

Decision Document

# Coastal Migratory Pelagics Framework Amendment 4

Management Measures for Atlantic Cobia



August 25, 2016

## **BACKGROUND**

Recreational cobia landings for the Atlantic migratory group (Georgia to New York<sup>1</sup>, **Figure 1**) in 2015 exceeded the recreational annual catch limit of 630,000 lbs. The current accountability measure (AM) for cobia states requires that if the sum of the recreational and commercial landings exceed the stock ACL (recreational ACL plus commercial ACL), the AM is triggered. In this case, the National Marine Fisheries Service (NMFS) must file a notice at or near the beginning of the following fishing year to reduce the length of the recreational season by the amount necessary to ensure recreational landings may achieve the recreational ACT, but do not exceed the recreational ACL.

To determine whether an ACL has been exceeded, CMP Amendment 18 (GMFMC/SAFMC 2011) required using 2011 landings in the first year, then the average of 2011/12 in the second year, and then a three-year average of landings in the third year onwards, unless an ACL changed. In this case, which the first single year of landings will be compared to the ACL. Because CMP Amendment 20B (GMFMC/SAFMC 2013) changed the ACL beginning in 2015 (based on the SEDAR 28 (2013) stock assessment), only the 2015 landings are used to determine whether the recreational or stock ACL was exceeded such that the AM is triggered. For 2015, both the recreational ACL and the stock ACL were exceeded, and thus, NMFS reduced the length of the 2016 fishing season.

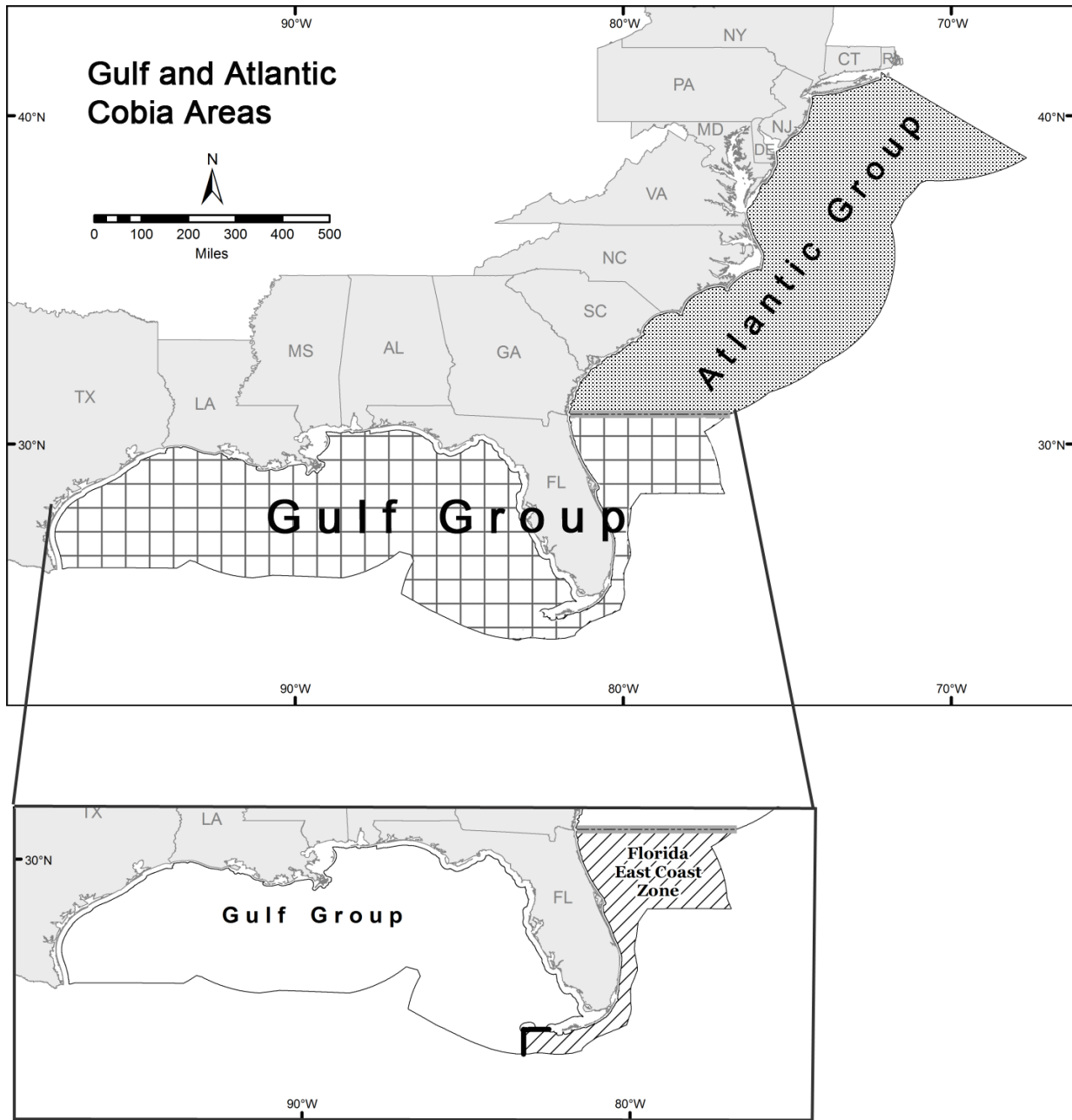
On March 9, 2016, NMFS announced that the 2016 recreational season for Atlantic cobia would close on June 20, 2016. Because the closure would at the time of year when recreational fishing for cobia is highest, the early closure is expected to have negative social and economic impacts on recreational anglers, for-hire businesses, for-hire clients, and associated support businesses such as tackle shops. The negative effects of the closure will likely be most significant for recreational fishermen and businesses in North Carolina and Virginia (**Table 1**).

**Table 1.** Recreational landings of Atlantic cobia from 2005-2015. Data sources: MRIP and SEFSC

Year	VA Landings	NC Landings	SC Landings	GA Landings	TOTAL ATLANTIC
2005	577,284	322,272	5,793	3,358	908,707
2006	733,740	104,259	101,018	4,824	943,841
2007	322,887	90,197	268,677	64,708	746,469
2008	167,949	66,258	50,108	257,690	542,006
2009	552,995	123,061	76,229	3,997	756,282
2010	232,987	561,486	65,688	79,855	940,015
2011	136,859	121,689	3,565	90,375	352,488
2012	36,409	68,657	224,365	105,193	434,623
2013	354,463	492,969	19,130	29,224	895,786
2014	214,427	277,489	31,927	20,642	544,485
2015	718,647	630,373	123,952	67,804	1,540,776

\* There are no MRIP-estimated recreational landings of Atlantic cobia in states north of Virginia.

<sup>1</sup> No landings were reported north of Virginia.



**Figure 1.** Boundary between Atlantic and Gulf cobia

The South Atlantic Council is considering changes to management measures of Atlantic cobia in federal waters to reduce the likelihood of exceeding the ACL and triggering AMs, to provide fair access to the Atlantic cobia resource, and to enable the recreational and commercial sectors have an opportunity to catch Atlantic cobia during the typical months the species is targeted. Specifically, the objective of the proposed measures is to ensure that in the event of a future ACL overage and implementation of associated AM(s), the fishing season would be open long into the summer to allow for fishermen in all states to have the opportunity to catch cobia.

## **PURPOSE AND NEED**

### **Purpose for Action**

The purpose of this amendment is to revise the management measures for Atlantic group cobia to ensure consistent, stable, and equitable fishing opportunities for all participants in the Atlantic cobia component of the coastal migratory pelagics fishery.

### **Need for Action**

The need for this amendment is to respond to changing fishery characteristics for Atlantic cobia, while increasing social and economic benefits of the coastal migratory pelagics fishery through sustainable fishing opportunities and harvest of Atlantic cobia.

## **ACTIONS FOR FRAMEWORK AMENDMENT 4**

- Modify the recreational harvest limits (bag limit and vessel limit) and minimum size limit for Atlantic cobia
- Modify the recreational accountability measures for Atlantic cobia
- Establish a commercial trip limit for Atlantic cobia

**NOTE:** Changes to the fishing year cannot be made through the framework procedure so the Council will need to move Action 2 to a plan amendment at their September 2016 meeting. This will delay action if the South Council decides to change the recreational fishing year.

- Modify the fishing year for Atlantic cobia

## **Action 1: Modify the recreational management measures for Atlantic cobia**

### **Action 1-1: Modify the recreational harvest limits for Atlantic cobia**

**Alternative 1 (No Action).** Do not modify the possession limit of 2 fish per person per day for Atlantic cobia that are not sold.

**Preferred Alternative 2.** Modify a recreational bag limit for Atlantic cobia.

**Preferred Sub-alternative 2a.** 1 fish per person per day

**Sub-alternative 2b.** 2 fish per person per day

**Preferred Alternative 3.** Establish a recreational vessel limit for Atlantic cobia.

**Sub-alternative 3a.** 1 fish per vessel per day

**Sub-alternative 3b.** 2 fish per vessel per day

**Preferred Sub-alternative 3c.** 3 fish per vessel per day

**Sub-alternative 3d.** 4 fish per vessel per day

**Sub-alternative 3e.** 5 fish per vessel per day

**Sub-alternative 3f.** 6 fish per vessel per day

### **Action 1-2: Modify the minimum size limit for recreational harvest of Atlantic cobia**

**Alternative 1 (No Action).** Do not modify the minimum size limit of 33 inches fork length (FL) for recreational ~~and commercial~~ harvest of Atlantic cobia.

**Preferred Alternative 2.** Modify the minimum size limit for Atlantic cobia for recreational ~~and commercial~~ harvest of Atlantic cobia.

**Sub-alternative 2a.** 34 inches FL

**Sub-alternative 2b.** 35 inches FL

**Preferred Sub-alternative 2c.** 36 inches FL

**Sub-alternative 2d.** 37 inches FL

**Sub-alternative 2e.** 38 inches FL

**Sub-alternative 2f.** 39 inches FL

**Sub-alternative 2g.** 45 inches FL

**Sub-alternative 2h.** 50 inches FL

**NOTE:** Action 1-2 includes language to apply changes to the minimum size limit to commercial harvest, but the Council indicated that this action would apply to only recreational harvest.

## **COMMITTEE ACTION**

1) Review and approve the language in Alternative 2 in Action 2-1 (deleting ‘and commercial’).

**Table 2** shows the estimated dates when recreational landings would meet the recreational ACL of 620,000 lbs under the different combinations of bag/vessel limit and minimum size limit based on recreational harvest patterns in 2013 through 2015. The current preferred alternatives in Actions 1-1 and 1-2 are estimated to result in landings reaching the recreational ACL around the third week of July, under the current recreational fishing year of January 1- December 31 and assuming consistent harvest limits in state and federal waters. **Additional analysis using landings data from 2005-2014 is underway and will be available at the Committee meeting.**

**Table 2.** Estimated dates when Atlantic cobia recreational landings would meet the recreational ACL (620,000 lbs for 2016 and subsequent years) under the range of minimum size limits, bag limits, and vessel limits, under the current fishing year of January 1- December 31. Highlighted cells are the current Preferred Sub-alternatives in Action 1.

Minimum Size Limit (inches fork length)									
	33	34	35	36	37	38	39	45	50
Bag Limit									
1 per person	2-Jul	5-Jul	10-Jul	17-Jul	23-Jul	31-Jul	5-Aug	None	None
2 per person	30-Jun	3-Jul	7-Jul	14-Jul	20-Jul	28-Jul	1-Aug	None	None
Vessel Limit									
1	30-Jul	4-Aug	11-Aug	22-Aug	22-Sep	None	None	None	None
2	11-Jul	15-Jul	20-Jul	28-Jul	5-Aug	15-Aug	21-Aug	None	None
3	5-Jul	9-Jul	13-Jul	20-Jul	27-Jul	5-Aug	10-Aug	None	None
4	3-Jul	6-Jul	11-Jul	18-Jul	24-Jul	2-Aug	7-Aug	None	None
5	2-Jul	6-Jul	10-Jul	17-Jul	23-Jul	1-Aug	6-Aug	None	None
6	30-Jun	4-Jul	8-Jul	15-Jul	21-Jul	29-Jul	3-Aug	None	None

**Note:** This analysis assumed that the recreational bag limit, vessel limit and minimum size limit would be consistent in state and federal waters for the South Atlantic and Mid-Atlantic regions. Additionally, the estimated dates were generated based on recreational landings from 2013-2015.

Public Comments
<ul style="list-style-type: none"> <li>- Most commenters support 1 fish per person bag limit and a minimum size limit of 36" FL or 37" FL.</li> <li>- There was not much support for a vessel limit, although some commenters support vessel limits of 2, 3, 4 and 6.</li> <li>- Some commenters do not recommend changing the current bag limit and minimum size limit.</li> <li>- Some commenters recommended a vessel limit for fish over a certain length (e.g., no more than 1 fish per vessel over 50"TL)</li> <li>- Support for different regulations for shore-based recreational fishermen.</li> </ul> <p>Virginia Marine Resources Commission (VMRC) supports 1/person and 3/vessel (Preferred Sub-alternatives 2a and 3c), or at least no more than 4/vessel. The VMRC also supports a minimum size limit of 36"FL in Preferred Sub-alternative 2c.</p>

## **COMMITTEE ACTIONS**

1) Do you want to change any Preferred Alternatives or Sub-alternative?

## **Action 2: Modify the fishing year for recreational Atlantic cobia**

**Alternative 1 (No Action).** Do not modify the current recreational fishing year of January 1 through December 31.

**Preferred Alternative 2.** Modify the recreational fishing year for Atlantic cobia to be May 1 through April 30.

**Alternative 3.** Modify the recreational fishing year for Atlantic cobia to be June 1 through May 31.

**Alternative 4.** Modify the recreational fishing year for Atlantic cobia to be April 1 through March 31.

**NOTE:** Changes to the fishing year cannot be made through the framework procedure so the Council will need to move Action 2 to a plan amendment at their September 2016 meeting.

### **OPTIONS FOR THIS ACTION**

1) Remove the action from Framework Amendment 4.

[NOTE: The action must be removed from the Framework Amendment before the Council can approve for formal review.]

2) Start work on a new plan amendment to change the recreational fishing year for Atlantic cobia.

3) Others?



### **Action 3: Modify the recreational accountability measures for Atlantic cobia**

**Alternative 1 (No Action):** Do not revise the recreational accountability measures (AMs) for Atlantic cobia as established in Amendment 18 (GMFMC/SAFMC 2011).

#### *Recreational*

- If recreational landings exceed the recreational annual catch limit (ACL), the stock ACL is exceeded *and* the stock is overfished, then the following year's recreational ACL will be reduced by the amount of the overage.
- If recreational landings exceed the recreational ACL, the Regional Administrator (RA) will evaluate the overage based on the most recent three years of landings under the current ACL. The length of the following fishing year will be reduced so that landings meet the recreational annual catch target (ACT) but not exceed the ACL. The recreational ACT = recreational ACL [(1-PSE) or 0.5, whichever is greater]
- The recreational ACT for 2016 and subsequent fishing years is 500,000 lbs ww.

**Preferred Alternative 2.** If recreational landings, as estimated by the Science and Research Director, exceed the recreational ACL, ~~then during the following fishing year,~~ recreational landings will be monitored for a persistence in increased landings. If necessary, the Regional Administrator shall publish a notice to reduce the length of the following fishing season to ensure that recreational landings meet the recreational annual catch target (ACT) but do not exceed the recreational ACL, based on the recreational landings in the previous year. The length of the recreational season will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary. ~~The ACT for 2016 and subsequent fishing years is 500,000 lbs ww, as established in Amendment 20B to the CMP FMP.~~

**Sub-alternative 2a.** The Regional Administrator will reduce the length of the following fishing year only if the species is overfished.

**Preferred Sub-alternative 2b.** The Regional Administrator will reduce the length of the following fishing year only if the stock ACL (commercial ACL and recreational ACL) is exceeded.

**Sub-alternative 2c.** The Regional Administrator will reduce the length of the following fishing year only if the species is overfished and the stock ACL (commercial ACL and recreational ACL) is exceeded.

**Alternative 3.** If recreational landings, as estimated by the Science and Research Director, exceed the recreational ACL, the Regional Administrator shall publish a notice to reduce the recreational ACL in the following fishing year by the amount of the recreational overage. The recreational ACL will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary. The ACT would also be adjusted. ~~according to the following formula: recreational sector ACT equals sector ACL[(1-PSE) or 0.5, whichever is greater].~~

**Sub-alternative 3a.** The Regional Administrator will reduce the recreational ACL and ACT of the following fishing year only if the species is overfished.

**Sub-alternative 3b.** The Regional Administrator will reduce the recreational ACL and ACT of the following fishing year only if the stock ACL (commercial ACL and recreational ACL) is exceeded.

**Sub-alternative 3c.** The Regional Administrator will reduce the recreational ACL and ACT of the following fishing year only if the species is overfished and the stock ACL (commercial ACL and recreational ACL) is exceeded.

**Alternative 4.** If recreational landings reach or are projected to reach the recreational ACL, the Regional Administrator shall publish a notice to close the recreational sector for the remainder of the fishing year, unless, using the best scientific information available, the Regional Administrator determines that a closure is unnecessary.

**Sub-alternative 4a.** If the species is overfished.

**Sub-alternative 4b.** Regardless of the overfished status of the species.

**Alternative 5.** If recreational landings, as estimated by the Science and Research Director, exceed the recreational ACL, ~~then during the following fishing year,~~ recreational landings will be monitored for a persistence in increased landings. If necessary, the Regional Administrator shall publish a notice to reduce the recreational vessel limit for the following fishing year to ensure that recreational landings meet the recreational ACT but do not exceed the recreational ACL, based on the recreational landings in the previous year. The recreational vessel limit will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary. ~~The ACT for 2016 and subsequent fishing years is 500,000 lbs, as established in CMP Amendment 20B.~~

**Sub-alternative 5a.** The Regional Administrator will reduce the recreational vessel limit for the following fishing year only if the species is overfished.

**Sub-alternative 5b.** The Regional Administrator will reduce the recreational vessel limit for the following fishing year only if the stock ACL (commercial ACL and recreational ACL) is exceeded.

**Sub-alternative 5c.** The Regional Administrator will reduce the recreational vessel limit for the following fishing year only if the species is overfished and the stock ACL (commercial ACL and recreational ACL) is exceeded.

## COMMITTEE ACTION

1) Review and approve the highlighted deletions in Alternatives 2, 3 and 5.

### Public input

- Support for modifying the AMs to remove the use of the 3-year average in evaluating an overage.
- Opposition to any closed season for recreational harvest.
- Recommendations that recreational harvest always be open at least May through September or October.
- Concern about the MRIP data, and that the 2015 landings were an outlier.

VMRC recommended these sub-alternatives as AMs to be applied in the following specific order:

- 1) Sub-alternative 5b (reduced vessel limit)
- 2) Sub-alternative 3b (reduced ACL)
- 3) Preferred Sub-alternative 2b (reduced season length)

**Table 3. Summary of Recreational AMs under the alternatives**

	In-season AM	Post-season AM
Alternative 1 (status quo)	No in-season closure	Reduced season length so ACT is met but ACL not exceeded ONLY if rec ACL and total ACL are exceeded. Use the rolling average of most recent 3 years for evaluation.  Reduce the recreational ACL if rec ACL and total ACL are exceeded, AND Atlantic cobia is designated as overfished.
Alternative 2. Sub-alt 2a		Reduce season length if overfished  *Removes 3-year rolling average for evaluation
Alternative 2. <b>Pref Sub-alt 2b</b>		Reduce season length if total ACL exceeded  *Removes 3-year rolling average for evaluation
Alternative 2. Sub-alt 2c		Reduce season length if total ACL exceeded and overfished  *Removes 3-year rolling average for evaluation
Alternative 3 Sub-alt 3a		Reduce rec ACL by amount of the overage if overfished
Alternative 3 Sub-alt 3b		Reduce rec ACL by amount of the overage if total ACL exceeded
Alternative 3 Sub-alt 3c		Reduce rec ACL by amount of the overage if total ACL exceeded and overfished
Alternative 4 Sub-alt 4a	In-season closure when rec ACL is met or projected to be met if overfished	
Alternative 4 Sub-alt 4b	In-season closure when rec ACL is met or projected to be met regardless of stock status	
Alternative 5 Sub-alt 5a		Reduce rec vessel limit if overfished
Alternative 5 Sub-alt 5b		Reduce rec vessel limit if total ACL exceeded
Alternative 5 Sub-alt 5c		Reduce rec vessel limit if total ACL exceeded and overfished

## **COMMITTEE ACTIONS**

1) Do you want to change the Preferred Alternative/ sub-alternative or select additional Preferred Alternatives/ sub-alternatives?

## **Action 4: Establish a commercial trip limit for Atlantic cobia**

**Alternative 1 (No Action).** Do not modify the possession limit of 2 fish per person per day.

**Alternative 2.** Establish a commercial trip limit for Atlantic cobia of 2 fish per person per day. The trip limit will decrease to 1 fish per person per day when 75% of the commercial ACL has been met.

**Alternative 3.** Establish a commercial trip limit for Atlantic cobia of 6 fish per vessel per day. The trip limit will decrease to 3 fish per vessel per day when 75% of the commercial ACL has been met.

**Alternative 4.** Establish a commercial trip limit for Atlantic cobia of 2 fish per person per day, with no more than 6 fish per vessel per day. The trip limit will decrease to 1 fish per person per day, with no more than 3 per vessel per day when 75% of the commercial ACL has been met.

75% of the commercial ACL for 2016 and subsequent years is 37,500 lbs.

**Table 4.** Estimated month when actual Atlantic cobia commercial landings reached 75% of the commercial ACL (37,500 lbs ww) and the current commercial ACL (50,000 lbs ww).

Year	Total Commercial Landings	Month when landings reached 75% of ACL	Month when landings reached current ACL
2005	29,290	--	--
2006	31,990	--	--
2007	32,037	--	--
2008	33,739	--	--
2009	42,385	November	--
2010	56,393	September	November
2011	33,963	--	--
2012	42,176	September	--
2013	53,108	August	November
2014	69,197	August	September
2015 (P)	83,148	July	August

Note: 2015 landings are preliminary.

Data sources: SERO Quota Monitoring and SEFSC.

Public Comments

- There were not many comments on this action, but two people supported commercial vessel limits of 2 fish per vessel, and 6 per vessel.

**COMMITTEE ACTIONS**

1) Do you want to select a Preferred Alternative?

**APPROVE FRAMEWORK AMENDMENT 4 FOR FORMAL REVIEW**

**DRAFT MOTION:** APPROVE COASTAL MIGRATORY PELAGICS FRAMEWORK AMENDMENT 4 FOR SECRETARIAL REVIEW, AND DEEM THE CODIFIED TEXT AS NECESSARY AND APPROPRIATE. GIVE STAFF EDITORIAL LICENSE TO MAKE ANY NECESSARY EDITORIAL CHANGES TO THE DOCUMENT/CODIFIED TEXT AND GIVE THE COUNCIL CHAIR AUTHORITY TO APPROVE THE REVISIONS AND RE-DEEM THE CODIFIED TEXT.