

Amendment 32

to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region



(Modifications to the Gulf of Mexico Migratory Group
Cobia Catch Limits, Possession Limits, Size Limits,
and Framework Procedure)

Decision Document

September 2021

Background

Cobia is managed jointly by the South Atlantic Fishery Management Council (South Atlantic Council) and the Gulf of Mexico (Gulf) Fishery Management Council (Gulf Council) (together: “Councils”) under the Fishery Management Plan (FMP) for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region (CMP FMP). Two migratory groups of cobias are managed in the southeastern US: the Atlantic migratory group (Atlantic Group Cobia) and the Gulf migratory group (Gulf Group Cobia), but only Gulf Group Cobia is managed in the CMP FMP.

Gulf Group Cobia is managed in federal waters under the CMP FMP from Texas to the Florida-Georgia state boundary, overlapping the jurisdictions of the Gulf and South Atlantic Councils. A percentage of the Gulf Group Cobia stock catch limit is apportioned to the Florida East Coast (FLEC) Zone, and the South Atlantic Council is responsible for establishing the specific

management actions in this area as outlined in the CMP Framework Procedure: trip limits, closed seasons or areas, and/or gear restrictions. The Gulf Council is responsible for establishing management measures for Gulf Group Cobia in the Gulf Zone and management measures for the FLEC Zone that are not specified in the Framework Procedure as responsibilities of the South Atlantic Council.

Gulf Group Cobia Landings

The Gulf Zone and FLEC Zone Cobia ACLs have never been exceeded since their implementation in 2015. Gulf Group Cobia landings are monitored in terms of landed weight or “as reported”, which is a combination of gutted and whole weight. For the purpose of this document, landed weight is considered as pounds (lbs) landed weight (lw). Gulf Group Cobia landings across both zones have been decreasing since 2011 (Figures 1, 2, and 3). In 2018, MRIP-CHTS was replaced by a mail survey (Fishing Effort Survey, FES) to estimate marine recreational fishing effort. Gulf stakeholders, predominantly federal for-hire operators and recreational fishermen provided public testimony during several Gulf Council meetings between 2018 and 2020¹, reporting a decrease in the presence of Gulf Zone Cobia. Similar comments were received through the Gulf Council’s Something’s Fishy sentiment analysis tool². The majority of those respondents identified as recreational fishermen. The results from Something’s Fishy indicated a negative trend in the perception of the Gulf Group Cobia stock’s abundance and noted a reduction in the lengths of the fish being observed. The public asked the Gulf Council to address this negative trend as a potential problem with the status of the Gulf Group Cobia stock.

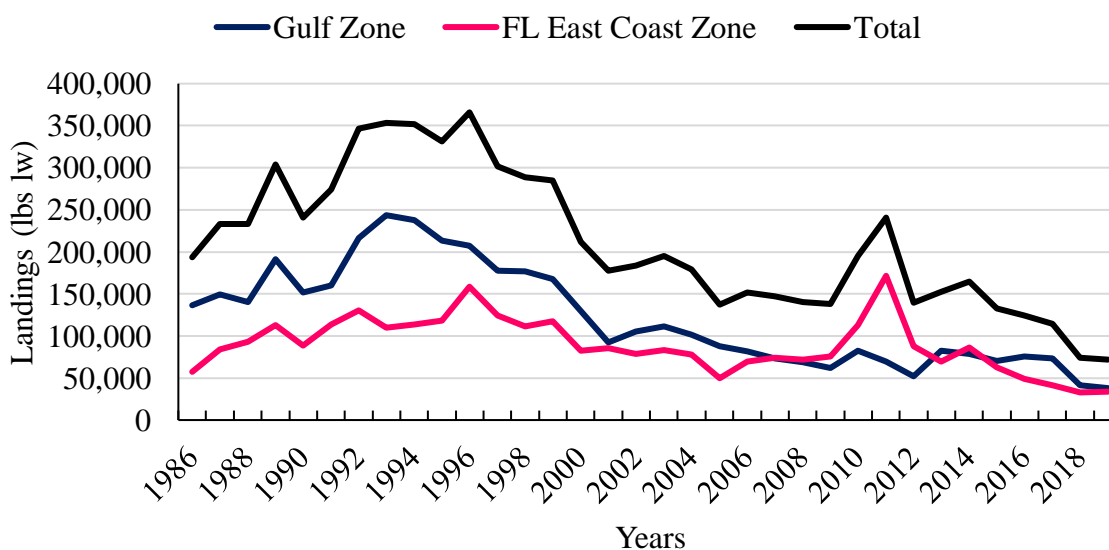


Figure 1. Commercial landings (lbs lw) history for Gulf Group Cobia for the Gulf and FLEC Zones from 1986 – 2019.

Source: SEFSC Commercial ACL data (Accessed August 21, 2020).

¹ <https://gulfcouncil.org/meetings/council/archive/>

² <https://gulfcouncil.org/wp-content/uploads/C-5c-Somethings-Fishy-Cobia-Summary.pdf>

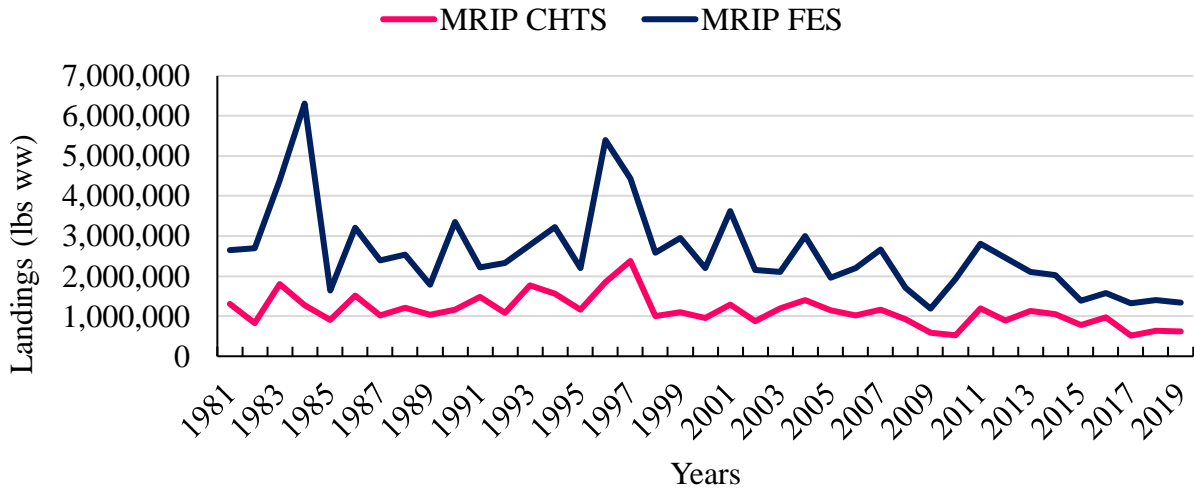


Figure 2. Recreational landings (lbs ww) history for Gulf Zone Cobia from 1981 – 2019.
Source: SEFSC Recreational ACL data (Accessed September 14, 2020 [CHTS] and September 16, 2020 [FES]).

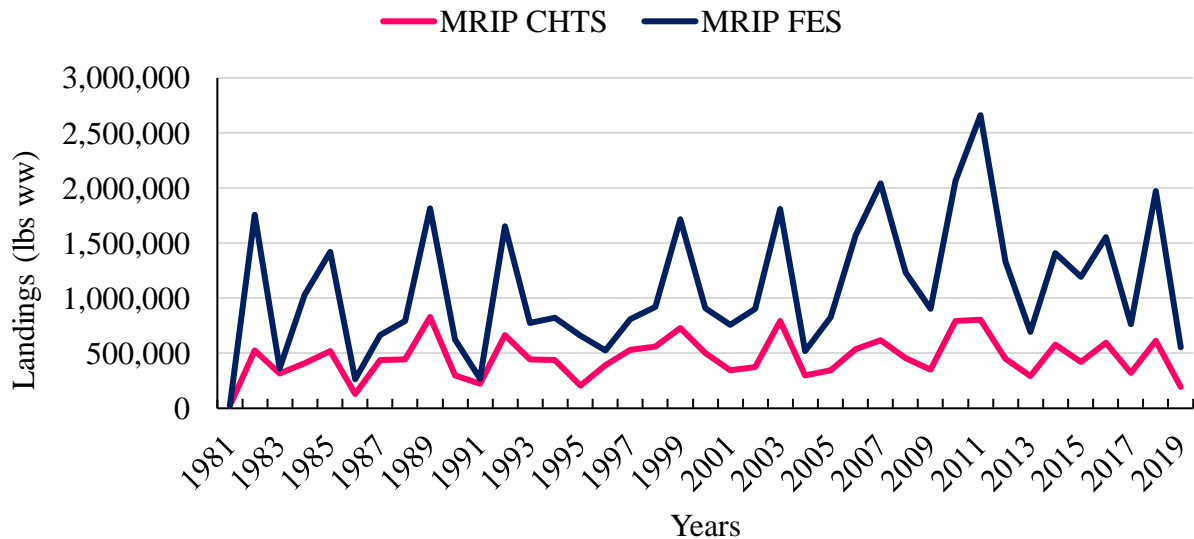


Figure 3. Recreational landings (lbs ww) history for the FLEC Zone from 1981 – 2019.
Source: SEFSC Recreational ACL data (Accessed September 14, 2020 [CHTS] and September 16, 2020 [FES]).

Update Stock Assessment

The updated Southeast Data Assessment and Review (SEDAR) 28 stock assessment for Gulf Group Cobia was completed in July 2020. SEDAR 28 Update included updated recreational catch and effort data derived using MRIP-FES, which formally replaced MRIP-CHTS in 2018. This change resulted in increased estimates of virgin spawning stock biomass, recruitment, and

projected yields. The results from SEDAR 28 Update indicated that Gulf Group Cobia is undergoing overfishing with biomass at reduced levels, which puts the stock at risk of becoming overfished if no change in management is implemented. Moreover, SEDAR 28 Update suggests that the stock has experienced overfishing every year from 1975 through 2018, with the exceptions of 1983 and 2009. Since the stock is not considered to be overfished, a rebuilding plan is not required at this time.

Upon reviewing SEDAR 28 Update, the Councils’ Scientific and Statistical Committees (SSC) determined the results to be the best scientific information available for Gulf Group Cobia, recommending an increasing yield stream for OFLs and ABCs for 2021 – 2023 and beyond (Table 1). It is worth noting that the increase in the stock catch limits is solely a result of converting the recreational catch and effort data to the MRIP-FES data currency. Had MRIP-FES recreational data been available for SEDAR 28 in 2013, the current ACL recommendations would represent approximately a 33% decrease in yield from SEDAR 28 (SEDAR 2020).

Table 1. Catch limits for Gulf Group Cobia stock for 2021 – 2023 and beyond, as recommended by the Councils’ SSCs in July 2020. Values are in pounds landed weight and MRIP-FES.

Year	OFL*	ABC*
2021	3,030,000	2,340,000
2022	3,210,000	2,600,000
2023	3,310,000	2,760,000

* OFL and ABC values are for Gulf Group Cobia in both the Gulf and FLEC Zones.

CMP FMP Framework Procedure

The CMP Framework Procedure provides standardized procedures for implementing management changes pursuant to the provisions of the CMP FMP, which is managed jointly by the Councils. The last revision to the CMP Framework Procedure was adopted in Amendment 26 to the CMP FMP by removing language that referred to the king mackerel Florida East Coast Subzone (GMFMC 2016). Currently, the South Atlantic Council is only allowed to modify the following specific management measures for Gulf Group Cobia in the FLEC Zone through the framework process: vessel trip limits, closed seasons or areas, and/or gear restrictions. The Gulf Council is required to be involved for changes to any other management measures within the FLEC Zone. The proposed changes in this document would expand the South Atlantic Council’s responsibilities in the CMP Framework Procedure for Cobia in the FLEC Zone.

Actions in this amendment

Action 1 – Modify the Gulf of Mexico (Gulf) Migratory Group Cobia (Gulf Group Cobia) Stock Overfishing Limit (OFL), Acceptable Biological Catch (ABC), and Annual Catch Limit (ACL).

Action 2 – Modify the Gulf Group Cobia Stock Apportionment Between the Gulf Zone and the Florida East Coast (FLEC) Zone and Update the Zones’ ACLs Based on the ACL Selected in Action 1.

Action 3 – Modify the FLEC Zone Cobia Allocation Between the Commercial and Recreational Sectors and Update each Sector’s ACLs Based on the ACLs and Apportionments Selected in Actions 1 and 2.

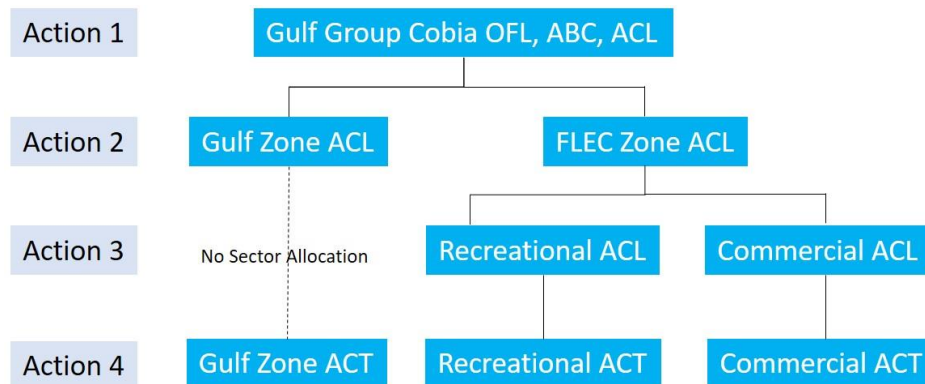
Action 4 – Update and/or Establish Annual Catch Targets (ACT) for the Gulf Group Cobia Zones Based on the Apportionment Selected in Action 2 and FLEC Zone Sector Allocation in Action 3.

Action 5 – Modification of Gulf Zone and FLEC Zone Cobia Possession, Vessel, and Trip Limits.

- **Action 5.1** – Modify the Possession, Vessel, and Trip Limits in the Gulf Zone.
- **Action 5.2** – Modify the Possession, Vessel, and Trip Limits in the FLEC Zone.

Action 6 – Modify the Gulf Group Cobia Minimum Size Limit.

Action 7 – Modify the Framework Procedure.



Step by step of the actions modifying catch limits of Gulf Group Cobia, it’s Zones, and sectors.

Objectives for this meeting

- Review purpose and need statement.
- Review actions and alternatives.
- Approve for public hearings

Tentative Timing for CMP Amendment 32

	Process Step	Date
✓	Gulf Council directs staff to start work on an amendment to address overfishing of Gulf Cobia.	September 2020
✓	Gulf Council reviews draft actions and alternatives and provides direction to staff.	October 2020
✓	South Atlantic Council reviews draft actions and alternatives and provides direction to staff.	December 2020
✓	Gulf Council reviews draft actions and alternatives and provides direction to staff.	January 2021
✓	South Atlantic Council reviews draft actions and alternatives and provides direction to staff.	March 2021
✓	Gulf Mackerel Cobia Advisory Panel reviews amendment	March 2021
✓	South Atlantic Mackerel Cobia Advisory Panel reviews amendment	April 2021
✓	South Atlantic Council reviews draft amendment, selects preferred alternatives.	June 2021
✓	Gulf Council reviews draft amendment, selects preferred alternatives.	June 2021
	Gulf Council reviews the draft amendment, modifies the document as necessary, and approves for public hearings.	August 2021
	South Atlantic Council reviews the draft amendment, modifies the document as necessary, and approves for public hearings.	September 2021
	Public Hearings	Fall 2021
	Gulf Council reviews public hearing comments, modifies the document as necessary, and approves for formal review.	October 2021
	South Atlantic Council reviews public hearing comments, modifies the document as necessary, and approves for formal review.	December 2021
	CMP Amendment 32 transmitted for Secretarial Review.	Winter 2022

Opportunities to provide public comment in-person include the scoping webinar, South Atlantic and Gulf Council meetings, and public hearings. There will also be opportunities to submit written comments via the online comment form throughout the process.

Purpose and need statement

The purpose of this plan amendment is to consider whether to modify Gulf Group Cobia catch limits, revise the apportionment between the Gulf Zone and the FLEC Zone for Gulf Group Cobia in response to new information on the stock provided in the SEDAR 28 Update stock assessment, revise the sector allocation in the FLEC zone, modify management measures related to size and possession limits, and to clarify language in the CMP Framework Procedure regarding the responsibilities of the Gulf and South Atlantic Councils for management of Gulf Group Cobia.

The need is to end overfishing of Gulf Group Cobia as required by the Magnuson-Stevens Act, update existing Gulf Group Cobia catch limits to be consistent with best scientific information available and contemporary data collection methods, and to clarify the Gulf and South Atlantic Councils' responsibilities in the CMP Framework Procedure.

Committee Action

REVIEW PURPOSE AND NEED STATEMENT, MODIFY AS NECESSARY

Proposed Actions and Alternatives

Action 1 – Modify the Gulf of Mexico (Gulf) Migratory Group Cobia (Gulf Cobia) Overfishing Limit (OFL), Acceptable Biological Catch (ABC), and Annual Catch Limit (ACL).

Alternative 1: No Action. Retain the Gulf Group Cobia stock OFL, ABC, ACL as implemented in 2015 by Amendment 20B to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Regions (CMP FMP).

	Gulf Group Cobia		
Year	OFL	ABC	ACL
2016+	2,660,000	2,600,000	2,600,000
MRIP-FES equivalent	4,870,000	4,500,000	4,500,000

Note: Catch limits in pounds landed weight (lbs lw; combined gutted and whole). The recreational portion of the current OFL, ABC, and ACL are based on Marine Recreational Information Program Coastal Household Telephone Survey (MRIP-CHTS) data. The recreational portion of the MRIP Fishing Effort Survey (FES) equivalent was calculated in the SEDAR 28 Update stock assessment (2020) and is provided for comparison only.

Gulf and South Atlantic Preferred Alternative 2: Modify the Gulf Group Cobia stock OFL, ABC, and ACL based on the recommendation of the Gulf and South Atlantic (Councils)’ Scientific and Statistical Committees (SSCs) as presented in July 2020, for an increasing yield stream for 2021 to 2023, and then maintain the 2023 levels for subsequent fishing years or until changed by a future management action. The stock ACL is set equal to the stock ABC.

	Gulf Group Cobia		
Year	OFL	ABC	ACL
2021	3,030,000	2,340,000	2,340,000
2022	3,210,000	2,600,000	2,600,000
2023+	3,310,000	2,760,000	2,760,000

Note: Catch limits in lbs ww. The recreational portion of the OFL, ABC, and ACL are based on MRIP-FES data.

Alternative 3: Modify the Gulf Group Cobia stock OFL, ABC, and ACL as a constant catch value for 2021 and subsequent fishing years or until changed by a future management action. The stock ACL is set equal to the stock ABC.

	Gulf Group Cobia		
Year	OFL	ABC	ACL
2021+	3,030,000	2,340,000	2,340,000

Note: Catch limits in lbs ww. The recreational portion of the OFL, ABC, and ACL are based on MRIP-FES data.

Note: Landings are reported in mixed weight, meaning whole weight and gutted weight as landed are combined. Therefore, while the OFL, and ABC were recommended by the Council’s SSCs in lbs ww, ACLs and annual catch targets will be in mixed weights consistent with current regulations (i.e., lbs landed weight [lw]).

Discussion:

- The SEDAR 28 Update assessment (2020) indicated that Gulf Group Cobia was not overfished but was undergoing overfishing.
- **Alternative 1** (No Action) retains the existing OFL, ABC, and ACL, all of which are based on the previous Gulf Group Cobia stock assessment (SEDAR 28 2013) which utilized the MRIP CHTS data. Therefore, retaining the OFL, ABC and ACL under **Alternative 1**, is not a viable alternative.
- **Preferred Alternative 2** would modify the catch limits for the Gulf Group Cobia stock based on the recommendations of the Councils’ SSCs from the SEDAR 28 Update. **Preferred Alternative 2** sets the stock ACL equal to the Councils’ SSCs’ recommendation for the stock ABC for 2021 – 2023, and then maintains the ABC and ACL at the 2023 level for subsequent years until changed by future management action.
 - When comparing historical Gulf Group Cobia landings that are adjusted in FES currency to the 2021 OFL, ABC, and ACL in **Preferred Alternative 2** (the lowest of the 2021 – 2023 SSC-recommended catch limits), total Gulf Group Cobia landings would have exceeded the ACL in six of the eight years since ACLs were implemented.
 - Therefore, changes to other management measures may be needed to constrain harvest to the ACL and prevent an overage of the OFL.
- **Alternative 3** would modify the catch limits for Gulf Group Cobia stock as a constant catch based on the SSC’s recommended OFL and ABC for 2021.

Environmental Consequences

Biological Effects:

- Modifications to the OFL, ABC, and ACL as proposed in Action 1 are not expected to result in significant effects on the physical environment.

- **Alternative 1** (No Action) is not a viable alternative, as the catch limits therein are based on MRIP-CHTS data, and this methodology is no longer considered by the National Marine Fisheries Service as the best scientific information available.
- The reduced catch limits in **Preferred Alternative 2** and **Alternative 3** address the overfishing status of Gulf Group Cobia.
- Discards would not be expected to increase under these alternatives, as Gulf Group Cobia is most often an opportunistically and not directly targeted species.

Economic Effects:

- Because **Preferred Alternative 2** would establish an increasing yield stream between 2021 and 2023 while **Alternative 3** would set a constant catch level based on the lowest ACL considered in **Preferred Alternative 2**, **Preferred Alternative 2** would be expected to result in more economic benefits than **Alternative 3**.
- Relative to the buffer between the status quo OFL and ACL, the magnitude of the buffers between the OFL and ACLs for **Preferred Alternative 2** and **Alternative 3** suggest that **Preferred Alternative 2** and **Alternative 3** would provide more protection to the Gulf Group Cobia.

Social Effects:

- Although the harvest of Gulf Group Cobia has remained well below the catch levels in place since 2015, negative effects would be expected under **Preferred Alternative 2** from lost harvest opportunities as the ACL would be reduced below the average total landings for 2015-2019 adjusted to MRIP-FES units.
- Greater negative effects would be expected from **Alternative 3** compared with **Preferred Alternative 2**, as catch levels would remain below those necessary to end overfishing.
- While MRIP-FES has been determined to be the best available science, the adoption of the data units has been controversial for stocks with a sector allocation, because the conversion has been adopted concurrent to changes in the allowable catch levels. It is possible for unintended indirect effects to result for the different user groups that remain unknown at this time.

Committee Action:

REVIEW ACTION AND ALTERNATIVES, MODIFY AS NECESSARY

Action 2 – Modify the Gulf Cobia Apportionment Between the Gulf Zone and the Florida East Coast (FLEC) Zone and Update the Zones’ ACLs Based on the ACL Selected in Action 1.

Alternative 1: No Action. Retain the current Gulf Group Cobia stock ACL apportionment of 64% to the Gulf Zone and 36% to the FLEC Zone based on MRIP-CHTS average landings for Gulf Group Cobia for the years 1998 – 2012.

Alternative 2: Retain the Gulf Group Cobia stock ACL apportionment between the zones at 64% to the Gulf Zone and 36% to the FLEC Zone and use this apportionment to update both Zones’ ACLs using MRIP-FES units based on the Gulf Group Cobia stock ACL(s) selected in Action 1.

Gulf and South Atlantic Preferred Alternative 3: Modify the Gulf Group Cobia stock ACL apportionment at 63% to the Gulf Zone and 37% for the FLEC Zone, based on the MRIP-FES average landings for Gulf Group Cobia for the years 1998 – 2012, and use this apportionment to update the Zone ACLs based on the Gulf Group Cobia ACL(s) in Action 1.

Alternative 4: Modify the Gulf Group Cobia stock ACL apportionment at 59% to the Gulf Zone and 41% for the FLEC Zone, based on the MRIP-FES average landings for Gulf Group Cobia for the years 2003 – 2019, and use this apportionment to update the Zone ACLs based on the Gulf Group Cobia ACL(s) in Action 1.

Discussion:

- Amendment 20B established zone apportionments for the Gulf Group Cobia ACL of 64% to the Gulf Zone and 36% to the FLEC Zone, based on the combined average landings of Gulf Group Cobia from 1998 – 2012 across its range (Texas east and north to the Florida/Georgia state boundary).
 - This time period was selected as it included the landings from the most recent 15 years, which at the time was the longest time period that could capture long-term dynamics of the stock.
- Under **Alternative 1** of this action, zone apportionment would not be modified according to the MRIP-FES data currency (SEDAR 28 Update 2020). Therefore, **Alternative 1** is not a viable alternative.
- **Alternative 2** would transition recreational data monitoring from MRIP-CHTS to MRIP-FES, but the percentages used for the ACL apportionment would remain the same and catch limits would be updated using this apportionment .
- **Preferred Alternative 3** would transition recreational data monitoring from MRIP-CHTS to MRIP-FES but retains the time period used in Amendment 20B (i.e., 1998 – 2012) to calculate the apportionment. Catch limits would be updated using this apportionment.

- **Alternatives 4 and 5** would update the apportionments and catch limits by incorporating transitioning the recreational data from MRIP-CHTS to MRIP-FES and by considering more recent time periods in the calculation of average landings.
 - **Alternative 4:** 2001 – 2015.
 - **Alternative 5:** 2003 – 2019.
 - It is important to note that the time series under **Alternative 5** may be biased by recent changes in the management of Gulf Group Cobia.

Table 2. ACLs for Gulf Zone and FLEC Zone based on the ACL selected in Action 1. All weights for OFL, ABC, and ACL are in pounds landed weight. Alternative 1 is in MRIP-CHTS units and Alternatives 2 – 5 are in MRIP-FES units. Sector allocation of FLEC Zone is addressed in Action 3.

Alternative	% Gulf:FLEC Zone	Year	Action 1, Preferred Alternative 2		Action 2	
			Gulf Group Cobia		Gulf Zone	FLEC Zone
			OFL	ABC	ACL	ACL
1	64:36	2021+	2,660,000	2,600,000	1,660,000	930,000
2	64:36	2021	3,030,000	2,340,000	1,497,600	842,400
		2022	3,210,000	2,600,000	1,664,000	936,000
		2023+	3,310,000	2,760,000	1,766,400	993,600
Preferred 3	63:37	2021	3,030,000	2,340,000	1,474,200	865,800
		2022	3,210,000	2,600,000	1,638,000	962,000
		2023+	3,310,000	2,760,000	1,738,800	1,021,200
4	62:38	2021	3,030,000	2,340,000	1,450,800	889,200
		2022	3,210,000	2,600,000	1,612,000	988,000
		2023+	3,310,000	2,760,000	1,711,200	1,048,800
5	59:41	2021	3,030,000	2,340,000	1,380,600	959,400
		2022	3,210,000	2,600,000	1,534,000	1,066,000
		2023+	3,310,000	2,760,000	1,628,400	1,131,600

Environmental Consequences

Biological Effects:

- **Alternative 1** (No Action) is not a viable alternative, as the catch limits would still be in MRIP-CHTS, which do not represent the best scientific information available.

- No changes in effects are expected under **Alternatives 1** or **2** as the apportionment remains status quo under both.
- The 1% apportionment shift in **Preferred Alternative 3** is not expected to result in any detectible effects to the biological/ecological environment as total harvest remains the same.
- **Alternative 4** shifts 5% of the Gulf Group Cobia ACL to the FLEC Zone from the status quo (**Alternative 1**); however, the shift itself is not expected to result in any measurable change in effects to the biological/ecological environment.
- A positive effect to the biological environment is expected if the projected in-season closures occur under the reduced harvest levels from **Action 1** and the apportionment shift in **Action 2**, as this may foster a faster recovery of the stock from its current overfishing stock status determination. There are no additional impacts on ESA-listed species or designated critical habitats anticipated as a result of this action.

Economic Effects:

- Because it is assumed that the economic value derived from a Gulf Group Cobia is independent from the zone in which it is harvested, this action would not be expected to result in net changes in aggregate economic benefits but would simply result in benefit transfers from one zone to the next.
 - For example, **Preferred Alternative 3**, which allocates 63% of the ACL to the Gulf instead of 64% under the status quo, would be expected to result in a transfer of benefits from the Gulf Zone to the FLEC Zone. **Alternative 4** would correspond to the greatest economic benefit to the FLEC Zone because it would allocate the greatest percentage of the ACL to the FLEC Zone.

Social Effects:

- Apportioning the ACL between two zones is an allocation decision, and allocation is an inherently controversial topic as discrete user groups benefit from obtaining the largest share for their group.
- Although the shift in zone apportionment is relatively small, apportionments have broader social implications as an indicator of cultural significance that quantifies the access of different user groups. The directional change towards the FLEC Zone, **Preferred Alternative 3**, would indicate an increasing social valuation of cobia in the FLEC Zone.

Committee Action:

REVIEW ACTION AND ALTERNATIVES, MODIFY AS NECESSARY

Action 3 – Modify the FLEC Zone Cobia Allocation Between the Commercial and Recreational Sectors, and Update each Sector’s ACLs Based on the ACLs and Apportionments Selected in Actions 1 and 2

Alternative 1: No Action. Retain the FLEC Zone Cobia ACL allocation of 8% to the commercial sector and 92% to the recreational sector based on the South Atlantic Council’s allocation formula for Atlantic Group Cobia based on MRIP-CHTS landings which balanced historical catches (2000 – 2008) with more recent landings (2006 – 2008).

Sector allocation = (50% * average of Atlantic Cobia long catch range (lbs) 2000 – 2008 + (50% * average of recent catch trend (lbs) 2006 – 2008)³.

Alternative 2: Modify the FLEC Zone Cobia ACL allocation to 5% to the commercial sector and 95% to the recreational sector based on the South Atlantic Council’s allocation formula for Atlantic Group Cobia, which balanced historical catches landings (2000 – 2008) with more recent landings (2006 – 2008) but use MRIP-FES data.

Sector allocation = (50% * average of Atlantic Group Cobia long catch range (lbs) 2000 – 2008 + (50% * average of recent catch trend (lbs) 2006 – 2008).

Gulf and South Atlantic Preferred Alternative 3: Retain the FLEC Zone Cobia ACL allocation of 8% to the commercial sector and 92% to the recreational sector and update the ACL(s) selected in Action 2 based on MRIP-FES landings.

Alternative 4: Modify the FLEC Zone Cobia ACL allocations to be calculated based on maintaining the current commercial ACL (i.e., 70,000 lbs) beginning in the 2021 fishing season and allocating the remaining revised total ACL to the recreational sector. The allocation percentages will remain in following years.

Discussion:

- In Amendment 18, the Gulf and South Atlantic Councils established the ABCs, ACLs, and sector allocations for separate migratory groups of Cobia using the Gulf and South Atlantic Councils’ jurisdictional boundary west of the Dry Tortugas.
 - The South Atlantic Council chose an allocation formula for Atlantic Group Cobia that balanced historical catches (2000 – 2008) with more recent landings (2006 – 2008). Using the years 2006 – 2008 on both sides of the allocation equation results in more heavily weighting the landings data from these years.
 - The South Atlantic Council chose to maintain the current sector allocation percentages when the management boundary was revised to the Florida/Georgia state line.

³ Com Sector % = $\frac{(50\% \times \text{Average Com } 2000\text{-}2008) + (50\% \times \text{Average Com } 2006\text{-}2008)}{(50\% \times \text{Avg Com } 2000\text{-}2008 + 50\% \times \text{Avg Com } 2006\text{-}2008) + (50\% \times \text{Avg Rec } 2000\text{-}2008 + 50\% \times \text{Avg Rec } 2006\text{-}2008)}$
Rec Sector % = $\frac{(50\% \times \text{Average Rec } 2000\text{-}2008) + (50\% \times \text{Average Rec } 2006\text{-}2008)}{(50\% \times \text{Avg Rec } 2000\text{-}2008 + 50\% \times \text{Avg Rec } 2006\text{-}2008) + (50\% \times \text{Avg Com } 2000\text{-}2008 + 50\% \times \text{Avg Com } 2006\text{-}2008)}$

- These sector allocations were based on historic Atlantic Group Cobia landings for the entire Mid-Atlantic and South Atlantic region using MRIP-CHTS and would remain in effect under **Alternative 1** of this action. Therefore, **Alternative 1** (No Action) is not a viable alternative.
- **Alternative 2** would use the same formula and time series used for **Alternative 1**; however, landings data for FLEC Zone Cobia using MRIP-FES adjusted recreational data would be used.
- **Preferred Alternative 3** would retain an allocation of 8% commercial and 92% recreational, with the resulting catch limits determined using MRIP-FES data (Table 3).
- **Alternative 4** would hold the commercial sector at their current catch limit of 70,000 lbs lw during the 2021 fishing season, determine the allocation percentage by this fixed commercial catch limit, and allocate the remaining revised FLEC Zone ACL (determined in Action 2) to the recreational sector. The commercial and recreational catch limits would then update based on the allocation percentages in place for the 2021 season for 2022, 2023, and beyond.
- Based on the possible ACLs, a commercial closure analysis and a projection of when the recreational ACL would be met was conducted for the FLEC Zone.
 - The recreational ACLs are predicted to be met during the month of August under the ACLs projected for 2022.
 - Recreational FLEC Zone Cobia currently do not have an in-season closure accountability measure (AM). Their post season AM states that if the total FLEC Zone stock ACL is exceeded in one year, then in the following year, the recreational season will be projected to and closed when their annual catch target (ACT) is met.
 - Based on the analyses of the most conservative FLEC Zone commercial sector ACLs, no closures are projected.

Environmental Consequences

Biological Effects:

- The allocations being considered in **Action 3** are directly dependent upon the Gulf Group Cobia ACL established in **Action 1** and the FLEC Zone apportionment in **Action 2**.
- Of the alternatives analyzed, only **Alternative 2** results in a reduction of allocation to the commercial sector (5% from 8%, and 95% to the recreational sector).
 - The five-year running average (2015 – 2019) of commercial landings is 43,766 lbs. All of the alternatives proposed under **Action 3** would result in a higher commercial allocation than these average landings. The 5-year average (2015-2019) of MRIP-FES recreational landings exceeds the recreational ACL from **Preferred Alternative 3** and **Alternatives 2** and **4**.

- Biological effects of allocation alternatives are generally expected to be neutral; both the commercial and recreational sectors would be limited to their respective ACLs and the accountability measures (AM) in place for Gulf Group Cobia.

Economic Effects:

- The sector ACL does not directly impact the fishery for a species unless harvest changes, fishing behavior changes, or the sector ACL is exceeded, thereby potentially triggering accountability measures (AMs) such as harvest closures or other restrictive measures.
- No direct economic effects are anticipated from **Alternative 1** (No Action) through **Alternative 4** in the short-term assuming average abundance and average commercial landings.
- All three of the alternatives decrease the current MRIP-FES equivalent recreational sector ACL and are presumed to be constraining on harvest, at least over several years due to triggering the recreational AM, therefore negative economic effects are expected assuming average abundance and average recreational landings.
 - With a reduction in the amount of cobia available to harvest in **Alternatives 2** through **4**, there is the potential that angler demand for for-hire trips would decrease as well, resulting in decreased booking rates and for-hire business net operating revenue.
- Alternatives in **Action 3** can be ranked for the commercial sector from a short-term economic perspective with **Alternative 4** having the highest potential economic benefit, followed by **Preferred Alternative 3**, **Alternative 1** (No Action), and **Alternative 2**. For the recreational sector the ranking would be different from a short-term economic perspective with **Alternative 1** (No Action) having the highest potential economic benefit, followed by **Alternative 2**, **Preferred Alternative 3**, and **Alternative 4**. In terms of estimated net benefits for the action, the same ranking would apply as stated for the recreational sector, with expected changes to net economic benefits being the same.

Social Effects:

- Under **Alternative 2** there would be a decrease in the commercial percentage compared to **Alternative 1** (No Action), which could have some negative social effects to the commercial sector if commercial fishermen have a negative perception of this change due to the potential decrease in fishing opportunity if landings were to increase and concerns about long-term social effects, especially if other actions further decreased harvest opportunities.
- **Preferred Alternative 3** and **Alternative 4** are expected to be less controversial than **Alternative 2** for the commercial sector. The recreational sector may experience short term negative effects if a sector in-season closure occurs.
 - Projections for **Action 1 – Preferred Alternative 2** and **Action 2 – Preferred Alternative 3** indicate that the commercial ACL for FLEC Zone Cobia would not be reached under the any of the alternatives proposed in **Action 3**. However, the recreational ACL could be reached under all the proposed alternatives.
 - Restrictions on harvest that would end overfishing and contribute to sustainable management goals and are expected to be beneficial to fishermen and communities in the long term.

Gulf Council Discussion (August 2021):

- A Council member asked about the possibility to include an alternative in Action 3 to remove sector allocations in the FLEC Zone.
 - The South Atlantic Council liaison responded that their Council wants to retain historical management practices, and that the majority of their managed species have sector allocations.
 - Additional actions would be needed to address accountability measures that would be associated with managing FLEC Zone as a single stock.
 - The Committee also expressed concerns regarding how this may impact the implementation of this amendment, as ending overfishing of Gulf Group Cobia is a priority.

Committee Action:

REVIEW ACTION AND ALTERNATIVES, MODIFY AS NECESSARY

Action 4 – Update and/or Establish Annual Catch Targets (ACT) for the Gulf Group Cobia Zones Based on the Apportionment Selected in Action 2 and FLEC Zone Sector Allocation in Action 3.

Alternative 1: No Action. The Gulf Zone ACT equals 90% of the Gulf Zone ACL. The FLEC Zone ACT equals the FLEC Zone ACL multiplied by [(1-Proportional Standard Error [PSE] of the FLEC Zone recreational landings) or 0.5, whichever is greater].

Gulf and South Atlantic Preferred Alternative 2: Use the Gulf Council’s ACL/ACT Control Rule to calculate ACTs for the Gulf Zone and the recreational sector in the FLEC Zone.

Alternative 3: Establish an ACT for the commercial sector in the FLEC Zone using the Gulf Council’s ACL/ACT Control Rule.

Gulf Migratory Group	
Gulf Zone	FL East Coast Zone
Stock ACT = 90% ACL Or use Gulf ACL/ACT Control Rule calculations	Recreational ACT = ACL * [(1-PSE) or 0.5, whichever is greater] Or use Gulf ACL/ACT Control Rule calculations

Currently established ACT calculations for Gulf Cobia implemented with CMP Amendment 18 and 20B and proposed ACT calculations under Action 3.

Discussion:

- Amendment 18 established the Gulf Group Cobia buffer of 10% between the ACL and ACT for the Gulf Zone, represented by **Alternative 1** (No action). The calculation for determining the FLEC Zone recreational sector ACT established in Amendment 20B is retained (Recreational ACT = ACL * [(1-PSE) or 0.5, whichever is greater]).
 - For the time series in Action 2, Alternatives 2 – 4, the average PSE for the recreational data was 0.24. The resulting FLEC Zone ACT would be equal to the FLEC Zone ACL multiplied by (1-0.24), or 0.76, setting the FLEC Zone ACT at 76% of the FLEC Zone ACL.
 - For Action 2, Alternative 5, the average PSE for the recreational data was 0.25. The resulting FLEC Zone ACT would be equal to the FLEC Zone ACL multiplied by (1-0.25), or 0.75, setting the FLEC Zone ACT at 75% of the FLEC Zone ACL.

- **Alternatives 2 and 3** would update the calculation for determining the ACT by using the Gulf Council’s ACL/ACT Control Rule. Under this control rule, the ACTs for the Gulf Zone and for the recreational sector in the FLEC Zone would be set 10% below their respective zone ACLs.

- **Alternative 3** provides an option to establish an ACT for the commercial sector in the FLEC Zone, which would also be set 10% below the commercial ACL.
- While **Alternative 1** results in a larger buffer for the FLEC Zone, selecting **Alternative 2** and/or **Alternative 3** would standardize ACT calculations for Gulf Group Cobia in the FLEC Zone similar to how they are calculated for other Gulf federally managed species for consistency.

Environmental Consequences

Biological Effects:

- Modifying the ACTs from the current values could have an impact on the biological environment if harvest changes from the current levels and if AMs are triggered.
 - Reduction in catch limits and potential in-season closure would have a positive effect in helping the stock recover from its overfishing stock status determination from SEDAR 28 Update (2020).
- Under the proposed catch limits from **Actions 1 – 3**, the FLEC Zone ACL is projected to be exceeded, thus triggering the use of the FLEC Zone recreational AM in the following fishing year. The reduction in the buffer associated with **Preferred Alternative 2** allows for additional harvest by the recreational sector than with the buffer associated with **Alternative 1** before triggering a closure.
 - However, a reduced buffer increases the chances of that sector's ACL being exceeded, which would negatively affect stock recovery from its overfishing stock status determination.

Economic Effects:

- For a given ACL, larger buffers between the ACL and ACT, i.e., smaller ACTs, would be expected to result in greater reductions in fishing opportunities and hence larger associated economic losses. Conversely, smaller buffers (**Preferred Alternative 2** for the FLEC Zone) would be expected to result in potential increases in fishing opportunities and commensurate increases in economic benefits. Smaller buffers would also be expected to result in an increased risk of overages and corresponding adverse impacts to the Gulf Group Cobia stock.

Social Effects:

- Although the ACT in the FLEC Zone is not used to estimate the fishing season until a year following one in which the ACL is exceeded, some positive effects would be expected for the FLEC Zone as **Preferred Alternative 2** would reduce the size of the buffer compared to **Alternative 1**.
 - The smaller buffer provided by **Preferred Alternative 2** would allow for more fishing opportunities at that time before the fishing season is closed.
 - **Alternative 3** is unlikely to have an impact on commercial fishing communities in the FLEC Zone because commercial AMs do not currently include reference to a commercial ACT and no actions are being proposed in this amendment to modify commercial AMs.

Committee Action:

REVIEW ACTION AND ALTERNATIVES, MODIFY AS NECESSARY

Action 5 – Modification of Gulf Zone and FLEC Zone Cobia Possession, Vessel, and Trip Limits

Action 5.1 – Modify the Possession, Vessel, and Trip Limits in the Gulf Zone

Alternative 1: No Action. Retain the current recreational and commercial daily possession limit of 2 fish per person, regardless of the number or duration of trips in the Gulf Zone. No vessel limit or trip limit is currently defined.

Gulf and South Atlantic Preferred Alternative 2: Reduce the daily possession limit to 1 fish per person, regardless of the number or duration of trips.

Gulf and South Atlantic Preferred Option 2a: for the recreational sector
Gulf and South Atlantic Preferred Option 2b: for the commercial sector

Gulf and South Atlantic Preferred Alternative 3: Create a recreational vessel limit. Fishermen may not exceed the per person daily possession limit.

Gulf and South Atlantic Preferred Option 3a: The vessel limit is two fish per trip
Option 3b: The vessel limit is four fish per trip
Option 3c: The vessel limit is six fish per trip.

Gulf and South Atlantic Preferred Alternative 4: Create a commercial trip limit. Fishermen may not exceed the per person daily possession limit.

Gulf and South Atlantic Preferred Option 4a: The trip limit is two fish.
Option 4b: The trip limit is four fish.
Option 4c: The trip limit is six fish.

Note: Alternative 2 may be selected with Alternative 3 and/or Alternative 4.

Discussion:

- Action 5 has been divided into sub-actions to provide the Councils the opportunity to select changes to the possession, vessel, or trip limit by zones.
- The Councils are considering options to reduce fishing mortality and constrain Gulf Group Cobia harvest to the ACL.
 - Analyses shows the reductions have minimal effects.
- During its September 2020 meeting, the Gulf Council received public testimony recommending that it explore possession limits similar to those established by the State of Florida. The Florida Fish and Wildlife Conservation Commission (FWC) enforces a daily bag limit of one fish per person or two per vessel, whichever is less, for Cobia caught in Gulf state waters off Florida.

- The majority of both recreational and commercial trips in the Gulf Zone harvested one or less than one Cobia per person. Some trips harvested less than one Cobia per person.
 - Data were also examined for Cobia harvested per vessel per trip. These data revealed that the majority of the commercial and recreational trips harvested one Cobia or less per vessel per trip.
- **Alternative 1** would maintain the current daily possession limit for Gulf Zone Cobia of two fish per person for both sectors, without a vessel or trip limit.
- **Preferred Alternative 2** would decrease the per person daily possession limit for Gulf Zone Cobia from two to one fish per person per day, regardless of the number or duration of trips taken, resulting in halving the maximum possible harvest per person.
 - Less than one Cobia per angler is already retained, on average, on all trips in the Gulf Zone. Therefore, reducing the per person possession limit to one fish per day is projected to result in minimal reductions to harvest rate .
- **Preferred Alternative 3** would create a recreational vessel limit for Gulf Zone Cobia. Anglers would not be permitted to exceed the per person daily possession limit.
 - Since the majority of trips catching Cobia retain one fish or less per vessel, the predicted reductions in harvest from the options are low.
- **Preferred Alternative 4** would create a commercial trip limit for Gulf Zone Cobia. Commercial fishermen would not be permitted to exceed the per person daily possession limit.
 - Similar to the recreational sector, the majority of the commercial trips average one or fewer Cobia per trip and the predicted reduction from this management measure is also low.

Environmental Consequences:

Biological Effects:

- Decreasing the per-person daily possession limit from two fish (**Alternative 1**; No Action) to one fish (**Preferred Options 2a** and **2b** of **Preferred Alternative 2**) would be expected to reduce harvest of Gulf Zone Cobia by 1.2% for the recreational sector and less than 1% for the commercial sector.
- (**Preferred Alternatives 3** and **4**, and options) would also reduce harvest. The predicted reductions in harvest are greatest for **Preferred Alternative 3**, **Preferred Option 3a**, followed by **Options 3b** and **3c**.
- Although the options in **Preferred Alternative 4** would have a smaller effect in reducing harvest compared to the other alternatives, this could reflect the limited interactions between anglers and Cobia due to the overfishing stock status determination.
- **Preferred Alternatives 3** and **4** would be expected to slow the rate of harvest and decrease the probability of the ACL being exceeded. Therefore, the net biological effects of **Preferred Alternative 3** and **4** on Gulf Zone cobia are expected to be positive

Economic Effects:

- **Preferred Option 2a** would reduce the recreational daily possession limit to one fish per person and would be expected to reduce recreational harvests of Gulf Group Cobia in the Gulf Zone by 708 fish. The expected loss in economic value expected to result from this reduction is estimated at \$11,335. **Preferred Option 3a** would be expected to reduce recreational landings in the Gulf Zone by 5,313 fish. The associated loss in economic value is estimated at \$85,015.
- **Preferred Option 2b** would reduce the commercial daily possession limit to one fish per person and would be expected to reduce commercial Gulf Group Cobia landings in the Gulf by 51 lbs lw. The associated loss in ex-vessel value expected to result from this reduction is estimated at \$188. **Preferred Option 4a** would be expected to reduce commercial landings by 1,295 lbs lw. The associated loss in ex-vessel value is estimated at \$4,793.

Social Effects:

- Although the current possession limit is 2 fish per person with no limit on the number of fish that may be aboard a vessel (**Alternative 1**), the vast majority of recreational and commercial vessels that land Cobia land no more than one fish.
 - Reducing the recreational (**Preferred Alternative 2, Preferred Option 2a**) or commercial (**Option 2b**) possession limit from 2 fish to 1 fish per person would not be expected to result in substantial negative effects in the short term as the retention of more than 1 fish per person is generally uncommon.
- Similar to a possession limit reduction, negative effects would be expected from establishing a recreational vessel limit (**Preferred Alternatives 3**) or commercial trip limit (**Alternatives 4**), with the degree of effects relating to the extent the retention of Cobia is constrained.
- When fishing regulations differ between state and federal waters, negative effects can result. These effects may relate to issues of fishermen awareness of the different regulations depending on where one is fishing, or law enforcement issues in determining where a fish was caught. Reducing the possession limit to 1 fish per person (**Preferred Alternative 2**) would make federal regulations consistent with regulations in state waters off Florida, resulting in some additional positive effects compared to **Alternative 1**, but would introduce inconsistent state water regulations with the other four Gulf states, for which some small negative effects may be expected.

Committee Action:

REVIEW ACTION AND ALTERNATIVES, MODIFY AS NECESSARY

Action 5.2 – Modify the Possession, Vessel, and Trip Limits in the FLEC Zone

Alternative 1: No Action. Retain the current recreational and commercial daily possession limit of 2 fish per person, regardless of the number or duration of trips, in the FLEC Zone. No vessel limit or trip limit is currently defined.

Gulf and South Atlantic Preferred Alternative 2: Reduce the daily possession limit to 1 fish per person, regardless of the number or duration of trips.

Gulf and South Atlantic Preferred Option 2a: for the recreational sector
Gulf and South Atlantic Preferred Option 2b: for the commercial sector

Gulf and South Atlantic Preferred Alternative 3: Create a recreational vessel limit. Fishermen may not exceed the per person daily possession limit.

Gulf and South Atlantic Preferred Option 3a: The vessel limit is two fish per trip
Option 3b: The vessel limit is four fish per trip
Option 3c: The vessel limit is six fish per trip.

Gulf and South Atlantic Preferred Alternative 4: Create a commercial vessel trip limit. Fishermen may not exceed the per person daily possession limit.

Gulf and South Atlantic Preferred Option 4a: The vessel trip limit is two fish.
Option 4b: The vessel trip limit is four fish.
Option 4c: The vessel trip limit is six fish.

Note: Alternative 2 may be selected with Alternative 3 and/or Alternative 4.

Discussion:

- The range of alternatives included in this action are the same as those included in Action 5.1 for Cobia landed in the Gulf Zone. The Councils have received public testimony recommending possession limits similar to those established by the State of Florida.
 - For Cobia caught in South Atlantic state waters off Florida, FWC enforces a daily bag limit of one fish per person or six per vessel, whichever is less.
- Data were summarized for 2017 – 2019 in the FLEC Zone. In the FLEC Zone, the majority of recreational trips and commercial trips harvested one or less than one Cobia per person. In addition, the majority of recreational and commercial trips in the FLEC Zone harvested one Cobia per vessel per trip.
- **Alternative 1** would maintain the current daily possession limit for FLEC Zone Cobia of two fish per person for both sectors, without a vessel or trip limit.

- **Preferred Alternative 2** would decrease the per person daily possession limit for FLEC Zone Cobia from two to one fish per person per day, regardless of the number or duration of trips taken.
 - Like in the Gulf Zone, fewer than two Cobia per angler are already retained on average on all trips in the FLEC Zone. Therefore, reducing the per person possession limit to one fish per day would be expected to result in only minimal reductions in harvest levels.
- **Preferred Alternative 3** would create a recreational vessel limit for FLEC Zone Cobia. Anglers would not be permitted to exceed the per person daily possession limit.
 - However, while the majority of trips catching Cobia average one fish retained per vessel there is a predicted reduction in harvest in **Preferred Option 3a**.
- **Preferred Alternative 4** would create a commercial trip limit for FLEC Zone Cobia. Commercial fishermen would not be permitted to exceed the per person daily possession limit.
 - Similarly, to the recreational sector, the majority of the commercial trips average one Cobia per trip. However, predicted reductions in commercial harvest for **Preferred Option 4a** are smaller than what they are for the recreational sector.

Environmental Consequences

Biological Effects:

- Decreasing the per-person daily possession limit from two fish (**Alternative 1**; No Action) to one fish (**Preferred Alternative 2, Preferred Options 2a and 2b**) would be expected to reduce harvest of FLEC Zone Cobia by 11% for the recreational sector and 14% for the commercial sector, respectively.
- Creating recreational vessel trip limits for FLEC Zone Cobia (**Preferred Alternative 3**) would result in a reduction of Cobia harvest, with the greatest reduction coming from **Preferred Alternative 3, Preferred Option 3a**.
- Creating a commercial trip limit (**Preferred Alternative 4**) would result in a reduction of cobia harvest highest for **Preferred Option 4a**.
 - This reduction in harvest, coupled with a 5% discard mortality rate for Gulf Cobia (SEDAR 28 2013), would be expected to result in a positive biological effect on the stock by reducing the removal of individuals from the population.

Economic Effects:

- **Preferred Alternatives 2-4** would reduce the commercial and recreational daily possession limit and implement recreational vessel and commercial trip limits. These restrictive measures would reduce landings of Cobia in the FLEC Zone and are expected to result in direct short-term negative economic effects.
- **Preferred Alternative 2-Preferred Option 2a** would reduce the recreational daily possession limit to one fish per person and would be expected to reduce recreational

harvest of FLEC Zone Cobia by 5,803 fish. The loss in economic value expected to result from this reduction is estimated at \$92,852 (2019 \$).

- **Preferred Alternative 3-Preferred Option 3a** would be expected to reduce recreational landings of FLEC Zone Cobia by 9,971 fish. The associated loss in economic value is estimated at \$159,537 (2019 \$).
- **Preferred Alternative 4-Preferred Option 4a** would be expected to reduce commercial landings by 3,939 lbs lw. The associated loss in ex-vessel value and economic value is estimated at \$16,622 and \$3,441 (2019 \$).

Social Effects:

- Under the commercial ACLs proposed in Action 3, commercial landings of FLEC Zone Cobia are not anticipated to result in triggering of commercial AMs. However, should commercial harvest increase in the coming years, reducing the commercial trip limits could assure the commercial fishing season remains open as long as possible and would reduce the negative short-term effects of shorter seasons.
- The proposed recreational ACL is anticipated to be met or exceeded without addressing additional management measures. Reducing the recreational possession limit may work to avoid triggering the recreational AMs. Reducing the per person possession limit to one fish per day is expected to result in only minimal reductions in harvest levels for the commercial sector of (14%; **Preferred Alternative 2b**) and the recreational sector (11%; **Preferred Alternative 2a**) and as such would result in minimal negative social effects.
- **Preferred Alternative 2** would also reduce the complexity of complying with the regulations in waters off the east coast of Florida because the possession in state waters is currently 1 fish per person per day.
- **Preferred Option 3a** and **Preferred Option 4a** would result in the largest reduction in landings of 20% and 9% respectively.

Mackerel Cobia Advisory Panel Comments:

- The commercial sector is currently, able to catch two fish per vessel, but they've never caught the full quota. Cobia is just bycatch for commercial fishermen, but it helps with covering expenses.
 - At ASMFC, they have different trip limits for the for-hire vessels. Maybe something that should be considered by the Council as for-hire vessels do regularly target Cobia.

Committee Action:

REVIEW ACTION AND ALTERNATIVES, MODIFY AS NECESSARY

Action 6 – Modify the Gulf Group Cobia Minimum Size Limit

Alternative 1: No Action. Retain the current recreational and commercial minimum size limit of 36 inches fork length (FL) in the Gulf Zone and 33 inches FL in the FLEC Zone.

Gulf and South Atlantic Preferred Alternative 2: Retain the current recreational and commercial minimum size limit of 36 inches FL in the Gulf Zone and increase the recreational and commercial minimum size limit to 36 inches FL in the FLEC Zone.

Alternative 3: Increase the recreational and commercial minimum size limit to 39 inches FL.

Option 3a: in the Gulf Zone

Option 3b: in the FLEC Zone

Alternative 4: Increase the recreational and commercial minimum size limit to 42 inches FL.

Option 4a: in the Gulf Zone

Option 4b: in the FLEC Zone

*Councils may select more than one Alternative and Option. The selected size limits are not required to match for both Zones.

Discussion:

- Data on fork length distribution were compiled and summarized for the recreational and commercial sectors, and for the Gulf and FLEC Zones, during the years 2017 – 2019.
 - Overall, commercial fishermen in both zones, and recreational fishermen in the FLEC Zone, harvested larger Cobia than Gulf Zone recreational fishermen.
- Increasing the minimum size limit is expected to reduce fishing harvest in two ways:
 - anglers would be expected to release Cobia that they would otherwise retain under the current regulations,
 - increasing the probability of a fish reproducing, perhaps more than once, before being selected by the fishery.
 - 50% of Cobia are thought to be sexually mature by 33 inches FL.
- The use of a gaff to land Cobia is widespread and expected to result in substantially higher discard mortality than the 5% discard mortality rate currently presumed in the SEDAR 28 Update stock assessment (2020).
- **Alternative 1** would not change the minimum size limit of 36 inches FL for the Gulf Zone, or 33 inches FL for the FLEC Zone.
- **Preferred Alternative 2** would increase the minimum size limit for the FLEC Zone from 33 inches FL to 36 inches FL, to be equal to the minimum size limit in the Gulf Zone and is expected to reduce FLEC Zone landings for both sectors.

- Increasing the minimum size limit under **Alternatives 3** (39-inches FL) and **4** (42-inches FL) would indirectly drive fishing efforts to target more fecund female Cobia, which may have a negative effect on the spawning stock biomass.

Table 3. Estimated percent reduction in commercial landings for the Gulf and FLEC Zones for the proposed alternatives in Action 6.

Alternative	Size Limit (Inches FL)	% Reduction
Gulf Zone		
Alternative 1 No Action	36	0
Gulf Preferred Alternative 2	36	0
Alternative 3a	39	20.3
Alternative 4a	42	45.2
FLEC Zone		
Alternative 1 No Action	33	0
Preferred Alternative 2	36	27.2
Alternative 3b	39	48.9
Alternative 4b	42	60.3

Table 4. Estimated percent reduction in recreational landings for the Gulf and FLEC Zones for the proposed alternatives in Action 6.

Alternative	Size Limit (Inches FL)	Gulf Zone % Reduction	FLEC Zone % Reduction
Texas			
Alternative 1 No Action	36	0	NA
Gulf Preferred Alternative 2	36	0	NA
Alternative 3a	39	20.3	NA
Alternative 4a	42	39.9	NA
Louisiana			
Alternative 1 No Action	36	0	NA
Gulf Preferred Alternative 2	36	0	NA
Alternative 3b	39	20.3	NA
Alternative 4b	42	46.5	NA
Headboat: All Gulf of Mexico States and Both Coasts of Florida			
Alternative 1 No Action	33	NA	0
Gulf Preferred Alternative 2	36	0	23.4
Alternative 3b	39	19.3	43
Alternative 4b	42	37.6	65.2
MRIP: Mississippi, Alabama, and Florida			
Alternative 1 No Action	33	NA	0

Alternative	Size Limit (Inches FL)	Gulf Zone % Reduction	FLEC Zone % Reduction
Gulf Preferred Alternative 2	36	0	33.9
Alternative 3b	39	19.6	55.4
Alternative 4, Option 4b	42	38.7	74.4

Mackerel Cobia Advisory Panel Comments:

- In east Florida fishermen regularly catch 34-in and 35-in Cobia. If the minimum size limit is increased from 33-in FL, it will hurt the fishery in this area.
 - It is important to consider the disposition of Cobia that are discarded. Many fishermen use to use a gaff to get the fish on the boat, which results in high discard mortality.
 - Need to work on educating anglers and encourage them not to gaff Cobia.
 - Cobia tagging program at NCSU shows you can get high survival of large fish, but all are boated with a large net and not gaffing.
 - In general, it’s hard to get a 35-in Cobia on the boat and measure it without injuring the fish.

Environmental Consequences

Biological Effects:

- **Action 6** may increase regulatory discards of Gulf Group Cobia. This increase in regulatory discards will be greatest for **Alternative 4** and options, followed by **Alternative 3** and options, and then **Preferred Alternative 2** and options.
- Most Gulf Group Cobia are harvested using hook-and-line gear.
 - Discards in the commercial sector are relatively low for Cobia, and while discards of Cobia in the private recreational sector are high, the discard mortality rate is very low for this species using hook-and-line gear. However, there is concern that a higher discard mortality rate is prevalent with the use of gaffs to land Gulf Group Cobia, as it may be difficult for the angler to determine fish size until the fish is brought aboard with a gaff.
- Increasing the minimum size limit (**Alternatives 2 – 4**) may increase the probability of a Cobia reproducing more than once during the April to September spawning season. However, a larger size limit may shift harvest of Gulf Group Cobia disproportionately to females, which achieve a larger size at age than males and are also more reproductively contributory (i.e., fecund) as they grow larger.

Economic Effects:

- **Preferred Alternative 2**, which would retain the current recreational and commercial minimum size limit in the Gulf Zone and increase the recreational and commercial minimum size limit to 36 inches FL in the FLEC Zone, would be expected to marginally reduce recreational and commercial landings in the FLEC Zone by 42 fish and 298,256 lbs., respectively. The associated loss in economic value is estimated at \$672 and \$1.1 million \$2019, approximately.

Social Effects:

- In general, increasing the minimum size limit results in negative effects as smaller fish must be discarded that may have been retainable under a smaller size limit. Increasing the minimum size limit for the FLEC Zone to 36 inches and retaining this size limit for the Gulf Zone (**Preferred Alternative 2**) would be expected to result in some negative effects for fishermen in the FLEC Zone, and no additional effects would be expected for the Gulf Zone compared to **Alternative 1**.
 - A 27% reduction in harvest is projected for the FLEC Zone commercial sector under **Preferred Alternative 2**.
 - Increasing the minimum size limit in the FLEC Zone to match that in the Gulf Zone would reduce the complexity of complying with the regulations in federal waters.
- Compared to **Alternative 1** and **Preferred Alternative 2**, negative effects would be greater for both Zones under **Alternative 3** and **Alternative 4**,

Committee Action:

REVIEW ACTION AND ALTERNATIVES, MODIFY AS NECESSARY

Action 7 – Modify the Framework Procedure

Alternative 1: No Action. Retain the CMP Framework Procedure as last revised in Amendment 26. The current language in the Framework Procedure is:

This framework procedure provides standardized procedures for implementing management changes pursuant to the provisions of the Coastal Migratory Pelagic Fishery Management Plan (FMP) managed jointly between the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils). Two basic processes are included: the open framework process and the closed framework process. The open framework process/procedure addresses issues where more policy discretion exists in selecting among various management options developed to address an identified management issue, such as changing a size limit to reduce harvest. The closed framework process addresses much more specific factual circumstances, where the FMP and implementing regulations identify specific action to be taken in the event of specific facts occurring, such as closing a sector of a fishery when the quota is or is projected to be harvested.

Open Framework Procedure:

1. Situations under which this framework procedure may be used to implement management changes include the following:
 - a. A new stock assessment resulting in changes to the overfishing limit, acceptable biological catch, or other associated management parameters. In such instances the Councils may, as part of a proposed framework action, propose an annual catch limit (ACL) or series of ACLs and optionally an annual catch target (ACT) or series of ACTs, as well as any corresponding adjustments to MSY, OY, and related management parameters.
 - b. New information or circumstances. The Councils will, as part of a proposed framework action, identify the new information and provide rationale as to why this new information indicates that management measures should be changed.
 - c. Changes are required to comply with applicable law such as the Magnuson-Stevens Fishery Conservation and Management Act, Endangered Species Act, Marine Mammal Protection Act, or are required as a result of a court order. In such instances the NMFS Regional Administrator (RA) will notify the Councils in writing of the issue and that action is required. If there is a legal deadline for taking action, the deadline will be included in the notification.
2. Open framework actions may be implemented in either of two ways: abbreviated documentation or standard documentation process.
 - a. Abbreviated documentation process: Regulatory changes that may be categorized as a routine or insignificant may be proposed in the form of a letter or memo from the Councils to the RA containing the proposed action, and the relevant biological, social and economic information to support the action. Either Council may initiate the letter or memo, but both Councils must approve it. If multiple actions are proposed, a finding that the actions are also routine or insignificant must also be included. If the RA concurs with the determination and approves the proposed action, the action will be implemented through publication of appropriate notification in the Federal Register. Changes that may be viewed as

routine or insignificant include, among others:

- i. Reporting and monitoring requirements;
 - ii. Permitting requirements;
 - iii. Gear marking requirements;
 - iv. Vessel marking requirements;
 - v. Restrictions relating to maintaining fish in a specific condition (whole condition, filleting, use as bait, etc.);
 - vi. Bag and possession limit changes of not more than one fish;
 - vii. Size limit changes of not more than 10% of the prior size limit;
 - viii. Vessel trip limit changes of not more than 10% of the prior trip limit;
 - ix. Closed seasons of not more than 10% of the overall open fishing season,
 - x. Species complex composition;
 - xi. Restricted areas (seasonal or year-round) affecting no more than a total of 100 nautical square miles;
 - xii. Re-specification of ACL, ACT or quotas that had been previously approved as part of a series of ACLs, ACTs or quotas;
 - xiii. Specification of MSY proxy, OY, and associated management parameters (such as overfished and overfishing definitions) where new values are calculated based on previously approved specifications;
 - xiv. Gear restrictions, except those that result significant changes in the fishery, such as complete prohibitions on gear types;
 - xv. Quota changes of not more than 10%, or retention of portion of an annual quota in anticipation of future regulatory changes during the same fishing year.
- b. Standard documentation process: Regulatory changes that do not qualify as a routine or insignificant may be proposed in the form of a framework document with supporting analyses. Non-routine or significant actions that may be implemented under a framework action include:
- i. Specification of ACTs or sector ACTs;
 - ii. Specification of ABC and ABC/ACL control rules;
 - iii. Rebuilding plans and revisions to approved rebuilding plans;
 - iv. The addition of new species to existing limited access privilege programs (LAPP);
 - v. Changes specified in section 2(a) that exceed the established thresholds;
 - vi. Changes to AMs including:
 - In-season AMs
 1. Closures and closure procedures
 2. Trip limit reductions or increases
 3. Designation of an existing IFQ program as the AM for species in the IFQ program
 4. Implementation of gear restrictions
 5. Post-season AMs
 6. Adjustment of season length
 7. Implementation of closed seasons/time periods
 8. Adjustment or implementation of bag, trip, or possession limit
 9. Reduction of the ACL/ACT to account for the previous year

- overage
10. Revoking a scheduled increase in the ACL/ACT if the ACL was exceeded in the previous year
 11. Implementation of gear restrictions
 12. Reporting and monitoring requirements
3. Either Council may initiate the open framework process to inform the public of the issues and develop potential alternatives to address those issues. The framework process will include the development of documentation and public discussion during at least one meeting for each Council.
 4. Prior to taking final action on the proposed framework action, each Council may convene their advisory committees and panels, as appropriate, to provide recommendations on the proposed actions.
 5. For all framework actions, the initiating Council will provide the letter, memo, or completed framework document along with proposed regulations to the RA in a timely manner following final action by both Councils.
 6. For all framework action requests, the RA will review the Councils' recommendations and supporting information and notify the Councils of the determinations, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Section 304) and other applicable law.

Closed Framework Procedure:

Consistent with existing requirements in the FMP and implementing regulations, the RA is authorized to conduct the following framework actions through appropriate notification in the *Federal Register*:

1. Close or adjust harvest any sector of the fishery for a species, sub-species, or species group that has a quota or sub-quota at such time as projected to be necessary to prevent the sector from exceeding its sector-quota for the remainder of the fishing year or sub-quota season;
2. Reopen any sector of the fishery that had been prematurely closed;
3. Implement an in-season AM for a sector that has reached or is projected to reach, or is approaching or is projected to approach its ACL, or implement a post-season AM for a sector that exceeded its ACL in the current year.

Responsibilities of Each Council:

1. Recommendations with respect to the Atlantic migratory groups of king mackerel, Spanish mackerel, and cobia will be the responsibility of the South Atlantic Council, and those for the Gulf migratory groups of king mackerel, Spanish mackerel, and cobia will be the responsibility of the Gulf Council, with the following exceptions:
 - The South Atlantic Council will have responsibility to set vessel trip limits, closed seasons or areas, or gear restrictions for:
 - a. The east coast of Florida including the Atlantic side of the Florida Keys for Gulf migratory group cobia.

2. For stocks where a stock assessment indicates a different boundary between the Gulf and Atlantic migratory groups than the management boundary, a portion of the ACL for one migratory group may be apportioned to the appropriate zone, but management measures for that zone will be the responsibility of the Council within whose management area that zone is located.
3. Both councils must concur on recommendations that affect both migratory groups.

Gulf and South Atlantic Preferred Alternative 2: Modify the framework procedure to update the responsibilities of each Council for setting regulations for the Gulf Group Cobia. The responsibilities of each Council would be modified as follows:

1. Recommendations with respect to the Atlantic migratory groups of king mackerel, and Spanish mackerel ~~and cobia~~ will be the responsibility of the South Atlantic Council, and those for the Gulf migratory groups of king mackerel, Spanish mackerel, and cobia will be the responsibility of the Gulf Council, with the following exceptions:
 - a. The South Atlantic Council will have the responsibility to:
 - set vessel trip limits;
 - closed seasons or areas;
 - gear restrictions;
 - per person bag and possession limits;
 - size limits;
 - in-season and post-season accountability measures;
 - specification of ACTs or sector ACTs

for the east coast of Florida including the Atlantic side of the Florida Keys for Gulf migratory group cobia (i.e., Florida East Coast Zone).

2. Both Councils must concur on recommendations that affect both migratory groups.

Discussion:

- The CMP Framework Procedure allows the Councils to change specific management measures through framework amendments. Typically, these changes can be implemented within a shorter timeframe than a plan amendment.
- **Alternative 1** allows the South Atlantic to modify specific management measures for Gulf Group Cobia in the FLEC Zone: vessel trip limits, closed seasons or areas, and/or gear restrictions.
- **Alternative 2** would expand the South Atlantic Council's responsibilities beyond setting vessel trip limits, closed seasons or areas, and/or gear restrictions without a vote from the Gulf Council, allowing the South Atlantic Council to independently approve Framework Amendments specifically pertaining to management measures for the FLEC Zone for Gulf Group Cobia.

- Explicitly defining additional management measures that the South Atlantic Council may recommend independently will allow the South Atlantic Council to react more quickly to new information.
 - **Alternative 2** would not allow the South Atlantic Council to make unilateral changes to management measures that affect an entire Gulf migratory group throughout its range, such as removing the FLEC Zone apportionment of Gulf Group Cobia from the CMP FMP, or modifying the OFL, ABC, or Gulf Group Cobia ACL.
- Two additional corrections are being included to the Framework Procedure via this amendment:
 - Remove reference to Atlantic Cobia.
 - There is no ABC/ACL control rule. Instead, this should refer to the ABC and ACL/ACT control rules.

Environmental Consequences

Biological Effects:

- Modifying the framework procedure is an administrative action. **Preferred Alternative 2** would expand the ranges of management measures that the South Atlantic Council can implement without a full plan amendment for Gulf Group Cobia in the FLEC Zone. Changing the framework procedure is not expected to result in any direct impacts on the biological/ecological environment.

Economic Effects:

- The added flexibility that would result from **Preferred Alternative 2** would be expected to result in economic benefits due to the timelier implementation of management measures within the FLEC Zone. The nature of the regulatory actions implemented and the time savings that would result from their speedier implementation would determine the magnitude of the potential economic benefits that would result from **Preferred Alternative 2**.

Social Effects:

- Some minimal positive effects could result by adopting the proposed modifications to update the responsibilities of each Council for setting regulations for Gulf Group Cobia (**Preferred Alternative 2**). These potential benefits would relate to the expedited adoption of new requirements by the respective Council.

Mackerel Cobia Advisory Panel Comments:

- Alternative 2 makes the most sense and ensures that the South Atlantic Council doesn't lose control of the fishery.

Committee Action:

REVIEW ACTION AND ALTERNATIVES, MODIFY AS NECESSARY

Additional Administrative Changes

The Gulf Council, the South Atlantic Council, and NMFS do not require a specific federal permit for the commercial harvest of Gulf Group Cobia. However, because Gulf Group Cobia is included in the CMP FMP, the regulations restrict the sale and purchase of Gulf Group Cobia by federally permitted vessels and seafood dealers.

- The regulations require that Gulf Group Cobia harvested on any vessel that has a valid federal commercial vessel permit or a charter vessel/headboat permit be sold to a seafood dealer who has a valid federal Gulf and South Atlantic dealer permit (622.386(b)).
- The regulations also state that, a dealer who has a valid federal Gulf and South Atlantic dealer permit may purchase Gulf Group Cobia harvested in or from the Gulf or South Atlantic EEZ only from a vessel that has been issued a federal commercial or charter vessel/headboat CMP permit (622.386(c)).
 - NMFS has determined that the dealer limitation is inconsistent with the requirement for Gulf Group Cobia on all federally permitted vessels to be sold to a federally permitted dealer, as well as with the Gulf and South Atlantic Council's Generic Amendment (GMFMC and SAFMC 2013) that created the federal Gulf and South Atlantic dealer permit.
 - Therefore, NMFS intends to correct the regulations at 50 C.F.R. 622.386(c) to make the restriction applicable only to king and Spanish mackerel harvested in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ. This will allow federally permitted dealers to accept Gulf Group Cobia harvested from the EEZ from any vessel regardless of permit status.

Gulf Council Discussion (August 2021):

- The Committee raised some concerns regarding the modifications to the regulatory language in that it may have some unintended consequences. Based on the intent of this amendment to end overfishing of Cobia, the Committee asked if the proposed change might increase fishing effort by the recreational sector and allow them to sell Cobia.
 - The proposed change does not remove any restrictions put in place in the CMP FMP, but rather corrects an inconsistency in the regulations that occurred when NMFS implemented the Gulf and South Atlantic Councils' Generic Amendment that modified the federal dealer reporting requirements.
 - The CMP FMP and current federal regulations do not require any permit to sell Gulf Group cobia.
 - The Gulf and South Atlantic Councils considered requiring a federal permit to sell Cobia in CMP Amendment 20A, but did not proceed with that action.
 - However, sales may be restricted by the state where the Cobia is sold. Currently, all five Gulf states restrict the sale of cobia to properly permitted individuals/commercial vessels; thus, in effect, the sale of Cobia by private recreational anglers is not permitted in the Gulf.

Gulf Council Action (August 2021):

The Committee recommends, and I so move: **to take Amendment 32: Modifications to the Gulf of Mexico Migratory Group Cobia Catch Limits, Possession Limits, Size Limits, and Framework Procedure out for Public Hearing.**

Motion carried with no opposition

Draft South Atlantic Council Action:

DRAFT MOTION: APPROVE COASTAL MIGRATORY PELAGICS AMENDMENT 32 FOR PUBLIC HEARINGS.