

# State regulations for the harvest and sale of Gulf cobia



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COBIA

*Rachycentron canadum*

## White Paper

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## BACKGROUND

The Gulf of Mexico Fishery Management Council (Council) is modifying catch limits and management measures of the Gulf of Mexico migratory group cobia (Gulf cobia) via Amendment 32 to the Coastal Migratory Pelagics (CMP) Fishery Management Plan. This amendment will address the overfishing status of Gulf cobia in light of the results from the SEDAR 28 update stock assessment.

Included in the amendment is a revision to the regulatory language in 50 C.F.R. § 622.386 as it pertains to the sale and purchase of cobia. The National Marine Fisheries Service intends to correct the regulation at 50 C.F.R. § 622.386(c) to make the restriction on purchase by federally permitted dealers applicable to only king and Spanish mackerel, rather than CMP species generally. This will allow federally permitted dealers to accept Gulf cobia harvested from the Exclusive Economic Zone (EEZ) from any vessel, regardless of permit status. There is no federal permit required to sell Gulf cobia.

These changes were discussed during the August 2021 Council meeting. The Council expressed concerns with these changes and wants to ensure that this change does not encourage additional harvest of Gulf cobia, given the overfishing status of the stock. Thus, the Council requested that each of the Gulf states provide a summary of state regulations and any landings data to understand the magnitude of recreational Gulf cobia sales to federal seafood dealers. The following sections outline the responses received.

# FLORIDA

## Regulations

To commercially harvest and sell cobia in Florida state waters, fishermen are required to have a Florida Saltwater Products License (SPL) and a Restricted Species (RS) endorsement (379.361, Florida Statute and (68B-19.001)

- SPLs are required to commercially harvest and sell saltwater products, and individuals with SPLs may only sell to a licensed Florida wholesale dealer.
- The RS endorsement authorizes the SPL holder to commercially harvest marine species designated as “restricted species” and to sell these species to licensed wholesale dealers. The RS endorsement is only available to commercial harvesters who are at least 16 years old, hold a SPL, and can submit documentation to support one of the acceptable qualification methods or exemptions.

### *Cobia size and possession limits*

In Florida Gulf state waters, recreational and commercial harvesters must follow:

- Size limit: 33 inches fork length (FL) (68B-19.003(1))
- Bag limit: 1 cobia per harvester per day (68B-19.004(2)(b))
- Vessel limit: 2 cobia per vessel (68B-19.004(3)(b))
- Must land in whole condition (68B-19.003(2))

## Recreational sale of cobia

Over the last 25 years, there are no data to indicate recreational (private or for-hire) fishermen are selling cobia to state or federal wholesale dealers in Florida (Source: FWRI Commercial Trip Ticket Database). As stated above, in order to sell cobia commercially in Florida, fishermen must have an SPL and RS endorsement.

# ALABAMA

## Regulations

As noted in Alabama Code § 9-12-113 (3) (a), a commercial fishing license is required for any person who sells or attempts to sell finfish caught in Alabama waters and (3) (c) identifies a commercial license requirement where off-loading or landing of a load of fish to a resident or non-resident seafood dealer is required regardless of where fish are caught. Alabama Code § 9-12-125 states “*Any person, firm, or corporation who engages in selling, brokering, trading, bartering, or processing of any fresh or frozen seafood, whether on a consignment basis or otherwise, is a seafood dealer and shall purchase a seafood dealer’s license...*”. The law further specifies that restaurants “*...shall not purchase seafoods from any entity that is not licensed to sell seafood in Alabama*”. Additionally, the initial sales transactions of seafood purchases are to be reported by seafood dealers (referred to as commercial trip tickets) to the Department of Conservation and Natural Resources, Marine Resources Division (DCNR/MRD), per Alabama Code § 9-12-115.

### *Cobia size and possession limits*

- Size limit: 36 inches FL
- Bag limit: Two cobia per person limit for recreational and commercial anglers

## Recreational sale of cobia

The State of Alabama does not allow the sale of recreationally caught seafood. As outlined above, the laws governing the harvest, sale and reporting of commercially caught seafood in Alabama are comprehensive and designed to account for all seafood that legally enters the marketplace. These laws, however, do not prevent the illegal sale of recreationally caught seafood. The data to describe the extent of illegal transactions for cobia or any other seafood is not available from DCNR/MRD.

## Cobia landings

**Table 1.** Alabama commercial cobia landings. Landings caught in Alabama state waters but reported to other state agencies are not included. Data from 2001 – 2020.

Year	Total Pounds	Total Value
2001	904	\$1,274
2002	810	\$1,095
2003	497	\$765
2004	1,519	\$2,316
2005	1,156	\$1,435
2006	1,474	\$2,178
2007	807	\$1,314
2008	2,490	\$4,555
2009	2,090	\$3,548
2010	confidential	confidential
2011	1,548	\$2,498
2012	2,814	\$4,317
2013	1,115	\$1,983
2014	3,276	\$6,134
2015	2,583	\$4,914
2016	3,637	\$11,565
2017	1,598	\$3,648
2018	1,635	\$4,098
2019	1,519	\$5,612
2020	1,720	\$5,802

Source: Alabama Trip Ticket Program. Accessed October 6, 2021

## MISSISSIPPI

### Regulations

Mississippi statute designates cobia as a gamefish, therefore prohibits the sale of any cobia caught or landed in the state, while also including certain provisions for cobia to be sold when legally landed in other states.

*Mississippi Code § 49-15-79 Prohibition of sale of game fish; exceptions; punishment*

- (1) It is unlawful for any person to sell, barter or trade or to offer for sale, barter or trade any gamefish enumerated in this chapter.*
- (2) Cobia may be sold in this state if the cobia is purchased from a state in which it may lawfully be caught and sold. Any individual, partnership, corporation or other entity which sells cobia in this state shall maintain documentation showing the state of purchase and date of purchase of cobia for a period of sixty (60) days from the date of purchase of the cobia. The Department of Marine Resources or any other law enforcement agency with which the department has a cooperating agreement may require any other law enforcement agency with which the department has a cooperating agreement may require any seller of cobia to document the date and state of purchase.*

#### *Cobia size and possession limits*

- Size limit: 36 inches FL (recreational)
- Bag limit: Two per person per day (recreational)

### **Recreational sale of cobia**

It is illegal to sell cobia caught in Mississippi state waters or cobia landed in Mississippi.

## **LOUISIANA**

### **Regulations**

For cobia to be harvested and sold commercially in the state of Louisiana, the harvester would be required to have the appropriate commercial fishing licenses and dealers would be required to have all appropriate state licenses applicable for a seafood dealer.

- Harvesters fishing for and retaining cobia in state waters do not need federal permits to commercially harvest cobia; federal permits are only required for catch occurring in or from the Exclusive Economic Zone.
- Louisiana law requires that anyone taking fish for sale using any legal gear must purchase a commercial fishing license.
- There is no way of tracking any illegal recreational catch of cobia that might be sold through the Louisiana commercial trip ticket system.
- Commercial harvest in state waters by those individuals who hold a commercial spotted seatrout permit is restricted by gear type to rod and reel only. Any sale of cobia caught on rod and reel (i.e., commercial or recreational) would technically be illegal.

#### *Cobia size and possession limits*

- Size limit: 36 inches FL
- Bag limit: Two per person per day

### **Recreational sale of cobia**

Since the harvester would be required to have a commercial permit, the recreational sale of cobia is zero.

## Cobia landings

**Table 2.** Commercial landings of cobia in Louisiana. Trip ticket data are associated with a commercial fishing license. Landings in numbers of fish.

Common Name	Year	Landings	Value
Cobia	1999	51,032	\$ 90,550
Cobia	2000	46,628	\$ 79,206
Cobia	2001	30,216	\$ 50,477
Cobia	2002	31,624	\$ 53,933
Cobia	2003	24,060	\$ 41,263
Cobia	2004	20,179	\$ 34,876
Cobia	2005	15,852	\$ 27,790
Cobia	2006	12,371	\$ 22,300
Cobia	2007	9,463	\$ 18,563
Cobia	2008	11,249	\$ 22,984
Cobia	2009	15,197	\$ 33,875
Cobia	2010	4,730	\$ 12,495
Cobia	2011	8,842	\$ 17,954
Cobia	2012	13,420	\$ 30,657
Cobia	2013	15,368	\$ 38,246
Cobia	2014	19,043	\$ 58,521
Cobia	2015	23,451	\$ 75,099
Cobia	2016	24,884	\$ 95,109
Cobia	2017	29,270	\$ 95,852
Cobia	2018	20,648	\$ 66,845
Cobia	2019	13,871	\$ 50,684
Cobia	2020	9,695	\$ 29,764
Cobia	2021	5,704	\$ 19,483

## TEXAS

### Regulations

- Cobia are listed as a game fish within Texas state waters: Texas Administrative Code (TAC) §57.971.
- Possession of cobia or other game fish by a commercial shrimp boat while operating under a commercial shrimp boat license or a commercial gulf shrimp boat unloading license while in Texas state waters is prohibited.
- Game fish may be taken only by pole and line (TAC §57.973)

#### *Cobia size and possession limits*

The cobia recreational (TAC §57.981) and commercial (TAC §57.992) harvest bag and size limits are:

- Size limit: 40 inches Total Length
- Bag limit: Two cobia per day

## Recreational sale of cobia

- The sale of cobia or any other aquatic resource landed under a Texas recreational fishing license is prohibited.
- Texas regulations would require the following licenses for the sale of cobia:
  - Commercial finfish fisherman's license – required to take cobia for commercial purposes from the coastal waters of the state.
  - A general commercial fisherman's license and a commercial fishing boat license are required to land cobia lawfully taken from waters outside of the state.

## Cobia landings

**Table 3.** Total commercial cobia landings in Texas by license year.

License Year	Species	Landings (whole lbs)	Value (\$)
2007	COBIA	3,927	7,143
2008	COBIA	4,524	7,397
2009	COBIA	4,568	7,251
2010	COBIA	1,866	3,524
2011	COBIA	1,439	2,782
2012	COBIA	2,485	6,088
2013	COBIA	2,931	8,086
2014	COBIA	4,361	11,523
2015	COBIA	2,824	10,251
2016	COBIA	5,493	19,373
2017	COBIA	5,116	18,417
2018	COBIA	3,331	12,040
2019	COBIA	2,943	10,292
2020	COBIA	2,357	8,073
2021	COBIA	2,107	7,834

**Table 4.** Commercial cobia landings in Texas by license type.

License Year	License Name	Species	Landings (whole lbs)
2007	Commercial Fishing Boat	COBIA	1,003
2007	General Commercial Fisherman	COBIA	2,924
2008	Commercial Fishing Boat	COBIA	1,263
2008	General Commercial Fisherman	COBIA	3,261
2009	Commercial Fishing Boat	COBIA	1,162
2009	General Commercial Fisherman	COBIA	3,407
2010	Commercial Fishing Boat	COBIA	602

2010	General Commercial Fisherman	COBIA	1,264
2011	Commercial Fishing Boat	COBIA	651
2011	General Commercial Fisherman	COBIA	788
2012	Commercial Fishing Boat	COBIA	890
2012	General Commercial Fisherman	COBIA	1,595
2013	Commercial Fishing Boat	COBIA	982
2013	General Commercial Fisherman	COBIA	1,949
2014	Commercial Fishing Boat	COBIA	1,496
2014	General Commercial Fisherman	COBIA	2,865
2015	Commercial Fishing Boat	COBIA	28
2015	General Commercial Fisherman	COBIA	2,796
2016	Commercial Fishing Boat	COBIA	771
2016	General Commercial Fisherman	COBIA	4,723
2017	Commercial Fishing Boat	COBIA	399
2017	General Commercial Fisherman	COBIA	4,703
2017	Gulf Shrimp Boat	COBIA	14
2018	Commercial Fishing Boat	COBIA	330
2018	General Commercial Fisherman	COBIA	3,001
2019	Commercial Fishing Boat	COBIA	142
2019	General Commercial Fisherman	COBIA	2,801
2020	Commercial Fishing Boat	COBIA	282
2020	General Commercial Fisherman	COBIA	2,075
2021	Commercial Fishing Boat	COBIA	230
2021	General Commercial Fisherman	COBIA	1,877

**Table 5.** Cobia landings in Texas by federally licensed dealers.

License Year	DEALER LIC	Landings (whole lbs)
2018	FEDERAL	3,331
2019	FEDERAL	2,943
2020	FEDERAL	2,357
2021	FEDERAL	2,107