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Congress of the United States
House of Representatives
Washington, DC 20515-3303

May 20, 2016

South Atlantic Fisheries Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405

Dear Council Members:

I am writing to request that the Council take several actions to improve management of Atlantic cobia. Without these actions, fishermen in North Carolina and Virginia, as well as the businesses and communities that support them, will be subject to lost recreational opportunities and undue economic harm.

First, the council should consider asking the National Marine Fisheries Service (NMFS) for an emergency measure to provide additional recreational fishing opportunities for Atlantic cobia. As you know, due to accountability measures put in place in Amendment 20B, and on the back of science that is suspect (at best), the federal recreational season for 2016 will be shortened considerably and close on June 20th.

Section 305(c) of the Magnuson-Stevens Act authorizes the Secretary to promulgate emergency measures to address fishery emergencies. NMFS' policy guidelines (62FR 44421; August 21, 1997) define the existence of an emergency as a situation that:

- results from recent, unforeseen events or recently discovered circumstances; and,
- presents serious conservation or management problems in the fishery; and,
- can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.

It is important to point out that the justifications described in the guidelines include the prevention of "significant direct economic loss or to preserve a significant economic opportunity that otherwise might be foregone," and the prevention of significant economic impacts.

In my opinion, the circumstances surrounding a June 20th closure of the cobia fishery would satisfy NMFS' definition of an emergency. The suspect estimate of 2015 overharvest was certainly an unforeseen and recently discovered circumstance. A shortened 2016 season and early closure present a serious management problem in the fishery. And at this point in the process, the immediate economic benefits of emergency measures to provide additional recreational opportunities for Atlantic cobia in 2016 outweigh the value of pursuing a normal rulemaking process, which could not be completed prior to the June 20th closure date.

Second, I am pleased to see the Council pursuing a Framework Amendment to address issues with cobia management in 2017 and beyond. As part of that effort, I would encourage the Council to address discriminatory impacts on North Carolina and Virginia fishermen. Existing accountability measures for cobia mandate that an overharvest in one year result in a shortened season the next. Implementing that reduction by closing the season earlier disadvantages North Carolina and Virginia fishermen because the fish are available to them later in the fishing year relative to states to the south. When an alleged overharvest is attributable to all states involved in the fishery, a more equitable distribution of accountability is required.

Finally, I would urge the Council to do all it can to work with NMFS to improve the science used in the management of all fisheries, including cobia. It is astonishing to me that the 2015 overharvest number was derived from estimates purporting to show that targeted cobia trips increased by more than 40,000 in 2015, and that the number of successful trips was up 50%. According to a document shared by Council staff at a recent cobia webinar, "Type A (observed)+B1 (not observed) numbers were up in 2015 relative to 2014 by 2.9x in Georgia, 3.6x in South Carolina, 1.6x in North Carolina, and 3.4x in Virginia." For many of the fisherman I represent, believing these estimates not only requires a significant suspension of common sense, it defies the reality they observe on the water every day.

Thank you for your consideration on this important matter.

Sincerely,



Walter B. Jones
Member of Congress