

Atlantic States Marine Fisheries Commission

ISFMP Policy Board

*August 3, 2016
1:30-3:30 p.m.
Alexandria, Virginia*

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*D. Grout*) 1:30 p.m.
2. Board Consent (*D. Grout*) 1:30 p.m.
 - Approval of Agenda
 - Approval of Proceedings from May 2016
3. Public Comment 1:35 p.m.
4. State Directors Meeting Report (*D. Grout*) 1:45 p.m.
5. Executive Committee Report (*D. Grout*) 1:50 p.m.
6. Review of Stock Rebuilding Performance (*T. Kerns*) 2:00 p.m.
7. Discuss Recommendation from South Atlantic State Federal Management Board regarding Commission involvement in Cobia Management (*J. Estes*) **Action** 2:15 p.m.
8. Discuss Revisions to Conservation Equivalency Guidance Documents (*T. Kerns*) 2:45 p.m.
9. Risk and Uncertainty Policy Workgroup Progress Report (*S. Madsen*) **Action** 2:55 p.m.
10. Habitat Committee Report (*L. Havel*) **Action** 3:05 p.m.
11. Artificial Reef Committee Report (*L. Havel*) 3:15 p.m.
12. Atlantic Coastal Fish Habitat Partnership Report (*L. Havel*) 3:20 p.m.
13. Review Non-Compliance Findings, If Necessary **Possible Action** 3:25 p.m.
14. Other Business/Adjourn 3:30 p.m.

The meeting will be held at the Westin, 400 Courthouse Square, Alexandria, Virginia; 703.253.8600

MEETING OVERVIEW

ISFMP Policy Board Meeting
Thursday, August 3, 2016
1:30-3:30 p.m.
Alexandria, Virginia

Chair: Doug Grout (NH) Assumed Chairmanship: 10/15	Vice Chair: Jim Gilmore (NY)	Previous Board Meeting: May 4, 2016
Voting Members: ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS (19 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 4, 2016

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. State Directors Meeting Report (1:45-1:50 p.m.)
Background <ul style="list-style-type: none">• The State Directors met on August 1, 2016
Presentations <ul style="list-style-type: none">• D. Grout will provide an update of the meeting
Board direction for consideration at this meeting <ul style="list-style-type: none">• none

5. Executive Committee Report (1:50-2:00 p.m.)
Background <ul style="list-style-type: none">• The Executive Committee met on August 2, 2016
Presentations <ul style="list-style-type: none">• D. Grout will provide an update of the committees work
Board direction for consideration at this meeting <ul style="list-style-type: none">• none

6. Review of Stock Rebuilding Performance (2:00-2:15 p.m.)
Background

- As part of the ASMFC 2014-2018 Strategic Planning process, the Commission agreed to conduct more frequent reviews of stock status and rebuilding progress.
- The ASMFC’s 2016 Action Plan tasks the Policy Board with conducting a review of stock rebuilding performance.
- This will include an update on the Climate Change Work Group

Presentations

- A presentation will be given on the stock rebuilding performance for each species managed by the Commission by T. Kerns (**Supplemental Materials**)

Board actions for consideration at this meeting

- Determine if the rebuilding performance for each species is consistent with the Commission Vision and Goals.
- If the performance is not consistent with Vision and Goals, what action should be taken.

7. Discuss Recommendation from South Atlantic State Federal Management Board regarding Commission involvement in Cobia Management (2:15-2:45 p.m.) Action

Background

- The South Atlantic Council Fishery Management Council (Council) requested the Commission consider joint or complementary management of cobia with the Council (Briefing Materials).
- In 2105, 82% of the cobia harvest occurred in state waters. The ACL was exceeded by approximately 91,000 pounds. The Council is looking for a more flexible management approach to allow for timely adjustments of measures but still provide equitable access across multiple jurisdictions while meeting conservation goals.
- The Policy Board tasked the South Atlantic State/Federal Fisheries Management Board (SASFMB) to look at types of management scenarios and bring a recommendation to the Policy Board in August

Presentations

- J. Estes will present a recommendation on behalf of the SASFMB.

Board guidance for consideration at this meeting

- Does the board want to consider a cobia FMP?

8. Discuss Revisions to Conservation Equivalency Guidance Documents (2:45-2:55 p.m.)

Background

- The Executive Committee tasked staff to update the Conservation Equivalency Guidance Document to reflect the current practices of the Commission.
- The MSC and ASC reviewed proposed revisions and made recommendations to the Executive Committee (**Briefing Materials**).
- The Executive Committee will discuss the proposed revisions at the August 2 meeting.

Presentations

- T. Kerns will review the executive Committee discussion on the Conservation Equivalency Guidance Document

Board guidance for consideration at this meeting

- None

9. Risk and Uncertainty Policy Workgroup Update (2:55-3:05 p.m.) Action**Background**

- Previously, both scientific oversight committees recommended developing a Commission Risk and Uncertainty Policy and advised the formation of a multi-disciplinary workgroup.
- The Risk and Uncertainty Policy Workgroup was formed and met to develop a timeline and create an overarching statement to guide policy development. **(Supplemental Materials)**

Presentations

- S. Madsen will review (1) the timeline for the development of the Commission's Risk and Uncertainty Policy and (2) the Risk Policy statement developed by the Workgroup **(Supplemental Materials)**.

Board actions for consideration at this meeting

- Approve the Risk Policy statement

10. Habitat Committee Report (3:05-3:15 p.m.) Action**Background**

- The Habitat Committee met in May in Cape May, New Jersey
- The Sciaenid Habitat Source Document is in the final writing stages.
- The Committee provided feedback on NOAA's Atlantic Sturgeon Critical Habitat designations.
- The Committee reviewed proposed seismic testing for oil and gas resources in ocean waters off the Atlantic coast. The Committee recommends the Commission adopt a position and convey that position to BOEM and other relevant entities. The recommendations are outline in a memo on **supplemental materials**.

Presentations

- L. Havel will present the Habitat Committee updates.

Board direction for consideration at this meeting

- Consider a position regarding seismic testing for energy resources in Atlantic waters.

11. Artificial Reef Committee Report (3:15-3:20 p.m.)**Background**

- ACFHP's The Artificial Reef Committee met jointly with the GSMFC Artificial Reef Committee in March in San Antonio, Texas.
- ASMFC co-hosted the National Artificial Reef Workshop with NOAA Fisheries in Alexandria, VA in June.

Presentations

- L. Havel will present Artificial Reef Committee updates.

Board direction for consideration at this meeting

- None

12. Atlantic Coastal Fish Habitat Partnership Report (3:20-3:25 p.m.)**Background**

- ACFHP's Science and Data and Steering Committees met in May in Cape May, New Jersey to discuss several topics including: updating ACFHP's 5-year conservation strategic plan, the black sea bass habitat contract, and the eel grass conservation project in Narragansett Bay, Rhode Island.
- A funding offer has been made to The Nature Conservancy to remove the Bradford Dam in Westerly, Rhode Island with funds from USFWS NFHAP funds.
- Southeast fish habitat mapping project has begun thanks to funding from NOAA. The goal of the project is to prioritize habitat areas on along the Atlantic coast for restoration and protection.

Presentations

- L. Havel will present ACFHP updates.

Board direction for consideration at this meeting

- None

11. Review Non-Compliance Findings, if Necessary**12. Other Business****13. Adjourn**

***Cobia Management: How the Atlantic States Marine Fisheries Commission could take part in
the management of the cobia fishery
South Atlantic State/Federal Fisheries Management Board
August 2016***

Introduction

Cobia (*Rachycentron canadum*) is a member of the family Rachycentridae and is distributed worldwide in tropical, subtropical and warm-temperate waters. In the western Atlantic they occur from Nova Scotia, Canada, south to Argentina, including the Caribbean Sea. It is abundant in warm waters off the coast of the U.S. from the Chesapeake Bay south and throughout the Gulf. Cobia prefer water temperatures between 68-86°F. As a result of their wide distribution and genetic stock differences, cobia are managed as two distinct groups. The Gulf Migratory Group cobia (GMG) includes those fish off the East coast of Florida and into the Gulf of Mexico. GMG cobia are currently managed by the Gulf of Mexico Fishery Management Council, with the exception of the East coast of Florida which is managed by the South Atlantic Fishery Management Council (SAFMC). Atlantic Migratory Group cobia (AMG cobia) occur from Georgia to New York. AMG cobia are currently managed by the SAFMC through the Coastal Migratory Pelagics Fishery Management Plan; the Mid-Atlantic Fishery Management Council (MAFMC) participates through two voting seats on the SAFMC's Mackerel/Cobia Committee.

Recreational cobia landings in 2015 were 1,540,776 pounds, 145% over the annual catch limit (ACL), resulting in a June 20, 2016 closure of the fishery by NOAA Fisheries. Commercial cobia landings in 2015 were 83,148 pounds, 38% over the ACL. Late landings reports in 2015 precluded a timely closure of the commercial fishery.

Concerns were expressed by individual states whose recreational seasons were significantly reduced by the closure due to the overage of the 2015 quota. North Carolina and Virginia developed alternate management strategies to avoid the June 20, 2016 closure enacted by NOAA Fisheries for 2016. South Carolina has recently implemented more restrictive measures that are consistent with the actions of NOAA Fisheries in some areas.

As a result of the significant overage of the 2015 recreational ACL, the jurisdictional impacts and the observation that on average 82% of reported recreational landings are harvested in state waters, the SAFMC requested that the Atlantic States Marine Fisheries Commission (ASMFC) consider complementary or joint management of the cobia resource. The ASMFC considered this request at the May 2016 meeting and agreed that ASMFC management of cobia may be prudent. The ISFMP Policy Board directed the South Atlantic State/Federal Fisheries Management Board (Board) to develop options for how the ASMFC could be involved with cobia management to consider at the August 2016 meeting.

Life History

Cobia is a fast growing, moderately lived species that supports a valuable recreational fishery throughout the south Atlantic and into the mid-Atlantic region. Known for their readiness to

take a bait, tough fighting abilities, and excellent table fare, the fishery is popular. The commercial fishery is primarily a by-catch in other directed fisheries such as the hook and line fishery for snapper/grouper and troll fisheries for various species (e.g., king mackerel, dolphin).

Cobia grow rapidly in their first 2 years with most mature at age 2. Females grow faster and attain larger sizes than males. Spawning occurs during a protracted spawning season from April through September. Consistent with protracted spawning, cobia spawn multiple batches of eggs throughout the season.

Recent genetic and stock structure analysis suggests the Florida portion of the stock is more appropriately managed with the Gulf of Mexico stock, while the Georgia to New York population comprise a separate, northern component. While cobia do frequent areas north of Virginia, the harvest is uncommon and sporadic. Landings have been episodically reported from Maryland, New York, New Jersey and Rhode Island and make up from 3-15% of the total mid-Atlantic landings.

The 2013 stock assessment conducted through the SouthEast Data Assessment and Review (SEDAR) process indicated overfishing is not occurring and the stock is not overfished. The current ACL is a precautionary approach to prevent the stock reaching an overfished status. The recent overage in 2015, exceeded the Council defined Overfishing Limit.

The 2013 stock assessment does provide some reasons for concern. While the terminal year of the assessment was 2011, Spawning Stock Biomass (SSB) experienced a general decline from 2002 forward (Figure 1). Further, recreational landings have increased over the latter portion of the time series that may increase potential overfishing issues in the next assessment. In June, the SAFMC proposed cobia be included in a 2017 Stock ID workshop and the 2018 SEDAR schedule for a benchmark assessment.

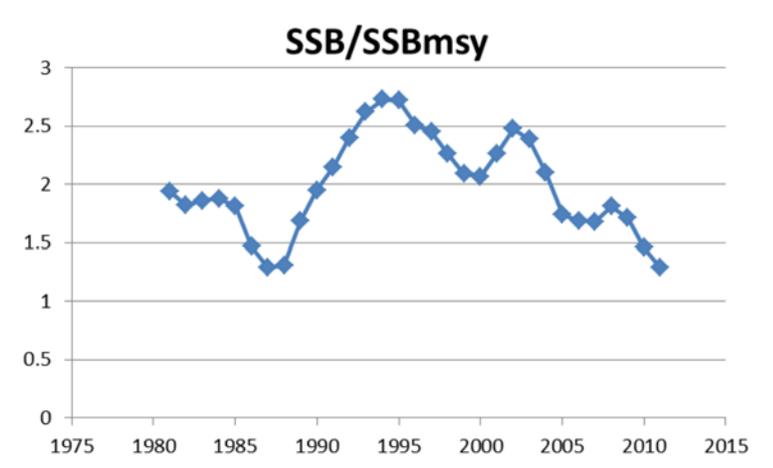


Figure 1. Spawning stock biomass relative to the MSY biomass reference for 1981-2011. SSB estimates are available farther back in time; this period was chosen to highlight the impact of landings during this time on SSB estimates

Cobia Fishery

There is both a commercial and recreational cobia fishery along the Atlantic coast. Management measures include size limits, possession limits, trip limits and quotas. State specific recreational measures vary coastwide and can be found in Table 3. Commercial restrictions, aside from the ACL, are consistent throughout most of the range with a 33"FL size limit and 2 fish trip limit. The distribution of the quota between commercial and recreational sectors is based on historical landings (50% is based on the average 2000-2008 landings and 50% is based on the average 2006-2008). Beginning in 2016, and expected to hold constant until a future assessment, the quota is split 92% recreational and 8% commercial. The 2016 Allowable Biological Catch (ABC) for AMG cobia is 670,000 pounds. The recreational ACL is 620,000 pounds and the commercial ACL is 50,000 pounds. The ABC for 2015 was slightly higher at 690,000 pounds.

Recreational cobia fisheries are prosecuted similarly along the coast. The primary methods include bottom fishing with live or dead natural bait and sight casting to single or small pods of fish, oftentimes around schools of bait (e.g., menhaden, thread fin shad). The popularity of sight casting has grown recently, resulting in increased interest in the fishery. Further, this interest has resulted in a lucrative expansion in the tackle market as baits are relatively specific for these large fish. Recreational landings for AMG cobia have varied with little trend since 2005, however, landings did hit a time series high in 2015 resulting in a significant overage in the federal ACL (Figure 2).

Commercial harvest of cobia has traditionally been a bycatch in the offshore snapper/grouper and trolling fisheries. Directed fisheries are generally precluded as a result of the low possession limits. The commercial fishery has seen an increasing trend from North Carolina through the mid-Atlantic over the time series. The AMG cobia commercial fishery closed early in 2014 (December 11, 2014). The 2015 overages would be deducted if the stock were overfished, however, given they are not overfished, the commercial quota for 20-16 will be 50,000 pounds (Figure 3).

Federal Management

The Cobia FMP is currently managed jointly in federal waters by the SAFMC and the GMFMC under the joint Coastal Migratory Pelagics Fishery Management Plan; the MAFMC participates through two voting seats on the SAFMC's Mackerel/Cobia Committee. The GMFMC sets the overall ALC for Gulf cobia and the measures to achieve that quota with the exception of the East coast of Florida. The East coast of Florida has a suballocation of the overall Gulf ACL; the percentage was determined jointly by the two councils in Amendment 20B. The suballocation is then split 92% recreational and 8% commercial. The SAFMC then sets management measures to achieve the quota. The ACL and measures to achieve the ACL for AMG cobia is set by the SAFMC.

The SAFMC is currently developing Framework Amendment 4 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region (included in

briefing materials). The framework includes actions to modify recreational and commercial harvest limits, change the recreational fishing year and modify recreational accountability measures for Atlantic migratory group cobia in the exclusive economic zone (EEZ) from the Georgia/Florida line through the Mid-Atlantic region.

State Management

Florida

Recreational cobia landing on the East coast of Florida ranged from 274,276 to 761,440 pounds (avg. = 488,788 pounds) during the 2005-2015 time series (Table 1). Current regulations are a 33" fork length and a 1 per person or 6 per vessel (whichever is less) bag limit. Legal gear is limited to spears, gigs, hook and line, seine and cast net (Table 3).

Commercial cobia landings on the East coast of Florida ranged from 57,003 to 156,069 pounds (avg. = 88,278 pounds) during the 2007-2011 time series (Table 2).

Georgia

Recreational cobia landings in Georgia ranged from 3,358 to 257,690 pounds (avg. = 58,111 pounds) during the 2005-2015 time series (Table 1). Current regulations in Georgia are a 2 fish per person bag limit with a 33"FL size limit (Table 2).

Commercial landings in Georgia and South Carolina are low and values for the two states were combined from 2010-2015 to avoid confidentiality issues and averaged 3,867 pounds (Table 4).

South Carolina

Recreational cobia landings in South Carolina ranged from 3,565 to 268,677 pounds (avg. = 76,954 pounds) during the 2005-2015 time series (Table 1). Current regulations in South Carolina consist of seasonal and areal bag limits from 1 to 2, a regional spawning season closure in May, and 33"FL size limit (Table 3). Cobia are designated as gamefish in South Carolina.

North Carolina

Recreational cobia landings in North Carolina ranged from 66,258 to 630,373 pounds (avg. = 259,883 pounds) from 2005-2015 (Table 1). Current regulations in North Carolina consist of a 1 fish bag limit with a boat limit of 2 fish for private boats and 4 fish in the for-hire sector (private vessels may only retain cobia on Monday, Wednesday, and Saturday), 37" FL size limit, and a closure in state waters effective September 30, 2016 (Table 3).

Commercial landings in North Carolina ranged from 19,950-52,315 pounds from 2010-2015, averaging 37,559 pounds over the time series. The landings of 52,315 pounds in 2015 accounted for nearly the entire AMG cobia commercial quota in 2015 and would have exceeded the 2016 quota (Table 4).

Virginia

Recreational cobia landings in Virginia ranged from 36,409 to 733,740 pounds (avg. = 368,059 pounds) during the 2005-2015 time series (Table 1). Current regulations in Virginia consist of 1

fish bag limit and 2 fish per boat. A 40"TL size limit with no more than one greater than 50"TL, no gaffing permitted, state waters close on August 30, 2016 (Table 2).

Commercial landings for the mid-Atlantic region (Virginia, Maryland, New Jersey, New York) and Rhode Island are combined in Table 4 to avoid confidentiality issues in several Mid-Atlantic States. The majority of the mid-Atlantic landings come for Virginia. The average landings from 2010-2015 were 14,732 pounds.

Table 1. Recreational landings of Atlantic cobia from 2005-2015 in pounds. Data sources: MRIP and SEFSC

Year	Virginia	North Carolina	South Carolina	Georgia	Total AMG (VA-GA)	East Coast of Florida
2005	577,284	322,272	5,793	3,358	908,707	287,267
2006	733,740	104,259	101,018	4,824	943,841	493,334
2007	322,887	90,197	268,677	64,708	746,469	580,632
2008	167,949	66,258	50,108	257,690	542,006	438,621
2009	552,995	123,061	76,229	3,997	756,282	361,120
2010	232,987	561,486	65,688	79,855	940,015	745,228
2011	136,859	121,689	3,565	90,375	352,488	761,440
2012	36,409	68,657	224,365	105,193	434,623	370,373
2013	354,463	492,969	19,130	29,224	895,786	274,276
2014	214,427	277,489	31,927	20,642	544,485	582,423
2015	718,647	630,373	123,952	67,804	1,540,776	481,956

* There are no MRIP-estimated recreational landings of AMG cobia in states north of Virginia.

Table 2. Commercial cobia landings for Florida East Coast, 2007-2011 (pounds).

	Commercial Cobia landings
2007	60,805
2008	57,003
2009	65,953
2010	101,564
2011	156,069

Table 3. Recreational measures in 2016 for Virginia, North Carolina, South Carolina and Georgia.

State	Bag limit	Vessel limit	Size Limit (inches)	Legal Gear
Virginia	1 fish*	2 fish	40" TL, only 1 > 50" TL	
North Carolina	1 fish**	For-hire: 4/vessel or 1 person when less than 4 people on board Private: 2 fish on vessels with more than 1 person on board	37" FL	No gaffing permitted
South Carolina – north of Jeremy Inlet, Edisto Island	2 fish	None	33" FL	
South Carolina-south of Jeremy Inlet, Edisto Island	1 fish June 1-Apr 30 Catch and release only May 1-May 31	3 fish per vessel or 1 fish per person, whichever is lower	33" FL	
Georgia	2 fish	None	33" FL	
Florida	1 per person	1 per person or 6 per vessel, whichever is less	33"FL	spears, gigs, hook and line, seine, cast net

*VA State waters close 8/30/16.

**NC State waters close 9/30/16; private recreational can only retain cobia on Mondays, Wednesdays, and Saturdays.

Table 4. Commercial cobia landings (pounds) and revenues (2014 dollars) by state/area, 2010-2015.

Year	GA/SC	NC	Mid-Atlantic*	Total
Commercial Landing in Pounds				
2010	3,174	43,737	9,364	56,275
2011	4,610	19,950	9,233	33,793
2012	3,642	32,008	6,309	41,959
2013	4,041	35,496	13,095	52,632
2014	4,180	41,848	23,111	69,139
2015	3,555	52,315	27,277	83,148
Average	3,867	37,559	14,732	56,158
Dockside Revenues (2014 dollars)				
2010	\$11,377	\$70,377	\$19,976	\$101,730
2011	\$19,666	\$37,893	\$21,666	\$79,224
2012	\$15,554	\$66,887	\$14,597	\$97,038
2013	\$15,639	\$79,397	\$35,792	\$130,828
2014	\$13,320	\$95,462	\$67,972	\$176,754
2015	\$11,151	\$147,160	\$75,360	\$233,672
Average	\$14,451	\$82,863	\$39,227	\$136,541

Georgia and South Carolina landings are combined to avoid confidentiality issues. Source: SEFSC Commercial ACL Dataset (December 2015) for 2010-2014 data; D. Gloeckner (pers. comm., 2016) for 2015 data.

Mid-Atlantic states include Virginia, Maryland, New York, New Jersey.

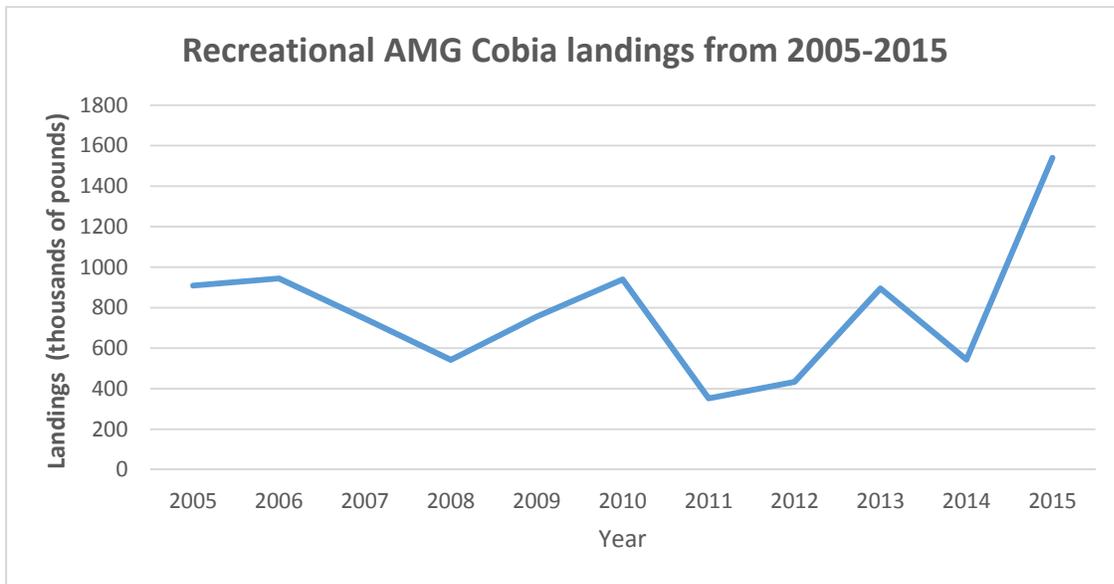


Figure 2. Recreational landings of AMG cobia (2005-2015)

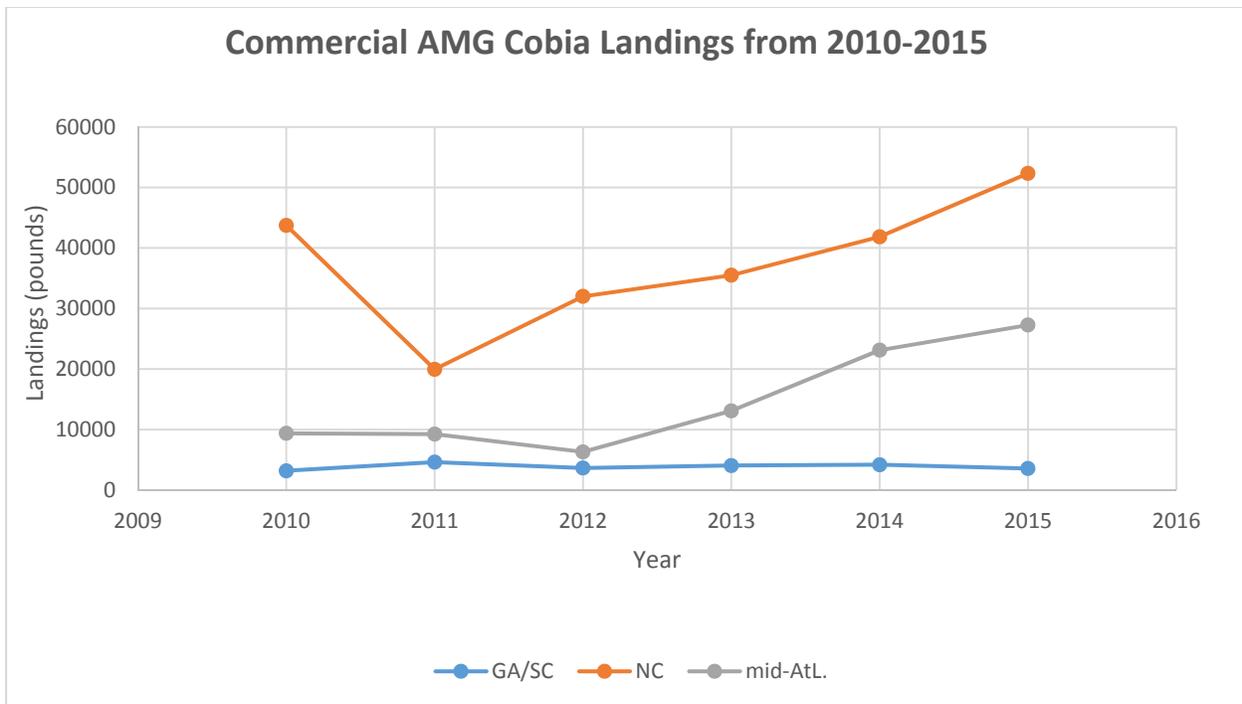


Figure 3. Commercial landings of AMG cobia (2010-2015)

Plan Development Options

The ISFMP Policy Board directed the Board to discuss whether to promulgate a cobia plan and, if so, recommend what form that plan would take at the May 2016 ASMFC meeting. Specifically, the ISFMP Policy Board requested consideration of alternatives for joint management, complementary management, and exclusive jurisdiction for the Commission.

Distinctions between various management scenarios have been developed and reviewed by the commission in the past. Essentially, the ASMFC has 3 types of Fishery Management Plans (FMP): a ASMFC FMP, a joint FMP, and a complementary FMP. A joint plan, like summer flounder in the mid-Atlantic, involves both the ASMFC Board and the Mid-Atlantic Fishery Management Council in the FMP process. A complementary plan, like spiny dogfish, separates the management processes between the two bodies (Federal/Council and ASMFC Board) and attempts to have measures that are consistent and not in direct conflict.

A. Management Plan Structure

Option 1:

ASMFC/SAFMC Complementary Fishery Management Plan

- ASMFC develops its own management documents. The ASMFC FMP can have aspects of the plan that are consistent with the Council but it is not required
- FMP development timeframe is consistent with ASMFC documents (addenda=6 to 8 months; Amendments 1.5 to 2 years)

- Not necessary to meet with SAFMC and act jointly
- Potential for lack of consistency between federal and state waters, which can result in fisherman fishing side-by-side under different regulations
- States are the responsible party for monitoring quotas in most cases
- States are the responsible party for closing state waters once quota is reached
- Stock assessments are conducted with the SEFSC/Council/Commission. The Science Center is the lead.

Option 2:

ASMFC/SAFMC Joint Fishery Management Plan

- ASMFC develops its management documents jointly with the Council. It is required to have the same management program for both state and federal waters.
- FMP development timeframe likely longer than a typical ASMFC document (addenda/framework=8 months to 1 year; Amendments 2-3 years)
- Meet with SAFMC and act jointly (must have like motions to proceed with actions)
- Can have additional administrative procedures due to federal laws and requirements (e.g. longer rule making process; Council makes recommendations which are reviewed and approved by NOAA Fisheries (SERO))
- NOAA Fisheries is the responsible party for monitoring quotas in most cases
- NOAA Fisheries closes federal waters and states close state waters when the quota has been reached
- Some flexibility for ASMFC-only management components
- Stock assessments are conducted with the SEFSC/Council/Commission. The Science Center is the lead.

Option 3:

ASMFC exclusive management

- ASMFC would develop its own management documents.
- FMP development timeframe is consistent with ASMFC documents (addenda=6 to 8 months; Amendments 1.5 to 2 years)
- States are the responsible party for monitoring quotas in most cases
- States are the responsible party for closing state waters once quota is reached
- States are the responsible party for data collection and analysis
- Commission is responsible for conducting stock assessments (with possible assistance of the SEFSC and SEDAR)

Option 4:

Status quo: The SAFMC and GMFMC would retain all current management authority of cobia through the Coastal Migratory Pelagics Fishery Management Plan, with the MAFMC participating through 2 voting seats.

B. ASMFC Board Formation

If the Commission takes action to create a cobia fishery management plan, it will need to determine if Cobia should reside as species within the South Atlantic State/Federal Fisheries Management Board or be an independent board.

Option 1: South Atlantic State-Federal Fisheries Management Board

The Board would be charged with developing a cobia FMP under its existing framework, with states not currently on the Board having the opportunity to declare an interest in cobia management as allowed in the Commission's Rules and Regulations. Landings are sparse north of Virginia and technical expertise primarily resides in the states from Virginia and south. The Board's multi-species advisory panel may preclude the need for a stand-alone advisory panel. Final FMP approval would be subject to the Commission.

Option 2: AMG Cobia Board

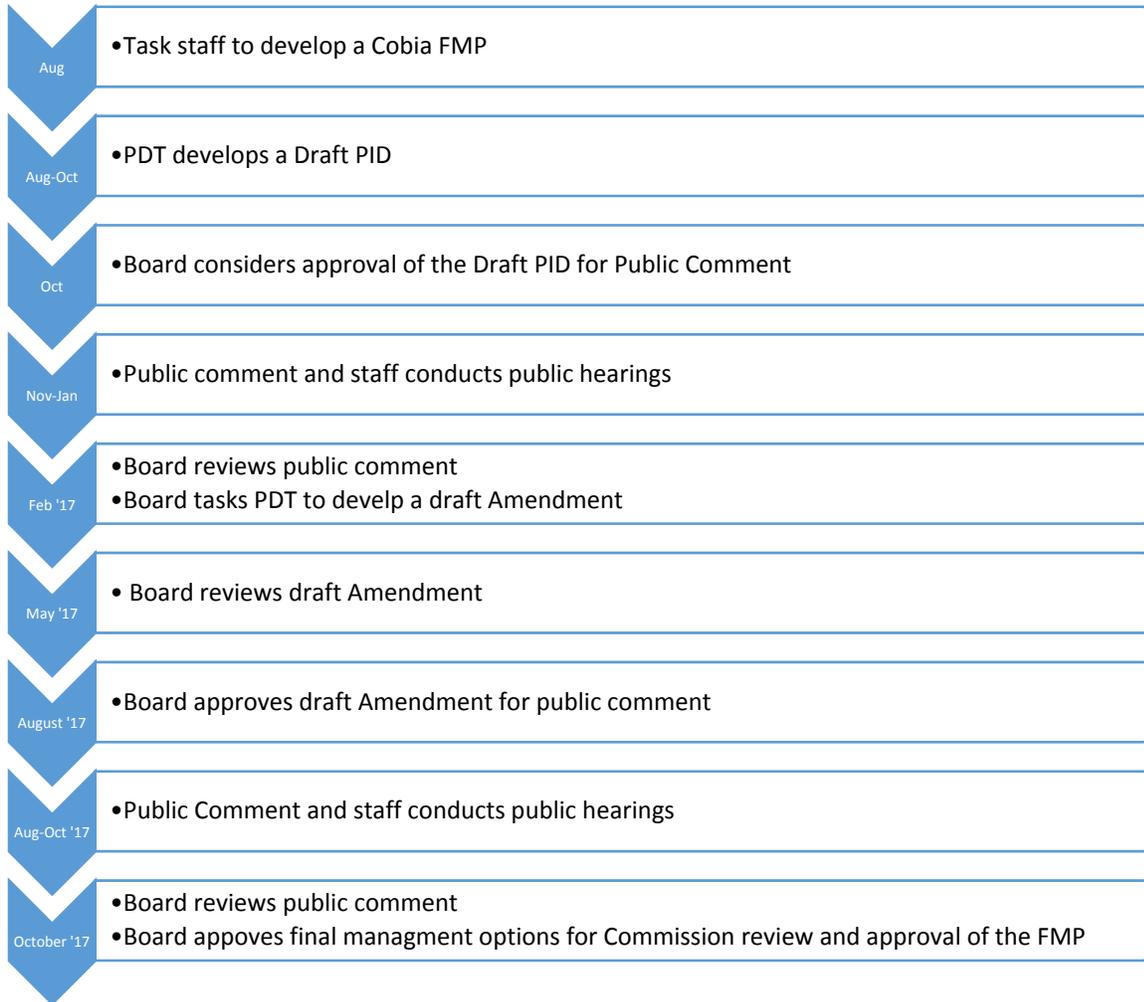
A stand-alone cobia board would be charged with developing a cobia FMP. Membership of the Board would consist of those states with a declared interest in cobia as set in the Commission's Rules and Regulations. Under the provisions of the ISFMP Charter, the Commission could extend a voting seat to the SAFMC if recommended by the Cobia Board. Final FMP approval would be subject to the Commission.

Option 3: Split the South Atlantic Board

The South Atlantic Board could consider splitting the Board and having two or more species boards. One of those boards would be charged with developing a cobia FMP. Any state not currently on the Board (after the split) would have the opportunity to declare an interest in cobia management as allowed in the Commission's Rules and Regulations. Under the provisions of the ISFMP Charter, the Commission could extend a voting seat to the SAFMC if recommended by the Cobia Board. Final FMP approval would be subject to the Commission.

Time Line for Development of a Cobia FMP

ASMFC Cobia FMP



ASMFC Cobia Complementary FMP

Same timeline as above but would report progress to the SAFMC at their meetings. The above time line could be delayed a few months depending on the timing of Commission and Council meetings.

Joint ASMFC/SAFMC FMP

A joint FMP with the SAFMC would take at least two years to develop and finalize. All actions would have to occur at a joint meeting of both the Council and Commission. Any joint action would have to comply with federal guidelines and requirements (e.g. Magnuson-Stevens Act, NEPA, APA).



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: ISFMP Policy Board

FROM: Risk and Uncertainty Policy Workgroup

DATE: July 26, 2016

SUBJECT: Risk and Uncertainty Policy Updates and Draft Purpose Statement

The Risk and Uncertainty Policy Workgroup met on July 18th to craft a draft purpose statement that will help to guide the creation of a Commission Risk and Uncertainty Policy. The statement below was created from common aspects from each individual Workgroup member's draft statement or policy characteristics. The intent of this statement is to describe the purpose and goals of the Commission's Policy in a concise way; the detailed objectives of the Policy will be laid out in the full document. The Workgroup asks that the ISFMP Policy Board review the statement below and provide guidance on the direction and/or language so that the Workgroup can move forward with developing a draft policy for Board review during Annual Meeting.

Draft Risk and Uncertainty Policy Purpose Statement:

"The Commission recognizes that fishery information is inherently variable, and that successful management requires full consideration of this uncertainty and the associated risks on management decisions. The purpose of the Commission's Risk and Uncertainty Policy is to provide a consistent yet flexible mechanism to account for both scientific and management uncertainty in the Commission's decision making process in order to protect all Commission-managed stocks from the risk of overfishing, while minimizing any adverse social, economic, or ecosystem effects. This Policy seeks to maximize the long term benefits across all of our marine fishery resources by providing objective criteria to characterize both scientific and management uncertainty, and to evaluate management risk. Additionally, the Policy improves transparency in the management process, allowing for better communication among managers, industry, and other stakeholders."



Atlantic States Marine Fisheries Commission

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MEMORANDUM

TO: ISFMP Policy Board

FROM: Atlantic States Marine Fisheries Commission Habitat Committee

DATE: July 26, 2016

SUBJECT: Seismic testing on the Atlantic coast

During our May 2016 meeting in Cape May, New Jersey, the Habitat Committee (HC) discussed proposed seismic testing for oil and gas resources, siting of offshore wind facilities, and characterization of sand resources in ocean waters off the Atlantic coast, and whether the issue warrants a position and comment by the Commission. Seismic testing uses loud blasts from airguns to relay information about the composition of materials up to miles below the seafloor. The blasts can reach 180 dB – louder than a jet engine – and run every few seconds for weeks at a time. HC questioned whether seismic testing is truly a habitat issue, given that the likelihood of significant impacts on the benthos and water column, the combination of which typically define ‘habitat’, seem to be negligible. However, seismic testing can certainly cause temporary changes in the functionality of particular areas for different species, so the impact is a habitat issue in the broader sense of determining the suitability of living space over varying temporal scales determined by the magnitude and frequency of testing. In other words, seismic testing can certainly affect the interactions between managed species and habitat.

Regardless of whether seismic testing is an issue that falls under the purview of the HC, available evidence indicates that it should clearly be of interest to the Commission. Although there are considerable uncertainties in the severity of impacts on different species (including habitat-forming species such as corals and shellfish), there is clear evidence that seismic testing can, at the very least, cause behavioral disruptions among organisms in affected areas. Fishermen have been describing changes in feeding behavior (i.e. a disruption in feeding) within a few miles of active testing. Mobile animals have been documented leaving testing sites. These movements could be short-lived¹, medium term², or more persistent³, depending upon the location, species in question and the nature of the testing conducted. Fishermen observations reinforce these behavioral effects⁴. However, even short-lived movements could affect stock productivity and resilience if the timing and location of the impact coincides with feeding, breeding, or other important life history events. This suggests that impacts could be minimized to tolerable levels if testing is timed to avoid the time and location of these key life history events. However, current understanding of habitat distributions, incorporating spatial and

¹ Løkkeborg S, Soldal AV. 1993. The influence of seismic exploration with airguns on cod (*Gadus morhua*) behaviour and catch rates. *ICES Mar Sci Symp* 196: 62-67.

² Engås A, Løkkeborg S, Ona E, Soldal AV. 1996. Effects of seismic shooting on local abundance and catch rates of cod (*Gadus morhua*) and haddock (*Melanogrammus aeglefinus*). *Can J Fish Aquat Sci* 53: 2238-2249.

³ Slotte A, Hansen K, Dalen J, Ona E. 2004. Acoustic mapping of pelagic fish distribution and abundance in relation to a seismic shooting area off the Norwegian west coast. *Fish Res* 67: 143-150.

⁴ <https://www.facebook.com/fishinoc/posts/771164316327991>

temporal life history patterns of both managed species and important unmanaged species (e.g., prey for managed species), lacks the resolution needed to plan testing with sufficient accuracy and precision. Detailed site characterization studies with sufficient spatial and temporal scope should therefore be a prerequisite of any planned testing.

Beyond behavioral disruptions, seismic testing can also cause injuries in marine organisms⁵ at the individual level depending upon the anatomy, physiology and mobility of the species in question, magnitude of the testing, and proximity to the organism. These could impact stock or population level productivity if a large number of individuals are affected, or if impacts continue over time.

The HC perspectives on this issue were influenced by comment letters from the Mid-Atlantic Fishery Management Council and the South Carolina Wildlife Federation to BOEM and the South Atlantic Fishery Management Council, respectively. These letters summarize evidence of the impacts outlined above, as well as similar impacts on protected marine mammal species. Note that impacts include sacrifices on the part of fishermen to meet management targets in light of the economic importance of fisheries in the region and management efforts by multiple agencies. The HC recommends that the Commission adopt a position similar to these partner organizations, and convey that position to BOEM and other relevant entities.

Finally, the ultimate aim of seismic testing is to identify areas for extraction of oil and gas resources. Those activities could have a much greater impact on fishery resources through alteration or outright replacement of marine habitats, loss of fishing grounds and displacement of fishing effort, pollution due to spillage and leakage, and noise and other disturbances due to ongoing operations. Therefore, evaluation of the impacts of seismic testing should take place with full consideration of the ultimate aims of that testing and impacts of the subsequent activities.

⁵ McCauley RD, Fewtrell J, Popper AN. 2003. High intensity anthropogenic sound damages fish ears. *J Acoust Soc Am* 113: 638-42.



Mid-Atlantic Fishery Management Council

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Gary D. Goeke
Chief, Regional Assessment Section
Office of Environment (GM23E)
Bureau of Ocean Energy Management
Gulf of Mexico OCS Region
1201 Elmwood Park Boulevard
New Orleans, Louisiana 70123-2394

Dear Mr. Goeke,

Please accept these comments from the Mid-Atlantic Fishery Management Council (MAFMC or "Council") in response to the Draft Programmatic Environmental Impact Statement (PEIS) to evaluate potential environmental effects of multiple geologic and geophysical (G&G) activities in the Mid- and South Atlantic OCS Planning Areas. After receiving briefings on the proposed seismic activities and the potential impacts at the June Council meeting, the Council made the following motion:

Move to submit written comments opposing the BOEM seismic testing on the US east coast due to our grave concerns of the enormous Level A and Level B marine mammal takes and the unexamined but suspected deleterious effects on other marine species that our Council manages.

The Council's primary mission is to manage fishery resources in federal waters off the coast of the Mid-Atlantic region through the implementation of management measures that prevent overfishing while achieving optimum yield (OY) from each of 13 managed fisheries. Although the Council's focus is on sustainable fisheries management, this objective is only feasible in the context of a healthy and resilient ecosystem. It is clear that G&G activities have substantial impacts on marine environments, yet the Draft PEIS provides insufficient information about how the specific proposed G&G activities may affect fish, marine mammals, benthic communities, and ecosystem structure and function. We understand that these impacts are difficult to predict or quantify, but given the existing value of marine resources to the region and the nation, it is clear that the potential benefits do not outweigh the risks of initiating the proposed G&G activities at this point.

Marine fisheries provide food, employment, recreational opportunities for millions of people in the Mid-Atlantic region, and many coastal communities depend on the utilization of fishery resources. For example, in 2009, the dockside value of commercial landings in the Mid-Atlantic region was \$511.6 million. In addition, more than 2.6 million recreational anglers took 17 million fishing trips and spent more than \$800 million on trip expenses. The commercial and recreational fishing industries in the Mid-Atlantic region support more than 166,000 jobs with an associated income exceeding \$6 billion. In light of the insufficient data and analysis about potential impacts of G&G activities on these valuable marine resources, the Council cannot support the Draft PEIS.



Over the past decades the Council has implemented management strategies to maintain sustainable levels of fishing and, in some cases, to rebuild overfished stocks. These efforts have often necessitated sacrifices from both the commercial and recreational fishing sectors in the form of economic losses and foregone fishing opportunities. After many years of working to rebuild Mid-Atlantic fisheries to sustainable levels, the potential negative impacts of G&G activities on these rebuilt resources are extremely troubling.

The Council recently hosted two scientists, Chris Clark and Aaron Rice of Cornell University, at a meeting in June. Dr. Clark reviewed the physical propagation of sound from seismic airgun surveys, and Dr. Rice addressed the potential for negative impacts of acoustic surveys on fish and fish populations. Their remarks suggest that highly mobile fish are able to easily relocate within 50 meters to avoid lethal effects of the airgun array. They may also avoid sub-lethal damage by maintaining even greater distances from areas subject to noise disturbance from the survey. However, the extensive (months long) survey timeframe makes it likely that prolonged avoidance of the arrays will be necessary and could lead to interruptions in fish spawning and access to forage. More importantly, the area under consideration in the PEIS, which includes the entire continental shelf along the mid- and South Atlantic, is enormous, and much of the shelf is at a depth (< 50 m) that would place the entire water column within the "lethal range" of the array.

The Council also has substantial concerns about the potential and unknown adverse impacts of G&G activities on marine mammals. The Council has participated in the development of Take Reduction Plans under the Marine Mammal Protection Act for Atlantic Large Whales, Harbor Porpoise and Bottlenose Dolphin. These efforts have resulted in area and gear restrictions for several fisheries within the Council's jurisdiction. In the case of north Atlantic right whales, which are among the most endangered whales in the world, protection measures have been extended to include seasonal vessel speed restrictions along the U.S. East Coast where endangered right whales travel to protect them from being injured or killed by ships. Initiating the activities described in the PEIS, many of which could harm or endanger marine mammals, would counteract many of the conservation measures that have taken years to enact.

The general lack of information included in the PEIS relative to impacts of G&G activities on fish, marine mammals, and the surrounding ecosystem is of serious concern. The Council recognizes the importance of energy exploration to U.S. economic security, but the activities described in the Draft PEIS have the potential to contravene the Council's efforts to conserve and manage living marine resources and habitat. Thank you for the opportunity to submit comments on this Draft PEIS. The Council looks forward to working with BOEM to ensure that any future G&G activities in the Mid-Atlantic region are conducted in a manner that minimizes negative impacts on the marine environment.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Moore", is written over the word "Sincerely,".

Christopher M. Moore, PhD
Executive Director, Mid-Atlantic Fishery Management Council



Your voice in the wild for 80 years!

March 10, 2015

South Atlantic Fisheries Management Council
South Carolina delegation: Mel Bell, Chris Conklin, Mark Brown / SAFMC staff
Via email

Dear SAFMC SC Members and Council Staff:

On behalf of the South Carolina Wildlife Federation (SCWF), thank you for your service on the South Carolina Fisheries Management Council (SAFMC) and your dedication of time and expertise in helping shape our region's fisheries policy. We write to you today to: (1) encourage your work on designating Special Management Zones to protect important fish spawning habitats; and (2) ask you to apply (and expand if necessary) your existing policies on oil and gas exploration to ensure the protection of Essential Fish Habitat (EFH), Essential Fish Habitat - Habitat Areas of Particular Concern (EFH-HAPCs), and any other important fisheries habitats and populations under your control from threats associated with energy exploration and development.

The South Carolina Wildlife Federation was formed in 1931 to help ensure that our children and grandchildren can enjoy our state's natural heritage and opportunities for outdoor enjoyment. SCWF reaches thousands of citizens, members and donors across our state, including coastal fishing enthusiasts who live from our beaches to the foothills. Our support of spawning site protections follows decades of effective leadership in habitat conservation, respect for outdoor traditions, wildlife education, advocacy and key partnerships.

1. Designation of Special Management Zones

Our organization supports the Council's actions to establish protections for important fish spawning sites off our coast. We understand the next step is to select key areas to be designated as Special Management Zones, where bottom fishing would be prohibited. We support these efforts, guided by good fishery research and your knowledge of spawning's key role in improving fish stock assessments. The benefits will impact many fish and especially grouper and snapper species. Establishing protections for areas with scientifically documented fish spawning will include difficult choices. We appreciate that the process may include selecting some of the most productive fishing grounds off our coast.

It has been our experience that long-term conservation efforts also improve the outdoor economies attached to wildlife enjoyment. We expect the benefits of the actions will improve

commercial fishing, and promote better catch and availability of local fish for South Carolina restaurants and seafood dealers. We also believe recreational anglers will continue to purchase boats, tackle and supplies to sustain local economies as wildlife sustains our pastimes. It takes hard work to ensure wildlife's future. We know this first hand.

2. Resource and Habitat Protection from Oil Exploration and Development

As you are probably well aware, energy exploration off our coast is looming with federal permitting processes and State coastal zone certification now underway. The first step in this process is extensive and environmentally harmful seismic exploration. Seismic surveys have been shown to disrupt essential behavior in endangered whales and cause catch rates of some commercial fish to plummet—in some cases over enormous areas of ocean. Despite industry rhetoric that seismic blasts are not harmful, the literature is replete with information to the contrary.

Airguns towed behind ships shoot loud blasts of compressed air through the water and miles into the seabed. These blasts are repeated every ten seconds, 24 hours a day, for days and weeks at a time. Air gun blasts have been likened to dynamite, having range intensities between 120-260 decibels (dB). Sounds between 120-170dB can disturb animal behavior; sounds above 170dB can injure marine mammals. Impacts include temporary and permanent hearing loss, abandonment of habitat, disruption of mating and feeding, and even beach strandings and deaths.

Airgun blasts also kill fish eggs and larvae and scare away fish from important habitats. Previous seismic surveys have resulted in catch rates of cod and haddock declining by 40 to 80 percent for thousands of miles. Such disturbance will have negative economic impacts on our South Carolina recreational and commercial catch resources.

From a fisheries perspective, the area of disturbance is as much an issue as the intensity, frequency (every 10 seconds), and longevity (months) of the disturbance. At the higher decibel ranges, seismic blasts can be detected 2,500 miles away from the source. Even highly motile fish, which may be able to relocate to avoid lethal and perhaps sub-lethal effects of the airgun array, would be displaced from spawning habitats affecting future year classes.

The area under consideration for exploration includes the entire continental shelf along the mid- and South Atlantic, is enormous, and much of the shelf is at a depth that would place the entire water column within the disturbance range. Included, and of particular concern, is the Blake Plateau where methane hydrate deposits are thought to be present. This area includes the Charleston Bump, a unique and critical structural and coral formation supporting South Carolina fisheries.

SCWF opposes offshore seismic testing and oil/gas development. At the very least, we should do all we can to protect Essential Fish Habitat (EFH) and Habitat Areas of Particular Concern (HAPC) in our offshore waters. EFHs / HAPCs are high priority areas for conservation and management because they are rare, sensitive, or important to ecosystem functions. Because of the range of noise disturbance from airgun blasts, it would be almost impossible to set safe buffer

zones around these important designated resources. Safety of these areas could really only be accomplished by not allowing seismic exploration using the proposed technology.

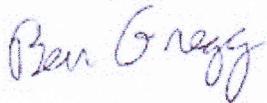
It is our understanding that the designation of proposed areas as SMZs would also then be categorized as EFHs/HAPCs. This categorization would provide a stronger argument for protecting these important places from activities associated with energy exploration. We encourage the SAFMC to address the energy development issue and all potential concerns regarding fisheries.

In their comments to the Bureau of Ocean Energy Management, our neighbors to the north, The Mid-Atlantic Fisheries Management Council have expressed concern that the proposed seismic activities "... have the potential to contravene the Council's efforts to conserve and manage living marine resources and habitat." They further expressed concern for cetaceans, including porpoises and Atlantic whales (particularly the endangered Right Whales), stating that seismic exploration "... could harm or endanger marine mammals, and would counteract many of the conservation measures that have taken years to enact."

It is important to note that the way the exploration process is set up, the current exploration proposal, currently under review by our State Ocean and Coastal Resource Management office is just the first of many to come. Multiple exploration companies will be repeating this insult to our coastal ecosystems. It is also important to note that this seismic exploration phase, imposing its own impacts on recreational and commercial fisheries, as well as on cetacean populations, is just the first step in further exploration and potential drilling activities to follow.

We greatly appreciate your dedication to ensure healthy fisheries off our state's coast and throughout the south Atlantic. The SCWF stands with you and fellow council members to protect key fish habitat and spawning sites. We strongly encourage you to send comments to the Office of Coastal Resource Management who are in the process of receiving input on their certification of the Spectrum Geo Inc. geophysical and geological survey permit (the first of many to come). Comment should be sent to Mr. Curtis Joyner, Manager, Coastal Zone Consistency, S.C. Department of Health and Environmental Control, Office of Coastal Resource Management, 1362 McMillan Ave., North Charleston, SC 29405. The comment deadline is March 13. We also encourage you to send a letter directly to the Bureau of Ocean Energy Management who are soliciting comments on the leasing licenses until March 30. We look forward to weighing in further as the spawning site/SMZ and oil exploration and development issues move forward.

Sincerely,



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