



COMMONWEALTH of VIRGINIA

Marine Resources Commission
2600 Washington Avenue
Third Floor
Newport News, Virginia 23607

Molly Joseph Ward
Secretary of Natural Resources

John M.R. Bull
Commissioner

August 21, 2017

To: South Atlantic Fishery Management Council

From: Robert L. O'Reilly, Chief of Fisheries, Virginia Marine Resources Commission

Subject: Public comment regarding Coastal Migratory Pelagics Amendment 31 (Atlantic cobia)

The Virginia Marine Resources Commission (VMRC) understands the proposed amendment is in response to a motion made by the Atlantic States Marine Fisheries Commission (ASMFC) that the South Atlantic Fishery Management Council (SAFMC) allow the ASMFC to have sole management authority of the Atlantic Migratory Group of cobia (Georgia through New York). The SAFMC measures from the Coastal Migratory Pelagics Framework Amendment 4 have not yet taken effect, so it is unclear how they would affect the SAFMC's ability to manage cobia and prevent overages of the annual catch limit (ACL). However, the motion to give the ASMFC full management authority comes not only as a response to consecutive overages of the ACL in 2015 and 2016, but also as a response to changes in the fishery such that the majority of recent landings are from harvests in state waters.

By transferring management of the Atlantic Migratory Group of cobia from the SAFMC to the ASMFC, this stock would not be subject to the provisions and standards of the Magnuson-Stevens Fishery Conservation and Management Act. The VMRC understands that this would eliminate any designation of essential fish habitat for cobia, and that the ACL of 670,000 pounds (620,000 pounds for the recreational sector and 50,000 pounds for the commercial sector) would no longer be in place. Also, because cobia are migratory in nature, there is a benefit to having the SAFMC involved for the states whose fisheries are prosecuted primarily in federal waters.

However, the VMRC believes sole management by the ASMFC would allow for faster responses to management issues and an overall increase in flexibility for states to manage cobia under a conservation equivalency program that would be fair and equitable to all states in the management unit. Further, a benefit of not being a part of a federal fishery management plan means the ASMFC could consider alternative sources for recreational fishery data in addition to those of the Marine Recreational Information Program (MRIP). Alternative data sets seem necessary because cobia is a species that is rarely intercepted, and MRIP estimates of cobia landings are usually very imprecise.

There are also relevant research and assessment initiatives for cobia that will have an impact on future management. The first initiative is the stock identification workshop that will

An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD

precede the next cobia stock assessment. Although the stock boundary may not change as a result of recent research developments, one realistic possibility is the inclusion of the east coast of Florida as part of the Atlantic cobia migratory group. Even if this were to occur, the ASMFC is able to adapt to this change, as Florida is a member of the ASMFC. The second initiative is the stock assessment itself. The National Marine Fisheries Service has affirmed to the ASMFC that it would still provide support for a stock assessment through its SEDAR process, meaning cobia could still be given a rigorous assessment in the event that the ASMFC has sole authority in management of the Atlantic Migratory Group of cobia. The ASMFC would be equally prepared to act upon the results of this assessment, as it does with other species that have been assessed through the SEDAR process.

For the reasons stated above, the VMRC is in favor of the SAFMC and the Gulf of Mexico Fishery Management Council agreeing to transfer management of Atlantic Migratory Group cobia to the ASMFC, preferably after the upcoming stock assessment has been completed. If the SAFMC were to remove the Atlantic Migratory Group of cobia from its federal management plan, there would be no ACL, so it would be best for the ASMFC to have the most current information on reference points and the status of the stock to guide management.