

**CMP Amendment 31**  
**Scoping Summary**  
**(Comments received through August 18, 2017)**

This summary includes comments received during the scoping webinar on August 15, 2017, along with written comments received as of August 18, 2017. Three individuals provided comments during the scoping webinar. The minutes from the comment session during the webinar are included in this attachment along with the Q&A log from the webinar. Online comments (n=6) are available to view at: <https://safmc.wufoo.com/reports/cmp-amendment-31/>.

Overall:

- There were 4 online comments from Florida, one from South Carolina and one from North Carolina. Primarily these comments addressed management measures (bag/vessel limits, size limits, gaffing) and may be more in response to FWC's Gulf cobia proposed actions or the ASMFC draft interstate plan. One commenter recommended that the states take over management of cobia.
- There were 5 speakers who provided comments during the scoping webinar (North Carolina and Virginia).
- There was concern about the current stock boundary, annual catch limit, and MRIP data used for setting the ACL and for tracking landings.
- Three commenters recommended that the SAFMC and ASMFC delay actions until after the stock assessment.
- Two commenters felt that because cobia are migratory and there may be some changes in the availability in the future, both federal and state management is necessary.
- Some benefits of ASMFC management that were noted included faster processes for management changes, ability to use other data streams for recreational landings, and possibly not being held to the current ACL by removing the federal mandate for ACL.
- One commenter recommended a slot limit similar to reduce the number of large fish being harvested.

**AMENDMENT 31 PUBLIC SCOPING  
WEBINAR**

**AUGUST 15, 2017**

**MR. GORHAM:** I'm Bill Gorham, from Southern Shores, North Carolina, located on the Outer Banks. I have attended these meetings and spoke often on behalf of stakeholders in northeastern North Carolina and a few, but not all, in Virginia. Overall, I understand and try to accurately project what is trying to be achieved through this management transfer.

Given the situation with the allocation, I know there was a big topic regarding where the stock boundary is, but, at the end of the day, it came down to the allocation and the management difficulties that we are currently in, and will continue to be in, and that forced two states to take protective measures to keep their state waters open.

Ultimately, it's MRIP and allocation, and full management within the Atlantic States obviously will move the needle or could solve those much faster than coming up with a new MRIP, and so that's where I see the benefit.

As far as access goes, I don't want to go to Washington to talk about cobia, or Alexandria. Any public comments that we have given, and we filled a room with thirty-seven people, were against any involvement of the Atlantic States until there was corrective measures at the South Atlantic, whether that be recalculation of MRIP or what we felt was justified emergency action to get some of that allocation more in line with what we view as fair and equitable. From an access standpoint, with joint management, it is going to be severe for northeastern North Carolina and extremely different than Virginia, based on the Atlantic States FMP, and so that's how it affects.

With full management, there could still be some aches and pains until there is an actual transition, but at least there, I believe, would be a light at the end of the tunnel, as long as we're not held to 620,000 pounds until a new stock assessment.

My big worry with the difference between state and federal water regulations is cobia is a fishery-dependent species, and federal waters have been closed now for two years, and so we have no data stream from federal waters, which is concerning from a management standpoint, but, ultimately, as most people know, I prefer the emergency action, because that could have taken place within a year, or, if it even only lasted 180 days, it would have -- It may have bought us another year until this full management could take place.

I do support full management, but I support it as fast as possible. I do not support joint management, because it's only a forced complier that we could go to Alexandria and have our two minutes and try to fight against it, but that's all I have for this session. Thank you.

**MR. AVERY:** My name is Mike Avery, and I'm with the Virginia Saltwater Sportfishing Association, representing the recreational anglers in Virginia. I would recommend that the South Atlantic Council consider adding a third option to this scoping hearing, and that's to delay management with the Atlantic States Commission until after a new stock assessment.

I think that, for the last year-and-a-half, you have heard an earful from all of us about the zone split and the stock assessment and all of the unfair actions that created. I am not going to repeat all of that, because I think you guys have gotten, for the last year-and-a-half, an earful of how we feel about the stock assessment and the zone split, giving east Florida their own larger quota than the entire rest of the Atlantic, and so I would like to ask that the South Atlantic Council consider adding another option to delay transfer of any form of management, whether it's co-management or full management, with the Atlantic States until after a new and fair stock assessment is completed.

All you're doing is transferring a hot mess to another organization to manage something that is a lose-lose situation for the recreational angler. We really feel strongly that a stock assessment has to happen quickly and then, after we've done the stock assessment, then we ought to bring back to the table, okay, now how do we want to bring Atlantic States into the management options.

As Bill Gorham has said, and I agree with him totally, going to the Atlantic States to try to, as an organization or an individual recreational angler, to try to lobby that organization to affect change is painful. They're a large organization, comprising of all states on the Atlantic coast, and try to get our input where they have their meetings is tough.

We would rather, in the meantime, just go to our individual state commissions and try to influence the decisions that they make for state quotas, which is kind of what we've been doing for the last couple of years, and that has worked to at least give us some season, but we feel like trying to transfer management to the Atlantic States now is not the right time. You're putting the cart before the horse to try to do that now with the stock assessment and being the mess that it's in now.

I would like to just -- If you could consider adding that as a third option. We do intend to go to the Atlantic States and make this same comment of, guys, you're going too fast and slow down and let's do the stock assessment first and then let's talk about how we manage it. I think it's just wrong to try to rush towards transferring management to another organization, and it's just a hot mess, but that's my comments, and that's all I have. Thank you.

**MR. JENSEN:** I'm Douglas Jensen, and I'm a student researcher at the Virginia Institute of Marine Science. However, I am here today in a personal capacity, just as an informed and concerned citizen, and what I know about cobia, through extensive reading in all of the literature, is that they are a very migratory species, but we do not have a very good grasp at all as to the extent of their migratory nature.

We do know that some species travel from Florida up to South Carolina, and we know that some groups travel from Virginia to offshore waters of North Carolina, back and forth, and we know that some travel from the west coast of Florida and into the Gulf of Mexico, and so all we know for sure is that these fish travel between waters, and to what extent and how many is unknown, such that we do need involvement from all three fisheries management agencies, the Gulf of Mexico, the South Atlantic, and the Atlantic States, only to be involved to some extent, based on the nature of this fish, in addition to them having an extensive presence in federal waters, which was, as pointed out earlier, is largely unknown for the last couple of years with regards to the early closures in federal waters.

There is so many unknowns that I'm going to have to agree with what Mike Avery was just saying, that we need more information before we can really accurately determine what is the best course of action for the fish stocks, for the individual states, and for the associated economies and anglers, and so I would have to agree with Mike Avery on this one, in that I would support a later transfer, after we have more information, or at least consider more information before pushing forward with this.

**MR. LINK:** My name is Patrick Link, and I'm a recreational angler in Virginia. I think the last three folks have kind of echoed a lot of what I wanted to say. I do believe that we need to wait and see. The data streams that we have are so poor, and to manage and close a fishery based on some of this information is not -- It's not the way we need to go about doing this.

There is a lot of research and a lot of commitment to research right now, not only in Virginia, but in North Carolina, and I am assuming down the east coast, to provide a much clearer picture of what these fish are doing and how many fish we actually have. You know, I'm a data nerd, and I always get into this, and I'm going to do it for one second, but, in 2016, the MRIP data for just the State of Virginia stated that we had 113,000 directed trips.

As you guys know, we now have a mandatory reporting program, and, as of 8/15/2017, and so as of today, we have 2,920 trips. Now, I'm not saying that everybody has participated and been a part of this, but that discrepancy leads me to believe that -- I mean, there is something very wrong with the numbers that MRIP is putting out, and we know that, and it sounds like you guys are willing to go back and look at that and maybe make some adjustments, but that's only a small piece of this puzzle.

The allocation of catch is another huge, huge part of this that. If we keep that 620,000 pounds, there is no way to have an equitable season from New York to Georgia. I ask that you guys wait and let the folks do what they're doing right now. Let's get some more data, and let's see where these fish are going, and let's have another stock assessment. Let's allow the states to make decisions based on their stakeholders and what they think is in the best interest of the species and wait to move forward just a little bit, and that would be my recommendation, is just to hold off on either joint or total management by the Atlantic States until we get to a point where we feel fairly secure in how we're managing cobia moving forward. Thank you.

**MR. GORHAM:** I just wanted to make it a point, based upon some of the comments, and they may want to re-comment after this, is that I think that we need to look at it as Atlantic States, no matter what we have said, or what we have put on the record, is moving forward with joint management, and I think -- Correct me if I'm wrong, but this scoping is do we want to stick with joint management or do we want Atlantic States to take over full management, because I agree with what they're saying.

I don't think Atlantic States should have any involvement right now, but it appears they are, and I just wanted to make that a point and see if anybody wanted to re-comment. We're getting a lot of don't want any involvement, and, from the conversation I've had with many people, they realize that they want full management and not joint management, if they're going to have one to choose, and that's all.

DR. MACLAUHLIN: Thank you, Bill, and I can follow up on that, just to be clear. The Atlantic States Commission is out for public comment, their draft plan, and so, if you have any recommendations for the Atlantic States Commission, including that they also wait to implement this interstate plan, then I encourage you to become involved in that.

However, the South Atlantic Council -- I mean, that is the Atlantic Commission's decision on whether or not to implement that interstate plan for cobia. That is not the South Atlantic, and, at this time, the direction that it's moving, it is on its way. The Atlantic States interstate plan is on its way to being implemented, and those state-by-state quotas are going to be based on the annual catch limit, unless, in the future, Atlantic cobia is removed from federal management. Those two things are not going away at this point.

MR. LINK: I do want to clarify, because I do agree with Bill. I mean, I think I would personally much rather see full management through Atlantic States, but the whole issue that everyone can see is that, if they're forced to use the current ACL, there is zero chance for a season of any kind for most of us, and we, being the stakeholders in Virginia that are part of this fishery every day, are seeing more fish now than ever, and so we feel like that is not a correct assessment of the stock, and, without a change in either the stock boundary or the catch allocation, I think we're -- It sounds like we're just SOL, which is a shame, but, if it's a choice between the two, then, yes, of course we would rather at least have it under one roof and then potentially just deal with one group of managers, because it's already very, very difficult to figure out who is on first and who is on second.

Every time you ask a question, it's like this crazy, finger-pointing game that it's their responsibility, but we implement it, and they make the laws. Well, it makes it pretty hard for somebody to follow that has a full-time job and is trying to be a part of it, but it makes it very difficult, and I guess having it under one roof, for simplicity's sake, would be beneficial. It sounds like it would also be beneficial, because we wouldn't necessarily have to follow the current ACL, but, if we do, I mean, I really don't know where we're going to be at, moving forward.

I do want to say that I truly hope that these alternate data streams are used when making these decisions, and hopefully -- I mean, particularly this catch data that we're generating in Virginia this year. You can look at it, and it should put up a red flag that maybe we need to pump the brakes a little bit, but, anyway, just to circle back, I do agree with what Bill was saying, and I would rather have it all under one roof, and so thank you.

**MR. BLOW:** My name is Wes Blow, and I'm a recreational fisherman in Virginia, and I would like to see joint management of the fish. Originally, I thought that ASMFC should only manage it, but, you know, the fish does travel in federal waters, and, currently, there has been big changes in the migration, just in the Chesapeake Bay, of the fish.

It's more north, and so there's nothing to say that there won't be a tremendous amount of new migration of the fish up north on the ocean side, and so we still need federal management, I believe, at that level. Things could change, you know, and windmills being built could attract more fish offshore, and we may need a whole lot of federal management.

I don't think that Atlantic States managing the fish will affect my personal fishing in Virginia, because most of our fishing currently is in state waters, and so it would not be negative in that respect, and the other thing that I would like to add that I think needs to be considered for both state and federal management with ASMFC and the South Atlantic Council that is something that has been overlooked is the size of the fish that are allowed to be kept.

Last year, Virginia, and this year, only allowed one fish over fifty inches to be harvested, whatever the boat limit is, and I have been tracking the size of the fish being caught, and we are seeing, in Virginia, a dramatic decrease in larger fish. The larger fish are the breeding fish, and so Virginia instituted only one fish to be allowed to be kept over fifty inches, and I think any further regulations should include something along those lines with ASMFC and the South Atlantic Council. That's all I have.

MR. GORHAM: This Bill Gorham again, with Bowed Up Lures. This comment is going to be more geared towards the charter captains, tackle shops, and piers along northeastern North Carolina, and really North Carolina in general. I was hoping that there was going to be some guys that were going to speak up, but I know that we have a storm coming, and I guess they're busy.

I wanted to touch on the main points here as far as access and some of the management parameters. For northeastern North Carolina, and we've said it over and over, it's a vitally important spring fishery for our inshore fleet and tackle shops. It's what gets people coming to the Outer Banks in May. They're either going tuna fishing or they're going cobia fishing, and, with a joint Atlantic States management, we really feel it takes away the flexibility that we have been able to have the past two years through our state itself setting regulations.

Now, I know that affected, or negatively affected, South Carolina and parts of Georgia, and I say parts of Georgia, because there are parts of Georgia that are extremely close to the east coast of Florida, and so there is possible access for them that's just not present for us here in North Carolina and Virginia, unless you take a very long road trip, but, as far as the access concerns, joint management -- We have seen the writing on the wall.

Unless there is a recalculation that is drastically different, or the Atlantic States is willing to ignore the 2015/2016 catch totals and catch rates, it would be dramatic negative effects, which is very poorly spoken, but it was spoken, but, as far as the state and federal, obviously you would want the state regulations to extend out to the federal for enforcement purposes, and so states where there are some bordering, South Carolina and North Carolina, and I know there is some intermingling of Brunswick County in southern Georgia with Florida. Well, Florida would be different management altogether, but you would have to -- We would want management to extend out to federal waters.

Going down to that last point, how should complementary management work, I don't know how it would work or should work under the current ACL or allocation, because it's going to force the states, like North Carolina, or really all states, to either have drastically-reduced limits or closed seasons during their historic peak fishing with a pulse fishery.

As we learned this year, our fishery, the fishery in eastern North Carolina, was over by the third week of May, and it actually started in mid-April, and so a different migratory shift, or I don't

know if it's a shift, but they're showing up earlier, and in good numbers, and so just complementary management would not work.

The only way that I see complementary management is nothing more than a forced complier to unjust federal regulations, and I know, with joint management for more than one year, it's the end of my business, and it's going to really put a lot of charter captains in Virginia out of business too that have built a business on the cobia fishery over these past several years, and that is not captured in any stock assessment or economic impacts, which needs to be done as well, but that's all I have, and I hope to see you all in September.

(Whereupon, the scoping meeting was adjourned.)

CMP AMEND 31 PUBLIC SCOPING 15 Aug 17

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Questions Log C:\Users\mikec\Documents\QuestionsLog 2017\_08\_15 19\_38.rtf

Q: Is management with ASMFC a done deal or can SAFMC decide to not transfer management? Mike Avery[Mike Avery] [mike@averys.net] [Q: 6:14 PM] [A: 6:16 PM]

A: Thank you for your question Mike. We will get to your question next.

Q: What is preventing a reduction in regulatory complexity under federal management? How would this be better under ASMFC? Is federal management preventing the possibility of MRIP alternatives?[Douglas Jensen] [drjensen@vims.edu] [Q: 6:16 PM] [A: 6:17 PM]

A: Thank you for your question Douglas. We will get to your question soon.

Q: Instead of turning over management of cobia over to the states why aren't we looking for other data sources to verify the MRIP data? Especially since MRIP is the ONLY data source.[Jarratt Quail] [jsquail@cox.net] [Q: 6:16 PM] [A: 6:18 PM]

A: Hi Jarratt. Thank you for your question. We have it on our list and we'll get to it soon.

Q: thank you[Jarratt Quail] [jsquail@cox.net] [Deleted] [Q: 6:18 PM]

Q: I was asked several times regarding Gulf Council. (Why I asked)[Bill Gorham] [Getbowedup40@gmail.com] [Deleted] [Q: 6:18 PM] [A: 6:18 PM]

A: Thank you Bill!

Q: So the only 2 options for SAFMC is (1) Transfer all to ASMFC in total or (2) complimentary management? Is this scoping hearing just to decide that? Mike Avery[Mike Avery] [mike@averys.net] [Q: 6:20 PM] [A: 6:22 PM]

A: We received your question Mike. We have a bit of a line-up right now but we will get to your question soon!

Q: The next assessment will incorporate the recalibration of MRIP data. In the meantime, what stock diagnostics will be reviewed by the SAFMC to ensure the ACL overages of 2015 and 2016 have not eroded the stock biomass further from the 2011 basis?[rob O'Reilly] [rob.oreilly@mrc.virginia.gov] [Q: 6:30 PM] [A: 6:30 PM]

A: Hi Rob. We have your question and will get to it next. Thank you!

Q: OK Thanks[rob O'Reilly] [rob.oreilly@mrc.virginia.gov] [Deleted] [Q: 6:34 PM]

Q: Thank you[Bill Gorham] [Getbowedup40@gmail.com] [Deleted] [Q: 6:35 PM]

Q: No one likes dogfish[Bill Gorham] [Getbowedup40@gmail.com] [Deleted] [Q: 6:35 PM] [A: 6:35 PM]

A: Haha!

Q: Yes, there have been different commercial trip limits for spiny dogfish in state vs. federal waters (ASMFC has a Spiny Dogfish FMP as does MAFMC)[Michelle Duval] [michelle.duval@ncdenr.gov] [Q: 6:34 PM] [A: 6:36 PM]

A: Thank you Michelle!

Q: Is there any chance ASMFC will consider taking over management only after the next stock assessment?[Patrick Link] [patricklink11@gmail.com] [Q: 6:40 PM] [A: 6:40 PM]

A: .

Q: Y'all holding out.....lol[Bill Gorham] [Getbowedup40@gmail.com] [Q: 6:40 PM] [A: 6:40 PM]

A: .

Q: why didn't you ask to recalculate MRIP when stakeholders pointed out the spikes a year ago? spikes that in 1 week accounted for almost 500k lbs in one week????[Shane Hatcher] [s.hatcher25@cox.net] [Q: 6:38 PM] [A: 6:40 PM]

A: .

Q: Did wave 3 prelim get release yet? I checked earlier and it hadn't been posted. [Bill Gorham] [Getbowedup40@gmail.com] [Q: 6:38 PM] [A: 6:41 PM]

A: .

Q: i was asking why did you wait?[Shane Hatcher] [s.hatcher25@cox.net] [Q: 6:42 PM]

Q: I am dialing in now. mike a[Mike Avery] [mike@averys.net] [Q: 6:43 PM] [A: 6:43 PM]

A: Thanks Mike!

Q: why didn't you ask to recalculate MRIP when stakeholders pointed out the spikes a year ago? spikes that in 1 week accounted for almost 500k lbs in one week????

in response to your answer why did you wait?[Shane Hatcher] [s.hatcher25@cox.net] [Q: 6:43 PM] [A: 6:43 PM]

A: Again, that was a Council decision and Council members would be better suited to answer that question.

Q: why wasnt that week of of 500k lbs looked into ?[Shane Hatcher] [s.hatcher25@cox.net] [Q: 6:43 PM] [A: 6:44 PM]  
A: .

Q: can you please say this on the record[Shane Hatcher] [s.hatcher25@cox.net] [Q: 6:44 PM] [A: 6:45 PM]

A: We are currently in the public comment session. But Kari did state that on the record in her initial answer to your question.

Q: can you put the slide up about what we are supposed to be commenting on[Wes Blow] [wesamy2000@cox.net] [Deleted] [Q: 6:49 PM]

Q: thanks[Wes Blow] [wesamy2000@cox.net] [Deleted] [Q: 6:49 PM]

Q: i believe the almost 500k lbs was based off 2 interviews and 1 fish observed? how accurate is MRIP ?[Shane Hatcher] [s.hatcher25@cox.net] [Q: 6:46 PM] [A: 6:49 PM]

A: Shane, you are not alone in your concerns about MRIP's accuracy. That has been reiterated not only by our staff, but also by Council members. Council Chair Michelle Duval submitted a letter which described the Council's concerns with MRIP's application to rare event species like cobia. Removing Atlantic migratory group cobia from the federal fishery management plan could allow for other data streams to be used.

Q: May want to clarify that this is complementary, not joint management being considered.[Michelle Duval] [michelle.duval@ncdenr.gov] [Q: 7:05 PM] [A: 7:06 PM]

A: Thanks Michelle. I'll tap Kari and have her bring it up.

Q: who would be the poc at mrip/nmfs to discuss the issues we are seeing in this data?[Patrick Link] [patricklink11@gmail.com] [Q: 7:30 PM] [A: 7:34 PM]

A: .

Q: Thank yall for have a 7 OCLOCK one too. [Bill Gorham] [Getbowedup40@gmail.com] [Q: 7:38 PM] [A: 7:38 PM]

A: No problem Bill! Have a great night.