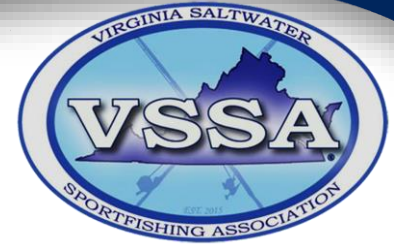


# Virginia Saltwater Sportfishing Association (VSSA)

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Dr. Michael Schmidtke  
Atlantic States Marine Fisheries Commission  
1050 N. Highland Street, Suite 200 A-N  
Arlington VA, 22201

Subject: Cobia Amendment 1 PID

October 1, 2018

Thank you for the opportunity to comment on the ASMFC Cobia Amendment 1 Public Information Document (PID). We appreciate you coming to Virginia to hear our concerns in person. Our comments to individual questions are enclosed. Our main concerns are:

- Have one set of regulations that are the same for both federal and state waters.
- Let the port of departure and return determine which state regulation is followed.
- Give us a fair allocation of the resource for the entire Atlantic coast from Key West to New York.
- Give us stability in regulations with no in season changes and no closures once a season starts.
- Use numbers of fish (not pounds) to estimate overall catches.
- Let the states determine their own bag limits and seasons based on the allocation using historical 3-year catch estimates.

We look forward to reviewing the draft Amendment 1 once released for comment.

Sincerely,

*Mike Avery*

Mike Avery  
President



VSSA Comments to questions for the Atlantic Cobia Amendment 1 PID

<http://www.mrc.state.va.us/Notices/2018/2018-08-Cobia-PID-Hearings-Memo.pdf>

### **ISSUE 1: Recommended Management for Federal Waters**

**What types of regulations should the Commission recommend be implemented into federal waters, e.g. quota, bag limits, seasons, size limits?** *We should retain the 36-inch fork length or 40-inch total length size limits for the coast-wide areas. We believe the federal coast-wide recreational bag limit should remain at one cobia per person per day, or six cobia per vessel per day, whichever is more restrictive. The issue of bag limits and seasons should be left to the individual states based on the allocation as cobia migrate differently for each state.*

**Should vessels fishing in federal waters be subject to cobia regulations of their state of landing?**

*For simplicity and clarity to avoid confusion there should only be one set of regulations (for each state) that cover both state and federal waters. While fishing for cobia it is not uncommon to criss-cross both state and federal waters. Having a single regulation for each state would make management and enforcement less confusing.*

**Should state jurisdictional boundaries be extended by latitude to apply federal regulations in sectioned areas of federal waters?**

*We believe the best management option should simply be the port of departure and return. Sometimes a boat may not be targeting cobia but find themselves geographically just over a state line and catch a cobia but will return to the port they departed from. Where ever the port the cobia is landed should be the regulation that applies to that trip.*

**Should a separate set of regulations be developed specifically for fishing in federal waters?** *No (see above).*

**Should the Commission consider some other strategy?** *See responses above.*

### **ISSUE 2: Harvest Specification Process**

**For Both Commercial and Recreational Fisheries**



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**If a coastwide limit continues to be considered, how should it be set?** The commercial quota is so small we recommend that management continue as a coast-wide stock. Attempting to divide the small commercial quota among the states would result very small individual quotas and management would be difficult.

For recreational management, we should retain the 36 inch fork length or 40 inch total length size limits for the coast-wide areas. We believe the federal coast-wide recreational bag limit should remain at one cobia per person per day, or six cobia per vessel per day, whichever is more restrictive. The issue of bag limits and seasons should be left to the individual states as cobia migrate differently for each state. There should be a fair allocation for each state and each state should determine how it stays within that allocation with seasons and bag limits.

Please note, the current allocation of 620,000 lbs. for GA-NY is unfair and the process used to determine that is deeply flawed. Even if ASMFC accepts the results of SEDAR 58 to continue management separation at the GA/FL line, the allocations given to East Florida compared to the rest of the Atlantic coast is completely unfair and biased. We strongly recommend ASMFC work with SAFMC and the Gulf Council to ensure the allocation remains fair, balanced, and unbiased. Allowing a single state (Florida) to have an unfair, larger allocation for both their Atlantic Coast and Gulf Coasts is simply not right and unfair. We ask for fair allocations with no advantages and biases given to any single state or coast. As such, we would expect to see the Atlantic allocation increase to reflect fair allocations.

**How should it be allocated?** Percentages to states based on historical landings.

**To the commercial and recreational sectors?** See above and below.

**To the states?** See above and below.

What options should be considered if the stock status is overfished or overfishing is occurring or if harvest limits/quotas/targets are exceeded? Stability is what is desired by anglers and charter captains. Once a season is established there should be no changes to that current season. Charter captains plan out the year for expenses, bills, etc. and if seasons change or shut down could result in such disruptions in income it could shut them down completely as small business operators. We strongly believe we should not put management options in place that allow the commission to make in season changes. Sticking with the 3-year averages should be enough to manage the stocks. Stability is what is desired the most.



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**Should management regimes without coastwide harvest limits be considered? If so, what could those look like?** Every year the cobia seem to migrate farther north. We believe every state from GA to NY should have regulations in place to manage cobia.

#### **For the Recreational Fishery**

**What recreational management options should be allowed for consideration in the specification process?** We should retain the 36-inch fork length or 40-inch total length size limits for the coast-wide areas. We believe the recreational bag limit should remain at one cobia per person per day, or six cobia per vessel per day, whichever is more restrictive. The issue of bag limits and seasons should be left to the individual states as cobia migrate differently for each state. There should be a fair allocation for each state and each state should determine how it stays within that allocation with seasons and bag limits.

Please note, the current allocation of 620,000 lbs. for GA-NY is unfair and the process used to determine that is deeply flawed. Even if ASMFC accepts the results of SEDAR 58 to continue management separation at the GA/FL line, the allocations given to East Florida compared to the rest of the Atlantic coast is completely unfair and biased. We strongly recommend ASMFC work with SAFMC and the Gulf Council to ensure the allocation remains fair, balanced, and unbiased. Allowing a single state (Florida) to have an unfair, larger allocations for both their Atlantic Coast and Gulf Coasts is simply not right and unfair. We ask for fair allocations with no advantages and biases given to any single state or coast. As such, we should expect to see the Atlantic allocation increase to reflect fair allocations.

The state allocation should be based a fair percentage based on historical landing.

**Should the current 3-year time period for evaluating recreational harvests against management targets be reduced?** No!!!!

**Should recreational harvests be evaluated in numbers of fish or pounds?** We would like to see numbers of fish used to estimate overall catch. The MRIP estimate process is deeply flawed as all it takes one large fish that get intercepted to grossly over estimate the overall estimates.



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### **For the Commercial Fishery**

**What commercial management options should be allowed for consideration in the specification process?** *The commercial quota is so small we recommend that management continue as a coast-wide stock. Attempting to divide the small commercial quota among the states would result very small individual quotas.*

*We recommend Amendment 1 be clarified to allow commercial crews to have only 1 commercial permit holder on the vessel with 2 per person as the limit. The current interpretation of the regulation that limits the per person limit to only 2 cobia per permit holder severely puts the commercial permit holder at such an extreme disadvantage that fishing for cobia commercially is not economically viable. A commercial operator that can only bring in 2 cobia would barely cover the trip expenses. The quota is so small that the effects on the overall stock is inconsequential.*

**Should commercial measures be set to remain in place for multi-year periods?** *Yes.*

**Should a coastwide landings permitting mechanism be established through the states for commercial harvest of Atlantic cobia in federal waters?**

*The mechanism for state landings should be the same for federal landings. There is no need to make the distinctions between state and federal waters. One set of limits should be applied to both state and federal waters.*

**Or, should the Commission recommend that NOAA fisheries require a federal permit to harvest cobia commercially in federal waters?**

*We don't believe a federal permit should be required as long as the state has a process to manage commercial permits.*

### **ISSUE 3: Biological Monitoring**

**Should states be required by the FMP to collect biological data on cobia?** *States should have programs for voluntary contributions like Virginia. Many anglers have a strong desire to contribute to such a program that you have more data that needed. We would not support any*



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*mandatory program that requires anglers to participate because the sampling stations are sometime too far away.*

**Should the same biological monitoring requirements be required of all states or should requirements vary based on the size of the states' fisheries (for example 1 fish length per 1,000 pounds harvested)?** *Let the states establish their own program based on resources available.*

**Should biological monitoring be conducted for the commercial sector, recreational sector, or both?** *Both but voluntary in nature.*

**What types of biological monitoring programs would you participate in? Examples include freezer donation or weigh-in stations.** *Let the states establish their own program based on resources available.*