

**BACKGROUND AND SYNOPSIS OF
PROPOSED AMENDMENTS TO THE RULES OF THE
GEORGIA DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION
RELATING TO
CHAPTER 391-2-4, SALTWATER FISHING
REGULATIONS**

Background

The cobia (*Rachycentron canadum*) is a saltwater fish highly prized by anglers for its attributes as a game fish and by seafood consumers as table fare. Cobia present a seasonal fishing opportunity for Georgia fishers with peak abundance in the waters offshore Georgia during April through June and infrequent but possible catches during the July through October period. The majority of cobia harvested by Georgia fishers come from federal waters of the Atlantic Ocean eastward of the State of Georgia territorial sea. During 2011 through 2015, Georgia recreational anglers harvested an estimated average of 62,600 pounds of cobia per year. However, recreational landings estimates are imprecise due to the difficulties associated with the seasonal nature of the fishery and intercepting anglers who fish for cobia. For instance, no cobia were encountered during angler surveys in 2016 yet angler reports on social media indicated that many cobia were harvested by Georgia anglers that year. Commercial landings are minimal and confidential due to state and federal requirements.

Cobia along the Atlantic Coast have been managed by the National Marine Fisheries Service (NMFS) through the federal Magnuson-Stevens Act since 1990 and by states that have chosen to regulate the species. The State of Georgia has regulated the harvest of cobia since 1989. However, until recently, there has been no cooperative interstate management of the species although nearly 80% of harvest

occurs in state territorial waters except for the states of Georgia and South Carolina. Based on genetic studies, cobia found along the Atlantic Coast have been separated into two federal management units: Atlantic Migratory Group Cobia are fish caught from the state and federal waters from Georgia to New York and fish caught off the east coast of Florida are Gulf of Mexico Migratory Group Cobia. The annual catch limit for Atlantic Migratory Group Cobia is 670,000 pounds of which 620,000 pounds is allocated to recreational harvest and the remaining 50,000 pounds allocated to commercial harvest.

Coincidentally and concurrent with establishment of the Atlantic Coast cobia management units there was a marked increase in estimated recreational harvest of cobia within the state waters of North Carolina and Virginia. This resulted in the annual catch limit for Atlantic Migratory Group Cobia being exceeded by 947,000 pounds in 2015 and 715,000 pounds in 2016. On June 20, 2016, NMFS closed federal waters of the Atlantic Ocean to Atlantic Migratory Group Cobia harvest for the remainder of 2016 and again on January 24, 2017 for the duration of 2017. NMFS took this action to reduce the likelihood that the annual catch limit for Atlantic Migratory Group Cobia would be exceeded.

The closure of federal waters effectively denied Georgia anglers the opportunity to harvest cobia during 2017. South Carolina was affected more severely by the closure since their state law mirrors federal regulations. Meanwhile, Virginia and North Carolina continued to harvest cobia from their state waters, albeit with modified fishing regulations intended to constrain harvest. The lack of consistency in fishing regulations amongst states with cobia fisheries and the ongoing risk of exceedance of the federal annual catch limit prompted federal fishery managers to request the Atlantic States Marine Fisheries Commission (Commission), a voluntary compact of Atlantic Coast states, develop an Atlantic Migratory Group Cobia management plan. If approved, this plan

would require member states to regulate the harvest of cobia in such a manner as to prevent harvest in excess of the annual catch limit.

The Commission's Interstate Fishery Management Plan for Atlantic Migratory Group Cobia (hereafter referred to as Plan) was adopted on November 14, 2017. Georgia signed the Commission's interstate compact in 1943 and has since been under an affirmative pledge to aid in the development of interstate regulations and as a member state to comply with the requirements of interstate fishery management plans.

The Plan stipulates that the 620,000 pound annual catch limit be divided as follows: Georgia - 58,311 pounds; South Carolina - 74,885 pounds; North Carolina - 236,316 pounds; and Virginia - 244,292 pounds. The plan requires each state to adopt fishing regulations that will result in the annual harvest being at or below the aforementioned numbers. Each state must have recreational fishing regulations that match or are more conservative than the following requirements: minimum size of 36 inches, fork length, a possession limit of one fish per person, and a vessel limit not to exceed six fish. Each state must also propose a season to complement the size and possession regulations.

The Plan allows states to maintain the following for commercial fishing: minimum size of 33 inches, fork length, a possession limit of two fish per person, and a vessel limit of six fish. The federal annual catch limit of 50,000 pounds is allocated to the entire commercial fishery from Georgia through New York. The commercial cobia fishery will close once the annual catch limit is reached.

The proposed amendments to rule 391-2-4-.04 Saltwater Fishing adds the same definition for "landed" found in 391-2-4-.09, and increases the minimum size for cobia from 33 inches, fork length to 36 inches, fork length. The proposed amendments decrease the daily creel and possession limit from two cobia per person to one cobia

per person per day and establishes a maximum vessel limit of six cobia per vessel per day. The amendments establish a fishing season for cobia of March 1 through October 31. The proposed size, possession and vessel limits will apply to recreational and commercial fishers. Finally, the proposed amendments will shorten the rule by deleting content regarding restrictions on the sale of specific federally-managed fish species and substituting content that addresses the sale of all federally-managed fish species except sharks which are addressed separately. This substitution will allow the commercial fishing season to remain open until the federal commercial quota is met and the season closed.

Purpose

The purpose of the proposed amendments is to align State of Georgia fishing regulations with those required in the Interstate Fishery Management Plan for Atlantic Migratory Group Cobia. The proposed changes to regulations will constrain harvest to the annual catch limit set for Georgia and will aid enforcement of state and federal regulations.

Main Features

The primary feature of the proposed amendment is to increase the minimum size limit for cobia, decrease the possession limit for cobia and set a fishing season for cobia. The amendment also adds a definition for “landed.”

Differences

This proposal amends one rule by the following:

Sub-paragraph (2). Amends definitions by adding (a.1) “landed.” Adding this definition links Rule 391-2-4-.04 to Rule 391-2-4-.09 Commercial Fishing. Requirements for Keeping and Reporting Records. Each rule will share the same definition for “landed.”

Sub-paragraph (3)(h). Seasons, Daily Creel and Possession Limits, Minimum and Maximum Size Limits. Cobia. A fishing season of March 1 through October 31 is established. The minimum size is increased from 33 inches, fork length to 36 inches, fork length. The daily creel and possession limit is decreased from two cobia per person to one cobia per person per day and maximum vessel limit of six cobia per vessel per day is established.

Sub-paragraph (4)(c). Restrictions on Sale. The sub-paragraph is amended such that the sale of any federally-managed species of fish, including cobia, is prohibited when federal commercial harvest of that species is prohibited. This amendment thereby creates a distinction in fishing seasons for recreational and commercial fishers. Sub-paragraph (3)(h) establishes a season for cobia fishing but sub-paragraph (4)(c) will allow commercial cobia fishing outside of this season if federal commercial harvest is allowed.

Date, Time, and Place of Board Action:

Board Action: January 26, 2017 at 9:00 AM at the Westin Jekyll Island located at 110 Ocean Way, Jekyll Island, GA, 31527.

Minimal Public Participation Plan

Amendments to Saltwater Fishing Regulations, Chapter 391-2-4-.04, Saltwater Finfishing. A minimal public participation plan was chosen as the issue has been thoroughly vetted through both the

federal and interstate public comment processes including meetings in Georgia. Additionally, the Interstate Fishery Management Plan for Atlantic Migratory Group Cobia requires compliance through the proposed actions in order to maintain a fishery in Georgia.

- 2016 and 2017 federal and interstate cobia plans amended and/or developed with public comment available to citizens of Georgia
- November 13, 2017 – CRD drafts proposed amendment
- December 6, 2017– Brief the Board of Natural Resources on proposed amended Rule.
- December 7, 2017 – Public Notice issued with comment period announced.
- January 8, 2018 – Public comment period closes.
- January 26, 2018 - CRD presents the final draft of proposed amended Rule, taking into account public comment, to the Coastal Committee of the Board of Natural Resources.
- Assuming affirmative vote by the Coastal Committee:
 - January 26, 2018 - Board adopts amended Rule 391-2-3-.04.
 - February 1, 2018 - Commissioner's office files amended Rule with Secretary of State to be effective no later than March 1, 2018.