

**Coastal Migratory Pelagics Amendment 31 (Atlantic cobia management)
Public Hearing Summary**

(Comments received through February 9, 2018)

This summary includes comments submitted online and comments received during the three public hearings webinars held on January 22nd (listening stations in North Carolina, South Carolina and Georgia), January 23rd (listening station in North Carolina) and January 24th (listening stations in Virginia and South Carolina). Comments provided during the webinars (n=12) are included in this attachment. Online comments (n=66) are available to view in full at: <https://safmc.wufoo.com/reports/cmp-amendment-31/>

Respondent Characteristics:

	Number of Respondents ^{1, 2}	State	Number of Respondents
Private Recreational	53	Virginia	41
Commercial	17	North Carolina	14
For-Hire	19	South Carolina	3
Wholesale/Dealer/Retail	4	Georgia	1
Non-Gov. Organization	5	Florida	6
Other	2	Other	2

¹Some respondents identify with more than one group.

²Includes online respondents only.

Majority of commenters supported removing Atlantic cobia from federal management and felt action on Amendment 31 should be taken as soon as possible. There were several commenters that felt the Council should retain Atlantic cobia in the management unit until after the stock ID workshop/benchmark assessment.

Overall:

- Many commenters requesting removal of Atlantic cobia from federal management as soon as possible felt it was necessary for the stability of the fishery.
- Some commenters felt that Atlantic cobia management should be left up to the states entirely until the 2018 stock assessment could be completed and ASMFC could make proper allocations.
- Concerns were expressed regarding the validity of the MRIP data used for tracking recreational landings of Atlantic cobia.
- There was concern regarding the current stock boundary (GA/FL line) set in Amendment 20B after SEDAR 28 and the resulting annual catch limits (ACLs).
 - Additionally, there was concern about the data used in SEDAR 28 and representation of the Mid-Atlantic states.
- Some commenters felt that Atlantic cobia management measures varied too much from year to year and there were too many entities involved making it hard to follow regulations and know where to comment.

- There was concern that more information needed to be provided to Florida fishermen who may be affected by this amendment if the upcoming stock ID workshop indicates a southward shift in the boundary between Gulf and Atlantic migratory groups.

Other Comments:

- Several commenters felt that the cobia stock wasn't being overfished and had increased in recent years, while other commenters felt that the cobia stock needed more protection.
- Several comments made recommendations for bag limits, vessel limits, size limits and other regulations. These may be in response to ASMFC's Interstate FMP and associated state implementation plans.
- One commenter supported stocking of native cobia and a moratorium of fish farming in public waters.
- One commenter supported establishing a tagging/permit system for cobia.

**AMENDMENT 31 PUBLIC HEARING
WEBINAR**

JANUARY 22, 2018

MR. DOUGHTIE: My name is Collins Doughtie, and I'm in Bluffton, South Carolina. You know, I was shocked when I read that, for this year, one per person and six per vessel, and it was the six per vessel that just shocked me, because we've had the cobia closed down last year, and I've been seeing this coming for years here, and there are a lot of people out there, and you might say -- Six cobia is a lot of meat to have sitting on a boat.

There are a lot of us that release a lot of these fish, and maybe keep one or two, which is still a lot of fish. I mean, it's a lot of meat. It's a big fish, and I just simply don't understand that you close it down one year and then come back the next year and have such a liberal limit on how many per vessel. Six is totally out of line to keep this fishery healthy.

Number two, with the -- I agree with the thirty-six-inch fork length, but then the commercial guys get to thirty-three-inch, and it should be across-the-board thirty-six-inch, but it's primarily the limit of six per vessel, and, for some reason, I just have a feeling that the powers-to-be that came with these regulations don't fish, or aren't familiar with the cobia, because cobia are pretty simple to catch if you're a fairly good fisherman. They're a pretty easy fish to catch, and, usually, in our area in particular, the time of year when they're here en masse is when they're breeding, and all the females are pregnant, and those are the larger fish.

There is a lot of boaters here, and some of them charter and some of them are just recreational fishermen, that will go out each and every day and get -- If you've got six per vessel, and you just think of the percentage of breeding females are sitting there, it's way, way beyond what it ought to be. I think even at three fish is a lot of fish, and I just really have an issue with that number of fish per vessel. I just can't believe that they would come up with that number, and I think it's just -- I don't know what their reasoning or how they came up with that number, but it's just way overboard.

MR. HARTER: This is David Harter, and I'm from Hilton Head, South Carolina. I very much agree with Collins, in talking about the total limit. In fact, a lot of our captains down here have gone to at least a -- No more than a three limit per boat already, years ago. As Collins said, we kind of saw this coming a long time ago, and I think, if anything, we definitely need to have no more than three per boat on this limit. Thank you.

MR. LAKS: This is Ira Laks. As I was saying before, this is an amendment that's not even really as an afterthought here in Florida, because, unless you get into the weeds of it, it doesn't look like it applies to Florida, but, depending on how the stock ID workshop comes out, and then how the council chooses to manage where that line would be, that management line, Florida could fall right into this amendment, and I just think there needs to be a little more information given to the Florida fishermen that potentially this could be the final management for them, and so I would tend to want us to at least wait for some of the preliminary information from the stock ID. Thank you.

MR. LORENZ: This is Bob Lorenz from Wilmington, North Carolina. The only thing I have to say is that it can be a little difficult, as a member of the public, with a bit of scientific thought and background, to comment real intelligently at this time, probably before the SEDAR assessment is performed, and I would circle back to the question that I asked.

There are a lot of fish being caught, but then my question is how is the catch per unit effort holding up, because, if it's going up or static, those of us -- For simply tools of logic, it means maybe the species doesn't have quite the problem we think it does, and what we may be trying to do, based on some comments that I heard, would be to hold off on potential decimation of the species in the future -- Yes, large fish, catching so many, why do we need to do that, and it might just be prudent conservation to cut limits back, maybe limits back at certain times of the year. Without the knowledge of what the stock currently is and what the -- The problem is -- I am certainly going to be questioning why would you need to change anything right now with respect to the management. We are missing data and tools to make an intelligent decision. Thank you.

MR. GORHAM: This is Bill Gorham from Southern Shores, North Carolina. My comments are going to be answers as much as the reason why I support it, but I will start with the reason why I support it. The current federal ACL and management boundary was clearly not meant for the way the current fishery is. From everything that I have read and understand it, it was from Georgia to about North Carolina, and then what came out of Virginia was simply landings. We now know that Virginia probably has the largest concentration of cobia, or the Chesapeake Bay, out of anywhere, for the longest amount of time, five to six months. Maryland is absolutely catching fish, currently, under a complementary Atlantic States plan, and, the way MRIP is having difficulty with low intercept pulse fisheries, like cobia, somebody in Maryland can catch a three-pound fish two years in a row and now our allocations in Virginia, North Carolina, South Carolina, and Georgia get even smaller, and they're catching enough for it to be a very real possibility, within the next three years.

Also, under the complementary plan, we're still held to the very slow-moving federal process, a process or management that, again, is not at all reflective of the needs of coastal communities. The lower Chesapeake Bay, northeastern North Carolina, the effort really shifted, or the dependence upon it from the industry shifted, in the migratory changes of the rockfish. They no longer come within three miles, and so we sit here for months waiting for the almighty cobia, and that's from tackle shops and welders and rod builders and lure manufacturers and the works. Full Atlantic States management provides that true flexibility, and it gets us out from underneath this extremely small ACL that clearly, looking at what the required seasons would have to be, either South Carolina and Georgia are going to lose out or Virginia is going to lose out or somebody, but it's just not big enough.

You go back through SEDAR and the SSC review, and it's all right there. They all know it, and it's clear as day, and so, unless -- What we know is you can't snap your fingers and redo a SEDAR. We are going through that process, but the only way I see the current stakeholders in Virginia, or really from Georgia northward, that depend upon this fishery is to get out from the FMP, the federal FMP.

I know that there is big discussion with Florida and how will it affect them and where will the boundary end up, and I look forward to being a part of the SEDAR process for the first time and

seeing how it comes about, but I too wish that we could have had an official public comment period to decide that the boundary would change to the Florida/Georgia border, and, from everything that I have looked up, we weren't, but, moving forward, I agree that Florida should have the opportunity to comment on this, but it can't be at the expense of Georgia north being X'd out of this fishery while the east coast of Florida itself has more poundage than the rest of the east coast.

As far as the commercial size limit, I would just like to make a comment that I believe it was kept at thirty-three inches because of the gear that's used. I know, in North Carolina, they were going to be catching that size fish anyway this past year. There's already enough waste of cobia, which is a very good fish.

Vessel limits, I made the public comment before that, being a lure manufacturer, you get to talk to a lot of people, and that's the people that book the charters, from the people that run the charters, from the everyday recreational angler, and I have always said that you shouldn't base boat limits -- Our boat limits tend to be, or your feelings on them, tend to be based on personal consumption.

It's hard for me to tell somebody from West Virginia who saves up all year to take one trip to say that you should only get half a fish. To me, that's just not right, but there needs to be a balance, I agree, and, for eastern North Carolina, we're not fishing them in any small bay or the Chesapeake Bay. When they're here, they're here, as far as the water temps go, and, when they're gone, they're gone. We're surviving at three to four per boat, and, if that can stick and people can still make a living, I say go along with it, but that will all work out in the weeds. Again, I support this moving forward, one, because there's an unwillingness, at the federal level, to say, hey, we have a stock assessment FMP that's not at all reflective of the current fishery. I mean, you can look at the success rate that was used in SEDAR, and it was used in data that was 1 and 8 percent success, and you look at MRIP and we're up to 25 percent success rate, and the only thing that you're crediting the high catch is extreme outliers in the data that's estimating there is hundreds of thousands of trips just from Virginia that is accounting for these catches. Again, this amendment does need to move forward. There is nothing good. If we wait and we get one year with an extreme catch of almost a million pounds coming from one state, we're all in trouble under an ACL, but that's my comment for tonight. Thank you.

MR. BOWEN: Good evening, and thank you, everybody, for attending the webinar. I just wanted to state, to the fellows in South Carolina that were concerned about the six fish per vessel, if this amendment goes through, then it would be decided upon -- I just wanted to make sure they understood that it would be decided amongst their state of the maximum fish per vessel.

Where that came from originally was the stakeholders down in Georgia, in the for-hire sector, they were very adamant that they couldn't even sell a trip if their people on the boat couldn't keep one per person, and so it was just, for lack of a better term, just giving back a little bit to the for-hire sector to be able to keep one fish per person for the six-pack vessels, but, if this amendment goes through, it would be up to South Carolina to decide what their maximum boat limit was per person. Thank you, and, again, thanks everyone for attending.

MR. BLOW: My name is Wes Blow from Newport News, Virginia. First, I would like to comment on the first thing that was asked, about do we want to continue, and I believe it was Option 2 is the preferred option that would move forward right away. The other thing that I commented on is the timing of it, which Option 1 is -- I would prefer it to be the March 2018 council meeting. I think it's very important for the ASMFC to be involved with this fishery, so that all states have access to it all the time.

That is what we were supposed to be commenting on, but I would also like -- Since others brought up the boat limits, I agree with the fellows in South Carolina that six fish is ridiculously too high and far too many. What Virginia did, and a suggestion for all states, is, when they implemented a boat limit, they implemented only one fish being allowed to be over fifty inches that they keep, and so, no matter what all the states decide to set their boat limits at, if they were to implement that, that would help protect the breeding stock of the fish. That's all I have. Thank you.

(Whereupon, the public hearing was adjourned.)

Transcribed By:
Amanda Thomas
January 25, 2018

PORT ROYAL, SC ATTENDEES AT CMP AMEND 31 PUBLIC HEARING JAN 22, 2018

Mel Bell
Mark Brown
Amy Dukes - DNR
Kayla Rudnay - DNR
Al Stokes - DNR
Matt Oliver – DNR (LE)
Collins Doughtie (spoke)
Al Segars
David Harter (spoke) and wife
Wally Phiney
Rachel ? (from the Port Royal Foundation)
At least three other rec cobia fishermen for sure (maybe more)

CMP AMEND 31 1/22/18

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**AMENDMENT 31 PUBLIC HEARING
WEBINAR**

JANUARY 23, 2018

MR. GORHAM: This is Bill Gorham from Southern Shores, and, tonight, I'm going to give public comments based upon the general consensus from stakeholders at least from northeastern North Carolina in regard to this amendment and how we agree that moving forward with this amendment is vital to achieve fair and equitable access amongst all user groups in northeastern North Carolina, and really North Carolina as a whole.

If this amendment is not to go through, our representatives need to reevaluate considering an emergency action based upon the allocations and possible resulting seasons winding up being the most restrictive out of any state, and that's with recreational anglers going down to two, and maybe even one, per boat. It is simply unacceptable.

It is not fair, and it is not equitable, and that's as much a part of the National Standards as National Standard 1, and this fishery is not overfished, and it was not enduring overfishing. The line did not have to be moved, and the ACL did not have to be reduced. The fishery has clearly changed, and there is clearly science out there, and a detailed review of the stock assessment should be an eye-opener of how the current FMP is not appropriate for continued management.

If going to Atlantic States gets us out from underneath the current federal FMP the fastest, then that's the route that should be explored. Overall, there is -- I do not feel that the Gulf should have to agree, given the ACL allocations. It is more lopsided, and, at this point it is just so far against the National Standard that it should be a poster-child of how this is what should not happen, as far as allocations go, and then to have our access dependent upon the two areas, Florida and the Gulf, approving it is absurd. If it's truly two separate stocks, then we're going in our own direction that fits the needs of our states from Georgia north. I think that covers everything.

MR. FRENCH: My name is Jonathan French, and I'm a resident of Virginia, and I've engaged with you all for a long time in this process. I want to echo Mr. Gorham's comments. I am still very disappointed that the emergency action didn't get due justice, and I would like to say, for the record, that academic peer-reviewed research was entered, and yet the FMP letter that was published by the South Atlantic Council says that no new evidence was given, even though the studies we were offered were not referenced in the SEDAR report, and I would like that to be on the record.

I am endorsing Atlantic States management of the cobia catch, with a couple of caveats. First of all, management of state waters should not take place, and I would like to council to recommend that Atlantic States not start management of state waters until the new stock assessment process is completed. We have detailed, on numerous occasions, why the SEDAR process was flawed and the allocation was flawed, and to make management decisions based on that flawed process is a violation of the legislation's intent to protect the species and build trust within fisheries managers and the recreational fishing community.

I would also like to add that MRIP has been demonstrated as a wholly unreliable measurement tool for the species, for a low-engagement species like cobia, and I would recommend and ask that the South Atlantic Council's members who are reporting to the Atlantic States Technical Committee not use seasons that are obvious statistical outliers, especially those seasons which are two and three times the standard deviation of the catch for the previous season.

No other industry in the country would use data to make qualitative decisions with that significant of an outlier, and so I would like those caveats, and, once those caveats are met, I would like Atlantic States to have management, and I would recommend that Atlantic States manage the stock throughout their management zone, starting from Key West and going all the way up to the New England coast. With that, I'm sure I missed a couple of things, but I have also offered written public comments, and I would be happy to expound on any points, as necessary.

MR. MANDULAK: This is Bill Mandulak, and I'm a recreational fisherman in North Carolina. I just wanted to support Atlantic States management, but I kind of echo the last speaker, in that, when we have these wild fluctuations in harvest, it seems like, when we have a year when the fish are in close and there's a lot of small boaters out there catching a lot of them, all of a sudden, the next year, we have these somewhat draconian measures, and then the fish don't show up, because they have tails, and they can swim either close to the beach or quite a ways out.

As a result, we have these wild fluctuations, and so it seems like we need to use a more smooth, I guess, representation of the catch over time, but I certainly think that, from my point of view in North Carolina, I would certainly prefer to have Atlantic States involved in more management across the state waters, where the various states are participants, rather than to have each of the states kind of willy-nilly decide what they ought to have as regulations as their own waters, as happened in 2017 in North Carolina. That's the substance of my comments.

MR. GORHAM: Just looking at some of the council members who are on here, it would be nice to get kind of some of an idea of what the council is thinking or feeling, if that's appropriate, and, again, I apologize for the low turnout. It looks like I'm posting a link onto our pages, and I know there's a civic and fire department, and, with duck season, a lot of guys missed the past two meetings, and I'm getting texts now that they're on their way in with clients, but, again, we're in North Carolina, and I heard the meeting last night.

I guess this would kind of be a business standpoint, but I would reach out to the council members. You all know I'm a lure manufacturer, and we've been dealing with this for now three years, and there's just no stability, and a lot of the charter guys are saying the same thing, is we just don't know what next year is going to be, and so they just turn to me and say, well, what are we going to get for fish, and they trust you to make the right decision. You hash out the little details, but is this something that is possible, because this appears to be our lifeline, but, again, if any of the council members can or want to provide some insight on this, it would be greatly appreciated.

MS. WIEGAND: First, I want to say, of course, Bill, we appreciate all the work you do trying to get the word out about these public hearings, and I guess, if council members want to speak to

Bill's point, I will sort of leave that choice up to them. I am seeing no hands, and so, if there is anyone else would like to make formal public comment, raise your hand now.

MR. FRENCH: I will just offer something, from a little bit of a different perspective, because I know, primarily, you guys hear from charter boat captains on the issue and, to a lesser extent, tackle shops. I am none of those things. I am a guy with expendable income who likes to participate in the fishery.

Last year, I booked the opening day of Virginia's cobia season with Zack Hoffman, who is the captain for Salt Treated Fishing, to the tune of \$800, and I know that me making decisions on how I'm going to spend my disposable income for my recreational purposes hinges, in some respect, to the type of season and the corresponding regulations, and so that is impacting folks downstream.

I only share that as an example that there are a lot folks who are not privy to these discussions who are only looking to have a short-term bit of entertainment during the course of the year and aren't weighing these issues, and a lot of them are likely going to book trips anyway. However, they generally can show up and be very dissatisfied if they book a trip this time of the year and then the rules have changed, at least in their minds, where they're not allowed to do what they feel like they're paying for when they show up, and so it does cause some downstream negative effect for charter captains, and I am using myself as kind of a test case, in that regard. Thank you, all, and I will be quiet for the rest of the evening.

(Whereupon, the public hearing was adjourned.)

Transcribed By:
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January 25, 2018

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CMP AMEND 31 1/23/18

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**AMENDMENT 31 PUBLIC HEARING
WEBINAR**

JANUARY 24, 2018

MR. AVERY: I, first, am shocked that no one is speaking and making a comment, and so I lost the little button on how to raise my hand on my computer, and so I was scrambling to wave that, and so I guess our comments are, and I work -- I don't work with, but I am a member of the Virginia Saltwater Sportfishing Association, a sportfishing group here in Virginia with about 600-plus members.

Our comment is, and we like your preferred option, and that is to remove the South Atlantic Council from the cobia management plan. Our main concern is there is just too many chiefs and not enough Indians, too many fingers in the fire. Trying to make -- As a member of the public, trying to make comments to multiple fishery management organizations, the South Atlantic Fishery Management Council, the Atlantic States Marine Fisheries Commission, and our own state commissions, is just getting too complex for us now to reach out and try to influence so many organizations.

We were opposed, and so many of us were opposed, to even moving the management -- At this particular moment, moving any management to the Atlantic States Marine Fisheries Commission until after the stock assessment, but we see that pretty much the public's comment was ignored by you guys and by the Atlantic States Marine Fisheries Commission, and so we're in this situation now where we've got just too many people trying to manage cobia, and so now we have public comments for you guys, public comments for the Atlantic States Marine Fisheries Commission, and we still have to go to our state commissions to try to -- It's just too much for us, and so are supporting that you guys just get out of the business.

We weren't supportive of even any complementary management. We weren't supportive of moving the management over to the Atlantic States Marine Fisheries Commission at this moment in time, but we're there now, and so that was already been done, and that's a done deal, and we accept that, and so, now that that's done, we think you guys ought to bow out and just hand it over to -- Let us deal with our state commissions and the Atlantic States Marine Fisheries Commission, and I think it would be too complicated to try to have you guys do federal waters and then do state waters. Yes, that could set up separate regulations, but a lot of us have to travel through the state to get to the federal waters, and we may stop and fish for something else, and it gets just too complicated, and so we're not really in favor of that. We want one cobia limit, whether in federal or state waters, whatever that comes out to be.

I guess that's my long comment, is we think you guys ought to bow out and get out of the cobia management business, and so I guess I'm saying that I support, we support, the staff-preferred alternative, and that's all I have.

MR. GORHAM: This is Bill Gorham again, for the third night, from Southern Shores. As many know, I've had the honor and privilege to represent stakeholders in Virginia, and not all stakeholders, but some, and they also have been on message about the complementary

management of the South Atlantic. Since we're already in, or will be in, complementary management, we fully support transfer of cobia to the Atlantic States, full management under the

Atlantic States, and complementary management, as we see it, is only a course complier to an unjust FMP, ACL, or allocation.

We acknowledge that, at the federal level, they simply can't change the ACLs fast enough. The fishery has changed in Virginia, and I would say the dependence upon it has changed in northeastern North Carolina and Virginia, and the only way to allow and provide any form of fair and equitable access and regulatory flexibility is through full management in the Atlantic States and absolutely not complementary management.

That is why we would want it to move forward right away, with no delay, and we acknowledge the conflicts with Florida kind of feeling like they may get thrown into it, but, ultimately, the current federal FMP is not meant for the entire fishery from Georgia to New York, from a data perspective, from a community needs perspective, or from the true stock status, and it just can't come at the cost of loss of access.

It's my understanding that there is still some unanswered questions of how our seasons this year will be implemented, and I know, from North Carolina, we're looking at between one and two per boat for the recreational sector, and that -- Again, I would like to put on the record here that it's absolutely absurd, and it's also why this transfer needs to happen right away. I think I checked everything off, and that's it.

MR. HENRY: I will make this short, and it's just a short comment, and I support the states being able to make their own regulations, and just this thing overall, in general, is just way too complicated, I think. It's a lot of complicated management just to go catch some fish, and that's my comment.

(Whereupon, the public hearing was adjourned.)

Transcribed By:
Amanda Thomas
January 25, 2018

SEPT 24, 2018

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