

Discussion Paper on ASMFC Request for Management of Atlantic Cobia

South Atlantic Fishery Management Council
Prepared by SAFMC staff
June 2, 2017

Introduction

At their May 2017 meeting, the South Atlantic State-Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission's (ASMFC) Board approved the following motion: *Move to request that the SAFMC and GMFMC consider transferring management authority of Atlantic migratory Cobia stock to Commission.* The ASMFC is currently developing an interstate management plan for cobia, which is expected to be implemented in early 2018.

The ASMFC sent a letter to the South Atlantic Fishery Management Council (South Atlantic Council) and Gulf of Mexico Fishery Management Council (Gulf Council) with the request to begin discussion about the benefits, challenges and other factors that would need to be considered if Atlantic cobia is removed from the federal fishery management plan. The letter is attached at the end of this discussion paper.

Benefits

1. Increased flexibility for the states

The primary benefit of ASMFC management will be increased flexibility. Removal of Atlantic cobia from the federal fishery management plan will allow the ASMFC to design the interstate plan without constraints of federal requirements.

A specific requirement that would be removed is the mandate for an annual catch limit (ACL) and accountability measure. Currently the ACL for Atlantic cobia is 670,000 lbs whole weight (ww) (620,000 lbs ww to recreational; 50,000 lbs ww to commercial). The accountability measures in place have resulted in National Marine Fisheries Service (NMFS) implementing shortened recreational seasons for 2016 and 2017 to mitigate a previous year with landings exceeding the ACL and the overfishing level (OFL; 766,000 lbs ww). In 2016 and 2017, Virginia and North Carolina allowed recreational harvest (with restrictions) in state waters for a portion of the year to minimize negative impacts of the federal closure, but the result is limited or no harvest for fishermen in Georgia and South Carolina.

It should be noted that the ASMFC may choose to use recreational harvest similar to ACLs based on the stock assessment, even if there is not a mandate.

2. Reduced regulatory complexity for GA-NY

If there is both an interstate plan and a federal plan for Atlantic cobia, the ASMFC, NMFS and South Atlantic Council would need a process to specify and implement federal management. The process could be set up similarly to joint management of summer flounder. Each year, the Mid-Atlantic and ASMFC meet jointly to determine the coastwide measures or conservation equivalency, while keeping landings under the ACL based on annual ABC recommendation from the Mid-Atlantic SSC. NMFS determines if the combined state or regional measures are equivalent to coastwide measures and will keep landings below a specific recreational harvest limit. NMFS can waive the federal coastwide measures if the state/regional measures are adequate.

If Atlantic cobia is removed from the federal fishery management plan, there would be no required action by the South Atlantic Council. The ASMFC would determine the harvest limits and management measures for Atlantic stock cobia (currently harvested north of the GA/FL line), and the measures could be specified as being extended into the EEZ. The ASMFC and South Atlantic Council would not need to determine a process for aligning state and federal regulations.

3. Opens up alternatives to MRIP data for monitoring recreational harvest

Under federal mandates, Atlantic cobia recreational harvest is determined using MRIP data along with headboat data and SEFSC calibration. Although there are challenges and concerns about MRIP data for use in a dynamic fishery like cobia, the data have been deemed as the best available information and will continue to be used to monitor recreational landings and to determine if the ACL is met or exceeded.

If Atlantic cobia is removed from the federal fishery management plan, it may be possible for the ASFMC to develop and specify alternative means to track recreational landings of cobia. Several states have mandatory and voluntary reporting for private recreational anglers, and this information could be evaluated and used for monitoring in addition to or in place of MRIP estimates.

Challenges

1. Negative effects on stock without MSA mandates

The most recent stock assessment determined that Atlantic cobia are not overfished and overfishing is not occurring. In 2015 and 2016, landings exceeded the annual catch limit and the overfishing level by a large percentage. The effectiveness of the accountability measure (shortened recreational season in federal waters) implemented for 2016 due to the overage in the previous year was minimized due to landings in state waters of Virginia and North Carolina. The longer term effects of high levels of removals in Virginia and North Carolina state waters is unknown at this time. However, implementation of an interstate plan will be more effective in coordinated management in state waters for all involved states.

Although cobia is a pulse fishery and landings may vary greatly year to year, the requirements for annual catch limits and accountability measures to keep landings under the ACLs are intended to minimize negative effects on the stock and allow for sustainable harvest of cobia. It is possible that recent years of high landings are normal and part of a long-term cycle for cobia fishery conditions that may be followed by several years of low landings, with no severe effects on the stock. It is also possible that the high-level landings and the increased popularity of recreational cobia fishing may have negative effects on the stock in the near future, similar to the decrease in local abundance of cobia in southern South Carolina after several years of significant harvest during spawning activity. The ASMFC may choose to incorporate harvest limits into the interstate plan regardless, but there will no mandate for limits and accountability measures if Atlantic cobia is removed from the federal FMP.

2. Gulf Cobia and Florida East Coast

The boundary between the Gulf and Atlantic stocks of cobia is at the GA/FL line, as determined in the most recent stock assessment (SEDAR 28). Cobia harvested in state and federal waters off the Florida east coast are considered to be part of the Gulf stock, and count towards the Florida

east coast quota (an allocated proportion of the Gulf ACL). The ASMFC request for sole management of cobia does not include Gulf cobia, only Atlantic (GA-NY) cobia.

If Atlantic cobia are removed from the federal FMP, the Councils would continue federal management of cobia harvest off the Florida east coast because these fish are part of the Gulf cobia stock. This may result in some complexity of management, along with some concerns about fairness or equity among fishermen.

The next stock assessment for Gulf and Atlantic cobia is expected to begin in the next few years. The assessment will incorporate genetic and tagging data that has been generated since the last stock assessment (with data through 2011), which could result in a revised stock boundary between the Gulf and Atlantic groups. This may result in additional complexity for management.

3. Essential Fish Habitat

Removing Atlantic cobia from the CMP FMP would remove the EFH designations associated with cobia. There are other species that should cover these designations but removal of Atlantic cobia would weaken any rationale against activities that would alter habitat.

4. Stock Assessment Responsibility

Removing Atlantic cobia from the CMP FMP would remove cobia as a priority species for the South Atlantic Council. However, NMFS is charged with providing assessment support to the ASMFC similar to the way NMFS is responsible for the Councils' stock assessment support. Cobia would most likely become an ASMFC priority species similar to the way menhaden is currently a priority species. The Beaufort Lab conducts menhaden stock assessments for ASMFC and could also need to take on ASMFC cobia assessments.

5. Timing

Given that any change will require a Plan Amendment, the South Atlantic Council should support the continued stock ID workshop and assessment schedule (beginning in 2018) until the decision to remove Atlantic cobia from the FMP is made by the South Atlantic and Gulf Councils (amendment and public hearings, etc.) and then finally approved by the Secretary of Commerce (SOC).

As for timing, it would be advantageous to have the Councils' decision/amendment completed and the SOC decision made prior to receiving results of the stock assessment. The South Atlantic Council would take the lead on preparing the amendment and would have to be factored into the South Atlantic Council's priority list at the June 2017 meeting.

Council Conclusion

To be added at the June 2017 SAFMC meeting

Option 1. No Action. Continue to manage Atlantic cobia in the CMP FMP and in the ASMFC Complimentary FMP. This would continue the ACLs/AMs.

Option 2. Approve the ASMFC's request to remove Atlantic cobia from the CMP FMP. This would require a plan amendment and would require approval of the Gulf Council.

Option 3. Others??



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Vision: Sustainably Managing Atlantic Coastal Fisheries

May 24, 2017

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Dear Mr. Waugh and Mr. Gregory,

I am writing on behalf of the Atlantic States Marine Fisheries Commission's (Commission) South Atlantic State-Federal Fisheries Management Board (Board) regarding cobia management. The Board approved a motion in May requesting a transfer of management for the Atlantic Migratory Group Cobia from the South Atlantic Fishery Management Council (SAFMC) and Gulf of Mexico Fishery Management Council (GMFMC) to the Commission. The motion states, "*Move to request that the SAFMC and GMFMC consider transferring management authority of Atlantic migratory Cobia stock to Commission.*"

At the request of the SAFMC, the Commission began development of an interstate fishery management plan (FMP) to complement the existing federal plan. After a review and discussion of issues related to the development of a complementary FMP, the Board agreed sole management by Commission provides the greatest flexibility to the state's and relieves the federal management bodies from development of measures to support state-specific actions, including maintaining a FMP and monitoring the annual catch limit.

While the transfer request is considered, the Board intends to move forward with a complementary FMP, with implementation in the first half of 2018, to more fairly and equitably manage the fishery in state waters. The Board will work with the SAFMC to transfer management authority through a subsequent management document if there is agreement a transfer is warranted. The primary merit of this request centers on the observation that the majority of the fishery occurs within state waters.

The Commission requests the SAFMC discuss this issue at their June meeting to consider the merits and resource implications of transferring management authority. Further, the Commission asks the SAFMC to consider recommending the continued support for cobia stock assessments from the Southeast Fisheries Science Center (SEFSC). The Commission will provide assistance from staff and the Cobia Technical Committee for data and stock assessment workshops.

Dr. Louis Daniel and I will be attending the SAFMC meeting to provide additional information and answer questions. Your consideration of this request is appreciated.

Sincerely,



Robert E. Beal

cc: South Atlantic State-Federal Fisheries Management Board

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