



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

4055 Faber Place Drive, Suite 201, North Charleston SC 29405

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Charlie Phillips, Chair | Captain Mark Brown, Vice Chair
Gregg T. Waugh, Executive Director

March 14, 2018

LN# 201817

Mr. Robert Beal
Executive Director
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N
Arlington, Virginia 22201

RE: Request for information on the management of Atlantic cobia in federal waters upon removal from federal management under Coastal Migratory Pelagics Amendment 31

Dear Mr. Beal:

In May 2017, the Atlantic States Marine Fisheries Commission's (ASMFC) South Atlantic State Federal Fisheries Management Board sent a letter to the Gulf and South Atlantic Fishery Management Councils to request that the South Atlantic Council discuss removing Atlantic cobia from the Coastal Migratory Pelagics Fishery Management Plan (CMP FMP), which would transfer all management authority to the ASMFC. The South Atlantic Council directed staff to begin work on Amendment 31 which evaluates options for a complementary plan with the ASMFC as well as removal of Atlantic cobia from the federal management unit.

In December 2017, the South Atlantic Council reviewed a draft of Amendment 31 and chose to select removal of Atlantic migratory group cobia from the CMP FMP as their preferred alternative.

At their March 2018 meeting, the South Atlantic Council discussed management and enforcement of Atlantic cobia regulations in federal waters under the preferred alternative and determined that before moving forward they would need more information regarding future management actions by the ASMFC. When will the ASMFC request NMFS implement regulations in Federal waters under the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA)? When will you know what specific regulations ASMFC will request? And finally, do you know the approximate length of time for NMFS to implement such regulations once ASMFC makes the request?

The South Atlantic Council intends to take final action on Amendment 31 at their June 2018 meeting. We would appreciate receiving this information on or before May 21, 2018 for inclusion in the briefing book. Thank you for your assistance with this request. If you have any questions, please contact Gregg Waugh or Christina Wiegand.

Still Digging,

Charlie Phillips, Chair
South Atlantic Fishery Management Council

cc: Council Members and Staff, SAFMC
Doug Gregory, Carrie Simmons, and Ryan Rindone, GMFMC
Dr. Louis Daniel and Michael Schmidtke, ASMFC
Jack McGovern and Rick DeVictor, SERO
Monica Smit-Brunello and Shepherd Grimes, NOAA GC
Cisco Werner, Theo Brainerd, Peter Thompson, Larry Massey, and Erik Williams, SEFSC
LeAnn Hogan, NMFS Silver Spring



Atlantic States Marine Fisheries Commission

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James J. Gilmore, Jr. (NY), Chair

Patrick C. Keliher (ME), Vice-Chair

Robert E. Beal, Executive Director

Vision: Sustainably Managing Atlantic Coastal Fisheries

April 12, 2018

Mr. Charlie Phillips
Chairman
South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, South Carolina 29405

Dear *Charlie,*
~~Mr. Phillips:~~

Thank you for your March 14, 2018 letter seeking additional information on the pending Atlantic States Marine Fisheries Commission's (Commission) cobia management actions. The questions raised by the South Atlantic Fishery Management Council (Council) regarding the management of Atlantic cobia in federal waters at their March 2018 meeting will be discussed by the Commission's South Atlantic State/Federal Fisheries Management Board (Board) at their meeting during the week of April 30, 2018.

After the Board's meeting, I will respond to the Council's questions and describe the Commission's plan should Draft Amendment 31 be approved. This response will be sent in time to be included in the Council's June Meeting briefing materials. I also intend to come to the Council's June Meeting and can respond to additional questions during the cobia management discussion.

The Commission appreciates the Council's further consideration of removing the Atlantic Migratory Group cobia from the Coastal Migratory Pelagics Fishery Management Plan through Draft Amendment 31. We look forward to continuing to work with the Council as this process moves forward. If you have questions in the meantime, please contact me or Dr. Michael Schmidtke, the Commission's FMP Coordinator for cobia.

Sincerely,

A handwritten signature in blue ink that reads "Robert E. Beal".

Robert E. Beal

cc: ASMFC South Atlantic State/Federal Management Board

L18-025



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

APR 19 2018

F/SER25: KG

Mr. Robert Beal
Executive Director
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N
Arlington, Virginia 22201

Dear Mr. Beal:

In May 2017, the Atlantic States Marine Fisheries Commission (ASMFC) requested that the South Atlantic Fisheries Management Council (South Atlantic Council) discuss removing Atlantic cobia from the Fishery Management Plan (FMP) for the Coastal Migratory Pelagics Resources in the Gulf of Mexico and Atlantic Region (CMP FMP). The South Atlantic Council subsequently directed staff to begin work on Amendment 31 to the CMP FMP (Amendment 31), which considers alternatives for a complementary plan with the ASMFC as well as removal of Atlantic cobia from the CMP FMP. In December 2017, the South Atlantic Council reviewed a draft of Amendment 31 and selected removal of Atlantic migratory group cobia from the CMP FMP as their preferred alternative. The South Atlantic Council is scheduled to approve Amendment 31 for review by the Secretary of Commerce (Secretary) at their June 2018 meeting.

In a letter dated March 14, 2018, the South Atlantic Council requested more information regarding how the ASFMC would manage Atlantic cobia if it was removed from the CMP FMP. The ASFMC Interstate FMP, as currently written, supports complementary Atlantic cobia management with the South Atlantic Council but does not address managing Atlantic cobia in federal waters in the absence of management under the CMP FMP. Under complementary management, the South Atlantic Council would continue to provide an annual catch limit, federal permitting would still apply, and habitat areas of particular concern would remain. Management measures, such as size limits, bag limits, and closed seasons would be implemented under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), in coordination with the ASFMC.

If the South Atlantic Council approves Amendment 31 with removal of Atlantic migratory group cobia as their preferred alternative, and if Amendment 31 is approved by the Secretary, NOAA Fisheries will promulgate regulations to remove Atlantic cobia from federal management under the Magnuson-Stevens Act and, at the same time, will promulgate regulations under the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) to replace the existing Magnuson-Stevens Act based regulations in federal waters. This will ensure that Atlantic cobia continues to be managed in federal waters and there is no lapse in management of the stock.



NOAA Fisheries requests that the ASFMC amend the Interstate FMP to address Atlantic cobia management in federal waters and inform us of any measures that the ASFMC would like to request from the Secretary under the ACFCMA. One option is to implement the management measures contained in the existing Interstate FMP in federal waters. The Interstate FMP mandates that states implement for the commercial sector a 33 inch fork length (FL) minimum size limit, a 2 fish per person possession limit, and a vessel limit not to exceed 6 fish per vessel. These commercial measures are consistent across all Atlantic states. The Interstate FMP also mandates that states implement for the recreational sector a 36 inch FL minimum size limit (or equivalent total length measurement), a 1 fish per person bag limit, and a maximum daily vessel limit not to exceed 6 fish per vessel. To accommodate a state's larger minimum size limit, federal regulations could require recreational harvesters to comply with more restrictive state regulations in any state where the fish are landed. Finally, the Interstate FMP requires states to establish seasonal limits to restrict harvest to the harvest target. Federal regulations could establish a consistent season stock-wide, or require that anyone harvesting in the exclusive economic zone must comply with the seasonal requirements of the state where the fish are landed.

NOAA Fisheries request that the South Atlantic Board discuss these issues at the May 2018 ASFMC meeting and provide specific direction as to the desired management measures in federal waters under the ACFCMA.

Sincerely,



for Roy E. Crabtree, Ph.D.
Regional Administrator

cc: Andy Strelcheck (F/SER)
Heather Blough (F/SER)
Jack McGovern (F/SER 2)
Rick DeVictor (F/SER 25)
Gregg Waugh (SAFMC)
Charlie Phillips (SAFMC)



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James J. Gilmore, Jr. (NY), Chair

Patrick C. Keliher (ME), Vice-Chair

Robert E. Beal, Executive Director

Vision: Sustainably Managing Atlantic Coastal Fisheries

May 21, 2018

Charlie Phillips
Chair, South Atlantic Fishery Management Council
4055 Faber Place Drive
Suite 201
North Charleston, South Carolina 29405

Dear Mr. Phillips,

The South Atlantic State-Federal Fisheries Management Board (Board) recently met to discuss your March 14, 2018 letter requesting information on the management of Atlantic cobia in federal waters upon removal from federal management under Coastal Migratory Pelagics Amendment 31.

The Board initiated an amendment in anticipation of the removal of Atlantic cobia from the joint South Atlantic Fishery Management Council and Gulf of Mexico Fishery Management Council Coastal Migratory Pelagics Fishery Management Plan. The amendment will develop a process that will be used to establish annual specifications to replace the federal annual catch limit. A process will also be developed to recommend regulations to NOAA Fisheries for federal waters. The timeline for this document is as follows:

- August 2018 Draft Public Information Document considered for public comment
- August-September 2018 public comment
- October 2018 Board direction for Draft Amendment development
- May 2019 Board considers draft Amendment for public comment
- August 2019 Board considers final approval

The Commission recommends the current federal regulations remain in place until the Commission's Amendment is completed. The Commission is unsure of NMFS's timeline to implement new regulations for federal waters but would work with NMFS to ensure a seamless transition of regulations for Atlantic cobia in federal waters. It would work best if NMFS was to simultaneously remove Atlantic cobia from management under the councils/MSA and replace the following regulations under the Atlantic Coastal Fisheries Cooperative Management Act until the Commission's Amendment is completed:

1. Current commercial ACL and recreational ACL
2. Commercial size limit of 33-inch FL and commercial trip limit of 2 fish per person per day or 6 fish per vessel per day, whichever is more restrictive
3. Recreational size limit of 36-inch FL and recreational bag limit of 1 per person per day or 6 fish per vessel per day, whichever is more restrictive

May 21, 2018
Mr. Phillips
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4. Provisions to allow NMFS to close federal waters once the ACL is met or projected to be met
5. Gear limits/regulations

The Commission will continue to work with the Councils and Southeast Regional Office staff to ensure a smooth transfer of this resource. Please contact me if you have any questions.

Sincerely,



Robert E. Beal

cc: South Atlantic State-Federal Fisheries Management Board
Doug Gregory, Carrie Simmons, Ryan Rindone, and Leann Bosage, GMFMC
Jack McGovern and Rick DeVictor, SERO
Monica Smit-Brunello and Shepherd Grimes, NOAA GC