

Agenda
Mackerel Management Committee

Golden Nugget Casino Hotel
Grand Ballroom
Biloxi, Mississippi

Monday, March 30, 2015
3:30 p.m. – 4:30 p.m.

- I. Adoption of Agenda (**Tab C, No. 1**) – Dana
- II. Approval of Minutes (**Tab C, No. 2**) – Dana
- III. Action Guide and Next Steps (**Tab C, No. 3**) – Dana
- IV. Summary of Coastal Migratory Pelagics Advisory Panel Meeting (**Tab C, No. 4**) - Rindone
 - a) Committee Recommendations – Dana
- V. Options Paper for Coastal Migratory Pelagics Framework Amendment 3: Gulf of Mexico King Mackerel Gillnet Fishery Management Modifications (**Tab C, No. 5a**) – Rindone
 - a) Framework Amendment 3 Decision Document (**Tab C, No. 5b**) – Rindone
 - b) Committee Recommendations – Dana
- VI. Other Business – Dana

Members:

Pamella Dana, *Chair*
David Walker, *V. Chair*
Roy Crabtree/Steve Branstetter
Randy Pausina/Myron Fischer
Corky Perret
Robin Riechers/Lance Robinson
John Sanchez
Nick Wiley/Martha Bademan

Staff: Ryan Rindone

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

MACKEREL MANAGEMENT COMMITTEE

Grand Hotel Marriott Point Clear, Alabama

January 28, 2015

VOTING MEMBERS

- Pamela Dana.....Florida
- Martha Bademan (designee for Nick Wiley).....Florida
- Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- Myron Fischer (designee for Randy Pausina).....Louisiana
- Corky Perret.....Mississippi
- Robin Riechers.....Texas
- John Sanchez.....Florida
- David Walker.....Alabama

NON-VOTING MEMBERS

- Kevin Anson.....Alabama
- Leann Bosarge.....Mississippi
- Doug Boyd.....Texas
- Jason Brand.....USCG
- Glenn Constant.....USFWS
- Dave Donaldson.....GSMFC
- John Greene.....Alabama
- Kelly Lucas.....Mississippi
- Campo Matens.....Louisiana
- Harlon Pearce.....Louisiana
- Greg Stunz.....Texas
- Roy Williams.....Florida

STAFF

- Stephen Atran.....Senior Fishery Biologist
- Assane Diagne.....Economist
- John Froeschke.....Fishery Biologist
- Doug Gregory.....Executive Director
- Karen Hoak.....Administrative and Financial Assistant
- Ava Lasseter.....Anthropologist
- Mara Levy.....NOAA General Counsel
- Charlene Ponce.....Public Information Officer
- Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- Bernadine Roy.....Office Manager
- Charlotte Schiaffo.....Research & Human Resource Librarian

OTHER PARTICIPANTS

- Pam Anderson.....Panama City, FL

1 Billy Archer.....Seminole Wind, Panama City, FL
 2 Randy Boggs.....Orange Beach, AL
 3 Zack Bowen.....SAFMC
 4 Dick Brame.....
 5 Steve Branstetter.....NMFS
 6 John Braswell.....Daphne, AL
 7 Shane Cantrell.....Galveston, TX
 8 Jim Clements.....Carrabelle, FL
 9 Cliff Cox.....Destin, FL
 10 David Dekle.....Wilmer, AL
 11 Dewey Destin.....Destin, FL
 12 Michael Drexler.....St. Petersburg, FL
 13 Tracy Dunn.....NOAA OLE
 14 Maurice Fitzsimmons.....Daphne, AL
 15 Troy Frady.....Orange Beach, AL
 16 Jack Gaines.....Dauphin Island, AL
 17 Roger Griffis.....NMFS, Silver Spring, MD
 18 Scott Hickman.....Galveston, TX
 19 John Hollingshead.....Pensacola, FL
 20 Peter Hood.....NMFS
 21 Gary Jarvis.....DCBA, Destin, FL
 22 Joe Jewell.....MS
 23 Bill Kelly.....FKCFA, Marathon, FL
 24 Eric Mahoney.....Clearwater, FL
 25 Bart Niquet.....Panama City, FL
 26 Chris Niquet.....Panama City, FL
 27 Mike Nugent.....Aransas Pass, TX
 28 Will Patterson.....GMFMC SSC
 29 Todd Phillips.....
 30 Bonnie Ponwith.....SEFSC
 31 Tracy Redding.....AL
 32 Lance Robinson.....TX
 33 Mike Schirripa.....NMFS SEFSC
 34 Andy Strelcheck.....NMFS
 35 Steve Tomeny.....Port Fourchon, LA
 36 Bill Tucker.....Dunedin, FL
 37 Russell Underwood.....Panama City, FL
 38 Wayne Werner.....Alachua, FL
 39 Debra Wilhite.....Orange Beach, AL
 40 Jack Wilhite.....Orange Beach, AL
 41 Daniel Willard.....EDF, Austin, TX
 42 Johnny Williams.....Alvin, TX
 43 Carolyn Wood.....Dauphin Island, AL
 44 Bob Zales.....Panama City, FL
 45

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 47 The Mackerel Management Committee of the Gulf of Mexico Fishery
 48 Management Council convened at the Grand Hotel Marriott, Point

1 Clear, Alabama, Wednesday morning, January 28, 2015, and was
2 called to order at 8:30 a.m. by Chairman Pamela Dana.

3
4 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**
5

6 **CHAIRMAN PAMELA DANA:** I would like to convene the Mackerel
7 Management Committee and I guess we have a quorum in here of my
8 committee. Yes. I want to start with Adoption of the Agenda.
9 Has everyone had an opportunity to review the agenda and is
10 there any requests for additions or changes? Hearing none, I
11 would call for a motion to approve the agenda.

12
13 **MS. MARTHA BADEMAN:** So moved.

14
15 **MR. JOHN SANCHEZ:** Second.

16
17 **CHAIRMAN DANA:** The agenda is approved. Approval of Minutes,
18 has everyone had an opportunity to review the minutes? If so,
19 are there any changes or additions?

20
21 **MR. LANCE ROBINSON:** Just one note. On page 3, line 34, I think
22 it reads "Southern Zone Quote" and I think it should be "Quota".

23
24 **CHAIRMAN DANA:** Thank you, Lance. Good catch. Any other
25 revisions or additions or changes? Hearing none, do I have a
26 motion to approve the minutes?

27
28 **MS. BADEMAN:** I move to approve the minutes as amended.

29
30 **CHAIRMAN DANA:** All in favor say aye. The minutes are approved.
31 What we're going to do -- I don't think we're going to use the
32 entirety of the three hours. I've been wrong before, but we're
33 going to move through this based on the agenda, the action guide
34 and next steps.

35
36 We are going to go over several scoping documents and we're
37 going to have several of the staff members discuss ACL and just
38 the overall health of the mackerel in the Gulf and the Atlantic
39 and then we will round up the meeting with the discussion of a
40 meeting we had in southern Florida on the gillnet issue and I'm
41 going to turn it over to Ryan to go over the renumbering of the
42 amendments.

43
44 **COASTAL MIGRATORY PELAGICS AMENDMENT RENUMBERING**
45

46 **MR. RYAN RINDONE:** Thank you, Madam Chair. The IPTs have
47 discussed the current workload for the Gulf and Atlantic
48 migratory groups of mackerel and they have recommended splitting

1 the documents up based on where things are in their current
2 timeline and so what used to be Amendment 24 was going to be
3 Gulf and Atlantic kingfish allocations and ACLs and all of that
4 stuff for kingfish and Spanish.

5
6 Now it's just going to be Spanish and, oddly enough, that has
7 been tabled by the South Atlantic until 2016 and so Amendment 24
8 is not something that we will have to see until 2016. Amendment
9 26 will look at all things kingfish, the ACLs, the reallocation
10 between the recreational and commercial sector, reallocation
11 amongst the commercial zones in the Gulf, the stock boundary,
12 and also bycatch provision for sale for the shark gillnet
13 fishery, amongst other things.

14
15 Amendment 28, which the Gulf Council has not formally adopted to
16 actually participate in yet, looks at permit splits and it would
17 split the Gulf and Atlantic combined kingfish and Spanish
18 permits into a separate Gulf kingfish and separate Gulf Spanish
19 permit and then the same for the Atlantic side and the South
20 Atlantic is interested in doing this for a couple of reasons
21 that we'll get into, but I just wanted to go through that with
22 you guys so you know what the current amendment numbering is and
23 why we have it that way. Are there any questions?

24
25 **CHAIRMAN DANA:** What do we do on the Committee Recommendations
26 there?

27
28 **MR. RINDONE:** If there is any.

29
30 **CHAIRMAN DANA:** Hearing no questions of Ryan on the renumbering,
31 are there any committee recommendations whatsoever on this
32 renumbering?

33
34 **MR. CORKY PERRET:** Ryan, one of the things being considered is
35 changing allocation and so on and what's the proper document for
36 accountability measures, to make sure if indeed we reallocate or
37 if a commercial sector has gone over in the past, where do we
38 put the accountability measures to hold them accountable?

39
40 **MR. RINDONE:** It could go in that Amendment 26 document along
41 with everything else.

42
43 **MR. PERRET:** It just seems to me that's something we need to
44 discuss, because we're talking about reallocation in snapper and
45 we've got accountability measures for one group and I want
46 accountability measures for all user groups and not just any one
47 segment versus the other and I think that's something we need
48 some discussion on.

1
2 **MS. BADEMAN:** I would agree with that. Do we need a motion to
3 add something like that to this document or can we just give
4 that as a direction to staff or what do you need, Ryan?
5

6 **MR. RINDONE:** It can just be a direction to staff. I mean we're
7 in scoping right now and so the whole document is very malleable
8 to any changes that the councils wish to put forward. If you
9 guys want to consider additional accountability measures for
10 mackerel on top of what already exists, then that's something
11 that can certainly be put into the document and taken to
12 scoping.
13

14 **MR. PERRET:** That's something I definitely would like to see and
15 if staff has got that direction, Martha and I seem to feel that
16 that should be included and I don't know if we need a formal
17 motion or not, but staff is shaking his head yes and so I think
18 that's something that needs to be included. Thank you.
19

20 **CHAIRMAN DANA:** Thank you and noted. Any other committee
21 recommendations or issues on this particular item? Okay. Let's
22 move forward to SEDAR-38, which is the Gulf of Mexico and South
23 Atlantic King Mackerel Stock Assessment Report. I think Michael
24 Schirripa or who is going to --
25

26 **MR. RINDONE:** Yes, he will be given the presentation.
27

28 **CHAIRMAN DANA:** Can I call Michael Schirripa to do the
29 presentation, please? Thank you.
30

31 **SEDAR-38 GULF OF MEXICO AND SOUTH ATLANTIC KING MACKEREL STOCK**
32 **ASSESSMENT REPORT**
33 **SEDAR-38 STOCK ASSESSMENT PRESENTATION**
34

35 **DR. MICHAEL SCHIRRIPA:** Good morning, ladies and gentlemen.
36 It's my privilege to address you this morning and present to you
37 what I think is one of the success stories in the Gulf of Mexico
38 management arena and so we're going to talk this morning about
39 the king mackerel stock assessment that was recently completed.
40

41 Of course, the assessment process went through the usual
42 workshops, the data workshop, review workshop, and so on. The
43 CIE reviews found that the model was favorable for advice and
44 they had no problems with it.
45

46 The Gulf stock was deemed not to be overfished and not
47 undergoing overfishing, based on all the sensitivity runs, and
48 neither was the Atlantic stock overfished or undergoing

1 overfishing.

2
3 We kept the Atlantic assessment and the Gulf assessment as
4 similar as possible with their configurations. We did define a
5 new winter mixing zone. I would like to stress that it was the
6 entire data workshop that arrived at this decision and not just
7 one of the working groups, but it was a product of the Life
8 History Working Group, the Landings Working Group, and the
9 Assessment Working Group.

10
11 Everybody was in the room together and it was -- We had a lot of
12 brain power in there and we stayed late that night, but we
13 arrived at what we felt was a better representation of the
14 winter mixing zone. There was no evidence of a stock
15 recruitment relationship, but we'll be talking about that in a
16 little bit more here.

17
18 Again, the group decided the new winter mixing zone by taking a
19 careful examination of the landing by county around Florida.
20 This picture is depicting the old winter mixing zone that you
21 can see right here and what we did this time around was take a
22 very careful look at the landings month and we narrowed that
23 down to the right-hand new winter mixing zone over here to the
24 left.

25
26 The new winter mixing zone is much smaller and now only about 7
27 percent of the landings are unaccounted for in that winter
28 mixing zone. We still split those fish 50/50 between the
29 Atlantic and the Gulf, but it's a much smaller percentage now.

30
31 This can be seen also in the next slide, where we looked at the
32 old winter mixing zone is that wider red bracket that you see up
33 at the top here and the winter zone was -- By the end of the
34 meeting, we had narrowed it down to what made more sense, the
35 black winter mixing zone here.

36
37 Let's take a quick look at the landings. I'm sure you're all
38 familiar with this type of graph. We have landings that were
39 dominated in the 1960s and 1970s and 1980s by a gillnet fishery
40 which was eventually -- Those landings went down around 1980 or
41 1985 and now we have a stock whose landings are dominated mostly
42 by the recreational fishery, namely the charter and private
43 boats.

44
45 As I suggested last time, there was no discernable stock
46 recruitment relationship. A visual inspection of the data did
47 not suggest a strong relationship and so rather than go with a
48 high uncertainty in a stock recruitment relationship, an MSY

1 proxy of SPR 30 percent was recommended to be continued and that
2 is without a strong stock recruitment relationship, it's
3 impossible to discern exactly what MSY was and so we recommended
4 staying with the proxy that is being used right now, 30 percent.
5

6 Now, one thing that -- I wouldn't call it a red flag and I
7 wouldn't call it a yellow flag, if you will, but something to be
8 mindful of is recent recruitments show a possible declining
9 trend and if you look here at this plot, you will see right when
10 the stock started to recover, so did the recruitment, starting
11 around 1990, but around 2005 and such, you will see there is a -
12 - Despite the fact that the SSB continues to increase, we see a
13 decline in recruitment.
14

15 This is the SEAMAP CPUE and so this is giving us an indication
16 of age-one fish and so the number of age-one fish since around
17 2005 has slowly been declining and this was viewed as a trend to
18 remain mindful of, but, ultimately, we didn't feel it was a
19 function of spawning stock biomass and more of a function of
20 environmental effects, most likely. We're not going to pretend
21 that we know exactly what those are, but given the strong trend
22 in SSB, we are going to attribute that to the environment right
23 now, but that should be something to be keeping an eye on.
24

25 In this slide, we are showing the estimated recruitments from
26 the model. Again, we see a nice increase with SSB, starting in
27 the 1980s and 1990s, but then around 2000, the early 2000s, we
28 see that decline. Again, it's nothing to be alarmed about, we
29 don't think, because we have a lot of buffer out there right now
30 in SSB, but, again, we want to be very mindful that this trend
31 that we're seeing right here does not continue to stay down or
32 go even further down.
33

34 You will see that manifest itself in the last couple of years of
35 estimates of SSB as the recruits start to drop a little bit. In
36 fact, if we go to the next slide, we see on the left the total
37 biomass, starting at a high in 1940 and the turnaround in around
38 1990, a nice sharp turnaround, and then generally increasing
39 since then and the small drop that we see there in the last
40 couple of years, in both the right and left-hand plots, is the
41 smaller recruitment levels coming into the adult population
42 there, but, again, as you can see, it's nothing to be alarmed
43 about just yet, but it is something to keep an eye on.
44

45 You can see here then that the stock did reach a minimum in
46 1992, but it quickly recovered and has generally increased since
47 and so while there does to be a little bit of a downturn in
48 those past couple of years, we are not anywhere near the MSST

1 level, but we don't want to get there either and so, again, it's
2 something to keep in mind.

3
4 The projected retained catch we ran under three reference
5 points. The blue line on the left and on the right is SPR 30
6 percent and the red line is SPR 40 percent and then, finally, we
7 did a 75 percent of SPR 30 percent.

8
9 What you will notice here is there's an immediate increase in
10 the catch if we were to set the catch levels at SPR 30 and that
11 is because there is a considerable amount of buffer out there
12 right now in the spawning stock biomass. As you saw in the
13 previous plot, it's well above 30 percent. If the fishery were
14 to go out there and fish at the level of F 30 percent
15 immediately, there would be an immediate increase in the
16 landings as it worked its way down to equilibrium. That's why
17 there is that first uptick there and eventually going down.

18
19 If we look then at the table, we can see the same sort of thing.
20 The left column is the year and there are two columns, one for
21 the overfishing limit at a P^* of 50 percent, that is the
22 probability of overfishing of 50 percent, and then the ABC. The
23 SSC chose a probability of 43 percent of overfishing.

24
25 As you can see in 2015 and 2016, the landings are quite high.
26 The catch streams are quite high and then working their way down
27 to an equilibrium and that, again, is because there is a buffer
28 of spawning stock biomass out there that could potentially go to
29 the fishery immediately.

30
31 Finally, the conclusion is that there's no indication that the
32 stock is currently being overfished or experiencing overfishing.
33 The current management strategy used by the council seems to be
34 very effective at achieving its stated goals.

35
36 The Gulf of Mexico king mackerel has responded very well to
37 regulations implemented in the 1990s and beyond and nearly every
38 model configuration suggests that the spawning stock size has
39 been generally increasing since 1990. However, recent low
40 recruitments are noted and should be monitored for any longer-
41 term trends.

42
43 **CHAIRMAN DANA:** Thank you, Michael. Are there any questions of
44 the presentation or Michael?

45
46 **MR. PERRET:** Thank you and it's good to have you here. We
47 missed you. Michael, thank you very much for that presentation
48 and especially the way you started out, that this is a success

1 story. We don't hear a lot of that and for those of us like Mr.
2 Zales and I and a few others in the room that were here on that
3 downtrend in the 1980s and to see that remarkable shift going
4 the other way, that really is good, but I just wanted to thank
5 you for bringing that information to us and good presentation.
6 It's encouraging.

7

8 **DR. SCHIRRIPA:** Thank you, Corky.

9

10 **CHAIRMAN DANA:** Thank you, Corky, for those comments. I just
11 have kind of a layman's question. When you were looking at the
12 mixing zone and you came to some agreement, what goes into
13 reestablishing or analyzing that mixing zone and making it
14 smaller or larger?

15

16 **DR. SCHIRRIPA:** There is by no means a textbook that says how to
17 split a winter mixing zone and so there is no standard set of
18 things that we look at. The reason that we did not do it within
19 any particular working group is because we looked at everything
20 we could possibly get our hands on and that includes otolith
21 shape analysis that we looked at, landings by county, growth
22 rates, anything that we thought could distinguish Atlantic fish
23 from Gulf fish during that time. It's hard to list it, except
24 that we tried to incorporate and synthesize all the information
25 available to us.

26

27 **MR. MYRON FISCHER:** Would it be -- I thank you for also being
28 back in the area and being back at the meeting, but having you
29 back in the Southeast. In four years, we may conduct another
30 stock assessment and when you're looking at the yield streams,
31 would you think it's possible the 2018 could bump up from where
32 it is now at the ABC of 8.7 and it start off at upper nine-
33 million? This declining trend, is it because of the distant
34 uncertainty or is it the stock will reach equilibrium?

35

36 **DR. SCHIRRIPA:** It's the latter. If we can go back real
37 quickly, I am going to refer you to what I will call the SPR
38 plot. Remember this is our goal right here, to go no lower than
39 this, and what we have is this nice buffer right here and as we
40 fish at this level here, we're going to bring that down and
41 equilibrium would be right here on this slide and so we kind of
42 have this buffer going right here and that's why the landings
43 would be large to begin with, but eventually the stock size
44 would reach the equilibrium at this red line here, as would the
45 landings.

46

47 Now, keep in mind though that when you have a recruitment trend
48 like we have there, we do not have an equilibrium condition and

1 so that decline to MSST could actually happen faster, depending
2 on what that recruitment trend is going to do in the next couple
3 of years.

4
5 **MR. PERRET:** Mike, on the SEAMAP trawl survey data, I assume all
6 methodology has stayed the same and there haven't been any
7 changes in the last few years that might account for that lower
8 variation in the more recent years.

9
10 **DR. SCHIRRIPA:** I wouldn't say that it's been rock solid, but I
11 would say it was solid enough, consistent enough, to where we
12 didn't have any problems with that trend.

13
14 **CHAIRMAN DANA:** Any other questions of Michael? Michael, I
15 apologize, because I did not recognize where you are hailing
16 from, which is the Southeast Fisheries Science Center, Bonnie's
17 shop, and I do appreciate your time and thoughtful presentation.
18 Thank you. If there is no more questions, I am going to ask
19 Steve -- Excuse me, David Walker.

20
21 **MR. DAVID WALKER:** I just had a question and it was in
22 discussion with king mackerel fishermen in the western Gulf and
23 there was a little bit of concern and I had Steven look it up
24 and the closure in the western Gulf was 9/20/2013 and this year,
25 the past season, it was 10/17 and so it's nearly a month longer
26 to catch the quota and I was just kind of wondering about your
27 thoughts on that and what might be the causation for that or
28 weather or whatever. I was just kind of interested and it was
29 questioned by the industry on that.

30
31 **DR. SCHIRRIPA:** Yes and I am going to say I can't right off the
32 tip of my tongue, right off the top of my head, without thinking
33 pretty hard about that -- I mean there's probably many
34 possibilities for that that I couldn't dream up right now.
35 Maybe it's something at the coffee break we could talk about it.

36
37 **CHAIRMAN DANA:** Secret squirrel stuff. Steve Branstetter.

38
39 **DR. STEVE BRANSTETTER:** To address David's question, the closure
40 date varies anywhere from September to November on an annual
41 basis, pretty much.

42
43 **CHAIRMAN DANA:** Any other questions of Michael? Again, Michael,
44 thank you very much for your presentation. I am going to ask
45 Steve Atran to address the ACL Control Rule.

46
47 **MR. STEVEN ATRAN:** Before we get to me, Will Patterson has a
48 summary of the SSC recommendations and he should probably go

1 first.

2
3 **CHAIRMAN DANA:** Thank you very much. Will Patterson, welcome to
4 the podium, my friend.

5

6

SSC RECOMMENDATIONS

7

8 **DR. WILL PATTERSON:** Thank you, Pam, and good morning. We have
9 just heard from Michael Schirripa about the assessment and I
10 will reiterate his comments about this being a success story and
11 we have seen this in recent years in discussions about king
12 mackerel, but at this time, both the Atlantic and the Gulf
13 stocks are estimated to be doing quite well and so that sort of
14 compounds the success of management in both regions.

15

16 Historically, one of the biggest issues for management, as well
17 as assessment, for king mackerel has been the mixing zone and so
18 Dr. Dana's question to Michael about the mixing zone -- I have
19 been involved in a couple of king mackerel benchmark SEDARs on
20 the data end and this is obviously the -- The stock structure,
21 population structure, of king mackerel is something that has
22 gotten a lot of attention through the years.

23

24 I apologize that the labels aren't appearing here, but on the
25 left, that's the historical mixing zone that Amendment 1 to the
26 Mackerel FMP, or Coastal Pelagics FMP, in 1985 defined as
27 Flagler/Volusia in the northeast to Collier/Monroe in the
28 southwest and that was basically from December to March, those
29 fish were all attributed to the Gulf stock.

30

31 There has been quite a bit of research done over time to examine
32 population structure and one of the bits of information is
33 molecular genetic information, historical tagging data, and
34 then, more recently, otolith shape and otolith chemistry, but
35 the reason why -- The otolith chemistry and otolith shape
36 information has indicated that most of the fish in the southwest
37 in the winter are estimated to be Gulf origin and most of the
38 fish in the southeast, off of Peninsular Florida, were estimated
39 to be Atlantic origin and so we've had those estimates for a
40 while, but there is some uncertainty in those numbers, given the
41 lack of 100 percent classification of adult and Atlantic stocks
42 when stocks are separate.

43

44 Then, south of the Keys, the estimates have been about 50/50.
45 However, the new piece of information that was added to the mix
46 was some work that Peter Barile had done and he was a consultant
47 for some fishermen on the east coast, but Peter looked at the
48 transition of fish down the coast and so county-by-county down

1 the east coast of Florida and then we looked at this in the Gulf
2 as well.

3
4 What we determined is that you could follow the fish moving down
5 the east coast by this analysis and the same thing in the Gulf
6 of Mexico. You could follow the fish and so those fish that
7 were estimated to be mostly Atlantic or mostly Gulf, in fact we
8 could watch the fish move down the coast by looking month-by-
9 month through time.

10
11 That really was the new piece of information that was added to
12 the story that this new mixing zone configuration is based upon
13 and so we, again, reviewed this in the SSC and we concurred with
14 the review panel and the CIE that this in fact was a better
15 approach and that this represented the best information
16 available.

17
18 As Michael indicated, the estimates were that the stock is not
19 overfished, nor is it undergoing overfishing. The SSC moved to
20 accept the base king mackerel assessment model, SEDAR-38
21 assessment model, as the best scientific information available
22 and that is acceptable for management purposes. The stock is
23 estimated not to be overfished or undergoing overfishing.

24
25 I will reiterate Michael's statements about recruitment and the
26 downturn that you see here in the projected or the estimates of
27 biomass to BMSY on the right reflect that. The projections
28 moving forward, as he indicated, also reflect the fact that
29 since we're well above BMSY that you would be fishing the stock
30 down toward that level with our current OFL set at F 30 percent
31 SPR.

32
33 This recruitment issue does bear watching. It's a concern, but
34 as Michael also indicated, given the fact that the spawning
35 stock biomass is estimated to be so much above BMSY, this is a
36 reason to manage stocks to these levels, so that if there's
37 natural variation that you're bouncing around in a really good
38 zone, well above BMSY.

39
40 Then the SSC applied the council's ABC control rule and we
41 estimated -- These are the OFL streams that resulted from the
42 base model and so this is the median of the F 30 percent, yield
43 at F 30 percent, SPR and so here we have -- We have set OFL for
44 years 2015 through 2019.

45
46 Typically the SSC only recommends three years into the future,
47 but given the stock status of king mackerel and other priorities
48 for assessment, we felt comfortable in making this

1 recommendation five years into the future. Again, this motion
2 passed unanimously.

3
4 Secondly, we applied the council's ABC control rule and came up
5 with a P^* of 0.43 and applied to the overfishing limit,
6 probability density function, PDF, and so then these are the ABC
7 recommendations or the ABCs set by the SSC as applying the
8 council's control rule, ABC control rule, to the OFL PDF. That
9 concludes the SSC report on king mackerel.

10
11 **CHAIRMAN DANA:** Thank you, Will. Thank you for clarifying the
12 mixing zone for me. Any questions for Will, the Chairman of the
13 SSC?

14
15 **MR. PERRET:** Will, again, thank you for your presentation and
16 thanks for the success story. I wish I would be around to hear
17 you or the other appropriate scientists tell this council
18 sometime in the future about the success story on red snapper.
19 I am sure it's coming, but I wish it was sooner rather than
20 later, but thank you.

21
22 **CHAIRMAN DANA:** Any additional questions for Will?

23
24 **EXECUTIVE DIRECTOR DOUG GREGORY:** I've got a question for Dr.
25 Schirripa, if possible.

26
27 **CHAIRMAN DANA:** Thanks again, Will. Michael Schirripa, can you
28 please join us?

29
30 **EXECUTIVE DIRECTOR GREGORY:** Will might remember the answer.
31 He's a lot younger than me, but I was involved in the last SEDAR
32 stock assessment for king mackerel and I don't remember this,
33 but, Mike, do you recall in the last king mackerel assessment
34 that the last few years of biomass showed the same trend that
35 we're seeing now?

36
37 It seems to me that with king mackerel that every stock
38 assessment we had we had that same declining trend and if you
39 kind of did a pseudo retrospective analysis of it, it might
40 indicate that, that there's something about the modeling that
41 just does that, but it doesn't show up in subsequent analyses,
42 but I haven't had the time to research it to know for sure and I
43 didn't know, since you did the continuity run, if you recalled
44 what the projection was for the last stock assessment.

45
46 **DR. SCHIRRIPA:** Thanks, Doug. Unfortunately, I was not around
47 for SEDAR-16 and so I don't have the clearest recollection of
48 that, but I will say that we did do a retrospective analysis on

1 this model that showed there was a dip in that last year, but
2 that dip got deeper and deeper the more years of recruitment we
3 would put in there, obviously because of that declining trend.
4

5 I can only think that that dip is always there, because that --
6 The start in the declining trend in recruitment started at
7 around 2000, I think, 1999 or 2000, and so I think it's a real
8 dip, because that's what the recruitment has been doing. I
9 can't recall what the last year of SEDAR-16 was, but these same
10 recruitments may have influenced that. Four years ago it
11 probably would have, because it's been declining for more than
12 four years.
13

14 **CHAIRMAN DANA:** Do any members of the scientific team have
15 anything to add on that? Hearing none, thank you, Michael. Now
16 I think it's time to move to Steve Atran and thank you for
17 correcting the agenda for me, Steve.
18

19 **ACL/ACT CONTROL RULE RECOMMENDATION**

20
21 **MR. ATRAN:** Thank you. I think we all accidentally forgot about
22 Will's presentation and I am glad that he remembered it. As I
23 did yesterday for gag and red snapper, I ran the ACL/ACT buffer
24 spreadsheet for king mackerel.
25

26 Again, I am not going to go into a lot of detail describing it.
27 It's the multicolored spreadsheets in the back of the room.
28 It's a point-based system and it looks at several items related
29 to management uncertainty and the more points that are
30 accumulated, the higher the buffer result. In the case of the
31 recreational sector, which is Tab C, Number 4(b), it ended up
32 with a low --
33

34 **CHAIRMAN DANA:** What was that, Steve, what tab?
35

36 **MR. ATRAN:** Tab C, Number 4(b). It says "King Mackerel
37 Recreational 2015" in the upper right. King mackerel has been -
38 - The recreational sector has been well below its ACL over the
39 last four years. It hasn't even come close and so there is no
40 overages to worry about.
41

42 The only factors really affecting the buffer are the fact that
43 the primary means of collecting catch data is through MRIP,
44 which has some imprecision associated with it, and in-season
45 accountability measures have not been used. They haven't been
46 needed, since the ACL hasn't been approached, but with those
47 being the only two factors, the spreadsheet recommends a buffer
48 of 8 percent for the ACT.

1
2 On the commercial side, since king mackerel is not under an IFQ
3 system, there is a buffer for them. In this case, the primary
4 factor controlling the buffer for the commercial side is that
5 there were overages in three of the last four years, but they
6 were very small, on the order of 3 to 4 percent over the ACL,
7 and that's looking at the total catch for all the various zones
8 and gear types combined compared to the total ACL. When that
9 was plugged into the spreadsheet, we came out with a
10 recommendation of a 9 percent ACT buffer and that's for the king
11 mackerel fishery as a whole.

12
13 I also calculated it for each individual zone and gear type,
14 since they have their own individual quotas, and I can go
15 through that if you like, but since apparently there is going to
16 be some reorganization of those zones and gear type quotas, I am
17 not sure that's relevant and I think probably just the overall
18 quota and buffer is the most appropriate way to go and so if
19 anybody has any questions about these spreadsheets, I will be
20 glad to answer them.

21
22 **CHAIRMAN DANA:** Thank you, Steven. Any questions of Steven?
23 Hearing none, are there any committee recommendations or issues
24 regarding SEDAR-38 at this time? Let's move on then.

25
26 We're going to go into Item VI, Scoping Document for Coastal
27 Migratory Pelagics Amendment 26, Gulf of Mexico and South
28 Atlantic King Mackerel Allocations and Mixing Zone Delineation.
29 Doug, before we go on, Ryan, being the whip that he is, he has
30 determined that 2008 would have been terminal year for the
31 SEDAR-16.

32
33 **MR. RINDONE:** Any declining trends that would have started in
34 say 2000, as Dr. Schirripa inferred, would have been seen in the
35 SEDAR-16 assessment and so that dip that occurred in the
36 terminal biomass then, which also occurred in the current
37 assessment, those wouldn't be -- The current dip wouldn't be an
38 artifact of the previous assessment.

39
40 **EXECUTIVE DIRECTOR GREGORY:** Yes and that's something I will
41 look into later. Basically, I think that my memory is that due
42 to the modeling of when you finish your recruitment, you have to
43 go to an average and every stock assessment indicates a decline
44 and I just want to look into that.

45
46 **CHAIRMAN DANA:** Thank you, Doug, and thank you, Ryan. Ryan, go
47 ahead.

48

1 **SCOPING DOCUMENT FOR COASTAL MIGRATORY PELAGICS AMENDMENT 26**

2
3 **MR. RINDONE:** Thank you, Madam Chair. CMP Amendment 26, this
4 scoping document addresses quite a few things, including king
5 mackerel allocations between the recreational and commercial
6 sectors and within the commercial zones in the Gulf, the new
7 stock boundary, and recognition of the new winter mixing zone as
8 outlined in the stock assessment, annual catch limits for the
9 Gulf and the South Atlantic, and also it looks at a sale
10 provision. It's a sale provision for king mackerel bycatch in
11 the shark gillnet fishery.

12
13 We will just go ahead and work our way through this and I am
14 going to go ahead and move you guys straight down to page 5,
15 which talks about the possible management changes and this is
16 Tab C, Number 5. We are going to page 5.

17
18 The first considered management change is for the Atlantic king
19 mackerel annual catch limit and Table 1 there outlines the
20 associated buffers and equilibrium yields for the projections
21 for the Atlantic migratory group of king mackerel. Remember,
22 this is the group that goes down to the Dade/Monroe line except
23 from November 1 through March 31, in which it interacts 50/50
24 with the Gulf migratory group south of U.S. 1 in Monroe County.

25
26 The Atlantic migratory group is not overfished, nor is it
27 undergoing overfishing, as Dr. Schirripa stated, and that group
28 is also looking at an increase in their projected yields and not
29 quite to the same degree as the Gulf, but still a projected
30 increase all the same.

31
32 The landings projections for the Atlantic look a lot larger than
33 the Gulf, because what used to be the Florida east coast zone,
34 which used to be considered part of the Gulf stock, is now
35 considered part of the Atlantic stock for the reasons that Dr.
36 Schirripa discussed, that the stock assessment group had looked
37 at. We'll get into what the Gulf looks like and how to make
38 that relationship.

39
40 The current Atlantic mackerel ACLs for the Atlantic migratory
41 group is 10.46 million pounds and pending approval of Amendment
42 20B, the South Atlantic would be managing two zones for that
43 Atlantic migratory group, a northern zone and a southern zone,
44 for the commercial sector.

45
46 Whatever yield projections the South Atlantic agrees upon and
47 the Gulf concurs on would be distributed as stated there. Any
48 questions about the South Atlantic's yield projections?

1
2 **MS. BADEMAN:** I just have a question, since they did split that
3 zone up. When they are applying this increased based on the
4 mixing zone changes, are they considering just adding it to the
5 southern zone? I forget what they're calling the North Carolina
6 one and the Florida and everybody else one. Do you know how
7 that's being set up? I am just curious.
8

9 **MR. RINDONE:** Their overall ABC that they agree on and whatever
10 ACL buffer they select, that resulting poundage will be split
11 between the recreational and commercial first and then within
12 the commercial between the northern and southern zones. Is that
13 what you were asking?
14

15 **MS. BADEMAN:** Yes and I mean I'm thinking strictly just about
16 the commercial component of that, but it seems like if some of
17 those fish are coming over because they were from the Gulf zone,
18 then they would be applied only to the southern part of the
19 commercial side or they would need to at least rethink about
20 that allocation that they have between northern and southern and
21 is that on the table, do you know?
22

23 **MR. RINDONE:** There are some public comments that were received
24 that wanted to look at how much of the allocation was headed
25 north, but it's not that the fish are actually moving into that
26 area. It's that they were thought to always exist and always be
27 Atlantic fish off of that Florida east coast zone and so the pie
28 slices aren't being handed over. They were always thought to be
29 in the same place and we just understand that better now than we
30 did before. It will go recreational and commercial first and
31 then the commercial portion will be split and if the South
32 Atlantic wants to revisit those northern and southern zone
33 percentages, then they can certainly chase that down.
34

35 **MS. MARA LEVY:** I think the council was sent an email recently,
36 but just so everyone knows, 20B was approved and I think that
37 the final rule just got published in the last day or so.
38

39 **MR. RINDONE:** Right and it will be implemented on March 1. Any
40 other questions before we move on? Okay. The Gulf migratory
41 group ACL, Dr. Patterson just finished going over what the SSC
42 recommended coming out of the stock assessment and, again, the
43 Gulf migratory group is not overfished, nor is it undergoing
44 overfishing. There is actually a fairly healthy surplus of
45 biomass in the fishery, which explains the declining trend in
46 the landings projections from 2015 through 2019.
47

48 That table that you see there up on the screen, and this is on

1 page 6 of the document, reflects the SSC's recommendations and
2 so a good way to think about this is our current ACL in the Gulf
3 for the recreational and commercial I think is 10.8 million
4 pounds and so this is less than that, but the way to think of it
5 is instead of having a three-pound cake split between five
6 people, you have a two-and-a-half-pound cake split between three
7 people.

8
9 We don't have quite as much biomass being attributed to the
10 Gulf, but it's being attributed to a much smaller area than it
11 was before and so that's why we're still looking at increases
12 across the board, should the council adopt these projected
13 landings, for the recreational and the commercial sectors, if
14 that makes sense. Any questions on that? Everybody likes cake.

15
16 On page 7 there at the top, we talk a little bit about the
17 current split and how it's divided and so however the council
18 decides to pursue any changes in the recreational and commercial
19 allocations, that could change, but just to give you guys a
20 point of reference of where we are now from Amendment 18.

21
22 The next thing was the king mackerel stock boundary and Doctors
23 Schirripa and Patterson covered this I think pretty well from
24 the assessment and just to summarize, the assessment report
25 stated that the best approach is to establish the management
26 mixing zone south of the Florida Keys and Dry Tortugas and as a
27 relative line, it's south of U.S. 1 and the southern side of
28 Monroe County from November 1 to March 31 and with 50 percent of
29 the landings being attributed to the Gulf and 50 percent to the
30 South Atlantic and so even mixing is presumed between the two
31 migratory groups.

32
33 Recognition of this new mixing zone would be required so that we
34 can go about redistributing the commercial zone allocations,
35 which we'll get to in a bit, but does anybody have any other
36 questions as far as the mixing zone? I think we covered that
37 one pretty well. We will just keep blazing forward.

38
39 **MR. PERRET:** Has the South Atlantic acted yet on the new
40 boundary? We say they are considering and we're considering
41 changing and have they addressed that yet?

42
43 **MR. RINDONE:** We're addressing it jointly in this document.
44 This is a joint amendment between us and them, because we still
45 manage the mackerels jointly. We're all in it together.
46 Anything else before we go to the commercial zones?

47
48 So back to page 9 and Figure 2. You can see the commercial

1 fishing zones for the Gulf and Atlantic migratory groups and so
2 the important thing to remember here, again, is that that
3 Florida east coast subzone is considered Atlantic fish now and
4 so the Gulf isn't responsible for that portion of the fishery
5 anymore and so we would just have the western zone and the
6 northern zone in the eastern Gulf and the southern zone in the
7 eastern Gulf and for the sake of keeping the names of all the
8 subzones down to a minimum, the IPT is recommending for the Gulf
9 commercial zone allocations just to call it the western zone,
10 the northern zone, and the southern zone.

11
12 That brings us into the commercial zone allocations and right
13 now, the pie is basically split five ways, with one of those
14 slices being that Florida east coast zone that's going away.
15 What that does is that leaves us with only 68 percent of the 100
16 percent of the commercial allocation distributed amongst the
17 remaining zones and so that 32 percent that was voided by the
18 Florida east coast zone, we have to fold that in somehow or
19 another into the existing commercial zones and there are a
20 couple of ways that that can be done. Actually, there is an
21 unlimited number of ways, but there is a couple of ways that we
22 propose in the document, just because they were the simplest to
23 propose initially.

24
25 They could be done equally, where you take that approximately 32
26 percent and you just divide it four ways between the western
27 zone, the northern zone, and the two southern zone components,
28 the hand line component and the gillnet component, or it could
29 be done proportionally based on the proportion of the remaining
30 68 percent that each individual component of those four that I
31 just mentioned holds of that 68 percent.

32
33 For example, for the western zone, whatever 31 percent divided
34 by 68 percent, that would be the proportion of the amount
35 yielded by the Florida east coast zone that would be transferred
36 to the western zone and it's just a couple of ways of doing it
37 and if the council wants to explore other options, that is
38 totally your guys' option, but we just put these in there just to
39 kind of get the ball rolling and see how some of these numbers
40 might -- So you could see how some of these numbers might
41 change. Any questions on this, on the commercial zone
42 allocations?

43
44 Again, remember this is a scoping document and so things can be
45 moved around and added and changed and whatever your guys'
46 pleasure is.

47
48 **MR. DOUG BOYD:** I am not on your committee, but I was just

1 reading the verbiage there and it said that these numbers would
2 probably have to change because of 20B and we just heard that
3 20B was approved and what changes would be made in that? Do we
4 know?

5
6 **MR. RINDONE:** That's what I was talking about as far as the
7 Florida east coast zone no longer being part of the Gulf
8 migratory group and so that 31.91 percent out of the 100 percent
9 total for the commercial zone allocations in the Gulf, that
10 31.91 percent goes away and so now we're not at 100 percent
11 anymore.

12
13 We have to get everything back to 100 percent mathematically, so
14 that the fish are properly allocated, and the equal reallocation
15 and proportional reallocation options presented in Table 4 are
16 just a couple of ways to do that. It doesn't mean it has to be
17 done that way, but the IPT put those in there just for you guys'
18 consideration and does that answer your question?

19
20 **MR. BOYD:** That does. Thank you.

21
22 **MR. RINDONE:** Are there any other questions about the commercial
23 zone reallocations? I will move forward. The next thing on the
24 list for Amendment 26 is sector reallocation for Gulf migratory
25 group kingfish and this is considering modifying the sector
26 allocations between the commercial and recreational fisheries
27 and historically the commercial fishery has met or, as Will had
28 stated, just slightly exceeded, or maybe it was Steven, but just
29 slightly exceeded its ACL, whereas the recreational fishery,
30 since 2000, has consistently fished under its ACL.

31
32 The council, in previous meetings, has considered shifting some
33 portion of the recreational ACL to the commercial ACL and had
34 asked that the Science Center do an analysis to examine the
35 effects of shifting some of that allocation and those analyses
36 are underway now that the stock assessment is complete and the
37 recommendations from the SSC have been provided.

38
39 Table 5 shows you the total ACL in the Gulf and also the percent
40 of the sector ACL that was landed by the commercial fishery and
41 the recreational fishery. What this means is of the ACL
42 allocated to the commercial fishery, how much of it did they
43 land and of the ACL allocated to the recreational fishery, how
44 much of it did they land?

45
46 You can see that the commercial fishery is just under or just
47 over its ACL in most years, whereas the recreational fishery is
48 barely catching half of the fish allocated to them most years.

1 Then the total ACL, of course, is not being met, because of the
2 underages from the recreational side, which accounts for 68
3 percent of the fishery.

4
5 Table 6 looks at the total actual pounds of fish landed in the
6 Gulf and then also splits it up by the commercial and
7 recreational sectors and then shows you again the percent of
8 those total landings by sector and so what used to be landings
9 that were primarily dominated by the recreational fishery are
10 now more so dominated by the commercial fishery, but not because
11 the recreational fishery doesn't have the fish to catch. Any
12 questions so far? Okay. I will keep moving forward.

13
14 The sale of king mackerel bycatch in the shark gillnet fishery,
15 and this is on page 12, this is something that was proffered by
16 the South Atlantic Council and Zack might want to speak to this
17 a little bit and please feel free to jump in if you want to.

18
19 Amendment 20A that was implemented last year included an action
20 that prohibited bag limit sales of kingfish and Spanish mackerel
21 in the South Atlantic and the South Atlantic Council wants to
22 consider having a provision to allow the sale of bag-limit-
23 caught kingfish from the shark gillnet fishery, because this is
24 something that historically has always gone on and the fishermen
25 feel that because drift gillnet is not an authorized gear and
26 they can't be sold under the current kingfish permits, but they
27 want something to do with these fish when they happen to catch
28 them. Currently, if they are caught in the shark gillnet
29 fishery, then they're just discarded and the fishermen feel
30 that's a waste of the resource.

31
32 **MR. PERRET:** Give us some guesstimate or estimate of what are
33 small numbers? What are we talking about? Is that a hundred
34 pounds or a thousand pounds or 20,000 or 30,000? What's the
35 range we're talking about?

36
37 **MR. RINDONE:** Unfortunately, Mr. Perret, I am parroting what I
38 was told from the South Atlantic Council and I do not have
39 numbers for you, but Mr. Bowen might.

40
41 **MR. ZACK BOWEN:** I do not. I don't have any numbers either.

42
43 **MR. PERRET:** I guess my point is I hate to see anything wasted
44 if it could be utilized, but then I would hate to see this being
45 used to develop another part of a fishery that we may not want
46 to have or we don't have, since this particular type of gear is
47 not a legal gear. Ryan, if there is some way to get some kind
48 of quantitative number of what are we talking about.

1
2 **MR. RINDONE:** I can put out some feelers to try to figure out
3 what those numbers are.

4
5 **CHAIRMAN DANA:** Ryan, currently you would need an incidental
6 shark permit, correct, to sell shark that's a bycatch?

7
8 **MR. RINDONE:** This is a directed fishery in the South Atlantic,
9 but the problem is that the only gillnet endorsements on
10 commercial king mackerel permits are in the southern zone in the
11 Gulf. That gear is not permitted for any other federal kingfish
12 permits in the Gulf or the South Atlantic and so by landing
13 kingfish with a gillnet, those fish currently can't be sold by
14 the shark gillnetters, because they don't have the proper permit
15 endorsement to actually sell those fish. It would be selling
16 fish landed with an illegal gear that they would end up fined
17 for.

18
19 **CHAIRMAN DANA:** I guess my question though was if they had an
20 incidental shark permit, then they would be allowed up to
21 whatever the amount is, what is it, a shark a day or something
22 like that, for sale?

23
24 **MR. RINDONE:** If you guys wanted to establish some incidental
25 permit for them, then that's certainly something that you could
26 explore.

27
28 **CHAIRMAN DANA:** But there is one that already exists is what my
29 point is.

30
31 **MR. ROY WILLIAMS:** The council has prohibited the use of drift
32 gillnets back in the late 1980s or early 1990s sometime. It was
33 a big issue at the time off of the Fort Pierce, Florida area and
34 we prohibited drift gillnets as a legal gear.

35
36 What I read in here is they just want -- If I read this
37 correctly, they just want to be able to sell a bag limit and
38 that's what it sounds like. It says 20A included an action to
39 prohibit bag limit sales and so if that is what is impacting
40 them, I think on the South Atlantic that's three fish, isn't it?
41 I think that's what their bag limit is. No?

42
43 **MS. BADEMAN:** I think it's one.

44
45 **MR. BOWEN:** No, it's three and if that's the case, you're
46 looking at two to six fish per boat, if that's the case.

47
48 **MS. BADEMAN:** Ryan, I am assuming that all of these gillnet

1 fishermen that are interested in doing this have the king
2 mackerel permit, a federal king mackerel permit?

3
4 **MR. RINDONE:** The ones that are interested in this do, yes. Any
5 other questions as far as the kingfish bycatch?

6
7 **MR. WILLIAMS:** To what Martha said though, I am trying to
8 remember and isn't the federal permit a permit to exceed the bag
9 limit and it's not a permit to sell it?

10
11 **MS. BADEMAN:** It used to be, but we changed it now and I think
12 that's part of the 20B or 20A, one of the 20's that we just did.
13 That was part of the change.

14
15 **MR. BOWEN:** I misspoke and I was thinking recreational when we
16 were talking about kingfish. It's two per person and so it's
17 two to six per boat. I just wanted to clarify.

18
19 **CHAIRMAN DANA:** Let's continue on, Ryan.

20
21 **MR. RINDONE:** Okay. Thank you, Madam Chair. Another item for
22 consideration is management of the Florida east coast subzone.
23 The South Atlantic had wanted public input on ways to address
24 concerns about the increased effort in that subzone and, again,
25 that subzone is now becoming part of the South Atlantic's
26 migratory group.

27
28 Potential measures might include some subquota of the updated
29 Atlantic kingfish ACL for that subzone or an endorsement to fish
30 kingfish in that subzone or other specific accountability
31 measures to help control effort in that area. Another thing
32 that they are wanting to consider is permit reduction, but we'll
33 get to that in Amendment 28.

34
35 The purpose and need, as the IPT has seen it thus far, and you
36 guys feel free to modify this, the purpose is to set annual
37 catch limits and redefine allocations between regions and
38 fishing sectors for the Gulf and Atlantic migratory groups of
39 king mackerel. The need is to optimize access to the fishery in
40 the Gulf and South Atlantic waters to provide the greatest
41 benefit to the nation.

42
43 Does anybody have any questions thus far on the scoping
44 document? I know that there was some desire to see a discussion
45 of accountability measures added to this and is that something
46 that you guys want to present now? We can certainly refresh on
47 what the current accountability measures are, but we do have
48 accountability measures in place for the entire fishery.

1
2 **CHAIRMAN DANA:** I think that was a comment directed by Corky,
3 who is no longer in the room, and so perhaps over the course of
4 the next day -- We can take it up at full council if that's
5 something that the council wants to include in the scoping
6 document, unless someone wants to discuss it now. Any other
7 questions on the scoping document or any ideas or any issues?
8

9 **MR. RINDONE:** At this point, you guys need to decide if you want
10 to take this out to scoping now and I know that we were looking
11 at going to scoping -- Charlene can correct me if I'm wrong, but
12 I think after the March meeting and is that correct?
13

14 **MS. CHARLENE PONCE:** It was my understanding we were waiting for
15 the South Atlantic Council to give their blessing before we went
16 to scoping.
17

18 **MR. RINDONE:** The South Atlantic Council scopes every January
19 and they had provided some comments, which I was going to cover
20 in Amendment 28. Most of their comments were more pertaining to
21 Amendment 28. As far as Amendment 26 goes and the ACLs, of
22 course the fishermen wanted to see the most fish possible
23 released to the fisheries, but they have already been to scoping
24 in January and so at this point, it's the council's pleasure as
25 far as when they actually want to go.
26

27 It could be before the March meeting or after. I know that
28 there are a lot of things that are on the docket and I think
29 some of them are going to be -- They're going to try to go to
30 scoping after the March meeting, but if I'm wrong, please
31 correct me.
32

33 **MS. PONCE:** We do have some scoping scheduled for March, but not
34 mackerel related.
35

36 **MR. BOWEN:** We are moving forward on Amendment 26 and we are in
37 scoping now.
38

39 **EXECUTIVE DIRECTOR GREGORY:** Yes and so I would say we'll go to
40 scoping as soon as we can work out schedules with staff workload
41 and so we'll go to scoping as soon as possible and we will
42 schedule it as we can, rather than wait a particular length of
43 time.
44

45 **MR. WALKER:** I agree with Doug. I thought I would like to see
46 it go out to scoping as soon as possible, myself, to get the
47 feedback on this as soon as we can.
48

1 **MS. BADEMAN:** Corky, what's your pleasure on this? I know you
2 were interested in adding those accountability measure things in
3 here and do you want to see something written up before we
4 approve this or are you good giving Ryan latitude to include
5 something?
6

7 **MR. PERRET:** I definitely would like to see something relative
8 to accountability measures. I just think any and all sectors
9 should be held accountable and I've had another thought. We
10 talked possible reallocation from one side to the other for
11 various reasons, fair and equitable and all that stuff, one
12 group not getting anywhere near what their allowable take is and
13 so on and so forth.
14

15 Then I got to thinking about what happens if we reallocate fish
16 from one group to the other because that group is not
17 particularly taking their allocation currently, but then we've
18 got them constrained at a number and then they start going over.
19 It seems like if we move fish, we ought to have a clause in the
20 document somewhere that would allow for some of the fish that
21 have been moved from one group to the other to go back to the
22 original group, if indeed their fishery is expanding and that
23 sort of thing. That is my thinking on it and I would like to
24 see something in the document that would be relative to that
25 concept.
26

27 **MS. BADEMAN:** I guess what I'm asking is are you comfortable
28 with just giving direction for Ryan to include that without us
29 seeing it again before it goes to scoping?
30

31 **MR. PERRET:** I have all the confidence in the world in Ryan and
32 Mr. Gregory and the staff.
33

34 **EXECUTIVE DIRECTOR GREGORY:** Good morning and thank you.
35 Remember the purpose of scoping and so any information we get
36 from the public we're going to bring back in a new document that
37 will include new ideas and then it will be up to the council at
38 that time, when we have a draft, to tell us which options you
39 want to continue with and which options you don't want to
40 continue with.
41

42 I would hope we would have the latitude to include any good
43 ideas we come across from now until that point and then once the
44 council starts making motions as to rejected options or options
45 to keep in, then we quit contributing to that process directly.
46

47 **MR. PERRET:** But it's me talking and my idea that I'm talking
48 about may go out to scoping and I may be the only one in the

1 whole Gulf of Mexico that thinks that and if indeed that's the
2 case, I can be influenced to change my opinion, but I think we
3 should have things for the public to be able to comment on as
4 well as we want input from them also and so that's why I'm
5 suggesting to Ryan that you have something in there relative to
6 my issues.

7
8 **MS. BADEMAN:** Let me see if I can bring this conversation in for
9 a landing. **I would offer a motion to recommend to the council**
10 **that the Amendment 26 document go out for scoping.**

11
12 **CHAIRMAN DANA:** Do I have a second? Corky seconds. Any
13 discussion? **Hearing none, all in favor say aye; opposed. The**
14 **motion passes.** I think the next step then is to call for
15 locations for where scoping could take place and I will go to
16 the state directors to provide their recommended locations. I
17 will start with Texas first.

18
19 **MR. ROBINSON:** I am going to say the Galveston area and Port
20 Aransas.

21
22 **CHAIRMAN DANA:** Alabama.

23
24 **MR. ANSON:** Mobile.

25
26 **CHAIRMAN DANA:** Mississippi.

27
28 **DR. KELLY LUCAS:** Biloxi.

29
30 **CHAIRMAN DANA:** Louisiana.

31
32 **MR. FISCHER:** It's staff's call, Kenner or Grand Isle.

33
34 **CHAIRMAN DANA:** Florida.

35
36 **MS. BADEMAN:** Key West, somewhere Tampa Bay-ish, and Panama
37 City.

38
39 **CHAIRMAN DANA:** Thank you. Doug, do we need to establish any
40 timeframe or do we leave that to the staff to determine?

41
42 **MR. FISCHER:** Mine was an either or. We have had a couple of
43 meetings in Grand Isle and actually filled the room and I am
44 trying to see if we can get some nods from commercial fishermen,
45 seeing if it's suitable, but we had some good performance there.

46
47 **MR. RINDONE:** If you prefer Grand Isle, that's what we'll shoot
48 for.

1
2 **CHAIRMAN DANA:** Okay. I think we are complete with the
3 Amendment 26 and now let's move on into Amendment 28, which is
4 the --

5
6 **MR. RINDONE:** We have a motion.

7
8 **CHAIRMAN DANA:** My apologies. We have to vote on these -- I
9 need a motion to move forward on the proposed public hearing
10 locations of Galveston and Port Aransas, Texas; Mobile, Alabama;
11 Biloxi, Mississippi; Kenner/Grand Isle; Key West, Tampa Bay, and
12 Panama City. Do I hear a motion?

13
14 **MS. BADEMAN:** So moved.

15
16 **CHAIRMAN DANA:** It's seconded by Myron and is there any
17 discussion? **Any opposition? The motion carries.** Now let's
18 move into Amendment 28, Scoping Document for Coastal Migratory
19 Pelagics: Gulf of Mexico and South Atlantic King and Spanish
20 Mackerel Permit Split, and Ryan.

21
22 **SCOPING DOCUMENT FOR COASTAL MIGRATORY PELAGICS AMENDMENT 28**

23
24 **MR. RINDONE:** Thank you, Madam Chair. On page 1, this says this
25 is an options paper and it's actually a scoping document and I'm
26 sorry about that typo. We will go ahead and we will move into
27 the introduction and just kind of give an overview of what the
28 current situation is.

29
30 As of January 6, there were 1,309 valid king mackerel permits
31 with 146 that were expired but renewable, for a total of 1,455.
32 In recent years, the number of valid, fishable permits ranges
33 from 1,300 to 1,600, depending on the number that have been
34 renewed.

35
36 However, the total number of federal kingfish permits, again
37 which currently apply to the Gulf and the Atlantic, cannot
38 increase. It can only decrease, since there is a moratorium on
39 new permits.

40
41 There are lots of options possible for separating the permits
42 and the number of permits granted per vessel. Right now, we
43 have traveling fishermen, primarily from the east coast of
44 Florida, the fish in the Gulf western zone and sometimes also
45 the northern zone and, as I recently learned, also sometimes the
46 southern zone and these traveling fishermen have been fishing
47 these zones for quite some time, but there has been a history of
48 a little bit of angst from especially the western zone and

1 northern zone Gulf fishermen about these Atlantic fishermen
2 coming over and also putting effort into the fishery and they
3 feel that it's causing the quotas to be met more quickly and
4 limiting access to the fishery by Gulf fishermen.
5

6 The councils have to determine if a vessel could be granted both
7 permits or if it would be limited to one permit or if they would
8 be allowed to buy additional permits to grant access to
9 additional zones or in the Gulf or the Atlantic, if the permits
10 were actually split.
11

12 This is very much in its infancy as far as how this permit split
13 might occur and, as I had said before, the Gulf Council has not
14 yet even agreed that they want to consider splitting the permits
15 and so, first and foremost, you guys would have to determine
16 that this is something that you're interested in doing.
17

18 Any qualifying criteria that results in a vessel not receiving a
19 permit would have economic and social impacts, of course, and a
20 valid permit has value to the permit holder, as it can result in
21 dockside revenue.
22

23 In Amendment 28, we had looked at reducing latent permits, or
24 permits that didn't have landings or meet a landings threshold
25 over a certain number of years. Ultimately, both councils
26 decided that they didn't want to go forward with that and so no
27 action was selected as preferred for eliminating any permits.
28

29 The South Atlantic still has a desire to look at eliminating
30 permits, as I had suggested in the discussion for the Amendment
31 26 scoping document, especially for the Florida east coast
32 subzone, or the area that comprises what was formerly known as
33 the Florida east coast subzone.
34

35 We put Table 1 in this document on page 6 and this is actually
36 an excerpt from Amendment 20A and it just shows you, as of April
37 4, 2013, and, again, this is dated information, but it just
38 gives you an idea of permits that would qualify or not qualify
39 based on having to have an average annual landings for a certain
40 time period. It's page 6 of Tab C, Number 6. I am looking at
41 Table 1. It's page 5 of the document, but it's showing up as
42 page 6 on Word.
43

44 Again, this is information that was just excerpted from 20A and
45 so this isn't currently what the split would be, but we just
46 wanted to give you guys an idea of what it looked like back then
47 and so a substantial amount of permits could be reduced if some
48 sort of poundage was applied.

1
2 The Gulf and Atlantic have different seasons and fishing zones
3 and quotas and trip limits and so setting qualifications based
4 on landings could be biased by region, because you could be
5 allowed to take more fish in one area than you can in another
6 and so depending on where thresholds for qualifying to fish in a
7 certain area are set, people might be excluded not by a function
8 of not fishing, but by a function of whatever management they
9 are constrained to follow and so the council should consider
10 also how permit modification would affect requirements for
11 things like the gillnet endorsement.

12
13 Table 2 on page 6 of the document shows the quotas and trip
14 limits for the commercial kingfish zones and subzone and so you
15 see in the Atlantic group they have a 3,500-pound trip limit and
16 in the Gulf, we have varying trip limits, depending on where you
17 are.

18
19 Of course, the Florida east coast zone has -- That area has its
20 own different set of regulations in comparison to the poundage
21 trip limits, in that it's a limit of fifty fish as opposed to an
22 actual poundage.

23
24 The councils may consider qualification criteria other than
25 landings, such as a vessel home port or where a fisherman has
26 historically fished. If your home port is Pensacola, but you
27 have always fished in the western zone for the last twenty some
28 odd years, then maybe that's where you want to continue to fish
29 and so there are lots of ways to skin the cat.

30
31 Other options include thresholds for number of trips or days
32 fished and so important issues to consider would be should
33 separate commercial permits be established for king mackerel in
34 the Gulf and the Atlantic and should permit holders be allowed
35 to receive both permits or only one or should there be only one
36 permit allowed per fishable zone?

37
38 We have the northern and southern zones in the Atlantic and the
39 western, northern, and southern zones in the Gulf and so there
40 are basically five areas that could be fished and should that
41 require five permits or just a Gulf and an Atlantic or how would
42 you want to do it?

43
44 If only one permit is granted per current permit holder, how
45 will the determination be made if a permit holder qualifies for
46 both? There might be secondary qualification criteria and what
47 should that qualifying criteria be? Should it be landings,
48 trips, days at sea, home port, et cetera?

1
2 Does either council wish to establish any qualifying criteria
3 that would reduce the permits? This is something that seems to
4 be of more interest to the South Atlantic than the Gulf, the
5 whole permit reduction thing, since the Gulf largely was not in
6 favor of reducing permits in 20A.

7
8 The issues are similar, if we move down to page 7, for Spanish
9 mackerel, in that the South Atlantic wants to see those permits
10 split between the Gulf and the South Atlantic. For the large
11 part, Gulf Spanish mackerel fishermen don't go to the South
12 Atlantic to catch Spanish mackerel.

13
14 As you guys probably remember from SEDAR-28, which was the
15 Spanish mackerel stock assessment, the ACL for Spanish mackerel
16 jumped almost two-and-a-half times and so the Spanish stock in
17 the Gulf is considerably healthy and so splitting the permits
18 is, again, mostly a South Atlantic issue for Spanish and
19 currently, as of January 6, NMFS had issued 1,717 Spanish
20 mackerel permits.

21
22 These are open access and so anybody can get one of these right
23 now. The South Atlantic is interested in no longer having them
24 be open access and being able to split the permits would allow
25 them to do that. Should those permits be split and should there
26 be a limited access system for those Spanish permits and would
27 you cap the permits at the current level, set qualifying
28 criteria, establish a temporary moratorium? There are lots of
29 options on how you could go about splitting the Spanish mackerel
30 permits and the ensuing fallout from that.

31
32 Control dates might also be used and the current control dates
33 for Gulf king mackerel is June 30, 2009 and March 31, 2010 for
34 Gulf Spanish and South Atlantic king and Spanish, both have a
35 control date of September 17, 2010.

36
37 Since we have a new stock assessment that shows that both stocks
38 are healthy, the council might wish to reconsider those and
39 other alternatives, outside of permit separation, could include
40 establishing endorsements for zones or regions considered to
41 have overcapacity and qualifying criteria would need to be
42 established for those endorsements.

43
44 Separate FMPs could also be created for each council.
45 Currently, we have a joint FMP and with the mixing zone being
46 seen as being a lot smaller and the South Atlantic's interest in
47 splitting the permits and Gulf commercial kingfish fishermen's
48 interest in having a little bit better access to the fishery in

1 the western and northern zone, having separate permits and a
2 separate FMP might be something that the councils wish to
3 consider.

4
5 Just since the Atlantic zone goes all the way to New York, the
6 Mid-Atlantic Council has delegated management of kingfish and
7 Spanish to the South Atlantic Council and so whatever happens as
8 far as these permits being split, the Mid-Atlantic would need to
9 be included in those discussions also, but because they have
10 delegated management to the South Atlantic, it just would remain
11 a joint amendment between the Gulf and the South Atlantic and so
12 we wouldn't have to wait for three councils to weigh in.

13
14 As far as the current purpose and need, currently the purpose is
15 to separate the federal commercial permits for kingfish and
16 Spanish into permits for each region for the Gulf and the
17 Atlantic migratory groups and the need is to allow the Gulf and
18 South Atlantic Councils to more effectively manage commercial
19 participation in the respective regions and make changes to
20 participation that will not unnecessarily affect the other
21 region.

22
23 If you guys go all the way to the very last page, there is some
24 comments that were received last January when this idea of
25 splitting the permits initially came about and depending on
26 where you are, it kind of dictates whether folks want to see the
27 permits split or not.

28
29 Folks that can fish on both sides like in the Keys aren't quite
30 as in favor, because currently they can catch kingfish in the
31 Gulf or the Atlantic with a little bit more ease than say
32 somebody that has to trailer a boat and haul it somewhere.

33
34 There remains some support, especially in the South Atlantic, of
35 removing latent permits and so that may be something which the
36 councils want to consider again, but, again, there are some
37 areas that are opposed to getting rid of any of the permits,
38 because, for example, in the northern zone in the Gulf, there
39 are dually-permitted charter boats that, until recently, haven't
40 been able to get out and actually go fish. They usually don't
41 start using their commercial permits until like the beginning of
42 October, since the charter season usually ends around the end of
43 September.

44
45 By that time, as several years in the past have shown, the
46 northern zone's allocation in the Gulf has already been met and
47 so they don't even get the chance to get out there and so they
48 don't want to see their permit taken away, especially since in

1 20B we just passed the changing the start date for the fishing
2 season for the northern zone in the Gulf to October 1.

3
4 Hopefully, for those guys, that will mean that the fish show up
5 before then and then when they are done with their charter
6 seasons, then they can actually go out and use those permits
7 again.

8
9 There is some opposition for the two-for-one requirement on the
10 king mackerel permits and this is the buy two permits and get
11 one permit back reduction that the South Atlantic uses for a
12 couple different fisheries, because of the increased costs of
13 having to buy the permits and some folks have also said where is
14 the end in terms of how many permits do you let get eliminated
15 through the two-for-one reduction before you stop reducing the
16 permits.

17
18 If the permits are split, support for qualifying for both
19 permits -- There is support for qualifying for both permits if
20 the permit holder has landings in both areas using a very recent
21 control date and so the council could play with those control
22 dates and what those landings values should be.

23
24 Like I said, the first thing is do you guys even want to go
25 forward with looking at splitting the permits, because right
26 now, you have not -- As of now, you haven't indicated support
27 for going forward with this and, if not, then we don't have much
28 else to talk about with this one, but just to hear what you guys
29 think.

30
31 **MR. PERRET:** Thank you, Ryan. Good job. We're in a very
32 fortunate situation with king. We heard twice this morning by
33 our very fine scientists that kings are a success story and
34 Spanish are in excellent shape, at least in the Gulf, and I am
35 going to reread the purpose and need to separate the federal
36 commercial permits into permits by region.

37
38 I am not convinced it's broke and so why are we trying to fix
39 something? Now, I am sure Dr. Crabtree could tell us that he
40 and his staff have all these permits they've got to work with
41 and it would be probably a more -- A simplified process dealing
42 with fewer permits and so on and so forth, but fishermen are
43 going to fish where the fish are if they want to be successful.

44
45 I am not convinced that we need to do this. If the South
46 Atlantic feels they need to do it, I am sure we could try and
47 work with them and accommodate their needs, but not impact ours
48 too greatly.

1
2 Table 1 of the document is the estimated number of king mackerel
3 permits qualifying and not qualifying under landings thresholds
4 from 20A and it shows permits that would be eliminated and it's
5 quite substantial. Again, I could be convinced of the need for
6 this, but as of now, I am not convinced we need to go forward
7 with it, but I am not so hard-headed that I can't be convinced
8 if somebody can provide enough rationale. Thank you.

9
10 **CHAIRMAN DANA:** Other committee discussion on this scoping
11 document?

12
13 **MS. BADEMAN:** I am not necessarily hot on this either. The
14 South Atlantic has not approved this for scoping yet and is that
15 right, Ryan? They are just kind of still chatting about it at
16 this point?

17
18 **MR. RINDONE:** They scoped it this past January and I did not get
19 a chance to send that out and let me trace that email down real
20 quick and I will give you guys a brief characterization of how
21 that went. I got this yesterday, I think.

22
23 This was in Cocoa Beach on the 21st and I had stated some of this
24 previously, that they don't want endorsements for the Florida
25 east coast subzone and they want the ACL set as high as
26 possible. They also want to reconsider bag limit sales of fish
27 from for-hire trips, which was something that in 20A the
28 councils voted not to do for the South Atlantic, but to continue
29 to allow for the Gulf. The charter boat operators in the South
30 Atlantic want that back.

31
32 Then, as Ms. Bademan had asked about, the split between the
33 northern zone and southern zone in the Atlantic migratory group,
34 currently 33 percent of the allocation for the commercial ACL is
35 to go to the northern zone and 66 percent to the southern zone
36 and there is some concern that too much of the allocation is
37 going to the northern zone by some of the fishermen and so they
38 want to explore some reconsideration for that.

39
40 Largely the fishermen in the South Atlantic don't want to be
41 restricted as far as where they can fish. They want to be able
42 to fish where the fish are, like Mr. Perret had said.

43
44 Commenters had recommended moving part of the recreational ACL
45 to the commercial ACL to cover the bag limit sales that have
46 previously been removed by 20A and as far as the zones are
47 concerned, a lot of the opposition to the 33 percent allocation
48 to the northern zone in the South Atlantic's jurisdiction is

1 coming from folks that fish what would now be their southern
2 zone once 20B gets implemented on March 1.

3
4 A couple of other discussion topics that came out of that were
5 that several discussion participants didn't support splitting
6 the permits, because they want the access, but several
7 commenters supported a two-for-one requirement for a commercial
8 kingfish permit, the same as the snapper grouper permit, to
9 reduce the number of king mackerel permits over time. Again, in
10 the Gulf we've heard the question of how long does that
11 reduction last and when does it stop?

12
13 Those are the most recent comments and, again, I apologize for
14 not being able to get this out, but I can certainly see that we
15 send it to Karen and she gets it out to you guys if you want to
16 read them.

17
18 **CHAIRMAN DANA:** That's okay.

19
20 **MR. PERRET:** Another thought. Again, I am not keen on this
21 separation, but if we feel we want to give the public an
22 opportunity to comment, we have just approved a motion to
23 recommend to the council several hearing locations for Options
24 Paper 26, Amendment 26. I am not going to make the motion, but
25 if the committee -- I want to pose it, if somebody else wants
26 to.

27
28 If the committee feels, since we're going out to the public at X
29 number of locations in the Gulf for 26, we might also -- The
30 group may consider they want to have the options paper go out
31 for public hearings and have a hearing on both of them and so
32 that's just a thought, if the committee wants to suggest that.

33
34 **CHAIRMAN DANA:** Thank you, Corky. I think that there are two
35 options that we could look at and one would be to either table
36 this until such time that there is truly a problem, as agreed by
37 the council, or to move forward and allow the Gulf to make
38 comment. The South Atlantic public has made comment now on two
39 occasions and we have heard in public testimony certainly from
40 the Gulf some pretty strong sentiments about establishing zones,
41 and primarily from the western Gulf and over in the northern
42 Panhandle, largely from the dually-permitted charter boats that
43 have the king mackerel. What's the pleasure? David, I would
44 like to hear from you. You fish the fishery.

45
46 **MR. WALKER:** I would like to hear -- I am sure we will hear some
47 public testimony today. We may hear some on it and get it out
48 to scoping and get the feedback from the industry with the

1 fishermen in the Gulf and how they feel about it.
2
3 **DR. ROY CRABTREE:** It seems to me we are going out with the
4 other amendment to scoping hearings and we may as well scope
5 this one at those meetings and see what people think about it.
6
7 **MR. RINDONE:** I was going to say if you guys still just want to
8 rent the car and you don't want to buy it yet, you can certainly
9 just send it out and not fully commit to move it forward.
10
11 **CHAIRMAN DANA:** That being said, what is the pleasure of the
12 committee? Is there a motion to move forward with scoping or
13 table or what's the pleasure?
14
15 **DR. CRABTREE:** **I move we go forward with scoping.**
16
17 **CHAIRMAN DANA:** I've got a second from John Sanchez and any
18 discussion?
19
20 **MR. PERRET:** And that the scoping be held at the same time at
21 the same meetings that 26 is going to be.
22
23 **DR. CRABTREE:** **Exactly.**
24
25 **CHAIRMAN DANA:** Would I consider that --
26
27 **DR. CRABTREE:** **Yes, that's a friendly amendment to my motion**
28 **that we scope it at the same meetings as 26.**
29
30 **CHAIRMAN DANA:** Does the seconder agree? He agrees. Any more
31 discussion? **Any opposition to the motion? The motion passes.**
32 Now we will move into Item VIII, which is Gulf of Mexico
33 Mackerel Gillnet Fishery Issues. Before I hand this over, I am
34 going to ask Ryan to give a little input and then ask Doug
35 Gregory also to provide some input, but we did go in early
36 January to Key West and met with probably three-fourths of the
37 gillnet fishermen in the area and had a very thoughtful meeting
38 with them.
39
40 It was an all-day meeting and I was joined by Martha Bademan and
41 John Sanchez and Roy Williams and Doug Gregory, Ryan Rindone,
42 and myself.
43
44 At any rate, I appreciated just the overview from them about
45 what are the issues at hand and the passions there and it kind
46 of opened my eyes. Anyway, I'm going to turn it over to Ryan
47 for an overview and then I'm going to ask Doug to make some
48 comments and we'll go from there.

1
2 **GULF OF MEXICO KING MACKEREL GILLNET FISHERY ISSUES**
3

4 **MR. RINDONE:** Thank you, Madam Chair. Just as kind of a
5 refresher, at the last meeting we had a request that was sent to
6 the council from the gillnet stakeholders down in the southern
7 zone outlining some of their requests for changes in trip limits
8 and how to deal with the penalties that they're getting and new
9 accountability measures that they are proposing, amongst some
10 other things.

11
12 Just as a quick refresher, they had submitted the letter in
13 October detailing some of their concerns and they requested a
14 trip limit increase to 45,000 pounds from the current limit of
15 25,000 pounds. They proposed some revised accountability
16 measures which were more strict than the current accountability
17 measures and they also wanted the ability to purchase and fish
18 the commercial king mackerel hand line permit.

19
20 The council discussed the letter and recommended holding the
21 workshop that we went to earlier this month and the Coastal
22 Migratory Pelagic AP will also review this summary that you guys
23 are about to see and that's looking like the first week of March
24 is the best time for that AP to meet.

25
26 After the AP gives its recommendations or if you guys want to
27 make recommendations now, we can possibly move forward with a
28 document to address some of these concerns and so the fishery is
29 requesting this 45,000-pound trip limit for a couple of reasons.

30
31 The main reason, the whole reason, I think, at the center of all
32 of it for these guys is the fines. The fines that are being
33 levied on them are what they consider to be substantial and they
34 want any way possible to try to limit the probability of getting
35 fined and they proposed 45,000 pounds because they think that
36 the probability of landing that many fish in a strike is really,
37 really slim.

38
39 In looking at the landings per boat and the landings trends for
40 the recent years, there appears to be some truth in that and so
41 even there exists a probability that if every boat went out, all
42 fifteen boats that currently fish, and they all hit 45,000
43 pounds, yes, that would exceed the current trip limit, but the
44 way that they police themselves and the way that they were
45 telling us about this and the way that the boats actually chase
46 the fish, the odds of that happening and all the boats coming in
47 at the same time is very slim.

1 Some boats are faster than others and some boats are bigger than
2 others and some boats use different lengths of net and there are
3 a lot of variables at play.

4
5 One of the things that the council had asked us to examine was
6 whether an IFQ was something that they would be interested in
7 and that was not met with a lot of support and some of that
8 disinclination, if you will -- I am not sure that's a word, but
9 some of their hesitancy to going forward with an IFQ came from
10 the application of VMS in IFQ systems.

11
12 They don't feel like they should be tracked, because they don't
13 feel like they're breaking the law. They are trying to be
14 honest with their landings, as they state it. Again, the main
15 thing is about avoiding those fines and so perhaps a buffer
16 could be applied to the current trip limit or to an increased
17 trip limit, where the fishermen could call ahead to a NMFS port
18 agent, say a couple hours out or a few hours out from landing,
19 and if they're over, but within the buffer, then they don't get
20 fined.

21
22 If they are over the buffer, then they would and some fishermen
23 proposed additional accountability measures, such as if you go
24 over the first time, then you get fined. If you go over the
25 second time, then you can't fish your gillnet endorsement for
26 say a year. If you go over a third time, then you lose your
27 endorsement. There was one fisherman in particular that had
28 proposed that, but it was one proposal of several.

29
30 They can't dump the fish over the side if they feel like they've
31 caught more than the trip limit, because dumping the fish is
32 illegal and so is dumping the net at sea. Currently what
33 happens is they cut the net and the net is left in the water and
34 then another boat comes by that doesn't have their trip limit
35 yet and they pick the net up and so they do that not to waste
36 the net and not to waste the fish and to try to be, as they had
37 put it, try to be good stewards.

38
39 They do practice a degree of self-policing, in that the pilots
40 who direct the fishing vessels -- These pilots spot the schools
41 of kingfish from the air and direct the boats and they help to
42 monitor and estimate the landings that the boats are bringing in
43 and once the quota is thought to be met, the pilots notify the
44 fishermen and the fishery stops.

45
46 This has been going on for a couple of years now and they feel
47 pretty confident in their ability to police themselves and that
48 is outside of NOAA Law Enforcement, of course, but they are

1 trying to do this in order to make sure that they collectively
2 reduce the probability of getting fined or being penalized.
3 They think this practice is critical to the fishery, since it
4 can take NMFS a few days to close the fishery if the quota is
5 met or projected to be met.

6
7 They propose new accountability measures to accompany any
8 increase in trip limits to eliminate any incentive for exceeding
9 the trip limit. As such, new accountability measures would
10 reduce both the current and following year's quota by the amount
11 of any overage in the current year and so on page 2 of Tab C-
12 7(a), I put a little box there that demonstrates what they
13 actually mean by this.

14
15 This is using a hypothetical situation, but you can see that if
16 the quota for 2014 and 2015 were 500,000 pounds and the trip
17 limit were 45,000 pounds and a fisherman landed 52,000 pounds,
18 then the quota for both 2014 and 2015 would be reduced by the
19 amount of the overage, that 7,000 pounds, and so they get
20 penalized twice.

21
22 Not only does that affect the fisherman who exceeded the quota
23 and probably got fined, but it, in turn, penalizes all the rest
24 of the fishermen for the current year and the following year and
25 so now that one fisherman has to answer to the rest of them and
26 so it's kind of the herd policing itself, if you will.

27
28 Fishermen want to be certain that no profit can be gained by
29 exceeding the quota, in addition to the payback provision
30 illustrated in the example that I put in there, but they also
31 want to see any quota underages added to the following year's
32 quota and so if they don't catch the ACL, they want those fish
33 back the next year.

34
35 We noted that the ACL can't be exceeded without triggering
36 accountability measures and so you can't have underages added to
37 the next year and then end up exceeding the next year's already
38 predetermined ACL, but if the fishermen agreed to like an annual
39 catch target, which establishes a buffer of let's say 10 or 20
40 percent, then any underages from the previous year could be
41 added to the following year, so long as it doesn't exceed the
42 ACL.

43
44 Staff had suggested adding a buffer to the current trip limit
45 and it was questioned whether the buffer would help avoid the
46 fines or would simply raise the trip limit by 10 percent. The
47 same was said about a 5,000-pound grace allotment over the trip
48 limit.

1
2 The landings can be estimated within, give or take, a few
3 thousand pounds and the fishermen, of course, are going to try
4 to get as close to that trip limit as possible to make the most
5 money that they can. They don't want to land 17,000 or 18,000
6 pounds out of caution and miss out on making \$7,000. They want
7 to land as close to that 25,000 as possible and they can
8 typically get pretty close to it, as they claim to be able to
9 do.

10
11 They think that if they get the larger increase in the trip
12 limit that it will prevent the fines, again, because the
13 probability of catching that many fish is remote, but some
14 fishermen disagree with increasing the trip limit. They equate
15 it to raising the speed limit to avoid getting a speeding ticket
16 and so there is that to consider as well.

17
18 A 35,000-pound trip limit was proposed as a compromise and so
19 the fishermen wanted to vote on different scenarios and so
20 that's in the little table at the top of page 3 and if, given
21 the option, the majority of the fishermen wanted to see the
22 45,000 pounds versus 25,000 or 35,000, but it was almost -- It
23 was shy of one vote from being unanimous if 35,000 pounds was
24 the only option over 25,000.

25
26 Mr. Perret, at the October meeting, when all of this was brought
27 forward, had asked about just shortening the nets or some other
28 form of gear modification and the fishermen explained that this
29 wasn't ideal, because the fish aren't always grouped up in a
30 school and sometimes you have to chase around them to be able to
31 encircle them and so you need the longer net to be able to get
32 around them and you're not going to know exactly how many fish
33 are in the school until you start drawing it in.

34
35 Some fishermen had talked about having less cork line, so that
36 when the net gets heavy that it will start to sink, but this
37 proposes problems with nets fouling on the bottom, lost gear at
38 sea. The nets are tied to the boats and so there is a safety
39 issue and, of course, the wasted resource for the nets that are
40 lost. David, did you --

41
42 **MR. WALKER:** How many participants are in the gillnet fishery
43 and what percentage of those attended the meeting?

44
45 **MR. RINDONE:** There are twenty-two or twenty-three permits, of
46 which there are fifteen that are actively fished and we had
47 fourteen at the meeting at one point. When the vote took place,
48 there were thirteen and so of those that are actively engaged in

1 the fishery, the lion's share of them participated.

2
3 **MR. WALKER:** You said that there was only one that attended that
4 mentioned the buffer, requested the buffer? Was that correct?

5
6 **MR. RINDONE:** No, they talked about that a lot and so some were
7 concerned that if you have a buffer that you're basically just
8 increasing the trip limit by the buffer, because, again, they're
9 going to try to make as much money as they can and it would
10 really be up to them to make sure that they don't go over, but
11 that's kind of where the proposed accountability measures come
12 into play.

13
14 If you go over, you don't just penalize yourself, but you end up
15 penalizing the entire fishery and so now you have guys ringing
16 up your phone and knocking on your door asking why you went over
17 and shorted them opportunity.

18
19 Other considerations, and some of these are individual
20 considerations and so only one or two fishermen wanted to see
21 these, but they wanted to see those permits with no gillnet
22 landings to have their gillnet endorsements revoked and this was
23 an alternative that was included in Amendment 20A, but it was
24 folded in with the hand line permits and it wasn't considered
25 separately, ultimately, and so they want to see it considered
26 separately.

27
28 Some fishermen supported creating a system whereby fishermen
29 suspecting themselves of being over could call the port agent,
30 like I had mentioned, and they wouldn't be fined for any overage
31 and whatever resulted -- Whatever sale resulted from the amount
32 of catch over the trip limit would either go to the National
33 Treasury or a charity, but the end result being it would not go
34 to the fisherman who landed more than the trip limit. They
35 would not be rewarded for exceeding the trip limit.

36
37 I told you guys about the three-strike system and if you exceed
38 the trip limit if it's increased and also some fishermen want
39 the opportunity to be able to fish the hand line fishery as well
40 as the gillnet fishery and initially this was -- They were
41 denied this opportunity, because the guys that are hand line
42 fishermen can't go and gillnet and so it was agreed that the
43 guys that gillnet cannot, in turn, go hand line fishing. Are
44 there any questions as far as the summary?

45
46 **CHAIRMAN DANA:** Doug Gregory, do you have anything to add? That
47 was very thorough and thank you, Ryan. I appreciate it.

48

1 **EXECUTIVE DIRECTOR GREGORY:** Only one or two small things. The
2 main issue is the trip limit of 25,000 pounds is small relative
3 to what is typically caught when they have a good strike. They
4 do have strikes where they catch nothing and the problem is
5 you're estimating how many pounds you have and it's hard to
6 estimate 25,000 pounds exactly.

7
8 They have to cut their net and share it, which is an
9 inconvenience in that they've got to go get the net from the
10 other person at some point and the fleet is divided between
11 Everglades City and Key West and Marathon and so that has become
12 an inconvenience in retrieving their net and then having to sew
13 it back together multiple times.

14
15 The fines are high for exceeding the trip limit and so the main
16 thing the fishermen want to do is to try to come up with a way
17 of running this fishery without having a violation and do it
18 efficiently. It's a short season and it can go as short as
19 three or four days.

20
21 The increase for the trip limit concerns National Marine
22 Fisheries Service because they -- The data collection mechanism
23 isn't quick enough or efficient enough to really nail down on a
24 daily basis what the catches are and publishing the Federal
25 Register Notice to close the fishery quick enough to prevent the
26 fishery from going over the overall quota and so National Marine
27 Fisheries Service, as I'm sure they will say, is nervous about
28 any increase in the trip limit. They are having a hard time
29 monitoring it now.

30
31 The fishermen that are actively fishing have worked out a deal
32 and it's a gentlemen's agreement with NMFS, because NMFS has no
33 authority to make the fishermen do this, because NMFS gets their
34 data from the fish houses, but the two pilots that run the
35 fishery, one of their wives keeps track of the landings each day
36 and they actually close the fishery themselves when they think
37 they're close.

38
39 If there is a few pounds left, they will select what boat goes
40 fishing that last day and the entire fleet doesn't go and so
41 they have this mechanism that they've developed, because they
42 don't want to get a black eye. They don't want to cause trouble
43 and they know that overruns is a problem for NMFS.

44
45 They developed this system and it has worked, I think, for a
46 couple of years very well and they think that going to a higher
47 trip limit won't jeopardize that. The one thing that will
48 jeopardize this gentlemen's agreement is if the latent permits

1 are not removed and boats from other areas or boats that aren't
2 a part of this fleet enter the fishery. That gentlemen's
3 agreement could break down and that's a big fear of theirs and
4 so they would like to see the latent permits that have no
5 poundage on them really to be removed so they can maintain this
6 kind of internal control.

7
8 Now, one of the concerns that was expressed by National Marine
9 Fisheries Service is that if you take fifteen boats and multiply
10 it by 45,000 pounds, you get so many pounds and this is too
11 quickly.

12
13 I did an analysis at the current 25,000 pounds and you would
14 think that all the boats that go fishing could bring in at least
15 the 25,000 pounds on the first day now and they don't.
16 Approximately 30 percent of the potential landings of the fleet
17 are landed that first day of the season and so not every boat
18 catches their limit even at 25,000 pounds and so it's not likely
19 they would do that at 45,000 pounds either.

20
21 So that's the crux of the problem and I think at our meeting we
22 were talking about the best way to deal with this would be with
23 like a framework procedure and not roll this issue into the
24 other amendments that we're going to scoping with. That's all I
25 had to add and I think National Marine Fisheries -- Steve, you
26 were listening in at the meeting and Sue was there and is there
27 anything else you want to add to this?

28
29 **DR. STEVE BRANSTETTER:** No, not at this time. I mean as you and
30 I have discussed, yes, I do have some concerns over trip limits
31 above 35,000. Just by the way the fishery operates now versus
32 opening up the trip limits to 45,000 would change the behavior
33 of the way the fish are harvested and would probably increase
34 the opportunity to exceed the quota.

35
36 **EXECUTIVE DIRECTOR GREGORY:** I have emailed the NOAA General
37 Counsel Law Enforcement Lawyer to ask if the main proposal from
38 the industry of when they suspect they have more than the trip
39 limit that they call a NMFS officer, similar to the way VMS
40 call-ins operate now, and that any overage they do have gets
41 accounted for and then the money associated with that overage
42 either goes to the National Treasury or it goes to a charity,
43 much like we were talking about yesterday with the Coast Guard
44 situation in Texas.

45
46 We don't know if that can be done and so the NOAA General
47 Counsel person is going to get back to me on that. If that's
48 doable, then that might be something to consider in this action.

1
2 If it's something that just can't be done, then we can't
3 consider it, but they are not looking to profit by overrunning
4 their trip limits. It's just the trip limit is artificially
5 constrained relative to the gear. It's not like if you take a
6 hook and line gear and you have a fifty-fish trip limit, you
7 don't catch that many fish on a hook and line at one time and
8 you can keep within that limit very easily. They are just
9 looking for a way that they can prosecute this fishery
10 efficiently and minimize the potential for violations.

11
12 **CHAIRMAN DANA:** Thank you, Doug. Thank you also, Doug, for
13 following with NOAA Law Enforcement, because I know that that
14 was -- Finding that working line with the law enforcement was
15 important to the fishermen. I am going to ask Bill Kelly if
16 you're willing to come up and since you represent that fishery,
17 can you just say a few words and then we'll open it up for
18 committee discussion.

19
20 **MR. BILL KELLY:** Thank you, Dr. Dana. Committee members, I'm
21 Bill Kelly with the Florida Keys Commercial Fishermen's
22 Association. I think that Ryan and Doug have done an excellent
23 job of portraying what was discussed during that workshop and
24 how this fishery is prosecuted and the issues that we wanted to
25 talk to you about.

26
27 As you know, we have always taken a position of trying to
28 cooperate with the councils and improve fisheries and this one
29 has shown substantial improvement over the past couple of years,
30 since we've developed these accountability measures and
31 increased communication with Dr. Branstetter and the National
32 Marine Fisheries Service.

33
34 A couple of things that we're concerned about is if you look at
35 the history of the fishery, I don't believe in the past ten
36 years that it has ever exceeded 275,000 pounds on day one and
37 that's when everybody is at it with their best effort, because
38 nobody has any landings if they were to exceed their 25,000
39 pounds in the net. They have the opportunity immediately to
40 transfer poundage to other boats and so the trend supports what
41 we have asked for anyway and that's that 45,000-pound increase,
42 which only occurs on very limited occasions.

43
44 It does a number of things for us. Most of the boats engaged in
45 the fishery have that big boat capability and they are looking
46 to prosecute the fishery as rapidly as they can for a number of
47 reasons. One, they are all high-liners in the spiny lobster and
48 stone crab industry and so they want to do this and they want to

1 get back into those programs as well.
2
3 The majority of the sale of these fish is institutional sales
4 and it's going to prison systems and to large cafeterias and to
5 large food processors and so forth for smoked fish dip and other
6 things of that nature.
7
8 From the feedback that I've gotten from the hook and line
9 fishermen, they would prefer to see the fishery prosecuted as
10 rapidly as possible, because then what happens is we see the
11 price of the product certainly go down as we see 500,000 pounds
12 placed on the market, but if it's done quickly, the price
13 rapidly stabilizes and comes back up and remains consistent for
14 the hook and line fishermen.
15
16 If the fishery drags out and we've got 100,000 pounds and 75,000
17 a week later or something like that, then we see that price
18 fluctuation impacting the hook and line fishermen as well over a
19 much longer period of time and that's an additional reason for
20 wanting to get this done.
21
22 The 45,000 pounds increases the efficiency of the fleet and it
23 reduces the carbon footprint. If we do 45,000 pounds on a
24 strike, it is virtually absolutely impossible for a boat to do a
25 twenty-four-hour turnaround and get back out there.
26
27 Only so many pounds of fish can go in the front door of the fish
28 house and get processed and come back out the back door, but at
29 35,000 pounds, virtually the entire fleet could do a twenty-
30 four-hour turnaround and so those smaller fishermen, of which
31 there is only three or four here, they could hurt themselves by
32 a 35,000-pound limit, because every boat then becomes capable to
33 get back on the scene the next day, but at 45,000, they cannot.
34
35 In terms of recording poundage, whether that daily quota, that
36 trip limit, is 25,000 or 35,000 or 45,000 or if it were 100,000,
37 it's up to the National Marine Fisheries Service, NOAA, and us,
38 in partnership, working together, to develop the communication
39 and the methods to report it and report it accurately.
40
41 It's not a matter of boats that are on the scene. It's nets in
42 the water and that's what catches the fish. Every time those
43 nets go over the side, it's like playing the lottery. You could
44 have absolutely nothing or you could have yourself 50,000 pounds
45 of fish and so that's the reason that we resist gear
46 modification, because you never know what's going to happen.
47
48 Those fish could spook and they could run and they could spread

1 out and go deep. There are so many different things that you
2 deal with when you're addressing these issues and so that's
3 pretty much it. Again, Mr. Gregory and Mr. Rindone have done an
4 excellent job of characterizing this thing.

5
6 One point of order, though. With regard to accountability
7 measures, I believe it's misstated in this regard. Yes, if a
8 fisherman were to voluntarily report that he's over, he comes in
9 and while he saves himself a fine, that amount is reduced from
10 that year's, that current year's, quota, but the accountability,
11 that would not be reduced or taken away from the following
12 year's quota and only if the fishery as a whole exceeded the
13 quota for that year.

14
15 **CHAIRMAN DANA:** Thank you, Captain Kelly, and just hang out here
16 in case there is additional questions.

17
18 **MR. SANCHEZ:** That meeting pretty much involved everybody in the
19 fleet and there are some things here that they were trying to
20 address, the fact that some of the fines that they're getting --
21 These fines are for -- They are a couple of years old already
22 and some of them are upwards of \$18,000 that they're getting and
23 they're probably going to get one for subsequent years and
24 bringing it to current and so there's a lot of money involved.

25
26 Obviously nobody wants to get a \$20,000 fine every calendar year
27 for something that they are trying to do and this is a very
28 high-yield fishery and you can make your best good-faith
29 estimate as to how many fish you are catching when you strike
30 the net, but that's what it is. It's a good-faith estimate and
31 you are going to be over and some of these fines are just
32 excessive and this is what they came up with after a day of
33 trying to work.

34
35 I also witnessed the fishermen at that meeting doing what they
36 do in terms of trying to coordinate and police each other in
37 organizing that, okay, the fishery is going to start and the
38 weather is going to be optimal on these dates and let's all try
39 to go out on these dates and that gives us X number of days to
40 kind of reconfigure the boat from a lobster boat to prepare for
41 the runaround gillnet fishery.

42
43 They work closely with each other and one point that I've got to
44 make is that there is this fear of this tremendous overage and
45 that we're going to overrun the quota, yet every year since
46 they've been doing this, and it's a long time, they try -- I
47 mean that day one, when they all go out, they all want a strike
48 and, God willing, strike as big as they can get and they have

1 never caught the whole quota on day one with this.
2
3 I mean the numbers bear it out. There is just too many
4 variables. You will strike and not get anything and this one
5 might not get the fish and the fleet is kind of spread out and
6 one good thing or a positive thing that 45,000 does is even the
7 boats with the higher capacity to be able to do these more
8 voluminous catches, by virtue of the size of their vessel, at
9 45,000, they are probably not going to be able to unload, turn
10 around, and go right back out there. At 35,000, they could. If
11 they are humping it, they could do it.

12
13 In my mind, 45,000 addresses what they've asked, the fines. I
14 don't see any likelihood of a legitimate concern for overrun and
15 couple that with the fact that we've heard several times today
16 that this fishery is a success story and we're supposed to
17 maximize yields and benefits and optimize things and this is
18 what this fleet, this gear user group, wants and I think the
19 fishery is more than healthy enough to accommodate them.

20
21 Even if there is a slight overage and we address it with
22 accountability measures, we are still well under the TAC. I
23 mean there is no reason not to do this and so that said, I will
24 get off my -- I think I got off my soapbox and it timed out, but
25 I guess I will hear a little more and then maybe try to make a
26 motion to that effect.

27
28 **DR. CRABTREE:** This is kind of a unique fishery. These guys
29 have been pretty good with working with us and realistically, to
30 stay within the quota, we need them to work with us and we've
31 spent a lot of time with Bill and Captain Daniels and others on
32 that.

33
34 I don't think I have a problem with raising the trip limit. I
35 haven't made up my mind how far up it ought to go, but it does
36 seem to me to put a framework action together to look at
37 alternatives on increasing the trip limit, but I think part of
38 this has to be alternatives to relook at the accountability
39 measures that involves some kind of payback, which they seem
40 willing to do.

41
42 That seems reasonable to me to put that together and maybe have
43 the AP look at it and then bring it back to us and go from there
44 and so if you want to make the motion, John, that would be
45 great, after we hear what Mr. Perret says.

46
47 **MR. PERRET:** Several things. In Table 1, ten years of
48 information, the quota was exceeded five of the ten years. Now,

1 the good news is in the last two years the quota was increased
2 from what it was the previous eight years and in the coming
3 year, it's going to be increased again, but at the same level it
4 was for the past season.

5
6 In the past two years, there was underruns of the quota and in
7 the 2013 season, there was no closure and last year's season was
8 eight days. My experience with a net fishery is no matter what
9 you put that limit, they're always going to want to raise it
10 higher and higher, but it's a small fishery. Fifteen boats are
11 involved in the fishery, from what Mr. Kelly and the Florida
12 Keys Commercial Fishermen's Association have provided.

13
14 I was thinking a compromise of 35,000 pounds, but I understand
15 what Mr. Sanchez and Mr. Kelly said. 35,000 would allow for
16 that twenty-four-hour turnaround and I think that probably would
17 not be a good thing, whereas 45,000, it would take more time to
18 get out.

19
20 Mr. Gregory told us about the self-policing, if you will, on
21 some pilot's wife working with the fishermen, fishery, and with
22 NMFS on shutting the season down and so on. Obviously it was
23 closed in the last two years when there was a substantial amount
24 of fish, especially in the year 2013, that was not taken and I
25 don't know if the fish moved out of that subzone or whatever it
26 was, but the quota was not taken in the last two years and let's
27 hope it will be that way for the coming year.

28
29 I will support the increase for the rationale we heard. I do
30 have some concern that, and I think Mr. Gregory talked about it,
31 some of these latent permit holders may come in, if indeed that
32 happens, and I think that's something we need to kind of take a
33 look at also. Thank you.

34
35 **MR. WALKER:** Corky hit on it. In the fishing year 2012 and
36 2013, there was no closure and I was just wondering, Bill, was
37 there -- I guess were they focusing on some other species? I
38 know they're multispecies and participate in other fisheries or
39 was it a market decision for the reason there was no closure?

40
41 **MR. KELLY:** The process that takes place out there, as I
42 mentioned, is one where these guys want to get out and they want
43 to prosecute this fishery as rapidly as they can and it's a very
44 valuable fishery and a very robust fishery, but the bottom line
45 is when they believe that they're there and they've achieved
46 their quota, they're anxious to get back to the spiny lobster
47 and stone crab fisheries, because we're at the height of the
48 season and the height of the dollar value for those and that

1 would probably account for that. Does that adequately answer
2 that?

3
4 **MR. WALKER:** That's what I assumed and I just wanted to check
5 with you.

6
7 **CHAIRMAN DANA:** Other questions from the committee or those in
8 the --

9
10 **MR. SANCHEZ:** I move to create a framework action plan to
11 evaluate alternative gillnet trip limits and catch reporting
12 mechanisms to minimize the potential for enforcement action due
13 to accidental trip limit overages.

14
15 **EXECUTIVE DIRECTOR GREGORY:** Please repeat that slowly.

16
17 **MR. SANCHEZ:** I move to create a framework action plan to
18 evaluate alternative gillnet trip limits and catch reporting
19 mechanisms to minimize the potential for enforcement action due
20 to accidental trip limit overages.

21
22 **MS. LEVY:** Catch reporting mechanisms, are you referring to
23 accountability measures or some other type of reporting?

24
25 **MR. SANCHEZ:** I would say both and I am not opposed to some
26 friendly input into how to properly word that, but yes, I want
27 to explore both of those and basically have a large suite of
28 options, trip limits and accountability measures and perhaps
29 meeting port agents at these three ports where they land these
30 products, working something out to show the true spirit and
31 intent of working with law enforcement and National Marine
32 Fisheries Service to try to avoid overruns.

33
34 **CHAIRMAN DANA:** The main issues, again, were raising the trip
35 limit and somehow working with the law enforcement, through a
36 call-in mechanism if they felt that they perhaps were over and
37 then being able to donate whatever that overage was, rather than
38 getting penalized or fined, the latent permits, the buffer
39 issue, and accountability were probably the five issues that
40 were prominent and so however you capture that in a framework.

41
42 **MS. BADEMAN:** I am definitely in favor of looking at options for
43 the fishery, but I just want to make sure that John's motion
44 includes all the things that we've been talking about around the
45 table. I think instead of saying, and if you're okay with this,
46 changing --

47
48 **CHAIRMAN DANA:** Did we even get a second on this yet?

1
2 **MS. BADEMAN:** I will second it and then I'm going to modify it.

3
4 **CHAIRMAN DANA:** Second and now open for discussion.

5
6 **MS. BADEMAN:** We are going to do some wordsmithing here. Change
7 "catch reporting mechanisms" to "accountability measures" and,
8 also, we need to look at latent permits and that's not really
9 captured here. **Delete "catch reporting mechanisms" and replace**
10 **that with "accountability measures" and elimination of latent**
11 **permits needs to be -- You can add that after "accountability**
12 **measures" and so it would be "and elimination of latent**
13 **permits".** We've got a lot of and's in this sentence, but I
14 think we get the point.

15
16 **MR. SANCHEZ:** I agree.

17
18 **MS. LEVY:** The only thing I wanted to say was that there was
19 some discussion of either having a schedule of different
20 penalties or waving fines or things like that. We sort of had
21 this discussion when we were talking about the dealer permit and
22 what the council can do versus what's under the authority of
23 NMFS Enforcement.

24
25 Anything that's going to talk about when people are fined and
26 what happens to their permits, that's going to be an enforcement
27 decision and there is a procedure that goes with it under both
28 the Magnuson Act and the Administrative Procedure Act.

29
30 As a council, you are not going to be able to specify if there's
31 this X violation, this happens to the permit or if this happens,
32 there won't be a fine. We can specify the trip limits and we
33 can talk about what the requirements are, but whether there is
34 some sort of violation and whether that's prosecuted is
35 completely within NOAA Enforcement's discretion.

36
37 **CHAIRMAN DANA:** Understood and thank you, Mara.

38
39 **MR. TRACY DUNN:** I just wanted to point out the concept of
40 having our people available for call out -- Right now, I don't
41 know the numbers and I can't guarantee we will have the
42 resources to be able to handle whatever this ultimately becomes.
43 I just wanted to put that on the record real quick.

44
45 **CHAIRMAN DANA:** Thank you for putting that on the record. We
46 will keep that in mind as we develop the framework. Can you
47 remain at the microphone, please?

1 **MR. WILLIAMS:** How many officers will you have down there? They
2 land in Key West, Marathon, and Everglades.

3
4 **MR. DUNN:** I have no officers now and I have two agents. In the
5 future, we hope to have officers, but I have no idea when that
6 may come about and so right now, there will be two federal
7 agents who are heavily involved in investigations and so most
8 likely we would have to hopefully turn to our JEA Enforcement
9 partners and I am not quite sure on the availability.

10
11 **MR. SANCHEZ:** We kind of anticipated this, that there might not
12 be the ability to do that. If we were to evolve into that at
13 some point, when there is the personnel or manpower, being that
14 it is a fishery that transpires very quickly and there are only
15 three ports and X number of boats involved and that would be
16 fantastic.

17
18 In the meantime, having anticipated this, we spoke to the
19 respective participants and said, look, this may not work and
20 all of these other things that are kind of like your wish list
21 and pie-in-the-sky evolution of this, but in the meantime, what
22 would make this work that's very cut and dried and streamlined
23 and they said, listen, at 45,000 pounds, that would eliminate
24 probably 90 or 95 percent of the overage likelihood and we will
25 do our best to police ourselves and cut a piece of net if need
26 be or whatever happens and beyond that, if you exceed it and you
27 get fined, you get fined until we work out these other things.
28 We are trying to work within the vagaries of what can and can't
29 be done in the real world.

30
31 **CHAIRMAN DANA:** Thank you, Officer Dunn. We appreciate it.
32 Unless there are other questions, we do have a motion on the
33 board and we have a second and that's to create a framework
34 action plan to evaluate alternative gillnet trip limits and
35 accountability measures and elimination of latent permits to
36 minimize the potential for enforcement action due to accidental
37 trip limit overages. I am going to call for a vote in a moment,
38 but, Ryan, does this motion accomplish what you need to develop
39 a framework action, based on what you heard from the people in
40 the gillnet industry?

41
42 **MR. RINDONE:** I think it does, because you've got the trip limit
43 increase and you have the accountability measures they proposed
44 and that gives us a lot of latitude to explore different things
45 like buffers and whatnot and they did want a separate
46 consideration of eliminating latent permits and so we can
47 include that in there and, conveniently, those data are quick to
48 acquire, since they're a low universe of boats. I think we're

1 good.

2

3 **CHAIRMAN DANA:** Just the second question is what is the
4 timeframe for a framework action?

5

6 **MR. RINDONE:** We could have something that you guys could weigh
7 in on as a draft and clean up at the March meeting, I think, and
8 maybe take final action in June and that would be ideal, because
9 that's right down where the fishery takes place. I guess the
10 goal would be to have final action in June.

11

12 **CHAIRMAN DANA:** It would be important for me that the AP was
13 able to review, even at the least a draft framework, but they
14 will be coming together in March, hopefully, and so that's what
15 I would like to push for.

16

17 **MS. LEVY:** The only thing I wanted to just add to that is just
18 keep in mind that after you take final action on something that
19 it takes a few months to implement, because you have to do the
20 rulemaking. If final action is in June, nothing is going to be
21 implemented in June, just so you're aware.

22

23 **CHAIRMAN DANA:** Thank you for that, Mara.

24

25 **MS. BADEMAN:** I was just going to say that's fine, because this
26 fishery doesn't really get geared up until after MLK Day and so
27 we would have a good buffer for you guys to do the rulemaking
28 stuff.

29

30 **CHAIRMAN DANA:** We have got the motion and a second and any
31 other discussion before I call for a vote? **All those in favor**
32 **say aye; opposed. The motion passes.** We have come to the end
33 of the agenda and is there any other business for the committee?
34 Seeing none, do I hear a call to adjourn? A second? We are
35 adjourned. Thank you.

36

37 (Whereupon, the meeting adjourned at 11:00 a.m., January 28,
38 2015.)

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TABLE OF CONTENTS

1
2
3 Call to Order.....3
4
5 Adoption of Agenda.....3
6
7 Approval of Minutes.....3
8
9 Coastal Migratory Pelagics Amendment Renumbering.....3
10
11 SEDAR-38 Gulf of Mexico and South Atlantic King Mackerel.....5
12 SEDAR-38 Stock Assessment Presentation.....5
13 SSC Recommendations.....11
14 ACL/ACT Control Rule Recommendations.....14
15
16 Scoping Document for Coastal Migratory Pelagics Amendment 26.....16
17
18 Scoping Document for Coastal Migratory Pelagics Amendment 28.....27
19
20 Gulf of Mexico King Mackerel Gillnet Fishery Issues.....36
21
22 Adjournment.....51
23
24 Table of Contents.....52
25
26 Table of Motions.....53
27
28 - - -
29

TABLE OF MOTIONS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
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PAGE 26: Motion to send Amendment 26 to scoping hearings. The motion carried on page 26.

PAGE 27: Motion to hold scoping hearings in the following locations: Galveston and Port Aransas, Texas; Mobile, Alabama; Biloxi, Mississippi; Kenner/Grand Isle, Louisiana; Key West, Tampa Bay, and Panama City, Florida. The motion carried on page 27.

PAGE 35: Motion to hold scoping hearings for Amendment 28 at the same time and locations as Amendment 26. The motion carried on page 35.

PAGE 48: Motion to create a framework action plan to evaluate alternative gillnet trip limits and accountability measures and elimination of latent permits to minimize the potential for enforcement action due to accidental trip limit overages. The motion carried on page 51.

- - -

Mackerel Committee: Action Schedule for Tab C, Nos. 4, 5a, 5b

Agenda Item IV: Summary of Coastal Migratory Pelagics Advisory Panel Meeting

Documents: Tab C, No. 4

Timeline Status: None

Council Input and Next Steps:

- Review and take action (as appropriate) on recommendations from the Coastal Migratory Pelagics Advisory Panel
-

Agenda Item V: Options Paper for Coastal Migratory Pelagics Framework Amendment 3: Gulf of Mexico King Mackerel Gillnet Fishery Management Modifications

Documents: Complete Options Paper (**Tab C, No. 5a**), Decision Document (**Tab C, No. 5b**)

Timeline Status: Options Paper

Council Input and Next Steps:

- Discuss proposed options in Tab C, Nos. 5a/b, recommend adding/removing any options
 - Staff will plan to bring CMP Framework Amendment 3 to the Council for final action in June 2015. Public testimony at that meeting will serve as the required public hearing.
-

Coastal Migratory Pelagics Advisory Panel Summary
 Gulf Council Office
 Tampa, Florida
 March 3-4, 2015

Members Present:

Martin Fisher, *Chair*
 Tom Marvel, *Vice-chair*
 Scott Hickman
 Gary Jarvis
 Mike Jennings
 David Krebs
 Edward Presley
 Gene Proulx
 Kelty Readenour
 Ed Walker
 Mike Whitfield
 Robert Woithe
 Bob Zales II

Council Staff

Ryan Rindone
 Karen Hoak

Council Member

Pam Dana

NMFS-SERO Staff

Susan Gerhart

Others present

Bill Kelly
 Richard Stiglitz

The Coastal Migratory Pelagics (CMP) Advisory Panel (AP) met on March 3-4, 2015 at the Gulf Council office in Tampa, Florida. The purpose of the meeting was to discuss scoping documents for CMP Amendments 26 and 28, an options paper for CMP Framework Amendment 3, and other business. The meeting began at approximately 8:45 am on March 3, 2015, and concluded at approximately 2:00 pm on March 4, 2015.

SEDAR 38

Staff presented the results of the SEDAR 38 stock assessment of Gulf migratory group king mackerel. The Southeast Fisheries Science Center conducted the stock assessment, using Stock Synthesis as the modeling platform. The assessment determined that Gulf migratory group king mackerel were neither overfished nor undergoing overfishing. A smaller winter mixing zone was identified south of the Florida Keys, further reducing uncertainty in the origin of landed fish between the Gulf and Atlantic migratory groups. Some AP members suggested that low recreational landings may be due to the two fish/person/day recreational bag limit in the Gulf. Additional comments also suggested that after regulations began becoming more stringent during peak periods of exploitation of king mackerel, fishing effort shifted more towards reef fish species, further depressing annual recreational landings. AP members questioned the drop in recruitment in the late 2000s. Staff replied that fluctuations in recruitment were natural, could be caused by a number of factors, and that the assessment did not identify a relationship between recruitment and stock size. Whether eastern and western Gulf stocks exist was debated, with AP members acknowledging the movement of king mackerel from west to east, with resident populations of fish persisting off Texas and Louisiana.

Motion: The CMP AP recommends that the Council set the ACL equal to the ABC for 2015 (9.62 million pounds), and that the SSC annually readdress the ABC every year thereafter.

Motion carried 11 to 2

Motion: The CMP AP recommends that the Council accept the king mackerel stock boundary as established in SEDAR 38:

“...to establish the management mixing zone in the area south of the Florida Keys and Dry Tortugas, demarcated in the west by a line west from Key West to the Dry Tortugas at 24°35' N. latitude, then south at 83° W from the Dry Tortugas (the Gulf of Mexico/South Atlantic Council boundary) to the shelf edge, and in the east from the Dade-Monroe county line to the shelf edge ...”

Motion carried unanimously

CMP Amendment 26 Scoping Document

Staff presented the scoping document for CMP Amendment 26, which is examining Gulf and South Atlantic annual catch limits (ACLs), king mackerel stock boundaries, bag limit sale provisions, winter mixing zone management, and sector-specific accountability measures. Intent for each of the proposed actions as per discussions by the Gulf and South Atlantic Councils was reviewed.

Mixing Zone Management

The AP discussed which Council should be responsible for managing the mixing zone. AP members thought that it was more likely that the king mackerel in the mixing zone would be from the Gulf migratory group, and that having homogenous regulations throughout the Keys would benefit fishermen. Staff noted that the current eastern Council boundary for Spanish mackerel was the Dade/Monroe County line, and the Florida/Georgia state line for cobia. Also, members of the commercial king mackerel gillnet fishery have expressed an interest in being managed by the Gulf Council, as opposed to the South Atlantic Council.

Motion: The CMP AP recommends that the Gulf Council manage the king mackerel fishery from the Dade/Monroe county line in the east to the Texas/Mexico border in the west.

Motion carried unanimously

Commercial King Mackerel Zone Allocations

Commercial zone allocations were reviewed, and staff created a table showing the resultant zone quotas in pounds for the status quo, equal, and proportional reallocation options presented in the scoping document. Reallocation of the commercial zones is necessary, as the SEDAR 38 stock assessment indicated that the current Florida East Coast Zone is part of the Atlantic migratory group- not the Gulf, as was previously thought. As such, the commercial zone allocations need to be rebalanced. AP members from the Gulf Northern Zone expressed a desire to have their zone quota increased, citing the combination of a low quota, traveling

fishermen, and prior to the passage of CMP Amendment 20B, an undesirable season opening date as reasons for little to no landings on most permits in that zone. AP members from the Gulf Western and Southern Zones likewise expressed a desire for additional quota. All AP members agreed that historical fishing participation needed to be acknowledged. After several failed and withdrawn motions considering various allocation options, the AP agreed to the following reallocation scenario for the commercial zones in the Gulf:

Motion: The CMP AP recommends that the Council adopt the following commercial zone allocations for the Gulf migratory group king mackerel fishery:

Western Zone 40%

Northern Zone 18%,

Southern Zone Handline 21%

Southern Zone Gillnet 21%

Motion carried 11 to 2

Reallocation between the Recreational and Commercial Sectors

The AP acknowledged that the commercial fleets had the capability and capacity to land the current commercial ACL, plus any proposed increase. Concurrently, there was no desire to see the recreational fishery in a position where it could exceed its ACL, as the present year-round nature of the recreational fishery was viewed as critical to maintaining access to recreational fishing opportunities. Inter-sector reallocation was viewed as an opportunity by AP members for the normally conflicting interests of the sectors to be put aside in favor of compromise. Options for shifting a portion of the recreational allocation to the commercial sector were debated, including single (10%), incremental (2% per year), and conditional (shift allocation to the commercial sector unless and until the recreational sector reaches 80% of its ACL) reallocation scenarios. AP members were concerned that the Marine Recreational Information Program (MRIP) recalibration of king mackerel landings would show higher recreational landings than past Marine Recreational Fisheries Statistics Survey (MRFSS) data, which could affect any reallocation decision. Also, the recent decrease in fuel prices was viewed as a potential indicator of increasing recreational effort in the short term.

Motion: The CMP AP recommends that the Council abstain from reallocating any king mackerel from the recreational sector to the commercial sector until such a time that additional options for utilizing excess quota are explored for the recreational sector.

Motion carried unanimously

Recreational Bag Limit for Gulf King Mackerel

An increased recreational bag limit of king mackerel to three fish/person/day was proffered as a way to encourage increased utilization of the recreational ACL. AP members thought that the initial decrease of the bag limit to two fish/person/day in the mid-1990s may have been partly to blame for the drop in recreational effort.

Motion: The CMP AP recommends that the Council increase the recreational bag limit for king mackerel from 2 fish/person/day to 3 fish/person/day.

Motion carried unanimously

Bag Limit Sale of King Mackerel for the Atlantic Small Coastal Shark Fishery

One proposed action in CMP Amendment 26 would permit the sale of bag limit caught king mackerel in the small coastal shark drift gillnet fishery in the South Atlantic. These king mackerel, caught in drift gillnets (an impermissible gear for landing commercial king mackerel), were sold prior to the implementation of CMP Amendment 20A (2014). Since 20A's implementation, these fish have been discarded with high discard mortality rates. AP members deferred much of the judgment on this issue to the South Atlantic; however, AP members did note that they thought that fish landed on a commercial trip ought to be able to be sold.

Motion: The CMP AP recommends that the small coastal shark gillnet fishery in the South Atlantic be allowed to harvest and sell the recreational bag limit so long as the vessel has a federal commercial king mackerel permit and the commercial king mackerel season is open.

Motion carried 10 to 2

King Mackerel Management for the Florida East Coast

The South Atlantic Council is interested in maintaining a Florida East Coast management zone for king mackerel, and has expressed concern that increasing commercial effort in that region may require additional management measures in the future. The CMP AP elected to defer any action on this potential management measure to the South Atlantic, so long as the South Atlantic was not responsible for managing king mackerel in Monroe County.

Sector-specific Accountability Measures for CMP Species

A Council member had requested that sector-specific accountability measures (AMs) be explored for CMP species. Staff reviewed existing sector-specific AMs in place for king mackerel, and noted that developing the same for Spanish mackerel and cobia would require establishing sector allocations for those species. The AP recommended no further action on sector-specific AMs for CMP species at this time.

CMP Amendment 28 Scoping Document

AP members thought it crucial to determine the goals of CMP 28, which they felt were not clearly outlined. To do this, they queried their membership in attendance, and were in consensus on the following:

1. The Gulf commercial king mackerel fishery is overcapitalized
2. The current commercial king mackerel permit should be split into separate Gulf and Atlantic permits
3. The Joint CMP Fishery Management Plan (FMP) should be divided into separate FMPs for the Gulf and South Atlantic Councils
4. The current commercial Spanish mackerel permit should be split into separate Gulf and Atlantic permits

Motion: The CMP AP recommends splitting the current federal commercial king mackerel permit

into two separate permits for the Gulf and Atlantic.

Motion carried unanimously

Determination of Gulf Commercial King Mackerel Permit Eligibility

AP members voiced support for protecting the interests of historical fishermen from both the Gulf and the Atlantic; however, reducing the number of participants traveling from the east coast of Florida was also identified as a priority. AP members determined that approximately 10% of the current number of commercial king mackerel permits could harvest the entire Gulf commercial ACL. Eliminating permits was not considered desirable, but preventing permits with little to no landings over long time periods from being transferred was deemed worthy of further consideration. AP members seemed confident that splitting the commercial king mackerel fishing permit into separate Gulf and Atlantic permits could solve several issues currently faced by Gulf commercial fishermen. The ultimate goal expressed by the AP was to move towards strategies which would increase ex-vessel prices.

After lengthy debate and considerable collaboration amongst AP members, the following motion was passed after some revision:

Motion: The CMP AP recommends that the Council include the following in the appropriate place in the CMP Amendment 28 Scoping Document:

Pending the division of the current federal king mackerel permit into separate Gulf and South Atlantic permits, the Gulf permit would be further split into two separate classes. Permit holders would only qualify for one of the two types of permits as cited below:

1. Fully transferable: Gulf permit holders will be issued a fully transferable king mackerel permit so long as they have met one of the following landings thresholds for king mackerel in the Gulf of Mexico.
 - a. 5,000 lbs of king mackerel in any one year between 1994-2009
 - b. 10,000 lbs of king mackerel annually in at least 4 years between 2010-2014
 - c. 20,000 lbs of king mackerel annually in at least 4 years between 2010-2014
 - d. Other
2. Non-transferable: any Gulf king mackerel permit holder who does not qualify for the fully transferable permit. The non-transferable Gulf permit would be specific to a single commercial gulf zone. The permit holder must meet the following criteria:
 - a. Commercial landings of any species in the Gulf of Mexico
 - b. That the hailing port listed for the Gulf of Mexico is on the current federal commercial king mackerel permit as of January 1, 2015
 - c. Develop an appeals process

Motion carried 12 to 1

The above motion was designed to allow all those commercial king mackerel fishermen currently fishing in the Gulf the opportunity to continue fishing there. The motion would also serve as the qualification criteria for determining which existing permit holders would receive one of the two types of Gulf permits following the splitting of the current commercial king mackerel fishing permit. The number of fully transferable permits is expected to be less than those which would be

non-transferable. Most fully transferable permits would be expected to be awarded to historical Gulf and traveling fishermen, while non-transferable permits would be more likely to be awarded to part-time and recent entrants into the fishery.

Splitting of Commercial Spanish Mackerel Permits

In keeping with the desired division of the commercial king mackerel fishing permit, and the previous consensus statements, the AP passed the following motion:

Motion: The CMP AP recommends to the Council that the Spanish mackerel commercial fishing permit be split into separate Gulf and Atlantic permits.

Motion carried unanimously

CMP Framework Amendment 3 Options Paper

AP members reviewed an options paper concerning trip limits, AMs, electronic reporting, and latent permits in the king mackerel gillnet component of the commercial sector. Proposed AMs are intended to accompany any approved increase in the trip limit. Modifications to electronic reporting are intended to expedite the flow of landings data to NMFS from the seafood dealers buying gillnet-caught king mackerel. Elimination of latent permits is being considered at the previous behest of the industry.

Commercial King Mackerel Gillnet Trip Limit

Two members of the public representing the gillnet component were present, and offered their (sometimes conflicting) respective viewpoints to AP members. Gillnet fishermen are concerned about the severity of the fines they receive when they exceed the current 25,000 lb trip limit. They claim this trip limit was arbitrarily established, and that the nature of gillnet fishing gear lends itself to landing more than the trip limit in many cases. The latter point is further exacerbated by the difficulty fishermen have in estimating the amount of king mackerel in their nets. Several fishermen in the gillnet fleet support a trip limit increase to 45,000 lbs, which they claim takes over 24 hours to process at the dock, thereby controlling the pace of landings. However, one of the gillnet fishermen present at the meeting indicated that it took only a couple hours to offload the current trip limit of 25,000 pounds, and did not agree that fishermen had difficulty estimating the amount of king mackerel in their nets.

AP members remarked that the combination of the limited number of gillnet endorsements (21) and a high quota for the gillnet component of the Gulf Southern Zone ACL (551,448 lbs in 2015) would make the commercial king mackerel gillnet component an ideal candidate for an individual fishing quota (IFQ) system. Gillnet fishermen replied that they had no interest in an IFQ system. Gillnet fishermen had remarked that they wanted the ability to land king mackerel on weekends. AP members asked if gillnet fishermen would accept putting vessel monitoring system (VMS) hardware on their vessels in exchange, and fishermen were firmly opposed. AP members thought that VMS would relieve a great deal of enforcement burden from NMFS, and would increase accountability in the gillnet component. The most important compliance issue identified was ensuring that all of the king mackerel landed in the gillnet fishery are counted.

Motion: The CMP AP recommends to the Council that the trip limit be increased from 25,000 lbs. to 35,000 lbs. for the commercial king mackerel gillnet fishery (*Action 1, Alternative 2, Option 2a*).
Motion carried 8 to 4

Accountability Measures for the Gillnet Component of the Commercial King Mackerel Fishery

The AP discussed AMs to accompany the recommended increase in the king mackerel gillnet trip limit. AP members thought it redundant to have both buffers on the ACL and payback provisions. Opportunities to reduce unnecessary management were seen as a worthy objective by the AP.

Motion: The CMP AP recommends that the Council select Alternative 3, Options (a) and (e), as preferred for Action 2 in CMP Framework Amendment 3:

Alternative 3: Establish an annual catch target (ACT) for the Gulf of Mexico gillnet component of the commercial king mackerel fishery that is below the annual catch limit. The gillnet component of the commercial king mackerel fishery will be closed when the ACT is met or projected to be met.

Option 3a: ACT is equal to 95% of the ACL

Option 3b: ACT is equal to 90% of the ACL

Option 3c: ACT is equal to 80% of the ACL

Option 3d: ACT is based on the Gulf of Mexico Fishery Management Council's ACL/ACT Control Rule

Option 3e: If the gillnet component of the commercial king mackerel fishery does not land its quota in a given year, then the amount of any landings under the quota will be added to the following year's quota, up to but not exceeding the annual catch limit.

Motion passed 11 to 1

Motion: The CMP AP recommends that the Council move Alternative 2 of Action 2 to the Considered but Rejected Appendix:

Alternative 2: Establish a payback provision for the gillnet component of the commercial king mackerel fishery, whereby the weight of any fish landed by a vessel with a gillnet endorsement in excess of the trip limit is deducted from the following year's Southern Zone Gillnet ACL. The NMFS will monitor the landings and make any necessary adjustments to the subsequent year's Southern Zone Gillnet ACL. The ACT (if established) will be adjusted to reflect the previously established percent buffer.

Motion carried unanimously

Modifications to Electronic Reporting Requirements for Seafood Dealers

AP members heard from staff about the current status of electronic reporting by seafood dealers buying gillnet-caught king mackerel. Currently, dealers must file electronic reports daily; however, due to quality control systems in place for all reported landings, NMFS may not receive

the verified landings until up to 48 hours after the king mackerel have been offloaded from fishing vessels. An alternative system is needed to expedite landings reports, so that NMFS can react more quickly to the pace of landings to ensure the gillnet fleet does not exceed its quota.

Motion: The CMP AP recommends that the Council select Alternative 3 of Action 3 as preferred:

Alternative 3: Remove the requirement for *daily electronic* reporting by commercial king mackerel gillnet dealers. Dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Southern Zone must report *daily via means determined by the National Marine Fisheries Service* (NMFS) during the open fishing season. Reporting frequency, methods, and deadlines may be modified upon notification by NMFS. If no king mackerel landed by gillnet were received the previous day, a no landings report must be submitted by the same deadline. In addition, dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Southern Zone must submit forms *weekly* from trips landing between Sunday and Saturday to the electronic reporting system supported by the Southeast Fisheries Science Center by 11:59 p.m. local time on the following Tuesday.

Motion carried unanimously

Elimination of Latent Gillnet Endorsements

At a meeting in January 2015 in Key West with gillnet fishermen, Council members were told that the gillnet fleet wanted to reduce the number of latent gillnet endorsements. However, at the CMP AP meeting, members of the public representing the gillnet fishermen indicated they were no longer interested in eliminating any gillnet endorsements.

Motion: The CMP AP recommends moving Action 4 to the Considered but Rejected Appendix:

Action 4: Elimination of Inactive Commercial King Mackerel Gillnet Endorsements

Alternative 1: No Action – Maintain all current requirements for renewing commercial king mackerel gillnet endorsements.

Alternative 2: Allow commercial king mackerel gillnet endorsements to be renewed only if *average landings* during 2006-2015 were greater than **x** lbs. Gillnet endorsements that do not qualify will be non-renewable and non-transferable.

Alternative 3: Allow commercial king mackerel gillnet endorsements to be renewed only if *landings for a single year* during 2006-2015 were greater than **x** lbs. Gillnet endorsements that do not qualify will be non-renewable and non-transferable.

Motion carried unanimously

Other Business

Recreational Bag Limit for Gulf Cobia

AP members expressed concern about the condition of the cobia fishery, especially in the western Gulf of Mexico. Fishermen report seeing fewer cobia than during years past and, in an effort to be proactive in the event the cobia fishery is in decline, put forth the following motion:

Motion: The CMP AP recommends that the federal possession limit for cobia be reduced from two fish to one fish per person in the Gulf of Mexico recreational fishery.

Motion carried 12 to 1

After this point in the meeting, several AP members were not able to continue participating, resulting in the loss of a quorum.

Consideration of an IFQ System for Commercial Hook-and-Line King Mackerel Fishermen

Several AP members endorsed the development of an IFQ system in the Gulf of Mexico for the commercial king mackerel fishery. These AP members think that while a permit split may solve many of the problems in the fishery, an IFQ system could solve more problems still. Some AP members were concerned about being regulated out of the fishery, to which others replied that achieving inclusiveness in an IFQ program would rely on the design of such a program.

Motion: The CMP AP recommends that the Council explore implementing an IFQ for the commercial hook and line Gulf group King Mackerel fishery

Motion carried 7 to 2

As no other business was brought before the AP, the meeting was adjourned.

Modifications to Commercial King Mackerel Gillnet Trip Limits, Accountability Measures, and Electronic Reporting Requirements, and Elimination of Latent Gillnet Endorsements in the Gulf of Mexico



Options Paper Framework Amendment Three to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic

March 2015



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Framework Amendment Three to Modify Commercial King Mackerel Gillnet Trip Limits, Accountability Measures, and Electronic Reporting Requirements; and Eliminate Latent Gillnet Endorsements in the Gulf of Mexico

Including Environmental Assessment, Regulatory Impact Review, and Regulatory Flexibility Act Analysis

Type of Action

Administrative Legislative
 Draft Final

Responsible Agencies:

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Southeast Regional Office
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ABBREVIATIONS USED IN THIS DOCUMENT

ABC	acceptable biological catch
ACL	annual catch limit
ACT	annual catch target
AM	accountability measure
CFR	Code of Federal Regulations
CMP	coastal migratory pelagics
Council	Gulf of Mexico Fishery Management Council
EA	environmental assessment
EEZ	exclusive economic zone
EFH	essential fish habitat
EIS	environmental impact statement
ESA	Endangered Species Act
GMFMC	Gulf of Mexico Fishery Management Council
Gulf	Gulf of Mexico
HAPC	habitat area of particular concern
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MMPA	Marine Mammal Protection Act
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Agency
NS	National Standard
OLE	NMFS Office for Law Enforcement
RA	Regional Administrator
SAFMC	South Atlantic Fishery Management Council
Secretary	Secretary of Commerce
SEFSC	NMFS Southeast Fishery Science Center
SERO	NMFS Southeast Regional Office
USCG	United States Coast Guard

TABLE OF CONTENTS

Abbreviations Used in this Document	ii
Chapter 1. Introduction	4
1.1 Background	4
1.2 Purpose and Need	7
1.3 History of Management.....	7
CHAPTER 2. MANAGEMENT ALTERNATIVES	9
2.1 Action 1: Modify the Commercial King Mackerel Gillnet Trip Limit	9
2.2 Action 2: Modify Accountability Measures for the Gillnet Component of the Commercial King Mackerel Fishery	12
2.3 Action 3: Modify Electronic Reporting Requirements for Dealers Receiving King Mackerel Harvested by Gillnet in the Gulf Southern Zone.....	15
2.4 Action 4: Elimination of Inactive Commercial King Mackerel Gillnet Endorsements	18
CHAPTER 3. AFFECTED ENVIRONMENT	21
3.1 Description of the Physical Environment	21
3.1.1 Deepwater Horizon	23
3.2 Description of the Biological Environment	24
3.3 Description of the Economic Environment.....	26
3.4 Description of the Social Environment	27
3.5 Administrative Environment	28
3.5.1 The Fishery Management Process and Applicable Laws	28
Chapter 4. List of Preparers	30
Chapter 5. List of Agencies, Organizations and Persons Consulted.....	31
Chapter 6. References	32

CHAPTER 1. INTRODUCTION

Gulf of Mexico Fishery Management Council

- Responsible for conservation and management of fish stocks
- Consists of 17 voting members, 11 of whom are appointed by the Secretary of Commerce, the National Marine Fisheries Service Regional Administrator, and 1 representative from each of the 5 Gulf states marine resource agencies
- Responsible for developing fishery management plans and amendments, and recommends actions to National Marine Fisheries Service for implementation

National Marine Fisheries Service

- Responsible for conservation and management of fish stocks
- Approves, disapproves, or partially approves Council recommendations
- Implements regulations

1.1 Background

Operators of federally permitted commercial fishing vessels harvesting species managed in the Fishery Management Plan for Coastal Migratory Pelagic (CMP) Resources in the Gulf of Mexico (Gulf) and Atlantic Region are governed by fishery specific regulations (50 CFR 622.369 et seq.).

Run-around gillnets are allowed for harvesting king mackerel in the Gulf only in the Gulf Southern Zone, which includes waters off Collier County, Florida, year-round, and off Monroe County, Florida, November 1- March 30. Currently, there are 21 vessels with valid or renewable gillnet endorsements to the commercial king mackerel fishing permit; four of these vessels have had no landings since 2001.

Changes to the Trip Limit

Representatives from the CMP fishery have requested raising the trip limit for the gillnet component of the fishery. The current trip limit is 25,000 lbs per vessel per day. Further conversations with several permit holders show that the desire to change the trip limit may not be universal among participants.

In most years, the fishing season has lasted for two weeks or less (Table 1.1.1). Assuming each vessel would harvest its capacity, the season could be shorter with a higher trip limit. Additionally, gillnet endorsements can be transferred to another vessel owned by the same entity

or to an immediate family member. Therefore, if the trip limit is removed or increased, permit holders could transfer their endorsement to a larger vessel, increasing the total landing capacity of the fleet.

If a vessel catches more than the trip limit in a net, only two options exist to keep from landing over the trip limit and incurring a fine. First, fishermen can release excess fish. Because of the nature of gillnet fishing, discard mortality is extremely high and most released fish would not survive. Second, fishermen can cut the net and leave the section with excess fish in the water. Another vessel can then retrieve the partial net if that vessel has not yet met its trip limit. This second choice is better for the resource as it eliminates waste, but obviously damages gear, which takes time and money to repair. As discarding a net at sea is prohibited, fishermen cannot employ this second option unless another vessel is nearby to pick up the surrendered portion of the net. Providing an alternative (or alternatives) to the aforementioned options helps address current gaps in management efficiency.

The weight of landings caught in a gillnet “strike” (*strike: a deployment of run-around gillnet fishing gear*) is more difficult to judge than other types of gear because of the high trip limit. For these reasons, vessel operators sometimes do not realize they have fish in excess of the trip limit until they land their catch.

The annual catch limit (ACL) may be easier to exceed with a higher trip limit. In 2014, 13 vessels reported landings on a single day, accounting for 45% of the ACL, although not all vessels landed the trip limit. If all vessels caught the current 25,000-lb trip limit and fished every day, the ACL would be met in less than two days. With an increased trip limit, vessels could leave port on the first day and the ACL could be reached before all vessels returned. However, in reality, few vessels catch the trip limit and fish every day.

Changes to Accountability Measures

The gillnet component of the fishery has an ACL separate from the hook-and-line component that is used as the Southern Zone gillnet quota (CMP Amendment 18). If the quota is reached or projected to be reached, NMFS publishes a notice prohibiting further harvest by the gillnet component of the fishery until the following year. Industry representatives have worked closely with NMFS over the last several years to track the landings on a daily basis and voluntarily cease fishing when the quota is expected to be met. However, in the past 10 years, landings have exceeded the ACL five times (**Table 1.1.1**). Under the National Standard 1 (NS1) guidelines, if a stock catch exceeds the ACL more than once in a four-year period, the system of ACLs and accountability measures (AMs) should be re-evaluated and modified, if necessary, to improve performance and effectiveness.

Table 1.1.1. Days and landings (pounds) of king mackerel by gillnet in the Southern Subzone.

Fishing Year	# of Days Open	Total Landings	Quota	Percent of Quota	Over/Under %
04/05	11	477,628	520,312	91.80	-8.20
05/06	51	680,869	520,312	130.86	30.86
06/07	10	510,691	520,312	98.15	-1.85
07/08	15	491,758	520,312	94.51	-5.49
08/09	10	613,860	520,312	117.98	17.98

09/10	5	878,821	520,312	168.90	68.90
10/11	15	613,039	520,312	117.82	17.82
11/12	4	555,691	520,312	106.80	6.80
12/13	No closure	454,521	607,614	74.80	-25.20
13/14	8	505,807	551,448	91.72	-8.28
14/15	32	532,614	551,448	96.58	-3.42

Note: The fishing season begins the day after the Dr. Martin Luther King, Jr. holiday.

Source: NMFS Quota Monitoring

The NS1 guidelines describe two types of AMs: in-season AMs that prevent overages during the current fishing season and post-season AMs to mitigate overages that may occur. The current in-season closure may not be sufficient to constrain catch within the ACL for this component of the fishery, and the accelerated pace of landings in the fishery make implementing in-season AMs difficult. An AM that could be used for the Southern Zone gillnet sector is an annual catch target (ACT). The in-season quota closure would be based on the ACT. The buffer between the ACL and the ACT would need to be set at a percentage that takes into account expected quota overages to reduce the probability that the ACL is exceeded. The average overage for the past 10 years is 9% over the gillnet ACL, with large variability (**Table 1.1.1**). The use of an ACT could also allow for rollover of an underage of the quota to the following year. The quota cannot be set higher than the acceptable biological catch (ABC) and currently the ACL is equal to the ABC. Therefore, an underage in one year cannot currently be carried over to the next year because that next year's quota would be the ACL plus the underage and exceed the ABC. If an ACT is set below the ACL, then an underage in one year could be carried over to the next year if the ACT plus the underage does not exceed the ABC.

A post-season accountability measure, such as a payback, may also be appropriate. In this case, in the year following an overage, the Gulf Southern Zone gillnet quota could be reduced by the amount of the overage by the gillnet component. A post-season payback provision could also be restrained to only apply if the ACL is exceeded by a certain percentage.

Changes to Electronic Reporting

The Generic Amendment for Modifications to Federally Permitted Seafood Dealer Permitting and Reporting Requirements to the Fishery Management Plans in the Gulf of Mexico and South Atlantic Regions (Dealer Reporting Amendment; GMFMC and SAFMC 2014) was implemented through a final rule effective August 7, 2014. The rule created a single dealer permit and established weekly electronic reporting requirements. An exception was made for dealers buying king mackerel landed by the gillnet sector in the Gulf Southern Zone, who are required to submit forms daily by 6:00 a.m., local time.

The 2014/2015 fishing season was the first time daily electronic reporting was required for king mackerel gillnet dealers. Dealers were compliant; however, because of vessels landing after midnight and long offloading times, some landings were not reported before 6:00 a.m. Any landings submitted to the electronic monitoring system after 6:00 a.m. would not be processed for up to 24 hours. Also, quality control measures require time before electronic monitoring data can be passed to managers. The result was that some landings did not reach managers until nearly two days after they were harvested. To compensate, dealers buying king mackerel caught by gillnets voluntarily cooperated with NMFS by providing landings to managers directly, as

quickly as possible after offloading. Dealers also continued to report through the electronic monitoring system. This concurrent monitoring was effective in keeping managers informed and allowing the closure to be implemented in a timely manner. The Councils are considering increased flexibility in reporting king mackerel landed with gillnets.

Changes to Permit Requirements

King mackerel vessels with gillnet endorsements cannot harvest king mackerel with gear other than a run-around gillnet. Therefore, outside of the open gillnet fishing season, those vessels may not fish for king mackerel. The Gulf Council set this restriction so that vessels fishing with different gear would have separate quotas, and to limit fishermen from participating in multiple harvesting methods for the same fishery. Industry representatives have suggested removing latent gillnet endorsements. The Councils considered this in CMP Amendment 20A and decided they did not want to revoke any permits; however, the Council may reconsider this decision. Fishermen have indicated concern about the possibility of other fishermen with latent permits re-entering the fishery, thereby potentially reducing the average portion of the current Gulf Southern Zone gillnet ACL available per vessel.

1.2 Purpose and Need

The purpose of this proposed action is to modify trip limits, accountability measures, electronic reporting requirements, and gillnet endorsements for commercial king mackerel landed by gillnet in the Gulf of Mexico. The need for this proposed action is to increase efficiency, stability, and accountability, and reduce potential regulatory discards in the commercial king mackerel gillnet component of the fishery.

1.3 History of Management

The CMP FMP, with Environmental Impact Statement (EIS), was approved in 1982 and implemented by regulations effective in February 1983 (GMFMC and SAFMC 1982). The management unit includes king mackerel, Spanish mackerel, and cobia. The FMP treated king and Spanish mackerel as unit stocks in the Atlantic and Gulf. The FMP established allocations for the recreational and commercial sectors harvesting these stocks, and the commercial allocations were divided between net and hook-and-line fishermen. The following is a list of management changes relevant to this amendment. A full history of CMP management can be found in [Amendment 18](#) (GMFMC and SAFMC 2011), and is incorporated here by reference.

Amendment 1, with EIS, implemented in September 1985, recognized separate Atlantic and Gulf migratory groups of king mackerel. The Gulf commercial allocation for king mackerel was divided into Eastern and Western Zones for the purpose of regional allocation, with 69% of the allocation provided to the Eastern Zone and 31% to the Western Zone.

Amendment 2, with environmental assessment (EA), implemented in July 1987, established allocations of total allowable catch (TAC) for the commercial and recreational sectors, and set commercial quotas and recreational bag limits.

Amendment 5, with EA, implemented in August 1990, specified that Gulf migratory group king mackerel may be taken only by hook-and-line and run-around gillnets.

Amendment 7, with EA, implemented in September 1994, equally divided the Gulf commercial allocation in the Eastern Zone at the Dade-Monroe County line in Florida. The sub-allocation for the area from Monroe County through Western Florida is equally divided between commercial hook-and-line and net gear users, and gillnet endorsements were established.

1994 Regulatory Amendment, with EA, implemented in November 1994, proposed a 25,000-lb trip limit for the gillnet fishery until 90% of their allocation was taken, then 15,000 lbs per trip. NMFS rejected the step down and commercial gillnet boats were limited to 25,000 lbs per trip.

Amendment 8, with EA, implemented in March 1998, clarified ambiguity about allowable gear specifications for the Gulf migratory group king mackerel fishery by allowing only hook-and-line and run-around gillnets.

Amendment 9, with EA, implemented in April 2000, established a moratorium on the issuance of commercial king mackerel gillnet endorsements.

Amendment 18, with EA, implemented in January 2012, established ACLs and accountability measures for Gulf migratory group of king mackerel, including separate ACLs for the commercial hook and line and gillnet components.

Amendment 20B, with EA, implemented March 1, 2015, established transit provisions through areas closed to king mackerel fishing for vessels possessing king mackerel that were legally harvested in the EEZ off areas open to king mackerel fishing.

CHAPTER 2. MANAGEMENT ALTERNATIVES

2.1 Action 1: Modify the Commercial King Mackerel Gillnet Trip Limit

Alternative 1: No Action – Do not modify the commercial king mackerel gillnet trip limit of 25,000 pounds per day.

Alternative 2: Modify the commercial king mackerel gillnet daily trip limit:

Option 2a: Increase the trip limit to 35,000 pounds (**Gulf CMP AP Preferred**)

Option 2b: Increase the trip limit to 45,000 pounds

Option 2c: Remove the trip limit for the commercial king mackerel gillnet component of the fishery

Alternative 3: Establish a buffer to the trip limit to account for landings uncertainty. This buffer can be in addition to the trip limit. Fishermen may profit from the sale of all king mackerel landed up to the trip limit, but will not be considered to have exceeded the trip limit unless the selected buffer has also been exceeded. Fishermen may not profit from the sale of any fish in excess of the trip limit. All king mackerel landed by vessels with gillnet endorsements, regardless of whether the trip limit has been exceeded, will count against that year's Gulf Southern Zone gillnet quota.

Option 3a: Establish a 5% buffer

Option 3b: Establish a 10% buffer

Option 3c: Establish a 20% buffer

Note: *The Gulf Council's CMP Advisory Panel (AP) recommended moving Alternative 3 of Action 1 to Considered but Rejected.*

Discussion

The current trip limit for king mackerel gillnet is 25,000 lbs. Fishermen have voiced concern that estimating the landings in a gillnet is difficult because of the large volume, increasing the probability of exceeding the current trip limit and incurring a fine. Fishermen argue that increasing the trip limit will reduce their risk of landing more than the trip limit in a single gillnet set. Presently, if fishermen think they have more fish in their gillnet than the trip limit allows, they must cut their net and float it to another boat. King mackerel landed in gillnets experience very high discard mortality, making releasing fish in excess of the trip limit wasteful and impractical. Additionally, discarding the net (or a piece thereof) at sea, regardless of whether fish are present in the net, is prohibited.

Any increase in the current trip limit would generally be expected to result in the Gulf Southern Zone gillnet quota being landed more quickly than the status quo. The days fished for the king mackerel gillnet component of the fishery for 2007-2015 are shown in Table 2.1.1. Determining changes in season length which could result from an increase in the trip limit is difficult for

several reasons. The two largest factors influencing whether the gillnet fleet goes fishing are the market price for king mackerel and weather. Fishermen will often abstain from fishing until the price for king mackerel reaches a desirable level, which is often influenced by whether the hook-and-line component is still open. Weather plays an important factor for two reasons: the gillnet vessels usually must travel far offshore to find the fish, and spotter planes are necessary to coordinate gillnet strikes. Foul weather can create hazardous conditions for both vessel captains and pilots. Other factors that may influence the number of days fished include gear maintenance and repair, and participation in other fisheries occurring during the gillnet season.

Table 2.1.1. Season lengths for the gillnet component of the commercial king mackerel fishery for 2007-2014. Season lengths are represented as the total number of days fished by the gillnet fleet. The year represents the calendar year in which fishing occurred. See table 1.1.1 for the number of days that the fishing season remained open (this does not mean fishing occurred).

Year	Days Fished
2007	7
2008	6
2009	3
2010	5
2011	3
2012	3
2013	6
2014	4
2015	5

Source: NMFS Quota Monitoring

Alternative 1 would retain the current trip limit of 25,000 lbs per vessel, per day. Fishermen have voiced that the current trip limit increases their probability of being fined, as they claim it is very common to land more than 25,000 lbs of king mackerel in a single gillnet strike. Because the size of a school of king mackerel can be difficult to estimate precisely, fishermen claim that it is very difficult to know how many fish are in the net until after the net is closed and the retrieval process begins.

Alternative 2 would modify the commercial king mackerel trip limit from its current level to some higher level. **Option 2a (Gulf CMP AP Preferred)** would increase the trip limit to 35,000 lbs whole weight, **Option 2b** would increase the trip limit to 45,000 lbs whole weight, and **Option 2c** would eliminate the gillnet trip limit for commercial king mackerel fishermen. Increases in the trip limit are not expected to have measurable negative biological impacts, so long as the quota for the Gulf Southern Zone gillnet ACL for king mackerel is not exceeded. Fishermen claim that better than 90% of gillnet strikes yield less than 45,000 lbs of fish; however, it is possible to land more than 45,000 lbs with the current allowable gear. Removing the current trip limit would eliminate the fines for exceeding the trip limit- a main grievance of the industry. However, with no trip limit in place, NMFS will have no mechanism to judge the pace of landings to close the gillnet component of the fishery before its ACL is exceeded.

Alternative 3 would establish a buffer to the trip limit to account for landings uncertainty. Fishermen will not be considered to have exceeded the trip limit unless the selected buffer has also been exceeded. Such a buffer would allow fishermen to land king mackerel above the trip limit without being in violation of the regulations unless the selected buffer is also exceeded. Fishermen would be permitted to receive revenue for the king mackerel landed up to the trip limit, but not for king mackerel over the trip limit but under the buffer. For example, if the trip limit is 25,000 pounds with a 10% buffer, and a fisherman lands 26,000 lbs of king mackerel, then the fisherman can only sell the first 25,000 lbs. The revenue from the sale of the remaining 1,000 lbs, which fell under the buffer, would be rendered to the general treasury. Options for a buffer to the gillnet trip limit include 5% of the trip limit (**Option 3a**), 10% of the trip limit (**Option 3b**), and 20% of the trip limit (**Option 3c**). All king mackerel landed by the gillnet component of the fishery, regardless of whether the trip limit has been exceeded, will count against the Gulf Southern Zone Gillnet ACL.

2.2 Action 2: Modify Accountability Measures for the Gillnet Component of the Commercial King Mackerel Fishery

Alternative 1: No Action – Do not modify accountability measures for the gillnet component of the commercial king mackerel fishery.

Alternative 2: Establish a payback provision for the gillnet component of the commercial king mackerel fishery, whereby the weight of any fish landed by a vessel with a gillnet endorsement in excess of the trip limit is deducted from the following year’s Southern Zone Gillnet ACL. The NMFS will monitor the landings and make any necessary adjustments to the subsequent year’s Southern Zone Gillnet ACL. The ACT (if established) will be adjusted to reflect the previously established percent buffer.

Alternative 3: Establish an annual catch target (ACT) for the Gulf of Mexico gillnet component of the commercial king mackerel fishery that is below the annual catch limit. The gillnet component of the commercial king mackerel fishery will be closed when the ACT is met or projected to be met.

Option 3a: ACT is equal to 95% of the ACL (**Gulf CMP AP Preferred**)

Option 3b: ACT is equal to 90% of the ACL

Option 3c: ACT is equal to 80% of the ACL

Option 3d: ACT is based on the Gulf of Mexico Fishery Management Council’s ACL/ACT Control Rule

Option 3e: If the gillnet component of the commercial king mackerel fishery does not land its quota in a given year, then the amount of any landings under the quota will be added to the following year’s quota, up to but not exceeding the annual catch limit. (**Gulf CMP AP Preferred**)

Alternative 4: If the Southern Zone gillnet ACL is exceeded in a year, NMFS would reduce the Southern Zone gillnet ACL in the following year by the amount of the overage. The ACT (if established) will be adjusted to reflect the previously established percent buffer.

Option a. Payback regardless of stock status

Option b. Payback only if the Gulf king mackerel stock is overfished

Note: *Currently, the ACL = ABC in the Gulf of Mexico king mackerel fishery. Establishing an ACT in Alternative 3 provides a buffer between the quota and the ACL/ABC, making Alternative 5 a possibility. Alternative 5 is not feasible without Alternative 3 or 4.*

Note: *The Gulf CMP AP recommended moving Alternative 2 of Action 2 to the Considered but Rejected Appendix.*

Discussion

Fishermen in the gillnet component of the commercial king mackerel fishery have requested more stringent accountability measures (AMs) to go along with any potential increase in the gillnet trip limit. Currently, if the quota for a zone, subzone, or gear is reached or projected to be reached within a fishing year, the NMFS closes that zone, subzone, or gear for the remainder of

the fishing year. **Alternative 1** would maintain this current regulatory structure for AMs for the gillnet component of the commercial king mackerel fishery.

Alternative 2 would establish a payback provision for the king mackerel gillnet component of the fishery, whereby the weight of any fish landed by a vessel with a gillnet endorsement in excess of the trip limit would be deducted from the following year's Gulf Southern Zone Gillnet ACL. The ACT (if established) would also be reduced by the amount needed to maintain the percent buffer previously established between the ACL and the ACT. Without this adjustment to the ACT, the buffer between the ACL and ACT would be reduced, which would increase the likelihood of exceeding the reduced ACL. The National Marine Fisheries Service would be responsible for monitoring the landings and making the necessary adjustments for the sum of all overages of the trip limit to the subsequent year's Gulf Southern Zone Gillnet ACL and ACT. Overages would be calculated as the total number of pounds landed over the trip limit, including the trip limit buffer (if established).

In effect, implementation of **Alternative 2** would result in both in-season *and* post-season quota implications, as overruns of the trip limit by individual vessels would still count against that year's quota. Payback provisions are thought to help fish stocks recover in following years from overexploitation in previous years; however, a payback based on overages by individual vessels is unusual. Fishermen who stay below the trip limit may perceive it as unfair to have to fish under a lower quota because of other fishermen's actions. An ACL or ACT reduction resulting from a payback as described in **Alternative 2** would only remain in effect for one year.

Alternative 3 would establish an annual catch target (ACT) for the king mackerel gillnet component of the fishery which provides a buffer below the ACL. The king mackerel gillnet component of the fishery would be closed when the ACT is met or projected to be met. Presently, there is no ACT in place for any gear or zone in the Gulf commercial king mackerel component of the fishery. Establishing an ACT in effect establishes a buffer under the ACL, reducing the likelihood of AMs being triggered. An ACT requires fishermen to potentially forgo catch (in the amount of the buffer) each year.

The ACT could be set at a level equal to 95% of the ACL (**Option 3a, (Gulf CMP AP Preferred)**), 90% of the ACL (**Option 3b**), or 80% of the ACL (**Option 3c**). **Option 3d** would establish an ACT for the gillnet component of the commercial king mackerel fishery based on the Gulf Council's ACT Control Rule. Based on the yield projections from the most recent stock assessment for Gulf migratory group king mackerel, and landings in the Gulf between 2009-2013, the Gulf Council's ACL/ACT Control Rule recommends a 5% buffer between the ACL and the ACT for the gillnet component of the commercial king mackerel fishery. The 5% buffer resulting from the application of the Gulf Council's ACT Control Rule is the same as **Alternative 3, Option 3a** with one key exception. Any ACT established using the Gulf Council's ACT Control Rule accounts for uncertainty, which may change with time. A subsequent stock assessment may recommend projected fishery yields which account for more uncertainty than before, which could impact subsequent applications of the Gulf Council's ACT Control Rule. The defined reduction in **Alternative 3, Option 3a** would be fixed, and would not vary based on changes in uncertainty.

Table 2.2.1 shows the effect of implementing an ACT for the gillnet component of the commercial king mackerel fishery. The 2014-2015 quota has been used to demonstrate these possible changes for Alternatives 3 and 4. The ACL and resultant ACT are represented in pounds whole weight.

Table 2.2.1. Comparison of resultant ACTs (pounds) from **Alternative 3**.

Method	2014/15 ACL	ACT	% Reduction from ACL
Alt 3, Opt 3a	551,448	523,876	5%
Alt 3, Opt 3b	551,448	496,303	10%
Alt 3, Opt 3c	551,448	441,158	20%
Alt 4	551,448	523,876	5%

Option 3e (Gulf CMP AP Preferred) of **Alternative 3** stipulates that if the gillnet component of the commercial king mackerel fishery does not land its quota in a given year, then the amount of any landings under the quota will be added to the following year’s quota, up to but not exceeding the ACL. This reverse payback would work in tandem with, and is not possible without, one of **Options 3a-d**. **Option 3e** would allow fishermen the opportunity to catch some of the fish not caught during the previous year in the following year, thereby creating the opportunity to harvest the optimum yield from the fishery.

Alternative 4 would reduce the ACL in a year by the amount of the overage in the previous year. The ACT (if established) would also be reduced by the amount needed to maintain the percent buffer previously established between the ACL and the ACT. Without this adjustment to the ACT, the buffer between the ACL and ACT would be reduced, which would increase the likelihood of exceeding the reduced ACL. Overages would be calculated as the total number of pounds landed over the trip limit, including the trip limit buffer (if established).

The ACL and ACT reduction would only remain in effect for one year, provided the ACL is not exceeded a second time in the following year. If the ACL is not exceeded for a second time, then in subsequent years the ACL and ACT would return to the original levels. However, if the ACL is exceeded in the following year, then the ACL and ACT will be further adjusted in accordance with the alternative. Under the National Standard 1 guidelines, if catch exceeds the ACL for a given stock or stock complex more than once in the last four years, the system of ACLs and AMs should be re-evaluated, and modified if necessary, to improve its performance and effectiveness.

2.3 Action 3: Modify Electronic Reporting Requirements for Dealers Receiving King Mackerel Harvested by Gillnet in the Gulf Southern Zone

Alternative 1: No Action – Do not modify electronic reporting requirements for commercial king mackerel gillnet dealers. Dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Southern Zone must submit forms daily to the electronic reporting system supported by the Southeast Fisheries Science Center by 6:00 a.m. local time. If no king mackerel landed by gillnet were received the previous day, a no landings report must be submitted by the same deadline.

Alternative 2: Remove the requirement for *daily* electronic reporting by commercial king mackerel gillnet dealers. Dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Southern Zone must submit forms *weekly* for trips landing between Sunday and Saturday to the electronic reporting system supported by the Southeast Fisheries Science Center by 11:59 p.m. local time on the following Tuesday. If no king mackerel landed by gillnet were received the previous day, a no landings report must be submitted by the same deadline.

Alternative 3: Remove the requirement for *daily electronic* reporting by commercial king mackerel gillnet dealers. Dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Southern Zone must report *daily via means determined by the National Marine Fisheries Service* (NMFS) during the open fishing season. Reporting frequency, methods, and deadlines may be modified upon notification by NMFS. If no king mackerel landed by gillnet were received the previous day, a no landings report must be submitted by the same deadline. In addition, dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Southern Zone must submit forms *weekly* from trips landing between Sunday and Saturday to the electronic reporting system supported by the Southeast Fisheries Science Center by 11:59 p.m. local time on the following Tuesday. **(Gulf CMP AP Preferred)**

Discussion

Gillnet vessels have a large trip limit (see Action 1), which could allow the current ACL (quota) to be harvested within two days if all boats fished and caught the limit. Since the 2006/2007 fishing season, the number of fishing days has ranged 3-8 days (**Table 2.3.1**). From the 2011/2012 fishing season through the 2013/2014 fishing season, dealers reported king mackerel gillnet landings to NMFS port agents each day after vessels offloaded in the early morning. The port agents would share the compiled landings data with managers responsible for monitoring quotas within 24 hours of the time that the fish were harvested. This timely reporting allowed the king mackerel gillnet component to be closed quickly and helped maintain harvest near the quota. Fishermen holding gillnet endorsements aided this effort by cooperatively monitoring landings and voluntarily ceasing fishing when landings reached the quota.

The Generic Amendment for Modifications to Federally Permitted Seafood Dealer Permitting and Reporting Requirements to the Fishery Management Plans in the Gulf of Mexico and South Atlantic Regions (Dealer Reporting Amendment; GMFMC and SAFMC 2014) was implemented through a final rule effective August 7, 2014. The rule created a single dealer permit for all

species managed by the Gulf and South Atlantic Councils and established weekly electronic reporting requirements for dealers receiving those species. An exception was made for dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Southern Zone, who are required to submit forms daily by 6:00 a.m., local time.

The 2014/2015 fishing season was the first time daily electronic reporting was required for king mackerel gillnet dealers. Dealers were compliant in reporting landings offloaded by midnight the previous day; however, because of vessels landing after midnight and long offloading times, some landings were not reported before 6:00 a.m. Any landings submitted to the electronic monitoring system after 6:00 a.m. would not be processed until the following day at 6:00 a.m. Further, the electronic monitoring system involves processing and quality control time before the data could be passed to managers. The result of these situations was that some landings did not reach managers until nearly two days after they were harvested.

To compensate for the slower landings reports, during the 2014/2015 fishing season, dealers buying king mackerel caught by gillnets voluntarily cooperated with NMFS by providing landings to managers directly, as quickly as possible after offloading. Dealers also continued to report through the electronic monitoring system. This concurrent monitoring was effective in keeping managers informed as to when landings were nearing the quota and implementing the closure in a timely manner.

Table 2.3.1. Days, vessels, and percent of quota for king mackerel by season of gillnet fishing in the Southern Subzone.

Fishing Season	# Days Open	# Days Fished	# of Vessels	Percent of Quota
06/07	10	7	14	98.15
07/08	15	6	16	94.51
08/09	10	3	16	117.98
09/10	5	5	17	168.90
10/11	15	3	15	117.82
11/12	4	3	14	106.80
12/13	No closure	8	15	74.80
13/14	8	3	15	91.72
14/15	32	5	14	96.58

Note: The fishing season begins the day after the Dr. Martin Luther King, Jr. holiday.

Source: NMFS Quota Monitoring.

Alternative 1 would maintain the current requirement for daily reporting of gillnet-caught king mackerel through the electronic monitoring system. Although this system supplies landings data to managers more quickly than the weekly reporting required for other species, it is still slower than other methods of reporting that could be used. In addition, NMFS has no legal authority to require dealers to report directly to managers, as was done voluntarily in the 2014/2015 fishing season.

Alternative 2 would remove the requirement for daily reporting and require the same weekly reporting as for other species in the Gulf and South Atlantic. Although this would ease the

reporting burden for those dealers that receive king mackerel caught by gillnets, it would make effectively monitoring the Southern Zone gillnet quota difficult. Currently the fishermen cooperate and voluntarily stop fishing when they reach the quota; however, NMFS cannot rely solely on this voluntary reporting to constrain harvest to the ACL.

Alternative 3 would remove the daily reporting requirement to the electronic monitoring system, but continue to require daily reporting by some other means as developed by NMFS. This could involve reverting to the port agent reports or some more direct method of reporting to managers. NMFS would work with dealers to establish a system that will minimize the burden to the dealers as well as the time for landings to reach managers. Dealers would still be required to report king mackerel gillnet landings through the electronic monitoring system weekly, when they report other species. The weekly reporting would ensure the king mackerel reports are included in the Commercial Landings Monitoring database maintained by the SEFSC.

2.4 Action 4: Elimination of Inactive Commercial King Mackerel Gillnet Endorsements

Alternative 1: No Action – Maintain all current requirements for renewing commercial king mackerel gillnet endorsements.

Alternative 2: Allow commercial king mackerel gillnet endorsements to be renewed only if *average landings* during 2006-2015 were greater than **x** lbs. Gillnet endorsements that do not qualify will be non-renewable and non-transferable.

Alternative 3: Allow commercial king mackerel gillnet endorsements to be renewed only if *landings for a single year* during 2006-2015 were greater than **x** lbs. Gillnet endorsements that do not qualify will be non-renewable and non-transferable.

IPT Note: *The Council should choose a qualifying threshold based on Table 2.4.1.*

IPT Note: *The time period can be changed; however, the numbers in Table 2.4.1 would not change.*

Note: *The Gulf CMP AP recommended moving Action 4 to the Considered but Rejected Appendix.*

Discussion

Both a commercial king mackerel permit and a king mackerel gillnet endorsement are required to use run-around gillnets in the Gulf Southern Zone. Gillnet endorsements can only be transferred to another vessel owned by the same entity or to an immediate family member. Consequently, the number of gillnet endorsements has decreased over time and now stands at 21 valid or renewable permits. Some of these vessels holding gillnet endorsements have not had landings in recent years, if ever.

Alternative 1 would allow endorsement holders who have not been fishing for king mackerel to begin fishing with gillnets. It is unclear if any of those fishermen intend to re-enter the fishery, but their practice of renewing the endorsement each year indicates they anticipate doing so at some point in the future. Some regular king mackerel fishermen are concerned that permit holders who have not been fishing regularly or have been fishing at low levels may begin participating more fully. More vessels fishing under the same quota could mean lower catches for each vessel. Elimination of latent king mackerel gillnet endorsements would protect the interests of the current participants.

Alternative 2 would base the status of an endorsement on the average landings over a set time period. Average landings take into account the sustained participation of endorsement holders through the years. **Table 2.4.1** has estimates of the number of permits that would or would not meet various potential landings thresholds. In general, the higher the average pounds necessary to qualify, the more gillnet endorsements that would be designated as inactive and eliminated.

Alternative 3 would base the status of an endorsement on landings meeting the threshold in only one of the years in the time period. Due to the short nature of the gillnet season, a vessel may miss the short window in which to participate in the fishery for a variety of reasons, including family illness, mechanical trouble, financial trouble, and others. These extraneous factors, and not an unwillingness to participate in the fishery, could cause some gillnet endorsements to not meet average landings criteria for determining if an endorsement is valid to be renewed. **Table 2.4.1** has estimates of the number of permits that would or would not meet the potential landings thresholds for any one year in the time period.

Table 2.4.1. Estimated number of gillnet endorsements not qualifying under various potential landings thresholds for **Alternatives 2** and **3**. Gillnet endorsements are those valid or renewable as of February 20, 2015. The actual number and percentage of gillnet endorsements that would be affected would depend on the number of valid and renewable gillnet endorsements on the effective date of the rule.

Landings Threshold (lbs)	Number of Endorsements Eliminated	
	Alternative 2 average landings 2006-2015	Alternative 3 landings in any one year 2006-2015
1	4	4
10,000	4	4
25,000	8	5
50,000	11	11
75,000	17	17
100,000	19	21

Source: SEFSC logbooks and SERO Permits database.

Appeals

If **Alternative 2** or **3** is chosen to eliminate gillnet endorsements, an appeals process would be established consistent with a process previously approved by the Councils. The appeals process provides a procedure for resolving disputes regarding eligibility to retain king mackerel gillnet endorsements.

In the past, the Councils have implemented regulatory actions in a number of fisheries that have included an appeals process for eligibility determinations, e.g., Amendment 29 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico and Amendment 18A to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region. In each of these instances, the Councils have utilized a virtually identical process. Because the process has been consistent and has worked well in different circumstances, the Gulf Council determined, without excessive consideration of other options for appeals, that the same process should be used when it established Gulf reef fish longline endorsements. Similarly, the process described in this section mirrors previously approved appeals processes.

Items subject to appeal are the accuracy of the amount of king mackerel landings and the correct assignment of landings to the gillnet endorsements owner. Appeals must contain documentation supporting the basis for the appeal and must be submitted to the Southeast Regional Administrator (RA) postmarked no later than 90 days after the effective date of the final rule that would implement this Framework Amendment. Appeals based on hardship factors will not be considered. The RA will review, evaluate, and render final decision on appeals. The RA will determine the outcome of appeals based on NMFS logbooks. Appellants must submit logbooks to support their appeal. Landings data for appeals would be based on logbooks submitted to and received by the Southeast Fisheries Science Center by a date to be determined, for the years chosen in the preferred alternative. If logbooks are not available, the RA may use state landings records. In addition, NMFS' records of king mackerel gillnet endorsements constitute the sole basis for determining ownership of such gillnet endorsements.

CHAPTER 3. AFFECTED ENVIRONMENT

3.1 Description of the Physical Environment

The Gulf has a total area of approximately 600,000 square miles (1.5 million km²), including state waters (Gore 1992). It is a semi-enclosed, oceanic basin connected to the Atlantic Ocean by the Straits of Florida and to the Caribbean Sea by the Yucatan Channel (Figure 3.1.1). Oceanographic conditions are affected by the Loop Current, discharge of freshwater into the northern Gulf, and a semi-permanent, anti-cyclonic gyre in the western Gulf. The Gulf includes both temperate and tropical waters (McEachran and Fechhelm 2005). Mean annual sea surface temperatures ranged from 73 through 83° F (23-28° C) including bays and bayous (Figure 3.1.1) between 1982 and 2009, according to satellite-derived measurements (NODC 2012: <http://accession.nodc.noaa.gov/0072888>). In general, mean sea surface temperature increases from north to south with large seasonal variations in shallow waters.

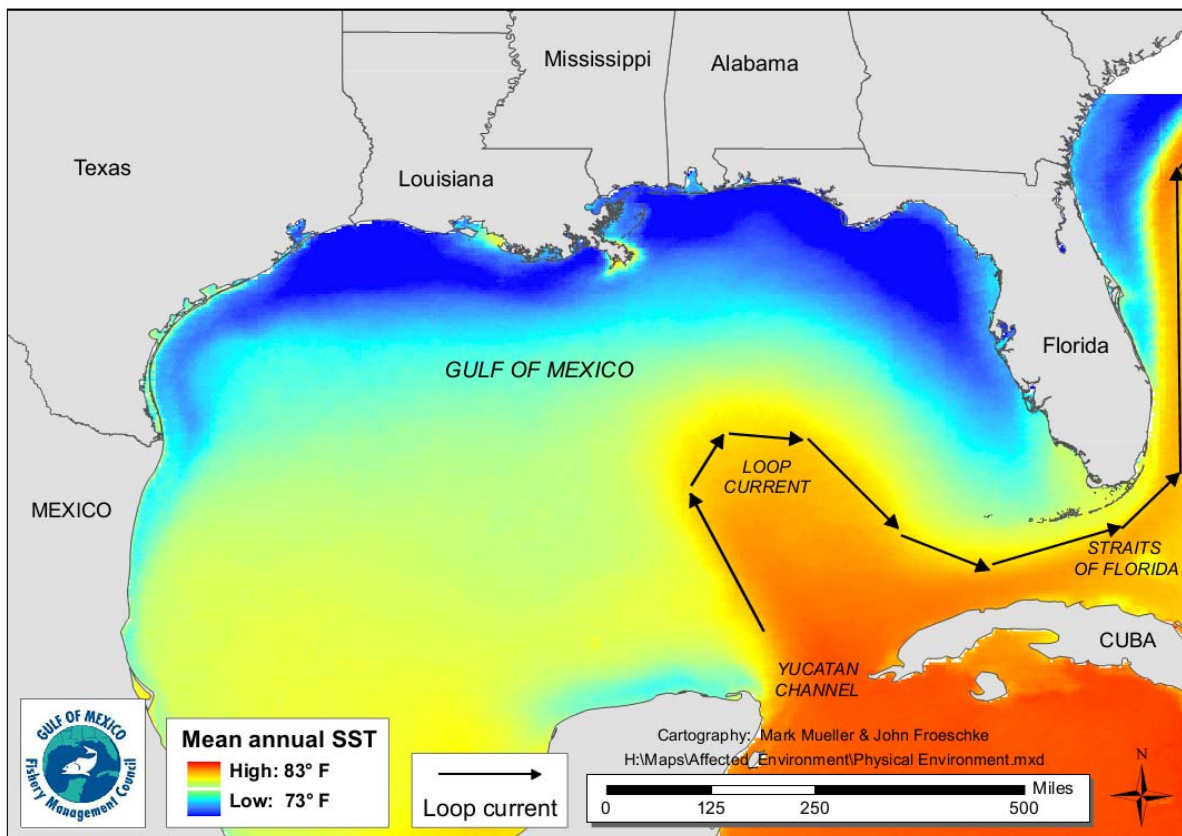


Figure 3.1.1. Mean annual sea surface temperature derived from the Advanced Very High Resolution Radiometer Pathfinder Version 5 sea surface temperature data set (<http://pathfinder.nodc.noaa.gov>).

The physical environment is detailed in the Environmental Impact Statement for the Generic Essential Fish Habitat (EFH) Amendment (GMFMC 2004a) and the Generic ACL/AM Amendment (GMFMC 2011) which are hereby incorporated by reference.

Habitat Areas of Particular Concern (HAPC)

Generic Amendment 3 (GMFMC 2005) for addressing EFH, HAPC, and adverse effects of fishing in the following fishery management plans of the Gulf Reef Fish Resources, Red Drum, and Coastal Migratory Pelagics is hereby incorporated by reference.

Environmental Sites of Special Interest Relevant to Coastal Migratory Pelagic Species (Figure 3.1.2)

Madison-Swanson and Steamboat Lumps Marine Reserves - No-take marine reserves (total area is 219 nm² or 405 km²) sited based on gag spawning aggregation areas where all fishing is prohibited except surface trolling from May through October (GMFMC 1999; 2003).

Tortugas North and South Marine Reserves – No-take marine reserves (185 nm²) cooperatively implemented by the state of Florida, National Ocean Service, the Gulf of Mexico Fishery Management Council (Council), and the National Park Service in Generic Amendment 2 Establishing the Tortugas Marine Reserves (GMFMC 2001).

Reef and bank areas designated as Habitat Areas of Particular Concern (HAPCs) in the northwestern Gulf include – East and West Flower Garden Banks, Stetson Bank, Sonnier Bank, MacNeil Bank, 29 Fathom, Rankin Bright Bank, Geyer Bank, McGrail Bank, Bouma Bank, Rezak Sidner Bank, Alderice Bank, and Jakkula Bank – pristine coral areas protected by preventing the use of some fishing gear that interacts with the bottom and prohibited use of anchors (totaling 263.2 nm² or 487.4 km²). Subsequently, three of these areas were established as marine sanctuaries (i.e., East and West Flower Garden Banks and Stetson Bank). Bottom anchoring and the use of trawling gear, bottom longlines, buoy gear, and all traps/pots on coral reefs are prohibited in the East and West Flower Garden Banks, McGrail Bank, and on significant coral resources on Stetson Bank (GMFMC 2005). A weak link in the tickler chain of bottom trawls on all habitats throughout the EEZ is required. A weak link is defined as a length or section of the tickler chain that has a breaking strength less than the chain itself and is easily seen as such when visually inspected. An education program for the protection of coral reefs when using various fishing gears in coral reef areas for recreational and commercial fishermen was also developed.

Florida Middle Grounds HAPC - Pristine soft coral area (348 nm² or 644.5 km²) that is protected by prohibiting the following gear types: bottom longlines, trawls, dredges, pots and traps (GMFMC and SAFMC 1982).

Pulley Ridge HAPC - A portion of the HAPC (2,300 nm² or 4,259 km²) where deepwater hermatypic coral reefs are found is closed to anchoring and the use of trawling gear, bottom longlines, buoy gear, and all traps/pots (GMFMC 2005).

Alabama Special Management Zone – For vessels operating as a charter vessel or headboat, fishing is limited to hook-and-line gear with no more than three hooks. Nonconforming gear is restricted to recreational bag limits (GMFMC 1993).

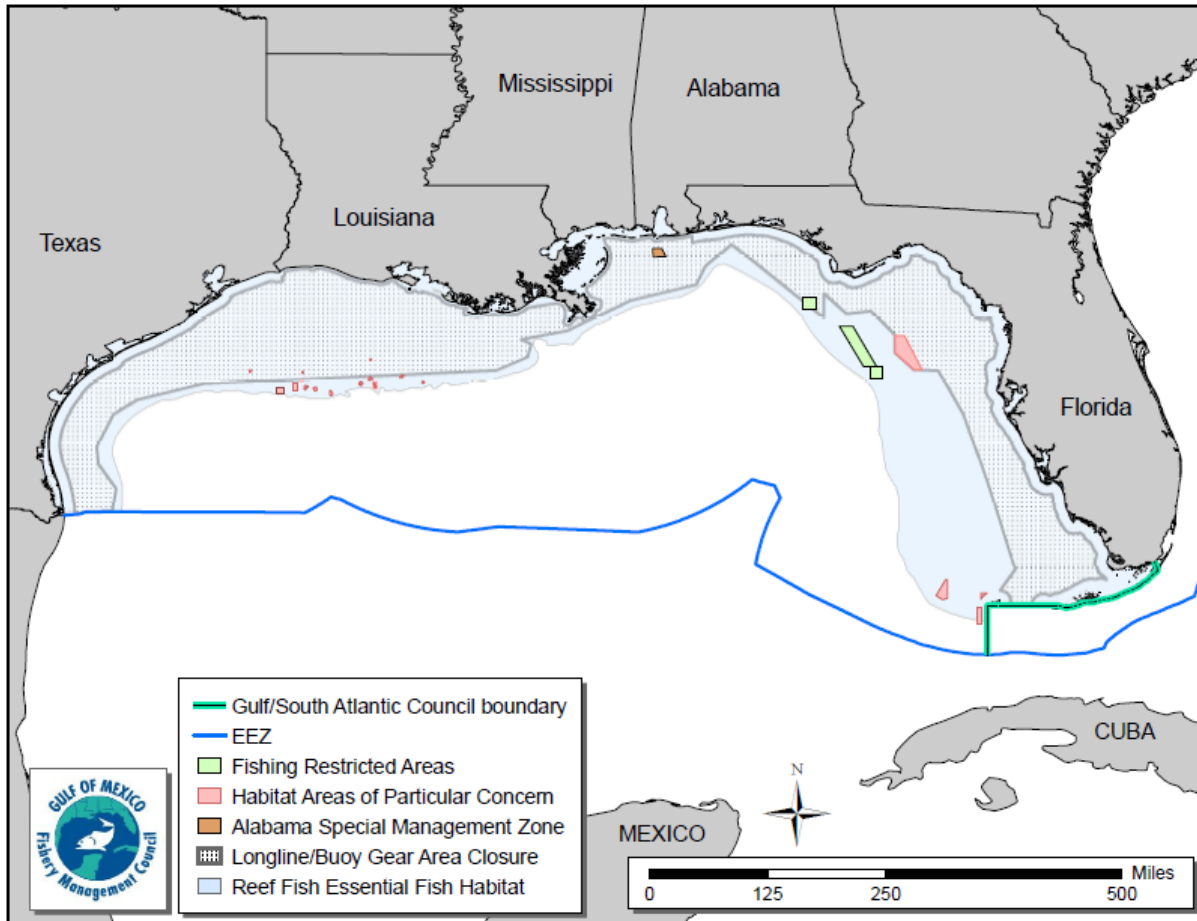


Figure 3.1.2. Map of most fishery management closed areas in the Gulf.

3.1.1 Deepwater Horizon

The Deepwater Horizon MC252 oil spill in 2010 affected at least one-third of the Gulf of Mexico area from western Louisiana east to the panhandle of Florida and south to the Campeche Bank in Mexico. The impacts of the Deepwater Horizon MC252 oil spill on the physical environment are expected to be significant and may be long-term. Oil was dispersed on the surface, and because of the heavy use of dispersants (both at the surface and at the wellhead), oil was also documented as being suspended within the water column, some even deeper than the location of the broken well head. Floating and suspended oil washed onto shore in several areas of the Gulf of Mexico as were non-floating tar balls. Whereas suspended and floating oil degrades over time, tar balls are persistent in the environment and can be transported hundreds of miles.

Surface or submerged oil during the Deepwater Horizon MC252 event could have restricted the normal processes of atmospheric oxygen mixing into and replenishing oxygen concentrations in the water column, thus affecting the long-standing hypoxic zone located west of the Mississippi River on the Louisiana continental shelf. In addition, microbes in the water that break down oil and dispersant also consume oxygen, which could lead to further oxygen depletion. Zooplankton

that feed on algae could also be negatively impacted, thus allowing more of the hypoxia-fueling algae to grow.

If eggs and larvae were affected, impacts on harvestable-size CMP fish will begin to be seen when the 2010 year class becomes large enough to enter the fishery and be retained. King mackerel mature at age 3-4; therefore, a year class failure in 2010 could be observed as early as 2013 or 2014. The impacts would be realized as reduced fishing success and reduced spawning potential. Since these data were not available or did not exist in time for inclusion in SEDAR 38, any new data generated since the completion of SEDAR 38 would need to be taken into consideration in the next SEDAR assessment update of king mackerel.

Indirect and inter-related effects of the actions in this framework amendment, especially in concert with the Deepwater Horizon MC252 oil spill on the biological and ecological environment are not well understood. Changes in the population size structure as a result of shifting fishing effort to specific geographic segments of the CMP populations, combined with any anthropogenically induced natural mortality that may occur from the impacts of the oil spill, could lead to changes in the distribution and abundance of king mackerel throughout the Gulf. The impacts on the food web from phytoplankton, to zooplankton, to baitfish, to top predators are unknown and may lead to negative impacts in the future. Impacts to CMP species from the oil spill will similarly impact other species that may be preyed upon by king mackerel, or might benefit from a reduced stock.

3.2 Description of the Biological Environment (To be completed)

Protected Species

All sea turtle species occurring in the Atlantic Ocean are listed as either endangered or threatened under the Endangered Species Act (ESA). The alternatives discussed in this framework amendment may potentially affect five sea turtle species: the endangered leatherback, the endangered hawksbill, the endangered Kemp's ridley, the Northwest Atlantic distinct population segment (DPS) of the threatened loggerhead, and the threatened green, except for breeding populations of green turtles in Florida, which are listed as endangered.

The threatened Gulf sturgeon, the endangered shortnose sturgeon, the South Atlantic and Carolina DPS of the threatened Atlantic sturgeon, and the endangered smalltooth sawfish, also occur within the area encompassed by the alternatives analyzed within this framework amendment. Additionally, two threatened *Acropora* coral species, elkhorn and staghorn, can be found in areas of Florida. Additionally, NMFS has proposed rules to reclassify *Acropora* Corals as endangered.

Species of large whales protected by the ESA that occur throughout the Gulf and Atlantic Ocean include the blue whale, humpback whale, fin whale, North Atlantic right whale, sei whale, and the sperm whale. Additionally, the West Indian manatee also occurs in both the Gulf of Mexico and Atlantic Ocean; the West Indian manatee is under the jurisdiction of the United States Fish and Wildlife Service. These species are also considered depleted under the Marine Mammal

Protection Act (MMPA). Depleted and endangered designations afford special protections from captures, and further measures to restore populations to recovery or the optimum sustainable population are identified through required Recovery Plans (ESA species) or Conservation Plans (MMPA depleted species). Numerous other species of marine mammals listed under the MMPA occur throughout the Atlantic Ocean and/or Gulf of Mexico. Aside from the aforementioned protected species, portions of designated critical habitat for Gulf sturgeon, *Acropora* corals, and the North Atlantic right whale also occur within areas encompassed by the alternatives in this framework amendment.

In a 2007 biological opinion, NMFS determined the continued existence of endangered green, leatherback, hawksbill, and Kemp's ridley sea turtles, and threatened loggerhead sea turtles was not likely to be jeopardized by fishing for CMP species in the Southeastern United States (NMFS 2007). Other listed species are not likely to be adversely affected, including Endangered Species Act-listed whales, Gulf sturgeon, and *Acropora* corals. In a separate consultation memorandum dated May 18, 2010, NMFS concluded the continued authorization of the CMP fishery is not likely to adversely affect *Acropora* critical habitat.

On April 6, 2012, five distinct population segments of the Atlantic sturgeon became federally protected by the ESA. Because of past captures and the new protection for Atlantic sturgeon, NMFS reinitiated Section 7 consultation on November 26, 2012. In a memo dated January 11, 2013, NMFS determined that allowing the continued operation of the CMP fishery during the reinitiation period under the existing fishery management regulations will not violate section 7(a)(2) or 7(d) of the ESA.

On July 10, 2014, NMFS published a final rule designating 38 occupied marine areas within the Atlantic Ocean and Gulf as critical habitat for the Northwest Atlantic Ocean loggerhead sea turtle distinct population segment. These areas contain one or a combination of nearshore reproductive habitat, winter area, breeding areas, and migratory corridors, or contain Sargassum habitat. In the Gulf of Mexico, designated critical habitat contains either nearshore reproductive habitat or Sargassum habitat. In a memo dated September 16, 2014, NMFS determined that the CMP fishery operates outside the nearshore reproductive habitat and effects on concentrated breeding and constricted migratory corridor habitats are insignificant.

On September 10, 2014, NMFS published a final rule listing as threatened 20 coral species under the Endangered Species Act. Five of the newly listed coral species are found in the Gulf of Mexico or Atlantic Ocean. In a memo dated October 7, 2014, NMFS determined that the CMP fishery is not likely to adversely affect these corals.

Therefore, the fishery remains open while NMFS's Protected Resources Division continues to work towards a new biological opinion for the CMP FMP.

The Gulf and South Atlantic CMP hook-and-line fishery is classified in the 2014 Marine Mammal Protection Act List of Fisheries (79 FR 14418) as a Category III fishery. This means the annual mortality and serious injury of a marine mammal resulting from the fishery is less than or equal to 1% of the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population.

The Gulf and South Atlantic CMP gillnet fishery is classified as Category II fishery in the 2014 MMPA List of Fisheries (79 FR 14418). This classification indicates an occasional incidental mortality or serious injury of a marine mammal stock resulting from the fishery (1-50% annually of the potential biological removal). The fishery has no documented interaction with marine mammals; NMFS classifies this fishery as Category II based on analogy (i.e., similar risk to marine mammals) with other gillnet fisheries.

3.3 Description of the Economic Environment (To be completed)

3.4 Description of the Social Environment (To be completed)

3.5 Administrative Environment

3.5.1 The Fishery Management Process and Applicable Laws

3.5.1.1 Federal Fishery Management

Federal fishery management is conducted under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 et seq.), originally enacted in 1976 as the Fishery Conservation and Management Act. The Magnuson-Stevens Act claims sovereign rights and exclusive fishery management authority over most fishery resources within the EEZ, an area extending 200 nautical miles from the seaward boundary of each of the coastal states, and authority over U.S. anadromous species and continental shelf resources that occur beyond the EEZ.

Responsibility for federal fishery management decision-making is divided between the U.S. Secretary of Commerce (Secretary) and eight regional fishery management councils that represent the expertise and interests of constituent states. Regional councils are responsible for preparing, monitoring, and revising management plans for fisheries needing management within their jurisdiction. The Secretary is responsible for collecting and providing the data necessary for the councils to prepare fishery management plans and for promulgating regulations to implement proposed plans and amendments after ensuring that management measures are consistent with the Magnuson-Stevens Act and with other applicable laws. In most cases, the Secretary has delegated this authority to NMFS.

The Gulf Council is responsible for fishery resources in federal waters of the Gulf of Mexico. These waters extend to 200 nautical miles offshore from the nine-mile seaward boundary of the states of Florida and Texas, and the three-mile seaward boundary of the states of Alabama, Mississippi, and Louisiana. The Gulf Council consists of 17 voting members, 11 of whom are appointed by the members appointed by the Secretary, the NMFS Regional Administrator, and one each from each of five Gulf states marine resource agencies. Non-voting members include representatives of the U.S. Fish and Wildlife Service, U.S. Coast Guard (USCG), U.S. Department of State, and Gulf States Marine Fisheries Commission.

The Council uses their Scientific and Statistical Committee to review data and science used in assessments and fishery management plans/amendments. Regulations contained within FMPs are enforced through actions of the NMFS' Office for Law Enforcement, the USCG, and various state authorities.

The public is involved in the fishery management process through participation at public meetings, on advisory panels, and through council meetings that, with few exceptions for discussing personnel or legal matters, are open to the public. The regulatory process is in accordance with the Administrative Procedures Act, in the form of "notice and comment" rulemaking, which provides extensive opportunity for public scrutiny and comment, and requires consideration of and response to those comments.

3.5.1.2 State Fishery Management

The purpose of state representation at the Council level is to ensure state participation in federal fishery management decision-making and to promote the development of compatible regulations in state and federal waters. The state governments have the authority to manage their respective state fisheries including enforcement of fishing regulations. Each of the five states exercises legislative and regulatory authority over their states' natural resources through discrete administrative units. Although each agency listed below is the primary administrative body with respect to the state's natural resources, all states cooperate with numerous state and federal regulatory agencies when managing marine resources.

The states are also involved through the Gulf States Marine Fisheries Commission (GSMFC) in management of marine fisheries. This commission was created to coordinate state regulations and develop management plans for interstate fisheries.

NMFS' State-Federal Fisheries Division is responsible for building cooperative partnerships to strengthen marine fisheries management and conservation at the state, inter-regional, and national levels. This division implements and oversees the distribution of grants for two national (Inter-jurisdictional Fisheries Act and Anadromous Fish Conservation Act) and two regional (Atlantic Coastal Fisheries Cooperative Management Act and Atlantic Striped Bass Conservation Act) programs. Additionally, it works with the commissions to develop and implement cooperative State-Federal fisheries regulations.

More information about these agencies can be found from the following web pages:

Texas Parks & Wildlife Department - <http://www.tpwd.state.tx.us>

Louisiana Department of Wildlife and Fisheries <http://www.wlf.state.la.us/>

Mississippi Department of Marine Resources <http://www.dmr.state.ms.us/>

Alabama Department of Conservation and Natural Resources <http://www.dcnr.state.al.us/>

Florida Fish and Wildlife Conservation Commission <http://www.myfwc.com>

3.5.1.3 Enforcement

Both the NMFS Office for Law Enforcement (NOAA/OLE) and the USCG have the authority and the responsibility to enforce regulations. NOAA/OLE agents, who specialize in living marine resource violations, provide fisheries expertise and investigative support for the overall fisheries mission. The USCG is a multi-mission agency, which provides at sea patrol services for the fisheries mission.

Neither NOAA/OLE nor the USCG can provide a continuous law enforcement presence in all areas due to the limited resources of NOAA/OLE and the priority tasking of the USCG. To supplement at sea and dockside inspections of fishing vessels, NOAA entered into Cooperative Enforcement Agreements with all but one of the states in the Southeast Region (North Carolina), which granted authority to state officers to enforce the laws for which NOAA/OLE has jurisdiction. In recent years, the level of involvement by the states has increased through Joint Enforcement Agreements, whereby states conduct patrols that focus on federal priorities and, in some circumstances, prosecute resultant violators through the state when a state violation has occurred.

CHAPTER 4. LIST OF PREPARERS

Name	Expertise	Responsibility	Agency
Ryan Rindone	Fishery Biologist	Co-Team Lead – Amendment development, introduction, effects analyses	GMFMC
Sue Gerhart	Fish Biologist	Co-Team Lead – Amendment development, effects analysis, and cumulative effects	SERO-SF
Ava Lasseter	Anthropologist	Social analyses	GMFMC
Mike Jepson	Anthropologist	Social environment and environmental justice	SERO-SF
Assane Diagne	Economist	Economic analysis and Regulatory Impact Review	GMFMC
Tony Lamberte	Economist	Economic environment and Regulatory Flexibility Act Analysis	SERO-SF
Mara Levy	Attorney	Legal review	NOAA GC
Iris Lowery	Attorney	Legal review	NOAA GC
Adam Bailey	Technical Writer Editor	Regulatory writer	SERO-SF
Noah Silverman	Natural Resource Management Specialist	NEPA review	SERO
Matthew Lauretta	Biologist	Biological review	SEFSC
Christopher Liese	Economist	Social/economic review	SEFSC
David Dale, NMFS/HC	EFH Specialist	Habitat review	SERO-HC
Jennifer Lee	Protected Resources Specialist	Protected resources review	SERO-PR
Carrie Simmons	Fishery biologist	Reviewer	GMFMC
Steve Branstetter	Fishery biologist	Reviewer	SERO-SF

GMFMC = Gulf of Mexico Fishery Management Council, SERO = NMFS Southeast Regional Office, SF = Sustainable Fisheries Division, PR = Protected Resources Division, HC = Habitat Conservation Division, GC = General Counsel, SEFSC = NMFS Southeast Fishery Science Center

CHAPTER 5. LIST OF AGENCIES, ORGANIZATIONS AND PERSONS CONSULTED

The following have or will be consulted:

National Marine Fisheries Service

- Southeast Fisheries Science Center
- Southeast Regional Office
- Protected Resources
- Habitat Conservation
- Sustainable Fisheries

NOAA General Counsel

Environmental Protection Agency

United States Coast Guard

Texas Parks and Wildlife Department

Alabama Department of Conservation and Natural Resources/Marine Resources Division

Louisiana Department of Wildlife and Fisheries

Mississippi Department of Marine Resources

Florida Fish and Wildlife Conservation Commission

CHAPTER 6. REFERENCES (TO BE COMPLETED)

Modifications to Commercial King Mackerel Gillnet Trip Limits, Accountability Measures, and Electronic Reporting Requirements, and Elimination of Latent Gillnet Endorsements in the Gulf of Mexico



DECISION DOCUMENT Framework Amendment Three to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic

March 2015



This is a publication of the Gulf of Mexico Fishery Management Council Pursuant to National Oceanic and Atmospheric Administration Award No. NA10NMF4410011.

MANAGEMENT ALTERNATIVES

Action 1: Modify the Commercial King Mackerel Gillnet Trip Limit

Alternative 1: No Action – Do not modify the commercial king mackerel gillnet trip limit of 25,000 pounds per day.

Alternative 2: Modify the commercial king mackerel gillnet daily trip limit:

Option 2a: Increase the trip limit to 35,000 pounds (**Gulf CMP AP Preferred**)

Option 2b: Increase the trip limit to 45,000 pounds

Option 2c: Remove the trip limit for the commercial king mackerel gillnet component of the fishery

Alternative 3: Establish a buffer to the trip limit to account for landings uncertainty. This buffer can be in addition to the trip limit. Fishermen may profit from the sale of all king mackerel landed up to the trip limit, but will not be considered to have exceeded the trip limit unless the selected buffer has also been exceeded. Fishermen may not profit from the sale of any fish in excess of the trip limit. All king mackerel landed by vessels with gillnet endorsements, regardless of whether the trip limit has been exceeded, will count against that year's Gulf Southern Zone gillnet quota.

Option 3a: Establish a 5% buffer

Option 3b: Establish a 10% buffer

Option 3c: Establish a 20% buffer

Note: *The Gulf Council's CMP Advisory Panel (AP) recommended moving Alternative 3 of Action 1 to Considered but Rejected.*

Action 2: Modify Accountability Measures for the Gillnet Component of the Commercial King Mackerel Fishery

Alternative 1: No Action – Do not modify accountability measures for the gillnet component of the commercial king mackerel fishery.

Alternative 2: Establish a payback provision for the gillnet component of the commercial king mackerel fishery, whereby the weight of any fish landed by a vessel with a gillnet endorsement in excess of the trip limit is deducted from the following year's Southern Zone Gillnet ACL. The NMFS will monitor the landings and make any necessary adjustments to the subsequent year's Southern Zone Gillnet ACL. The ACT (if established) will be adjusted to reflect the previously established percent buffer.

Alternative 3: Establish an annual catch target (ACT) for the Gulf of Mexico gillnet component of the commercial king mackerel fishery that is below the annual catch limit. The gillnet component of the commercial king mackerel fishery will be closed when the ACT is met or projected to be met.

Option 3a: ACT is equal to 95% of the ACL (**Gulf CMP AP Preferred**)

Option 3b: ACT is equal to 90% of the ACL

Option 3c: ACT is equal to 80% of the ACL

Option 3d: ACT is based on the Gulf of Mexico Fishery Management Council's ACL/ACT Control Rule

Option 3e: If the gillnet component of the commercial king mackerel fishery does not land its quota in a given year, then the amount of any landings under the quota will be added to the following year's quota, up to but not exceeding the annual catch limit. (**Gulf CMP AP Preferred**)

Alternative 4: If the Southern Zone gillnet ACL is exceeded in a year, NMFS would reduce the Southern Zone gillnet ACL in the following year by the amount of the overage. The ACT (if established) will be adjusted to reflect the previously established percent buffer.

Option a. Payback regardless of stock status

Option b. Payback only if the Gulf king mackerel stock is overfished

Note: *Currently, the ACL = ABC in the Gulf of Mexico king mackerel fishery. Establishing an ACT in Alternative 3 provides a buffer between the quota and the ACL/ABC, making Alternative 5 a possibility. Alternative 5 is not feasible without Alternative 3 or 4.*

Note: *The Gulf CMP AP recommended moving Alternative 2 of Action 2 to the Considered but Rejected Appendix.*

Action 3: Modify Electronic Reporting Requirements for Dealers Receiving King Mackerel Harvested by Gillnet in the Gulf Southern Zone

Alternative 1: No Action – Do not modify electronic reporting requirements for commercial king mackerel gillnet dealers. Dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Southern Zone must submit forms daily to the electronic reporting system supported by the Southeast Fisheries Science Center by 6:00 a.m. local time. If no king mackerel landed by gillnet were received the previous day, a no landings report must be submitted by the same deadline.

Alternative 2: Remove the requirement for *daily* electronic reporting by commercial king mackerel gillnet dealers. Dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Southern Zone must submit forms *weekly* for trips landing between Sunday and Saturday to the electronic reporting system supported by the Southeast Fisheries Science Center by 11:59 p.m. local time on the following Tuesday. If no king mackerel landed by gillnet were received the previous day, a no landings report must be submitted by the same deadline.

Alternative 3: Remove the requirement for *daily electronic* reporting by commercial king mackerel gillnet dealers. Dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Southern Zone must report *daily via means determined by the National Marine Fisheries Service* (NMFS) during the open fishing season. Reporting frequency, methods, and deadlines may be modified upon notification by NMFS. If no king mackerel landed by gillnet were received the previous day, a no landings report must be submitted by the same deadline. In addition, dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Southern Zone must submit forms *weekly* from trips landing between Sunday and Saturday to the electronic reporting system supported by the Southeast Fisheries Science Center by 11:59 p.m. local time on the following Tuesday. **(Gulf CMP AP Preferred)**

Action 4: Elimination of Inactive Commercial King Mackerel Gillnet Endorsements

Alternative 1: No Action – Maintain all current requirements for renewing commercial king mackerel gillnet endorsements.

Alternative 2: Allow commercial king mackerel gillnet endorsements to be renewed only if *average landings* during 2006-2015 were greater than **x** lbs. Gillnet endorsements that do not qualify will be non-renewable and non-transferable.

Alternative 3: Allow commercial king mackerel gillnet endorsements to be renewed only if *landings for a single year* during 2006-2015 were greater than **x** lbs. Gillnet endorsements that do not qualify will be non-renewable and non-transferable.

IPT Note: *The Council should choose a qualifying threshold based on Table 2.4.1.*

IPT Note: *The time period can be changed; however, the numbers in Table 2.4.1 would not change.*

Note: *The Gulf CMP AP recommended moving Action 4 to the Considered but Rejected Appendix.*