Charles, Stevie Wonder, and Helen Keller can see it?

What astounds me more is the fact that they say it will take years to correct, and are you kidding me? To correct the problem that there was no fishing nor enduring any overfishing. It's a solution in search of a problem, my friends. It's plain crisis management.

It took two months to destroy and bring down -- To destroy our industry. I could go on about an eight-month closure for almaco jacks and lesser jacks and prevalent species, and it goes on and on. In closing, I will just say the hell with NOAA and the hell with the South Atlantic Marine Fisheries and North Carolina. Go fishing. Fish where you want and catch what you want, for you have demonstrated that you are incompetent of managing a twenty-five-cent-a-glass lemonade stand. Thank you. I'm out of here.

MR. HANKINSON: Sean Hankinson, and I'm a recreational fisherman, and I also build custom fishing rods. You guys closing down the season, or talking about closing down the season, I've lost business building cobia rods. That's what I mainly try to build, and people have come to me and they don't even want to purchase them anymore, because they don't know if there is a season to fish. Also, I like to try to catch cobia all the time, and, I mean, shoot, you guys are taking away a resource that has been wonderful and there is no problems.

MR. FRENCH: My name is Jonathan French, and I'm here from Falls Church, Virginia. I have been a pretty bad recreational cobia angler since around 2000. I think some of the folks in this room can probably attest to that. I got involved, in a large part, because I started my career working for grassroots advocacy, and I believe that can work, and I have engaged significantly with federal agencies in other fields, for the better part of the last decade.

I started getting involved in February, when I learned that the closure was a possibility in 2016, and I learned lots. I have learned that the knowledge base on cobia has changed significantly in a short manner of time. As you all indicated in 2011, the knowledge base around cobia mandated co-management by the Gulf and by the South Atlantic.

Then, in Amendment 18, the ACL calculation formula changed and the management was divided at Key West, and here, just a couple of years later, we're now four years removed from Amendment 18, much less Amendment 20B, and now we're looking at a situation where east

Florida is part of the Gulf management. There are new populations of fish popping up in South Carolina and Virginia, and it's rapidly changing.

I think a lot of the frustration in this room stems from the fact that that science seems to change along a timeline that aligns with South Carolina starting to complain about the state of their fishery on the Mackerel Committee meeting back in 2009, and I want to talk more about that in a minute, but this experience comforts me, in a way.

It comforts me knowing that I will drive back home to the Washington, D.C. suburbs this evening, knowing that I'm going home to my fiancée, my son, and a pretty secure future, but I also feel horrible, because many of the folks that are in this room now don't have the luxury of that secure future, as a result of many of these actions, and please weigh, as comments are submitted this evening, the impact on their lives when they express frustration, and I believe justifiably so.

I know that you all addressed the decision to split management zones, and I'm going to talk a little bit more about that again, to make sure that it's on the record and is weighed. I think there's a general point of frustration that there's not a redress mechanism associated with the SSC and their findings, and I'm going to talk a little bit more about some congressional reaction to those findings. It's not just us that are frustrated, and, as you all have acknowledged during the Q&A period, members of the council look at some of this data that's been produced and regard it as dubious, but Amendment 20B does specifically say that the decision to split at the Florida/Georgia line was based on genetic and tagging data and recommendations from the commercial and recreational statistics working groups.

During the Q&A, Mr. Bill Gorham asked questions about the South Carolina centrality of some of those decisions, and, if you review the SEDAR 28 report, much of their findings seem to be coming from South Carolina, South Carolina people said this and South Carolina people said that, and some other areas.

Again, we had the discussion about the tagging data from Virginia, and I appreciate that it was produced and sent to me, but it doesn't seem to have weighed very heavily on the decision. In terms of the genetic stock being different, again, Amendment 20B says there's a stock in the Gulf that's genetically unique from the stock in the Atlantic and that those Gulf fish swim up as far as the Georgia state line.

That statement, of course, also occurs in the white paper that was presented to the Atlantic States Marine Fisheries Commission by Dr. Louis Daniel, who, again, resigned with some dubious smoke around his name from the North Carolina Commission not too long ago, and so we have some concerns about the data source.

That statement was also made by National Marine Fisheries to Senator Mark Warner, who made an inquiry on my behalf. The response to Senator Warner said the genetic information indicates that there are two stocks of cobia, one that occurs in the Gulf of Mexico and one that occurs in the area from Georgia to New York, the Atlantic stock.

I have a problem with that. One of the other captains in the room earlier referenced the Texas A&M study that was published in 2013 by John R. Gold in the *North American Journal of Aquaculture*, and, again, that's a peer-reviewed academic journal, where their findings were that,

quote, cobia that were sampled from the coastal waters of Virginia, Mississippi, and Louisiana were genetically homogeneous. “Homogeneous” is an important word. The definition is, at least from a species perspective, genetically similar enough to be regarded as one population and not two. That information was based on microsatellite genotypes and mtDNA haplotypes. I appreciate that there is some concern from the council about the sampling associated with that, and I also appreciate that that is being considered during the next stock assessment.

That has been essentially the crux of my argument for a long time, and now some new, or at least new to me, information has come to light. I think the folks in the room will acknowledge that the Executive Director indicated that the Darden study, which is the, and I want to make sure that I’m reading it right for the record, “Population Genetics of Cobia: Implications for Fishery Management Along the Coast of the Southeastern United States” by Tonia L. Darden and the South Carolina Department of Natural Resources, that that study was cited in the SEDAR 28 report.

I want to read from that study: “Offshore groups were genetically homogeneous between the Gulf and the Atlantic.” That study agrees with Texas A&M. It does acknowledge a genetically-unique population of cobia in the Port Royal Sound, and I want to talk about the stocking question in here a minute. “No fish collected outside of South Carolina were genetically identified as a South-Carolina-stocked fish. Therefore, our evaluation of hatchery contributions represents their contribution to the South Carolina cobia populations.”

In essence, I interpret that as, one, that inshore population is the byproduct of the stocking program that was initiated in 2004 for aquaculture, and, two, that those fish stay at home and that there is no genetic evidence that those fish travel. We have now acknowledged that the offshore migratory population of cobia, which are under the South Atlantic’s management, are genetically homogeneous and that there is not two separate groups that are running into each other around Florida and Georgia.

Again, I have mentioned Senator Warner earlier, and I appreciate his engagement. We are not the only ones frustrated with this revelation. In fact, in a letter to VMRC authored on May 19, 2016, Congressmen Rob Wittman, Randy Forbes, and Scott Rigell, all from the Virginia Bay area, made the comment to VMRC that compliance with a closure and subsequent reduction in current creel validates NOAA and the South Atlantic’s disregard for federal law, specifically the National Standards.

In terms of moving the boundary, again, you all have noted that the council cannot move the boundary, even though there is genetics information that I believe established that setting it at that line was inappropriate, based on the best science available, and so the comment was made that the council can’t do this, yet the Executive Director said during the Q&A session that scientists identified the boundary being at the Miami-Dade County line for Amendment 18, but the council used their regulatory discretion to move to the line to Key West for ease of management. I did a quick Google search after he made the comment. From Miami to Key West is 160 miles, and so there is some discretion there. Please don’t tell me that there’s not.

Again, this is all vexing, because, as that time period moves along, in December of 2009, there are comments on the record by Robert Boyles and the South Carolina representatives asking for a significant reduction in the ACL and some changes to the zone management. In the September 13th meeting minutes, the Executive Director did say, “and then when we get to cobia, the two

councils are splitting”, and so that’s indicative of the Amendment 18 that we talked about earlier, “but, for the portion that we’ll be managing, our likely ACL is going to be considerably below current catches and so we need to look at modifying our regulations”.

Right now, there is a two-fish bag limit in place, and we need to look at modifying those regulations to ensure that the ACL is not exceeded. That’s vexing to us. It sounds like there is a policy direction that needed science to justify it, rather than the creation of a policy based on science that was provided in advance. Again, that’s September 13, 2010, and the SEDAR 28 report was not established until 2013, and so three full years in advance.

If we move the line back, what does that impact? We had a discussion of that last night around statistical variance. I would like to have added to the conversation, and I wish I had said, but, while there was significant variation in the catch over the last decade, every single year, the good years and the bad, were within the statistical standard deviation except for 2015. That casts even more doubt on the 2015 data.

Using a slide that was created by VMRC, and if anyone wants to read the South Carolina study, I have it blown up right here, so you all can see where the South Carolina study, which Mr. Waugh said says there is two different populations of cobia, right here it says that that offshore population is homogeneous.

Here, we have the numbers assuming an ACL at the 2014 boundary. This pink line that comes from VMRC, that is the 2014 ACL number. As you can see, we were slightly over in 2010, we were slightly over in 2006, but that pink line is the standard deviation that’s used to determine whether or not a study is scientifically significant. 2015 was almost double over the line, and so if it’s over a couple of years, maybe it’s an odd-duck season, but, for ten years, every data point has fallen within that standard deviation, and so 2015 is odd.

I am greatly, greatly vexed that a policy was made based on that one year. I realize that the rules in place allowed for a one-year catch to be utilized the year after an ACL change, but, again, there is a certain degree of convenience that it just so happened in the one year where one year could change.

I think the council acknowledges that that’s a little head-scratching, because we’re here today having a conversation about the need for some changes, and so I appreciate that, while some of the solutions that have been promoted are not things that I am in favor of, it does represent a difference. When we were talking about one fish per person in May, that was only going to extend the season by five days, and now we’re looking at, instead of June 20, we’re looking at July 25, and so there’s some progress there.

Again, there is some concerns about the allocations. The 620,000 pounds is based largely on a formula that features average historical catch. For the last few years, the average historical catch just for North Carolina and Virginia by itself is around 550,000 pounds, and, of course, that’s including the 2015 season, where Virginia caught eight-hundred-and-some-thousand pounds by itself, but the average was still around 550,000.

Essentially, North Carolina and Virginia have traditionally caught enough fish that would meet or come close to exceeding the quota given for all the states on the Atlantic seaboard. That doesn’t seem like it was an appropriate allocation. Meanwhile, east Florida’s average catch has

been around 430,000 pounds, yet the portion that was taken with them to go into the Gulf was around 860,000 pounds. Again, National Standard 4 says fair and equitable balance, access to the resource, and fair and equitable access to the fishery, and that just seems to be problematic.

Again, reading from the letter from the congressional delegation from Virginia: “That huge significant outlier warrants a review period to revisit the stock assessments and data collection methods.” Again, I thank the council for taking that action through the next stock ID workshop.

Going to the amendments, I think folks in this room, based on state action in North Carolina and Virginia, have now spent a season fishing where essentially our limit is one fish per person at thirty-seven inches at the fork. We think that that’s appropriate, given the last decade of fishing performance, and I think that that limit likely would not hurt business and keep everybody economically viable, but, using a thirty-seven-inch size limit at one fish per person and closing on July 23 isn’t appropriate, especially if the ACL is set at the proper number and the management zone is set properly. Going to thirty-seven inches at one fish per person, given the last ten years’ worth of catch data, will keep us under that ACL and no closures will be needed.

Regarding the accountability measures, I have said on the record several times that I am hesitant to talk about them. I was one of the primary people who said an end-of-season closure is, by its very nature, discriminatory against communities that reside at the end of the fish’s migratory pattern. I still believe that to be the case. The problem with the options given is if we start earlier, and the early start, the May 1 start, is good for charter boat anglers from Cape Hatteras southward. That hurts Virginia. That hurts North Carolina pure anglers. In my case, that’s both.

However, in order to give some back for those folks, then you do almost irreparable harm to the Cape Hatteras and southward anglers who have a very short, high-volume, high-wave fishery, where they get a lot of their business for a year in a very short time period. It feels like two communities that are merely an hour or an hour-and-a-half apart are being put at odds with each other, and so, at this time, I am not prepared to give a recommendation either to the length of the fishing year or the accountability measures.

Again, I do ask for more statistical rigor. I do ask for more education about potential redress mechanisms and opportunities to participate. I know that there’s a cobia advisory panel. I believe I’ve applied to be on it. I know I have for Atlantic States, because they have acknowledged my submission, and I would like to participate.

I also would like there to be consideration by the SSC of that potential Virginia offshore population. I have heard anecdotally that there are populations of fish, cobia, that offshore do winter off of the shoals of Cape Hatteras, or out in the warmer water, and there apparently is very little knowledge about the size of that population.

I think that, as more information becomes available about that group, you will find that the biomass itself is significantly larger than what currently is estimated, and part of that may be because there is some factors that are making the fishery worse in Florida, in South Carolina, in Georgia, that are not necessarily fishing-pressure related, but could be related to either warmer water, poor water quality, et cetera, because we are starting to see more and more fish higher up in the Atlantic seaboard, even as far north as -- I believe there was a forty-pound fish caught off of Rhode Island last year, but decent numbers of fish off of Maryland and Delaware’s coast.

Again, I think that should be considered, and some of the factors that have made South Carolina such a, and forgive me for using the term, squeaky wheel on this are not necessarily solvable by reducing fishing pressure. There may be other factors involved and so, again, we ask for a more significant root cause analysis. I thank you, and I look forward to hearing the rest of the comments from the attendees this evening.

MR. SCARBOROUGH: I don't really want to be here tonight, but here I am. I'm Rick Scarborough. I'm a charter boat captain out of Hatteras. So much. Jonathan pretty well covered a lot of this, but I keep going back to the statistics to get the numbers for the 2015 year, or any year, and I just want to make sure that, for whoever is listening to this, that they know that, prior to this year, myself or nobody that I know from Hatteras or Ocracoke or Oregon Inlet has ever been surveyed during cobia season at the dock. With that said, I just have issues with the numbers.

This fishing season, the 2016 season, you're going to see a dramatic decrease in the numbers if they are collected the same way, because, for one, our catch, daily catch, was cut in half. I was checking my numbers before I came here a couple of days ago, and my numbers are almost exactly half of what they were this time last year, almost to the fish half of what they were last year.

Then, when you take the recreational boater, the non-charter boat boater, they were knocked down to three days of fishing, and so the effort that I saw there this year was probably a 70 to 80 percent decrease in the effort that they were putting in, and so you're going to see a big -- If the numbers are collected the same, you're going to see a big decrease in the numbers for this year, and what scares me there is they're going to -- I have been in this fishery long enough to know that when the numbers go down, they say the fish are dying, and so we need to make more drastic cuts.

That is something that I would not like to see. Keep in consideration that our fishery, our take, was drastically cut by over half for the charter boat, where it went to one per person and no more than four per boat. There's a lot of days that I've got two or three people on my boat, and, after we have landed our limit, we've got to go do something else, and so the numbers are going to be cut dramatically.

Also, we're trying to regulate a fish that, according to what we just saw a little while ago, have a life expectancy of no more than five years or I'm sure there's a -- Eleven? But it said an expectancy of five there earlier on that. It's eleven? Okay. That's the first numbers I've seen. Every time I have asked how old is a thirty-three-inch fish or a thirty-seven-inch fish, I have never seen any statistics on that or heard anything on it until tonight.

Getting away from that, I am just going to throw out a recommendation there that we keep it at thirty-seven inches, one per person, six per vessel. That way, if you've got a -- I only take four people, and so that puts me out of there, but there's going to be a lot of charter boats that have six. Let each person on there catch a fish and keep that fish and then see where those numbers go from there and not have a closed season. Just leave the season open and see where it goes.

Since we have put these drastic measures in place for this year, the 2016 fishery -- We took it from a two fish per person, up to however many people is on the boat, and knocked it down to four to the boat, and I'm just talking about North Carolina. Virginia took a lot harder hit. See

where those numbers go for a couple of years. Don't keep jacking it around every year or every few months and then trying to come up with a plan. Leave some stuff in play for a while and see where it works out.

Like somebody said earlier, we're not going to catch all those fish. Those fish, they're going to spike and you're going to have your high seasons. You are never going to have all your fish at their height at the same time. You're going to have some high and some low and some high and some low. That's just the way it is.

What I've seen over the years in this fisheries management is a lot of this, to me, looks like job security for the people coming up with the laws. If they have an issue, they've got work, and I have been to meetings in New York, I've been to meetings in Maryland, and I've been to meetings in Wilmington, and you see the same -- I got out of this for a while, but I saw the same biologists, the same scientists, the same people, whether it was spiny dog shark, weakfish, stripers.

To me, it looked like job security. They make an issue out of something and they've got some work, but anyway, just put something in play and let it stay there for a while, so we can have like that man that's building them rods. I've got people now asking whether they should even book charters for next year, because we told them, the way it's going, we might not even be able to fish for them next year.

Give us some stability here. I'm going with the one fish per person, thirty-seven inches, six per vessel, and leave it open right on until we can't catch them no more, and they will move on. They're going to go back to Florida in the winter and then they're going to come back here in the spring. Thank you.

MR. GORHAM: As I said before, we want a one per person. My name is Bill Gorham. The minimum season length needs to be May 1 through September 15. I came up with 1.5 million of the catch total, and you can come up with numbers that give us a season that long. I believe these regulations are fair to both recreational anglers and those who pay for a for-hire charter captain to harvest cobia.

I am lost here, but, based on the size, a thirty-seven-inch minimum would also allow for an additional year of spawning, which hopefully would increase the spawning stock biomass. Through communication with the South Atlantic and conversations I've had, the fear of a new stock assessment would bring cobia to be considered overfishing or overfished. Obviously actions need to be taken to correct that, and three years of an additional year of spawning hopefully will give us that.

Also, as it relates to boat limits, I think that unfairly targets charter captains, and it also unfairly targets the anglers that are onboard, the consumer. You go from one fish per person and then you cut it down to a half. You have a lot of charters running makeup trips, and so it's different parties. It's not all just the same family, and I've heard many times, well, how many do you need? How many do you need?

We bring up the argument and you say, well, the science says this. Is there any science that says this is how much fish somebody needs? I hope, when it comes up in September, and they say, well, how many fish do they need, I hope you ask them what science has proven that, because

that's what we're told all the time, science, science, science, and I haven't seen any, and hopefully that is combatted.

It should also be noted that we agree to these reductions, which, for most of these people in the room, is a 50 percent reduction during the peak season. When the fish are here, they're more than capable of catching two for as many people as are on their boat, which is mostly eight, a charter captain, a mate, and a six-pack.

Just to go into, again, other conversations I've had, as it relates to estuaries, northeastern North Carolina estuaries, as it relates to cobia fishing, are probably the safest for cobia. Hardly anyone fishes inside the sounds, and so we do not have the same issues as they have found in Port Royal, where they claim the boats were lined up side-by-side and everybody was catching cobia. That's not here. The regulations that have been brought upon us seem to be influenced by that fishery, but it should be noted that our fishery is extremely healthy and we do not harass or overfish our estuaries. As far as spawning cobia, they are well protected here, and that's why we have the fishery we have.

As it relates to the accountability measures, I feel that greatly shortening the season should never happen within two years of a reduction to an ACL or any year. I do like the tiered approach that's been presented. I hope there is some clarification or it's at least noted in the regulations that if you go over a year and you say you have a six-person limit and you go down to four or whatever the set number is, if you don't go over the following year, it resets back to that six person boat limit, so that we always don't keep losing, losing, losing, because again, we are, for us here, agreeing to a 50 percent reduction.

I am just going to go ahead and say it. It's clear what could or might happen. Hatteras is going to get hit with some type of season, whether it's going to be a start date of mid-May or even the first of June, ultimately, to extend the season for Virginia. I've had many conversations with people in Virginia. They need to step up. I think it's vitally important, from the state level and the federal level, and, since this is federal, we'll say federal, but the start date must be May 1.

Hatteras is a unique place. The fisheries are their livelihood, and May 1 is vitally important, but, as far as what we talked about yesterday, I hope to hear of that analysis and at least be able to make a public comment on it in September. I will be there, and I believe, again, like I said yesterday, that that could be, hopefully, the cure-all for next year. If it gets us into a mid-August estimated closure date, it could probably save drastic measures at the state level and starting the season later for Hatteras.

On the grand scale, I look forward to working with you all in the process. I did sign up to be on the advisory panel for cobia. I can't wait to enlighten anyone and everyone sitting around that table. I think South Carolina should be muted during this process. They seem to be talking way too much, but thank you again.

MR. HABER: My name is Doug Haber. I just got into cobia fishing this year. Three months ago, I had never even seen a cobia. I've been reading and learning and talking to the people at the piers and tackle stores about this whole issue, and my gut feeling is that this doesn't seem to be about saving a species. I think there is something else to this. Looking at the data and trying to understand how these numbers have been reached -- Like Mr. French said, with his charts, it's

just unbelievable, and I wish I knew more about this, so I could go on, but I just want to go on record as saying that the whole thing sounds pretty suspicious to me. That's it.

MS. HABER: If they close the season in July, the people that make a living off of fishing, if they are looking for cobia, then they're not going to be able to catch it, because the season is closed in July, and so, also, other kids who want to become fishermen like that have the summer off to catch fish, but, if they close it in July, they're not going to have much time to catch the cobia. I'm Abigail Haber, aged ten.

MR. DEKKER: My name is Reece Dekker. I guess a couple of points. Somebody was talking about the offshore population. That would be a great idea, because there is a lot of fish offshore. How do we know that doesn't contribute to the population? That's a great idea, which could fix everything.

Rick Scarborough, I couldn't agree with him more. He's 100 percent right. What you guys have set up is going to show lower numbers, cutting it in half and shortening the season. What he didn't mention too are the fish outside of three miles. I mean we can't keep those anymore, and so it's just going to -- You guys have set this up to support -- Whether you have tried to or not, and people keep talking about things being suspicious, but it's set up to show crummy numbers, and it's going to support somebody over at you all's office saying, well, look, the numbers are down and we were right. Well, it's set up to show lower numbers. The quota has been cut in half and we can't keep fish outside of three miles. Rick was 100 percent right on that.

Thirty-six inches instead of thirty-seven inches. I can't find a thirty-seven-inch ruler anywhere at the hardware store. My tape measure rusts every time I put it in the boat. I don't know who came up with that, but, at any rate, that's maybe my biggest problem, but let me ask you a question. What is a cobia? I am asking you, Gregg. What is a cobia?

MR. WAUGH: It's a fish.

MR. DEKKER: Okay. What is it in regards to the State of North Carolina or the country of America?

MR. WAUGH: This species has become very important, and that's why we're here, to get you all's comments, and so why don't you tell us what you think?

MR. DEKKER: Okay. I'm going to tell you what I think it is and what I think most of these guys in this room are going to agree it is. It is a resource. It is not what it has turned into. What it has turned into is a product that supports National Marine Fisheries and big government management supporting all these salary positions, a lot of them six-figures, and federal funding that comes along and pushes it onto the state and federal funding that goes to the state, the state fisheries, that supports the federal agenda, and it's not a resource anymore. The way I see it, it's a product. It is no longer a resource, and we keep hearing everybody talking about this smells fishy. Well, it does smell fishy. It stinks.

2015 was not even remotely -- You guys call that science? It's science fiction. 2015 was terrible compared to 2014 and 2013, and you guys keep putting that up on the screen and telling us that that's the banner year that caused this whole mess, which is so unbelievably frustrating to all of us, because 2015 was not the banner year, and we're out there seven days a week, six or seven

days a week, on the water observing it. We're not sitting behind a desk five days a week getting paid by the taxpayers and trying to cram something down everybody's throat that is hurting us.

This three-mile line thing, I forgot to ask you all about it, but the three-mile line to not fish in the federal waters, what is proposed for that next year? I came in late. Is that shut down the whole year or is that shut down June 20 or I mean what is being proposed for that?

DR. DUVAL: What was displayed on the screen is options for federal management, and so the analyses that were done were done assuming that the federal regulations would be complemented by the states in state waters, because that's the only way we can analyze it. It can't be analyzed trying to guess what different states might do from one year to the next.

MR. DEKKER: But the State of North Carolina said, no, we don't like closing on the 20th and we want it open, and so we kept it open, but you closed the federal on the 20th, which, like Rick says, now we don't have the data coming from the federal waters that would bump the numbers up a little bit, instead of supporting this notion that the species is in trouble. I mean I just -- You're talking about affecting our livelihood. I've been doing this for nineteen years.

I called you one day, and there was a line right outside of the inlet, and I knew it was borderline, and I said, look, guys, we're going to catch a cobia here, and we did, and I was 0.2 over the line. I put my boat in gear and I didn't gaff that fish until we were legal, and then the people said, all right, let's go catch another one, and I said, we can't. What are you talking about? If we go out there -- There was a Coast Guard cutter a mile away. If we go out there and we get caught with this fish on the boat, we're done.

Well, damn, you just said that there's going to be fish on this line, and I said, yes, we just caught one and there's probably going to be more, but we can't do it. You know what the kids said? This sucks, and it does suck. It's ridiculous. I can't believe we're back here talking about it again, and I can't believe that Texas A&M was ignored, and I can't believe 2015 data is still being crammed down our throat, when everyone in this room knows it's not true, but I can't help but wonder why someone like you or somebody else that's associated with National Marine Fisheries is so hell-bent on closing this down. You can't rest, you can't sleep, until this is closed down. I mean you've got a hard-on for closing this thing down, and why? Why? It's because of money. It's no longer a resource. It is a product that supports big management.

MR. WAUGH: No one is trying to shut this down. There are regulations that are in place. In 2015, it went over the ACL, and that required a closure.

MR. DEKKER: According to people sitting behind a desk five days a week. It is not what we saw on the water.

MR. WAUGH: You're incorrect. It's from people going out and measuring the fish. Now, you can dispute those numbers.

MR. DEKKER: Everybody in this room has.

MR. WAUGH: We don't like the numbers either, but those are the numbers, by law, that we have to use.

MR. DEKKER: Imagine how unbelievably frustrating it is for someone like me or all these other guys in this room that have been doing it for a long time that have customers that come back every year. Like the kids said, it does suck. It sucks. I can't go out. There's an imaginary line, and I can't go over it, and what are we going to do? Well, we fished all morning inside and we didn't catch diddly, and so what we going to do, Captain? Well, we can't go back out there, because we've got these fish on the boat now. Then one guy decides that we might as well just go in, because this sucks. That is, in a nutshell, what you guys have done to this fishery, and what the kids said on the boat sums it all up, it sucks. I think that covers it, but I am serious about the thirty-six-inch thing.

MR. SMITH: I'm Bobby Smith. I run a charter boat out of the Oregon Inlet Fishing Center. I am against I guess everybody in the room, but I'm a hard-head, and I say a thirty-three-inch fork length and two fish per person, just like we've always had for the thirty years or thirty-one years I've been doing it. I think we're trying to fight over crumbs, and we shouldn't be fighting over crumbs.

We should have what we had. You're talking about a fish that we catch when it's sunny. You need height to see them. You have to have good eyes to see them, and to compare what Rick Caton would catch compared to two outboards is ridiculous to me. It doesn't make any sense. You're talking about one of the fastest-growing fish, besides a dolphin, that I know of, and I say thirty-three inches, two fish a person, open year-round. Thank you.

MR. STEWART: My name is Justin Stewart, and I'm just going to be brief about this. Pretty much everybody that's spoken has been charter-related. I am going to speak on behalf of tackle shops, from TW's Bait and Tackle. It has greatly affected business. Ten years ago, we had the stripers in the winter, and we don't have that now. It's a thing of the past. It's a unicorn.

The cobia deal is soon to be that, not that there's not fish, but we're not going to be able to fish for them. Therefore, you are crushing local businesses that necessarily aren't on the water. Other than that, it's not just tackle shops. It's restaurants and hotels and gas stations and everything. I mean, from the beginning of May all the way through July, it's probably the biggest fishery we have, and it's absolutely absurd to shut down something that we have that's so great like this that is not endangered. Thank you.

(Whereupon, the public hearing was adjourned.)

Transcribed By:
Amanda Thomas
August 2016

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405**PUBLIC COMMENT ATTENDANCE RECORD**
Public Hearing Meeting

LOCATION OF MEETING

DATE

Kitty Hawk, NC**August 11, 2016**☐

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YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

Rick Caton

MAILING ADDRESS (STREET OR BOX NO., CITY, STATE, & ZIP CODE)

Custom Sound Charter

EMAIL ADDRESS

SECTOR (Please check all that apply)

☐

Commercial

☒

Charter/For-Hire

☐

NGO

☐

Recreational

☐

Other

Describe

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

*Free Agent*CHECK HERE IF YOU WISH TO
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YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

Cameron Whitaker

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PO BOX 513 Hatteras, NC 27943

EMAIL ADDRESS

SECTOR (Please check all that apply)

☐

Commercial

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YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

Brian Travis Kemp

MAILING ADDRESS (STREET OR BOX NO., CITY, STATE, & ZIP CODE)

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YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

Sean Hankinson

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MAILING ADDRESS (STREET OR BOX NO., CITY, STATE, & ZIP CODE)

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Jonathan French

MAILING ADDRESS (STREET OR BOX NO., CITY, STATE, & ZIP CODE)

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YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

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SECTOR (Please check all that apply)



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Describe

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Self Charter fish

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Coastal Migratory Pelagics Framework Amendment 4 (*Atlantic cobia*)

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

4055 FABER PLACE DRIVE, SUITE 201

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YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

*Jon Worthington**252-562-2914*

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SECTOR (Please check all that apply)

depierrot@gmail.com☐

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YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

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SECTOR (Please check all that apply)

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YOUR NAME (PLEASE PRINT)

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YOUR NAME (PLEASE PRINT)

Bouglass

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (STREET OR BOX NO., CITY, STATE, & ZIP CODE)

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EMAIL ADDRESS

P.O. 35

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YOUR NAME (PLEASE PRINT)

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KENDALL HILL NC 27948

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YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

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EMAIL ADDRESS

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**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405**PUBLIC COMMENT ATTENDANCE RECORD**
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YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

Justin Stewart**252-619-1198**

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SECTOR (Please check all that apply)

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YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

JUSTIN REVERE

MAILING ADDRESS (STREET OR BOX NO., CITY, STATE, & ZIP CODE)

EMAIL ADDRESS

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YOUR NAME (PLEASE PRINT)

Chandler Olsen

TELEPHONE NUMBER (& AREA CODE)

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Po Box 1605 Manteo NC 27954

EMAIL ADDRESS

SECTOR (Please check all that apply)

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Commercial

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NGO

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Other

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YOUR NAME (PLEASE PRINT)

AARON KELLY

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EMAIL ADDRESS

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Rock Solid fishing☒

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**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**4055 FABER PLACE DRIVE, SUITE 201
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YOUR NAME (PLEASE PRINT)

John Welch

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252-573-8688

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6728 Hwy 64 Manteo Harbor N.C. 27953

EMAIL ADDRESS

" "

SECTOR (Please check all that apply)

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Other

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YOUR NAME (PLEASE PRINT)

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laargiro@odu.edu

SECTOR (Please check all that apply)

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Commercial

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Other

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*Charter*CHECK HERE IF YOU WISH TO
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SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

William Scott Jones

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P.O. Box 868 Kitty Hawk NC 27949

EMAIL ADDRESS

none

SECTOR (Please check all that apply)

☐

Commercial

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Other

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Coastal Migratory Pelagics Framework Amendment 4 (*Atlantic cobia*)



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YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

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SECTOR (Please check all that apply)

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Commercial

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Recreational

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YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

Tina Luke

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averyhope.luke021315@gmail.com

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Coastal Migratory Pelagics Framework Amendment 4 (*Atlantic cobia*)

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

4055 FABER PLACE DRIVE, SUITE 201

NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD*Public Hearing Meeting*

LOCATION OF MEETING

DATE

Kitty Hawk, NC**August 11, 2016**☐

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Coastal Migratory Pelagics Framework Amendment 4 (*Atlantic cobia*)

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

PUBLIC COMMENT SESSION HILTON VIRGINIA BEACH VIRGINIA BEACH, VA AUGUST 9, 2016

MR. FRENCH: My name is Jonathan French. I have come down from Falls Church, Virginia, today. I am an average, everyday recreational fisherman. I probably have less at stake financially and in terms of quality of life than anyone here on the panel, or anyone here that is in attendance today. If this was, for me, about management of the fishery, I probably would have been content to issue public comments and go along my merry way.

I feel at this point that it's not a fisheries management issue. It's a rule of law issue, and I would like the opportunity to discuss that today. Mr. Waugh and Dr. Duval earlier mentioned the genetics that there are two unique populations. That is affirmed in Amendment 20B, which says specifically that the decision to split at the Florida/Georgia line was based on genetic and tagging data.

This is double-downed in the white paper that was submitted to the Atlantic States Commission by Dr. Louis Daniel, who I would like to say on the record resigned amidst accusations of violating open meetings laws in North Carolina, and that paper reinforces that there are two separate stocks.

This is triple-downed in a letter to Senator Mark Werner that was received by his office on July 27, which says, and I quote, genetic information indicates that there are two stocks of cobia, one that occurs in the Gulf of Mexico and extends through the east coast of Florida, which is called the Gulf of Mexico stock, and a second stock extends from Georgia through New York, the Atlantic stock.

Again, that letter was received in response to a request that I made as a constituent of Virginia. This is here for anybody to look at. That letter was authored by the United States Department of Commerce, National Oceanic and Atmospheric Administration, the National Marine Fisheries Service, and, again, was received on July 27.

This council, I'm assuming, has rejected the peer-reviewed research published in the *National Journal of Aquaculture* from Texas A&M University that says that cobia that were sampled from coastal waters of Virginia, Mississippi, and Louisiana were genetically homogeneous. Homogeneous, that means the same and not two different groups mixing. Okay. We will play with that.

However, the SEDAR 28 report references a study by the South Carolina Department of Natural Resources published in 2013 by Tonya L. Darden in "Population Genetics of Cobia: Implications for Fisheries Management Along the Coast of the Southeastern United States". According to the microsatellite data from that study, they again say that cobia are genetically homogeneous, and so it is untrue, at least based on any publicly-available peer-reviewed information, that the cobia in the Gulf are genetically any different than the cobia in the Atlantic, and the Executive

Director, Gregg Waugh, said that the fish -- The large majority of the fish reside off the Keys and split and go their merry way.

As people in the audience have said, fish caught in Virginia have been tagged in Louisiana and vice versa. I don't know about the number of mixing, but the mixing appears to be migratory pattern mixing and not genetics. Again, this decision to split at the Florida/Georgia line based on genetic information is built on a fundamental lie. Even the study that was referenced in you all's report, that is circled in red right here, and you are welcome to come and look it, and so are other folks here, says so.

With those things being the case, I have one more comment about the South Carolina study. The South Carolina study does recognize the genetically-unique population of cobia, and it was noted on the map that was presented that that genetic population is unique to Port Royal Sound and exists because of a stocking program that South Carolina conducted in order to support a state-funded aquaculture program, and so South Carolina essentially created the genetic anomaly that we have, and the study notes that no fish, none, that were genetically identified as South-Carolina-stocked fish have ever been caught out of South Carolina waters, and so that population does not migrate.

Hence, there is not a mixing and there is not anything. There is mixing in terms of their paths cross, but those fish aren't moving, and so any kind of management to protect that genetically-unique inshore population should, and appropriately is, being done by South Carolina. South Carolina has restricted, but those fish -- Virginia anglers aren't catching those fish. Florida anglers aren't catching those fish. Louisiana anglers aren't catching those fish. Those fish are genetically unique.

My conclusion in all of that, before I get into the business of the recommendations and the opportunities for Virginia to participate more in the information sharing process, is if the concept of dividing at the Florida/Georgia line is built on something that is fundamentally untrue, National Standard 2 has been violated. National Standard 2 means best science available. I presented peer-reviewed information. I have seen numbers come out, but I have seen no peer-review information on how those were calculated appropriately, and, in fact, the stuff that you all are citing is right here.

I don't know where that crossing is. Your lawyers may tell you otherwise, but I fear that that's where this is going to end up, that a judge is going to make that decision, and I know that the history of the courts being involved in fishery management is a very unpleasant one, and I certainly hope we don't need to get to that point.

Let's just assume for a minute that the ACL goes back, is reverted, and I would just like to clarify that I don't know of anybody who is asking fish to be taken out of the Florida stock and given to the Atlantic. That's not what we're saying. What we're saying is we want the dividing line to be moved back to Key West and then the ACL essentially, I believe at that point, would be 1.5 million pounds.

Assuming that's the case, I have taken a slide that was created and presented at the VMRC meeting on May 19th, and I've added to it. It shows ten years of catch data. Most of this information, again, was in the VMRC slide. They indicated it was provided by the South

Atlantic Council, but I added a couple of things. One, I added a standard deviation. The mean for the catch for the last decade is 1.285 million pounds. That includes east Florida. That's for the last decade, and so a 1.5-million-pound ACL with a mean, which is an average catch, of 1.285 million pounds should be fine.

That's also considering that, during that time period, every single state in the management zone had a two-fish limit, with the exception of Virginia, and so, if we were to say go to a one-fish per person limit, to me, it's absolutely ludicrous and statistically inane to argue that that wouldn't be enough of a drop.

When you look, again, with a two-fish per person limit over a ten-year period, there were only a couple, I believe three years, 2006, 2010, and then last year, where the ACL was exceeded. Two of those years, the ACL was exceeded within the standard deviation, and so, scientifically speaking, if you talk to a statistician worth their salt, they would say the data is probably pretty accurate. It weighs out over time.

The 2015 season is an outlier by almost 500,000 pounds. That's why a lot of people are questioning the data. Still, if the ACL and the management zone line hadn't changed, this would not be enough to create a closure. Now, when you factor in that most, if not all, states were perfectly willing to go to a one-fish per person limit, and I know North Carolina did it well before they ended up taking the more restrictive measures later on, and planned on doing it long term, and I would like to say, for the record, that both South Carolina and Virginia indicated that the measures that they took were only for this year. That was a point of emphasis, because they wanted to give the South Atlantic Council a chance to correct their mistakes. It doesn't sound like that's been happening.

Again, if anybody wants to review this data, it's right here. All the numbers, all the graphs, have been confirmed by going through the MRIP data. This is consistent. Thank you to the folks at VMRC for producing that slide and not being too mad that I painted over it just a little bit.

Again, that's what we would like to work to. I find it incredibly problematic that, despite multiple requests, we're having trouble getting a legitimate source of the tagging data that came from VIMS. It's cited in the SEDAR report. There is a citation that says personal communication, and I received this from VIMS, but no data is presented. Anecdotally, we received information from anglers that said that they had multiple instances of catching Gulf fish and the fish that they've tagged being caught in the Gulf, but suddenly we can't get this information.

A source provided us a slide that showed that Virginia caught fish captured in Mississippi, Alabama, and the Florida Panhandle, but when we presented it to VIMS, they claimed it wasn't actually their information, and yet I'm having a hard time getting it, and I don't know if anybody else has, and so we find that to be problematic, and I am concerned that some pressure possibly is being brought to bear to have them not put it out.

I would also like, for the record, to repeat a comment made by the Chesapeake Bay congressional delegation of Congressmen Rob Wittman, Randy Forbes, and Scott Rigell. They sent a letter of recommendation to VMRC that said compliance with the South Atlantic closure and a subsequent reduction in current creel validates NOAA and the South Atlantic's disregard

for federal law. While your lawyers may say one thing, at least those members of Congress would suggest otherwise.

One other thing I want to touch on. If you look at average catch rates, just Virginia and North Carolina's average catch, including the outlier year, for the last five years was 550,000 pounds, approximately, yet the ACL for Georgia to New York, and I have a feeling you're probably going to hear that more fish are being caught in Maryland and Delaware now, was only 660,000 pounds. That seems artificially low, based on the historic catch data, even if you accept the data as being accurate and the zone split as being built around fact.

Meanwhile, east Florida received 860,000 pounds. There is no other way to characterize it. That's how much the Atlantic's ACL decreased. That's how much the Gulf ACL increased, even though the average catch over the same time period was only 427,257 pounds, and so, again, the allocation doesn't make sense, and there's been some confusion among constituents. Some communication has come out from CCA talking about there's a change in policy, where folks can challenge allocation. My understanding is that won't help us, because that's allocation between commercial versus recreational and not allocation between management zones.

Again, as I pointed out, Atlantic States involvement, complementary management, essentially means that we have taken away the State of Virginia and the State of North Carolina's right to manage around waters and pushback against the South Atlantic's missteps, and, again, at that meeting, and I was there. Unfortunately, I had to leave early, but, outside of VMRC staff management, which didn't agree with their marine fisheries commission's vote, and North Carolina's staff management, there was no representation there from recreational or charter fishermen, in terms of official positions on the board, and so that decision to go to complementary management was characterized as something we want. What we want is the South Atlantic to act in accordance with federal law.

My final comments were to the amendments. Again, I hesitate to make any kind of recommendation, because I am reminded of the scene from "Monty Python's Meaning of Life", where the man gets to choose his own execution, and he decides to be chased off the cliff by a group of scantily-clad women. Either way, he's going to die, and I feel like I'm making a recommendation and essentially giving you the noose with which to hang the folks back here.

I can catch cobia or not catch cobia. I have got to fish four days this year. I have spent more time doing this than I have -- But, to the folks in this room who are looking at losses of gross income between \$5,000, \$10,000, \$15,000 a year, and I would imagine, for some of the real strong charter captains, perhaps \$30,000 or \$40,000 a year in lost income. When I look at this and I see that essentially a management zone has been gerrymandered, and that is what is. The management zone has been gerrymandered to produce a result.

I am not going to spend you all's time speculating as to why, although I have some assumptions, based on the meeting minutes, but when these folks here, that their life is being crapped on and that their livelihood is being taken away because of an arbitrary decision to move a line, whether it's by the SSC or whether it's by the South Atlantic Council or whether it's by National Marine Fisheries Service or whoever, that's a really tough pill for me to swallow, and that's why I'm here.

That being said, if we were to accept any management, I think, based on my conversations, one fish per person is appropriate, one fish per person. Again, based on my data, I find it absolutely impossible to believe that if the ACL is 1.5 million and we go from east Florida all the way up to New York, I find it impossible to believe that a one fish per person limit won't keep us under that number for perpetuity.

I think that the size limit is appropriate at thirty-seven inches. We have had good experiences with that this year in North Carolina and Virginia, and, based on the data that Mr. Gorham will present later, that means an additional year of recruitment, and that should offset a lot of the concerns with regards to more females being targeted, and so that additional year of recruitment improves things.

As far as the accountability measures, and nobody has trumpeted more about the accountability measures being inappropriate and unfair for states residing at the end of the migratory pattern than me, but I am hesitant to go into selecting what the appropriate measure is until the framework under which those measures would be triggered is appropriate, and so, at this time, I am not prepared to give a recommendation. I do plan on being at the next two hearings, and perhaps I will hear something that will convince me otherwise.

I thank you for your time. I know that you've been more than generous in allowing me to speak, and I am happy to have any discussions online or offline regarding this data, this information, that I have. I will leave these here until the end of the meeting, but I do need them for the next few days, and so please don't tear them up, guys. Thank you.

MR. WAUGH: Jonathan, a quick question. The thirty-seven inches, was that fork length or total length?

MR. FRENCH: Thirty-seven-inch fork and forty-inch total. That is what has been adopted in North Carolina and Virginia. At least based on my experience this year, and I'm not going to say that I will speak for anyone else but myself, but what I've heard anecdotally is that's, I think, pretty palatable for everybody.

I know that the net issue has been problematic in Virginia, especially for pier anglers. For North Carolina, we still use a lot of gaffs, but if you're in a situation where a drop net is not available and a gaff is available, you have to make some pretty hard decisions, where some people could be potentially getting themselves in trouble. I believe there's also a bit of a public health concern with the netting of fish in the bay. I'm sure that the charter captains are very, very comfortable with using a net and getting their fish, but I bet there have been some people hurt this year, as there always are dealing with cobia, but perhaps even more so using a net to land their fish. Thank you.

MR. LINK: Hello. My name is Patrick Link. I'm a recreational angler in Virginia. I recognize, through the questions that you guys have answered, that you have no ability to interpret MRIP data, but I would like to go on record and talk about some of the discrepancies that I've found in looking through it, just so that it is on the record. I will go quickly, because I know that this isn't going to change by me talking about it, but I think it should be of public record.

Since 2000, only six of fifteen years have a percent standard error less than 50 percent in the State of Virginia. This is wave data. Of that, zero have a PSE less than 30 percent. Since 2000, only three of thirty-one waves have a PSE of less than 50 percent. The first one was annual catch, and this is wave catch. There have been zero waves since 2010 that have been below that threshold. In the same timeframe, we have had four waves with greater than 100 PSE, which I still can't quite wrap my head around.

The 2015 Wave 3 could be as low as 231,000 pounds as easily it could be 643,000 pounds, with a PSE of 63.8 percent. That variance changes the entire landscape of this discussion. If you take away that catch total, we would be within the threshold allowed for Virginia. The data that is being used is not acceptable.

Hiding behind the best available verbiage is a disservice to everyone in this room. There has been a threshold for PSE put into place to discredit information that is not usable. There needs to be a threshold put into place for PSE. I know you guys cannot do that, but I would like to see some sort of acknowledgment that we're working with bad data, that being the biggest thing.

Also, the representation that we've discussed. Two seats for the Mid-Atlantic does not seem to be an equitable representation for the State of Virginia. I would love to see the SAFMC reconsider this and give us a little bit more representation, not only in the small council, but on the main council as well, considering they will have the final outcome in determining kind of our fate.

Lastly, as far as the amendments are concerned, I think I would agree with Mr. French as far as a one-fish limit per person is -- It has been the standard in Virginia. We've had the most stringent regulation historically, and I don't see a need to change that. As far as a boat limit versus a personal limit, I have mixed emotions on it. I do feel like we have a fishery that is being targeted a little bit more, and there could be some changes made, but, at the same time, you can't do it arbitrarily based on bad information, and that's what I feel like is happening here, is we are jumping the gun.

Although I do like the idea of being proactive, we can't do it and change folks' livelihoods and the ability for the recreational angler to go out and enjoy themselves based on data that is more wrong than it is right, and so I believe a thirty-seven-inch fork length, forty-inch total length limit, is fine. As far as a vessel and personal limit, I would say, if we stick with what we've had, the numbers kind of show, as long as the ACL hasn't been changed arbitrarily with the change of the line from Florida to Georgia, we would be fine, and so my recommendation would be to stick with the one-fish per person limit, and so thank you for your time. I appreciate it.

MR. BOWEN: Patrick, one thing. I listened to everything you had to say, and you kind of harped in your testimony about MRIP and high PSEs. I would encourage you to talk to your state, because MRIP gets their numbers from your state.

MR. LINK: I understand that, and I have just learned that, actually, and that's even more disappointing. I understand it's a funding issue. We need to be able to put more money into the gathering of data, but that still doesn't excuse, I don't personally feel, the use of this data when it's this poor, and so it feels like it's constantly a it's their fault or it's our fault, and then we end up taking the brunt of it, in the end, with utilizing bad data, and I recognize that cobia that is not

the only fishery that has to deal with this and that funding is a huge part of this whole issue, but hopefully now, with the public outcry we've seen, maybe we will see a change in funding and we'll see a greater effort by VMRC and MRIP to get better data, because good data in and good data out, but, if you put crap in, you're going to get crap out, and that's what we're kind of getting right now, and that's all I have to say.

MR. BOWEN: The reason I say that is because I speak from experience. I'm from Georgia, and I look at my state's data, and I'm like, wow, wait a minute, and I get on the phone with my state. I would encourage you to talk to them.

MR. LINK: I definitely will. I appreciate it.

MR. BLOW: My name is Wes Blow. I'm a recreational fisherman in Virginia. Just so you know, I've fished for cobia for thirteen years. I fish about twenty times a year, and I've probably caught 350 or 400 fish. The reason I'm saying that is I'm out there and I see what's going on.

The first item, or actually the last item, the accountability measure change, I would like to see that go to one year, as opposed to a three-year average. With a three-year average, we will be penalized for what happened last year for the next two years. The other thing, about the changing the year, that's kind of been dropped, but I don't see how, if that comes back up, changing the year around will help. You've got a year of fishing, and I would like to see it kept the same way, but that's really not being addressed now. That's going to be in another amendment.

The minimum size fish, to go to a thirty-six-inch fork length, or about thirty-seven, Virginia went to a forty-inch minimum this year, and I would like to see that also. What I handed you all has to do with the lengths of the fish too, and what I have seen happen in Virginia, and this is citation data that I handed you, and it's just handwritten by me, but you can check with Lewis Gillingham, and he can confirm all these numbers.

I have seen a dramatic decrease in the number of large fish being caught, and that bothers me. We have been killing far too many bigger fish, and so they produce more eggs in the long run, and so I am concerned about that. You can see the numbers have gone down. We have caught no or registered no citations in the hundred-pound class in the last four years.

The ninety-pound-class fish has dropped dramatically, and so, in my proposal to the State of Virginia for a boat limit, one of the considerations also was to only allow a single fish over fifty inches, and that hasn't been addressed in the council's suggestions, but I am making that now, that with a boat limit, a two or three boat limit, I think it's a good thing, but, in that, it would be very important as to only allow one of those fish over fifty inches.

I don't know what's going on in the other states, but I would guess it might be similar to what has happened here with our catches of the large fish being down. We are seeing far more fish in Virginia. The last two to three years, I can go out and catch eight to ten to fifteen fish sometimes. Five or six or eight years ago, if I caught two or three in a day, it would be a phenomenal trip, and so there are more fish out there now, but there is fewer big fish, which concerns me, because the effort has dramatically increased.

Six or seven or eight years ago, compared to now, I would say it's five to seven to eight times as many people fishing for cobia in the bay then there used to be, and the fish are changing their patterns. The fish are caught much further up north, out of the Rappahannock River, then there ever used to be. Fish are being caught up on the ocean side, Delaware and that area, and so they're changing their patterns, and so the northern states will need to be considered in how they're managed as well.

You talked about, going back to the commercial, and I would love to see just a two-fish boat limit for a commercial person. Most of the states are that way. Virginia changed their limits to allow a single person to harvest six fish last year, and there was 143 or 147 percent increase in the commercial harvest in Virginia. That's all I have.

MR. AVERY: I'm Mike Avery. I'm the current President of the Virginia Saltwater Sport Fishing Association. We have about roughly 550 members, recreational anglers, throughout the State of Virginia that we network with and try to come up with our positions on different fishery issues. I am also a charter captain, and I also do fish for cobia, although I have been fishing for cobia, just as a private angler, much longer than I've been chartering, and so I've been fishing for cobia in the bay for about fifteen years now.

Our position, basically, is the South Atlantic Council has really not made their case for significant reductions in bag limits, in season changes, when all you have is 2015's overage. From 2005 through 2014, we've been at a relatively steady state, and, of course, most of those years were when we were part of the Florida Atlantic coast as one ACL, and we didn't bust our ACLs. We've been in a relatively steady state.

It is only through 2015, one year's worth of overage, did it get us into this situation, and so you really haven't -- That, for us, has not -- You haven't justified going to such drastic measures to consider vessel limits or reductions in seasons and some of the other management options that are in your framework amendment.

Having said that though, we do support a reduction from the current limit of two fish per person to one fish per person. We do not support the vessel limits, and the graphic that I just handed out to you kind of explains why vessel limits are unfair. They're unfair to the individual angler's perspective. The individual angler has the same right to fish no matter what boat he steps on that particular day. He has a fishing license, and he should have the same access to the same fish, and so the small-boat anglers, from the eighteen -- Of course, you can question my numbers in that graphic, but you really can't question the fact that a bigger boat usually has more people on it.

You never see a fifty-foot boat with just two people on it. They usually have more, and so, with vessel limits, the same angler gets a proportionally decreasing portion of one cobia depending on what boat he rides on. If he's on an eighteen-foot boat that's carrying two people, the current Virginia limit of two fish per boat, he is sacrificing nothing, and he is passing on all the conservation measures to everybody else who has bigger boats and more people on the boat.

As you progress up to bigger boats, carrying three people, four people, five people, up to six people on a boat, six people on a boat, he gets one-third of one fish, and so why should you penalize the individual angler simply because of the boat he chooses to ride on, and this has

nothing to do with whether it's a charter boat or a private boat. It just has to do with the size of the boat, and so an individual angler -- Most anglers only take one trip or two trips out of the year and they go cobia fishing.

Yes, some of them fish for cobia as often as they can, but the majority of the anglers throughout the State of Virginia, they may take one or two trips a year, and so why, because he chose to jump on a bigger boat with more people on it, that he only brings home a small bag of fish, whereas, if he jumps on an eighteen-foot boat, he gets a whole fish for himself.

My position is that boat limits at the federal level are unfair. We accepted vessel limits for 2016 within the state because we were faced with a closure, and so we knew that it was either a vessel limit or a closure, and so we kind of accepted it for 2016, but, at the federal level, vessel limits are totally unfair at the individual angler level.

The next issue is we hope you do redo the accountability measures. I don't know what's fair, but we hope that you come up with accountability measures that are fair that do not account for automatic triggers and that go into closures the following year, in this ever-increasing cycle of closures and reductions, and so we ask that you look at the accountability measures with the automatic triggers attached to them.

We also support Jonathan French's summary that the zone split and the ACLs are totally unfair, and I fully understand what you're saying, that it was a stock assessment decision and the council can't mess with that, but we're asking if the council could possibly do something with the Southeast Region of NMFS, with NMFS, NOAA Headquarters, the Department of Commerce, to somehow administratively correct a grave injustice.

I mean there's got to be a way to -- I mean to give a single state so much higher quota than the rest of the Atlantic coast, and they have a quota on the Gulf side and a huge quota on the Atlantic side that's grossly bigger than the rest of the Atlantic coast, and that is just, on the surface, unfair and unjust, and we would ask the council to at least look at administrative ways to correct that record, so that -- I know you can't redo the stock assessment, but there's got to be a way to look back and say, look, we made a big mistake, and we want to fix it, and that's what we're asking the council to do.

We also don't believe that the council has made any justification for closed seasons. We don't think there should be closed seasons up and down the coast. I don't believe you've made a case for even adjusting the fork length size. The only case you have made is to go from two fish to one fish, and that's our recommendation.

On the topic of the complementary management with the ASMFC, we're opposed to it at this point in time. We could support it if you correct the ACL and correct the zone split and we have a fair quota along the Atlantic coast, but, with a small quota given to the Georgia through New York, and then asking the ASMFC to manage a small quota, it's just a lose-lose position, and we don't support it until the ACL is fixed, and that's all I have. Thank you for your time.

MR. HAYNE: My name is Austin Hayne. I don't have anything fancy, like these guys, because I actually just came from cobia fishing just a minute ago, but my opinion is pretty much exactly what Jonathan French had to say. I agree with the forty-inch full length fish and one per

person, and I would say -- I'm a charter captain, and I've been doing this for three years. I fish literally probably every day, as does Chris, who is about to stand up.

We have probably fished thirty days a month, twenty-five days a month at least, and there is nothing wrong with our stock. I see plenty of fish around every day. We have no problems catching them. I mean there is a lot of fish around. If you guys take away the cobia fishing, I mean that's really going to affect our business pretty bad. I've got a cobia on my shirt.

That's what people come to us for, and so to completely lock up our -- With the two fish, we're already losing. I mean people don't want to -- Everybody wants to be able to keep one fish per person, and they don't think that's fair to -- As Mike Avery was saying, if you get four or five people on the boat and you give people quarters of fish, that's -- People want a picture with their own fish. They want to take it home and show their friends and family, and so I disagree with that. Other than that, just whatever Jonathan French says. That dude is my man, right there.

MR. BOWEN: I was trying to keep up, but you said forty inches, and is that fork length or total length?

MR. HAYNE: Total length, the regulations we have this year. That's what I agree with. Thirty-seven was last year and thirty-seven to forty inches, and forty inches I think is just fine.

MR. BOWEN: Total length?

MR. HAYNE: Yes, total length.

DR. DUVAL: So everything you guys have in place for Virginia this year except the vessel limit? You disagree with that?

MR. HAYNE: Yes, I disagree with that. I think it should be one per person.

DR. DUVAL: What about the one fish over fifty?

MR. HAYNE: Whatever he says. This is my man right here.

MR. FRENCH: That one I am staying out of, because I --

MR. HAYNE: Honestly, usually, you're only going to get one fish per day over fifty inches, honestly, but there are a lot of them still around. Some days they're up and some days they're not, but I would say I mean I disagree with it, because multiple people want to get a citation, but I mean people want a picture on a scale with a fish.

UNIDENTIFIED: Do you think your clients are safer being able to gaff a fish?

MR. HAYNE: That right there is the worst. Let me put a statement on that. Netting a cobia is one of the worst things ever. They get in the boat, and they break everything in the boat. We will have guys that their feet will get knocked out, because, when you gaff them, people call it DOA, dead on arrival, but they calm down. You can hit them in the head with a bat instantly.

When you net them, they get in the boat and they break everything. They take people's ankles out. We have kids that have got to run to the front of the boat. Actually, it's quite dangerous, especially if there's a jig in their mouth, and then they go absolutely nuts, and now you have a hook flying around the deck, and so I completely disagree with that.

MR. FRENCH: To back that up, there is actually some YouTube video out there. I don't know the captain off the top of my head, but one of the boats does the recording to promote their business on YouTube, and he has a video of a fish knocking a guy completely off his feet, a grown man, head over teakettle. Another video clip shows a guy getting knocked into the water.

There's tons of video of people jumping up on top of stuff in a moving boat, and especially in the charter boat business, where you generally have a lot of inexperienced fishermen, or, in a lot of cases, kids who are going out, or a big oaf like me, who can't move to save his life, and there is definitely a public health risk. I need help just to stand up on the deck half of the time.

MR. HAYNE: As soon as they come in the boat, they go wild, and I mean it's bad. We have had packs of hooks thrown at people and everything. It goes crazy in the back of the boat unless you can gaff them.

MR. BOWEN: We're getting close on time, and I want everybody to have the opportunity to speak, but I am going to be the devil's advocate for a second. What happens when it's forty inches total? What happens when you gaff one of these that is --

MR. HAYNE: We would net a fish that's close. I always net fish that are close. I mean you can -- If it's below forty-five, you're going to be able to tell right away.

MR. FRENCH: The bigger fish present bigger danger.

MR. HAYNE: A sixty-pound fish in a net that you fought for only a minute-and-a-half or two minutes, he is going to go berserk, and it's very dangerous.

MR. BOWEN: So you, without a shadow of a doubt, think that there would not be any gaffing and releasing them?

MR. HAYNE: Nobody that I know of takes the risk of gaffing a fish at that shorter size.

MR. DEMASI: My name is Chris DeMasi. I want to apologize for my tardiness. I was closing Boater's Warehouse, and so I'm here actually representing them, too. I didn't really get much of the presentation, and so I'm going to go on the amendments. This whole July closing, as far as Boater's Warehouse stands, we would estimate a \$45,000 to \$50,000 loss of income due to people not cobia fishing, and that's based on -- I mean people don't understand what it takes. We're talking oils or gaskets broken on their engines. Anything that they do to cobia fish, we take into consideration.

As far as -- Let's see what else I have for Boater's Warehouse. I think that's pretty much it. I just wanted to be on record as a tackle shop, to let everybody know that the South Atlantic closing our fishery has a pretty detrimental economic impact.

On a personal level, I am also a charter captain. Unfortunately, I haven't had a stellar year. I have issues with bag limits, with the vessel limits. Much like Mike Avery said, it definitely favors a smaller boat. I ran a thirty-foot center console, and I averaged -- My average, and I actually went back after this year and compared with last year. Last year, I caught ninety-five cobia, and I averaged 3.5 people per trip. I had seventeen kill citations, and I didn't even do really citations.

Despite what many people think, there are many fifty-plus-inch fish out there. I work at a tackle shop, and I have guys coming in and asking me -- They're buying lures, because they're losing lures to these fish. Now, whether to have one fish over fifty is very -- I understand the concept, but, as a captain, it's very difficult for having three or four guys on the boat and our very first fish of the day is a sixty-pound fish and that's all we're catching. These guys want to be able to catch their fish. They're paying good money, and they're coming from Ohio, Tennessee, Texas, everywhere. These guys are coming into town and they want to cobia fish and they want to keep their catch.

As far as fish being caught further north and more people targeting, I don't think what's being taken into consideration is the water temperatures. It's eighty-four degrees right now on the oceanfront. There are pompano being caught at Sandbridge Pier. There was a freaking manatee, and the water is staying super clear, and so, yes, there are more people out there targeting cobia, but that's not necessarily our fault. That's also the fault of the media. I can't tell you how many articles in *Saltwater Sportsmen* last year were about cobia fishing. The July issue was about the east coast of Florida cobia fishing, and that was right after our closure.

To play devil's advocate too with the size limit, guys who do it, like us professionals, I can tell the difference between a thirty-nine-and-a-half-inch fish and a forty-two-inch fish. I can't do the half-inch, but I have never gaffed a fish under fifty inches. You don't have to. Like Jonathan said, it's the bigger fish that pose a bigger danger. I can't tell you how many guys have come into Boater's Warehouse with broken rod tips because they're trying to net fish and needing new rods because they're breaking their stuff, because their clients don't know what they're doing, don't know to flip the bail when the fish is netted.

As far as my last thing I want to leave on, is Virginia has had the strictest bag limits on any kind of limit for cobia fishing for God knows how long. I have been cobia fishing for fifteen years, and one fish per person is how it needs to be up here. There is plenty of fish. You could pretty much walk across the Chesapeake at one point this summer, from what I understood. I haven't personally fished at all this summer, because I sank my boat, but that happens.

I can just tell you, from what I have heard and the amount of sales we have on certain lures that are being specifically targeted for cobia, and every day I have people coming in and asking for what to do, and there is no issue with a low population. There is no issue with a larger population. There are plenty of big fish out there. They're just not being landed, because people have already caught their fifty-inch fish. That's all. Thank you.

MR. FRENCH: Just a point of order, and I don't have to be on the record for it, but the reason people are -- I realize that there are not amendments regarding netting, and so you may think, well, why are we having that discussion, and I think a lot of the folks in this room are very aware that in the Florida South Atlantic meeting that the topic of nets only for fish came up repeatedly,

and there were not really any contrary opinions about that. It was generally that's okay, and I think that a lot of the folks here are aware of that, and that's why they're sharing that insight, even though it's not a proposed amendment.

MR. O'BRIEN: Captain Chris O'Brien from Hydrologic Sportfishing. I've been fishing the Chesapeake Bay, Lower Chesapeake Bay, for about seven years now. I've been a charter captain for three years. I'm out on the water just as much as Austin, twenty-five to thirty days a month, and so we see what's going on on the ground, and we don't see a shortage of cobia in the Chesapeake Bay, and I do support and endorse everything that Jonathan French has said. His argument is thorough, and it's factually-based, and that's what we need to go off of here.

Going forward for decision making for you all, I just want you all to understand that the judgment that's being made is going to affect charter captain's livelihood in the bay. We do target cobia primarily in the summertime. That is our number one game fish for us. I mean we catch other species also, but cobia is the hot species in the bay.

To be forced out of a fishery because of manipulated data and non-factual evidence, it feels like we're being bullied, in a way. It also feels like, like I said, on the ground level, with the MRIP data and whatnot, it's not being properly assessed at the dock. I have 550 hours on the water every year, and I was not once asked or assessed about what I was doing on the bay, but I have plenty of records and logs that support everything I've done, with number of fish caught, size caught, and fish seen.

I could rattle on about that, but, again, I just want to emphasize that, going forward, decisions being made, please stick to hard facts. If they don't exist, we need to find out what is the factual data. In terms of the numbers of cobia in the Chesapeake Bay, what is the stock biomass? What is the actual status of the cobia fishery?

We all support conservation measures, and we all want a sustainable fishery. We do catch and kill fish for a living. I also am a commercial fisherman, and I will speak on that in a second, but we also want a sustainable fishery for decades to come. If the cobia stock was in jeopardy of being overfished and the evidence was irrefutable, I would be the first one to say shut it down. That's not the case. Today, I caught two cobia, and one of them was fifty inches, and that was in a very short afternoon trip. I had other obligations, but we have been catching plenty of cobia all summer long. We're seeing them all sizes, big and small.

I also tag plenty of fish. I don't know the number off the top of my head, but I've been -- My goal was to tag close to a hundred, and I should hit that by the end of the cobia season. I'm also doing DNA sampling, working with the Virginia Institute of Marine Science, and so, that said, we care about the cobia fishery, and we want, I want personally, to have good, hard data that's accessible and measurable, so decision makers can make smart, informed decisions on our stock.

I guess my next question is -- I just went through this packet real quick, and I saw Action 4 to establish a commercial limit for Atlantic cobia. I know that the ACL, and I know that a lot of people don't know this, but I saw it, in reading through the verbiage, that the ACL dropped 10,000 pounds, to 50,000 pounds this year, and that was something that was in the fisheries management plan from three years ago.

DR. DUVAL: When we get catch limits from our Scientific and Statistical Committee, they're generally given for a series of years, and so those were the limits for that series of years.

MR. O'BRIEN: I do understand this year, 2016, is 50,000 pounds. Last year, we hit 51,000 pounds out of 60,000, under that ACL, and I see some alternatives here. Is there going to be a decision made from the four options here?

DR. DUVAL: That's the idea. The council doesn't have a preferred alternative at this point, and so there was concern among some of the commercial representatives on the council that, given the low annual catch limit and the fact there is not a federal commercial permit required for cobia, that they wanted to do something precautionary to try to ensure that the commercial season would also last as long as possible, and so that's why they wanted to get some input on the measures.

MR. O'BRIEN: I will go on record that I think a six-fish commercial limit is perfectly fine.

DR. DUVAL: Vessel limit?

MR. O'BRIEN: Yes, vessel limit, license limit, if you will.

DR. DUVAL: I think that's two different things. If you think about a license limit, if you as an individual person have a license, then that would be six fish for you. Then if there is another license holder on your boat, that's six fish for that person and six fish for that person, and so I just wanted to make sure that we understand --

MR. O'BRIEN: Six per boat, yes, with a licensed commercial angler onboard, which is what we have in place right now in Virginia. The thing about commercial fishing, as you know, is that number, that 51,000 that we caught last year, that was factual. That happened. We reported every fish we caught and weights and dates and everything, whereas other data being used is not factual.

DR. DUVAL: Because it's a survey?

MR. O'BRIEN: Yes, but you see what I'm saying. It's not -- The 51,000, that's a hard number. It was 51,000 pounds of cobia harvested for commercial purposes, whereas, with MRIP data, I don't have to go down that path, but you know what I'm saying. The numbers are extraordinarily high and inflated. Do you all have any questions for me?

MR. BOWEN: I've got one. You mentioned that you said that you've never been checked at the dock as far as your fish?

MR. O'BRIEN: I have not.

MR. BOWEN: Have you ever been called with a telephone survey?

MR. O'BRIEN: No.

DR. DUVAL: The way that MRIP survey works is that there is a telephone survey and that's to determine the amount of effort, but it's not -- The dockside intercept survey is for the anglers on the boat, and it's not for the captains themselves, and so the staff are interviewing the --

MR. O'BRIEN: I have seen the staffers around.

DR. DUVAL: The way the sampling protocol works, and it's a national protocol, is that they actually intercept the anglers coming off the boat.

MR. O'BRIEN: Anything else?

MR. BOWEN: Thank you for your comments.

MR. NICHOLSON: My name is Josh Nicholson. I'm just like Jonathan. I'm a recreational fisherman. I just got into it about a year-and-a-half ago. I'm a disabled vet, and so I use fishing as my outlet. Cobia fishing is generally what I target. I agree with everything Austin said. There is no shortage of cobia. In my opinion, he's one of the best charter captains on the east coast, and his word on how many fish he's seeing is pretty accurate.

I do see that it has affected his business. Last year, you were seeing his boat full every time he goes out. He would go out and he would be maxed on the amount of people he could carry. This year, I have noticed he doesn't have as many customers, because they don't want to have to go and split fish.

I don't go often on a boat. I do go out at least one time a year, which I will be going out with Mr. Avery and a program that he has on the 27th for service members. They're going to be out and targeting cobia, because they're going to be mainly fishing the bay. Some of those boats carry six people, and they're going to have to split two cobia if they catch it, and, just like everybody has said, that's not right. I think it should be one fish per person on the boat. Boats carrying six people, six fish. If they've only got three, it should only be three fish.

From a pier standpoint, because that's mainly what I fish, we have seen larger fish caught this year. They did move in earlier, like everybody said. A warm stream of water came in, and we started seeing fish a lot sooner than we normally do. The fish that are being caught, there have been, off the top of my head, ten release citations that I've seen caught on a pier.

Back to what Austin said, that netting thing with the State of Virginia, it's crap. We have to use the turtle net that the pier has, and you've got to try to get at least 70 percent of that fish in the net. These fish are too big for the nets. You get a gaff on them, and you bring them up on either say it's Virginia Beach Fishing Pier or Sandbridge, there's a lot of tourists. They see you're fighting a fish, the first thing they're doing is running up trying to see what you have. If you bring them up in a net, the fish is still green and flopping around. I've seen it take out little kids. I have seen their tails smack people and injure them. You put a gaff in them, they're going to come up a lot calmer than they are in the net.

It goes right back to if they're borderline fish, yes, we do net them. There is not going to be any question about that. Some of the seventy and eighty-pounders I've seen pulled up off the pier this year, a gaff would have worked perfectly.

Cobia fishing is my outlet. It's what I love to do. I go out every day in the summer fishing, and I fish from the pier, and so I have the recreational standpoint pretty much for the furthest inshore, from the pier, and a closure would affect us, any time of closure, because it wouldn't make it fun anymore. I wouldn't want to go out trying to target them if I couldn't at least take that fish home or -- My son loves fishing. He's twelve, and he wants to catch a cobia, too. He wants to get out there and catch. If that closure comes, it's going to hurt a lot of people. It's already hurting businesses, and I mean it's just not effective, and that's all I've got.

MR. BOWEN: First, I want to thank you for your comment, but lastly, and more importantly, I want to thank you for your service to the nation.

MR. NICHOLSON: Thank you, sir.

MR. GORHAM: We were actually successful. We had speakers from just about every facet of the community, recreational, pier, charter, tackle shops, lure manufacturer. As you know, I have reviewed just about every document that you possibly can review on this entire situation, and it clearly seems to stem from an issue in the waters of South Carolina. We would recommend or ask the commission to maybe find a root cause for that other than just people fishing.

Is it water clarity or the conditions? Has the water gotten warmer? Is it dirtier? Is there a new factor? Is there another reason, other than, quote, unquote, boats lined up next to each other fishing for cobia that's the issue, because we don't have that in northeastern North Carolina and we don't have that in the Chesapeake Bay, but we're falling victim to regulations that stem from the one state.

Also, to looking at a mid-July closure, for the lure manufacturer of custom bucktails, or bucktails in general, I am one of four or five small businesses that do it either out of their garage or shop or shed or warehouse. You're cutting our season in half, and we don't make that much per jig. From the tackle shop standpoint, most of them make double for what we get from the tackle shop, and thousands are sold. It also boils down to marinas. The boat that I fish off of within Virginia pays \$300 to rent a slip for a month, and then there's gas and there's tipping the dock attendant. There is the tolls that we pay and on and on and on.

I have asked before, and I would ask again, that NOAA come up with a formula that can take into consideration the recreational true economic impact of fishing regulations, because you have to remember when you decide to go from two fish per person to one fish per person that there's an impact. When you go from one fish per person to three per boat, there is an impact, whether it's financially or food-wise. I will see you tomorrow in Morehead City.

MS. MUSICK: I'm Susanna Musick. I just wanted to follow up on something that Jonathan said, and I know there are a lot of folks out there that are interested in sources of data. There has been a figure that's been floating around for a few months, and it turns out that it was created from South Carolina DNR, Matt Perkinson, and it's actually a compilation of different tagging programs data, and their return data as well, and I think there's a little bit of confusion within the fishing community about that, but, if folks are interested in Virginia Game Fish Tagging Program results, they can go online to our website to find those, and I will just reiterate that, as

far as all of the data that I've had returned and reviewed, we have only had one fish that was tagged in Virginia and recaptured in the Gulf of Mexico. That's it.

MR. BOWEN: Can you tell me about that thing about Matt again? What did you say about that?

MS. MUSICK: He put together a figure that was a compilation of tag and recapture results from different programs around the country, and not just Virginia, and I think there's some confusion that those results are just from fish that were tagged in Virginia.

UNIDENTIFIED: (The comment is not audible on the recording.)

MS. MUSICK: That's for the whole twenty-year dataset, and the fish was at large for almost four years.

UNIDENTIFIED: (The comment is not audible on the recording.)

MS. MUSICK: I would have to look that up for you, but I just want to reiterate that if people have questions about the tagging program data from Virginia, please go online, or you can email me directly, and I'm really happy to help.

UNIDENTIFIED: (The comment is not audible on the recording.)

MS. MUSICK: There should be no such thing as anecdotal information if they're turning their tagging program in.

MR. FRENCH: I realize that, but I can't speak to the program myself. I am not in -- There is no reason why someone who doesn't have an egg in the hunt says that they've tagged X number of fish and they have caught fish that were tagged in X locations to not believe them. There is no benefit to them. They are going out of their way to participate in the program, and so that's vexing to me to hear that, because it seems to represent a change from information that was put out at the beginning of this process.

MS. MUSICK: Where was this source of information, both the person that you're referring to and --

MR. FRENCH: I can refer to other folks who are in this room that participated in the program, and --, particularly, in North Carolina, said that he participated in North Carolina and has caught fish tagged from the Gulf and vice versa.

MS. MUSICK: He has caught fish tagged in the Gulf?

MR. FRENCH: He has caught and reported fish tagged in the Gulf back there, and he got reports of fish he had tagged that have been caught in the Gulf.

MS. MUSICK: Okay. I'm not sure about his individual tag return data. All I can cite is that one recapture report we've had, and if the fish were tagged in the Gulf of Mexico, then they were not Virginia Game Fish Tagging Program tags, because the bulk of our effort takes place in

Virginia's waters, and I would really encourage anyone who feels like their data are not being reflected appropriately in our results -- That's a big concern to me, and so I would like them to contact me directly.

MR. FRENCH: Along those lines, can you publish the additional report that was cited in the SEDAR 28, because that's never been made available. There's one citation that says personal communication from Virginia Institute of Marine Science. In an email communication with Mr. Waugh, he said didn't have it and couldn't provide it to us, and asked us to provide it to him. Where is that?

MS. MUSICK: All those tag return data are exactly the same as what I sent you in past emails. They are all published online in the annual reports, and so every single year's worth of data is published online.

MR. FRENCH: Again, that's not reflected in the SEDAR report. There is just a citation. Meanwhile, the South Carolina data is quoted repeatedly, ad nauseum, and so this is a concern. There's moving targets here. You have the SEDAR 28 report that doesn't make any reference outside of the individual citation. We had NMFS folks say and we've had anglers say that there is tagging information that's contrary on the record, going back to the VMRC meetings in early spring and in May -- The South Atlantic meeting, I'm trying to remember, and I want to say it was February, either February or March, whichever one was at Hilton Head, and I know there were public comments given where folks said on the record that at the cobia hearing that there were captains that attested to that in --

DR. DUVAL: Perhaps this is a conversation that you guys could have offline.

MS. MUSICK: Thank you.

MR. FRENCH: This is an example of information that's muddled and seemingly is changed as different pushback has been made. Suddenly the message becomes different, and we find that problematic, because there's one common thread, and it's that this is an organization that is dependent on state and federal funding for their service, and so this suddenly becomes a validity question or concerns of pressure that has been brought to bear to change what those results were, because, again, the original submission for the SEDAR report --

DR. DUVAL: Again, Jonathan, I am going to just ask you to please -- I mean this is a conversation that I think you and Susanna can have offline.

MS. MUSICK: It's my turn. I have the floor, and I have the right to talk about what's been published. All I can do as a public servant is the best with what people report to me. If they don't turn it in, then it's not going to be included in the results, and to say that anything has changed from the beginning of this process to the end is not fair, because the only time I have heard from you was a couple of weeks ago when I was sending the email to Bill, who was kind enough to forward me that diagram, and so it's --

MR. FRENCH: Yes, but when --

MS. MUSICK: I am still talking. Anything that's been published online is, as far as I'm concerned, what we're required by law to turn into the VMRC and what should be used as a reference, and so that's pretty inscrutable. If that's been the consistent source of data, that's what should be turned in. If there have been people talking in public forums that haven't turned in their data, then there's not much I can say about that, because all I can do is report on what I have been given, and I hope that makes sense.

DR. DUVAL: We appreciate you coming here and clarifying that, and I think the reference to personal communication and what Mr. French has cited from the SEDAR 28 report, I can certainly point you to that in the report and that would allow you to investigate that. Thank you very much.

Transcribed By:
Amanda Thomas
August 22, 2016

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EMAIL ADDRESS

Virginia Marine Resources Commission

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

ryan.jorle@mrc.virginia.gov

SECTOR (Please check all that apply)

☐

Commercial

☐

Charter/For-Hire

☐

NGO

☐

Recreational

☒

Other

Describe

CHECK HERE IF YOU WISH TO
MAKE A STATEMENT.
(PLEASE ATTACH A WRITTEN
COPY IF AVAILABLE)☐Coastal Migratory Pelagics Framework Amendment 4 (*Atlantic cobia*)

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405**PUBLIC COMMENT ATTENDANCE RECORD***Public Hearing Meeting*

LOCATION OF MEETING

DATE

☐Check here if your contact
information is on file. Provide your
name and any updates below.**Virginia Beach, VA** **August 9, 2016**

YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

JOE CIMINO

MAILING ADDRESS (STREET OR BOX NO., CITY, STATE, & ZIP CODE)

EMAIL ADDRESS

SECTOR (Please check all that apply)

JOE.CIMINO@MRC.VIRGINIA.GOV

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VMRC
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TELEPHONE NUMBER (& AREA CODE)

Robert O'Reilly

804 832 7735

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9369 Glass Road

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rob.o'reilly@mrc.virginia.gov

☐

Commercial

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Charter/For-Hire

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NGO

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

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Recreational

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VA MRC

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2016 YTD 8/9/16	46	23	10	4	0	#
	55 min 50 [#] _{lbs}	60 [#] _{lbs}	70 [#]	80 [#]	90 [#]	100 [#]
2015	76	63	21	5	1	
2014	45	67	13	11	1	
2013	37	47	24	5	1	
2012	28	45	22	3	2	
2011	57	74	40	15	3	1
2010	93	83	43	7	3	1
2009	72	89	45	12	9	2
2008	36	65	33	7	5	
2007	48	54	30	9	2	
2006	63	84	54	16	4	1

This is showing number of citation
Fish in a 10 pound range registered.

Clearly shows a decrease in
the biggest Fish and an
Alarming number of the
50 and 60 pound range
being killed the last
couple of years.

VA BEACH PH 8/9/16

WES BLOUGH

VA

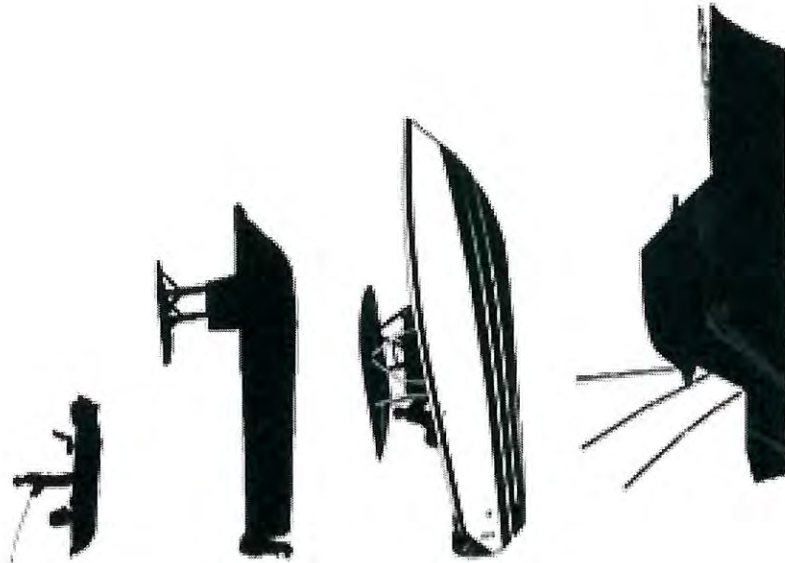
13 YRS FISHING COBIT

20x/yr

350-400 ft caught



Boat Size



of Anglers
Per Boat



Amount of Fish
Per Angler
(Assuming Virginia's 2
per boat limit)



Boat Limits are Unfair

MIKE AVERY
8/9/16
VA BEACH HEARING