

New Jersey's Implementation Plan for the Atlantic Migratory Group Cobia

January 17, 2018

1. Recreational Fishery Management Measures

A. *De Minimis* States

- I. New Jersey recreational harvest data, in pounds, were obtained from MRIP. These harvest estimates were compared to the coast wide estimates of recreational harvest from the Atlantic Coast. Based on this analysis, New Jersey qualifies for *de minimis* status with less than 1% of the coastwide recreational landings for all three years from 2014-2016.

	2014	2015	2016
NJ Recreational Harvest	0	0	0
Coastwide Recreational Harvest	1,049,100 lbs	2,211,251 lbs	1,724,992 lbs
Percentage of Coastwide Harvest	0	0	0

- II. In order to satisfy the *de minimis* management options required in the cobia fishery management plan, New Jersey will implement one of the following management options:

- a. A *de minimis* state may match the recreational regulations of an adjacent (or the nearest) non-*de minimis* state. Please list the state non-*de minimis* state being matched as well as regulatory language that matches that of the non-*de minimis* state.
- b. A 1 fish per vessel per trip limit and a minimum size limit of 29 inches fork length or 32 inches total length.

New Jersey will implement management option a, and will therefore match Virginia's cobia regulations. Virginia will finalize its 2018 Cobia regulations in early 2018. Based on Virginia's implementation plan, these regulations include a minimum size limit of 40 inches total length (equivalent to 36 inches fork length), a bag limit of 1 fish per person per day, a daily vessel limit of 3 or 4 fish, and a season starting no earlier than May 15 and ending no later than September 30. New Jersey's regulations allow the adjustment of creel, minimum size, and season by public notice. As Virginia completes their stakeholder process and finalizes their 2018 regulations, New Jersey will have the authority and the ability to rapidly match their regulations.

2. Commercial Fishery Management Measures

In all New Jersey waters, commercial regulations will be:

- A. A minimum size limit of 33 inches fork length or 37 inches total length.

- B. A possession limit no greater than 2 fish per person and no greater than 6 fish per vessel.

The federal annual quota is 50,000 lbs. and is shared by all states from Georgia to New York. The season will be open until the coast wide quota is projected to be reached, as determined by NOAA Fisheries.

3. Implementation Timeline

New Jersey has submitted draft regulations for review by the office of the Commissioner of the Department of Environmental Protection (see below). Although there is some uncertainty in the timing of formal approval, New Jersey anticipates having regulations effective in April 2018.

Full text of the changed rule follows (additions indicated in boldface **thus**, deletions indicated in brackets [thus]):

7:25-18.1 Size, season, and possession limits

(a) (No change.)

(b) A person shall not purchase, sell, offer for sale, expose for sale, barter, trade, or exchange for money or for any other thing of value, or attempt to purchase, sell, offer for sale, barter, trade, or exchange for money or for any other thing of value, any species listed below less than the minimum length, measured in inches, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section. Any commercially licensed or permitted vessel or person shall be presumed to possess the following species for sale purposed and shall comply with the minimum sizes below. Fish length shall be measured from the tip of the snout to the tip of the tail (total length), except as noted below.

SpeciesMinimum Size (inches)

• • •

• • •

1. – 2. (No change.)

3. A person shall not take in any one day or possess more than the possession limit specified below for each species listed, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section.

SpeciesPossession Limit

Cobia

2 per person, no more than 6 per vessel

Red Drum

1, no more than 27 inches

(c) A person angling with a hand line or with a rod and line or using a bait net or spearfishing shall not have in his or her possession any species listed below less than the minimum length, nor shall such person take in any one day or possess more than the possession limits as provided below, nor shall such person possess any species listed below during the closed season for that species. Exceptions to this section as may be provided elsewhere in this subchapter shall be subject to the specific provisions of any such section. Fish length shall measure from the tip of the snout to the tip of the tail (total length), except as noted below:

SpeciesMinimum Size In InchesOpen SeasonPossession Limit

• • •

Cobia

DEPENDENT ON VIRGINIA'S REGULATIONS

• • •

1. – 6. (No change.)

(d) – (r) (No change.)



State of Delaware Cobia Compliance Plan

January 1, 2018

1. Recreational Fishery Management Measures

B. *De minimis* States

I. Delaware's had no reported recreational landings of Cobia during 2014 through 2016, thus it had less than 1% of coastwide recreational landings during this period. While there is anecdotal evidence that Cobia were caught in Delaware during this period, none of these Cobia were picked up in APAIS intercepts.

II. Delaware has started its regulatory process to comply with the *de minimis* measures (see below). Delaware will present both *de minimis* options (default and nearest state) in a public hearing before finalizing an option.

2. Commercial Fishery Management Measures

Delaware has started its regulatory process to comply with the Cobia commercial fishery management measures (see below).

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Division of Fish and Wildlife

3500 Tidal Finfish

3550 Cobia (*Rachycentron canadum*)

1.0 Recreational Possession Limits

- 1.1 It is unlawful for a recreational finfisher to take and reduce to possession more than one Cobia per day or per trip, whichever is longer.
- 1.2 Except in accordance with 3.0 of this section, it is unlawful to have aboard any boat or vessel more than one Cobia.

2.0 Recreational Size Limit

- 2.1 It is unlawful for a recreational fisher to possess a Cobia that measures less than 32 inches in total length.

3.0 Commercial Possession Limits

- 3.1 A commercial food fish licensee may take and reduce to possession no more than two Cobia per day or per trip, whichever is longer, using commercial fishing gear for which the licensee is lawfully permitted.
- 3.2 It is unlawful for a commercial finfisher to possess more than two Cobia per day or per trip, whichever is longer.
- 3.3 Notwithstanding 3.1 and 3.2, a commercial fishing vessel may have up to six Cobia per day or per trip, whichever is longer, onboard provided the number Cobia does not exceed twice the number of commercial foodfish licensees onboard that vessel.

4.0 Commercial Size Limit

- 4.1 It is unlawful for a commercial foodfish licensee to possess, trade, barter or sell or attempt to trade, barter or sell any Cobia that measure less than 37 inches in total length.

OR

1.0 Recreational Season(s)

- 1.1 It is unlawful for a recreational finfisher to possess any Cobia during the periods January 1 through May 31 and September 16 through December 31.
- 1.2 It is lawful for a recreational finfisher to possess Cobia during the period June 1 through September 15 in accordance with sections 2.0 and 3.0.

2.0 Recreational Possession Limits

- 2.1 It is unlawful for a recreational finfisher possess more than one Cobia per day or per trip, whichever is longer.
- 2.2 Except in accordance with 4.0 of this section, it is unlawful to have aboard any vessel more than three Cobia.

3.0 Recreational Size Limit

3.1 It is unlawful for a recreational finfisher to possess any Cobia that measures less than 40 inches in total length.

4.0 Commercial Possession Limits

4.1 A commercial food fish licensee may take and reduce to possession no more than two Cobia per day or per trip, whichever is longer, using commercial fishing gear for which the licensee is lawfully permitted.

4.2 It is unlawful for a commercial finfisher to possess more than two Cobia per day or per trip, whichever is longer.

4.3 Notwithstanding 3.1 and 3.2, a commercial fishing vessel may have up to six Cobia per day or per trip, whichever is longer, onboard provided the number Cobia does not exceed twice the number of commercial foodfish licensees onboard that vessel.

5.0 Commercial Size Limit

5.1 It is unlawful for a commercial foodfish licensee to possess, trade, barter or sell or attempt to trade, barter or sell any Cobia that measure less than 37 inches in total length.

Maryland's Implementation Plan for the Atlantic Migratory Group Cobia

December 29, 2017

1. Recreational Fishery Management Measures

A. *De minimis* States

- I. Maryland recreational harvest data, in pounds, were obtained from the Southeast Fishery Science Center (SEFSC). These harvest estimates were compared to the coast wide estimates of recreational harvest from Virginia, North Carolina, South Carolina, and Georgia. Based on this analysis, Maryland qualifies for *de minimis* status with less than 1% of the coast wide recreational harvest in all three of the years examined.

	2014	2015	2016
Maryland Recreational Harvest	0 lbs	0 lbs	1,762 lbs
Coastwide Recreational Harvest	544,050 lbs	1,540,978 lbs	1,289,993 lbs
Percentage of Coastwide Harvest	0%	0%	0.14%

- II. In order to satisfy the *de minimis* management options required in the cobia fishery management plan, Maryland will implement one of the following management options:
 - a. A *de minimis* state may match the recreational regulations of an adjacent (or the nearest) non-*de minimis* state. Please list the state non-*de minimis* state being matched as well as regulatory language that matches that of the non-*de minimis* state.
 - b. A 1 fish per vessel per trip limit and a minimum size limit of 29 inches fork length or 32 inches total length.

Maryland will implement management option a, and will therefore match Virginia's cobia regulations. Virginia will finalize its 2018 Cobia regulations in early 2018. Based on Virginia's implementation plan, these regulations include a minimum size limit of 40 inches total length (equivalent to 36 inches fork length), a bag limit of 1 fish per person per day, a daily vessel limit of 3 or 4 fish, and a season starting no earlier than May 15 and ending no later than September

30. Maryland's proposed regulation allows the adjustment of creel, minimum size, and season by public notice. As Virginia completes their stakeholder process and finalizes their 2018 regulations, Maryland will have the authority and the ability to rapidly match their regulations.

2. Commercial Fishery Management Measures

In all Maryland waters, commercial regulations will be:

- A. A minimum size limit of 33 inches fork length or 37 inches total length.
- B. A possession limit no greater than 2 fish per person and no greater than 6 fish per vessel.

The federal annual quota is 50,000 lbs. and is shared by all states from Georgia to New York. The season will be open until the coast wide quota is projected to be reached, as determined by NOAA Fisheries.

3. Implementation Timeline

Maryland has submitted draft regulations to the Maryland Legislature (see below). Although there is some uncertainty in the timing of formal approval, Maryland anticipates having regulations effective in April 2018.

Maryland's Proposed Cobia Regulations

Chapter 05 Fish

.17 [Repealed]Cobia.

A. Recreational. The recreational size limit, catch limit, and season for cobia shall be established and may be modified through a public notice issued in accordance with §C of this regulation.

B. Commercial.

(1) Minimum Size. An individual who harvests cobia for commercial purposes may not catch or possess a cobia with a fork length that is less than 33 inches.

(2) Daily Catch Limits.

(a) Except as provided in §(2)(b) and (c) of this regulation, a commercial licensee may not catch, possess, or land more than two cobia per person per day.

(b) A commercial licensee with one additional individual on board the vessel may not catch, possess, or land more than four cobia per vessel per day.

(c) A commercial licensee with two or more additional individuals on board the vessel may not catch, possess, or land more than six cobia per vessel per day.

(3) A person may not catch, possess, or land cobia for commercial purposes when the National Oceanic and Atmospheric Administration closes the fishery in federal waters.

(4) Cobia harvested for commercial purposes from Maryland waters of the Atlantic Ocean or from the waters of the Exclusive Economic Zone (EEZ) and landed in Maryland shall be sold to a federally permitted dealer.

C. Public Notice.

(1) The Secretary may establish or modify catch limits, size limits and seasons for cobia in order to implement the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for the Atlantic Migratory Group of Cobia, by issuing a public notice on the Department's website.

(2) The public notice shall state its effective hour and date and shall be published on the Department's website at least 48 hours in advance of the effective hour and date.

(3) The Secretary shall make a reasonable effort to disseminate a public notice issued under this section through various other media so that an affected individual has a reasonable opportunity to be informed.

(4) A violation of the restrictions set by the Secretary in accordance with this section is a violation of this regulation.

Chapter 12 Endangered and Threatened Fish Species

.03 Listing of Species.

A. The following species are listed as in need of conservation:

(1)—(17) (text unchanged)

(18) Atlantic menhaden (*Brevoortia tyrannus*); [and]

(19) Jonah crab (*Cancer borealis*)[.]; and

(20) Cobia (*Rachycentron canadum*).

B. (text unchanged)

MARK J. BELTON
Secretary of Natural Resources



MARYLAND - VIRGINIA
"Potomac River Compact of 1958"

Potomac River Fisheries Commission

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Cobia Implementation Plan

January 2018

1. Recreational Fishery Management Measures

A) *Non-De Minimis States* - N/A

B) *De Minimis States/Jurisdictions*

(i) Potomac River landings are recorded and reported by either Maryland or Virginia, and we believe they have been very minimal.

(ii) The Potomac River Fisheries Commission will adopt at their next meeting on March 2, 2018 either the recreational regulations of Virginia or a one fish per vessel per trip and a minimum size limit of 32 inches total length.

2. Commercial Fishery Management Measures

A) The Potomac River Fisheries Commission will adopt at their next meeting on March 2, 2018 a minimum size limit of 37 inches total length, and a possession limit no greater than two fish per person and no greater than six fish per vessel.

Note: the Potomac River Fisheries Commission will meet at their next quarterly meeting on March 2, 2018. At this meeting, an Order will be adopted that will bring the PRFC into compliance with the Interstate Fishery Management Plan for Cobia.



COMMONWEALTH of VIRGINIA

Marine Resources Commission

2600 Washington Avenue

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Newport News, Virginia 23607

Molly Joseph Ward

Secretary of Natural Resources

John M.R. Bull

Commissioner

TO: Michael Schmidtke, FMP Coordinator

FROM: Ryan Jiorle, Virginia Representative for the ASMFC Cobia TC
Fisheries Management Division, Virginia Marine Resources Commission
DATE: 12/29/2017

SUBJECT: Virginia Cobia Fishery Management Plan Implementation Plan

At its October meeting, the South Atlantic State/Federal Fisheries Management Board (Board) took final action on the Interstate Fishery Management Plan (FMP) for Cobia. Per the agreement of the Board, implementation plans are due January 1, 2018. Jurisdictions must implement the FMP regulations by April 1, 2018.

Recreational Fishery Management Measures

A. Non-De Minimis States

- I. A minimum size limit of 36 inches fork length or 40 inches total length (converted using combined sex length-length conversion function from SEDAR 28).
 - Virginia will maintain its current 40-inch, total length, minimum size limit (See Appendix I).
- II. A bag limit of 1 fish per person.
 - Virginia will maintain its current, 1-fish-per-person daily possession limit (Appendix I).
- III. A daily vessel limit no greater than 6 fish per vessel.

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- Virginia will either maintain its current 3-fish daily vessel limit (Appendix I) or increase to a 4-fish daily vessel limit. See subsection IV, Table 1 for potential options.

IV. A fishing season that, in conjunction with previously defined measures, will achieve a harvest that is at or below a state's allocated recreational harvest target. State recreational harvest targets are shown in the following table. Note: Recreational management measures will be developed by the state, reviewed by the Technical Committee, and approved by the Management Board.

State	GA	SC	NC	VA
Harvest Target (pounds)	58,311	74,885	236,313	244,292

Table 1: A comparison of predicted 2018 recreational landings, in pounds, for multiple season lengths and daily vessel limits. Included are calculations based on the 2011-2015 average weight estimate from the Southeast Fisheries Science Center (SEFSC column) and calculations based on year-by-year average weight estimates from the Virginia Marine Resources Commission's Marine Sportfish Collection Project (VMRC donations column). Due to lack of sufficient sample sizes, the SEFSC average weight estimate for Virginia had to be derived by pooling samples across the entire 5 years, leading to one average weight estimate of 34.04 pounds for all 5 years. More information on the Marine Sportfish Collection Project Data is provided in Table 2.

Open season	Vessel limit	Predicted landings (SEFSC average weight)	Predicted landings (VMRC donations average weight)
May 15-September 15	3	270,058	225,445
May 15-August 31	3	268,238	223,470
June 1-September 30	3	238,908	200,368
June 1-September 15	3	237,088	198,393
May 15-August 31	4	268,238	223,470
June 1-September 30	4	239,622	201,142
June 1-September 15	4	237,445	198,780

The VMRC does not yet have a preferred option because it would first like to solicit public comment on which vessel limit and elements of the recreational season are most important to stakeholders.

Table 2: Length data from the Virginia Marine Resources Commission's Marine Sportfish Collection Project. The number of samples refers to the number of fish measured for length, which were then converted to weight using the equation from SEDAR 28:

Weight (kg) = $2E-9 * (\text{Fork length, mm})^{3.28}$.

Year	Number of samples	Average fork length (mm)	Average weight (SEDAR conversion, kg)	Average weight (pounds)
2011	90	1069.29	17.24	37.92
2012	77	1011.92	14.39	31.65
2013	198	985.90	13.21	29.06
2014	296	979.62	12.93	28.45
2015	350	961.61	12.17	26.77

B. *De minimis* States

- I. Justification of *de minimis* status, shown by recreational harvests, in weight, that are less than 1% of the coastwide recreational landings for 2 of 3 years from 2014-2016.
- II. Management measures that satisfy the *de minimis* management requirements of the FMP. Please include language that satisfies one of the following management methods:
 - a. A *de minimis* state may match the recreational regulations of an adjacent (or the nearest) non-*de minimis* state. Please list the state non-*de minimis* state being matched as well as regulatory language that matches that of the non-*de minimis* state.
 - b. A 1 fish per vessel per trip limit and a minimum size limit of 29 inches fork length or 32 inches total length.

Commercial Fishery Management Measures

- A. A minimum size limit of 33 inches fork length or 37 inches total length.
 - Virginia will maintain its current 37-inch, total length, minimum size limit (Appendix I).
- B. A possession limit no greater than 2 fish per person and no greater than 6 fish per vessel.
 - Currently, the only gear that has a vessel limit is the commercial hook-and-line fishery, which operates under an exemption that allows any commercial hook-and-line licensee to harvest 6 cobia per vessel per day, regardless of how many crew members are on board. Because this is in conflict with the “2-perperson” provision of the FMP, the VMRC will be adjusting or eliminating this exemption at its February 27, 2018 Commission meeting. The VMRC will establish either a 2-per-person possession limit or 2-per-commercial-licensee

possession limit for hook-and-line fishing. Although it is unclear which will be adopted, both regulations are within the above requirements. All other commercial gears are set at 2 per commercial licensee, but without any vessel limit. Thus, the VMRC will establish a 6-fish vessel limit (or something more restrictive) for all other gears while maintaining the 6-fish vessel limit already in place for hook-and-line.

3. Timeline for Implementation

- The VMRC will be addressing its commercial and recreational cobia measures at its February 27, 2018 Commission meeting.

VIRGINIA MARINE RESOURCES COMMISSION**PAGE 1 OF 5****"PERTAINING TO AMBERJACK AND COBIA"****CHAPTER 4 VAC 20-510-10 ET SEQ.****PREAMBLE**

This chapter establishes possession limits and minimum size limits for cobia and amberjack in Virginia waters.

This chapter is promulgated pursuant to authority contained in §28.2-201 of the Code of Virginia. This chapter amends and re-adopts previous Chapter 4 VAC 20-510-10 et seq. which was adopted on March 28, 2017 and effective on April 1, 2017. The effective date of this chapter, as amended, is October 25, 2017.

4VAC20-510-10. PURPOSE.

The purpose of this chapter is to control the harvest, protect the spawning stocks, minimize the possibility of recruitment failure and increase yield in the amberjack and cobia fisheries. The provisions pertaining to aquaculture serve to prevent cobia raised in an aquaculture facility from being placed into Virginia waters and to minimize the impact of cultured fish in the market place on the enforcement of other provisions of this chapter.

4 VAC 20-510-12. DEFINITIONS.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

"Recreational vessel" means any vessel, kayak, charter vessel, or headboat participating in the recreational cobia fishery.

4VAC20-510-15. RECREATIONAL COBIA PERMIT AND MANDATORY REPORTING.

A. It shall be unlawful for any person to possess or land any cobia harvested from a recreational vessel unless the captain or operator of that recreational vessel has obtained a Recreational Cobia Permit from the Marine Resources Commission. The captain or operator shall be responsible for reporting for all anglers on the recreational vessel and shall provide his MRC ID number; the date of harvest; the number of individuals on board; the mode of fishing; and the number of cobia kept or released.

B. It shall be unlawful for any person to possess or land any cobia harvested recreationally from shore, a pier, or any other manmade structure without first having obtained a Recreational Cobia Permit from the Marine Resources Commission. Any such permittee shall provide his MRC ID number; the date of harvest; the mode of fishing; and the number

VIRGINIA MARINE RESOURCES COMMISSION**PAGE 2 OF 5****"PERTAINING TO AMBERJACK AND COBIA"****CHAPTER 4 VAC 20-510-10 ET SEQ.**

of cobia kept or released on that report to the Commission.

C. It shall be unlawful for any permittee to fail to report trips where cobia were caught, whether harvested, released, or possessed in accordance with this section, on forms provided by the commission within seven days after the trip occurred. It shall be unlawful for any permittee to fail to report trips where cobia were targeted but not successfully caught, by the 15th day after the close of any recreational cobia fishery season.

1. Any permittee who did not participate in the recreational cobia season shall notify the commission of their lack of participation by the 15th day after the close of the recreational cobia season on forms provided by the commission.

2. Any permittee who either fails to report the harvest of cobia or did not participate in any recreational cobia season and fails to report no activity shall be ineligible to receive a Recreational Cobia Permit in the following year.

4VAC20-510-20. RECREATIONAL FISHERY POSSESSION LIMITS; SEASON CLOSURE; VESSEL ALLOWANCE; AND, PROHIBITION ON GAFFING.

- A. It shall be unlawful for any person fishing recreationally to possess more than two amberjack or more than one cobia at any time. Any amberjack or cobia caught after the possession limit has been reached shall be returned to the water immediately. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by two for amberjack or one for cobia, except there is a maximum vessel limit of three cobia per vessel per day. That vessel limit may only include one cobia greater than 50 inches in total length. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.
- B. In 2017 it shall be unlawful for any person, fishing recreationally, to harvest or possess any cobia before June 1st or after September 15th.
- C. It shall be unlawful for any person fishing recreationally to gaff or attempt to gaff any cobia.

4VAC20-510-25. COMMERCIAL FISHERY POSSESSION LIMITS AND SEASON.

- A. It shall be unlawful for any person fishing commercially to possess more than two amberjack or more than two cobia at any time, except as described in 4VAC 20-510-

VIRGINIA MARINE RESOURCES COMMISSION**PAGE 3 OF 5****"PERTAINING TO AMBERJACK AND COBIA"****CHAPTER 4 VAC 20-510-10 ET SEQ.**

33. Any amberjack or cobia caught after the possession limit has been reached shall be returned to the water immediately. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by two. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.

- B. In 2017 it shall be unlawful for any person, fishing commercially, to harvest or possess any cobia after September 30.

4VAC20-510-30. MINIMUM SIZE LIMITS.

- A. It shall be unlawful for any person to take, catch or have in possession any amberjack less than 32 inches in total length.
- B. It shall be unlawful for any person fishing commercially to take, harvest or possess any cobia less than 37 inches in total length.
- C. It shall be unlawful for any person to take, catch or have in possession any recreationally harvested cobia less than 40 inches in total length.
- D. Total length is measured in a straight line from tip of nose to tip of tail.

4VAC20-510-33. EXCEPTIONS TO POSSESSION LIMITS AND MINIMUM SIZE LIMITS.

- A. Nothing in 4VAC20-510-25 shall limit the possession of amberjack or cobia by licensed seafood buyers or wholesale and retail seafood establishments when operating in their capacity as buyer, wholesaler or retailer.
- B. Nothing in 4VAC20-510-25 and 4VAC20-510-30 shall limit the possession of cobia by an aquaculture facility that is permitted in accordance with the provisions of 4VAC20-510-35.
- C. Any person employed by a permitted cobia aquaculture facility for the purpose of harvesting cobia as broodstock for the aquaculture facility shall be exempt from the provisions of 4VAC20-510-20 and 4VAC20-510-30 provided that person possesses a scientific collection permit issued by the commissioner.
- D. The daily possession limit, for cobia, for any vessel operated by at least one legal

VIRGINIA MARINE RESOURCES COMMISSION**PAGE 4 OF 5****"PERTAINING TO AMBERJACK AND COBIA"****CHAPTER 4 VAC 20-510-10 ET SEQ.**

commercial hook-and-line licensee shall be no more than 6 cobia, regardless of the number of crew on that vessel.

4VAC20-510-35. AQUACULTURE OF COBIA; PERMIT REQUIRED.

- A. Any person operating an aquaculture facility in which cobia that exceed the possession limit or are of sublegal size will be cultured, possessed, offered for sale or sold shall first obtain a permit from the commissioner for the facility. That permit shall exempt the facility from the possession requirements described in 4VAC20-510-20 and authorize the possession, culturing and sale of sublegal size cobia.
- B. The application for a cobia aquaculture permit shall list the name and address of the applicant, the type and location of the facility, and an estimate of production capacity. An aquaculture permit shall be valid for 10 years from the date of issue and may be renewed by the commissioner provided the permittee has complied with all of the provisions of this chapter. The issuance and continuation of any person's cobia aquaculture permit are contingent on that designated facility being open for inspection by the Marine Resources Commission for the purposes of determining compliance with this regulation. An aquaculture permit is not transferable.

4VAC20-510-37. SALE, RECORDS, IMPORTATION, RELEASE.

- A. All cobia produced by an aquaculture facility permitted under this section shall be packaged prior to sale with a printed label indicating the product is of aquaculture origin. When packaged and labeled according to these requirements, such fish may be transported and sold at retail or wholesale or for commercial distribution through normal channels of trade until reaching the consumer.
- B. Cobia that measure less than the lawful minimum size described in 4VAC20-510-30 B but are the product of a permitted aquaculture facility in another state may be imported into Virginia for the consumer market. Such fish shall be packaged and labeled in accordance with the provisions contained in subsection A of this section.
- C. Release of live fish. Under no circumstance shall any cobia produced by an aquaculture facility located within or outside the Commonwealth of Virginia be placed into the waters of the Commonwealth without first having notified the commissioner and having received written permission from the commissioner.

4VAC20-510-40. PENALTY.

VIRGINIA MARINE RESOURCES COMMISSION

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"PERTAINING TO AMBERJACK AND COBIA"

CHAPTER 4 VAC 20-510-10 ET SEQ.

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

* * * * *

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Newport News, Virginia on October 24, 2017.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

BY: *Matthew R. Hull for*
John M. R. Bull
Commissioner

Subscribed and sworn to before me this 27 day of October, 2017.

Jennifer G. Farmer
Notary Public



Cobia Fishery Management Plan Implementation Plan – North Carolina

The North Carolina Division of Marine Fisheries (NC DMF) solicited input from the public and the North Carolina Marine Fisheries Commission (NC MFC) advisory committees on potential season and/or vessel limit options for the 2018-2020 cobia seasons. Numerous management options were analyzed and presented to the NC MFC for their consideration. The NC DMF presents two options for consideration by the South Atlantic State/ Federal Fisheries Management Board at their February 2018 business meeting. Following is a description of each proposed management option and a description of the analysis used to estimate expected landings under different management scenarios. Selected and approved management measures will be implemented under the NC DMF Director's proclamation authority granted by North Carolina General Statutes (G.S. 113-170.4; 113-170.5; 113-182; 113-221.1; 143B-289.52) and NC MFC rules (15A NCAC 03H .0103, and 03M .0512) 48-hours after issuance. Currently, the recreational cobia fishery in North Carolina is closed until April 30, 2018 and the commercial fishery will re-open on January 1, 2018 (Proclamation FF-32-2017; attached).

4. Recreational Fishery Management Measures

A. Non-De Minimis States

- I. A minimum size limit of 36 inches fork length or 40 inches total length (converted using combined sex length-length conversion function from SEDAR 28).*

Option 1 and Option 2 both propose adopting a 36-inch fork length minimum size limit for the cobia fishery in North Carolina. For each option, proposed regulatory language to be included in the proclamation will read as follows:

It is unlawful to possess cobia less than 36 inches fork length.

- II. A bag limit of 1 fish per person.*

Option 1 and Option 2 both propose adopting a bag limit of one fish per person for the cobia fishery in North Carolina. For each option, proposed regulatory language to be included in the proclamation will read as follows:

It is unlawful to possess more than one (1) cobia per person per day

- III. A daily vessel limit no greater than 6 fish per vessel.*

Option 1, recommended by the NC MFC, would allow vessel limits of four fish per vessel for for-hire vessels and two fish per vessel for private vessels. Proposed regulatory language to be included in the proclamation will read as follows:

FOR-HIRE VESSEL (While engaged in a For-Hire Vessel operation)

It is unlawful to possess more than four (4) cobia per vessel per day or one (1) cobia per person per day if fewer than four (4) people are on board.

PRIVATE VESSEL (All vessels not engaged in a For-Hire Vessel operation)

It is unlawful to possess more than two (2) cobia per vessel per day or one (1) cobia per person per day, if there is only one person on board.

Option 2 would allow vessel limits of three fish per vessel for for-hire vessels and a one fish per vessel limit for private vessels. Proposed regulatory language to be included in the proclamation will read as follows:

FOR-HIRE VESSEL (While engaged in a For-Hire Vessel operation)

It is unlawful to possess more than three (3) cobia per vessel per day or one (1) cobia per person per day if fewer than three (3) people are on board.

PRIVATE VESSEL (All vessels not engaged in a For-Hire Vessel operation)

It is unlawful to possess more than one (1) cobia per vessel per day.

IV. A fishing season that, in conjunction with previously defined measures, will achieve a harvest that is at or below a state's allocated recreational harvest target. State recreational harvest targets are shown in the following table. Note: Recreational management measures will be developed by the state, reviewed by the Technical Committee, and approved by the Management Board.

State	GA	SC	NC	VA
Harvest Target (pounds)	58,311	74,885	236,313	244,292

A season for the cobia fishery in North Carolina is not proposed for either option. Stakeholder input was almost unanimous in the desire to maintain an open season throughout the year. The harvest measures needed to achieve North Carolina's Recreational Harvest Limit of 236,313 pounds are attained with the proposed vessel limit options.

Staff with the NC DMF analyzed various vessel limit options between the for-hire and private modes and presented these analyses to the public and the NC MFC for their input. The initial analysis relied on Marine Recreational Information Program (MRIP) intercepts (size, number of fish, and weight) and total catch estimated from the 2011-2015 fishing years. This period was selected because it represented the most recent five-year period of landings in the fishery with consistent regulations (33-inch fork length minimum size and two per person possession limit for all sectors). The percent reduction of harvest for each management change was then calculated by pooling all the available intercept data across the period into two week segments and then calculating reductions in number of fish and weight of fish harvested from the observed intercept values to the various vessel limit options. For size limit, the estimated

reduction of harvest was calculated and applied to the data before vessel limit and season reductions were calculated. This simulated the reduction in landings expected from increasing the size limit in the fishery from 33-inches fork length to 36-inches fork length. These values were then pooled across the weeks and subtracted from the total number or weight of harvested fish, by mode, to calculate the expected reduction for a given vessel limit. Average weights of fish were estimated directly from MRIP intercepts for the two-week period. After discussion among the Cobia Technical Committee, it was decided to use consistent average weight methods across all the states. Annual average weights of cobia from the Southeast Fisheries Science Center were then applied to the analysis at the annual level and the reduction percentages were re-calculated. Percent reductions were then converted to expected pounds of harvest by subtracting the percent reduction of landings from the 2011-2015 average of landings, by mode. These figures are presented in the table below for the two proposed management options (Table 1).

Table 1. Vessel limit options and associated expected landings (pounds) based on the 5-year average landings from 2011-2015. Analysis assumes a 36-inch fork length limit and a 1 fish/person bag limit for all modes

	For-hire	Private*	Total estimated landings
Option 1	4 fish/vessel 40,102 lbs	2 fish/vessel 216,435 lbs	256,537 lbs
Option 2	3 fish/vessel 35,540 lbs	1 fish/vessel 166,568 lbs	202,108 lbs

*Private landings include man-made and shore based modes

Estimated landings for Option 1 exceed the RHL set for North Carolina by 20,244 pounds. The NC MFC cited input received from its standing advisory committees and considerable public comment concerning the uncertainty surrounding the MRIP catch estimates as justification for recommending management measures that exceed the RHL. Along with the management measures recommended by the NC MFC, they also instructed the NC DMF to develop a mandatory reporting program for the recreational cobia fishery in the state to help improve accuracy of catch estimates. Preliminary 2017 SEFSC harvest estimates through wave four was 202,965 pounds for North Carolina, 33,348 pounds under the RHL. North Carolina realized these landings with the same management measures proposed in Option 1 with the addition of a May 1 – August 31 season. During the 2011 – 2015 period, North Carolina harvested approximately 98 percent of its cobia by September 1 (Figure 1). Additionally, the NC MFC cited the under harvest in 2017 compared to the projected landings NC DMF staff presented to them before the season. Under the 2017 management measures adopted by the NC MFC, the NC DMF estimated 297,240 pounds of harvest for 2017. Preliminary MRIP harvest estimated through Wave four were 261,514 pounds, a difference of 35,726 pounds.

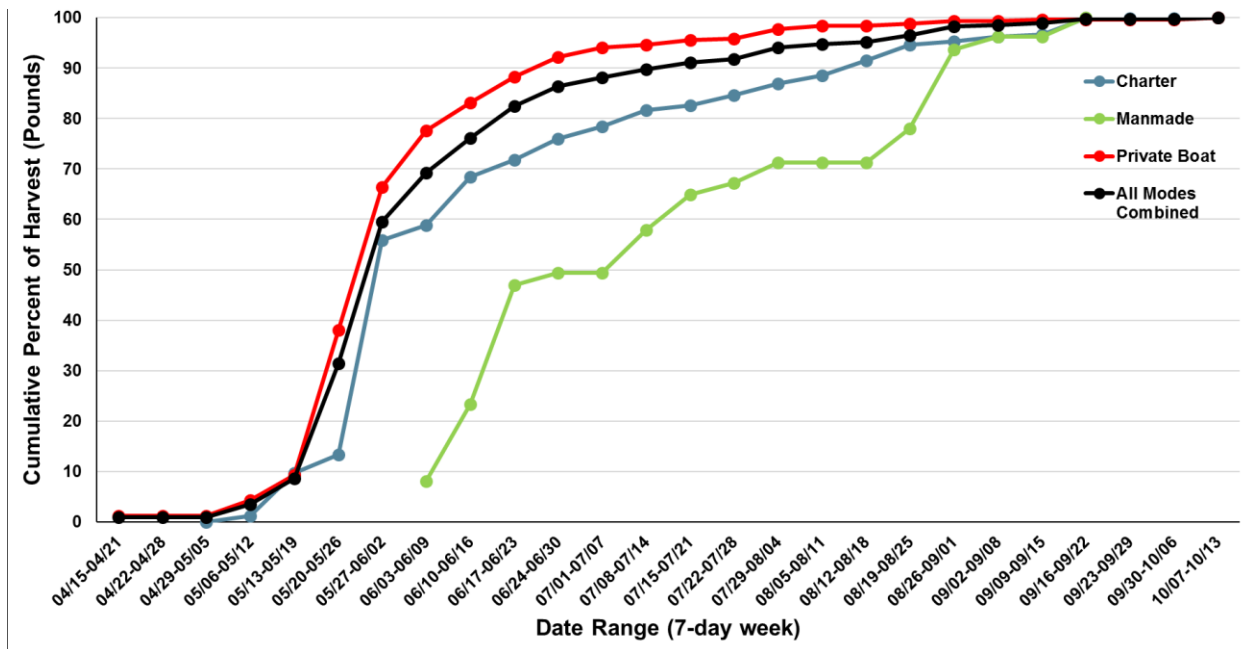


Figure 1. Cumulative percent of harvest, by mode, of cobia in North Carolina from the 2011 – 2015 period.

B. De minimis States

North Carolina does not request *de minimis status*.

5. Commercial Fishery Management Measures

A. A minimum size limit of 33 inches fork length or 37 inches total length.

North Carolina Proposes implementing a 33-inch fork length minimum size for the commercial fishery. Proposed regulatory language to be included in the Director’s proclamation will read as follows:

It is unlawful to possess cobia less than 33 inches fork length.

B. A possession limit no greater than 2 fish per person and no greater than 6 fish per vessel.

North Carolina proposes implementing a two fish per person commercial limit, not to exceed six fish per vessel. Proposed regulatory language to be included in the Director’s proclamation will read as follows:

It is unlawful to possess more than two (2) cobia per person per day or six (6) per vessel per day, whichever is more restrictive.

FF-32-2017

PROCLAMATION

RE: COBIA - COASTAL FISHING WATERS - RECREATIONAL AND COMMERCIAL

This proclamation supersedes proclamation [FF-13-2017](#) dated April 10, 2017 and [FF-31-2017](#) dated August 25, 2017. This proclamation closes the commercial fishery due to the federal annual catch limit being met. See the following NOAA Fishery Bulletin for more information: (http://sero.nmfs.noaa.gov/fishery_bulletins/2017/047/FB17-034index.html).

The commercial season for cobia will re-open at 12:01 AM on January 1, 2018. This proclamation also maintains the recreational season closure for cobia through April 30, 2018.

Braxton C. Davis, Director, Division of Marine Fisheries, hereby announces that effective at 12:01 A.M., Tuesday, September 5, 2017, the following restrictions will apply to the cobia fishery in *Coastal Fishing Waters*:

I. SUSPENSION OF N.C. MARINE FISHERIES COMMISSION RULE 15A NCAC 03M .0516

N.C. Marine Fisheries Commission Rule 15A NCAC 03M. 0516 that reads as follows *is suspended in its entirety*:

A. It is unlawful to possess cobia less than 33 inches fork length.

B. It is unlawful to possess more than two (2) cobia per person per day.

II. RECREATIONAL SEASON

A. It is unlawful to possess Cobia. The fishery will remain closed through April 30, 2018.

III. COMMERCIAL SIZE AND HARVEST LIMIT

A. It is unlawful to possess Cobia.

B. Effective at 12:01 A.M., Monday, January 1, 2018, the following restrictions will apply:

1. It is unlawful to possess cobia less than 33 inches fork length.

2. It is unlawful to possess more than two (2) cobia per person per day or six (6) per vessel per day, whichever is more restrictive.

IV. GENERAL INFORMATION

A. This proclamation is issued under the authority of North Carolina G.S. 113-170.4; 113-170.5; 113-182; 113-221.1; 143B-289.52 and North Carolina Marine Fisheries Commission Rules 15A NCAC 03H .0103, and 03M .0512.

B. It is unlawful to violate the provisions of any proclamation issued by the Fisheries Director under his delegated authority pursuant to North Carolina Marine Fisheries Commission Rule 15A NCAC 03H .0103.

C. The intent of this proclamation is to manage the commercial fishery in Coastal Fishing Waters consistently with federal commercial management measures.

D. All cobia shall be immediately returned to the waters where taken, regardless of the condition of the fish.

E. Proclamation [FF-31-2017](#) dated August 25, 2017 closed the recreational fishery through April 30, 2018 and implemented commercial provisions of Framework Amendment 4 to the federal Coastal Migratory Pelagics Fishery Management Plan to constrain coastwide landings to the commercial Annual Catch Limit established by NOAA Fisheries. It maintained a commercial minimum size limit of 33 inches fork length and instituted a commercial trip limit of two (2) fish per person per day or six (6) fish per vessel per day, whichever is more restrictive.

F. Contact the North Carolina Division of Marine Fisheries, P.O. Box 769, Morehead City, NC 28557 252-726-7021 or 800-682-2632 for more information or visit the division website at www.ncmarinefisheries.net.

G. In accordance with North Carolina General Statute 113-221.1(c) all persons who may be affected by proclamations issued by the Fisheries Director are under a duty to keep themselves informed of current proclamations.

H. *This proclamation supersedes proclamation [FF-13-2017](#) dated April 10, 2017 and [FF-31-2017](#) dated August 25, 2017. This proclamation closes the commercial fishery due to the federal annual catch limit being met. See the following NOAA Fishery Bulletin for more information: (http://sero.nmfs.noaa.gov/fishery_bulletins/2017/047/FB17-034index.html).*

The commercial season for cobia will re-open at 12:01 AM on January 1, 2018. This proclamation also maintains the recreational season closure for cobia through April 30, 2018.

A handwritten signature in black ink, appearing to read "Braxton C. Davis", with a stylized flourish at the end.

Braxton C. Davis, Director
DIVISION OF MARINE FISHERIES

August 31, 2017
12:52 P.M.
FF-32-2017

South Carolina Fisheries Management Implementation Plan for Cobia

Prepared under the Guidelines for the current Atlantic States Marine Fisheries Commission Interstate Fisheries Management Plan for Cobia (*Rachycentron canadum*).



Prepared By:

Christopher McDonough
Office of Fisheries Management
South Carolina Department of Natural Resources
Charleston, South Carolina

1. Recreational Fishery Management Measures

Pursuant to South Carolina Code of Laws 50-5-2730(A), *Unless otherwise provided by law, any regulations promulgated by the federal government under the Fishery Conservation and Management Act (PL 94-265) or the Atlantic Tuna Conservation Act (PL 94-70) which establishes seasons, fishing periods, gear restrictions, sales restrictions, or bag, catch, size, or possession limits on fish are declared to be the law of this State and apply statewide including in state waters.*

A. Non-De Minimis States

I. A minimum size limit of 36 inches fork length or 40 inches total length (converted using combined sex length-length conversion function from SEDAR 28).

- Minimum size limit follows federal law under SC Code of Laws: 50-5-2730(A) in all state jurisdictional waters.

II. A bag limit of 1 fish per person.

- Daily bag limit follows federal law under SC Code of Laws: 50-5-2730(A) in all state jurisdictional waters.

III. A daily vessel limit no greater than 6 fish per vessel.

- SC Code of Laws: 50-5-2730(B-2) states: *cobia (Rachycentron canadum) located in the Southern Cobia Management Zone. Subject to the size limit established by federal regulation, possession of cobia caught in the Southern Cobia Management Zone is limited to one per person per day, and no more than three per boat per day, from June 1 to April 30.*
- Vessel limit follows federal law in all other state waters outside the Southern Cobia Management Zone as per SC Code of Laws 50-5-2730(A).

IV. A fishing season that, in conjunction with previously defined measures, will achieve a harvest that is at or below a state's allocated recreational harvest target. State recreational harvest targets are shown in the following table. Note: Recreational management measures will be developed by the state, reviewed by the Technical Committee, and approved by the Management Board.

State	GA	SC	NC	VA
Harvest Target (pounds)	58,311	74,885	236,313	244,292

- Under SC Code of Laws 50-5-2730(B-2): *It is unlawful to take and possess cobia in the Southern Cobia Management Zone from May 1 to May 31, and at any time federal regulations provide for the closure of the recreational cobia season in the waters of the South Atlantic Ocean.*

B. *De minimis* States

- I. Justification of *de minimis* status, shown by recreational harvests, in weight, that are less than 1% of the coastwide recreational landings for 2 of 3 years from 2014-2016.
 - Recreational harvest for South Carolina during 2014-2016 was greater than 1% of the coastwide landings for all three years, thus South Carolina does not qualify for *de minimis* status.
- II. Management measures that satisfy the *de minimis* management requirements of the FMP. Please include language that satisfies one of the following management methods:
 - a. A *de minimis* state may match the recreational regulations of an adjacent (or the nearest) non-*de minimis* state. Please list the state non-*de minimis* state being matched as well as regulatory language that matches that of the non-*de minimis* state.
 - b. A 1 fish per vessel per trip limit and a minimum size limit of 29 inches fork length or 32 inches total length.

2. Commercial Fishery Management Measures

Cobia are designated as a Gamefish in South Carolina state jurisdictional waters. As a Gamefish, there is no commercial fishing for cobia in state waters under South Carolina Code of laws 50-5-1700(E) which states: *It is unlawful to sell, purchase, trade, or barter or attempt to sell, purchase, trade, or barter cobia taken from state waters.*

Cobia caught in federal waters may be landed and sold to SC Licensed Wholesale Seafood Dealers. Commercial fishers selling Cobia in South Carolina must be SC Licensed Commercial Fishermen and must follow all pertinent Federal Regulations.

- A. A minimum size limit of 33 inches fork length or 37 inches total length.
 - Applies only to Cobia caught in federal waters for commercial purposes by licensed commercial fishers.
- B. A possession limit no greater than 2 fish per person and no greater than 6 fish per vessel.
 - Applies only to Cobia caught in federal waters for commercial purposes by licensed and permitted commercial fishers.
 - Personal and commercial boat limits for cobia caught in federal waters follow federal law per SC Code of Laws 50-5-2730(A).

State of Georgia Cobia Implementation Plan
As Required in ASMFC's Cobia Fishery Management Plan January 1, 2018

Introduction

Cobia along the Atlantic Coast have been managed by the National Marine Fisheries Service (NMFS) through the federal Magnuson-Stevens Act since 1991 and by states that have chosen to regulate the species. However, until recently, there has been no cooperative interstate management of the species although nearly 80% of harvest occurs in state territorial waters. Atlantic Coast Cobia are separated into two federal management units based on genetic studies: Atlantic Migratory Group Cobia (Atlantic Cobia - Georgia to New York) and Gulf of Mexico Migratory Group Cobia (Florida to Texas). The annual catch limit for Atlantic Migratory Group Cobia is 670,000 pounds of which 620,000 pounds is allocated to recreational harvest and 50,000 pounds allocated to commercial harvest.

There has been a marked increase in estimated recreational harvest of Cobia within the state waters of North Carolina and Virginia. This resulted in the annual catch limit for Atlantic Cobia being exceeded by 947,000 pounds in 2015 and 715,000 pounds in 2016. On June 20, 2016, NMFS closed federal waters of the Atlantic Ocean to Atlantic Migratory Group Cobia harvest for the remainder of 2016 and again on January 24, 2017 for the duration of 2017. NMFS took this action to reduce the likelihood that the annual catch limit for Atlantic Cobia would be exceeded.

The closure of federal waters effectively denied access to Cobia in some states while others were unaffected since the fishery occurs in state waters. The lack of consistency in fishing regulations amongst states with Cobia fisheries and the ongoing risk of exceedance of the federal annual catch limit prompted federal fishery managers to request the Atlantic States Marine Fisheries Commission (ASMFC), develop an Atlantic Cobia management plan. The plan would require member states to regulate the harvest cobia in such a manner as to prevent harvest in excess of the annual catch limit.

The Commission's Interstate Fishery Management Plan for Atlantic Cobia was adopted on November 14, 2017. The plan stipulates that the 670,000 pounds ACL would be divided among the states as follows: Georgia - 58,311 pounds; South Carolina - 74,885 pounds; North Carolina - 236,316 pounds; and Virginia - 244,292 pounds. The plan requires each state to adopt fishing regulations that will result in the annual harvest being at or below the aforementioned numbers. Each state must have recreational fishing regulations that match or are more conservative than the following requirements: minimum size of 36 inches, fork length, a possession limit of one per fish per person, and a vessel limit not to exceed six fish. Each state must also propose a season to complement the size and possession regulations. The current commercial fishery management measures remain identical to the federal plan: minimum size of 33 inches, fork length, a possession limit of two fish per person, and a vessel limit of six fish. The federal annual catch limit of 50,000 pounds is allocated to the entire commercial fishery from Georgia through New York. The commercial Cobia fishery will close once the annual catch limit is reached.

Regulatory Process

Based on sound principles of wildlife research and management, the Georgia Department of Natural Resources (GADNR) regulates the fishing of Cobia under the authority granted to it by the state legislature (O.C.G.A. 27-1-4 and 27-4-10). Board Rule 391-2-4-.04, Saltwater Finfishing (Rule) establishes the seasons, methods of fishing and disposition, size, creel and possession limits, and gear and landing specifications for certain finfish, including Cobia.

Currently there is no closed season on Cobia in Georgia. Recreational fishers are allowed a daily creel/possession limit of two (2) fish with a minimum size of 33 inches, fork length. There is no recreational season. Commercial regulations for Cobia are the same as the recreational fishery.

Changes to the Cobia fishery in Georgia were presented to the Board of Natural Resources in December 2017 with final approval set for January 2018. Assuming Board approval, the new regulations will be effective March 1, 2018.

1. Recreational Fishery Management Measures A.

Non-De Minimis Status:

- I. ***A minimum size limit of 36 inches fork length or 40 inches total length (converted using combined sex length-length conversion function from SEDAR 28).***

A proposed amendment to Rule 391-2-4-.04 Saltwater Finfishing, will increase the minimum size for cobia from 33 inches fork length to 36 inches fork length effective no later than March 1, 2018.

- II. ***A bag limit of 1 fish per person.***

A proposed amendment to Rule 391-2-4-.04 Saltwater Finfishing, will decrease the bag limit to one (1) cobia per person per day, effective no later than March 1, 2018.

- III. ***A daily vessel limit of no greater than 6 fish per vessel.***

A proposed amendment to Rule 391-2-4-.04 Saltwater Finfishing, will limit the daily vessel limit to no more than six (6) cobia per vessel, effective no later than March 1, 2018.

- IV. ***A fishing season that, in conjunction with previously defined measures, will achieve a harvest that is at or below a state's allocated recreational harvest target.***

State recreational harvest targets are shown in the following table. Note:

Recreational management measures will be developed by the state, reviewed by the Technical Committee, and approved by the Management Board.

State	GA	SC	NC	VA
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Harvest Target (pounds)	58,311	74,885	236,313	244,292
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A proposed amendment to Rule 391-2-4-.04 Saltwater Finfishing, will limit the cobia fishing season from March 1 through October 31, effective no later than March 1, 2018. The Commission's Georgia specific allocation of 58,311 pounds will be maintained through the measures described above and by closely monitoring catch data associated with the Marine Recreational Information Program (MRIP). MRIP intercepts for cobia are a rare occurrence in Georgia with annual PSEs routinely over 70%. Even so, a preliminary analysis suggests a 28% reduction in Georgia harvest (pounds) with solely a 36 inches minimum size. When combined with the one cobia per angler creel limit a 37% reduction in harvest is gained. There was no additional benefit to delaying the season opening until May 1, however a June 1 start date (with 36 inch minimum and 1 fish creel limit) would result in a 60% reduction in harvest – although the small sample sizes in Georgia make this very unreliable and would effectively eliminate most of the fishery for Georgia anglers.

Over the past ten years, harvest of Cobia was uncommon in Georgia during Wave 2 (March/April, < 8%) and peaks during Wave 3 (May/June – 79%). Wave 4 (July/August) represents nearly 12% of the annual harvest during that same period, with Waves 5 and 6 (September/October and November/December) representing < 0.3% of the annual harvest.

Cobia is a fishery of opportunity in Georgia rather than a targeted fishery. The State's position on wanting a season through October is to allow anglers the possibility of harvesting a cobia as it migrates southward. Although it is a rare occurrence, anglers have stated they are available occasionally during those early fall months. Our proposal for managing Georgia's allocation is to assess the state annual harvest using a three-year running average, and shorten the season the following year (year four) if the target quota is exceeded. The season in year four will be shortened appropriately to address any overage. This method, using MRIP harvest estimates (A + B1, in pounds), has only exceeded the 58,331 lbs target 3 of the past 8 years (20102017) (Table 1). The Department has some flexibility with seasons. The DNR Commissioner has the power to close all or any portion of the salt waters of the state to commercial and noncommercial fishing up to six months under O.C.G.A. 27-4-130 if deemed necessary for the protection of the resource.

Table 1. Georgia recreational harvest statistics indicating when the three year average exceeded the present state allocation of 58,331 lbs.

Georgia Recreational Cobia Harvest				
Year	Harvest (A+B1) lbs	PSE	3-yr Avg.	3-yr Avg. Exceeds Allocation
1999	5,192	54.6	5,192	N
2000	0	.	2,596	N
2001	10,074	100	5,089	N

2002	1,172	100	3,749	N
2003	342	100.5	3,863	N
2004	44,045	94.5	15,186	N
2005	774	100.7	15,054	N
2006	1,733	99.4	15,517	N
2007	46,729	42.8	16,412	N
2008	320,174	66.3	122,879	Y
2009	2,009	110.1	122,971	Y
2010	89,840	56.1	137,341	Y
2011	74,651	67	55,500	N
2012	97,766	57.6	87,419	Y
2013	25,183	56.3	65,867	Y
2014	19,079	71.5	47,343	N
2015	26,499	71.4	23,587	N
2016	0	.	15,193	N
2017 (Preliminary)	286	112.4	8,928	N
State Allocation	58,331			

Source: <https://www.st.nmfs.noaa.gov/st1/recreational/queries/index.html> (12/27/17)

B. De minimis States

I. Justification of de minimis status, shown by recreational harvests, in weight, that are less than 1% of the coastwide recreational landings for 2 of 3 years from 2014-2016.

II. Management measures that satisfy the de minimis management requirements of the FMP. Please include language that satisfies one of the following management methods:

- 1. A de minimis state may match the recreational regulations of an adjacent (or the nearest) non-de minimis state. Please list the state non-de minimis state being matched as well as regulatory language that matches that of the non-de minimis state.**
- 2. A 1 fish per vessel per trip limit and a minimum size limit of 29 inches fork length or 32 inches total length.**

Georgia does not request nor qualify for *de minimis* at this time

2. Commercial Fishery Management Measures

A. A minimum size limit of 33 inches fork length or 37 inches total length.

Georgia will implement the same regulations for commercial harvest as recreational harvest. A proposed amendment to Rule 391-2-4-.04 Saltwater Finfishing, will increase the minimum size for cobia from 33 inches fork length to 36 inches fork length effective no later than March 1, 2018.

B. A possession limit no greater than 2 fish per person and no greater than 6 fish per vessel.

Georgia will implement the same regulations for commercial harvest as recreational harvest. A proposed amendment to Rule 391-2-4-.04 Saltwater Finfishing, will decrease the bag limit to one (1) cobia per person per day and a maximum of six (6) cobia per vessel, effective no later than March 1, 2018.

Catch will be monitored through mandatory trip ticket reporting by the 10th of each month.

These proposed amendments were presented to the Board of Natural Resources on December 6, 2017. The public comment period will close on January 8, 2018 with final Board approval of amended Rule 391-2-4-.04 on January 26, 2018. The amended rule will be effective no later than March 1, 2018.

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION**

CHAPTER 391-2-4

SALTWATER FISHING REGULATIONS

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391-2-4-.04 Saltwater Finfishing

391-2-4-.04 Saltwater Finfishing.

(1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations based on sound principles of wildlife research and management, establishing the seasons, methods of fishing, and disposition; size, possession, and creel limits; and gear and landing specifications for certain finfish.

(2) **Definitions.**

(a) "Daily creel limit" means the lawful amount of a species of finfish that a person may take in one day or possess at any one time, except at one's place of abode or at a commercial storage facility provided the Board has not prohibited sale of that species.

(a.1) "Landed" means to bring fish to shore in this state, regardless of the jurisdiction from which they were taken or harvested.

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Saltwater Fishing Regulations

(b) "Minimum size" means the species' specific size in length, specified as fork length, lower jaw fork length or total length, below which size it is unlawful to possess that finfish species.

(b.1) "Maximum size" means the species' specific size in length, specified as fork length, lower jaw fork length or total length, above which size it is unlawful to possess that finfish species.

(c) "Open Season" means that specified period of time during which one may take from any of the waters of this state certain finfish species.

(d) "Sharks" means all species of sharks other than those comprising the small shark composite as defined in subparagraph 2(e), hammerhead sharks as defined in subparagraph 2(g), and prohibited sharks as defined in subparagraph 2(h).

(e) "Small Shark Composite" means a group of sharks inclusive of Atlantic sharpnose shark (*Rhizoprionodon terraenovae*), bonnethead (*Sphyrna tiburo*), and spiny dogfish (*Squalus acanthias*).

(f) "Handline" means a mainline to which no more than two hooks are attached and which is retrieved by hand without the aid of mechanical devices.

(g) "Hammerhead Sharks" means a group of sharks inclusive of great hammerhead (*Sphyrna mokarran*), scalloped hammerhead (*Sphyrna lewini*) and smooth hammerhead (*Sphyrna zygaena*).

(h) "Prohibited Sharks" means a group of sharks inclusive of sand tiger (*Carcharias Taurus*), sandbar shark (*Carcharhinus plumbeus*), silky shark (*Carcharhinus falciformis*), bigeye sand

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tiger (*Odontaspis noronhai*), whale shark (*Rhincodon typus*), basking shark (*Cetorhinus maximus*), white shark (*Carcharodon carcharias*), dusky shark (*Carcharhinus obscurus*), bignose shark (*Carcharhinus altimus*), Galapagos shark (*Carcharhinus galapagensis*), night shark (*Carcharhinus signatus*), reef shark (*Carcharhinus perezii*), narrowtooth shark (*Carcharhinus brachyurus*), Caribbean sharpnose shark (*Rhizoprionodon porosus*), smalltail shark (*Carcharhinus porosus*), Atlantic angel shark (*Squatina dumeril*), longfin mako (*Isurus paucus*), bigeye thresher (*Alopias superciliosus*), sharpnose sevengill shark (*Heptranchias perlo*), bluntnose sixgill shark (*Hexanchus griseus*), and bigeye sixgill shark (*Hexanchus nakamurai*).

(3) Seasons, Daily Creel and Possession Limits, Minimum and Maximum Size Limits. The following species may be taken in accordance with the seasons, daily creel and possession limits, and minimum and maximum size limits set forth below, except as otherwise specifically provided herein:

SPECIES	SEASON	Daily Creel and Possession Limit	Minimum Size (inches)	Maximum Size (inches)
(a) Amberjack	All Year	1	28 FL	
(b) Atlantic croaker	All Year	25		
(c) Atlantic sturgeon	No Open Season has been established by the Board of Natural Resources.			
(d) Black drum	All Year	15	14 TL	
(e) Black sea bass	All Year	15	12 TL	
(f) Blue marlin	No Open Season has been established by the Board of Natural Resources.			
(g) Bluefish	All Year	15	10 TL	
(h) Cobia	All Year March 1 – October 31	2.1 per person not to exceed 6 per boat.	33 36 FL	
(i) Dolphin	All Year	10 per person not to exceed 60 per boat. on	20 FL	hin per passenger.
1. Headboats with a valid certificate of inspection		are allowed 10 dolphin	paying	
(j) Flounder (<i>Paralichthys spp.</i>)	All Year	15	12 TL	
(k) Gag grouper	All Year	2	24 TL	
(l) King mackerel	All Year	3	24 FL	
(m) Red Drum	All Year	5	14 TL	23 TL
(n) Red Porgy	All Year	3	14 TL	
(o) Red Snapper	All Year	2	20 TL	
(p) Sailfish	No Open Season has been established by the Board of Natural Resources.			

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Saltwater Fishing Regulations

(q) Prohibited Sharks	Unlawful to possess.			
(r) Sharks	All Year	1 per person or boat	54 FL	
(s) Sheepshead	All Year	15	10 TL	
(t) Small Shark Composite	All Year	1	30 FL	
(u) Spanish mackerel	All Year	15	12 FL	ed
1. A catch of Spanish mackerel under the minimum size limit is allowed equal to five percent by weight of the total catch of Spanish mackerel on board a trawler.				
(v) Spot	All Year	25		
(w) Spotted sea trout	All Year	15	14 TL	
(x) Tarpon	All Year	1	68 FL	
(y) Tripletail	All Year	2	18 TL	
(z) Weakfish	All Year	1	13 TL	
(aa) White marlin	No Open Season has been established by the Board of Natural Resources.			
(bb) American eel	All Year	25	9 TL	
(cc) Hammerhead Sharks	All Year	1 per person or boat	78 FL	

(4) **Restrictions on Sale.** It shall be unlawful for any person in this state to sell, purchase, or barter any of the following species or part thereof, except as otherwise specifically provided herein:

(a) No person operating as a dealer may buy or sell sharks, small shark composite species, and hammerhead sharks caught in state waters without first obtaining a federal Commercial Shark Dealer Permit and when state or federal quotas for species within those groups have been reached.

(b) Tarpon.

(c) ~~From April 1 through April 30, no~~ No person may sell ~~amberjack~~ any fish managed under federal law and harvested from either Georgia waters or from the South Atlantic Exclusive Economic Zone except when the catch of such fish is allowed by applicable federal law. ~~The~~ This prohibition ~~on~~ of sale ~~during April~~ does not apply to ~~amberjack fish~~ that were harvested, landed ashore, and sold prior to April 1 in compliance with applicable federal law and were held in cold storage by a seafood dealer or

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processor. This prohibition also does not apply to a seafood dealer's purchase or sale

of ~~amberjack fish~~ harvested from waters ~~another management area other than those of Georgia or the South Atlantic Exclusive Economic Zone,~~ provided such fish is accompanied by documentation of legal harvest outside of Georgia waters or the South Atlantic .

~~—(d) From March 1 through April 30, no person may sell gag grouper harvested from Georgia waters or from the South Atlantic Exclusive Economic Zone. The prohibition on sale from March 1 through April 30 does not apply to gag grouper that were harvested, landed ashore, and sold prior to March 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of gag grouper harvested from another management area other than Georgia or the South Atlantic Exclusive Economic Zone, provided such fish is accompanied by documentation of harvest outside of Georgia waters or the South Atlantic.~~

~~(e) From January 1 through April 30, no person may sell red porgy harvested from Georgia waters or from the South Atlantic Exclusive Economic Zone. The prohibition on sale from January 1 through April 30 does not apply to red porgy that were harvested, landed ashore, and sold prior to January 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of red porgy harvested from another management area other than Georgia or the South Atlantic Exclusive Economic Zone, provided such fish is accompanied by documentation of harvest outside of Georgia waters or the South Atlantic.~~

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(5) Possession and Landing Specifications.

- (a) All fish subject to restrictions specified in this Rule may be possessed in state waters or landed only with head and fins intact, except that when landed for commercial purposes, all sharks, small shark composite species, and hammerhead sharks may have the heads removed but fins and tail must remain naturally attached.
- (b) It shall be unlawful to transfer at sea in State waters from a fishing vessel to any other vessel or person any fish caught which are subject to the restrictions specified in this Rule.
- (c) Except as otherwise provided by law, it shall be unlawful to fish for sharks, small shark composite species, or hammerhead sharks for recreational purposes with any gear other than rod and reel or handline as defined in subparagraph (2)(f) above.
- (d) Except as otherwise provided by law, trawlers fishing for shrimp for human consumption pursuant to Code Section 27-4-133 shall be exempt from the creel and possession limits for spot and Atlantic croaker.

§ 27-1-4. Powers and duties of board generally

The board shall have the following powers and duties relative to this title:

- (1) Establishment of the general policies to be followed by the department under this title;
- (2) Promulgation of all rules and regulations necessary for the administration of this title including, but not limited to, rules and regulations to regulate the times, places, numbers, species, sizes, manner, methods, ways, means, and devices of killing, taking, capturing, transporting, storing, selling, using, and consuming wildlife and to carry out this title, and rules and regulations requiring daily, season, or annual use permits for the privilege of hunting and fishing in designated streams, lakes, or game management areas; and
- (3) Promulgation of rules and regulations to protect wildlife, the public, and the natural resources of this state in the event of fire, flood, disease, pollution, or other emergency situation without complying with Chapter 13 of Title 50, the "Georgia

Administrative Procedure Act." Such rules and regulations shall have the force and effect of law upon promulgation by the board.

§ 27-4-10. Creel and possession limits; size restrictions

(a) It shall be unlawful to take in one day or to possess at any one time, except at a commercial storage facility or at one's place of abode, more than the creel and possession limits established by the board for that fish species; provided, however, that it shall be illegal to possess more than a total of 50 individuals of all fresh water species named in this Code section. It shall be unlawful to take from the waters of this state or to possess any fish species larger or smaller or in numbers greater than the limits established by the board in accordance with this Code section. The board shall establish creel and possession limits which shall be no greater than the following limits and shall establish sizes of fish species within the following ranges which may not be taken:

Species	Ranges of Sizes	Maximum
	Within Which Fish May Not Be Taken	Daily Creel And Possession Limit
(1) Largemouth bass	0 -- 24 inches	10
(2) Smallmouth bass	0 -- 18 inches	10
(3) Shoal bass	0 -- 18 inches	10
(4) Suwannee bass	0 -- 18 inches	10
(5) Spotted bass or Kentucky bass	0 -- 18 inches	10
(6) Redeye bass or Coosa bass	0 -- 12 inches	10
(7) Mountain trout	0 -- 24 inches	8
(8) White bass	0 -- 36 inches	15
(9) Striped bass	0 -- 36 inches	15
(10) Striped white bass hybrids	0 -- 36 inches	15
(11) Any one or combination of the species of bream or sunfish	0 -- 10 inches	50
(12) Walleye	0 -- 24 inches	15
(13) Sauger	0 -- 24 inches	15
(14) Chain pickerel	0 -- 24 inches	15
(15) Grass pickerel	0 -- 12 inches	15
(16) Redfin pickerel	0 -- 12 inches	15
(17) Black crappie	0 -- 14 inches	30
(18) White crappie	0 -- 14 inches	30
(19) American shad	0 -- 30 inches	8
(20) Hickory shad	0 -- 24 inches	8
(21) Amberjack	0 -- 50 inches	5
(22) Atlantic croaker	0 -- 10 inches	25
(23) Atlantic sturgeon	0 -- 86 inches	1
(24) Black drum	0 -- 36 inches	15
(25) Black sea bass	0 -- 15 inches	15
(26) Blue marlin		3
(27) Bluefish	0 -- 20 inches	15
(28) Cobia	0 -- 40 inches	5
(29) Dolphin	0 -- 24 inches	15
(30) Flounder (Paralichthys spp.)	0 -- 15 inches	15
(31) Gag grouper	0 -- 25 inches	5
(32) King mackerel	0 -- 36 inches	5
(33) Red drum	0 -- 36 inches	5
(34) Red porgy	0 -- 20 inches	10
(35) Red snapper	0 -- 25 inches	5

(36) Sailfish		3
(37) Sand tiger shark	0 -- 140 inches	1
(38) Sharks	0 -- 120 inches	2
(39) Sheepshead	0 -- 20 inches	15
(40) Small sharks composite	0 -- 54 inches	4
(Atlantic sharpnose, bonnethead, and spiny dogfish)		
(41) Spanish mackerel	0 -- 20 inches	20
(42) Spot	0 -- 10 inches	25
(43) Spotted sea trout	0 -- 25 inches	15
(44) Tarpon	0 -- 90 inches	1
(45) Tripletail	0 -- 25 inches	5
(46) Weakfish	0 -- 15 inches	15
(47) White marlin		3

(b) In accordance with sound principles of wildlife research and management, the board shall have the authority to promulgate rules and regulations establishing size limits, open seasons, creel and possession limits, and possession and landing specifications on a state-wide, regional, or local basis in accordance with this Code section. The board is further authorized to designate certain areas as catch and release fishing areas and to promulgate rules and regulations necessary for the management of such areas for catch and release fishing.

O.C.G.A. 27-4-130. Authority to close salt waters; notice; regulations prohibiting sale of seafood

- (a) The commissioner shall have the power to close all or any portion of the salt waters of this state to commercial and noncommercial fishing by species for a period not to exceed six months within a calendar year. Any determination to close the salt waters pursuant to this subsection or to reopen such waters shall be made in accordance with current, sound principles of wildlife research and management.
- (b) Nothing in this Code section shall prohibit a person from landing in this state any fish or seafood taken in federal waters pursuant to a valid commercial federal permit.
- (c) For the purposes of enforcing this article, the department is authorized to zone the salt waters of this state.
- (d) Public notice of the opening or closing of salt waters as provided in this article shall be given by posting a notice of such opening or closing at the courthouse in each coastal county and by such other means as may appear feasible to inform interested persons of the opening or closing. Such notices shall be posted at least 24 hours prior to any enforcement action taken pursuant to this Code section.
- (e) In accordance with current, sound principles of wildlife research and management, the board is authorized to promulgate rules and regulations to prohibit the sale of any or all seafood in this state.



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MEMORANDUM

January 29, 2018

To: South Atlantic State/Federal Fisheries Management Board
From: Cobia Technical Committee
Subject: Cobia TC Review of FMP Implementation Plans

At their October 2017 meeting, the South Atlantic State/Federal Fisheries Management Board (Board) took final action to approve the Interstate Fishery Management Plan (FMP) for Atlantic Migratory Group Cobia. In January 2018, the Cobia Technical Committee (TC) met via conference call to review state-submitted plans for implementing the FMP. State-submitted implementation plans were included as Briefing Materials for the February 2018 Board meeting.

Brief summaries of state implementation plans, as well as comments and recommendations from the TC for each plan are below. All states are required to implement the following commercial measures: a minimum size limit of 33 inches fork length or 37 inches total length, a possession limit of no more than 2 fish per person, and a vessel limit of no more than 6 fish per vessel. All states are required to implement the following recreational regulations: a minimum size limit of 36 inches fork length or 40 inches total length, a bag limit of 1 fish per person, and a daily vessel limit of no more than 6 fish per vessel, and/or a season that, combined with other regulations, will achieve a harvest at or below the state's recreational harvest target (see Table 1) allocated from the coastwide recreational harvest limit (RHL). Upon Board approval, jurisdictions must implement the FMP regulations by April 1, 2018.

Table 1. Recreational harvest targets for non-*de minimis* states.

State	GA	SC	NC	VA
Harvest Target (pounds)	58,311	74,885	236,313	244,292

A state or jurisdiction may apply for *de minimis* status for their recreational fishery if their recreational landings, in weight, are less than 1% of the coastwide recreational landings for 2 of 3 years from 2014-2016. *De minimis* states may choose to match the recreational regulations of the nearest non-*de minimis* state. *De minimis* states that do not choose to match the recreational regulations of another state are required to implement the following recreational regulations: no more than 1 fish per vessel per trip and a minimum size limit of 29 inches fork length or 32 inches total length.

M18-17

Technical Committee Review and Recommendations

All states submitted regulatory language that adhered to the coastwide commercial requirements of the FMP (minimum size limit, possession limit, vessel limit). Any deviations from the required regulations described above were more conservative and are noted in the descriptions below. All non-*de minimis* states (GA-VA) submitted regulatory language that adhered to the coastwide recreational requirements of the FMP (minimum size, bag limit). Any deviations from the required regulations described above were more conservative and are noted in the descriptions below. The following descriptions of state implementation plans include whether states qualify for *de minimis*, proposed recreational seasons or vessel limits, comments on whether any measures deviated from those described in the FMP (also described above), and the TC's recommendation for approval. If multiple sets of regulations are proposed, the recommendation for each is listed respectively.

New Jersey

De minimis: Yes

Proposed Recreational Season/Vessel Limit: Match Virginia

Notes/TC Comments: None

TC Recommendation: **Approve**

Delaware

De minimis: Yes

Proposed Recreational Season/Vessel Limit: Two options proposed

1. Season: None; Vessel limit: 1 fish
2. Match Virginia

Notes/TC Comments: None

TC Recommendation:

1. **Approve**
2. **Approve**

Maryland

De minimis: Yes

Proposed Recreational Season/Vessel Limit: Match Virginia

TC Comments: None

TC Recommendation: **Approve**

Potomac River Fisheries Commission

De minimis: Yes

Proposed Recreational Season/Vessel Limit: Two options proposed

1. Season: None; Vessel limit: 1 fish
2. Match Virginia

TC Comments: No recreational landings data to justify *de minimis* because landings would be reported as Maryland or Virginia.

TC Recommendation:

1. **Approve**
2. **Approve**

Virginia

De minimis: No

Proposed Recreational Season/Vessel Limit: Seven options proposed

1. Season: May 15-Sept. 15; Vessel Limit: 3 fish
2. Season: May 15-Aug. 31; Vessel Limit: 3 fish
3. Season: June 1-Sept. 30; Vessel Limit: 3 fish
4. Season: June 1-Sept. 15; Vessel Limit: 3 fish
5. Season: May 15-Aug. 31; Vessel Limit: 4 fish
6. Season: June 1-Sept. 30; Vessel Limit: 4 fish
7. Season: June 1-Sept. 15; Vessel Limit: 4 fish

TC Comments:

The Virginia Marine Resources Commission (VMRC) does not yet have a preferred option because it would first like to solicit public comment on which vessel limit and elements of the recreational season are most important to stakeholders. They have proposed and predicted landings for several management options, summarized above and outline in their proposed implementation plan. Table 1 from the Virginia implementation plan shows these options with predicted landings using average weights from the Southeast Fisheries Science Center (SEFSC) and VMRC's Marine Sportfish Collection Project.

The TC notes that three of these options, denoted above as options 1, 2, and 5, exceed Virginia's harvest target (244,292 lbs) when predicted landings are estimated using average weights from the SEFSC. None of the proposed options exceed the target when predicted landings are estimated using average weights from VMRC. **The TC recommends that options denoted above as 3, 4, 6, and 7 be approved for management use as predicted landings using either average weight method would achieve the harvest target.**

Due to lack of sufficient sample sizes, the SEFSC average weight estimate for Virginia had to be derived by pooling samples across the entire 5 years, leading to one average weight estimate of 34.04 pounds for all 5 years. The VMRC Sportfish Collection Project collects length samples as frozen carcasses donated by recreational anglers. Annual average lengths were calculated for 2011-2015 and converted to average weights, using the length-weight conversion factor from Southeast Data, Assessment, and Review (SEDAR) 28, to provide annual average weight estimates. These data are summarized in Table 2 of the Virginia implementation plan.

Due to an inadequate number of samples for annual average weights to be estimated through SEFSC methods and discrepancies between the SEFSC average weight and those estimated based on samples from the VMRC Sportfish Collection Project, VMRC has contacted the National Oceanic and Atmospheric Administration Southeast Regional Office (SERO) to request that VMRC length and weight data be considered for incorporation in future cobia landings projections for Virginia. NOAA would evaluate the methods and resultant average weights to determine whether VMRC data are representative of cobia caught in the state.

Given the potentially great difference in landings predictions depending on which average weight method is used and the much greater number of samples that are incorporated into the VMRC average weight estimates, **the TC recommends that options 1, 2, and 5 be approved for management use, conditional upon approval for their use in federal landings projections by the SERO.** If the SERO does not determine that VMRC methods and average weights are usable prior to the FMP implementation date of April 1, 2018, the only options that would be recommended for management in 2018 would be options 3, 4, 6, and 7.

The TC also notes that VMRC has proposed two methods for implementing the two fish per person commercial possession limit, particularly with respect to the commercial hook-and-line fishery, which currently operates under an exemption that allows up to 6 cobia per vessel, regardless of how many crew members are on board. VMRC indicates in their plan that they will implement either a 2-per-person possession limit or 2-per-commercial-licensee possession limit for hook-and-line fishing, either of which would satisfy the requirements of the FMP. Thus, **the TC recommends approval of all proposed commercial options.**

TC Recommendation:

- Recreational Season/Vessel Limit:
 1. **Approve, conditional**
 2. **Approve, conditional**
 3. **Approve**
 4. **Approve**
 5. **Approve, conditional**
 6. **Approve**
 7. **Approve**
- Commercial: **Approve all proposed commercial options**

North Carolina

De minimis: No

Proposed Measures: Two options proposed

1. Season: None; Vessel Limits: For-hire: 4 fish, Private: 2 fish
2. Season: None; Vessel Limits: For-hire: 3 fish, Private: 1 fish

TC Comments:

North Carolina has proposed two recreational season and vessel limit options. Using the above numerical denotations, option 1 is predicted to exceed North Carolina's harvest target by 20,244 pounds. Option 2 is predicted to land 34,205 pounds less than the harvest target.

Justification for the proposed option 1 is included in North Carolina's proposed implementation plan. Briefly, this justification cites uncertainty surrounding landings estimates from the Marine Recreational Information Program (MRIP) and North Carolina's 2017 harvest, which was less than the harvest target through wave four, after which landings are typically minimal (2% or less of the annual total).

Despite the justification provided for option 1, which exceeds North Carolina's harvest target, the TC notes that recreational landings estimates and management decisions based on recreational landings under the Interstate FMP will be made using numbers from MRIP and average weights from the SEFSC, in accordance with the complementary nature of the Interstate FMP with the South Atlantic Fishery Management Council's (SAFMC) Coastal Migratory Pelagics (CMP) FMP. Therefore, **the TC recommends that the Board not approve North Carolina's proposed option 1 for management use because this option is not expected to achieve the state's harvest target. The TC recommends that option 2 be approved for management use, because this option is expected to achieve the state's harvest target.**

TC Recommendation:

1. **Do not approve**
2. **Approve**

South Carolina

De minimis: No

Proposed Measures: Season: None, but will close when federal waters close; Vessel Limit: 3 fish from June 1-April 30 within the Southern Cobia Management Zone

TC Comments:

South Carolina intends to match federal regulations for determining its recreational season for cobia. In addition to federal availability of the fishery, South Carolina has a Southern cobia management zone in state waters (area south of Jeremy Inlet, SC to the SC/GA border) that places a 1 fish per person per day limit and a 3 fish/daily boat limit as well as restricting recreational harvest from May 1-May 31 within the Southern Cobia Management Zone.

While no specific analyses predicting landings under the proposed regulatory measures were provided, based on knowledge of recent catch histories and likely reductions due to proposed measures, **the TC does not expect the proposed measures to exceed South Carolina's recreational harvest target.**

TC Recommendation: **Approve**

Georgia

De minimis: No

Proposed Measures: Season: March 1-October 31; Vessel Limit: 6 fish

TC Comments:

In addition to the proposed recreational season, the Department of Natural Resources (DNR) Commissioner has the power to close all or any portion of state water for up to six months if deemed necessary for the protection of the resource. The TC noted that if Georgia is using MRIP to project state landings, the time lag of data entry and release may limit how quickly such a closure could occur.

While no specific analyses predicting landings under the proposed regulatory measures were provided, based on knowledge of recent catch histories and likely reductions due to proposed measures, **the TC does not expect the proposed measures to exceed Georgia's recreational harvest target.**

TC Recommendation: **Approve**