

Agenda
Mackerel Management Committee

Marriott Beachside Hotel
Grand Ballroom
Key West, Florida

Monday, June 8th, 2015
9:30 a.m. – 11:30 a.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. Final Action for CMP Framework Amendment 3: Gulf of Mexico King Mackerel Gillnet Fishery Management Modifications (**Tab C, No. 4a**) – Rindone
 - a) CMP Framework Amendment 3 Codified Text (**Tab C, No. 4b**) – NMFS
 - b) Committee Recommendations – Dana
- V. Options paper for CMP Amendment 26: Changes in Allocations, Stock Boundaries and Sale Provisions for Gulf of Mexico and Atlantic Migratory Groups of King Mackerel (**Tab C, No. 5a**) - Rindone
 - a) Summary of Scoping Comments for CMP Amendment 26 (**Tab C, No. 5b**) – Rindone/Muehlstein
 - b) Bag Limit Analysis for Recreational King Mackerel (**Tab C, No. 5c**) – Rindone/SERO
 - c) Supplementary Material: South Atlantic Decision Document (**Tab C, No. 5d**)
 - d) Committee Recommendations – Dana
- VI. Discussion of CMP Amendment 28: Separating Permits for Gulf of Mexico and Atlantic Migratory Groups of King Mackerel and Spanish Mackerel (**Tab C, No. 6a**) - Rindone
 - a) Summary of Scoping Comments for CMP Amendment 28 (**Tab C, No. 6b**) – Rindone/Muehlstein
 - b) Supplementary Material: South Atlantic Decision Document (**Tab C, No. 6c**)
 - c) Committee Recommendations – Dana
- VII. 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

Golden Nugget Casino Hotel Biloxi, Mississippi

March 30, 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
- Lance Robinson (designee for Robin Riechers).....Texas
- John Sanchez.....Florida
- David Walker.....Alabama

NON-VOTING MEMBERS

- Kevin Anson.....Alabama
- Leann Bosarge.....Mississippi
- Doug Boyd.....Texas
- Jason Brand.....USCG
- Dale Diaz (designee for Jamie Miller).....Mississippi
- Dave Donaldson.....GSMFC
- John Greene.....Alabama
- Campo Matens.....Louisiana
- Greg Stunz.....Texas
- Roy Williams.....Florida

STAFF

- Steven Atran.....Senior Fishery Biologist
- Assane Diagne.....Economist
- John Froeschke.....Fishery Biologist/Statistician
- Doug Gregory.....Executive Director
- Karen Hoak.....Administrative and Financial Assistant
- Ava Lasseter.....Anthropologist
- Mara Levy.....NOAA General Counsel
- Cathy Readinger.....Administrative Officer
- Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- Bernadine Roy.....Office Manager
- Charlotte Schiaffo.....Research & Human Resource Librarian
- Bryan Schoonard.....GIS Analyst

OTHER PARTICIPANTS

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

- 1 Randy Boggs.....Orange Beach, AL
- 2 Steve Branstetter.....NMFS
- 3 J.P. Brooker.....Ocean Conservancy, St. Petersburg, FL
- 4 Michael Drexler.....Ocean Conservancy, St. Petersburg, FL
- 5 Cynthia Fenyk.....NOAA
- 6 Martin Fisher.....FL
- 7 Chuck Guilford.....FL
- 8 Ken Haddad.....American Sportfishing Association, Lloyd, FL
- 9 Chad Hanson.....Pew Environmental Trusts
- 10 Betty Harder.....FL
- 11 Ben Hartig.....SAFMC
- 12 Bill Kelly.....FKCFA, FL
- 13 Kristin McConnell.....EDF, Austin, TX
- 14 Jack McGovern.....NMFS
- 15 George Niles.....Summerland Key, FL
- 16 Daniel Padron.....Key West, FL
- 17 Bonnie Ponwith.....SEFSC
- 18 Jenny Thompson.....Oceana, Lafayette, LA
- 19 Bob Zales.....Panama City, FL

20
21
22

- - -

23 The Mackerel Management Committee of the Gulf of Mexico Fishery
24 Management Council convened at the Golden Nugget Casino Hotel,
25 Biloxi, Mississippi, Monday afternoon, March 30, 2015, and was
26 called to order at 2:00 p.m. by Chairman Pamela Dana.

27

28 **ADOPTION OF AGENDA**
29 **APPROVAL MINUTES**
30 **ACTION GUIDE AND NEXT STEPS**

31

32 **CHAIRMAN PAMELA DANA:** I would like to convene the Mackerel
33 Management Committee and I see that we have a quorum. First, I
34 would like to move for the adoption of the agenda and does
35 anyone have anything additional to add to the agenda? Hearing
36 none, can I get a motion to -- We have got a motion by Corky and
37 a second by Martha. Thank you.

38

39 Next I need Approval of Minutes or any suggestions for changes.
40 If there is no additions to the minutes, I need a motion to
41 approve.

42

43 **MS. MARTHA BADEMAN:** So moved.

44

45 **MR. LANCE ROBINSON:** Second.

46

47 **CHAIRMAN DANA:** We have motion by Martha and a second by Lance.
48 Thank you. Next we will move into the Action Guide and Next

1 Steps. Essentially, in this meeting we will cover the AP panel
2 meeting as well as the gillnet fishery options paper. Is there
3 any changes to the next steps or action schedule?

4
5 Seeing none, I am moving into the Summary of the Coastal
6 Migratory Pelagics Advisory Panel Meeting, which occurred March
7 3 and 4 in Tampa and there was pretty good attendance and I
8 thought it was a very good meeting. I did attend and Martin
9 Fisher, who is here today, was the Chairman of that. Ryan, do
10 you want to review and then we'll ask Martin to make comment?

11
12 **SUMMARY OF COASTAL MIGRATORY PELAGICS ADVISORY PANEL MEETING**

13
14 **MR. RYAN RINDONE:** Thank you, Madam Chair. The CMP Advisory
15 Panel talked about Coastal Migratory Pelagics Amendment 26, the
16 scoping document that's looking at increases in the king
17 mackerel ACLs as a result of SEDAR-38, the benchmark stock
18 assessment that we just had.

19
20 They also talked about reallocation between the recreational and
21 commercial sectors of the king mackerel fishery and reallocation
22 within the commercial zones. They talked about the small
23 coastal shark gillnet fishery in the South Atlantic that's
24 wanting to be able to sell bag limits of king mackerel caught in
25 their nets and they talked about the sector-specific
26 accountability measures and they also proposed new recreational
27 bag limit measures.

28
29 For Amendment 28, they spent a lot of time talking about how to
30 split the permits and I just want to definitely commend them for
31 working together extremely well, admirably well. Both
32 recreational and commercial and everybody just really hunkered
33 down and did a great job of spending a lot of time on this
34 stuff.

35
36 Then, at the very end, they discussed an IFQ system for the hand
37 line portion of king mackerel and Mr. Fisher will go through
38 some of those discussions and the motions and so, Martin, if
39 you're around, if you want to come up.

40
41 **CHAIRMAN DANA:** Thank you, Ryan. I want to reiterate what Ryan
42 had said about the cooperative nature of that meeting. It was
43 pretty impressive, the recreational, charter, and commercial
44 fishermen, just thinking through these options. I also want to
45 draw attention that the AP summary is located in Tab C, Number
46 4. Martin Fisher, the Chairman of the AP committee, thank you
47 for joining us.

1 **MR. MARTIN FISHER:** Thank you, Dr. Dana, and thank you, Chairman
2 Anson. I guess you're not here right now, but thanks for the
3 invitation to be liaison to the council for APs. I think it's a
4 tradition we should uphold and take into the future.

5
6 We did a lot of work those two days. We got off to a rocky
7 start, because we almost didn't have a quorum, but Gary Jarvis
8 was fortunate enough to get another member to come and so we
9 were actually able to do work and take action and make votes and
10 it worked out really well for us.

11
12 **MR. RINDONE:** I am sorry to interrupt you, Martin, but, Karen,
13 can we please get Tab C, Number 4 up on the screen? Martin, as
14 you read through the report, if you just want to indicate to
15 Karen where to scroll, so that the council can keep up with
16 where you're going through.

17
18 **MR. FISHER:** Okay. That's a good start right there. Thank you,
19 Karen. Of course, we received a report out on SEDAR-38 and the
20 assessment determined that Gulf migratory group king mackerel
21 were neither overfished nor undergoing overfishing, which was
22 great news to us.

23
24 Also, a smaller winter mixing zone was identified south of the
25 Keys, which also enhances the actual take that Gulf fishermen
26 can experience when prosecuting the king mackerel fishery, which
27 in dollars and cents, or at least in pounds, probably relates to
28 close to a two-and-a-half-million-pound increase into what we're
29 actually allowed to catch right now.

30
31 Some of the AP members were concerned about the drop of
32 recruitment in the late 2000s and staff replied that
33 fluctuations in recruitment were natural and could be caused by
34 a number of factors.

35
36 There was some concern for the recreational side, that because
37 we've been at a two fish bag limit that that contributed to
38 lower recreational landings, which is, I believe, about 40
39 percent under allowable catch.

40
41 We made a motion eleven to two to recommend that you guys set
42 the ACL equal to the ABC for 2015, which equates to 9.62 million
43 pounds. We also recommended that the council accept the king
44 mackerel stock boundary as established in SEDAR-38 and that
45 motion carried unanimously.

46
47 As I go along, one of the things you're going to notice is that
48 most of the motions were either unanimous or a vote of eleven to

1 two or twelve to one, which I find fairly remarkable for such a
2 diverse group of people that were there.

3
4 **CHAIRMAN DANA:** Thank you, Martin. I am just going to interrupt
5 here. We have a motion by the AP, the first being that the
6 Coastal Migratory Pelagic AP recommends that the council set the
7 ACL equal to the ABC for 2015 and so 9.62 million pounds and
8 that the SSC annually readdress the ABC every year thereafter.
9 Is there any committee discussion on the motion or any
10 recommendations by the committee?

11
12 **MR. CORKY PERRET:** I am just curious relative to the ABC
13 assessment every year. Who is going to do that? Is it Bonnie
14 or the Center or who, Ryan?

15
16 **MR. RINDONE:** The Center would update the projections annually
17 and then the SSC would review its ABC recommendations annually
18 is what the AP is requesting and so currently in the scoping
19 document, we have consideration of the new stock boundary that
20 the AP said that they agree with and we also have different
21 measures for increasing the ACL. If you guys would like, we can
22 add in this bit about readdressing the ABC every year, as per
23 the AP's recommendation.

24
25 **MR. PERRET:** I mean I assume that's going to be an additional
26 burden and is that something the Center can handle? I mean we
27 don't do this for every species under management, I don't think,
28 and so I am all for it, but from a standpoint of personnel
29 activity and so on and so forth, is it doable, Bonnie?

30
31 **DR. BONNIE PONWITH:** Updating projections can be done, but it's
32 an opportunity cost. If we're busy updating projections for one
33 stock, it could impinge on our ability to be doing the next
34 stock assessment.

35
36 There also comes a point -- You know when you update a
37 projection, what you are doing is including, instead of an
38 assumption about what the landings are, you are basically taking
39 the actual landings for the year and putting them in and that
40 refines those projections, because we don't know what you're
41 going to catch next year until next year happens.

42
43 We put an assumption for what those landings are going to be in
44 and then the following year, when we have those landings, we can
45 put the actuals in and see what the numbers look like with the
46 actuals.

47
48 The catch is you can only do that so many years in a row,

1 because the things that you're not updating are the indices of
2 abundance and so there are limits to how many years modifying
3 those projections is advisable, but the short answer to the
4 specific question you asked is yes, we can do those projections,
5 but it would have to come out of other activities.

6
7 **MR. PERRET:** We just had the SEDAR report and we talked about
8 Bonnie can do Tier 1 and Tier 2 and so on and so forth and here
9 is another obligation and I would hate for an annual update on
10 this assessment to delay any of the needed activity on some of
11 these other species. Is it reasonable to ask for every other
12 year rather than every year for king mackerel?

13
14 **MS. MARA LEVY:** This isn't an answer to your question, but I
15 have my own question. I understand that we're going through the
16 AP report and they looked at a number of different things. This
17 goes towards the Amendment 26 scoping document and so that's not
18 really -- I am not saying you can't talk about it, but we don't
19 have that on the agenda to actually look at it and go through.

20
21 Was the intent to take the AP's recommendations and come back at
22 the next meeting and look at the Amendment 26 scoping document
23 or -- Because some of these go towards preferreds and all of
24 that sort of stuff and we want the AP's recommendations on
25 those, but we're not at the point of picking preferreds, I would
26 assume, and so I'm just not sure where we are in the process as
27 related to this part of the AP report.

28
29 **CHAIRMAN DANA:** No, I think your comments are right on. I
30 opened it up for committee discussion, if they had any questions
31 on it, but our intention is to consider whether we want to
32 include it in modifications for the scoping document 26 going
33 down the road, but, Ryan.

34
35 **MR. RINDONE:** The scoping document is a living document, if you
36 will, and anything can be included in it for consideration and
37 it's going out to the public starting tonight and if the council
38 has anything that they want us to ask the public, like would
39 this be something that you guys would like to see included in
40 the document, this allows staff the feedback they need to be
41 able to ask these questions of the public in a timely manner,
42 since this does start tonight.

43
44 It doesn't change anything in a decisional nature, but it does
45 allow us to get these questions out to the public and get good
46 feedback back to the council at the very beginning of the
47 scoping round.

1 **CHAIRMAN DANA:** Why don't we move on then to the next point,
2 Martin, which is the CMP Amendment 26 scoping document.

3
4 **MR. FISHER:** Thank you, Dr. Dana. Staff presented the scoping
5 document for Amendment 26, which examines the Gulf and South
6 Atlantic annual catch limits, king mackerel stock boundaries,
7 bag limit sale provisions, winter mixing zone management, and
8 sector-specific accountability measures.

9
10 The first motion we made recommends that the Gulf Council manage
11 the king mackerel fishery from the Dade/Monroe County line in
12 the east to the Texas/Mexico border in the west and this motion
13 carried unanimously. Obviously that means that we would be
14 divorcing ourselves, ourselves being the Gulf, from the Atlantic
15 in terms of management.

16
17 **CHAIRMAN DANA:** Any discussion on that motion from the
18 committee?

19
20 **MR. MYRON FISCHER:** It's about time.

21
22 **CHAIRMAN DANA:** That wasn't quite discussion, but we will accept
23 the comment.

24
25 **MR. RINDONE:** Just a point of clarification. It does draw a
26 line for management purposes, but we would still have that joint
27 plan until such a time as the councils decide or decide not to
28 actually make such a formal split and all of these things that
29 the AP discussed are in the scoping document currently and this
30 is just allowing you guys to see what the AP thought of these
31 things and what things they thought should be added.

32
33 **CHAIRMAN DANA:** Martin, continue.

34
35 **MR. FISHER:** Dr. Dana, thank you. Also, because obviously we
36 are getting this huge increase in ACL, the AP recommended to
37 modify the three zone allocations and the motion went 40 percent
38 for the western zone, 18 percent for the northern zone, 21
39 percent for the southern hand line, and 21 percent for the
40 southern gillnet. That motion carried eleven to two.

41
42 **CHAIRMAN DANA:** Any questions of the AP on this motion?

43
44 **MR. PERRET:** Martin, very briefly, what's the geography of the
45 western zone?

46
47 **MR. FISHER:** From the Alabama/Florida line to Brownsville.

48

1 **MR. PERRET:** Okay, good, because you know we've got that
2 southern subzone and northern and all that and I want to make
3 sure that when we talk about the 40 percent for the western zone
4 that that's from the Alabama/Florida line to the Texas/Mexico
5 line.

6
7 **MR. FISHER:** Yes, sir.

8
9 **CHAIRMAN DANA:** Any other questions from the committee? Go
10 ahead, Martin.

11
12 **MR. FISHER:** We also acknowledged that the commercial fleets
13 have the capability and the capacity to land the commercial ACL
14 plus any proposed increase. You could give us all the
15 recreational fish and if we put our minds to it, we could
16 probably catch it, because it's an easy fish to catch.

17
18 Intersector reallocation was viewed as an opportunity by AP
19 members for the normally conflicting interests of the sectors to
20 be put aside in favor of compromise. The motions that went
21 along with that -- Of course, this relates to the MRIP
22 recalibration of king mackerel landings and some lack of faith
23 in the data.

24
25 The AP recommended that the council abstain from reallocating
26 any king mackerel from the recreational sector to the commercial
27 sector until such a time that additional options for utilizing
28 excess quota are explored for the recreational sector and this
29 passed unanimously.

30
31 Basically what we're saying is let the recreational guys catch
32 their quota. They can catch it too if they put their minds to
33 it and just because there's an excess there, it doesn't mean
34 that it should go to the other sector. Let the sector that has
35 foregone yield go ahead and try to capture it themselves.

36
37 **CHAIRMAN DANA:** Any questions for the AP by the committee?

38
39 **MR. PERRET:** Not undergoing overfishing and it's not overfished,
40 but the commercial sector has been going over their allocation
41 and the recreational sector has been going under. Was there any
42 discussion about -- The increased bag limit obviously would lead
43 to increased recreational harvest and if indeed the commercial
44 sector were not brought in and held within their allocation that
45 we would be in an undergoing overfishing situation and did you
46 all discuss that possibility and if so, what was the --

47
48 **MR. FISHER:** Yes, we did and further along here -- Actually, the

1 very next motion was to increase the recreational bag limit from
2 two to three and so, Corky, to fully understand this, the
3 commercial were saying, hey, we don't want your fish and you
4 catch your fish. I don't really remember the numbers. Do we
5 really go over on the commercial sector that much?
6

7 **MR. RINDONE:** It varies annually and sometimes the component of
8 the commercial fishery might be under and sometimes it might be
9 over a bit, but, on the whole, we're looking at an average of
10 landing between 101 to maybe 102 percent of the ACL, which is
11 equal to the ABC right now, but is still under the overfishing
12 limit.
13

14 **MR. FISHER:** Corky, on the recreational side, if we increase
15 from two fish to three fish and every single -- Well, we don't
16 have that data yet, but the indication was it's a 50 percent
17 increase in actual landings to go from two to three and even in
18 spite of that, we would not exceed OFL.
19

20 **MR. PERRET:** Again, that's great, but my concern is if we've got
21 one sector that's been going over their allocation and the other
22 one has been under, as a total we haven't reached that plateau,
23 but if we do increase the bag and increase harvest and the other
24 sector is going over, we may be in a situation where we're going
25 to have to do some things about it. I have always said I don't
26 care what group, but if they're taking more than they are
27 supposed to, I think there should be a payback. If it's the
28 commercial guys, I think there should be some payback for them
29 if they're going over.
30

31 **CHAIRMAN DANA:** Continue, Martin. Thank you.
32

33 **MR. FISHER:** Thank you. Also in Amendment 26, there was a
34 request to permit the sale of the bag limit of king mackerel
35 caught in the small coastal shark drift gillnet fishery in the
36 South Atlantic. The AP actually recommended in the motion that
37 carried ten to two that the small coastal shark gillnet fishery
38 in the South Atlantic be allowed to harvest and sell their
39 recreational bag limit so long as the vessel has a federal
40 commercial king mackerel permit and the commercial mackerel
41 season is open.
42

43 **CHAIRMAN DANA:** Any discussion on this item by the committee?
44 Seeing none, Martin.
45

46 **MR. FISHER:** Thank you, Dr. Dana. The CMP elected also to defer
47 any action on this potential management measure to the South
48 Atlantic, so long as the South Atlantic was not responsible for

1 managing king mackerel in Monroe County. We recommended no
2 further action on sector-specific accountability measures for
3 coastal migratory pelagic species at this time.

4
5 Then we moved on to Amendment 28 scoping document and I think
6 this started on the end of the first day and went into the
7 second day and one of the things that changed in the AP that I
8 just wanted to share with you was we said that it was almost as
9 if everybody took their cloak and dagger off and they just sat
10 down at the table and decided to go to work.

11
12 One of the things that happened was sort of a town hall or
13 whatever format, where people were just throwing out ideas and
14 ground proofing what turned into several recommendations here.
15 We did a lot of work on this next section here.

16
17 We thought it was crucial to determine that the goals of CMP 28,
18 which we didn't feel they were very clearly outlined and it was
19 hard for us to accomplish our charge and so to do this, we threw
20 some things up on the board and we sort of gave bullet points or
21 an outline of what we thought the work should focus on.

22
23 One, the commercial king mackerel fishery is overcapitalized.
24 Two, the current commercial king mackerel permit should be split
25 into separate Gulf and Atlantic permits. That is a key note
26 right there. The joint CMP fishery management plan should be
27 divided into separate FMPs for the Gulf and South Atlantic
28 Councils and the current commercial Spanish mackerel permit
29 should be split into separate Gulf and Atlantic permits.

30
31 We had a motion that carried unanimously to recommend that you
32 split the king mackerel permit into two separate for the Gulf
33 and the Atlantic.

34
35 **CHAIRMAN DANA:** Any questions of the AP Chair on this particular
36 motion? Ben, I might ask you if you have any comments.

37
38 **MR. RINDONE:** Ben, feel free to jump in on this, but at the
39 South Atlantic Council's last meeting, they had voted to table
40 or discontinue any further work on Amendment 28, but, of course,
41 as you can see, the AP put together a pretty hefty motion that -
42 - That's the result of about three-and-a-half hours of
43 discussions to try to make sure that they were able to consider
44 the needs of new entrants into the fishery and historical
45 participants and create an environment where those who currently
46 have permits would still be able to use them, kind of regardless
47 of where they fished.

1 The thing that really kind of came in and has an influence on
2 whether someone would be awarded a permit or not has to do with
3 the hailing port requirement and also whether a permit is fully
4 transferable or non-transferable and it was the AP's intent that
5 there be fewer fully transferable permits rewarded to those
6 fishermen who have historically participated or who have been
7 participating at a high degree.

8
9 Then those fishermen who are either participating at a much
10 lower degree or haven't been participating at all would be
11 rewarded a non-transferable permit, but would still be able to
12 fish that permit. Is that correct, Martin? Okay.

13
14 **MR. BEN HARTIG:** It's interesting to see how this has changed.
15 I mean we brought this all to you last year and wanted to have a
16 separation of permits and you all didn't get onboard with it and
17 all of a sudden your AP wants to go ahead and do it.

18
19 We dropped it because our fishermen, frankly, were afraid that
20 if we started it that the Gulf would start to do it and then
21 there would be some regulations developed to try to eliminate
22 east coast fishermen from coming to the Gulf if we separated the
23 permits out and so that's why we dropped it, but the fallback
24 position for the fishermen was if the Gulf goes ahead with it,
25 then we'll go ahead with it as well, because there is some talk
26 about an east coast subzone that we currently have how we manage
27 that portion of the stock in the wintertime on the Florida east
28 coast and to keep that as a management area and since that's the
29 area where we have so much trouble with permits and people
30 jumping in and out of the fishery, we could tailor specific
31 regulations for that area and not get into any of you all's
32 business talking about two-for-one permits and things of that
33 nature, but just be able to look at that particular area and to
34 deal with the problem we have there.

35
36 We don't have the problem in North Carolina and you don't have
37 it in the Gulf with the permits so much, but it's that area that
38 really has the permits and so that's why we had thought this
39 would be something the fishermen might want to look at, but they
40 were scared that if we start doing this that the Gulf is going
41 to do it and they're going to kick Atlantic fishermen out of the
42 Gulf and things of that nature, but I think if you all want to
43 go down this road, I think we probably would get back onboard
44 and probably support the way the AP has suggested moving
45 forward. That's up to you and whatever you all want to do.

46
47 **CHAIRMAN DANA:** Martin, I am going to ask you, based on the
48 comments of Ben, when you go through the rest of the Amendment

1 28, just go through the rest of it and if people have questions
2 on any of the upcoming motions, just raise your hand and,
3 Martin, you can respond to them.

4
5 **MR. FISHER:** Thank you, Dr. Dana. To your point, Ben, or to
6 several of your points actually, the AP was very sensitive to
7 the traveling fishermen that come out of the east coast and
8 travel out to the western zone to fish there.

9
10 One of the things we identified is there is probably twenty to
11 thirty what we would call historic boats, traveling boats, that
12 have prosecuted that fishery for the last ten or fifteen years
13 and then there's maybe another thirty boats that are what you
14 would call new entrants, classify like that.

15
16 In any scenario where there is too little fish and too many
17 fishermen, or overcapitalization, there is always going to be
18 winners and losers, as you know. The new entrants don't seem to
19 carry the same clout that the older, historical fishermen do.

20
21 There is provisions that we came up with and let me tell you
22 this was pretty hard to pattern out, but we actually got it done
23 and it's all about transferability of permits and who gets to
24 qualify for a transferable permit or non-transferable permit,
25 protecting the traveling historic fishermen and protecting the
26 Gulf fishermen.

27
28 Of absolute unanimous importance to all of this was protecting
29 the ex-vessel price to the fishermen. So often we get into a
30 race for the fish, especially in the western Gulf. As you know,
31 prices start at \$3.50 and they quickly go to \$1.50 or \$1.75 or
32 \$2.00.

33
34 We feel like those fish are that valuable all year round and we
35 should find a way to prosecute the fishery such that we don't
36 lose market value and we retain the value of that fish and so
37 one of the motions that the AP made, and this is a little
38 complicated and so I am going to just go ahead and read it.

39
40 Pending the division of the current federal king mackerel permit
41 into separate Gulf and South Atlantic permits, the Gulf permit
42 would be further split into two separate classes. Permit
43 holders would only qualify for one of the two types of permits
44 as cited below. Fully transferable, Gulf permit holders would
45 be issued a fully transferable king mackerel permit so long as
46 they have met one of the following landings thresholds for king
47 mackerel in the Gulf of Mexico: 5,000 pounds of king mackerel in
48 any one year between 1994 and 2000, which protects your brethren

1 over there on the east coast; 10,000 pounds of king mackerel
2 annually in the last four years between 2010 and 2014; or 20,000
3 pounds of king mackerel annually in at least four years between
4 2010 and 2014; and other.

5
6 That would protect the historical fishermen that have landings
7 that can prove they have been in the fishery and it would
8 probably eliminate some -- To be just totally honest, it would
9 eliminate some of the new entrants that are putting pressure on
10 the fishery and pressure on the older fellows that have been in
11 it for a while.

12
13 To be eligible for a non-transferable permit, any Gulf king
14 mackerel permit who does not qualify for the fully transferable
15 permit. It would be specific to a single commercial Gulf zone
16 and that would be determined by commercial landings of any
17 species in the Gulf of Mexico and that the hailing port listed
18 for the Gulf of Mexico is on the current federal commercial king
19 mackerel permit as of January 1. Now, that's on the permit, but
20 that is not necessarily on the list when you go and access it.

21
22 **MR. FISCHER:** Martin, under pounds, was that pounds harvested in
23 the Gulf or could that be in the Atlantic and the Gulf?

24
25 **MR. FISHER:** It's simply Gulf of Mexico landings. Number c on
26 non-transferable would be obviously an appeals process would
27 have to be developed for either one. Any questions on that?
28 That motion carried twelve to one.

29
30 **MR. HARTIG:** Not really a question, but a comment. I mean this
31 was something that we brought forward as well and you all have
32 fleshed it out. You did a lot of work to get to where you are
33 and I sincerely appreciate the work that the Gulf AP has done in
34 fleshing this out, because I saw a lot of value in going the
35 direction you all have chosen to go.

36
37 Hopefully we can get down this road and get down this path and
38 stop the bleeding in the Gulf. I mean that was one of the
39 things that I tried to do early on by bringing the endorsements
40 in. I knew the problem was increasing at a rate that was
41 unsustainable and so that's why we talked about the endorsements
42 quite a while back, but this would do it as well.

43
44 This will get at the problem that you all are trying to solve in
45 the Gulf and so speaking for myself, I would be supportive of
46 what you all have done.

47
48 **MR. ROY WILLIAMS:** Martin, on 1b and c, one of them specifies

1 10,000 and the other specifies 20,000 and they are the same
2 other than that and why -- You couldn't make up your mind which
3 one you wanted to use, 10,000 or 20,000? Is that what we've got
4 here?

5
6 **MR. FISHER:** We wanted obviously to give the council several
7 different options from a NEPA perspective as well as nobody
8 could really decide what the number should be and so yes and yes
9 or no and no.

10
11 **MS. LEVY:** That is sort of related to my question. So the way
12 you intended this, Number 1, fully transferable, is to pick one
13 of these options that would make it fully transferable or some
14 other option?

15
16 **MR. FISHER:** Yes and we recommended that the council pick one of
17 these or some other option as their preferred alternative.

18
19 **CHAIRMAN DANA:** Martin, in the interest of time, I am going to
20 ask you to go through the rest of the report, because our
21 chairman needs to leave sooner than the rest of us.

22
23 **MR. FISHER:** Unfortunately, that's going to bite into the time
24 for the gillnet guys that prosecute the fishery down there along
25 the Keys and Florida Bay. Basically, they came to us and asked
26 for a 45,000-pound trip limit.

27
28 Apparently there is twenty-one boats in the fishery with only
29 fifteen that are actually active. There were a lot of
30 sentiments around the room that kind of felt like it was a big
31 boat/small boat battle and so we recommended, with a motion that
32 was not that strong of eight to four, that we increase the trip
33 limit from 25,000 to 35,000.

34
35 The argument was made that if we only went to 35,000 that boats
36 could turn around and make two trips in a day, ultimately
37 landing 70,000 per boat. Right now, they can make two trips at
38 25,000 and we kind of felt like that may not be totally true and
39 if you've got 35,000 on the boat, that's going to take too long
40 to offload and regroup and get back out.

41
42 The second motion that we made on this was for Preferred Action
43 2 in the CMP Framework Amendment 3 to establish an annual catch
44 target for the gillnet component of the king mackerel fishery
45 that is below the annual catch limit and we gave four options,
46 which you can read for yourselves or if you want me to read them
47 -- Dr. Dana? No? Okay. I don't actually see where we voted on
48 that. Did we vote on that?

1
2 **MR. RINDONE:** The vote was eleven to one in favor of Option 3a,
3 which is to establish an ACT equal to 95 percent of the ACL for
4 the gillnet component. Then Option 3e, which would -- This is
5 kind of like a pay it forward instead of a payback and so if the
6 gillnet component of the commercial fishery doesn't land its
7 quota in a given year, then the amount of any landings under
8 that ACT would be added to the following year's quota up to, but
9 not exceeding, the ACL, which is something that the gillnetters
10 had requested.

11
12 **MR. FISHER:** Thank you. I got mixed up on my pages here.
13 Sorry. The next motion was to recommend that the council move
14 Alternative 2 of Action 2 to the considered but rejected
15 appendix, which is basically we suggested you do not establish a
16 payback provision for the gillnet component. That carried
17 unanimously.

18
19 We also recommended that the council select Alternative 3 of
20 Action 3 as preferred, which removes the daily requirement for
21 daily electronic reporting and turns that into a weekly form and
22 is that correct?

23
24 **MR. RINDONE:** It would require a weekly reporting, but it would
25 still require daily communication between NMFS and the industry
26 in some new method that NMFS would determine. Right now, it's
27 kind of a trust that's built between NMFS and the fishery. One
28 of the wives of one of the fishermen communicates every evening
29 with a staff member at the Southeast Regional Office and tells
30 the staff member what the landings were for that day so that
31 they can keep track of the pace, because it still takes a couple
32 of days for the landings to get from the Science Center through
33 QA/QC and then back to SERO.

34
35 **MR. FISHER:** Thank you. That motion carried unanimously and we
36 also were told by the representatives from the gillnet industry
37 that they were not interested in eliminating any gillnet
38 endorsements. I have recently heard, like as of yesterday, that
39 that was not exactly what they intended to communicate and so I
40 really don't know what to say about that, other than they can
41 represent themselves in public testimony. I am sorry for the
42 confusion, but that's what we were told.

43
44 We also made a motion to move to the considered but rejected
45 appendix elimination of inactive commercial king mackerel
46 gillnet endorsements and that also carried unanimously and so by
47 the end of that day, we were down to I think eleven members and
48 our quorum had gone out the door.

1
2 In Other Business, we created two motions. The first regards
3 cobia and the CMP AP recommended that the federal possession
4 limit for cobia be reduced from two fish to one fish per person
5 for the recreational fishery in the Gulf of Mexico and that
6 motion carried twelve to one.

7
8 At that point, our last motion of the day was the AP recommended
9 the council explore implementing an IFQ for the hook and line
10 Gulf group king mackerel fishery and that motion carried seven
11 to one. Again, I would like to thank Chairman Anson for
12 including me in the process and being able to report out for the
13 AP.

14
15 **MR. RINDONE:** The only motion that Martin didn't read was an
16 increase in the bag limit from two fish to three fish, but I
17 thought that was covered well in the discussion. Then just a
18 note that the IFQ vote was without a quorum and so at that point
19 we had lost some members of the AP and so thank you, Martin.

20
21 **CHAIRMAN DANA:** Martin, thank you for a thorough presentation.
22 Again, Amendment 26 and 28 in the Gulf is just going out to
23 scoping and so we will obviously use the AP's input in those
24 scoping. Thank you, Martin. Let's move forward and in the
25 interest of time, we will move into Options Paper for Coastal
26 Migratory Pelagics Framework Amendment 3: Gulf of Mexico King
27 Mackerel Gillnet Fishery Management Modifications. That is Tab
28 C, Number 5(a) and Ryan.

29
30 **OPTIONS PAPER FOR COASTAL MIGRATORY PELAGICS FRAMEWORK AMENDMENT**
31 **3: GULF OF MEXICO KING MACKEREL GILLNET FISHERY MANAGEMENT**
32 **MODIFICATIONS**
33

34 **MR. RINDONE:** Thank you, Dr. Dana. I am going to be working off
35 of the decision document. The first action in this options
36 paper modifies the king mackerel gillnet trip limit from its
37 current trip limit of 25,000 pounds per day.

38
39 Alternative 1, of course, is no action and Alternative 2 has
40 options for increasing the trip limit. Option 2a is to increase
41 it to 35,000 pounds and this is the one that's preferred by the
42 AP. 2b is to increase it to 45,000 pounds and 2c would remove
43 it entirely.

44
45 Alternative 3 would establish a buffer to the trip limit to
46 account for landings uncertainty and so this buffer would be on
47 top of the trip limit and the intent would be for fishermen not
48 to profit from the sale of king mackerel landed over the trip

1 limit, but the purpose of the buffer is also to reduce the
2 likelihood of fishermen being fined for being just a little bit
3 over that trip limit.

4
5 For instance, if there is a 10 percent buffer on a 10,000-pound
6 trip limit, then as long as you don't land more than 11,000
7 pounds, you won't be considered to have exceeded the trip limit
8 and so you wouldn't get fined.

9
10 However, the AP recommended removing Alternative 3 of Action 1
11 to considered but rejected, because they felt like it just
12 provided an opportunity to land fish over the trip limit, but
13 still within the buffer.

14
15 Since this is an options paper, this would be an opportunity for
16 you guys to pick some preferred alternatives, since the final
17 time that we're going to bring this forward would be at the June
18 meeting and that's when we intend to take final action on it,
19 down in the Keys. If you guys want to provide some
20 recommendations to the council for preferreds on these, by all
21 means. For Action 1, any thoughts?

22
23 **MR. FISCHER:** I have a question before I make a motion, if
24 anyone in here would know. The 35,000 pounds in trip limit, is
25 this considered high quality? I just want to make sure we're
26 not moving from 25,000 upwards and we are losing quality in the
27 meat.

28
29 **MR. RINDONE:** This was a concern that was brought forward by the
30 AP and one of the AP member deals in a lot of seafood. He is a
31 seafood distributor and his thoughts were that an increase to
32 this level he didn't think would harm the quality of the fish to
33 the extent that an increase to 45,000 pounds or unlimited might.
34 Because of the improvements in fish handling and refrigeration,
35 the product coming out of the gillnet fleet has increased in
36 recent history and he didn't think this would set them back, but
37 that's his opinion.

38
39 **MR. PERRET:** Did we not also have some input relative to if we
40 increase to 35,000 or higher that this would prevent the
41 multiple trips in a day now, some that are able to get X number
42 of pounds in the morning and go back out and make two trips, but
43 with 35,000 or 45,000 pounds they would not be able to do that?

44
45 **MR. RINDONE:** That's the indication we've received from the
46 industry.

47
48 **MR. JOHN SANCHEZ:** There is a couple of gillnet fishermen here

1 that have traveled all the way to be here.

2

3 **CHAIRMAN DANA:** I was going to address that.

4

5 **MR. SANCHEZ:** Okay. It seemed like a good point -- If we're
6 going to be selecting preferreds, I thought we would run through
7 the presentation first and then vote on adding preferreds or
8 not, but if we're going to be setting preferreds, I would very
9 much like to hear from them.

10

11 **CHAIRMAN DANA:** Chairman Anson, I do want to recognize two
12 individuals that came from the Keys that are part of that very
13 finite gillnet fishery. However, I am sensitive to your time
14 constraints and Ryan's, because you have to go to Mobile for one
15 of these scoping meetings. How would you best like to move
16 forward?

17

18 Can we possibly -- I don't know if we can get through the
19 preferreds for this options paper in the timeframe that we have
20 left and can I bring up the folks that have come here, because
21 they have to go back and go back to work tonight and so can we
22 bring it up maybe in full council, the preferreds, or --

23

24 **MR. KEVIN ANSON:** We might be able to. I mean you have fifteen
25 more minutes, according to my watch, until 3:00. If you want to
26 go ahead and have them come up.

27

28 **CHAIRMAN DANA:** Yes, I will have them come up and I am going to
29 introduce George Niles and Daniel Padron from the gillnet
30 fisheries and I am going to ask you guys to be brief, but let
31 them know your industry perspective and then we will try to
32 address as many of the preferreds as we can.

33

34 **MR. GEORGE NILES:** As far as the 35,000 and 45,000, is that what
35 you are asking? I mean I would like to answer specific
36 questions.

37

38 **MR. SANCHEZ:** Yes, there were a couple of issues brought up that
39 I think that you might be able to shed some light on. One would
40 be as we go, potentially, looking at moving from the existing
41 trip limit to something higher, 35,000 or 45,000 pounds, what
42 happens to the quality of fish?

43

44 Then I will try to give you as much -- So you can answer it at
45 one time. Then there was some relationship between an increase
46 in the trip limit and the inability to have a turnaround and go
47 right back out and get right back into fishing. Those would be
48 two questions that I would want your input from.

1
2 **MR. NILES:** As far as quality, most of the boats you're talking
3 about are over fifty feet and capable of handling up to 50,000
4 or 60,000 pounds of fish. That's what they were built for and
5 they just carry more ice when they carry more fish. Obviously
6 if you are speaking of going up 20,000 pounds, you would just
7 add more ice, more crew. I mean these boats are big enough to
8 handle that.

9
10 If you're asking me about quality, of course, if I've got one
11 fish or I've got ten fish, it's more likely that the one fish is
12 going to be better quality, but I think that these boats are
13 capable of handling and keeping good quality on 45,000.

14
15 As far as the turnaround time, I think with 35,000 -- I think
16 the council has got a little bit of a misperception about it.
17 It's not the same day. It's the next day. With 45,000 pounds -
18 - I have caught 45,000 pounds in my lifetime numerous times and
19 you do not go back the next day. It's the following day. It's
20 forty-eight hours turnaround and not twenty-four, which, to me,
21 would slow the fishery down a little bit, because with 35,000
22 pounds, most of the boats could turn around and be back the next
23 afternoon.

24
25 **MR. SANCHEZ:** I guess another couple of questions and this just
26 breeds more questions. Being that you just said you have caught
27 45,000 on more than one occasion, say we were to go to 45,000 or
28 something and what happens -- How do you propose to be
29 accountable if you overrun slightly over 45,000 pounds?

30
31 **MR. NILES:** Me personally, I would like to see it taken off the
32 quota, of course. I mean they were produced and I would like to
33 see anything over, no matter what the number is, 25,000 or
34 35,000 or 45,000, donated to a non-profit organization so the
35 person going over doesn't profit from that fish. I think if
36 there is no way they could profit from the fish that they're not
37 going to go over as much as possible. I mean that's just more
38 work on the captain and crew and a longer turnaround time for
39 the next day.

40
41 **MS. BADEMAN:** Thank you, George and Daniel, for being here. One
42 of the things that the AP had said was they did not support a
43 payback and I thought at that gillnet meeting back in January
44 that it seemed like the industry was interested, or at least
45 amenable, to something like that. Can you talk about that a
46 little bit?

47
48 **MR. NILES:** I would love a payback. I think you're talking

1 minimal, you know 50,000 pounds, every year?

2
3 **MS. BADEMAN:** Yes and I mean I'm talking the whole -- You know
4 if you go over the total quota from the year, deducting it from
5 the following year.

6
7 **MR. NILES:** Yes, the industry is totally in support of that as
8 long as it works both ways. I don't want you to take it off my
9 next year's quota if I go over if you're not going to add if
10 you're under and correct me if I'm wrong, but I think our
11 portion of the industry has been under three of the last four
12 years.

13
14 **MR. SANCHEZ:** I do want to thank you for coming and I also want
15 to ask you -- What are you doing, do you think, given that
16 obviously this is a tight fishery, a small group of people, and
17 it transpires, if the weather is right and everything, in a
18 short amount of time and what do you think you could do, as
19 you're asking for additional poundage per trip, to work in
20 cooperation with enforcement, with National Marine Fisheries
21 Service, to be able to keep this where everybody wants to see it
22 go?

23
24 In other words, under control and working in conjunction and not
25 having any massive overages or anything and just keeping it
26 altogether and working correctly?

27
28 **MR. NILES:** John, I think in the last two years, where we've
29 worked with the council, we are I think the only fishery in the
30 United States that stops itself successfully in the last two
31 years. I would like to see it continue in that direction.

32
33 I mean the only way this can work is if the fishermen stop. It
34 takes the federal government three days to stop a fishery and
35 it's got to be published in the public record and all of that
36 and I think we've done a good job policing ourselves. Nobody
37 wants to see us punished for going over and as long as we
38 continue to work like that -- That's one reason we would like to
39 see the latent permits taken out, because we've got a group of
40 fifteen guys down there that have banded together and come to
41 you with these suggestions to better facilitate our fishery and
42 the seven latent permits that are out there, we don't know if
43 they would work with us. One rogue guy throws the whole thing
44 out of whack.

45
46 **MR. RINDONE:** That lends itself to Action 2 and the AP had
47 preferred Preferred Alternative 3, which would establish an ACT.
48 They wanted to see the ACT equal to 95 percent of the ACL and so

1 it would basically put like a 5 percent buffer between what you
2 absolutely can't exceed and then what your aim is to catch, but
3 they also wanted -- They put that pay it forward provision in
4 there that you guys asked for. They preferred that, where if
5 you caught under the ACT that any underage would be added to the
6 next year's ACT, just as long as it didn't exceed the ACL and so
7 it would be up to the ACL. They considered that.

8
9 They did not select a payback, because they felt that
10 establishing the ACT was enough of an accountability measure to
11 put in place to keep things under control.

12
13 **CHAIRMAN DANA:** Daniel Padron, I see you are at the mic.

14
15 **MR. DANIEL PADRON:** Yes and thank you, Ms. Dana. Like Mr. Niles
16 said, we police ourselves really well and I feel that even if
17 you put a 5 percent or 10 percent buffer, by the time you guys
18 are enable to enact the buffer, we are done.

19
20 We have a pretty good system and we all get along very well.
21 The pilots are really the ones in the driver's seat of this
22 fishery and I am one of the pilots and we pretty much control
23 the boats.

24
25 For example, this past year, there were four boats on the
26 grounds and they were sent home and names were drawn out of a
27 hat and more fishermen were able to go fish and we were where we
28 needed to be and so as far as the buffer, I think it would be
29 just kind of more work, more paperwork, for you guys that is not
30 necessary and we do a pretty good job as it stands right now.

31
32 **MR. RINDONE:** The self-policing aspect of this, for you guys to
33 consider, kind of lends itself to Action 3, which would modify
34 the electronic reporting requirements for the dealers. This is
35 where a lot of the monitoring of the landings comes in most
36 quickly and the AP had preferred removing the requirement for
37 daily electronic reporting for king mackerel dealers and that
38 dealers reporting purchases of gillnet kingfish would report
39 daily via a means determined by NMFS.

40
41 NMFS, under this, would work with the industry to try to
42 determine what's the fastest way to try to get the information
43 in and right now, it's through verbal communication on the phone
44 and so some more formal means, but equally as fast, would be
45 something that I'm sure NMFS would try to shoot for, but they
46 would work in concert with you guys under Alternative 3, which,
47 again, is what the AP had preferred.

48

1 **MR. PERRET:** Daniel and George, thank you all for coming.
2 George has been at it a long time, like me, but my question is
3 this. We have twenty-one permit holders now, which fifteen are
4 active. Increasing the limit from where it is to wherever we
5 may go, will that bring those other six inactive vessels or
6 captains in the fishery and if it does, it seems like we've got
7 a season that's going from three to seven days and what is it
8 going to do to that if we get these other six guys in the
9 fishery?

10
11 **MR. NILES:** Corky, I think that depends on the size of the boats
12 they have. You know this might be people that fished in 1985
13 and still have a permit and may long be retired and I have no
14 idea. I mean it's expensive.

15
16 There is not many people getting into the king mackerel gillnet
17 fishery. It's expensive to get in for a two-day fishery and
18 just the net costs \$30,000 or \$40,000.

19
20 **MR. HARTIG:** To that point, Corky, several fishermen in our area
21 qualify for the permits and I think George knows the fishermen
22 who qualified for them and none of them have been active in the
23 fishery and none of them have a boat large enough to participate
24 any longer, at least for those permits. I can't talk for the
25 ones that are in the Keys, but those guys are out of it.

26
27 **CHAIRMAN DANA:** Do I have any other questions of our
28 representatives from the very small gillnet fishery? Any
29 questions on the 25,000 versus 45,000 catch limit or the
30 reporting requirements? Nothing? Daniel or George, anything
31 you would like to add?

32
33 **MR. PADRON:** I would just like to add one thing. Presently,
34 right now, we are not allowed to fish on the first weekend after
35 the opening and due to weather windows, I would like the council
36 to consider allowing us to fish on the weekends, since it's I
37 think pretty obvious that we control the fishery as it is.
38 Sometimes the weekends are pretty good weather and it could
39 really be used. I think it might even help the hand liners at
40 some point as far as keeping the price situated. If we could
41 fish on weekends, it would definitely help tremendously and the
42 reporting would still be the same.

43
44 **MR. RINDONE:** The reason why they are currently not allowed to
45 fish on the weekends has to do with enforcement, because there
46 is limited availability for NMFS port agents to monitor the
47 landings coming in on the weekends and so that was the reason
48 for that, initially.

1
2 **EXECUTIVE DIRECTOR DOUG GREGORY:** Steve Branstetter, correct
3 that if -- I thought the reason the first weekend was closed is
4 because you didn't want or didn't have the ability to get
5 regulations in place to close it if it happened during the
6 weekend. Is Ryan right or is there some other reason for that?
7 The port samplers, I know, they are available at any time and
8 anywhere.

9
10 **DR. STEVE BRANSTETTER:** No, it's the ability to close, but
11 that's true of any weekend.

12
13 **EXECUTIVE DIRECTOR GREGORY:** The point it is has nothing to do
14 with the port samplers.

15
16 **CHAIRMAN DANA:** Guys, I appreciate you coming here from such a
17 long distance and good luck with your fishery.

18
19 **MR. NILES:** Thank you for your time.

20
21 **CHAIRMAN DANA:** You bet. Chairman Anson, I am going to defer
22 back to you and what's your pleasure? Would you like to try to
23 hammer out a few of these preferreds or would you like to take
24 this up in full council?

25
26 **MR. ANSON:** We have got a couple of folks that have come here to
27 provide presentations and I don't want to impact them and I
28 think maybe we can try to go ahead and do that in full council
29 and try to get through that and so if we want to go ahead to the
30 next committee then, if that's okay.

31
32 **CHAIRMAN DANA:** Yes and having no other business, I am going to
33 call for a motion to adjourn. We have a motion by Martha and a
34 second by John. Thank you.

35
36 (Whereupon, the meeting adjourned at 3:00 p.m., March 30, 2015.)

37
38 - - -
39

Mackerel Committee: Action Schedule for Tab C, Nos. 4-6

Agenda Item IV: FINAL ACTION for Coastal Migratory Pelagics Framework Amendment 3: Gulf of Mexico King Mackerel Gillnet Fishery Management Modifications

Documents: Complete Draft Framework Amendment (**Tab C, No. 4a**), Codified Text (**Tab C, No. 4b**)

Timeline Status: FINAL ACTION

Council Input and Next Steps:

- Discuss preferred alternatives in Tab C, No. 4a, recommend preferred alternatives on remaining unaddressed actions
 - Determine whether CMP Framework Amendment 3 is necessary and appropriate and, if so, submit to the Secretary of Commerce for consideration and implementation
-

Agenda Item V: Options Paper for Coastal Migratory Pelagics Amendment 26: Changes in Allocations, Stock Boundaries, and Sale Provisions for Gulf of Mexico and Atlantic Migratory Groups of King Mackerel

Documents: Complete Options Paper (**Tab C, No. 5a**), Scoping Workshop Comment Summary (**Tab C, No. 5b**), Bag Limit Analysis for Recreational King Mackerel (**Tab C, No. 5c**)

Timeline Status: Options Paper

Council Input and Next Steps:

- Discuss proposed options in Tab C, No. 5a, recommend adding/removing any options, recommend any preferred alternatives
 - Review scoping workshop comments
 - Review bag limit analysis for recreational king mackerel
 - Staff will plan to bring CMP Amendment 26 to the Council for further discussion in August 2015.
-

Agenda Item VI: Discussion Paper for Coastal Migratory Pelagics Amendment 28:
Separating Permits for Gulf of Mexico and Atlantic Migratory Groups of
King and Spanish Mackerel

Documents: Discussion Paper (**Tab C, No. 6a**), Scoping Workshop Comment
Summary (**Tab C, No. 6b**)

Timeline Status: Discussion Paper

Council Input and Next Steps:

- Discuss material presented in the Discussion Paper, including Gulf CMP AP comments
 - Review scoping workshop comments
 - Determine whether the Gulf Council wishes to adopt and proceed with CMP Amendment 28. The South Atlantic Council has directed their staff to discontinue any further work on this amendment.
-

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



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

June 2015



This is a publication of the Gulf of Mexico Fishery Management Council Pursuant to National Oceanic and Atmospheric Administration Award No. NA15NMF4410011.

This page intentionally blank

Framework Amendment Three to Modify Commercial King Mackerel Gillnet Trip Limits, Accountability Measures, and Electronic Reporting Requirements; and Elimination of Latent Gillnet Permits 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:

National Marine Fisheries Service
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701
727-824-5305
727-824-5308 (fax)
<http://sero.nmfs.noaa.gov>
Contact: Susan Gerhart
susan.gerhart@noaa.gov

Gulf of Mexico Fishery Management Council
2203 North Lois Avenue, Suite 1100
Tampa, Florida 33607
813-348-1630
813-348-1711 (fax)
<http://www.gulfcouncil.org>
Contact: Ryan Rindone
ryan.rindone@gulfcouncil.org

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
Fishery Impact Statement	5
Chapter 1. Introduction	6
1.1 Background.....	6
1.2 Purpose and Need	8
1.3 History of Management.....	8
Chapter 2. Management Alternatives	10
2.1 Action 1: Modify the Commercial King Mackerel Gillnet Trip Limit	10
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 Florida West Coast Southern Subzone	15
2.4 Action 4: Elimination of Inactive Commercial King Mackerel Gillnet Permits.....	18
Chapter 3. Affected Environment.....	21
3.1 Description of the Fishery	21
3.2 Description of the Physical Environment.....	22
3.3 Description of the Biological Environment.....	24
3.3.1 King Mackerel	24
3.3.2 Protected Species	25
3.4 Description of the Economic Environment	26
3.5 Description of the Social Environment	29
3.5.1 Environmental Justice (EJ) Considerations	32
3.6 Description of the Administrative Environment	34
3.6.1 Federal Fishery Management.....	34
3.6.2 State Fishery Management.....	35
Chapter 4: Environmental Consequences	36
4.1 Action 1: Modify the Commercial King Mackerel Gillnet Trip Limit	36
4.1.1 Direct and Indirect Effects on the Physical/Biological Environments	36
4.1.2 Direct and Indirect Effects on the Economic Environment	37
4.1.3 Direct and Indirect Effects on the Social Environment	37
4.1.4 Direct and Indirect Effects on the Administrative Environment	38

4.2 Action 2: Modify Accountability Measures for the Gillnet Component of the Commercial King Mackerel Fishery	39
4.2.1 Direct and Indirect Effects on the Physical/Biological Environments	39
4.2.2 Direct and Indirect Effects on the Economic Environment	40
4.2.3 Direct and Indirect Effects on the Social Environment	41
4.2.4 Direct and Indirect Effects on the Administrative Environment	43
4.3 Action 3: Modify Electronic Reporting Requirements for Dealers Receiving King Mackerel Harvested by Gillnet in the Gulf Florida West Coast Southern Subzone	44
4.3.1 Direct and Indirect Effects on the Physical and Biological Environments.....	44
4.3.2 Direct and Indirect Effects on the Economic Environment	45
4.3.3 Direct and Indirect Effects on the Social Environment	45
4.3.4 Direct and Indirect Effects on the Administrative Environment	46
4.4 Action 4: Elimination of Inactive Commercial King Mackerel Gillnet Permits.....	47
4.4.1 Direct and Indirect Effects on the Physical and Biological Environments.....	47
4.4.2 Direct and Indirect Effects on the Economic Environment	48
4.4.3 Direct and Indirect Effects on the Social Environment	48
4.4.4 Direct and Indirect Effects on the Administrative Environment	49
4.5 Cumulative Effects Analysis	50
Chapter 5: Regulatory Impact Review.....	54
Chapter 6: Regulatory Flexibility Analysis.....	55
Chapter 7. List of Agencies, Organizations and Persons Consulted.....	56
Chapter 8. References	58
Appendix A. Considered but Rejected Actions and Alternatives.....	61
Appendix B. Other Applicable Law	62

FISHERY IMPACT STATEMENT

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 (FMP) 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 Florida West Coast Southern Subzone, 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 permits; four of these vessels have had no landings since 2001. To use gillnets for king mackerel, vessels must also have the standard commercial king mackerel permit, although a vessel with a gillnet permit is prohibited from fishing for mackerel by hook and line.

Changes to the Trip Limit

Representatives from the gillnet component of the CMP fishery have requested raising the trip limit. The current trip limit is 25,000 lbs per vessel per day. Further conversations with several permit holders suggest 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 permits 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 permit to a larger vessel, increasing the total landing capacity of the fleet.

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.

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.

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 Florida West Coast Southern Subzone gillnet quota. If the quota is reached or projected to be reached, the National Marine Fisheries Service (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 Florida West Coast Southern Subzone. Total Landings and Quota are in pounds.

Fishing Year	# Days Open	# Days Fished	# Vessels	Total Landings	Quota	% of Quota	% Over/Under Quota
2006/07	10	7	14	513,935	520,312	98.77	-1.23
2007/08	15	6	16	497,452	520,312	95.61	-4.39
2008/09	10	3	16	614,843	520,312	118.17	18.17
2009/10	5	5	17	881,466	520,312	169.41	69.41
2010/11	15	3	15	664,053	520,312	127.63	27.63
2011/12	4	3	14	545,995	520,312	104.94	4.94
2012/13	No closure	6	15	457,113	607,614	75.23	-24.77
2013/14	8	4	15	515,954	551,448	93.56	-6.44
2014/15	32	5		532,614	551,448	96.58	-3.42

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

Changes to Electronic Reporting

The Generic Dealer Reporting Amendment (GMFMC and SAFMC 2014) became effective August 7, 2014. The rule created a single dealer permit for the southeast region and established weekly electronic reporting requirements. An exception was made for dealers buying king mackerel landed by the gillnet component in the Gulf Florida West Coast Southern Subzone, who are required to submit reporting forms daily.

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 timing of landing and quality control measures, landings data did not reach managers as quickly as was necessary. Although dealers began voluntarily reporting directly to managers, a more formal and timely method is needed.

Changes to Permit Requirements

Industry representatives have suggested removing latent gillnet permits. The Gulf and South Atlantic Fishery Management Councils considered this action in CMP Amendment 20A and decided they did not want to revoke any permits; however, the Gulf 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 Florida West Coast Southern Subzone 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 permits 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 the potential for regulatory discards in the commercial king mackerel gillnet component of the fishery.

1.3 History of Management

The CMP Fishery Management Plan (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 included 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 (68%) and commercial (32%) 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 permits 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 permits.

Amendment 18, with EA, implemented in January 2012, established ACLs and AMs 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 federal waters 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 lbs per day.

Preferred Alternative 2: Increase the trip limit to 35,000 lbs.

Alternative 3: Increase the trip limit to 45,000 lbs.

Alternative 4: Remove the trip limit for the commercial king mackerel gillnet component of the fishery.

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.

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/or fish every day.

Any increase in the current trip limit would generally be expected to result in the Gulf of Mexico (Gulf) Florida West Coast Subzone 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 1.1.1. 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.

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.

Alternatives 2 and 3 would modify the commercial king mackerel trip limit from its current level to some higher level, and **Alternative 4** would eliminate the trip limit. **Preferred Alternative 2** would increase the trip limit to 35,000 lbs whole weight, **Alternative 3** would increase the trip limit to 45,000 lbs whole weight, and **Alternative 4** 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 Gulf Florida West Coast Southern Subzone gillnet annual catch limit (ACL) for king mackerel is not exceeded. Fishermen claim that more 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, the National Marine Fisheries Service (NMFS) will have less effective mechanisms to project the pace of landings to close the gillnet component of the fishery before its ACL is exceeded. Since it can take up to 48 hours for verified landings and dealer reports to come to NMFS from the SEFSC, the absence of a trip limit will result in less predictability in the pace of landings, making the timely closure of the gillnet component more difficult (see Action 3 for changes in electronic reporting).

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. Currently, the gillnet component of the Florida West Coast Subzone commercial king mackerel fishery is closed when the quota is met or projected to be met.

Alternative 2: Establish an annual catch target (ACT) for the gillnet component of the commercial king mackerel fishery that is below the ACL and will be the quota. The gillnet component of the commercial king mackerel fishery will be closed when the ACT is met or projected to be met.

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

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

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

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

Option e: If the gillnet component of the commercial king mackerel fishery does not land its quota (ACT) 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 quota "carry-over" will be reduced to account for the natural mortality rate **according to the best scientific information available** as established by the Scientific and Statistical Committee for Gulf migratory group king mackerel. (**Gulf CMP AP Preferred**)

Alternative 3: If the Florida West Coast Southern Subzone gillnet ACL is exceeded in a year, NMFS would reduce the Florida West Coast Southern Subzone gillnet ACL in the following year by the amount of the overage. The ACT (if established) will also be adjusted to reflect the previously established percent buffer.

Option 3a: Payback regardless of stock status

Option 3b: Payback only if the Gulf migratory group king mackerel stock is overfished

IPT Note: The language **highlighted in yellow** in Alternative 2, Option e has been modified to account for those rare occasions where the most recent stock assessment may not represent the best scientific information available, such as when the Scientific and Statistical Committee does not recommend a stock assessment for use in providing management advice. The Gulf Council will need to decide whether to adopt this new language.

Note: Currently, the ACL = ABC for Gulf migratory group king mackerel. Establishing an ACT in Alternative 2 provides a buffer between the quota and the ACL/ABC, making Alternative 2, Option e a possibility. Alternative 2, Option e is not feasible without selecting one of Options a-d also selected.

Discussion

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 Florida West Coast Southern Subzone 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 AM, such as a payback, may also be appropriate. In this case, in the year following an overage, the Gulf Florida West Coast Southern Subzone gillnet quota could be reduced by the amount the quota was exceeded by the gillnet fleet. A post-season payback provision could also be limited to only apply if the ACL is exceeded by a certain percentage.

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 an ACT for the king mackerel gillnet component of the fishery which would act as the quota and provides a buffer less than 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 closures being triggered. An ACT requires fishermen to potentially forgo catch (in the amount of the buffer) each year.

The ACT could be set equal to 95% of the ACL (**Option a**), 90% of the ACL (**Option b**), or 80% of the ACL (**Option c**). **Option d** would establish an ACT for the gillnet component based on the Gulf Council's ACL/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 ACL/ACT Control Rule is the same as **Alternative 2, Option a** with one key exception. Any ACT established

using the Gulf Council’s ACL/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 ACL/ACT Control Rule (**Alternative 2, Option d**). The defined reduction in **Alternative 2, Option a** 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 using the 2014-15 quota to demonstrate the changes possible in **Alternative 2**. The ACL and resultant ACT are represented in pounds whole weight.

Table 2.2.1. Comparison of resultant ACTs (pounds) from **Alternative 2**.

Method	2014/15 ACL	ACT	% Reduction from ACL	Difference in Pounds	Difference in # of Gillnet sets ¹
Alt 2, Opt a	551,448	523,876	5%	27572	1+
Alt 2, Opt b	551,448	496,303	10%	55145	2+
Alt 2, Opt c	551,448	441,158	20%	110290	4+
Alt 2, Opt d	551,448	523,876	5% ²	27572	1+

¹Determined by dividing the “Difference in Pounds” column by the current trip limit of 25,000 lbs.

²May change with changes in uncertainty expressed in subsequent stock assessments.

Alternative 2, Option e 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 quota “carry-over” would work in tandem with, and is not possible without, also selecting one of **Options a-d**. **Option e** would allow fishermen the opportunity to catch some of the fish not caught during the previous year in the following year. Any carry-over allowed in **Option e** would be reduced by the natural mortality rate according to the best scientific information for Gulf migratory group king mackerel which. According to SEDAR 38 (2014), the current value for natural mortality is 0.17. For example, a carry-over of 10,000 lbs would be reduced by 17% to account for natural mortality, with the actual amount of quota carried over to the following year being 8,300 lbs.

Alternative 3 would reduce the ACL in the year following an overage by the ACL by the amount of the overage in the previous year. If established, the ACT 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 ACL and ACT reduction would only remain in effect for one year, provided the newly adjusted ACL is not exceeded 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 adjusted 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 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 Florida West Coast Southern Subzone

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 Florida West Coast Southern Subzone must submit forms daily to the electronic reporting system supported by the Southeast Fisheries Science Center by 6:00 a.m. local time. Until the commercial quota for the run-around gillnet component for Gulf migratory group king mackerel is reached, if no king mackerel were received, an electronic report so stating must be submitted for that day.

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 Florida West Coast Southern Subzone 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 fish were received during a week, an electronic report so stating must be submitted for that reporting week.

Preferred Alternative 3: Remove the requirement for *daily electronic* reporting by commercial king mackerel gillnet dealers. During the open fishing season, dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Florida West Coast Southern Subzone must report *daily via the port agents, telephone, internet, or other similar means determined by the National Marine Fisheries Service (NMFS)*. *Prior to the beginning of each commercial king mackerel gillnet season, NMFS will provided written notice to king mackerel gillnet dealers if the reporting method and deadline change from the previous year, and will also post this information on the Southeast Regional Office website.* In addition, dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Florida West Coast Southern Subzone 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. If no fish were received during a reporting week, an electronic report so stating must be submitted for that reporting week.

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 vessels with permits fished and caught the trip limit. Since the 2006/2007 fishing season, the number of fishing days has ranged 3-8 days (Table 1.1.1). 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 as the quota was

neared. Recently, fishermen holding gillnet permits have agreed to cooperatively monitor landings and voluntarily cease fishing when landings near the quota.

The Dealer Reporting Amendment (GMFMC and SAFMC 2014) became 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 component for the Gulf Florida West Coast Southern Subzone, who are required to submit electronic forms daily during the gillnet fishing season. The 2014/2015 fishing season was the first time daily electronic reporting was required for king mackerel gillnet dealers. Because of vessels landing after midnight and long offloading times, some gillnet 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.

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 effective monitoring of the Florida West Coast Southern Subzone 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.

Preferred 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 and notify those dealers in writing if the method or deadlines are changed. 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 Southeast Fisheries Science Center (SEFSC). In the 2014/2015 fishing season, all dealers who reported king mackerel gillnet purchases also reported purchase of other species; therefore, **Alternative 3** would not be anticipated to create an additional reporting burden.

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

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

Alternative 2: Allow commercial king mackerel gillnet permits to be renewed only if *average landings* during 2006-2015 were greater than one of the options listed below. Gillnet permits that do not qualify will be non-renewable and non-transferable.

Option a: 1 pound

Option b: 10,000 lbs

Option c: 25,000 lbs

Alternative 3: Allow commercial king mackerel gillnet permits to be renewed only if *landings for a single year* during 2006-2015 were greater than one of the options listed below. Gillnet permits that do not qualify will be non-renewable and non-transferable.

Option a: 1 pound

Option b: 10,000 lbs

Option c: 25,000 lbs

Alternative 4: Allow commercial king mackerel gillnet permits to be renewed only if *average landings* during 2011-2015 were greater than one of the options listed below. Gillnet permits that do not qualify will be non-renewable and non-transferable.

Option a: 1 pound

Option b: 10,000 lbs

Option c: 25,000 lbs

Alternative 5: Allow commercial king mackerel gillnet permits to be renewed only if *landings for a single year* during 2011-2015 were greater than one of the options listed below. Gillnet permits that do not qualify will be non-renewable and non-transferable.

Option a: 1 pound

Option b: 10,000 lbs

Option c: 25,000 lbs

Discussion

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

Alternative 1 would allow permit holders who have not been fishing for king mackerel with gillnets to begin. It is unclear if any of those fishermen intend to re-enter the fishery, but their

practice of renewing the permit each year indicates they anticipate doing so at some point in the future. Some active gillnet 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 permits would protect the interests of the current active participants.

Alternatives 2 and 4 would base the status of a permit on the average landings meeting the threshold over a set time period (**Options a-c**). Average landings take into account the sustained participation of permit holders through the years. Table 2.4.1 has estimates of the number of permits that would not meet various potential landings thresholds. In general, the higher the average pounds necessary to qualify, the more gillnet permits that would be designated as inactive and eliminated.

Alternatives 3 and 5 would base the status of a permit on landings meeting the threshold in only one of the years in the time period (**Options a-c**). 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 permits to not meet the threshold criteria for determining if a permit is valid to be renewed (**Options a-c**). Table 2.4.1 has estimates of the number of permits that would not meet the potential landings thresholds for any one year in the time period.

Table 2.4.1. Estimated number of gillnet permits not qualifying under various potential landings thresholds for **Alternatives 2-5**. Gillnet permits are those valid or renewable as of February 20, 2015. The actual number and percentage of gillnet permits that would be affected would depend on the number of valid and renewable gillnet permits on the effective date of the rule.

Option	Landings Threshold (lbs)	Number of Permits Eliminated			
		Alternative 2 average landings 2006-2015	Alternative 3 landings in any one year 2006-2015	Alternative 4 average landings 2011-2015	Alternative 5 landings in any one year 2011-2015
a	1	4	4	6	6
b	10,000	7	4	7	6
c	25,000	10	6	9	7

Source: SEFSC logbooks and Southeast Regional Office (SERO) Permits database.

Appeals

If any of **Alternatives 2-5** are chosen to eliminate gillnet endorsements, an appeals process would be established to provide a procedure for resolving disputes regarding eligibility to retain king mackerel gillnet endorsements. The only item subject to appeal is the accuracy landings used to determine whether the permit is eligible for renewal. Appeals based on hardship factors will not be considered. Landings data for appeals would be based on logbooks submitted to and

received by the Southeast Fisheries Science Center for the years chosen in the preferred alternative. If logbooks are not available, state landings records may be used.

The Southeast Regional Administrator (RA) will mail each king mackerel gillnet permit holder a letter advising whether the permit is eligible for renewal. A permit holder who is advised that the permit is not renewable based on the RA's determination of eligibility and who disagrees with that determination may appeal that determination. Appeals will be processed by the NOAA Fisheries National Appeals Office and will be governed by the regulations and policy of the National Appeals Office at 15 CFR Part 906. Appeals must be submitted to the National Appeals Office no later than 90 days after the date the initial determination is issued.

CHAPTER 3. AFFECTED ENVIRONMENT

3.1 Description of the Fishery

A detailed description of the coastal migratory pelagic (CMP) fishery was included in Amendment 18 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region (FMP) (GMFMC and SAFMC 2011) and can be found at <http://www.gulfcouncil.org/docs/amendments/Final%20CMP%20Amendment%2018%20092311%20w-o%20appendices.pdf>. The gillnet component of the commercial sector is further described below.

King Mackerel

A federal king mackerel commercial vessel permit is required to retain king mackerel in excess of the bag limit in federal waters of the Gulf of Mexico (Gulf) and Atlantic. These permits are limited access. In addition, a limited-access gillnet permit is required to use gillnets in the Gulf Florida West Coast Southern Subzone. As of April 21, 2015, there were 1,342 valid or renewable federal commercial king mackerel permits, and 21 valid or renewable gillnet permits.

For the commercial sector, the area occupied by Gulf migratory group king mackerel is divided into four areas within the Gulf of Mexico: the Western Zone, Florida West Coast Northern Subzone, and Florida West Coast Southern Subzone. The Western Zone extends from the southern border of Texas to the Alabama/Florida state line, and the fishing year for this zone is July 1 – June 30. The Florida West Coast Northern Subzone includes waters from the Alabama/Florida state line to the Lee/Collier county line, with a fishing year from October 1 – September 30. The Florida West Coast Southern Subzone includes waters from the Lee/Collier county line to the Collier/Monroe county line from April 1 – October 31, and from the Lee/Collier county line to the Monroe/Dade County line from November 1 – March 31 (revisions to the Florida West Coast Southern Subzone boundaries are currently being considered in CMP Amendment 26). The fishing year for the Florida West Coast Southern Subzone is from July 1 – June 30; however, the gillnet component of the commercial king mackerel fishing sector is closed from July 1 until the day after the Martin Luther King, Jr. holiday. Gillnet fishing is allowed during the first weekend thereafter, but not on subsequent weekends.

The gillnet component of the commercial king mackerel fishing sector has a long history in south Florida, particularly the Florida Keys. The primary fishing area has historically been in waters northwest of Key West, Florida and south of Lee County, Florida. However, the use of this gear has been restricted under state and federal regulations, particularly CMP Amendment 9 (GMFMC 2000). Gillnets used for king mackerel have nylon mesh with a center band of monofilament mesh commonly 4-3/4 inches stretched, which is also the minimum size allowed. Nets can fish effectively in waters 55 to 60 feet in depth. Gillnet vessels use power rollers for net retrieval, and aircraft are used to spot schools of king mackerel before the nets are struck or set. Bycatch of other species is rare for this fishery, since the spotter planes direct the gillnet deployment efforts of the fishing vessels around schooling king mackerel on the water's surface.

In the Florida West Coast Southern Subzone, the gillnet quota is equal to the hook-and-line quota at 551,448 lbs with a trip limit of 25,000 lbs. The fishing year ends June 30, but the quota is usually reached within one to two weeks after opening. Vessels with a commercial king mackerel permit and a commercial king mackerel gillnet permit may not harvest king mackerel with gear other than a run-around gillnet; therefore, the gillnet component cannot also harvest fish using hook-and-line gear after the gillnet season is closed. Recent landings for the gillnet component of the commercial king mackerel fishery are shown in Table 1.1.1.

3.2 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 3.2.1) 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.

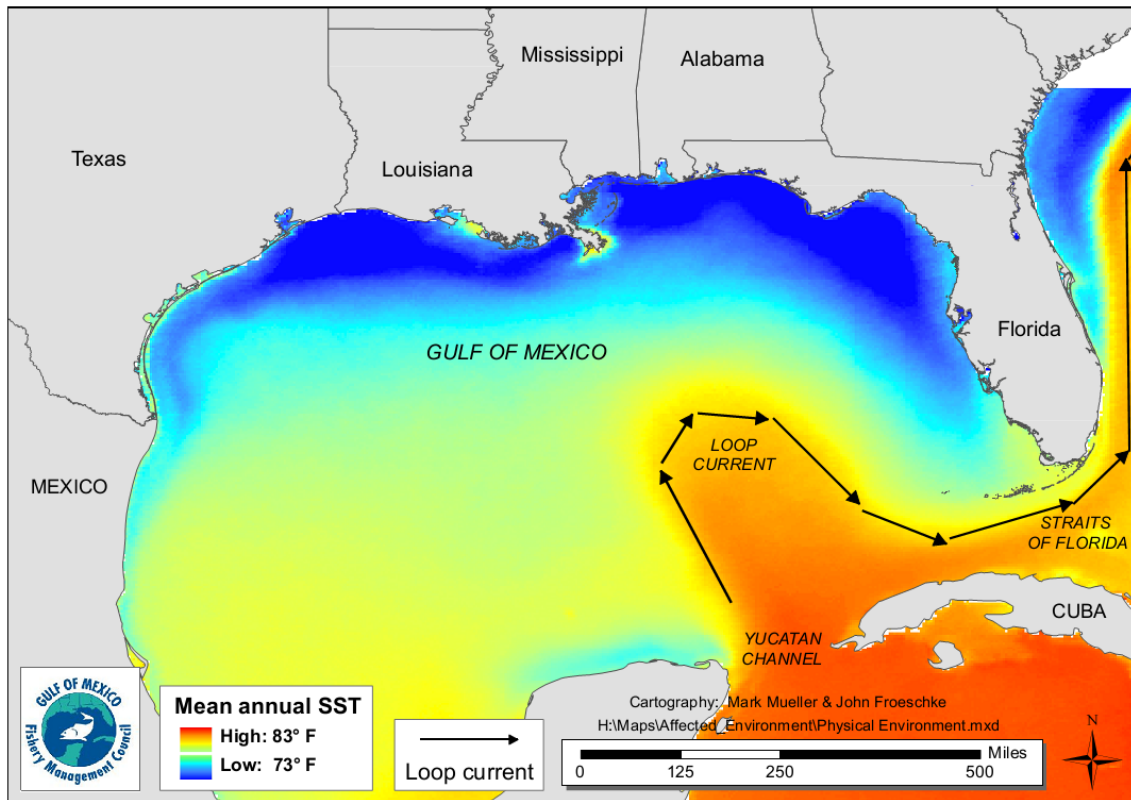


Figure 3.2.1. Mean annual sea surface temperature derived from the Advanced Very High Resolution Radiometer Pathfinder Version 5 sea surface temperature data set (<http://pathfinder.nodc.noaa.gov>).

The physical environment is detailed in the Environmental Impact Statement for the Generic Essential Fish Habitat (EFH) Amendment (GMFMC 2004a) and the Generic Annual Catch Limits (ACLs)/Accountability Measures (AMs) Amendment (GMFMC 2011) which are hereby incorporated by reference and updated below.

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, Red Drum, and CMPs is hereby incorporated by reference.

Environmental Sites of Special Interest Relevant to Coastal Migratory Pelagic Species (Figure 3.2.2)

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 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 exclusive economic zone (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).

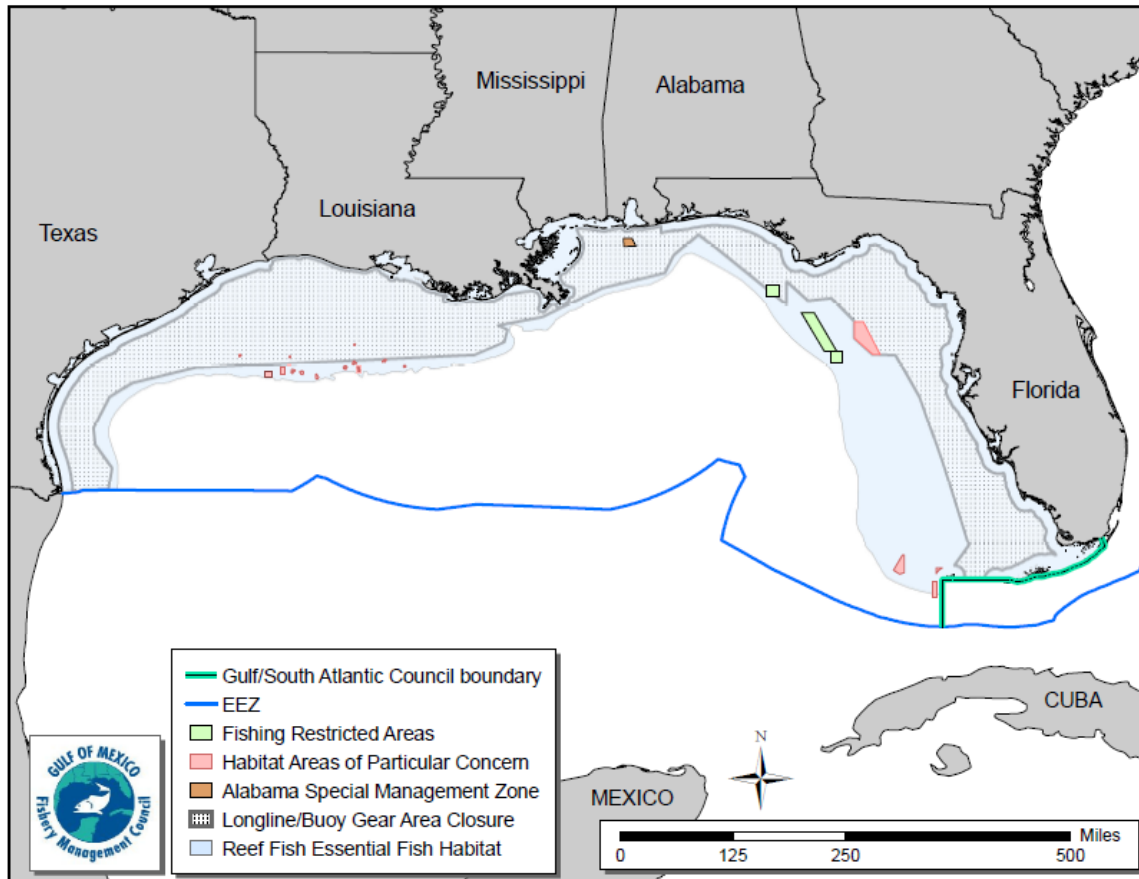


Figure 3.2.2. Map of most fishery management closed areas in the Gulf.

3.3 Description of the Biological Environment

A detailed description of the biological environment for CMP species is provided in Amendment 18 (GMFMC and SAFMC 2011), and is incorporated herein by reference and summarized below.

3.3.1 King Mackerel

King mackerel is a marine pelagic species that is found throughout the Gulf and Caribbean Sea and along the western Atlantic from the Gulf of Maine to Brazil and from the shore to 200 m depths. The habitat of adults is the coastal waters out to the edge of the continental shelf in the Atlantic Ocean. Within the area, the occurrence of king mackerel is governed by temperature and salinity. They are seldom found in water temperatures less than 20°C; salinity preference varies, but they generally prefer high salinity, less than 36 parts per thousand (ppt).

Adults are migratory, and the CMP FMP recognizes two migratory groups (Gulf and Atlantic). Typically, adult king mackerel are found in the southern climates (south Florida and extreme south Texas/Mexico) in the winter and farther north in the summer; however some king mackerel overwinter in deeper waters off the mouth of the Mississippi River, and off the coast of North Carolina. Food availability and water temperature are likely causes of these migratory patterns. King mackerel have longevities of 24 to 26 years for females and 23 years for males (GMFMC and SAFMC 1985; MSAP 1996; Brooks and Ortiz 2004).

Adults are known to spawn in areas of low turbidity, with salinity and temperatures of approximately 30 ppt and 27°C, respectively. There are major spawning areas off Louisiana and Texas in the Gulf (McEachran and Finucane 1979); and off the Carolinas, Cape Canaveral, and Miami in the western Atlantic (Wollam 1970; Schekter 1971; Mayo 1973). Spawning occurs generally from May through October with peak spawning in September (McEachran and Finucane 1979). Eggs are believed to be released and fertilized continuously during these months. Maturity may first occur when the females are 450 to 499 mm (17.7 to 19.6 inches) in length and usually occurs by the time they are 800 mm (35.4 inches) in length. The most mature ovaries are found in females by about age 4. Males are usually sexually mature at age 3, at a length of 718 mm (28.3 inches). Females in U.S. waters, between the sizes of 446-1,489 mm (17.6 to 58.6 inches) release 69,000-12,200,000 eggs.

Larvae of king mackerel have been found in waters with temperatures between 26-31° C (79-88° F). This larval developmental stage has a short duration. King mackerel can grow up to 0.54-1.33 mm (0.02 to 0.05 inches) per day. This shortened larval stage decreases the vulnerability of the larva, and is related to the increased metabolism of this fast-swimming species. Juveniles are generally found closer to shore than adults and occasionally in estuaries.

3.3.2 Protected Species

Species in the Gulf protected under the Endangered Species Act (ESA) include: seven marine mammal species (blue, sei, fin, humpback, sperm, North Atlantic right whales and manatees); five sea turtle species (Kemp's ridley, loggerhead, green, leatherback, and hawksbill); two fish species (Gulf sturgeon, and smalltooth sawfish); and seven coral species (elkhorn coral, staghorn coral, lobed star coral, knobby star coral, mountainous star coral, pillar coral, and rough cactus coral). Twelve species of fish and invertebrates in the Gulf are currently listed as species of concern.

In a 2007 biological opinion, NMFS determined CMP fishing in the Southeastern United States was not likely to be jeopardized the continued existence of endangered sea turtles (NMFS 2007). Other listed species are not likely to be adversely affected, including ESA-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 for the CMP fishery on November 26, 2012. In a memo

dated January 11, 2013, NMFS determined that allowing the continued operation of the CMP fishery during the re-initiation period under the existing fishery management regulations would 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 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 20 coral species as threatened under the ESA. Five of the newly listed coral species are found in the Gulf 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 gillnet fishery is classified as Category II fishery in the 2015 MMPA List of Fisheries (79 FR 77919). 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.

3.4 Description of the Economic Environment

An economic description of the commercial sector for the CMP species is contained in Vondruska (2010) and is incorporated herein by reference. Updated select summary statistics are contained in Amendment 20B (GMFMC/SAFMC 2014) for king mackerel, and are incorporated herein by reference. Because this proposed framework amendment would only change the management of the gillnet component of the commercial king mackerel sector of the CMP fishery, this assessment mainly focuses on this specific sector. Information on the recreational sector is not relevant and is therefore not provided in this assessment.

Permits

The commercial king mackerel permit is a limited access permit, which can be transferred or sold, subject to certain conditions. From 2008 through 2014, the number of commercial king mackerel permits decreased from 1,619 to 1,478, with an average of 1,534 during this period (NMFS SERO Permits Data, 2015). As of April 30, 2015, there were 1,342 valid or renewable commercial king mackerel permits. The king mackerel gillnet permit, which is a permit attached to a commercial king mackerel permit, is also a limited access permit. Its transferability is more restrictive than that for the commercial king mackerel permit. Specifically, it may be transferred only to another vessel owned by the same entity or to an immediate family member. From 2008 through 2014, there were an average of 23 king mackerel gillnet permits (NMFS SERO Permits

Data, 2015). At present, there are 21 valid or renewable king mackerel gillnet permits. Beginning in 2014, a federal dealer permit has been required to purchase king mackerel (among other species) harvested in the Gulf or South Atlantic. This dealer permit is an open access permit, and as of May 4, 2015, there were 325 such dealer permits.

Number of Vessels and Ex-vessel Revenues

There are 21 valid or renewable king mackerel gillnet permits whose transferability is subject to relatively strict conditions. Over time, some permit holders transferred their permits from one vessel to another owned by the same permit holder. These transfers were tracked and landings were accordingly assigned to permit holders using information from logbook records. The fishing season for king mackerel gillnet fishermen usually lasts less than one month, with even fewer actual fishing days (see Table 1.1.1). When not fishing for king mackerel, vessels with gillnet permits fish for other species, such as other coastal migratory species, reef fish, spiny lobster, and stone crabs. A summary of landings and revenues of the 21 “vessels” with permits from 2006 through 2014 (calendar year) is presented in Table 3.4.1. Other species caught by these vessels do not include spiny lobster, stone crabs, and other species not generally covered by the federal logbook system. It is reported that some of these vessels are heavily engaged in the spiny lobster or stone crab fisheries. Not all vessels harvested king mackerel or other species in some years, and some vessels that did not catch king mackerel landed other species. Revenues per vessel are averaged across all 21 vessels. All dollar values are converted to 2014 dollars.

Of the 21 vessels with king mackerel gillnet permits, 11 to 15 vessels landed king mackerel in 2006-2014, or an average of 13 vessels landed king mackerel annually (Table 3.4.1). These vessels generated a combined average of \$544,981 in total annual ex-vessel revenues. These vessels, together with those that did not catch king mackerel, generated average annual revenues of \$427,258 from other species during 2006-2014. Averaging total revenues across all 21 vessels, the average total revenue per vessel was \$46,297.

Table 3.4.1. Landings and revenues by 21 vessels with king mackerel gillnet permits, 2006-2014.

Year	Number of Vessels	King Mackerel Landings (lbs)	Other Species Landed (lbs gw)	Revenue from King Mackerel (2014 \$)	Revenue from Other Species (2014 \$)	Total Revenue (2014 \$)	Total Revenue per Vessel (2014 \$)
2006	21(11)	386,198	657,695	\$442,978	\$606,257	\$1,049,235	\$49,964
2007	21(12)	442,234	445,221	\$467,760	\$469,152	\$936,912	\$44,615
2008	21(13)	433,483	409,429	\$476,520	\$674,178	\$1,150,698	\$54,795
2009	21(13)	587,724	858,401	\$588,918	\$750,104	\$1,339,022	\$63,763
2010	21(13)	517,460	381,014	\$566,345	\$426,474	\$992,819	\$47,277
2011	21(12)	451,292	319,002	\$577,189	\$368,545	\$945,734	\$45,035
2012	21(14)	439,248	279,391	\$524,233	\$310,874	\$835,107	\$39,767
2013	21(15)	486,478	216,885	\$629,953	\$188,168	\$818,121	\$38,958
2014	21(15)	610,873	50,320	\$630,936	\$51,569	\$682,505	\$32,500
Avg.	21(13)	483,888	401,929	\$544,981	\$427,258	\$972,239	\$46,297

Note: Vessels in parentheses are those that landed king mackerel. Not all 21 vessels landed king mackerel in all years and some vessels that did not catch king mackerel landed other species. Revenues per vessel are total revenues averaged across 21 vessels. In 2015, 13 vessels with king mackerel gillnet permits landed a total of 547,298 pounds of king mackerel.

Source: NMFS SEFSC Logbook and ALS data.

Dealers

As noted, a federal dealer permit to purchase king mackerel caught in the Gulf or South Atlantic had not been required until 2014, and as of May 4, 2015, 325 such dealer permits were issued. However, only a few dealers have been purchasing king mackerel landed by gillnet fishermen. This was true even in those years before a federal dealer permit was required to purchase king mackerel. All dealers that purchased king mackerel from gillnet fishermen are located in Monroe, Hernando, and Orange counties of Florida. From 2008 through 2015, the number of dealers that purchased king mackerel from gillnet fishermen ranged from 4 to 6, with an average of 5. On average (2008-2015), these dealers purchased approximately \$570,105 (2014 dollars) worth of king mackerel from gillnet fishermen per year, or an average of \$114,021 per dealer.

Business Activity

The commercial harvest and subsequent sales and consumption of fish generates business activity as fishermen expend funds to harvest the fish and consumers spend money on goods and services, such as king mackerel purchased at a local fish market and served during restaurant visits. These expenditures spur additional business activity in the region(s) where the harvest and purchases are made, such as jobs in local fish markets, grocers, restaurants, and fishing supply establishments. In the absence of the availability of a given species for purchase, consumers would spend their money on substitute goods and services. As a result, the analysis

presented below represents a distributional analysis only; that is, it only shows how economic effects may be distributed through regional markets. In addition, the focus of the distributional analysis is king mackerel landings by vessels with king mackerel gillnet permit as well as all species landed by the 21 vessels with king mackerel gillnet permits.

Estimates of the average annual business activity associated with the commercial harvest of king mackerel by 21 vessels with king mackerel gillnet permit and all species harvested by these vessels were derived using the model developed for and applied in NMFS (2011) and are provided in Table 3.4.2. This business activity is characterized as full-time equivalent jobs, income impacts (wages, salaries, and self-employed income), and output (sales) impacts (gross business sales). Income impacts should not be added to output (sales) impacts because this would result in double counting.

Table 3.4.2. Average annual business activity associated with the commercial harvest of king mackerel and other species by the 21 vessels with king mackerel gillnet permits. All monetary estimates are in 2014 dollars.

Species	Average Ex-vessel Value (millions)	Total Jobs	Harvester Jobs	Output (Sales) Impacts (millions)	Income Impacts (millions)
King Mackerel	\$0.509	92	12	\$6.71	\$2.86
All Species	\$0.898	162	21	\$11.83	\$5.04

3.5 Description of the Social Environment

The king mackerel gillnet fishery is prosecuted primarily along the southwest coast of Florida by a small number of participants. The number of vessels with permits to fish using this particular gear is quite small, with only 21 valid or renewable permits as of April 21, 2015. Since 2001, only 18 vessels have recorded landings and those vessels have a homeport on Florida’s west coast or in the Keys (Figure 3.5.1).

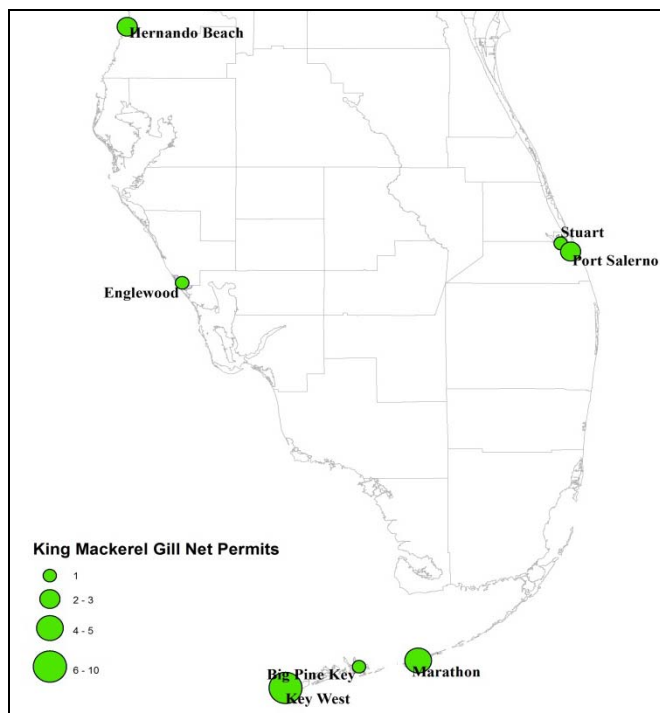


Figure 3.5.1. King mackerel gillnet permit holders location by designated homeport. Source: Southeast Regional Office (SERO) Permits 2015.

Fishing vessels are guided to schools of fish by pilots who fly over Gulf waters and locate the fish. Vessels may cooperate among themselves to determine who will make sets prior to running their nets around a school of fish. This may help ensure the fish are caught but that the trip limit is not exceeded by a particular vessel. In some cases where a vessel has made a set that will obviously exceed the trip limit, others may agree to transfer part of the fish laden net to their vessel to allow those with too many fish in their net to avoid overages and not contribute significantly to bycatch. As the quota closure nears, the gill netters may also cooperate in designating which vessels will fish on the remaining quota, so as to limit quota overages.

The gillnet fishery for king mackerel has been prosecuted by a small number of vessels who have also cooperated with NMFS' SERO office over the past few years by reporting landings daily while the fishing season is open. This cooperation has helped vessels to harvest close to and without exceeding the quota. Since 2005 the quota has been exceeded several times, in some cases substantially, although in the last two years the quota has not been exceeded. The season is often short and can last from a few days to a few weeks. Most recent seasons have lasted less than 10 days, although there was no closure in 2013.

Most vessels with gillnet permits have a capacity to hold more fish per trip than the current trip limit. Catching more fish per trip would likely shorten the season, but would also allow for an earlier transition to other gear types and fisheries. A recent industry initiated survey showed a majority of participants would support a larger trip limit, although those with a smaller hold capacity would be at a disadvantage and might have to make more trips to compensate for the advantage their competitors may have with larger holds. Fines for exceeding the trip limit can be

substantial, and estimating the amount of fish present within a gillnet is always a guess, although fishermen are often very adept at knowing and gauging the capacity of their gear.

Fishermen have expressed their preference to avoid trip limit infractions by adopting a higher trip limit which should lessen that possibility. To that end, recent actions by the gillnet fleet including the industry initiated survey, cooperation in harvesting, and self-reporting of landings to SERO demonstrates characteristics of co-management or adaptive co-management (Armitage et al. 2009). Although not a formal management regime, this participation in self-management illustrates some benefits of cooperative management systems, as long as all participants are willing to take part. However, a breakdown in the informal agreements could result in overages and create some disparity among permit holders which may, in turn, contribute to further disintegration of cooperative behavior.

Many vessels in the king mackerel gillnet fishery participate in other fisheries throughout the year with many participating in lobster and stone crab fishing. Time devoted to the king mackerel gillnet fishery, in terms of the percentage of annual income from all fishing is rather minor in comparison to time spent in other fisheries, yet the revenues gained could be an important contribution to their overall business revenues.

The number of vessels with permits within most communities is small and in some cases may be the sole king mackerel gillnet vessel homeported within a community. To examine the extent and importance of fishing to relevant communities, measures of fishing engagement and reliance are shown in Figure 3.5.2 for the homeports reported for the vessels holding king mackerel gillnet permits.

The engagement and reliance indices are composed of existing permit and landings data that were created to provide a more empirical measure of fishing dependence (Jepson and Colburn 2013; Jacob et al. 2012). Fishing engagement uses the absolute numbers of permits, landings, and value, while fishing reliance includes many of the same variables as engagement, but divides them by population to give an indication of the per capita impact of this activity.

Using a principal component and single solution factor analysis each community receives a factor score for each index to compare to other communities. Factor scores are represented by colored bars and are standardized, therefore the mean is zero. Two thresholds of 1 and $\frac{1}{2}$ standard deviation above the mean are plotted onto the graphs to help determine thresholds for significance. Because the factor scores are standardized, a score above 1 is also above one standard deviation.

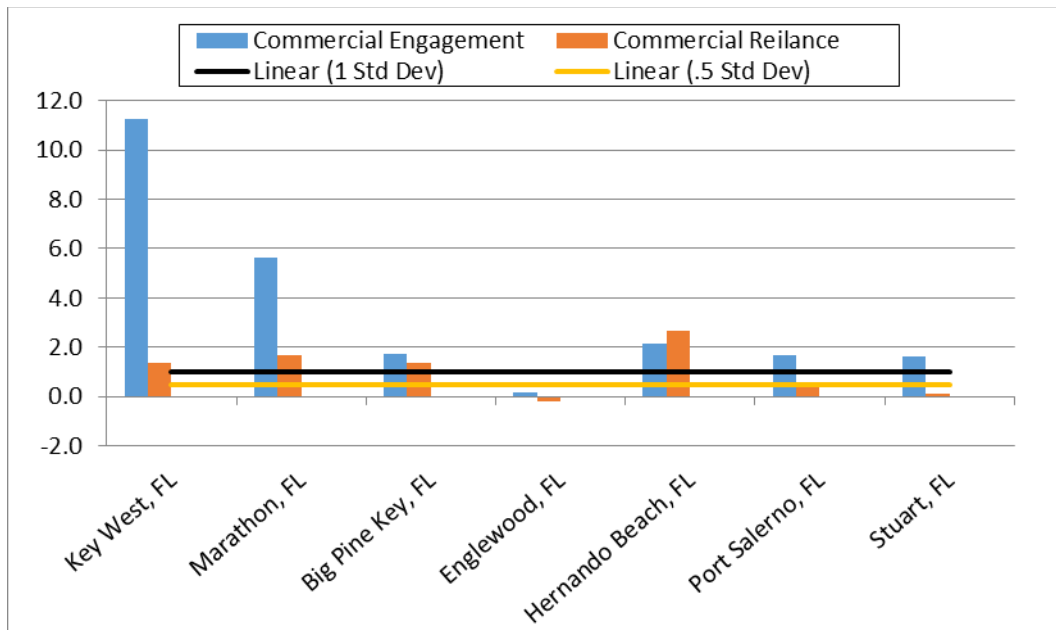


Figure 3.5.2. Top king mackerel gillnet fishing homeport communities’ commercial engagement and reliance. Source: Southeast Regional Office, social indicators database (2012).

All of the communities in Figure 3.5.2, except for Englewood, are substantially engaged and most are reliant upon commercial fishing. These communities would be considered to depend on fishing for an important part of their economy. The contribution of the mackerel gillnet component to the overall economy is unknown. However, because these vessels participate in other fisheries, it is likely that they are important contributors to the fishing economy of these listed communities.

3.5.1 Environmental Justice (EJ) Considerations

In order to assess whether a community may be experiencing EJ issues, a suite of indices created to examine the social vulnerability of coastal communities (Jepson and Colburn 2013; Jacob et al. 2012) is presented in Figure 3.4.3. The three indices are poverty, population composition, and personal disruptions. The variables included in each of these indices have been identified through the literature as being important components that contribute to a community’s vulnerability. Indicators such as increased poverty rates for different groups, more single female-headed households and children under the age of 5, disruptions such as higher separation rates, higher crime rates, and unemployment all are signs of vulnerable populations. These indicators are closely aligned to previously used measures of EJ which used thresholds for the number of minorities and those in poverty, but are more comprehensive in their assessment. Again, for those communities that exceed the threshold it would be expected that they would exhibit vulnerabilities to sudden changes or social disruption that might accrue from regulatory change. It should be noted that some communities may not appear in these figures as there are no census data available to create the indices.

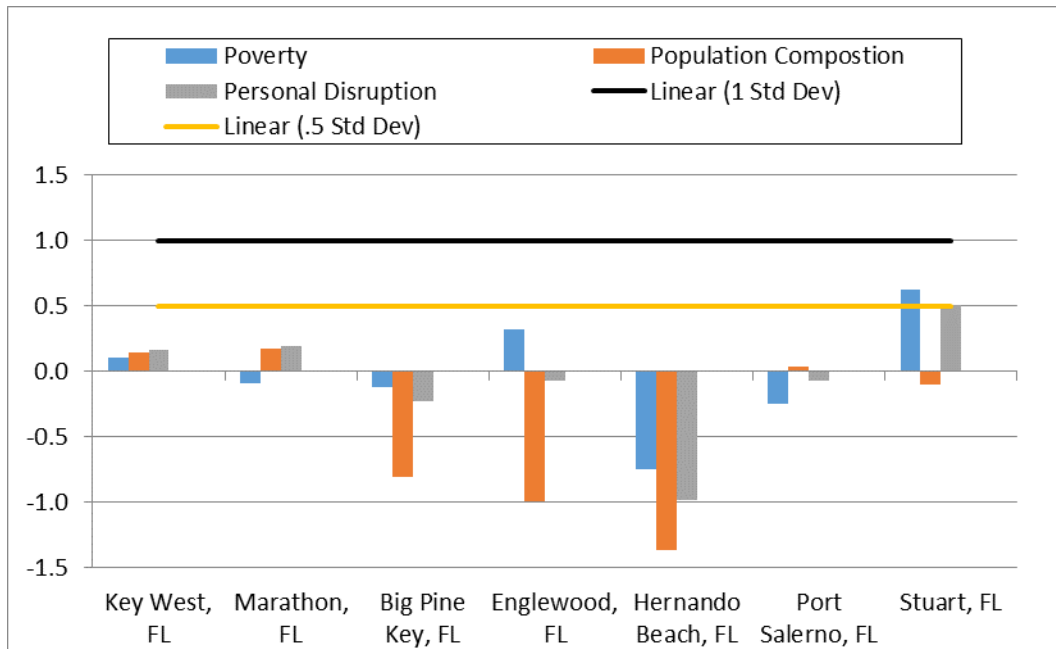


Figure 3.5.3. Social vulnerability indices for king mackerel gillnet commercial fishing communities. Source: Southeast Regional Office, social indicators database (2012).

Only one community in Figure 3.5.3 demonstrates social vulnerabilities. Stuart, Florida has two of its social vulnerability indices at or slightly above a ½ standard deviation. This implies that the community may be experiencing some social vulnerability through higher than normal rates of poverty and personal disruption. Yet, because they are below 1 standard deviation the vulnerabilities are likely to be nominal. Given the results in Figure 3.5.3, it is unlikely that any environmental justice issues would arise as a result of this amendment. Furthermore, the actions within this amendment are not expected to impose undue hardships on minorities or those in poverty or to affect these populations differently than the general public.

Finally, the participatory process used in the development of fishery management measures (e.g., scoping meetings and public hearings) is expected to provide sufficient opportunity for meaningful involvement by potentially affected individuals and have their concerns factored into the decision process. Public input from individuals who participate in the fishery has been considered and incorporated into management decisions throughout development of the amendment.

3.6 Description of the Administrative Environment

3.6.1 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 exclusive economic zone (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.

3.6.2 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>

CHAPTER 4: ENVIRONMENTAL CONSEQUENCES

4.1 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 lbs. per day.

Preferred Alternative 2: Increase the trip limit to 35,000 lbs.

Alternative 3: Increase the trip limit to 45,000 lbs.

Alternative 4: Remove the trip limit for the commercial king mackerel gillnet component of the fishery.

4.1.1 Direct and Indirect Effects on the Physical/Biological Environments

King mackerel are typically caught at the ocean surface and therefore run-around gillnet gear does not typically come in contact with bottom habitat. However, run-around gillnets have the potential to snag and entangle bottom structures and cause tear-offs or abrasions (Barnette 2001). If gear is lost or improperly disposed of, it can entangle marine life. Entangled gear often becomes fouled with algal growth. If fouled gear becomes entangled on corals, the algae may eventually overgrow and kill the coral.

Management actions that affect the physical/biological environments mostly relate to the impacts of fishing on a species' population size, life history, and the role of the species within its habitat. Removal of fish from the population through fishing can reduce the overall population size if harvest is not maintained at sustainable levels. Based on Table 3.1.1.1, the quota for the gillnet component of the Gulf Florida West Coast Southern Subzone would still be reached before the end of the fishing year regardless of the trip limit. Higher trip limits may, however, result in fewer gillnet gear deployments, thereby reducing discards and would have a positive effect on the biological environment. Fewer gear deployments could have a positive effect on the physical environment, in that there would be less of a risk of gear becoming fouled on bottom structure. The potential for exceeding the gillnet component's ACL exists regardless of the trip limit, with the greatest risk assumed if **Alternative 4** is selected as preferred, followed by **Alternative 3**, **Alternative 2**, and **Alternative 1**. This risk stems from the amount of time between when landings are reported by National Marine Fisheries Service (NMFS) port agents and federally permitted seafood dealers to the Southeast Fisheries Science Center (SEFSC) for quality control and quality assurance, and then finally to the NMFS Southeast Regional Office (SERO) for quota monitoring and closure of the fishing season. Improvements in accountability measures to reduce the risk of exceeding the gillnet component's quota are presented and discussed further in Action 3. Changes to bycatch rates per gillnet set are not expected, since the method by which harvest is currently conducted is not expected to change.

4.1.2 Direct and Indirect Effects on the Economic Environment

This action considers increases in the daily trip limit for the gillnet component of the commercial king mackerel fishery. Proposed increases would either establish trip limits of 35,000 lbs (**Preferred Alternative 2**), 45,000 lbs (**Alternative 3**), or remove the trip limit for the commercial king mackerel gillnet component (**Alternative 4**). **Alternative 1**, the no action alternative, would not affect the commercial harvests of king mackerel using gillnets and would therefore not be expected to result in economic effects.

Increases in the daily trip limit would be expected to result in greater king mackerel harvests per vessel per trip. This would directly translate into increased ex-vessel revenues from king mackerel per trip and possibly profits, assuming relatively stable operating costs per trip. However, trip limit increases would be expected to decrease the already limited number of fishing days currently needed to harvest the gillnet portion of the king mackerel quota. Relative to status quo, fewer fishing days would concentrate the same amount of king mackerel over a smaller time interval, possibly depressing the ex-vessel price for king mackerel and canceling out some of the revenue increases expected to result from higher trip limits. Net economic effects expected to result from increases in king mackerel gillnet trip limits would be determined by the relative magnitude of the potential increases in ex-vessel revenues and possible decreases in ex-vessel prices discussed in this section. These economic effects cannot be quantified at this time due to data limitations. Although data relative to average total ex-vessel revenues per vessel are available, data on current operating costs and the changes in operating costs due to trip limit increases are not available.

4.1.3 Direct and Indirect Effects on the Social Environment

Additional effects would not be expected from retaining the gillnet trip limit of 25,000 lbs per day (**Alternative 1**). By not modifying the trip limit (retaining **Alternative 1**), vessels with gillnet permits will still have a viable fishery, but may continue to experience a high risk of exceeding the trip limit. Most vessels have a hold capacity that is greater than the current trip limit and could accommodate a higher amount of landings as allowed under **Preferred Alternative 2** or **Alternative 3**, although these alternatives would likely shorten the season considerably. Removing the trip limit completely (**Alternative 4**) would eliminate all possibility of infractions for exceeding the trip limit, but may increase the possibility for quota overages. The potential for exceeding the quota also becomes an increasing possibility with a higher trip limit, especially if the cooperative behavior and self-regulation that has been part of the fishery does not continue. For any increase to the trip limit (**Preferred Alternative 2** or **Alternative 3**) or removal of the trip limit (**Alternative 4**), broad social benefits would be expected as the mackerel gillnet fishermen are able to refit their vessels sooner for other fisheries as they would be expected to reach the quota faster.

The increase in the trip limit between **Preferred Alternative 2** to **Alternative 3** would be expected to reduce the likelihood of any penalty from exceeding the trip limit. While **Alternative 4** would be expected to eliminate the occurrence of incurring fines for exceeding the trip limit and provide the gillnet fleet with the greatest amount of local autonomy to control landings, it would require the gillnet fishermen to monitor their landings and account for fish that were

caught over the quota. That the industry expressed acceptance of an overage adjustment in the event the quota is exceeded (see Action 2), provides support for the fleet's confidence in the ability to constrain landings among the small group of participants.

4.1.4 Direct and Indirect Effects on the Administrative Environment

If any one of **Alternatives 2-4** are chosen as preferred, the burden on the administrative environment would be increased relative to **Alternative 1** because the trip limit for the gillnet component of the Gulf Florida West Coast Southern Subzone would be increased. Increasing the trip limit may have an inverse relationship to the number of days during which fishing occurs, which would make it more difficult for NMFS to close the fishery under the current landings reporting system (see Section 4.4 for more information on how to resolve this issue). A faster pace of landings may require a greater presence by NMFS port agents to ensure that trip limit violations are recorded and quota overruns are prevented. Additionally, improvements in the reporting system to provide landings information in a more timely fashion to NMFS would reduce the likelihood of delays in closing the gillnet season resulting in quota overruns.

4.2 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 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 (ACL). The gillnet component of the commercial king mackerel fishery will be closed when the ACT is met or projected to be met.

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

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

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

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

Option e: 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. This quota "carry-over" will be discounted by the natural mortality rate **according to the best scientific information available** for Gulf of Mexico migratory group king mackerel. (**Gulf CMP AP Preferred**)

Alternative 3: If the Florida West Coast Southern Subzone gillnet ACL is exceeded in a year, NMFS would reduce the Florida West Coast Southern Subzone 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

4.2.1 Direct and Indirect Effects on the Physical/Biological Environments

The proposed accountability measures in **Alternatives 2** and **3** are not expected to alter the manner in which fishermen harvest king mackerel with run-around gillnets; however, closing the fishing season based on an ACT set lower than the ACL could result in fewer gillnet gear deployments, thereby reducing discards and would have a positive effect on the biological environment. Fewer gear deployments could have a positive effect on the physical environment, in that there would be less of a risk of gear becoming fouled on bottom structure. Though the potential for positive effects exists, the degree to which the number of gear deployments would be reduced based upon **Options a-d** in **Alternative 2** may be minimal when compared to **Alternative 1** (see Table 2.1.1).

Indirect positive physical effects could be expected through decreased fishing pressure under **Alternative 2**, with this indirect effect being directly correlated to the difference between the ACL and the ACT (see **Options a-d**). Positive indirect effects from **Options a-d** could be

negated depending on the amount of any carry-over (**Option e**), up to a point such that there would be no difference in effects to the physical environment from **Alternative 1**.

Establishing ACTs for the Florida West Coast Southern Subzone gillnet component of the Gulf commercial sector for king mackerel at some level below the gillnet component's ACL would result in the fishery being closed when the ACT is met or projected to be met, as opposed to the ACL (**Alternative 2, Options a-d**). This would result in a direct positive biological effect for the stock, as more biomass would be left in the water as opposed to being harvested or falling out of the nets. This type of accountability measure (AM) provides biological protection and prevents overfishing. **Alternative 2, Option e**, however, would allow any remaining amount of the ACT not harvested in the current fishing year to be carried over to the following fishing year, up to but not to exceed that year's ACL for the gillnet component. If such a carry-over were to occur, it would permit the harvest of additional biomass from the fishery. However, so long as the ACL is not exceeded and overfishing does not occur, any biological effects would be negligibly different from those in **Alternative 1**.

Alternative 3 would establish a payback provision where any landings in excess of the Florida West Coast Southern Subzone gillnet component's ACL in the current fishing year would be deducted from the following year's ACT, either regardless of stock status (**Option a**) or only if Gulf migratory group king mackerel are overfished (**Option b**). If **Option a** is chosen as preferred, a payback would be implemented any time the Florida West Coast Southern Subzone gillnet ACL is exceeded, thereby providing the best annual insurance against negative biological impacts from ACL overages. If **Option b** is chosen as preferred, any ACL overage by the gillnet component will not be balanced by an equivalent reduction in the subsequent fishing year's ACL unless Gulf migratory group king mackerel are overfished. By not having ACL overages balanced by paybacks, additional biomass beyond that which has been determined to be acceptable using the best scientific information available will be harvested, and could drive the stock's biomass lower over time. Depending on the severity of any ACL overages, the resultant potential negative biological impact, if left unchecked, could eventually have negative consequences for the stock status of Gulf migratory group king mackerel.

Since king mackerel are directly targeted by run-around gillnets in this fishery, negative biological effects in the form of discards are likely to be minimal for **Alternatives 2 and 3**, since gillnet fishermen do not typically discard king mackerel landed in gillnet gear. No data are available to analyze the number of fish which may fall out of the nets after being caught; therefore, the biological impact of this form of discard mortality cannot be characterized.

4.2.2 Direct and Indirect Effects on the Economic Environment

Alternative 1, no action, would continue to close the gillnet component of the commercial king mackerel fishery when the ACL is projected to be met and would not affect the harvest or customary uses of king mackerel. Therefore, direct economic effects would not be expected to result from **Alternative 1**. However, should the absence of additional accountability measures lead to harvest overages and if these overages negatively affect king mackerel stocks, indirect adverse economic effects would be expected to occur. The magnitude of these potential indirect economic effects would be determined by the severity of the adverse effects to the stocks.

Alternative 2 would set an ACT by applying a buffer ranging from 5% to 20% (**Options a-d**) to the ACL for the gillnet component of the commercial king mackerel fishery. A larger buffer would result in proportionately lower ACT, reduced number of fishing days, and less ex-vessel revenues than a smaller buffer. From this perspective, the proposed options could be ranked from the least economic losses to the most economic losses according to the amount of ACT provided. Compared to **Alternative 1**, **Option c** of **Alternative 2** would be expected to result in the greatest economic losses. These economic losses are expected to be short-term. However, appreciable short-term economic losses could be expected to adversely impact the survival of commercial gillnet enterprises beyond the current year. Economic effects associated with improved resource health would be another factor to consider in the long term. If the proposed buffers and corresponding ACTs consistently prevent king mackerel harvest overages, long term improvements to the health of king mackerel stocks and associated positive economic effects would be expected to result from the implementation of ACTs.

Option e of **Alternative 2**, which would establish a carry-over provision for the unused portion of the king mackerel quota, would be expected to result in positive economic effects due to additional ex-vessel revenues derived from the amount of king mackerel carried over. However, a carry-over provision would also reduce the buffer between the ACL and ACT, thereby potentially increasing the likelihood of overages.

Alternative 3 would require king mackerel harvests in excess of the Florida West Coast Subzone commercial gillnet quota to be deducted in full from quota in the following season and adjust the ACT to reflect the buffer selected in **Alternative 2**. **Options a** and **b** would deduct the overages regardless of stock status and only if king mackerel are overfished, respectively. Economic effects that would be expected to result from a reduction in quota in response to overages would be determined by the probability of observing overages, the magnitude of the overage and reduction in quota during the following year, and resulting decreases in fishing opportunities and associated losses in ex-vessel revenues. Although the probabilities of observing overages associated with the range of buffers in **Alternative 2** are not known, it can be noted that greater buffers would be associated with a smaller likelihood of observing overages and would be expected to result in lower expected values of economic losses due to overage paybacks.

4.2.3 Direct and Indirect Effects on the Social Environment

Additional effects would not be expected from retaining the current AM for the gillnet fleet (**Alternative 1**), which consists of an in-season closure when the quota is reached or projected to be reached. Although the quota has not been exceeded in the last three years, the quota was exceeded once in the last four years (2011/-12 – 2014/-15), and, ignoring the most recent year, twice during the preceding four years (2010/-11 – 2013/-14; Table 1.1.1). To be consistent with National Standard 1 (NS1) guidelines, AMs are being re-evaluated for the gillnet fleet to improve the likelihood of not exceeding the quota in the future. Furthermore, the gillnet fishermen themselves have requested more stringent AMs be adopted to accompany any trip limit increase (Action 1), which is supported by the fleet.

Currently, there is not a post-season quota overage adjustment in place, therefore there are no direct effects on fishermen from exceeding the quota, under **Alternative 1**. However, should the

quota continue to be exceeded, more restrictive AMs may need to be evaluated to prevent further overages and to be consistent with NS1 guidelines. Establishing an ACT (**Alternative 2**) would be expected to reduce the likelihood of exceeding the ACL in-season, as the season would be closed when the ACT is reached or projected to be reached, rather than the ACL (**Alternative 1**).

Several options are provided for setting the ACT in **Alternative 2**. The smaller the ACT, the greater the buffer is between the ACT and ACL, and the less likely it would be for the ACL to be exceeded; under status quo, negative direct effects would not be expected as there is currently no quota overage adjustment, although negative indirect effects could result if the health of the stock is negatively affected by a quota overage, impacting the long-term stability of the stock. Conversely, selecting too large of a buffer could result in an in-season closure occurring too soon before the quota is met, preventing the achievement of optimum yield, and resulting in some negative effects. The ACL would be less likely to be exceeded with each successive increase in the buffer from **Options a, b, and c**, respectively. At the same time, with each successive increase in the buffer, it would be less likely that the entire ACL is met. Because the quota has been exceeded once in the last four years, and not once in the most recent three seasons, a smaller buffer, such as under **Option a**, could provide some additional protection to avoid a quota overage, while not requiring the season to close too early. **Option b** would increase the buffer by 5% compared with **Option a**, and **Option c** would increase the buffer 15% compared with **Option a**, resulting in an ACT that would be set at 20% below the ACL.

The effects of selecting **Option d** would be most similar to **Option a**, as both options would reduce the quota by 5%, although the proportional reduction from the ACL under **Option d** could change, depending on the uncertainty expressed in the future stock assessments. As it is unknown how uncertainty could change in the future, including the direction of any such change, the fixed 5% buffer (**Option a**) would be expected to be more beneficial for the social environment by remaining constant unless changed through subsequent rulemaking.

Alternative 3 proposes a quota overage adjustment, such that the ACL and ACT would be reduced in the year following a quota overage, by the amount of the overage. Should a quota overage occur and the following year's ACL be reduced, some beneficial effects would be expected for the stock which would be expected to translate into indirect, long-term social benefits. If a quota overage is large, negative short-term social effects could result from the overage adjustment and would be relative to the amount of quota that is subtracted. With **Option a**, the overage adjustment would be applied regardless of stock status and may have more negative social effects in the short-term, but potential benefits in the long-term if stock status is improved as a result. However, if the overage adjustment is made while the stock is healthy and the stock status is not improved as a result of the overage adjustment, then only negative social effects would be expected from the overage adjustment under **Option a**. Applying an overage adjustment only when the stock is overfished (**Option b**) would be expected to result in equivalent negative effects in the short term, compared with **Option a**, but these effects would be mitigated in the long-term by lowering the harvest limit when the stock is overfished.

Alternatives 2 and 3 could both be selected. While **Alternative 3** would require a reduction to the quota in the year following an ACL overage, should the quota not be met in a given year,

Alternative 2, Option e would add the amount of uncaught quota to the following year's quota, up to the ACL. Direct social benefits would be expected to result from **Option e**, as lost opportunities to harvest fish in one year are added to the next year's quota. **Option e** may only be selected if one of **Alternative 2, Options a-d** is also selected as preferred. Thus, if the buffer selected among **Options 2a-2d** proves to be too large and the season is closed early (preventing the achievement of optimum yield), **Option 2e** would help mitigate these negative effects by increasing fishing opportunities in the following year.

4.2.4 Direct and Indirect Effects on the Administrative Environment

The monitoring and documentation needed to track landings for the gillnet component of the Gulf Florida West Coast Southern Subzone exist within current NMFS electronic reporting systems; however, improvements to these systems are being considered under Action 4 (Section 4.4). Currently, seafood dealers who purchase king mackerel are required to report those landings electronically every day, regardless of whether they actually purchased king mackerel landed using gillnets on a given day. Due to quality controls in place to validate landings, NMFS may not receive validated landings from the gillnet component until up to 48 hours after those fish were landed at the dock. Because **Alternative 1** (no action) would not require additional rulemaking, it would have no effect on the administrative environment.

Alternative 2 and its associated options would establish an ACT at some level below the ACL for the gillnet component of the Gulf Florida West Coast Southern Subzone. If an ACT is established in one of **Options a-d** of **Alternative 2**, any rulemaking which would be made for the ACL would concurrently be made for the ACT, thereby not causing any significant administrative burden. However, if Option 3 of Alternative 2 is chosen as preferred, a direct effect on the administrative environment would be observed each time the ACT was adjusted to account for the carry-over of the previous year's remaining quota.

In the event that the Gulf Florida West Coast Southern Subzone gillnet ACL is exceeded, a reduction of the subsequent year's ACL by the amount of the overage (hereafter: "payback provision", or "payback") could be implemented under **Alternative 3**. This payback provision could be implemented either regardless of stock status (**Option a**) or only if Gulf migratory group king mackerel have been declared overfished by NMFS (**Option b**). Adjusting for an overage of the quota would have direct negative effects on the administrative environment through additional rulemaking and recalculating the subsequent year's ACL. The act of adjusting the ACL and ACT for the gillnet component under **Alternative 3** would need to occur each time the ACL for the gillnet component is exceeded. Therefore, these alternatives would trigger an additional administrative burden to the Council and NMFS to set the revised ACL (and ACT, if **Alternative 2** is selected as preferred).

4.3 Action 3: Modify Electronic Reporting Requirements for Dealers Receiving King Mackerel Harvested by Gillnet in the Gulf Florida West Coast Southern Subzone

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 Subzone must submit forms daily to the electronic reporting system supported by the Southeast Fisheries Science Center by 6:00 a.m. local time. Until the commercial quota for the run-around gillnet sector for Gulf migratory group king mackerel is reached, if no king mackerel were received, an electronic report so stating must be submitted for that day.

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 Subzone 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 fish were received during a week, an electronic report so stating must be submitted for that reporting week.

Preferred Alternative 3: Remove the requirement for *daily electronic* reporting by commercial king mackerel gillnet dealers. During the open fishing season, dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Southern Subzone must report *daily via the port agents, telephone, internet, or other similar means determined by the National Marine Fisheries Service* (NMFS). Prior to the beginning of each commercial king mackerel gillnet season, NMFS will provide written notice to king mackerel gillnet dealers if the reporting method and deadline change from the previous year, and will also post this information on the Southeast Regional Office website. In addition, dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf Southern Subzone 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. If no fish were received during a reporting week, an electronic report so stating must be submitted for that reporting week.

4.3.1 Direct and Indirect Effects on the Physical and Biological Environments

Changing reporting requirements should have no direct impact on the physical or biological environments. More timely quota monitoring through daily reporting may help to keep harvest within the ACL for the gillnet component of the CMP fishery. **Alternative 1** and **Preferred Alternative 3** retain the daily reporting requirement, and indirectly, would be slightly more beneficial to the biological environment than **Alternative 2**.

4.3.2 Direct and Indirect Effects on the Economic Environment

Alternative 1, no action, would continue to require the daily reporting of gillnet-caught king mackerel through the electronic monitoring system and would therefore not affect the harvest and customary uses of king mackerel. Consequently, **Alternative 1** would not be expected to result in direct economic effects. However, **Alternative 1** would continue to allow for a time lag in the transmittal of landings information to NMFS. If the time lags result in delaying needed management measures, e.g., a timely closure of the fishery, and adversely affects the king mackerel stocks, adverse indirect economic effects would be expected to result.

Alternative 2 would switch from daily to weekly electronic reporting but would not affect the harvest or other customary uses of king mackerel for gillnet fishermen. Therefore, **Alternative 2** would not be expected to result in direct economic effects. Although **Alternative 2** would be expected to ease the burden of dealers relative **Alternative 1**, it could exacerbate the delays in the transmittal of landings information to managers, potentially deferring the implementation of needed management measures such as closures and resulting in indirect adverse economic effects. **Preferred Alternative 3** would also switch from daily to weekly electronic reporting but would also establish a reporting system that would allow fishery managers to access gillnet-caught king mackerel data on a daily basis. **Preferred Alternative 3** would not affect the harvest or other customary uses of king mackerel for gillnet fishermen and would not be expected to result in direct economic effects. However, because it would facilitate the consistent and timely availability of landings data for gillnet-caught king mackerel, **Preferred Alternative 3** would be expected to result in indirect economic benefits stemming from the timely implementation of needed management measures such as season closures.

4.3.3 Direct and Indirect Effects on the Social Environment

Although additional effects would not be expected from retaining **Alternative 1**, the current requirement for daily submission of a landings report by 6:00 a.m. has been difficult for dealers to meet due to late night landings and long offloading times. This has led to delays in the processing of landings reports, making quota monitoring difficult. Given the very short season and daily harvest patterns of the king mackerel gillnet fleet, the problems with timely landings reporting under **Alternative 1** would be expected to continue, and the likelihood for a quota overage would persist.

Reducing the frequency of the reporting requirement for king mackerel gillnet dealers (**Alternative 2**) would make quota monitoring more difficult than at present (**Alternative 1**). Under **Alternative 2**, the likelihood of a quota overage would be expected to be greater than under **Alternative 1**, if not for the existing system of informal cooperation between gillnet dealers and NMFS to provide landings to managers directly.

Preferred Alternative 3 would continue to require a form of daily reporting, so dealers would not be negatively affected through increased requirements compared to **Alternative 1**, as dealers are currently required to report daily. Under **Preferred Alternative 3**, the daily reporting would be accomplished through similar means as the dealers are now providing informal landings reports to NMFS, a practice that began as a result of the delays experienced in the status quo

reporting system (**Alternative 1**). A weekly electronic report would be required, consistent with the current protocol for daily electronic reporting. Because dealers are currently employing both of these reporting methods (daily direct reports to NMFS and daily electronic reporting), no negative effects would be expected for dealers. Rather, the burden on dealers to report would be less than the burden currently undertaken by dealers, who at present, are both reporting daily landings directly to NMFS and submitting daily electronic reports.

4.3.4 Direct and Indirect Effects on the Administrative Environment

Daily reporting (**Alternative 1**) imposes a greater administrative burden than weekly reporting (**Alternative 2**), and daily and weekly combined (**Preferred Alternative 3**) is greater still. However, electronic reporting automates much of the data collection, easing the administrative burden. **Preferred Alternative 3** could include both electronic and manual data collection, but would provide the most timely and accurate way to monitor the ACL, and reduce the likelihood of overages. If a payback provision is established through Action 2, an overage would result in more of an administrative burden; therefore, **Preferred Alternative 3** could reduce the administrative impacts by reducing the chance of an overage. Because the gillnet season is very short, the administrative impacts of the three alternatives would actually be similar and minimal.

4.4 Action 4: Elimination of Inactive Commercial King Mackerel Gillnet Permits

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

Alternative 2: Allow commercial king mackerel gillnet permits to be renewed only if *average landings* during 2006-2015 were greater than one of the options listed below. Gillnet permits that do not qualify will be non-renewable and non-transferable.

Option a: 1 pound

Option b: 10,000 lbs

Option c: 25,000 lbs

Alternative 3: Allow commercial king mackerel gillnet permits to be renewed only if *landings for a single year* during 2006-2015 were greater than one of the options listed below. Gillnet permits that do not qualify will be non-renewable and non-transferable.

Option a: 1 pound

Option b: 10,000 lbs

Option c: 25,000 lbs

Alternative 4: Allow commercial king mackerel gillnet permits to be renewed only if *average landings* during 2011-2015 were greater than one of the options listed below. Gillnet permits that do not qualify will be non-renewable and non-transferable.

Option a: 1 pound

Option b: 10,000 lbs

Option c: 25,000 lbs

Alternative 5: Allow commercial king mackerel gillnet permits to be renewed only if *landings for a single year* during 2011-2015 were greater than one of the options listed below. Gillnet permits that do not qualify will be non-renewable and non-transferable.

Option a: 1 pound

Option b: 10,000 lbs

Option c: 25,000 lbs

4.4.1 Direct and Indirect Effects on the Physical and Biological Environments

This action would not directly affect the physical or biological environments. The indirect impacts would depend on the amount of effort attributable to the fishermen whose permits would be eliminated. The four permits that would be eliminated with **Option a** under **Alternative 2** or **3**, or **Alternative 3**, **Option b**, have not been active for the last 10 years, and therefore no change in impacts to the physical and biological environments would be expected. The additional two permits that would be eliminated with **Option a** under **Alternative 4** or **5**, or **Alternative 5**, **Option b**, have not been active for the last five years, and therefore no change in impacts would be expected. If one of the other options is chosen, the fishermen affected likely harvested only minimal quantities of king mackerel with gillnets, and as such their impact on the physical and

biological environments would be minimal. The highest level of beneficial impacts would be expected with **Alternative 2, Option c**, which would eliminate the most permits. However, other participants may increase effort, negating those benefits.

4.4.2 Direct and Indirect Effects on the Economic Environment

Alternative 1, the no action alternative, would not affect commercial harvesters of king mackerel using gillnets and would not impact their ex-vessel revenues or operating costs. Therefore, **Alternative 1** would not be expected to result in economic effects. The remaining alternatives would establish eligibility criteria to retain gillnet king mackerel permits. Eligibility criteria under consideration are either based on minimum king mackerel landings in a single year (**Alternatives 3 and 5**) or on average landings during a given time interval (**Alternatives 2 and 4**). For each alternative, landings threshold of one pound (**Option a**), 10,000 lbs (**Option b**), and 25,000 lbs (**Option c**) are considered. The time intervals considered under **Alternatives 2-3** and under **Alternatives 4-5** are 2006 to 2015 and 2011 to 2015, respectively.

The elimination of inactive commercial king mackerel gillnet permits based on a landings threshold of one pound (**Option a** of **Alternatives 2-5**) would not be expected to result in economic effects other than the potential loss of opportunities to excluded permit holders, should they want to enter the gillnet king mackerel fishery in the future. For a given time interval and a given eligibility landings threshold, alternatives based on average landings would be expected to be more restrictive, i.e., eliminate more permits, than alternatives based on average landings. For example, for the 2006-2015 time interval, a 10,000-lb landings threshold (**Option b**) would eliminate seven permits if eligibility is based on average landings (**Alternative 2**) but would only eliminate four permits based on a single year (**Alternative 3**). For the remaining vessels in the gillnet fleet, the elimination of some vessels based on a 10,000 or 25,000-lb landings threshold would result in additional ex-vessel revenues that would be derived from harvesting the portion of the king mackerel quota previously landed by the excluded vessels. It follows that comparable ex-vessel revenues would be lost by vessels excluded from the gillnet fishery. Greater amounts of king mackerel previously landed by excluded vessels would be expected to result in greater economic benefits to the remaining vessels (or losses to excluded vessels). From this perspective, **Option c** of **Alternative 2**, which would set the highest landings threshold and exclude the largest number of permit holders, would be expected to result in the greatest economic benefits to the remaining vessels (or losses to excluded vessels). However, vessels excluded from the gillnet fishery would be expected to make up for their ex-vessel revenue losses by increasing their harvests of other species; potentially resulting in undue pressure on other stocks. The added pressure on other stocks may cause adverse effects to these stocks and result in negative economic effects.

4.4.3 Direct and Indirect Effects on the Social Environment

Additional effects would not be expected from retaining **Alternative 1**, which would allow the 21 commercial king mackerel gillnet permits to remain active, renewable, and transferable under current requirements. Since the 2010-2011 fishing season, 14 or 15 vessels have actively fished for king mackerel with gillnets, leaving 6 or 7 vessels with gillnet permits inactive during these years. Although those gillnet permits were not used, the holders of the permits have continued to

renew them annually, suggesting the permit holder places value on retaining the permit. Although the specific circumstances and fishing practices of those permit holders who are not currently gillnetting for king mackerel is unknown, it is assumed that the holders of the latent permits may continue to renew their permits to maintain their access to reenter the fishery at some point.

This action proposes to reduce the number of gillnet permits by only allowing their renewal if a specified threshold of landings (**Options a-c**) was made during a specified period of time (**Alternatives 2-5**). Depending on the selected alternative and option, a greater or lesser number of permits would be ineligible for renewal (Table 2.4.1).

Effects would differ depending on the permit holder's participation in king mackerel gillnet fishing. For those who renew but do not use their gillnet permit, direct effects would not be expected from prohibiting the renewal of latent permits as the permit holder is not actively engaged in king mackerel gillnet fishing. However, negative indirect effects would be expected for those who are unable to renew their permits but would have participated in the fishery at a later time. Maintaining a limited access permit provides an alternate fishing strategy to the permit holder, by allowing them to maintain access and enter a fishery should they need to switch between fishing activities and gear types due to regulatory changes or environmental conditions, for example. For active participants, eliminating latent permits would be expected to provide direct and indirect benefits, as their future participation in gillnet fishing and respective portion of the quota is made more secure. Thus, there is a tradeoff in effects where active gillnet participants would benefit from the removal of latent permits, while those holding but not using their permits would be negatively affected.

Generally, selecting the lowest threshold of landings (**Options a**, 1 lb) would affect renewal of the fewest permits, with more permits becoming ineligible for renewal under greater landings thresholds (**Options b** followed by **Options c**). Also in general, using landings from a single year (**Alternatives 3** and **5**) would affect renewal of fewer permits than using average landings over a series of years (**Alternatives 2** and **4**), which would eliminate a greater number of permits from renewal. Thus, for the proposed alternatives and options, **Option a** of **Alternative 2**, and **Options a** and **b** of **Alternative 3**, would render the fewest permits ineligible for renewal, while **Option c** of **Alternative 2** would affect the most permits (10 out of 21, or roughly 50%). The remaining alternatives and options would have intermediary effects, relative to the number of permits that become ineligible for renewal (Table 2.4.1).

4.4.4 Direct and Indirect Effects on the Administrative Environment

Eliminating permits as with **Alternatives 2-5** would slightly decrease the administrative burden relative to **Alternative 1** because fewer permit renewals would need to be processed each year. None of the alternatives should have any impact on the level of enforcement. For each alternative, the option with the most permits removed would be **Option c**, followed by **Option b**, and **Option a**. More eliminated permits would result in a lower administrative burden, but the difference in the number of permits eliminated among all alternatives is slight, so impacts would be minimal.

4.5 Cumulative Effects Analysis

As directed by the National Environmental Policy Act (NEPA), federal agencies are mandated to assess not only the indirect and direct effects, but cumulative effects of actions as well. NEPA defines cumulative effects as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time” (40 CFR 1508.7). Cumulative effects can either be additive or synergistic. A synergistic effect occurs when the combined effects are greater than the sum of the individual effects. The following are some past, present, and future actions that could impact the environment in the area where the CMP fishery is prosecuted.

Past Actions

The Deepwater Horizon MC252 (DWH) oil spill in 2010 affected at least one-third of the Gulf from western Louisiana east to the Florida Panhandle and south to the Campeche Bank of Mexico. Millions of barrels of oil flowed from the ruptured wellhead (www.restorethegulf.gov). The impacts of the DWH oil spill on the physical environment may be significant and 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 suspended within the water column (Camilli et al. 2010; Kujawinski et al. 2011). Floating and suspended oil washed onto coastlines in several areas of the Gulf along with non-floating tar balls. Suspended and floating oil degrades over time, but tar balls persist in the environment and can be transported hundreds of miles (Goodman 2003).

Surface or submerged oil during the DWH oil spill event could have restricted the normal processes of atmospheric oxygen mixing into and replenishing oxygen concentrations in the water column affecting the long-standing hypoxic zone located west of the Mississippi River on the Louisiana continental shelf (NOAA 2010). Microbial biodegradation of hydrocarbons in the water column may have occurred without substantial oxygen drawdown (Hazen et al. 2010). Residence time of hydrocarbons in sediments is also a concern. The indices developed for past oil spills (Harper 2003) and oil spill scenarios (Stjernholm et al. 2011) such as the “oil residence index” do not appear to have been used during the assessment of the DWH oil spill.

The cumulative effects from the DWH oil spill and response may not be known for several years. The highest concern is that the oil spill may have impacted the spawning success of species that spawn in the summer months, either by reducing spawning activity or by reducing survival of the eggs and larvae. The oil spill occurred during spawning months for every species in the CMP FMP; however, most species have a protracted spawning period that extends beyond the months of the oil spill. A 2014 study (Incardona et al 2014), embryos of bluefin tuna, yellowfin tuna, and amberjack exposed to environmentally realistic levels of hydrocarbons showed defects in heart function. Other studies of the effects of hydrocarbon are ongoing.

If eggs and larvae were affected, impacts on harvestable-size king mackerel will begin to be seen when the 2010 year class becomes large enough to enter the fishery and be retained. The impacts would be realized as reduced fishing success and reduced spawning potential. King

mackerel mature at age 3-4; therefore, a year class failure in 2010 could have been observed as early as 2013 or 2014. No data were available which demonstrated any such potential for year class failure during the data scoping process for 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.

Participation in and the economic performance of the CMP fishery addressed in this document have been affected by a combination of regulatory, biological, social, and external economic factors. Regulatory measures have obviously affected the quantity and composition of harvests of king mackerel, through the various size limits, seasonal restrictions, trip or bag limits, and quotas. In addition to a complex boundary and quota system, the CMP fishery also exists under regulations on bag limits, size limits, trip limits, and gear restrictions.

Amendment 20B, implemented in March 2015, allowed transit of vessels with king mackerel through areas closed to king mackerel fishing. This will allow gillnet vessels docked north of the Florida West Coast Southern Subzone to land king mackerel at their homeport rather than transporting south to a more distant port in the Florida Keys. This should improve safety at sea, and increase efficiency for some king mackerel gillnet vessels.

The commercial king mackerel permit, king mackerel gillnet permit, and the Gulf Charter/Headboat CMP permit are all under limited entry permit systems. New participation in the king mackerel commercial fishery and the for-hire CMP sector in the Gulf require access to additional capital and an available permit to purchase, which may limit opportunities for new entrants. The gillnet permits can only be transferred to an immediate family member. Additionally, almost all fishermen or businesses with one of the limited entry permits also hold at least one (and usually multiple) additional commercial or for-hire permit to maintain the opportunity to participate in other fisheries. Commercial fishermen, for-hire vessel owners and crew, and private recreational anglers commonly participate in multiple fisheries throughout the year, and king mackerel gillnet fishermen rely on lobster, stone crab, or other species outside of the short gillnet season. Even within the CMP fishery, effort can shift from one species to another due to environmental, economic, or regulatory changes. Overall, changes in management of one species in the CMP fishery can impact effort and harvest of another species (in the CMP fishery or in another fishery) because of multi-fishery participation that is characteristic in the Gulf and South Atlantic regions, but particularly for king mackerel gillnetters.

Biological forces that either motivate certain regulations or simply influence the natural variability in fish stocks have likely played a role in determining the changing composition of the king mackerel gillnet component of the CMP fishery. Additional factors, such as changing career or lifestyle preferences, stagnant to declining prices due to imports, increased operating costs (gas, ice, insurance, dockage fees, etc.), and increased waterfront/coastal value leading to development pressure for other than fishery uses have impacted both the commercial and recreational fishing sectors. In general, the regulatory environment for all fisheries has become progressively more complex and burdensome, increasing the pressure on economic losses, business failure, occupational changes, and associated adverse pressures on associated families, communities, and businesses. Some reverse of this trend is possible and expected through management. However, certain pressures would remain, such as total effort and total harvest

considerations, increasing input costs, import induced price pressure, and competition for coastal access.

Present Actions

Currently a formal consultation is underway (as required by Section 7 in the Endangered Species Act) for the CMP fishery, triggered by the listing in 2012 of the Carolina and South Atlantic distinct population segments (DPSs) of Atlantic sturgeon as endangered under the Endangered Species Act (ESA). Additional requirements may result from the consultation.

Reasonably Foreseeable Future Actions

The following are regulatory actions affecting the CMP fishery that may be implemented within the next year. Amendment 26 will include actions to increase the ACLs for king mackerel, including the gillnet ACL. The amendment will also consider reallocation among Gulf zones and between sectors. These actions are based on results of a Southeast Data Assessment and Review (SEDAR) assessment of king mackerel completed in 2014 (SEDAR 38). The Councils are may begin development of an amendment to establish separate king mackerel permits for the Gulf and South Atlantic.

The Environmental Protection Agency's climate change webpage (<http://www.epa.gov/climatechange/>) provides basic background information on measured or anticipated effects from global climate change. A compilation of scientific information on climate change can be found in the United Nations Intergovernmental Panel on Climate Change's Fourth Assessment Report (Solomon et al. 2007). Those findings are incorporated here by reference and are summarized. Global climate change can affect marine ecosystems through ocean warming by increased thermal stratification, reduced upwelling, sea level rise, and through increases in wave height and frequency, loss of sea ice, and increased risk of diseases in marine biota. Decreases in surface ocean pH due to absorption of anthropogenic carbon dioxide emissions may impact a wide range of organisms and ecosystems. These influences could affect biological factors such as migration, range, larval and juvenile survival, prey availability, and susceptibility to predators. At this time, the level of impacts cannot be quantified, nor is the time frame known in which these impacts would occur. These climate changes could have significant effects on southeastern fisheries; however, the extent of these effects is not known at this time (IPCC 2007).

In the southeast, general impacts of climate change have been predicted through modeling, with few studies on specific effects to species. Warming sea temperature trends in the southeast have been documented, and animals must migrate to cooler waters, if possible, if water temperatures exceed survivable ranges (Needham et al. 2012). Mackerels and cobia are migratory species, and may shift their distribution over time to account for the changing temperature regime. However, no studies have shown such a change yet. Higher water temperatures may also allow invasive species to establish communities in areas they may not have been able to survive previously. An area of low oxygen, known as the dead zone, forms in the northern Gulf each summer, and has been increasing in recent years. Climate change may contribute to this increase by increasing rainfall that in turn increases nutrient input from rivers. This increased nutrient

load causes algal blooms that, when decomposing, reduce oxygen in the water (Needham et al. 2012; Kennedy et al. 2002). Other potential impacts of climate change to the southeast include increases in hurricanes, decreases in salinity, altered circulation patterns, and sea level rise. The combination of warmer water and expansion of salt marshes inland with sea-level rise may increase productivity of estuarine-dependent species in the short term. However, in the long term, this increased productivity may be temporary because of loss of fishery habitats due to wetland loss (Kennedy et al. 2002). Actions from this amendment are not expected to significantly contribute to climate change through the increase or decrease in the carbon footprint from fishing.

Hurricane season is from June 1 to November 30, and accounts for 97% of all tropical activity affecting the Atlantic Basin. These storms, although unpredictable in their annual occurrence, can devastate areas when they occur. However, while these effects may be temporary, those fishing-related businesses whose profitability is marginal may go out of business if a hurricane strikes.

The cumulative social and economic effects of past, present, and future amendments may be described as limiting fishing opportunities in the short-term, with some exceptions of actions that alleviate some negative social and economic impacts. The intent of these actions is to improve prospects for sustained participation in the respective fisheries over time and the proposed actions in this amendment are expected to result in some important long-term benefits to the commercial and for-hire fishing fleets, fishing communities and associated businesses, and private recreational anglers. The proposed changes in management for CMP species will contribute to changes in the fishery within the context of the current economic and regulatory environment at the local and regional level.

Monitoring

The effects of the proposed action are, and will continue to be, monitored through collection of landings data by NMFS, stock assessments and stock assessment updates, life history studies, economic and social analyses, and other scientific observations. Commercial data are collected through trip ticket programs, port samplers, and logbook programs.

The proposed action relates to the harvest of an indigenous species in the Gulf and Atlantic, and the activity being altered does not itself introduce non-indigenous species, and is not reasonably expected to facilitate the spread of such species through depressing the populations of native species. Additionally, it does not propose any activity, such as increased ballast water discharge from foreign vessels, which is associated with the introduction or spread on non-indigenous species.

CHAPTER 5: REGULATORY IMPACT REVIEW

CHAPTER 6: REGULATORY FLEXIBILITY ANALYSIS

CHAPTER 7. LIST OF AGENCIES, ORGANIZATIONS AND PERSONS CONSULTED

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

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 8. REFERENCES

Armitage et al. 2009. Adaptive Co-Management for Social-Ecological Complexity Frontiers in Ecology and the Environment, Vol. 7, No. 2, pp. 95-102.

Barnette, M. C. 2001. A review of the fishing gear utilized within the Southeast Region and their potential impacts on essential fish habitat. NOAA Technical Memorandum NMFS-SEFSC-449, 62 pp.

Brooks, E. N. and M. Ortiz. 2004. Estimated von Bertalanffy growth curves for king mackerel stocks in the Atlantic and Gulf of Mexico. Sustainable Fisheries Division Contribution SFD-2004-05. SEDAR5 AW-10. National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Southeast Fisheries Science Center. Miami, Florida.

Camilli, R., C. M. Reddy, D. R. Yoerger, B. A. S. Van Mooy, M. V. Jakuba, J. C. Kinsey, C. P. McIntyre, S. P. Sylva, and J. V. Maloney. 2010. Tracking Hydrocarbon Plume Transport and Biodegradation at Deepwater Horizon. Science 330(6001): 201-204.

GMFMC and SAFMC. 1985. Final amendment 1 to the fishery management plan, environmental impact statement, for coastal migratory pelagic resources (mackerels). Gulf of Mexico Fishery Management Council. Tampa, Florida, and South Atlantic Fishery Management Council. Charleston, South Carolina. ftp://ftp.gulfcouncil.org/Web_Archive/Mackerel/MAC%20Amend-01%20Final%20Apr85.pdf

GMFMC. 2000. Final Amendment 9 to the Fishery Management Plan for Coastal Migratory Pelagic Resources (Mackerels) in the Gulf of Mexico and South Atlantic, including Environmental Assessment, Regulatory Impact Review, and Initial Regulatory Flexibility Analysis. Gulf of Mexico Fishery Management Council, Tampa, Florida; and South Atlantic Fishery Management Council, North Charleston, South Carolina. <http://www.gulfcouncil.org/Beta/GMFMCWeb/downloads/MAC%20Amend-09%20Final%201998-11.pdf>

GMFMC and SAFMC. 2011. Final Generic Amendment to the Fishery Management Plans in the Gulf of Mexico and South Atlantic Regions: Modifications to Federally Permitted Seafood Dealer Reporting Requirements, including Environmental Assessment, Fishery Impact Statement, Regulatory Impact Review, and Initial Regulatory Flexibility Analysis. Gulf of Mexico Fishery Management Council, Tampa, Florida; and South Atlantic Fishery Management Council, North Charleston, South Carolina. http://www.gulfcouncil.org/docs/amendments/Dealer_Reporting_Amendment.pdf

Goodman, R., 2003. Tar Balls: The End State. Spill Science & Technology Bulletin 8(2): 117-121.

Harper, J. 2003. Exxon Valdez oil spill Trustee Council Gulf of Alaska ecosystem monitoring project final report. ShoreZone Mapping of the Outer Kenai Coast, Alaska. Gulf of Alaska Ecosystem Monitoring Project 02613, 74 pp.

<http://library.alaska.gov/asp/edocs/2006/01/ocm63671143.pdf>

Hazen, T. C., E. B. Dubinsky, T. Z. DeSantis, G. L. Andersen, Y. M. Piceno, N. Singh, J. K. Jansson, A. Probst, S. E. Borglin, J. L. Fortney, W. T. Stringfellow, M. Bill, M. E. Conrad, L. M. Tom, K. L. Chavarria, T. R. Alusi, R. Lamendella, D. C. Joyner, C. Spier, J. Baelum, M. Auer, M. L. Zemla, R. Chakraborty, E. L. Sonnenthal, P. D'haeseleer, H. N. Holman, S. Osman, Z. Lu, J. D. Van Nostrand, Y. Deng, J. Zhou, O. U. Mason. 2010. Deep-sea oil plume enriches indigenous oil-degrading bacteria. *Science* 330: 204-208.

Incardona, J.P., L. D. Gardnerb, T. L. Linbo, T. L. Brown, A. J. Esbaugh, E. M. Mager, J. D. Stieglitz, B. L. French, J. S. Labenia, C. A. Laetz, M. Tagal, C. A. Sloan, A. Elizur, D. D. Benetti, M. Grosell, B. A. Block, and N. L. Scholz. 2014. Deepwater Horizon crude oil impacts the developing hearts of large predatory pelagic fish. *Proceedings of the National Academy of Sciences of the United States of America* 111(15): 1510-1518.z

IPCC (Intergovernmental Panel on Climate Change). 2007. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. M. L. Parry, O. F. Canziani, J. P. Palutikof, P. J. van der Linden and C. E. Hanson (eds). [Cambridge University Press](http://www.cambridge.org/9780521464601), Cambridge, United Kingdom and New York, NY, USA.

Jacob, S., P. Weeks, B. Blount, and M. Jepson. 2012. Development and Evaluation of Social Indicators of Vulnerability and Resiliency for Fishing Communities in the Gulf of Mexico. *Marine Policy* 26(10): 16-22.

Jepson, M. and L.L. Colburn. 2013. Development of Social Indicators of Fishing Community Vulnerability and Resilience in the U.S. Southeast and Northeast Regions. U.S. Dept. of Commerce, NOAA Technical Memorandum NMFS-F/SPO-129, 64 p.

Kennedy, V. S., R. R. Twilley, J. A. Kleypas, J. H. Cowan, and S. R. Hare. 2002. Coastal and marine ecosystems & global climate change. Report prepared for the Pew Center on Global Climate Change. 52p. Available at: http://www.c2es.org/docUploads/marine_ecosystems.pdf.

Kujawinski, E. B., M. C. Kido Soule, D. L. Valentine, A. K. Boysen, K. Longnecker, and M. C. Redmond. 2011. Fate of dispersants associated with the Deepwater Horizon Oil Spill. *Environmental Science and Technology* 45: 1298-1306.

MSAP (Mackerel Stock Assessment Panel). 1996. Report of the Mackerel Stock Assessment Panel. Prepared by the Mackerel Stock Assessment Panel. Gulf of Mexico Fishery Management Council. Tampa, Florida.

Mayo, C. A. 1973. Rearing, growth, and development of the eggs and larvae of seven scombrid fishes from the Straits of Florida. Doctoral dissertation. University of Miami, Miami, Florida.

- McEachran, J. D., and J. H. Finucane. 1979. Distribution, seasonality and abundance of larval king and Spanish mackerel in the northwestern Gulf of Mexico. (Abstract). Gulf States Marine Fisheries Commission. Publication Number 4. Ocean Springs, Mississippi.
- Needham, H., D. Brown, and L. Carter. 2012. Impacts and adaptation options in the Gulf coast. Report prepared for the Center for Climate and Energy Solutions. 38 p. Available at: <http://www.c2es.org/docUploads/gulf-coast-impacts-adaptation.pdf>.
- NMFS. 2007. Endangered Species Act– Section 7 Consultation on The Continued Authorization of Fishing under the Fishery Management Plan (FMP) for Coastal Migratory Pelagic Resources in the Atlantic and Gulf of Mexico. Biological Opinion, August 13.
- NOAA. 2010. Deepwater Horizon oil: Characteristics and concerns. NOAA Office of Response and Restoration, Emergency Response Division, 2 pp. http://www.noaa.gov/deepwaterhorizon/publications_factsheets/documents/OilCharacteristics.pdf
- Schekter, R. C. 1971. Food habits of some larval and juvenile fishes from the Florida current near Miami, Florida. MS Thesis, University of Miami, Coral Gables.
- Stjernholm, M., D. Boertmann, A. Mosbech, J. Nyman, F. Merkel, M. Myrup, H. Siegstad, S. Potter. 2011. Environmental oil spill sensitivity atlas for the northern West Greenland (72°-75° N) coastal zone. NERI Technical Report no. 828. National Environmental Research Institute, Aarhus University, Denmark, 210 pp. <http://www.dmu.dk/Pub/FR828.pdf>
- Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K. B. Averyt, M. Tignor, and H. L. Miller. Intergovernmental Panel on Climate Change 2007. Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change Cambridge University Press, Cambridge, United Kingdom and New York, New York. Available at: http://www.ipcc.ch/publications_and_data/publications_ipcc_fourth_assessment_report_wg1_report_the_physical_science_basis.htm.
- Vondruska, J. 2010. Fishery analysis of the commercial fisheries for eleven coastal migratory pelagic species. SERO-FSSB-2010-01. National Marine Fisheries Service, Southeast Regional Office. St. Petersburg, Florida.
- Wollam, M. B. 1970. Description and distribution of larvae and early juveniles of king mackerel, *Scomberomorus cavalla* (Cuvier), and Spanish mackerel, *S. maculatus* (Mitchill); (Pisces: Scombridae); in the Western North Atlantic. Florida Department of Natural Resources Laboratory Technical Service 61.

APPENDIX A. CONSIDERED BUT REJECTED ACTIONS AND ALTERNATIVES

Action 1: Modify the Commercial King Mackerel Gillnet Trip Limit

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 permits, regardless of whether the trip limit has been exceeded, will count against that year's Gulf Florida West Coast Southern Subzone gillnet quota.

Option 3a: Establish a 5% buffer

Option 3b: Establish a 10% buffer

Option 3c: Establish a 20% buffer

Rationale: *The Gulf Council chose to consider a quota buffer in the form of an annual catch target as opposed to the method stated in Alternative 3 of Action 1. Additionally, the Gulf Council thought that a buffer as described above would constitute a trip limit increase up to the amount allowed beyond the trip limit by the buffer.*

Action 2: 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 permit in excess of the trip limit is deducted from the following year's Florida West Coast Southern Subzone Gillnet ACL. The NMFS will monitor the landings and make any necessary adjustments to the subsequent year's Florida West Coast Southern Subzone Gillnet ACL. The ACT (if established) will be adjusted to reflect the previously established percent buffer.

Rationale: *The Gulf Council chose to no longer consider this alternative since a buffer in the trip limit was not selected, making this alternative untenable. Also, the essence of this alternative, less the association with the buffer, has already been characterized in another alternative in the same action.*

APPENDIX B. OTHER APPLICABLE LAW

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 et seq.) provides the authority for fishery management in federal waters of the Exclusive Economic Zone. However, fishery management decision-making is also affected by a number of other federal statutes designed to protect the biological and human components of U.S. fisheries, as well as the ecosystems that support those fisheries. Major laws affecting federal fishery management decision-making include the National Environmental Policy Act (sections throughout the document), Endangered Species Act (Section 3.3.2), Marine Mammal Protection Act (Section 3.3.2), E.O. 12866 (Regulatory Planning and Review, Chapter 5) and E.O. 12898 (Environmental Justice, Section 3.5.5). Other applicable laws are summarized below.

Administrative Procedure Act

All federal rulemaking is governed under the provisions of the Administrative Procedure Act (APA) (5 U.S.C. Subchapter II), which establishes a “notice and comment” procedure to enable public participation in the rulemaking process. Under the APA, National Marine Fisheries Service (NMFS) is required to publish notification of proposed rules in the *Federal Register* and to solicit, consider, and respond to public comment on those rules before they are finalized. The APA also establishes a 30-day waiting period from the time a final rule is published until it takes effect.

Coastal Zone Management Act

Section 307(c)(1) of the federal Coastal Zone Management Act of 1972 (CZMA), as amended, requires federal activities that affect any land or water use or natural resource of a state’s coastal zone be conducted in a manner consistent, to the maximum extent practicable, with approved state coastal management programs. The requirements for such a consistency determination are set forth in NOAA regulations at 15 C.F.R. part 930, subpart C. According to these regulations and CZMA Section 307(c)(1), when taking an action that affects any land or water use or natural resource of a state’s coastal zone, NMFS is required to provide a consistency determination to the relevant state agency at least 90 days before taking final action. Florida is the only state affected by this action.

Upon submission to the Secretary of Commerce, NMFS will determine if this amendment is consistent with the Coastal Zone Management program of Florida to the maximum extent possible. Their determination will then be submitted to the responsible state agency under Section 307 of the CZMA administering approved Coastal Zone Management programs for Florida.

Data Quality Act

The Data Quality Act (DQA) (Public Law 106-443) effective October 1, 2002, requires the government to set standards for the quality of scientific information and statistics used and disseminated by federal agencies. Information includes any communication or representation of

knowledge such as facts or data, in any medium or form, including textual, numerical, cartographic, narrative, or audiovisual forms (includes web dissemination, but not hyperlinks to information that others disseminate; does not include clearly stated opinions).

Specifically, the DQA directs the Office of Management and Budget to issue government wide guidelines that “provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by federal agencies.” Such guidelines have been issued, directing all federal agencies to create and disseminate agency-specific standards to: 1) ensure information quality and develop a pre-dissemination review process; 2) establish administrative mechanisms allowing affected persons to seek and obtain correction of information; and 3) report periodically to Office of Management and Budget on the number and nature of complaints received.

Scientific information and data are key components of fishery management plans (FMPs) and amendments and the use of best available information is the second national standard under the Magnuson-Stevens Act. To be consistent with the DQA, FMPs and amendments must be based on the best information available. They should also properly reference all supporting materials and data, and be reviewed by technically competent individuals. With respect to original data generated for FMPs and amendments, it is important to ensure that the data are collected according to documented procedures or in a manner that reflects standard practices accepted by the relevant scientific and technical communities. Data will also undergo quality control prior to being used by the agency and a pre-dissemination review.

Executive Orders

E.O. 12630: Takings

The Executive Order on Government Actions and Interference with Constitutionally Protected Property Rights that became effective March 18, 1988, requires each federal agency prepare a Takings Implication Assessment for any of its administrative, regulatory, and legislative policies and actions that affect, or may affect, the use of any real or personal property. Clearance of a regulatory action must include a takings statement and, if appropriate, a Takings Implication Assessment. The NOAA Office of General Counsel will determine whether a Taking Implication Assessment is necessary for this amendment.

E.O. 13132: Federalism

The Executive Order on Federalism requires agencies in formulating and implementing policies, to be guided by the fundamental Federalism principles. The Order serves to guarantee the division of governmental responsibilities between the national government and the states that was intended by the framers of the Constitution. Federalism is rooted in the belief that issues not national in scope or significance are most appropriately addressed by the level of government closest to the people. This Order is relevant to FMPs and amendments given the overlapping authorities of NMFS, the states, and local authorities in managing coastal resources, including fisheries, and the need for a clear definition of responsibilities. It is important to recognize those components of the ecosystem over which fishery managers have no direct control and to develop

strategies to address them in conjunction with appropriate state, tribes and local entities (international too).

No Federalism issues have been identified relative to the action proposed in this amendment. Therefore, consultation with state officials under Executive Order 12612 is not necessary.

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622--FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 622.5, revise paragraph (c)(1)(i) to read as follows:

§ 622.5 Recordkeeping and reporting--general.

* * * * *

(c) *Dealers--(1) Permitted Gulf and South Atlantic dealers.* (i) A person issued a Gulf and South Atlantic dealer permit must submit a detailed electronic report of all fish first received for a commercial purpose within the time period specified in this paragraph via the dealer electronic trip ticket reporting system. These electronic reports must be submitted at weekly intervals via the dealer electronic trip ticket reporting system by 11:59 p.m., local time, the Tuesday following a reporting week. If no fish were received during a reporting week, an

electronic report so stating must be submitted for that reporting week. In addition, during the open season, dealers must submit daily reports for Gulf migratory group king mackerel harvested by the run-around gillnet component in the Florida west coast southern subzone via the port agents, telephone, internet, or other similar means determined by NMFS. From the beginning of the open season until the commercial [ACL or ACT] (commercial quota) for the run-around gillnet sector for Gulf migratory group king mackerel is reached, dealers must submit a daily report if no king mackerel were received during the previous day. NMFS will provide written notice to dealers that first receive Gulf king mackerel harvested by the run-around gillnet component prior to the beginning of each fishing year if the reporting methods or deadline change from the previous year.

* * * * *

3. In § 622.371, revise paragraph (a) to read as follows:

§ 622.371 Limited access system for commercial vessel permits for king mackerel.

(a) No applications for additional commercial vessel

permits for king mackerel will be accepted. Existing vessel permits may be renewed, are subject to the restrictions on transfer or change in paragraph (b) of this section, and are subject to the requirement for timely renewal in paragraph (c) of this section.

* * * * *

4. In § 622.372, add paragraph (d) to read as follows:

§ 622.372 Limited access system for king mackerel gillnet permits applicable in the Florida west coast southern subzone.

* * * * *

(d) *Renewal criteria for a king mackerel gillnet permit.* A king mackerel gillnet permit may be renewed only if NMFS determines the [average OR single year] landings from [2006 OR 2011] to 2015 associated with that permit were greater than [1, 10,000, OR 25,000] lb ([x] kg), round or gutted weight.

(1) *Initial determination.* On or about [add date] the RA will mail each king mackerel gillnet permittee a letter via certified mail, return receipt requested, to the permittee's address of record as listed in NMFS' permit files, advising the permittee whether the permit is

eligible for renewal. A permittee who does not receive a letter from the RA, must contact the RA no later than [add date], to clarify the renewal status of the permit. A permittee who is advised that the permit is not renewable based on the RA's determination of eligibility and who disagrees with that determination may appeal that determination.

(2) *Procedure for appealing landings information.* The only item subject to appeal is the landings used to determine whether the permit is eligible for renewal. Appeals based on hardship factors will not be considered. Any appeal under this regulation will be processed by the NOAA Fisheries National Appeals Office. Appeals will be governed by the regulations and policy of the National Appeals Office at 15 CFR Part 906. Appeals must be submitted to the National Appeals Office no later than 90 days after the date the initial determination is issued. Determinations of appeals regarding landings data for [relevant years] will be based on NMFS' logbook records, submitted on or before [date]. If NMFS' logbooks are not available, state landings records or data for [relevant years] that were submitted in compliance with applicable

Federal and state regulations on or before [date] may be used.

* * * * *

5. In § 622.384, revise paragraph (b)(1)(i)(B)(1) to read as follows:

§ 622.384 Quotas.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(B) * * *

(1) *Southern subzone*. The hook-and-line quota is 551,448 lb (250,133 kg) and the run-around gillnet quota is 523,876 lb (237,626 kg). If the run-around gillnet quota is not reached in a given year, the amount of any landings below the quota will be added to the following year's quota, up to, but not exceeding the commercial ACL.

* * * * *

6. In § 622.385, revise paragraph (a)(2)(ii)(A)(1) to read as follows:

§ 622.385 Commercial trip limits.

* * * * *

(a) * * *

(2) * * *

(ii) *Eastern zone-Florida west coast subzone--(A)*

Gillnet gear. (1) In the Florida west coast southern subzone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel for which a commercial vessel permit for king mackerel and a king mackerel gillnet permit have been issued, as required under § 622.370(a)(2), in amounts not exceeding 35,000 lb (15,876 kg) per day, provided the gillnet component for Gulf migratory group king mackerel is not closed under § 622.378(a) or § 622.8(b).

* * * * *

7. In § 622.388, amend the paragraphs below to read as follows by:

- a. Revising paragraphs (a)(1)(i) and (a)(1)(ii).
- b. Adding paragraph (a)(1)(iii).
- c. Removing the last sentence in paragraphs (a)(2), (c)(1), and (e)(1)(i).

§ 622.388 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(a) *Gulf migratory group king mackerel*--(1) *Commercial sector*--(i) If commercial landings, as estimated by the SRD, reach or are projected to reach the applicable quota specified in § 622.384(b)(1), the AA will file a notification with the Office of the Federal Register to close the commercial sector for that zone, subzone, or gear type for the remainder of the fishing year.

(ii) The commercial ACL for the Gulf migratory group of king mackerel is 3.456 million lb (1.568 million kg). This ACL is further divided into a commercial ACL for vessels fishing with hook-and-line and a commercial ACL for vessels fishing with run-around gillnets. The hook-and-line ACL, which applies to the entire Gulf, is 2,904,552 lb (1,317,483 kg). The run-around gillnet ACL, which applies to the Gulf eastern zone Florida west coast southern subzone, is 551,448 lb (250,133 kg). The run-around gillnet ACT is equal to the commercial quota specified in 622.384(b)(1)(i)(B)(1).

(iii) If commercial landings for Gulf migratory group king mackerel caught by run-around gillnet in the Florida west coast southern subzone, as estimated by the SRD, exceed the commercial ACL, and Gulf migratory group king

mackerel are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL and commercial ACT for run-around gillnet in the Florida west coast southern subzone in the following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(2) *Recreational sector.* If recreational landings, as estimated by the SRD, reach or are projected to reach the recreational ACL of 8.092 million lb (3.670 million kg), the AA will file a notification with the Office of the Federal Register to implement a bag and possession limit for Gulf migratory group king mackerel of zero, unless the best scientific information available determines that a bag limit reduction is unnecessary.

* * * * *

(c) *Gulf migratory group Spanish mackerel.* (1) If the sum of the commercial and recreational landings, as estimated by the SRD, reaches or is projected to reach the stock ACL, as specified in paragraph (c)(3) of this section, the AA will file a notification with the Office of the Federal Register to close the commercial and

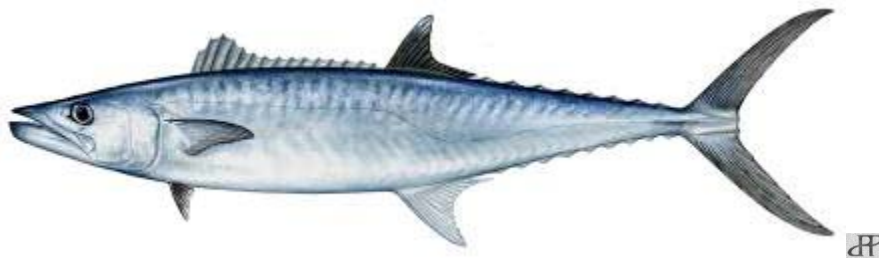
recreational sectors for the remainder of the fishing year. On and after the effective date of such a notification, all sale and purchase of Gulf migratory group Spanish mackerel is prohibited and the harvest and possession limit of this species in or from the Gulf EEZ is zero.

* * * * *

(e) *Gulf migratory group cobia*--(1) *Gulf zone*. (i) If the sum of all cobia landings, as estimated by the SRD, reaches or is projected to reach the stock quota (stock ACT), specified in § 622.384(d)(1), the AA will file a notification with the Office of the Federal Register to prohibit the harvest of Gulf migratory group cobia in the Gulf zone for the remainder of the fishing year. On and after the effective date of such a notification, all sale and purchase of Gulf migratory group cobia in the Gulf zone is prohibited and the possession limit of this species in or from the Gulf EEZ is zero.

* * * * *

Changes in Allocations, Stock Boundaries and Sale Provisions for Gulf of Mexico and Atlantic Migratory Groups of King Mackerel



Options Paper Draft Amendment 26 to the Fishery Management Plan for the Coastal Migratory Pelagics Fishery of the Gulf of Mexico and the South Atlantic

June 2015



This is a publication of the Gulf of Mexico Fishery Management Council Pursuant to National Oceanic and Atmospheric Administration Award No. NA15NMF4410011.

This page intentionally blank

CHANGES IN ALLOCATIONS, STOCK BOUNDARIES AND SALE PROVISIONS FOR GULF OF MEXICO AND ATLANTIC MIGRATORY GROUPS OF KING MACKEREL

Draft Amendment 26 to Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region addressing modifications to the management of king mackerel within the coastal migratory pelagic zones, including Environmental Assessment, Fishery Impact Statement, Regulatory Impact Review, and Regulatory Flexibility Act Analysis.

Type of Action

Administrative
 Draft

Legislative
 Final

Responsible Agencies and Contact Persons

Gulf of Mexico Fishery Management Council
2203 North Lois Avenue, Suite 1100
Tampa, Florida 33607
Ryan Rindone (ryan.rindone@gulfcouncil.org)

813-348-1630
813-348-1711 (fax)
gulfcouncil@gulfcouncil.org
<http://www.gulfcouncil.org>

South Atlantic Fishery Management Council
4055 Faber Place, Suite 201
North Charleston, South Carolina 29405
Kari MacLauchlin (kari.maclauchlin@safmc.net)

1-866-723-6210
843-769-4520 (fax)
www.safmc.net

National Marine Fisheries Service (Lead Agency)
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701
Susan Gerhart (susan.gerhart@noaa.gov)

727-824-5305
727-824-5308 (fax)
<http://sero.nmfs.noaa.gov>

ABBREVIATIONS USED IN THIS DOCUMENT

ABC	acceptable biological catch
ACL	annual catch limit
ACT	annual catch target
ALS	Accumulated Landings System
AMs	accountability measures
AP	Advisory Panel
APA	Administrative Procedures Act
B	biomass
B _{MSY}	stock biomass level capable of producing an equilibrium yield of MSY
CFDBS	Commercial Fisheries Data Base System
CFL	coastal fisheries logbook
CLM	commercial landings monitoring system
CMP	coastal migratory pelagics
Council	Gulf of Mexico and South Atlantic Fishery Management Councils
CZMA	Coastal Zone Management Act
DQA	Data Quality Act
EA	environmental assessment
EEZ	exclusive economic zone
EFH	essential fish habitat
EIS	environmental impact statement
EJ	environmental justice
ESA	Endangered Species Act
F	instantaneous rate of fishing mortality
F _{Current}	current fishing mortality
FL	fork length
FLS	federal logbook system
F _{MSY}	fishing mortality rate corresponding to an equilibrium yield of MSY
F _{OY}	fishing mortality rate corresponding to an equilibrium yield of OY
FMP	Fishery Management Plan
Gulf	Gulf of Mexico
Gulf Council	Gulf of Mexico Fishery Management Council
GMFMC	Gulf of Mexico Fishery Management Council
HAPC	habitat area of particular concern
HBS	NMFS Headboat Survey
IFQ	individual fishing quota
M	mortality
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MFMT	maximum fishing mortality threshold
Mid-Atlantic Council	Mid-Atlantic Fishery Management Council
MMPA	Marine Mammal Protection Act
mp	million pounds
MRFSS	Marine Recreational Fisheries Survey and Statistics
MRIP	Marine Recreational Information Program
MSST	minimum stock size threshold

MSY	maximum sustainable yield
NEFSC	New England Fisheries Science Center
NEPA	National Environmental Policy Act
nm	nautical mile
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOR	net operating revenue
NOS	National Ocean Service
OFL	overfishing level
OY	optimum yield
RA	Regional Administrator
RFA	Regulatory Flexibility Act of 1980
RIR	Regulatory Impact Review
RQ	regional quotient
SAFMC	South Atlantic Fishery Management Council
SBA	Small Business Administration
Secretary	Secretary of Commerce
SEDAR	Southeast Data, Assessment, and Review
SEFSC	Southeast Fisheries Science Center
SERO	Southeast Regional Office
South Atlantic Council	South Atlantic Fishery Management Council
SRD	Science and Research Director
SSB _{Current}	current spawning stock biomass
SSC	Scientific and Statistical Committee
TAC	total allowable catch
TLR	trip limit reduction
TPWD	Texas Parks and Wildlife Department
USCG	United States Coast Guard
VMS	vessel monitoring system
ww	whole weight

TABLE OF CONTENTS

Abbreviations Used In This Document.....	2
Table of Contents.....	4
List of Tables	6
List of Figures.....	7
Chapter 1. Introduction	8
1.1 Background	9
1.2 Draft Purpose and Need	11
1.3 History of Management.....	11
Chapter 2. Management Alternatives	13
2.1 Action 1 – Adjust the Management Boundary for Gulf and Atlantic Migratory Groups of King Mackerel.....	13
2.2 Action 2 - Update Reference Points (MSY, MSST, MFMT/OFL), and Revise the Annual Catch Limit (ACL) and Recreational Annual Catch Target (ACT) for Atlantic Migratory Group King Mackerel.....	18
2.2.1 Action 2-1 – Revise the Acceptable Biological Catch (ABC) for Atlantic Migratory Group King Mackerel	19
2.2.2 Action 2-2 – Revise ACLs, quotas, and Recreational ACT for Atlantic Migratory Group King Mackerel	21
2.3 Action 3 – Sale of Incidental Catch of Atlantic Migratory Group King Mackerel Caught in the Shark Drift Gillnet Fishery	28
2.4 Action 4 - Establish a Florida East Coast Subzone and Commercial Quota.....	31
2.4.1 Action 4-1. Establish a Florida East Coast Subzone for Atlantic Migratory Group King Mackerel	31
2.4.2 Action 4-2. Allocate Quota for the Florida East Coast Subzone within the Atlantic Southern Zone for Atlantic Migratory Group King Mackerel.....	32
2.4.3 Action 4-3. Modify Trip Limits for the Florida East Coast Subzone for Atlantic Migratory Group King Mackerel.....	33
2.5 Action 5: Modify the ACL for Gulf Migratory Group King Mackerel.....	35
2.6 Action 6. Revise the Commercial Zone Quotas for Gulf Migratory Group King Mackerel	37
2.7 Action 7. Revise the Recreational and Commercial Allocations for the Gulf Migratory Group King Mackerel.....	39
2.8 Action 8 - Modify the Recreational Bag Limit for Gulf Migratory Group King Mackerel.....	44
Chapter 3. References to be updated.....	46
Appendix A. Summaries of Public Comments Received	52

Gulf of Mexico Scoping Workshop Comments..... 52

LIST OF TABLES

Table 2.2.1. Recommendations from the October 2014 SSC meeting for Atlantic Migratory Group King Mackerel.	18
Table 2.2.2. Recommendation for OFL from the October 2014 SSC meeting for Atlantic Migratory Group King Mackerel.	18
Table 2.2.3. Recommendations from the October 2014 SSC meeting for Atlantic Migratory Group King Mackerel. ABC recommendations are in the shaded columns	19
Table 2.2.4. Possible outcomes under Alternative 2 based on alternatives in Action 2-1. The recreational allocation is 62.9% and the commercial allocation is 37.1%.....	21
Table 2.2.5. Possible outcomes under Alternative 5 based on alternatives in Action 2-1. The recreational allocation is 62.9% and the commercial allocation is 37.1%.....	24
Table 2.2.6. Possible outcomes under Alternative 6 based on alternatives in Action 2-1. The recreational allocation is 62.9% and the commercial allocation is 37.1%.....	25
Table 2.5.1. Gulf SSC recommendations for acceptable biological catch for Gulf migratory group king mackerel, using data resultant from SEDAR 38 (2014).....	36
Table 2.6.1. Commercial fishing zone allocations for Gulf migratory group king mackerel.	37
Table 2.6.2. Options for redistribution of commercial zone allocation for Gulf migratory group king mackerel.....	38
Table 2.7.1. Gulf of Mexico commercial king mackerel landings by Zone and gear, less those landings attributed to the Florida East Coast Zone (FLEC). Gillnet landings only include the Gulf Southern Zone.....	40
Table 2.7.2. Landings and proportions landed by each sector for Gulf migratory group king mackerel, less those landings attributed to the Florida East Coast Zone (FLEC).	40
Table 2.7.3. Proportion of sector ACLs landed and proportion of total ACL landed for Gulf migratory group king mackerel, including those landings attributed to the Florida East Coast Zone (FLEC). The FLEC landings are included here since there is not a recreational allocation specifically for the FLEC Zone.....	41
Table 2.7.4. Resultant allocations based on options presented in Action 7. Alternative 3 would be dependent upon the landings reported in the year during which the recreational sector landed 80% of its allocation.	43
Table 2.8.1. Percent increase in Gulf of Mexico king mackerel recreational landings with an increase in the bag limit (based on 2011-2013 data).	45

LIST OF FIGURES

Figure 1.1.1. Seasonal boundary between Atlantic and Gulf migratory groups of king mackerel.....	10
Figure 2.1.1. Alternative 1: Seasonal management boundaries for Atlantic and Gulf migratory groups of king mackerel.....	13
Figure 2.1.2. Alternative 2: Proposed management boundary for Atlantic and Gulf migratory groups of king mackerel.....	14
Figure 2.1.3. Alternative 3: Proposed management boundary for Atlantic and Gulf groups of king mackerel.....	14
Figure 2.1.4. Areas of Gulf and Atlantic migratory king mackerel and the mixing zone as defined by SEDAR 38.	16
Figure 2.7.1. Trends in Gulf migratory group king mackerel landings by sector for 2000-2012 fishing seasons. Landings are in pounds.....	42
Figure 2.8.1. Distribution of Gulf of Mexico king mackerel harvested per angler by mode from 2011 through 2013. Source: NMFS SERO LAPP/DM Branch.....	45

CHAPTER 1. INTRODUCTION

What Actions Are Being Proposed?

Actions in this amendment address issues associated with the king mackerel stock boundary; updated biological parameters, acceptable biological catch (ABC) and annual catch limits (ACL) for king mackerel; zone commercial quotas for king mackerel; recreational and commercial allocation of Gulf migratory group king mackerel; sale of incidental catch of king mackerel in the small coastal shark drift gillnet fishery; and management measures for commercial harvest of king mackerel on the Florida east coast.

Who Is Proposing the Action?

The Gulf of Mexico (Gulf) and South Atlantic Fishery Management Councils (Councils) are proposing the actions. The Councils develop the regulations and submit them to the National Marine Fisheries Service (NMFS) who ultimately approves, disapproves, or partially approves the actions in the amendment on behalf of the Secretary of Commerce. NMFS is an agency in the National Oceanic and Atmospheric Administration.

Who's Who?

- ***Gulf of Mexico and South Atlantic Fishery Management Councils*** – Engage in a process to determine a range of actions and alternatives, and recommends action to the National Marine Fisheries Service.
- ***National Marine Fisheries Service and Council staffs*** – Develop alternatives based on guidance from the Council, and analyze the environmental impacts of those alternatives.
- ***Secretary of Commerce*** – Will approve, disapprove, or partially approve the amendment as recommended by the Councils.

Why Are The Councils Considering Action?

In 2014, a stock assessment of Atlantic and Gulf migratory group king mackerel was completed (SEDAR 38), and indicated that neither migratory group was overfished or experiencing overfishing. In addition to revised yield streams, the stock assessment redefined the spatial and temporal extent of the mixing zone between the migratory groups to be south of the Florida Keys during winter months. The stock assessment also redefined the geographic boundary between the migratory groups to be at the Dade/Monroe County line. These findings eliminate one of the commercial allocation zones for the Gulf migratory group, and will require reallocation of the commercial sector's portion of the annual catch limit (ACL) amongst the remaining Gulf commercial zones.

Historically, the recreational king mackerel fishery in the Gulf has not landed its allocation of the ACL (currently 68%), while the commercial fishery has either met or exceeded its allocation (32%). In an effort to manage the fishery such that the maximum benefit of the resource is extracted without harming the population, the Gulf Council has decided to evaluate reallocation from the recreational sector to the commercial sector in the Gulf.

In addition to ACL and stock boundary issues, the South Atlantic Council is interested in exploring a provision for the small coastal shark drift gillnet fishery for bag limit sales of king

mackerel bycatch. Bag limit sales were prohibited in Coastal Migratory Pelagics (CMP) Amendment 20A (implemented July 2014), and allowing such sales for a specific fishery would allow a historic practice to continue.

1.1 Background

Initially, the Fishery Management Plan (FMP) for the CMP Resources in the Gulf and South Atlantic Region (GMFMC and SAFMC 1982) treated king mackerel as one stock. The present management regime in the FMP recognizes two migratory groups: the Gulf migratory group and the Atlantic migratory group. Each migratory group is managed separately by the respective Councils. Gulf and Atlantic migratory groups of king mackerel are also divided into zones and/or subzones for management purposes. This amendment considers changes to management measures for Gulf and Atlantic migratory groups of king mackerel.

King mackerel: The two migratory groups are thought to mix seasonally off the east coast of Florida and in Monroe County, Florida. For management and assessment purposes, a boundary between the migratory groups of king mackerel was specified at the Volusia/Flagler County border on the Florida east coast in the winter (November 1 - March 31) and the Monroe/Collier County border on the Florida southwest coast in the summer (April 1 - October 31) (Figure 1.1.1).

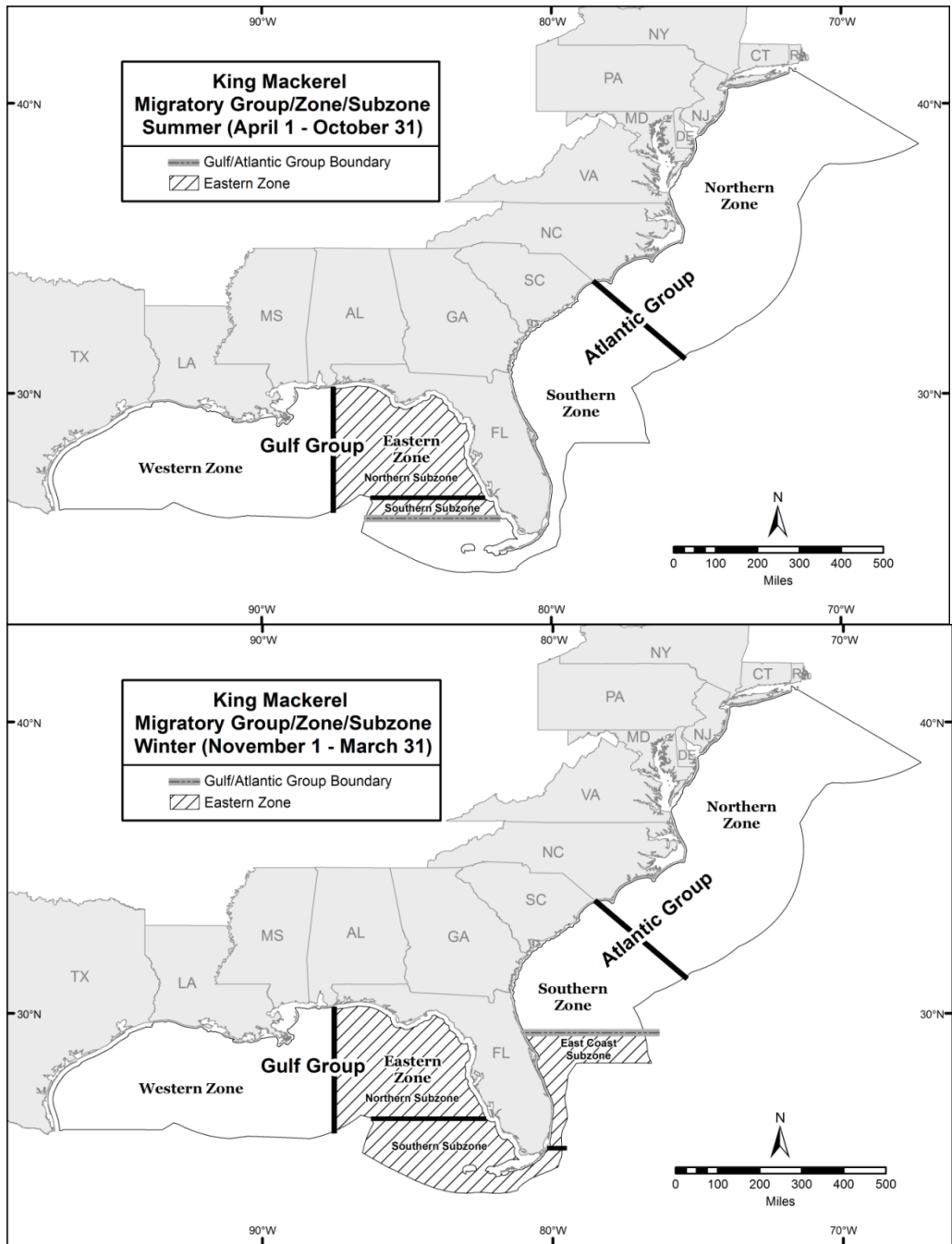
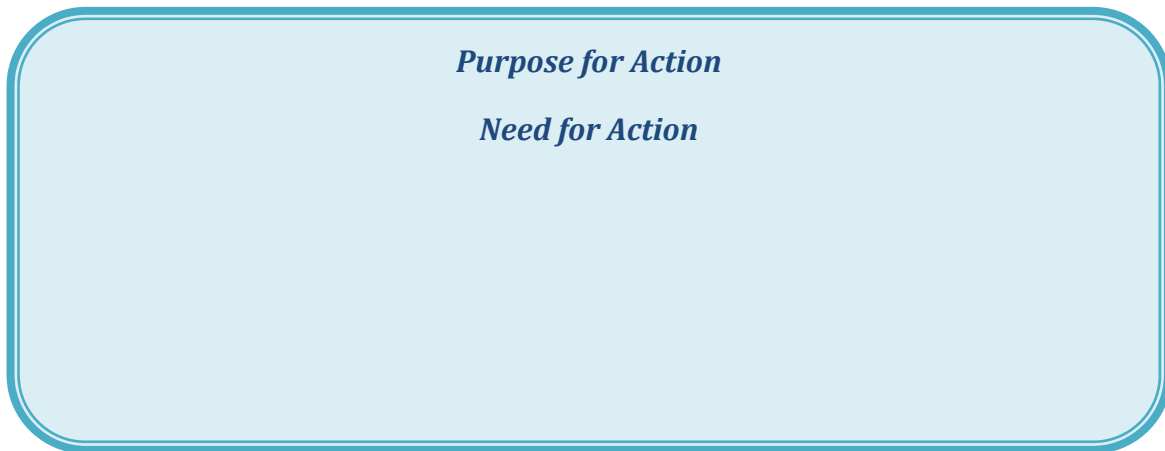


Figure 1.1.1. Seasonal boundary between Atlantic and Gulf migratory groups of king mackerel.

1.2 Draft Purpose and Need



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 (68%) and commercial (32%) 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 CMP zonal issues. 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 5, with EA, implemented in August 1990, extended the management area for Atlantic migratory groups of mackerels through the Mid-Atlantic Council's area of jurisdiction; provided that the South Atlantic Council will be responsible for pre-season adjustments of TACs and bag limits for the Atlantic migratory groups of mackerels while the Gulf Council will be responsible for Gulf migratory groups; and continued to manage the two recognized Gulf migratory groups of king mackerel as one until management measures appropriate to the eastern and western migratory groups could be determined.

Amendment 6, with EA, implemented in November 1992, allowed for Gulf migratory group king mackerel stock identification and allocation when appropriate.

Amendment 7, with EA, implemented in November 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.

Amendment 8, with EA, implemented March 1998, provided the South Atlantic Council with authority to set vessel trip limits, closed seasons or areas, and gear restrictions for Gulf migratory group king mackerel in the North Area of the Eastern Zone (Dade/Monroe to Volusia/Flagler County lines); modified the seasonal framework adjustment measures; and expanded the management area for cobia through the Mid-Atlantic Council's area of jurisdiction (to New York).

Amendment 9, with EA, implemented in April 2000, established a trip limit of 3,000 lbs per vessel per trip for the Western Zone.

Amendment 18, with EA, implemented in January 2012, established ACLs and accountability measures for Gulf and Atlantic migratory groups of cobia, king mackerel, and Spanish mackerel.

Amendment 19, with EIS, implemented in July 2010, was part of the South Atlantic Comprehensive Ecosystem-based Amendment 2 and established Coral Habitat Areas of Particular Concern (CHAPCs).

Amendment 20A, with EA, implemented in July 2014, prohibited sale of recreationally caught king mackerel and Spanish mackerel, with an exception for sale of fish caught on for-hire trips on dually permitted vessels in the Gulf region, and an exception for sale of fish caught in state-permitted tournaments in both regions, and removed the income requirements for federal CMP permits.

Amendment 20B, with EA, implemented in March 2015, revised Gulf king mackerel hook and line trip limits in the Florida West Coast zone Northern and Southern subzones and modified the Northern subzone fishing year; created a transit provision for areas closed to king mackerel; established Northern and Southern zones with commercial quotas for Atlantic king mackerel.

Amendment 21, with EA, implemented in January 2012, was part of the South Atlantic Comprehensive Ecosystem-based Amendment 2 and modified regulations for harvest in the special management zones (SMZs) in South Carolina waters.

Amendment 22, with EA, implemented in January 2014, was part of the joint Gulf/ South Atlantic Headboat Reporting Amendment. This amendment requires weekly electronic reporting on headboats fishing for coastal migratory pelagics.

Amendment 23, with EA, implemented in August 2014, was part of the joint Gulf/ South Atlantic Dealer Amendment, and requires CMP fishermen to sell to a federally permitted dealer, along with weekly electronic reporting requirements for federal dealers.

South Atlantic CMP Framework Action 2013 with EA, implemented in December 2014, modified king mackerel trip limits in the Florida East Coast subzone.

CHAPTER 2. MANAGEMENT ALTERNATIVES

2.1 Action 1 – Adjust the Management Boundary for Gulf and Atlantic Migratory Groups of King Mackerel

Alternative 1: No action - Maintain the current shifting management boundary between the Gulf and Atlantic migratory groups of king mackerel (**Figure 2.1.1**).

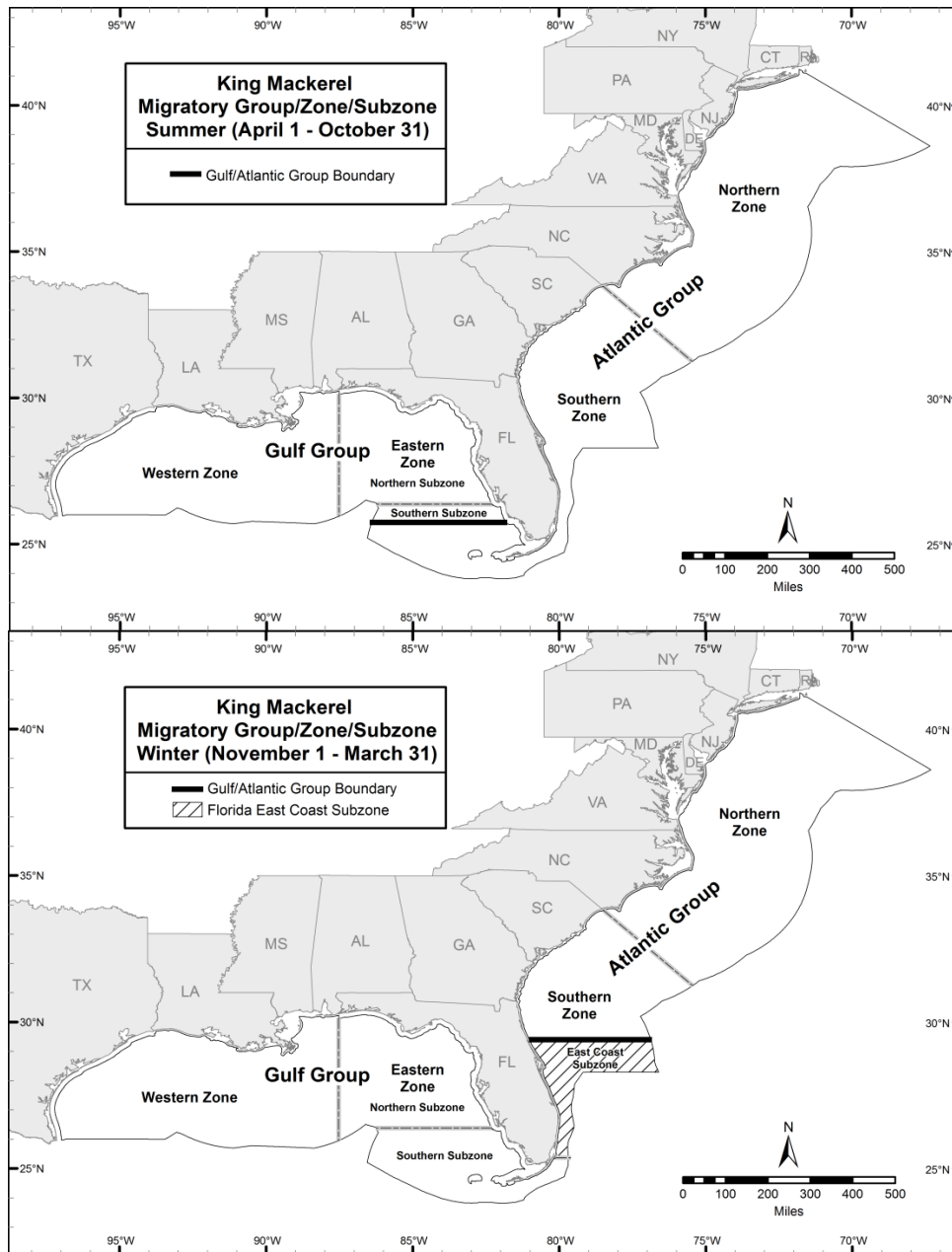


Figure 2.1.1. Alternative 1: Seasonal management boundaries for Atlantic and Gulf migratory groups of king mackerel.

Alternative 2: Establish a single year-round boundary for separating management of the Gulf and Atlantic migratory groups of king mackerel at the Gulf/South Atlantic Council boundary (**Figure 2.1.2**). The South Atlantic Council would be responsible for management measures in the mixing zone.

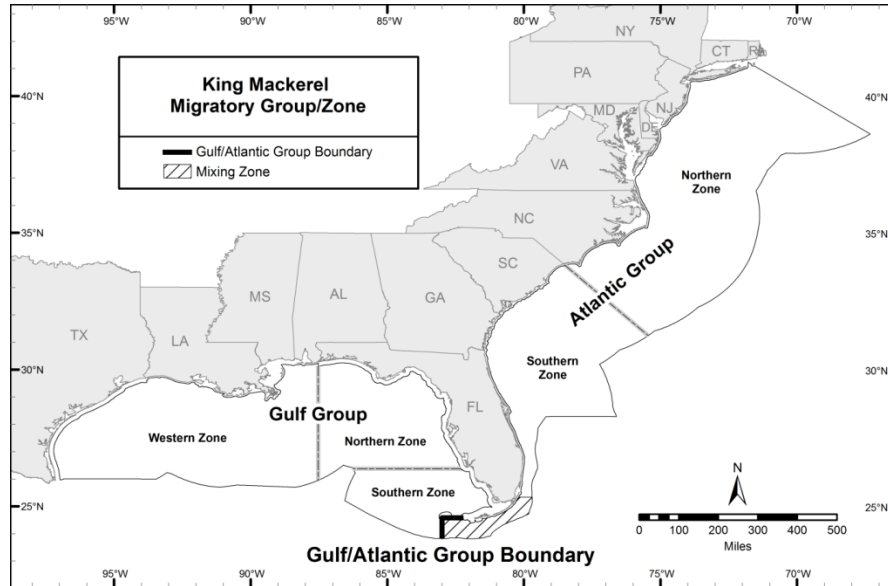


Figure 2.1.2. Alternative 2: Proposed management boundary for Atlantic and Gulf migratory groups of king mackerel.

Alternative 3: Establish a single year-round boundary for separating the Gulf and Atlantic migratory groups of king mackerel at the Miami-Dade/Monroe county line (**Figure 2.1.3**). The Gulf Council would be responsible for management measures in the mixing zone. **(Gulf and South Atlantic CMP AP Preferred)**

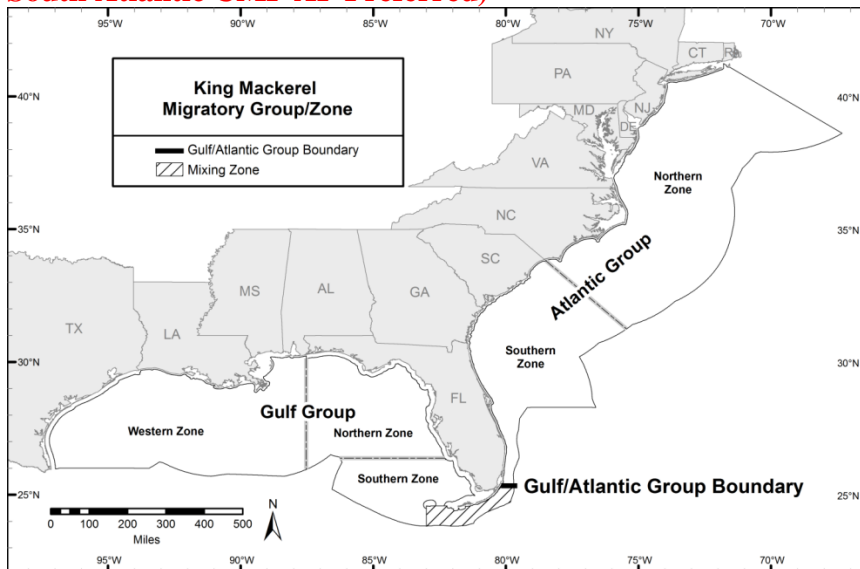


Figure 2.1.3. Alternative 3: Proposed management boundary for Atlantic and Gulf groups of king mackerel.

Discussion:

Separate Gulf of Mexico (Gulf) and Atlantic migratory groups of king mackerel were first recognized in Amendment 1 to the Fishery Management Plan (FMP) for Coastal Migratory Pelagic Resources (CMP) in the Gulf of Mexico and Atlantic Region (GMFMC/SAFMC 1985). The shifting management boundary was established to account for winter mixing between the two migratory groups. The mixing zone designation was supported at the time by tag-recapture data. Amendment 7 to the CMP FMP (GMFMC/SAFMC 1994) established a separate quota for the mixing zone, then called the North Area of the Gulf migratory group, and CMP Amendment 8 (GMFMC/SAFMC 1996) provided the South Atlantic Fishery Management Council (South Atlantic Council) with authority to set management measures for Gulf migratory group king mackerel in that area. The Gulf of Mexico Fishery Management Council (Gulf Council) established the current Gulf migratory group zones and subzones in CMP Amendment 9 (GMFMC/SAFMC 2000). The East Coast Subzone was designed to encompass the area believed to be the mixing zone.

In 2014, a stock assessment was completed for Gulf and Atlantic migratory group king mackerel (SEDAR 38 2014). Based on tagging, population demographics, population genetics, and otolith shape and chemistry, plus the temporal progression of king mackerel recreational landings along the east coast of Florida, the assessment scientists determined that the mixing zone was substantially smaller than originally thought. The mixing zone is now considered to be only the portion of the exclusive economic zone (EEZ) off Monroe County, Florida, south of the Florida Keys (Keys). This area is demarcated in the west by a line west from Key West to the Dry Tortugas at 24°35' North latitude, then south at 83° West longitude from the Dry Tortugas (the Gulf of Mexico/South Atlantic Fishery Management Council boundary) to the shelf edge. The area is demarcated in the east by a line east from the Miami-Dade/Monroe county line at 25°20'24" North latitude to the shelf edge (Figure 2.1.4).

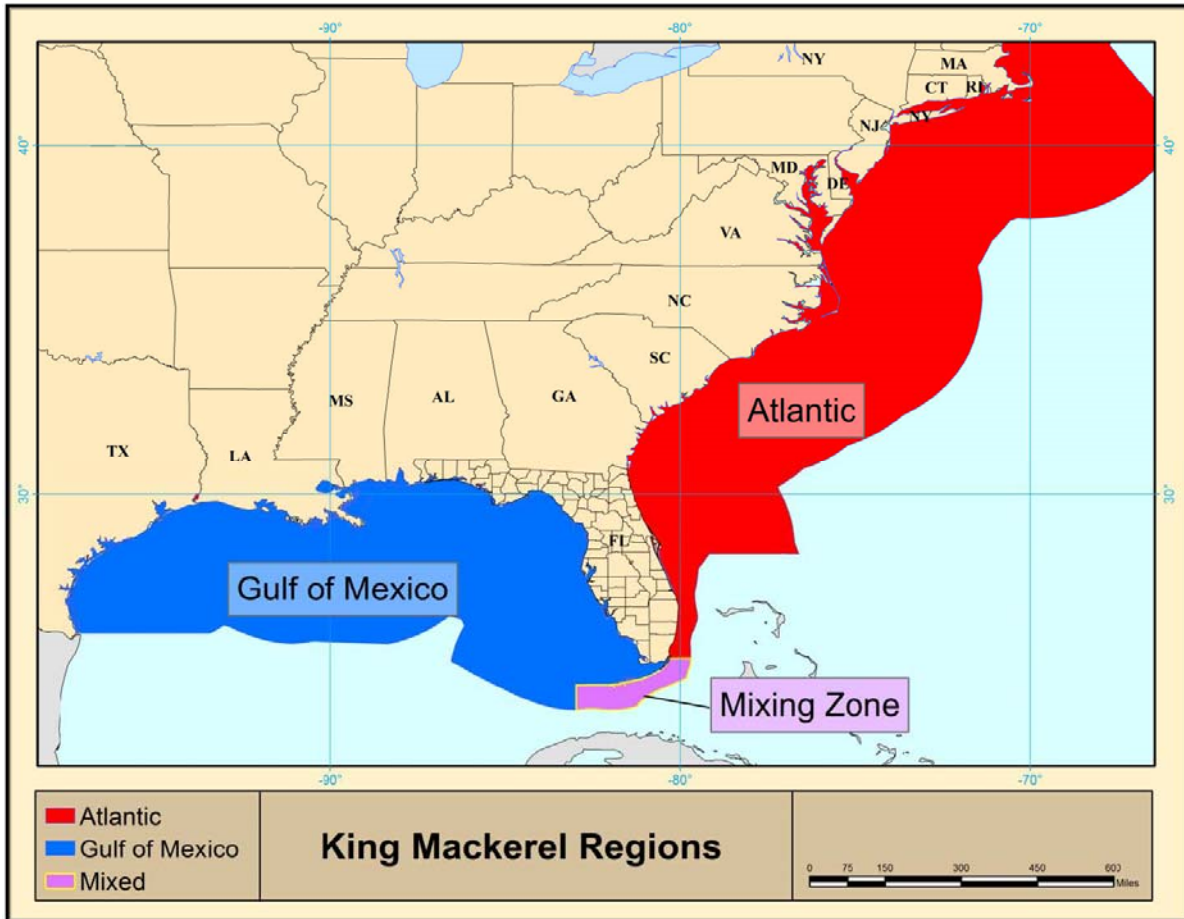


Figure 2.1.4. Areas of Gulf and Atlantic migratory king mackerel and the mixing zone as defined by SEDAR 38.

Alternative 1 would maintain the current shifting management boundary. From April 1 through October 31, the boundary is at the Collier/Monroe county line and all king mackerel along the east coast of Florida and the Keys are considered to be part of the Atlantic migratory group. Beginning November 1 through March 31, the boundary shifts to the Volusia/Flagler county line, and all king mackerel from that boundary south are considered to be part of the Gulf migratory group (**Figure 2.1.1**). This is in conflict with the new information from SEDAR 38 that king mackerel off the east coast of Florida to the Dade/Monroe county line are Atlantic migratory group fish year-round. Only the area south of the Keys (in Monroe County) contains 50% Gulf migratory group king mackerel in winter.

Alternative 2 would establish a year-round (non-shifting) management boundary at the Gulf/South Atlantic Council boundary off the western end of the Keys and Dry Tortugas (**Figure 2.1.2**). This alternative would designate the area of the EEZ north of the Keys in the Gulf Council’s jurisdiction and the area of the EEZ south of the Keys in the South Atlantic Council’s jurisdiction; therefore, the entire mixing zone would be in the South Atlantic Council’s jurisdiction year-round. The current management for the Atlantic Southern Zone (seasons, quotas, trip/bag limits, and accountability measures) would apply to the mixing zone.

Establishing a permanent management boundary would simplify regulations as they would stay the same throughout the region all year; however, splitting management between the Councils in the Keys would create additional complications. In particular, management of the king mackerel gillnet component of the fishery, which primarily occurs west and northwest of Monroe County, would be split between the Councils. This small group of fishermen (21 permits total) would be more efficiently managed as a single group. Further, run-around gillnets are not legal gear for king mackerel in the South Atlantic, so gear regulations would need to be changed to accommodate this component of the fishery. At their March 2015 meeting, the South Atlantic Council acknowledged these issues, and difficulties with enforcement relative to **Alternative 2**.

Alternative 3 (Gulf and South Atlantic CMP AP Preferred) would also establish a year-round management boundary, but at the Dade/Monroe County line (**Figure 2.1.3**). This alternative would put the entire EEZ off the Keys in the Gulf Council's jurisdiction as part of the Gulf Southern Zone. Currently, the Keys are part of the Gulf Southern Zone in the winter and management for the gillnet and hook-and-line components is well established; this management could be extended throughout the year without additional action. Also, the management boundary for Spanish mackerel is at the Miami-Dade/Monroe county line, so enforcement would be simplified.

2.2 Action 2 - Update Reference Points (MSY, MSST, MFMT/OFL), and Revise the Annual Catch Limit (ACL) and Recreational Annual Catch Target (ACT) for Atlantic Migratory Group King Mackerel

The South Atlantic Council has determined that the value for MSY is the value of yield at F_{MSY} from the most recent stock assessment. Currently $MSY = 10.4$ mp (SEDAR 16). The SSC did not recommend a value for MSY so the 10.4 mp estimate remains in place.

The South Atlantic Council has determined that the value for MSST is the value from the most recent stock assessment. Currently $MSST = 1,827.5$ million hydrated eggs (SEDAR 16). Based on the SEDAR 38 assessment, $MSST = 1,991$ million hydrated eggs. The South Atlantic Council has determined that the value for MFMT is the value of F_{MSY} or proxy from the most recent stock assessment. Currently $MFMT = F_{MSY} = F_{30\%SPR} = 0.256$ (SEDAR 16). Based on the SEDAR 38 assessment, $MFMT = F_{MSY} = F_{30\%SPR} = 0.157$.

Table 2.2.1. Recommendations from the October 2014 SSC meeting for Atlantic Migratory Group King Mackerel.

Criteria	Deterministic
Overfished evaluation	No, $SSB/SSB_{30\%SPR} = 1.86$
Overfishing evaluation	No, $F/F_{30\%SPR} = 0.17$
MFMT	$F_{30\%SPR} = 0.157$
$SSB_{30\%SPR}$ (unit)	2,372 million eggs
MSST (unit)	1,991 million eggs
MSY (1000 lb)	Not recommended
Y at 75% $F_{30\%SPR}$ (1000 lb)	Not recommended
ABC Control Rule Adjustment	17.5%
P-Star	32.5%
OFL (1000 lb)	See Table 2

The SSC provided the following OFLs at their October 2014 meeting (**Table 2.2.2**).

Table 2.2.2. Recommendation for OFL from the October 2014 SSC meeting for Atlantic Migratory Group King Mackerel.

Fishing year	OFL (million pounds whole weight)
2016/17	19.8
2017/18	18.3
2018/19	16.7
2019/20	15.2
2020	14.3

IPT Note for SA: Revise to only specify OFLs through 2019 and round to 1 decimal place.

2.2.1 Action 2-1 – Revise the Acceptable Biological Catch (ABC) for Atlantic Migratory Group King Mackerel

Alternative 1: No action - Retain the ABC for Atlantic Migratory Group King Mackerel (10.46 mp).

Alternative 2: Revise the ABC for Atlantic Migratory Group King Mackerel for 2016/17 through 2019/20 2020/21 based on the ABC levels recommended by the SSC for ABC under a high recruitment scenario (**Table 2.2.3**). (**South Atlantic CMP AP Preferred**)

Alternative 3: Revise the ABC for Atlantic Migratory Group King Mackerel for 2016/17 through 2019/20 2020/21 based on the ABC levels recommended by the SSC for ABC under a medium recruitment scenario (**Table 2.2.3**).

Alternative 4: Revise the ABC for Atlantic Migratory Group King Mackerel for 2016/17 through 2019/20 2020/21 based on the ABC levels recommended by the SSC for ABC under a low recruitment scenario (**Table 2.2.3**).

IPT Note to SA: Only set ABCs for 2016/17 through 2019/20; move Alternatives 5-6 to the considered but rejected appendix because these will go in Action 2-2.

Table 2.2.3. Recommendations from the October 2014 SSC meeting for Atlantic Migratory Group King Mackerel. ABC recommendations are in the shaded columns.

P star= 0.325	ABC HIGH	ABC MED	ABC LOW	Buffer between ABC and OFL		
				HI	MED	LO
Fishing year	Alt 2	Alt 3	Alt 4			
2016/17	17.4	16.5	15.4	12%	16%	22%
2017/18	15.8	14.3	12.9	14%	22%	29%
2018/19	14.1	12.9	11.9	15%	23%	28%
2019/20	12.7	12.1	11.6	17%	21%	24%
2020/21	11.5	11.3	11.0	19%	21%	23%

Discussion

Amendment 18 (GMFMC and SAFMC 2011) established ABC control rule for Atlantic group king mackerel, which set the ABC at 10.46 mp. The South Atlantic SSC reviewed the results of SEDAR 38 in October 2014 and provided the following recommendations for the ABC:

The SSC recommends short-term projections (given the high uncertainty in recruitment, even in the short-term) of no longer than 5-years at $P^=50\%$ for OFL and at $P^*=32.5\%$ for ABC. Further, given the considerable uncertainty associated with recruitment in this assessment, the SSC recommended the Council consider a range of alternative projection scenarios for OFL and ABC:*

1. Three sets of projections as specified in the paragraph above but with each considering one of the 3 recruitment scenarios described in the assessment report (i.e., high, medium, and low recruitment). The Committee also recommends the Council be provided a summary of the 2013 and, if possible, 2014 SEAMAP juvenile index data to assist in evaluating which recruitment scenario is the most appropriate for projections.

2. The SSC recommends the Council use a projection at the long-term, equilibrium yield at $F_{30\%SPR}$ as the ACL to reduce the risk of overfishing given the high uncertainty in future recruitment.

The SSC recommends a review of updated indices and input data sources every 3 years in order to track the progress of the stock and help identify any potential red flags regarding future recruitment or stock biomass.

The SSC recommended that the next assessment be conducted as an update, ideally before the end of the 5-year projections.

Alternatives 2-4 allows the Councils to consider additional information about recruitment when setting the ABC for Atlantic king mackerel. Public comment during scoping meetings and the South Atlantic Mackerel Advisory Panel (AP) recommended the ABC under the high recruitment scenario (**Alternative 2**). Information on trip data after the cut-off dates for SEDAR 38 suggest recruitment may be more substantial than the SEDAR 38 models indicate. Additionally, there have been no hurricanes in recent years, and fishermen report seeing large numbers of smaller fish. The South Atlantic Mackerel AP also recommended reviewing landings after two years to evaluate if the high recruitment scenario was appropriate.

2.2.2 Action 2-2 – Revise ACLs, quotas, and Recreational ACT for Atlantic Migratory Group King Mackerel

IPT Note to the SA: Revise all of Action 2-2, and set ACL for 2016/17 through 2019/20

Alternative 1: No action - Retain the ACL and ACT for Atlantic Migratory Group King Mackerel.

Alternative 2: ACL = OY = ABC based on the ABC levels selected under Action 2-1 (**Table 2.2.4**). **(South Atlantic AP Preferred)**

Table 2.2.4. Possible outcomes under **Alternative 2** based on alternatives in Action 2-1. The recreational allocation is 62.9% and the commercial allocation is 37.1%. The Northern Zone quota will be 23.04% and the Southern Zone quota allocation is 79.96% (see Appendix F for details on how the Northern and Southern Zone quota allocations were recalculated using the SEDAR 38 boundary). ACT values are calculated based on formula from CMP Amendment 18 using the average PSE from 2005-2009.

ACL = ABC HIGH Recruitment Scenario Action 2-1, Alt 2						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	17.4 mp	6.5 mp	1,497,600	5,197,400	10.9 mp	10.1 mp
2017/18	15.8 mp	5.9 mp	1,359,360	4,717,640	9.9 mp	9.2 mp
2018/19	14.1 mp	5.2 mp	1,198,080	4,157,920	8.9 mp	8.3 mp
2019/20	12.7 mp	4.7 mp	1,082,880	3,758,120	8.0 mp	7.4 mp
2020/21	11.5 mp	4.3 mp	990,720	3,438,280	7.2 mp	6.7 mp

Table 2.2.4 continues on next page

Table 2.2.4 continued

ACL = ABC MEDIUM Recruitment Scenario Action 2-1, Alt 3						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	16.5 mp	6.1 mp	1,405,440	4,877,560	10.4 mp	9.7 mp
2017/18	14.3 mp	5.3 mp	1,221,120	4,237,880	9.0 mp	8.4 mp
2018/19	12.9 mp	4.8 mp	1,105,920	3,838,080	8.1 mp	7.5 mp
2019/20	12.1 mp	4.5 mp	1,036,800	3,598,200	7.6 mp	7.1 mp
2020/21	11.3 mp	4.2 mp	967,680	3,358,320	7.1 mp	6.6 mp
ACL = ABC LOW Recruitment Scenario Action 2-1, Alt 4						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	15.4 mp	5.7 mp	1,313,280	4,557,720	9.7 mp	9.0 mp
2017/18	12.9 mp	4.8 mp	1,105,920	3,838,080	8.1 mp	7.5 mp
2018/19	11.9 mp	4.4 mp	1,013,760	3,518,240	7.5 mp	7.0 mp
2019/20	11.6 mp	4.3 mp	990,720	3,438,280	7.3 mp	6.8 mp
2020/21	11.0 mp	4.1 mp	944,640	3,278,360	6.9 mp	6.4 mp

IPT recommendation to take out 2020/21.

Alternative 3: ACL = OY = Deterministic equilibrium yield at $F_{30\%SPR} = 12.7$ mp for fishing years 2016/17 through 2019/20. ~~2020/21~~

IPT recommendation to take out 2020/21.

Note: This was recommended by the SSC but is not binding on the Council since the Council sets ACL. The proxy for MSY is 30% SPR.

Alternative 3	
Atlantic King Mackerel ACL	12.7 mp
Commercial ACL	4.7 mp

Northern Zone Quota	1,082,880 lbs
Southern Zone Quota	3,758,120 lbs
Recreational ACL	8.0 mp
Recreational ACT*	7.4 mp

*ACT value calculated based on formula from CMP Amendment 18, using the average PSE from 2005-2009.

Alternative 4: ACL = OY = Deterministic equilibrium yield at 75% $F_{30\%SPR}$ = 11.6 mp for fishing years 2016/17 through 2019/20. ~~2020/21~~

IPT recommendation to take out 2020/21.

Note: 75% of F_{MSY} (which is the same as 75% $F_{30\%SPR}$ because 30% SPR is the proxy for MSY) is usually in the TORs of all the assessments. 75% F_{MSY} was the old OY, as yield at the long term F_{MSY} (MSY) was the old OFL. It is still part of the TORs in case the Council wants to choose that strategy to have stable catches rather than following the P^ and have changing catch levels each year.*

Alternative 4	
Atlantic King Mackerel ACL	11.6 mp
Commercial ACL	4.3 mp
Northern Zone Quota	990,720 lbs
Southern Zone Quota	3,438,280 lbs
Recreational ACL	7.3 mp
Recreational ACT*	6.8 mp

*ACT value calculated based on formula from CMP Amendment 18, using the average PSE from 2005-2009.

Alternative 5: ACL = OY = 90% ABC (Table 2.2.5)

Note: recommend move to the Considered but Rejected Appendix since this type of further reduction is covered in Alternatives 3 & 4.

Table 2.2.5. Possible outcomes under **Alternative 5** based on alternatives in Action 2-1. The recreational allocation is 62.9% and the commercial allocation is 37.1%. The Northern Zone quota will be 23.04% and the Southern Zone quota allocation is 79.96% (see Appendix F for details on how the Northern and Southern Zone quota allocations were recalculated using the SEDAR 38 boundary). ACT values are calculated based on formula from CMP Amendment 18 using the average PSE from 2005-2009.

ACL = 90% ABC HIGH Recruitment Scenario Action 2-1, Alt 2						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	15.7 mp	5.8 mp	1,336,320	4,637,680	9.9 mp	9.2 mp
2017/18	14.2 mp	5.3 mp	1,221,120	4,237,880	8.9 mp	8.3 mp
2018/19	12.7 mp	4.7 mp	1,082,880	3,758,120	8.0 mp	7.4 mp
2019/20	11.4 mp	4.2 mp	967,680	3,358,320	7.2 mp	6.7 mp
2020/21	10.4 mp	3.9 mp	898,560	3,118,440	6.5 mp	6.0 mp
ACL = 90% ABC MEDIUM Recruitment Scenario Action 2-1, Alt 3						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	14.9 mp	5.5 mp	1,267,200	4,397,800	9.4 mp	8.7 mp
2017/18	12.9 mp	4.8 mp	1,105,920	3,838,080	8.1 mp	7.5 mp
2018/19	11.6 mp	4.3 mp	990,720	3,438,280	7.3 mp	6.8 mp
2019/20	10.9 mp	4.0 mp	921,600	3,198,400	6.9 mp	6.4 mp
2020/21	10.2 mp	3.8 mp	875,520	3,038,480	6.4 mp	5.9 mp
Table 2.2.5 continues on next page						

Table 2.2.5 continued

ACL = 90% ABC LOW Recruitment Scenario Action 2-1, Alt 4						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	13.9 mp	5.2 mp	1,198,080	4,157,920	8.7 mp	8.1 mp
2017/18	11.6 mp	4.3 mp	990,720	3,438,280	7.3 mp	6.8 mp
2018/19	10.7 mp	4 mp	921,600	3,198,400	6.7 mp	6.2 mp
2019/20	10.4 mp	3.9 mp	898,560	3,118,440	6.5 mp	6.0 mp
2020/21	10 mp	3.7 mp	852,480	2,958,520	6.3 mp	5.9 mp

IPT recommendation to take out 2020/21.

Alternative 6: ACL = OY = 80% ABC (Table 2.2.6)

Note: recommend move to the Considered but Rejected Appendix since this type of further reduction is covered in Alternatives 3 & 4.

Table 2.2.6. Possible outcomes under **Alternative 6** based on alternatives in Action 2-1. The recreational allocation is 62.9% and the commercial allocation is 37.1%. The Northern Zone quota will be 23.04% and the Southern Zone quota allocation is 79.96% (see Appendix A for details on how the Northern and Southern Zone quota allocations were recalculated using the SEDAR 38 boundary). ACT values are calculated based on formula from CMP Amendment 18 using the average PSE from 2005-2009.

ACL = 80% ABC HIGH Recruitment Scenario Action 2-1, Alt 2						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	13.9 mp	5.2 mp	1,198,080	4,157,920	8.7 mp	8.1 mp
2017/18	12.6 mp	4.7 mp	1,082,880	3,758,120	7.9 mp	7.3 mp
2018/19	11.3 mp	4.2 mp	967,680	3,358,320	7.1 mp	6.6 mp
2019/20	10.3 mp	3.8 mp	875,520	3,038,480	6.5 mp	6.0 mp
2020/21	9.2 mp	3.4 mp	783,360	2,718,640	5.8 mp	5.4 mp

Table 2.2.6 continues on next page

Table 2.2.6 continued

ACL = 80% ABC MEDIUM Recruitment Scenario Action 2-1, Alt 3						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	13.2 mp	4.9 mp	1,128,960	3,918,040	8.3 mp	7.7 mp
2017/18	11.4 mp	4.2 mp	967,680	3,358,320	7.2 mp	6.7 mp
2018/19	10.3 mp	3.8 mp	875,520	3,038,480	6.5 mp	6.0 mp
2019/20	9.7 mp	3.6 mp	829,440	2,878,560	6.1 mp	5.7 mp
2020/21	9 mp	3.3 mp	760,320	2,638,680	5.7 mp	5.3 mp
ACL = 80% ABC LOW Recruitment Scenario Action 2-1, Alt 4						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	12.3 mp	4.6 mp	1,059,840	3,678,160	7.7 mp	7.2 mp
2017/18	10.3 mp	3.8 mp	875,520	3,038,480	6.5 mp	6.0 mp
2018/19	9.5 mp	3.5 mp	806,400	2,798,600	6.0 mp	5.6 mp
2019/20	9.3 mp	3.5 mp	806,400	2,798,600	5.8 mp	5.4 mp
2020/21	8.8 mp	3.3 mp	760,320	2,638,680	5.5 mp	5.1 mp

IPT recommendation to take out 2020/21.

Discussion:

In this action, the Councils may decide to set the ACL for Atlantic king mackerel based on the ABC selected in **Action 2-1** or to set the ACL based on the following recommendation from the South Atlantic SSC:

2. The SSC recommends the Council use a projection at the long-term, equilibrium yield at $F_{30\%SPR}$ as the ACL to reduce the risk of overfishing given the high uncertainty in future recruitment.

Alternatives 2, 5, and 6 would set the ACL based on the ABC in **Action 2-1**. The ACL would be set equal to the ABC (**Alternative 2**), or at a percentage of the ABC (**Alternatives 5-6**) to

provide an additional buffer. **Alternatives 3 and 4** are based on the SSC recommendation to use the long-term equilibrium yield $F_{30\%SPR}$, and **Alternative 4** includes an additional buffer by setting the ACL at 75% of the long-term equilibrium yield.

Public input during scoping meetings and the South Atlantic Mackerel AP recommended setting the ACL equal to the high recruitment ABC (**Alternative 2**).

Council Conclusions:

2.3 Action 3 – Sale of Incidental Catch of Atlantic Migratory Group King Mackerel Caught in the Shark Drift Gillnet Fishery

Previously Approved Alternatives by South Atlantic Council:

Alternative 1: No action - Sale of Atlantic migratory group king mackerel caught with drift gillnet as incidental catch in the Drift Gillnet Small Coastal Shark Fishery is prohibited.

Alternative 2: Allow sale of Atlantic migratory group king mackerel caught with drift gillnet as incidental catch in the Drift Gillnet portion of the commercial sector of the Small Coastal Shark Fishery for any vessel with a valid Shark Directed or Shark Incidental commercial permit AND valid federal king mackerel commercial permit. For shark vessels fishing in the Florida EEZ, no more than 2 king mackerel per crew member can be sold on each trip. For shark vessels in the EEZ north of the GA/FL line, no more than 3 king mackerel per crew member can be sold on each trip. The king mackerel must be sold to a dealer possessing a valid southeast federal dealer permit.

IPT Suggested Alternatives:

Alternative 1: No action - Retention and sale of Atlantic migratory group king mackerel caught with drift gillnet as incidental catch in the gillnet portion of the commercial shark fishery remains prohibited.

Alternative 2: Allow retention and sale of Atlantic migratory group king mackerel caught with drift gillnet as incidental catch in the gillnet portion of the commercial shark fishery for any vessel with a valid shark directed commercial permit AND valid federal king mackerel commercial permit. The king mackerel must be sold to a dealer with the Southeast federal dealer permit.

Option a: For shark gillnet trips in the EEZ off Florida, no more than 2 king mackerel per crew member can be on board, and no more than 2 king mackerel per crew member can be sold from the trip. For shark gillnet trips in the EEZ north of the GA/FL line, no more than 3 king mackerel per crew member can be on board, and no more than 3 king mackerel per crew member can be sold from the trip.

Option b: For shark gillnet trips in the Southern Zone, no more than 2 king mackerel per crew member can be on board, and no more than 2 king mackerel per crew member can be sold from the trip. For shark gillnet trips in the Northern Zone, no more than 3 king mackerel per crew member can be on board, and no more than 3 king mackerel per crew member can be sold from the trip.

Alternative 3: Allow retention and sale of Atlantic migratory group king mackerel caught with gillnet as incidental catch in the drift gillnet portion of the commercial shark

fishery for any vessel with a valid shark directed commercial permit AND valid federal king mackerel commercial permit. The king mackerel must be sold to a dealer with the Southeast federal dealer permit.

Option a: For shark gillnet trips in the South Atlantic, no more than 100 lbs of king mackerel can be on board, and no more than 100 lbs of king mackerel can be sold from the trip. **(South Atlantic CMP AP Preferred)**

Option b: For shark gillnet trips in the South Atlantic, no more than 100 lbs of king mackerel can be on board, and no more than 100 lbs of king mackerel can be sold from the trip.

Discussion:

Prior to CMP Amendment 20A (2014), fishermen with federal commercial shark permits and federal commercial king mackerel permits could sell the bag limit of king mackerel incidentally caught on shark gillnet trips. However, CMP Amendment 20A prohibited bag limit sales of incidentally caught king mackerel in South Atlantic Council jurisdictional waters. Gillnet gear is not an authorized gear type for king mackerel in the South Atlantic, further precluding those incidentally harvested king mackerel from being sold. Under **Alternative 1** (No Action), incidentally harvested king mackerel are currently discarded. Due to the mesh size and the nature of the small coastal shark drift gillnet fishery, most of the king mackerel are already dead when the gillnets are retrieved. The South Atlantic Council is considering a bycatch allowance to retain and sell king mackerel that may be caught incidentally in small coastal shark drift gillnet gear. The South Atlantic and Gulf CMP APs were supportive of allowing small coastal shark drift gillnet fishermen to retain and sell king mackerel caught on shark gillnet trips.

Alternatives 2 and 3 would establish a bycatch allowance and would allow the retention and sale of Atlantic migratory group king mackerel caught with drift gillnets in the small coastal shark drift gillnet fishery for any vessel that holds both a valid shark directed commercial permit and a valid federal king mackerel commercial permit. Under **Alternatives 2 and 3**, the king mackerel could be sold to a dealer operating with a southeast federal seafood dealer permit.

Under **Option a** of **Alternative 2**, the bycatch allowance would be limited to two king mackerel per crew member to be retained and sold only for trips off Florida. For shark gillnet trips in the EEZ north of the Georgia/Florida state line, no more than three king mackerel per crew member would be allowed to be retained or sold from a trip. This is consistent with current recreational king mackerel bag limits in those areas.

Under **Option b** of **Alternative 2**, the bycatch allowance would be limited to two king mackerel per crew member to be retained and sold only for trips in the Atlantic Southern Zone. For shark gillnet trips in the Atlantic Northern Zone, no more than three king mackerel per crew member would be allowed to be retained or sold from a trip. This would allow consistent regulations within each Zone.

Alternative 3 would also allow retention and sale of Atlantic king mackerel caught on shark gillnet trips, but would set the vessel limit in pounds instead of numbers of fish. Under **Option a**

of **Alternative 3**, the bycatch allowance for a trip in the South Atlantic (Florida through Maine) would be limited to 100 lbs of king mackerel to be retained onboard with a vessel limit of 100 lbs to be sold from each trip. Under **Option b** of **Alternative 3**, the bycatch allowance for a trip in the South Atlantic would be limited to 50 lbs of king mackerel to be retained onboard with a vessel limit of 50 lbs to be sold from each trip. Establishing a bycatch allowance based on weight rather than numbers of fish allows for more flexibility as the fish will vary by weight. This alternative would reduce dead discards, but the bycatch allowance would not be large enough to encourage directed targeting of king mackerel.

2.4 Action 4 - Establish a Florida East Coast Subzone and Commercial Quota

NOTE: Potential Actions and Alternatives- THESE ARE IPT RECOMMENDATIONS BASED ON SOUTH ATLANTIC CMP AP RECOMMENDATIONS
The Councils will review recommendations, edit and approve language in alternatives in June 2015.

2.4.1 Action 4-1. Establish a Florida East Coast Subzone for Atlantic Migratory Group King Mackerel

Alternative 1: Maintain the current shifting management boundary between the Gulf and Atlantic migratory groups of king mackerel (**Figure 2.1.1**).

Alternative 2: Establish a Florida East Coast Subzone that exists year-round with boundaries at:

Option a: Flagler/Volusia county line and Dade/Monroe county line.

Option b: Volusia/Brevard county line and Dade/Monroe county line.

Option c: Volusia/Brevard county line and Council jurisdictional boundary (as designated Action 1).

Alternative 3: Establish a Florida East Coast Subzone that exists November 1 through March 31 with boundaries at:

Option a: Flagler/Volusia county line and Dade/Monroe county line.

Option b: Volusia/Brevard county line and Dade/Monroe county line.

Option c: Volusia/Brevard county line and Martin/Palm Beach county line and the Council jurisdictional boundary (as designated in Action 1).

Alternative 4: Establish a Florida East Coast Subzone that exists October 1 through end of February with boundaries at:

Option a: Flagler/Volusia county line and Dade/Monroe county line.

Option b: Volusia/Brevard county line and Dade/Monroe county line.

Option c: Volusia/Brevard county line and Martin/Palm Beach county line and Council boundary (as designated in Action 1).

2.4.2 Action 4-2. Allocate Quota for the Florida East Coast Subzone within the Atlantic Southern Zone for Atlantic Migratory Group King Mackerel

Alternative 1: No action – The current allocation for the Atlantic Southern Zone of 66.8% will continue to be applied from the North Carolina/South Carolina state line south to the Council jurisdictional boundary.

Alternative 2: Establish a Florida East Coast Subzone sub-quota within the Southern Zone quota for Atlantic Migratory Group King Mackerel in which x% of the quota would be allocated to the Subzone. Commercial harvest of king mackerel in the area designated in Action 3-1/ would be counted towards the Florida East Coast Subzone sub-quota. When the quota for the season is met or expected to be met, commercial harvest of king mackerel in the subzone will be prohibited for the remainder of the fishing year for the subzone (as designated in Action 3-1/).

Option a: Use historic landings in the Southern Zone from the 2009/10 through the 2013/14 fishing seasons (last five years) to calculate the split season quota.

Option b: Use historic landings in the Southern Zone from the 2004/05 through the 2013/14 fishing seasons (last ten years) to calculate the split season quotas.

Alternative 3: Establish a split season for Atlantic Migratory Group King Mackerel in which 60% of the quota would be allocated to March 1- October 1st and 40% of the quota would be allocated October 1st-end of February. Commercial harvest of king mackerel in the area designated in Action 3-1/ would be counted towards the Southern Zone quota. When the quota for the season is met or expected to be met, commercial harvest of king mackerel in the entire zone will be prohibited for the remainder of the fishing year.

Option a. Use historic landings in the Southern Zone from the 2009/10 through the 2013/14 fishing seasons (last five years) to calculate the split season quota.

Option b. Use historic landings in the Southern Zone from the 2004/05 through the 2013/14 fishing seasons (last ten years) to calculate the split season quotas.

2.4.3 Action 4-3. Modify Trip Limits for the Florida East Coast Subzone for Atlantic Migratory Group King Mackerel

Alternative 1: No action - Trip limits for the Florida East Coast Subzone for Atlantic Migratory Group King Mackerel will continue to be 75 fish per vessel per trip from April 1 through October 31. From November 1 through the end of February, the trip limit will be limited to 50 fish per vessel per trip. For the month of March, the trip limit will be 75 fish per vessel per trip if less than 70% of the Florida East Coast Subzone ACL has been landed. If more than 70% of the Florida East Coast Subzone ACL has been landed, then the trip limit will be 50 fish per vessel per trip.

Alternative 2: The commercial trip limit in the Florida East Coast Subzone would be 75 fish with a step-down to 50 fish on May 1. The commercial trip limit north of the Volusia/Brevard county line would be 3,500 lbs.

Option a: The step-down would apply for only the month of May.

Option b: The step-down would apply from May-August.

Alternative 3: The commercial trip limit in the Florida East Coast Subzone would be 75 fish. The commercial trip limit north of the Volusia/Brevard county line would be 3,500 lbs.

Alternative 4: The commercial trip limit in the Florida East Coast Subzone would be 50 fish with an increase to 75 fish if X% of the quota has not been met by [date]. The commercial trip limit north of the Flagler/Volusia county line would be 3,500 lbs.

Discussion:

Actions 4-1, 4-2, and 4-3 will be constrained by the Councils' decisions on Action 1 and would only be relevant if the Councils choose one of the action alternatives in Action 1. Actions 4-1, 4-2, and 4-3 would establish a Florida East Coast Subzone, provide alternatives for the subzone boundaries, and determine split seasons and trip limits for this proposed subzone. Actions 4-2 and 4-3 will be constrained by the Councils' decisions in Action 4-1.

Currently the Florida East Coast (FLEC) Subzone is included in the Gulf migratory group king mackerel commercial management zones, and any king mackerel taken from this area counts against the Gulf of Mexico commercial ACL. However, because of the new stock and management boundaries recommended in the stock assessment results (SEDAR 38 2014), the Councils are considering establishing a FLEC subzone for Atlantic king mackerel which would include this area while the respective landings would count against the Atlantic migratory group king mackerel ACL.

The present FLEC Subzone is split between two seasons and separated by different county lines and different trip limits, and commercial sub-quotas. From November 1 - March 31, the FLEC

Subzone extends from the Flagler/Volusia county line to the Dade/Monroe county line and has a commercial sub-quota of the Gulf Commercial ACL (1,102,896 lbs).

Gulf FLEC Sub-zone trip limits run from April 1 - October 31, and change based on county. The trip limit is 3,500 lbs for Volusia County, 75 fish from Volusia/Brevard county line to Dade/Monroe county line, and a 1,250-lb trip limit from the Dade/Monroe county line to the Council jurisdictional boundary. During this time, commercial harvest is counted under the Atlantic Southern Zone king mackerel quota. The current commercial trip limit north of the Flagler/Volusia county line is 3,500 lbs year round which is also counted towards the Atlantic Southern Zone quota.

Under Action 4-1, **Alternative 1** (No action), the Atlantic FLEC Subzone would not be established and the FLEC Subzone would continue to be included within the Gulf Council's king mackerel management system. Action 4-1 provides alternatives to the boundaries of the FLEC Subzone.

At the South Atlantic CMP AP meeting, South Atlantic Council staff provided possible actions and alternatives for management in the FLEC Subzone including boundaries, when the subzone exists (year-round or during a sub-season), sub-quota, and trip limits. The AP members recommended a seasonal allocation of the Southern Zone quota with 60% of the quota allocated for March 1 – September 30 and 40% allocated for October 1- the end of February. Any unused quota from the first season would carry over to the second season. Quota transfers between the Atlantic Northern Zone and Atlantic Southern Zone would still be allowed. The South Atlantic CMP AP recommended that during March 1 - September 30, the FLEC Subzone would extend from the Volusia/Brevard county line to the Dade/Monroe county line and the commercial trip limit would be 75 fish with a possible step-down to 50 fish on May 1. The step-down could apply for only the month of May or throughout the summer months. The South Atlantic CMP AP recommended that the commercial trip limit north of the Volusia/Brevard county line remain at 3,500 lbs. From October 1 – the end of February, the South Atlantic CMP AP recommended that the FLEC Subzone boundaries be from the Flagler/Volusia county line to the Dade/Monroe county line. The South Atlantic CMP AP recommended a commercial trip limit in the FLEC subzone of 50 fish with a possible increase to 75 fish if a certain percentage of the quota had not been met by a specified date. During this time period, the commercial trip limit north of the Flagler/Volusia county line would be 3,500 lbs.

The South Atlantic CMP AP also suggested exploring the trip limit for the FLEC Subzone in pounds, as well as in numbers of fish.

2.5 Action 5: Modify the ACL for Gulf Migratory Group King Mackerel

Alternative 1: No action - Retain the current Gulf migratory group king mackerel ACL as designated in Amendment 18 (GMFMC/SAFMC 2011) of 10.8 million pounds.

Alternative 2: Set the Gulf migratory group king mackerel ACL equal to the ABC recommended by the Gulf Scientific and Statistical Committee for 2015-2019. ABC values are in millions of pounds, whole weight:

Year	ABC (mp ww)
2015	9.62
2016	9.21
2017	8.88
2018	8.71
2019	8.55

Alternative 3: Establish a constant catch scenario for the Gulf migratory group king mackerel ACL for one of the following time periods. The ACL during the selected time period may not exceed the ABC recommended by the Gulf SSC for any year during the selected time period.

Option a: A three-year period (2015-2017)

Option b: A five-year period (2015-2019)

Discussion:

SEDAR 38 (2014) was completed in August 2014 and included assessments for Gulf and Atlantic king mackerel. The Gulf SSC reviewed the Gulf migratory group king mackerel stock assessment during its January 2015 meeting, and accepted the assessment for management advice. The assessment used fishery-independent and fishery-dependent indices of abundance spanning from 1930 to 2012. The spawning stock biomass at MSY (SSB_{MSY}) is approximately 1120 metric tons (mt), and the current spawning stock biomass (SSB_{2012}) is 2353 mt. Since the Gulf migratory group of king mackerel is not thought to be either overfished ($SSB_{2012}/SSB_{MSY} = 2.1$) or experiencing overfishing ($F_{2012}/F_{MSY} = 0.507$), the Gulf SSC recommended a P^* value of 0.50 for the OFL at $F_{30\%SPR}$, and a P^* value of 0.43 for the ABC, based on the uncertainty characterized in the model. The Gulf SSC then recommended the following OFL and ABC values in millions of pounds (mp) whole weight (ww):

Table 2.5.1. Gulf SSC recommendations for acceptable biological catch for Gulf migratory group king mackerel, using data resultant from SEDAR 38 (2014). OFL and ABC values are in millions of pounds (mp) whole weight (ww).

Gulf SSC OFL/ABC Recommendations: Gulf Migratory Group King Mackerel		
Year	OFL	ABC
	<i>P* = 0.50</i>	<i>P* = 0.43</i>
2015	10.11	9.62
2016	9.61	9.21
2017	9.27	8.88
2018	9.11	8.71
2019	8.95	8.55

The Gulf Council may consider setting the Gulf king mackerel ACL at the same level as the ABC recommended by the SSC in Table 2.5.1 above (**Alternative 2**). Such an approach was used in CMP Amendment 18 (2011), when the Gulf migratory group of king mackerel was determined to be healthy (SEDAR 16 2008). Alternatively, the Council may consider a constant catch scenario for the ACL (**Alternative 3**), whereby the ACL would be set to some level below the ABC for a predetermined time period (**Option a** or **b**). An important caveat is that the ACL cannot exceed the ABC recommendation from the Gulf SSC for any year in the time period selected.

It is important to remember that the area attributed to the Gulf migratory group of king mackerel is thought to be smaller than previously described in past stock assessments (see Action 1). Even though the OFL and ABC projections are lower than the current ACL, the amount of area for which the *new* OFL and ABC recommendations applies is in fact smaller than the area for which the *old* ACL applies.

Council Conclusions:

2.6 Action 6. Revise the Commercial Zone Quotas for Gulf Migratory Group King Mackerel

Alternative 1: No action – Maintain the current commercial zone quotas for Gulf migratory group king mackerel (Western Zone: 31%; Northern Zone: 5.17%; Southern Zone Handline: 15.96%; Southern Zone Gillnet: 15.96%; Florida East Coast Zone: 31.91%).

Alternative 2: Revise the commercial zone quotas for Gulf migratory group king mackerel by dividing the Florida East Coast Zone’s quota into four equal parts, to be added to each of the remaining Gulf commercial zones.

Alternative 3: Revise the commercial zone quotas for Gulf migratory group king mackerel by dividing each individual zone’s quota percentage by the sum of the quota percentages for all Gulf commercial zones *except* the Florida East Coast Zone, with each resultant percentage becoming that respective zone’s new commercial quota.

Alternative 4: Revise the commercial zone quotas for Gulf migratory group king mackerel as follows: 40% for the Western Zone; 18% for the Northern Zone; 21% for the Southern Zone Handline component; and 21% for the Southern Zone Gillnet component. **(Gulf CMP AP Preferred)**

Discussion:

In keeping with the aforementioned changes in the stock boundaries identified in SEDAR 38 (2014), the Gulf Council will need to reallocate the commercial ACL amongst the three remaining fishing zones in the Gulf (Western Zone, Northern Zone, and Southern Zone). The current allocations are shown in Table 2.6.1 below.

Table 2.6.1. Commercial fishing zone allocations for Gulf migratory group king mackerel.

Gulf King Mackerel: Commercial Zone Allocations	
Zone	Percent of Comm Allocation
Western	31%
Northern	5.17%
Southern: Handline	15.96%
Southern: Gillnet	15.96%
FL East Coast	31.91%

The Florida East Coast Zone would be integrated into the proposed Atlantic Southern Zone (CMP Amendment 20B) if the change to the stock boundary is adopted by the Councils. This integration would result in an imbalance in the distribution of quota for the Gulf commercial sector of the king mackerel fishery (i.e., the remaining commercial zone allocations would not

sum to 100%), and thus necessitates reallocation. Options for reallocation might include equal (**Alternative 2**), proportional (**Alternative 3**), or some other distribution (**Alternative 4**) of the 31.91% void, as demonstrated in Table 2.6.2. Each of the presented reallocation options would result in additional fish for each of the Gulf commercial zones.

Table 2.6.2. Options for redistribution of commercial zone allocation for Gulf migratory group king mackerel.

Zone	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Western	31%	38.98%	45.53%	40%
Northern	5.17%	13.15%	7.61%	18%
Southern: H/L	15.96%	23.93%	23.43%	21%
Southern: Gillnet	15.96%	23.93%	23.43%	21%
FL East Coast	31.91%			

Alternative 4 (Gulf CMP AP Preferred) has been proposed by the Gulf Council’s CMP AP. The AP noted the low current commercial allocation for the Northern Zone (5.17%, **Alternative 1**, Table 2.6.2), and the new season opening date for that zone (October 1, CMP Amendment 20A). The AP determined that increasing the quota for the Northern Zone would allow permit holders in that region who have not had landings in several years the opportunity to fish commercially for king mackerel. Permit holders in the Northern Zone include both dually-permitted charter-for-hire and commercial participants. These permit holders have historically remarked that fishermen traveling from the east coast of Florida have often landed the Northern Zone’s quota before the charter fleet concludes the tourist season (usually by October 1) and/or before king mackerel migrate far enough east and south along the western Florida coastline to make fishing profitable.

Council Conclusions:

2.7 Action 7. Revise the Recreational and Commercial Allocations for the Gulf Migratory Group King Mackerel

Alternative 1: No action – Maintain the current recreational and commercial allocations for Gulf migratory group king mackerel (68% recreational, 32% commercial). **(Gulf CMP AP Preferred)**

Alternative 2: Revise the recreational and commercial allocations for Gulf migratory group king mackerel by shifting a percentage of the recreational allocation to the commercial sector.

Option a: Shift 5% of the recreational allocation to the commercial sector.

Option b: Shift 10% of the recreational allocation to the commercial sector.

Option c: Shift 20% of the recreational allocation to the commercial sector.

Alternative 3: Revise the recreational and commercial allocations for Gulf migratory group king mackerel by shifting a percentage of the recreational allocation to the commercial allocation annually until such a time that the recreational sector lands 80% of its allocation, after which no additional allocation will be shifted from the recreational allocation to the commercial allocation.

Option a: Shift 2% of the recreational allocation annually to the commercial allocation.

Option b: Shift 5% of the recreational allocation annually to the commercial allocation.

Discussion:

The Gulf Council is considering modifying the sector allocations for Gulf migratory group king mackerel. In multiple fishing seasons over the past ten years, the commercial sector has exceeded the commercial ACL while the recreational sector has landed decreasingly lower proportions of the recreational ACL. The Gulf Council has requested economic analyses to explore the effects of reallocating up to 10 percent of the Gulf recreational sector's ACL to the commercial sector. Recent landings of Gulf migratory group king mackerel are shown in Tables 2.7.1 - 2.7.3, and Figure 2.7.1. The fishing year for the time series presented is July1 – June 30.

Table 2.7.1. Gulf of Mexico commercial king mackerel landings by Zone and gear, less those landings attributed to the Florida East Coast Zone (FLEC). Gillnet landings only include the Gulf Southern Zone.

Fishing Year	Gulf Western Zone	Gulf Northern Zone	Gulf Southern Handline	Gulf Southern Gillnet	Grand Total	H&L TAC/ACL	Gill TAC/ACL	% HL	% Gill
2001-02	912,809	241,727	696,045	329,490	2,180,071	1,865,454	520,312	99.2%	63.3%
2002-03	1,007,483	172,821	707,888	389,504	2,277,696	1,865,454	520,312	101.2%	74.9%
2003-04	1,009,462	205,899	609,113	475,908	2,300,382	1,865,454	520,312	97.8%	91.5%
2004-05	1,071,603	127,653	595,291	680,869	2,475,416	1,865,454	520,312	96.2%	130.9%
2005-06	942,902	124,871	686,900	510,691	2,265,364	1,865,454	520,312	94.1%	98.2%
2006-07	1,054,992	172,270	605,566	486,766	2,319,594	1,865,454	520,312	98.3%	93.6%
2007-08	1,002,337	217,879	553,092	610,271	2,383,579	1,865,454	520,312	95.1%	117.3%
2008-09	923,877	183,645	736,988	878,821	2,723,331	1,865,454	520,312	98.9%	168.9%
2009-10	1,047,792	361,217	638,886	613,039	2,660,934	1,865,454	520,312	109.8%	117.8%
2010-11	976,113	228,385	651,079	543,157	2,398,734	1,865,454	520,312	99.5%	104.4%
2011-12	1,016,886	253,326	639,308	454,521	2,364,041	1,865,454	520,312	102.4%	87.4%
2012-13	1,163,731	330,989	703,067	500,426	2,698,213	2,179,143	607,614	100.9%	82.4%
2013-14	934,646	255,747	608,053	620,825	2,419,271	1,977,709	551,448	90.9%	112.6%
Average								98.8%	102.1%

Source: SEFSC/SERO/MRIP

Table 2.7.2. Landings and proportions landed by each sector for Gulf migratory group king mackerel, less those landings attributed to the Florida East Coast Zone (FLEC).

Fishing Year	Total Gulf king mackerel Landings	Sector Landings (less FLEC)		% of Total Landings by each sector	
		Comm	Rec	Comm	Rec
2001-02	4,150,189	2,180,071	3,404,409	52.5%	47.5%
2002-03	4,583,200	1,990,053	2,593,147	43.4%	56.6%
2003-04	5,051,033	2,067,028	2,984,005	40.9%	59.1%
2004-05	4,492,842	2,115,184	2,377,659	47.1%	52.9%
2005-06	4,795,257	1,956,005	2,839,253	40.8%	59.2%
2006-07	5,412,306	2,204,924	3,207,382	40.7%	59.3%
2007-08	4,735,460	2,299,832	2,435,628	48.6%	51.4%
2008-09	4,808,181	2,638,490	2,169,691	54.9%	45.1%
2009-10	6,104,556	2,642,137	3,462,419	43.3%	56.7%
2010-11	4,319,497	2,218,858	2,100,639	51.4%	48.6%
2011-12	4,616,615	2,260,442	2,356,173	49.0%	51.0%
2012-13	5,923,021	2,145,257	3,777,764	36.2%	63.8%
2013-14	5,334,839	2,419,271	2,915,568	45.3%	54.7%

Source: SEFSC/SERO/MRIP

Table 2.7.3. Proportion of sector ACLs landed and proportion of total ACL landed for Gulf migratory group king mackerel, including those landings attributed to the Florida East Coast Zone (FLEC). The FLEC landings are included here since there is not a recreational allocation specifically for the FLEC Zone.

Fishing Year	Total TAC/ACL	% of Sector ACL Landed		Total ACL Landed
		Comm ¹	Rec ²	
2001-02	10.2 MP	88.9%	52.9%	64.7%
2002-03	10.2 MP	97.6%	40.6%	59.3%
2003-04	10.2 MP	94.8%	46.3%	62.7%
2004-05	10.2 MP	98.5%	36.5%	56.4%
2005-06	10.2 MP	91.4%	43.2%	58.9%
2006-07	10.8 MP	93.5%	45.0%	60.5%
2007-08	10.8 MP	100.1%	35.8%	56.3%
2008-09	10.8 MP	110.9%	32.0%	57.6%
2009-10	10.8 MP	106.3%	48.0%	68.0%
2010-11	10.8 MP	101.9%	29.7%	53.0%
2011-12	10.8 MP	99.2%	33.2%	54.3%
2012-13	10.8 MP	102.4%	36.9%	57.9%
2013-14	10.8 MP	88.4%	39.7%	55.3%

¹Commercial allocation = 32% ²Recreational allocation = 68%

Source: SERO

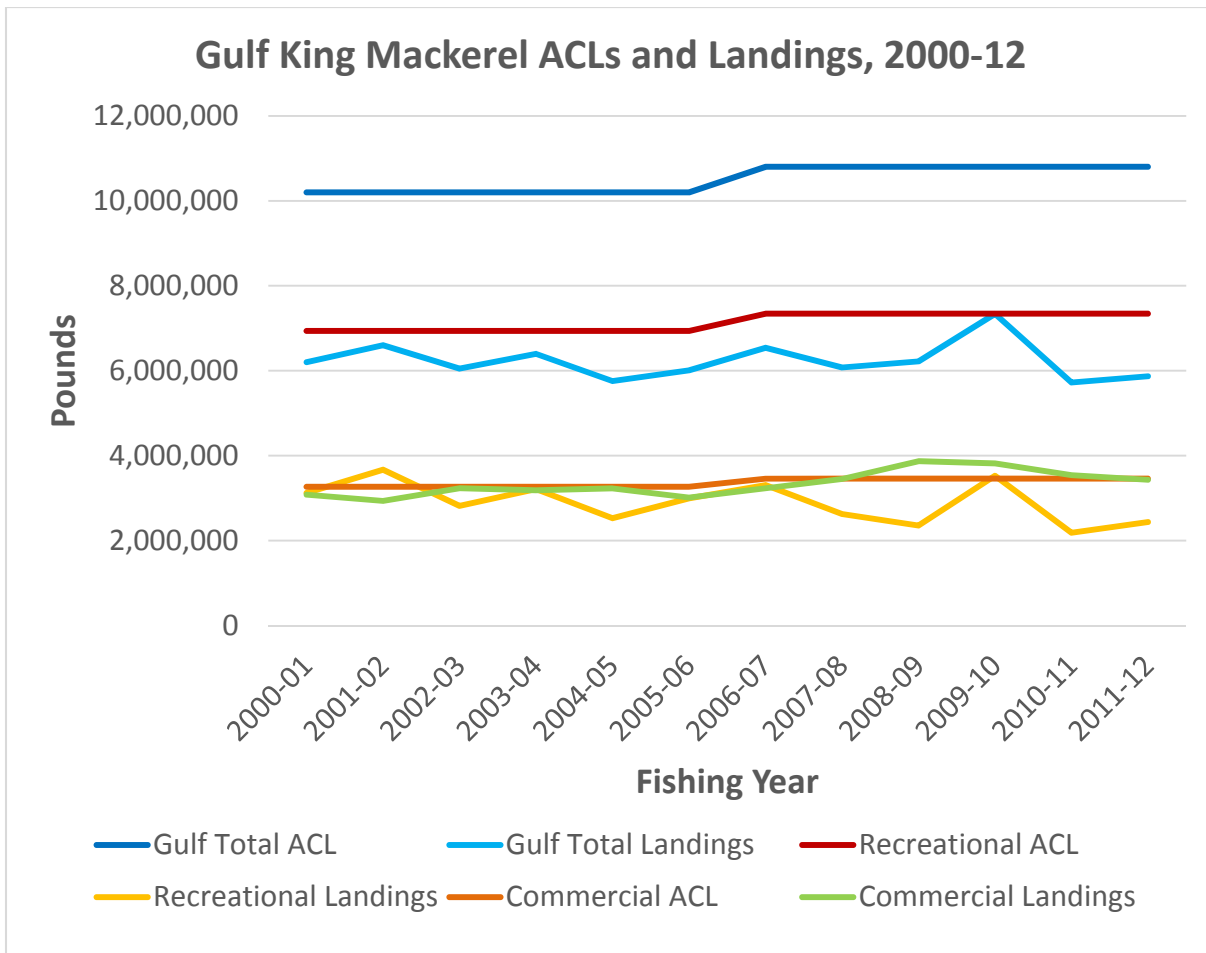


Figure 2.7.1. Trends in Gulf migratory group king mackerel landings by sector for 2000-2012 fishing seasons. Landings are in pounds.

Alternative 1 (Gulf CMP AP Preferred) would maintain the current recreational and commercial allocations of 68% and 32% respectively, which were established in the original CMP FMP in February of 1983. Over the last decade, the recreational sector has not landed its allocation, while the commercial sector has typically met or exceeded its allocation. Closure of the commercial sector is facilitated by the National Marine Fisheries Service (NMFS), which provides notice to fishermen prior to closing each commercial zone to fishing when that zone’s ACL is projected to be reached. This trend would be expected to continue, at least in the short term, if **Alternative 1** is preferred.

Alternative 2 would revise the recreational and commercial allocations for Gulf migratory group king mackerel by shifting some percentage of the recreational allocation to the commercial sector. Options for such a shift in allocation include 5% (**Option a**), 10% (**Option b**), and 20% (**Option c**). Shifting allocation from the recreational sector to the commercial sector could increase the likelihood of an overage in the recreational sector if effort increases in the future. Likewise, increasing the commercial sector’s allocation will likely result in those additional fish allocated to the commercial sector being landed, in addition to those fish landed by the recreational sector, thereby increasing the overall combined amount of Gulf migratory group

king mackerel landed annually. Increased landings should not have an adverse effect on the health of Gulf migratory group king mackerel, so long as the ABC is not exceeded. Table 2.7.4 shows the resultant allocations based on the options presented in this action.

Table 2.7.4. Resultant allocations based on options presented in Action 7. Alternative 3 would be dependent upon the landings reported in the year during which the recreational sector landed 80% of its allocation.

Option	Commercial Allocation	Recreational Allocation
Alternative 1	32%	68%
Alternative 2, Option a	37%	63%
Alternative 2, Option b	42%	58%
Alternative 2, Option c	52%	48%
Alternative 3		

Alternative 3 would revise the recreational and commercial allocations for Gulf migratory group king mackerel by shifting a percentage of the recreational allocation to the commercial allocation annually until such a time that the recreational sector lands 80% of its allocation, after which no additional allocation would be shifted from the recreational allocation to the commercial allocation. These annual percentage shifts could amount to 2% of the recreational allocation (**Option a**) or 5% (**Option b**). The actual resultant sector allocations would depend on the landings reported in the year during which the recreational sector landed 80% of its allocation.

Council Conclusions:

2.8 Action 8 - Modify the Recreational Bag Limit for Gulf Migratory Group King Mackerel

Alternative 1: No action - Maintain the current recreational bag limit of two fish per person per day.

Alternative 2: Increase the bag limit to three fish per person per day. **(Gulf CMP AP Preferred)**

Alternative 3: Increase the bag limit to four fish per person per day.

Discussion:

At the March 2015 Gulf CMP Advisory Panel (AP) meeting, members discussed reallocating from the recreational ACL to the commercial ACL (Action 7). The recreational sector has landed less than half of the recreational ACL in recent years (Table 2.7.3), and landings have marginally decreased since the mid-1990s. The AP recommended that the Council abstain from reallocating any king mackerel from the recreational sector to the commercial sector until after additional options for utilizing excess quota are explored for the recreational sector.

Some AP members thought the initial decrease of the bag limit to two fish per person per day in the mid-1990s may have been partly to blame for the decrease in recreational effort. Additionally, recent short recreational seasons for popular reef fish species may result in more effort shifting to king mackerel in the near future. Decreased fuel prices and a general improvement in the economy may also encourage greater recreational effort for king mackerel. The AP recommended an increase to three fish per person per day for the Gulf recreational bag limit as a way to potentially increase utilization of the recreational ACL.

Alternative 1 would maintain a two-fish bag limit. During 2011-2013, only 7% of anglers landed two or more fish and only 11% of anglers landed one fish. Most trips (82%) reported less than one fish per angler¹. From this one could infer that the majority of anglers would not catch more fish if allowed. However, anglers may currently stop fishing after landing one or two fish, but would continue if they were allowed to catch more fish.

Estimations of how landings might increase if bag limits were higher are difficult because they involve speculation about how many anglers would, in fact, catch more fish if allowed. Two methods were used for this action: Method 1 assumed all anglers currently catching two fish would catch the maximum allowed and Method 2 assumed all anglers currently catching two fish would retain any discards to meet the increased bag limit (see Bag Limit Analysis documentation for more details). Method 1 produces the high end of the range; probably not all anglers that currently catch two fish would keep more. Method 2 produces the low end of the range, although some discards may be due to not meeting the minimum size limit rather than exceeding the bag limit. In either case, angler behavior cannot be predicted. Uncertainty also exists in the

¹ Landings are reported by vessel, and the number of fish landed is divided by the number of anglers. If not all anglers land a fish, the number of fish per angler will be less than one.

projections due to economic conditions, weather events, changes in catch-per-unit effort, and a variety of other factors.

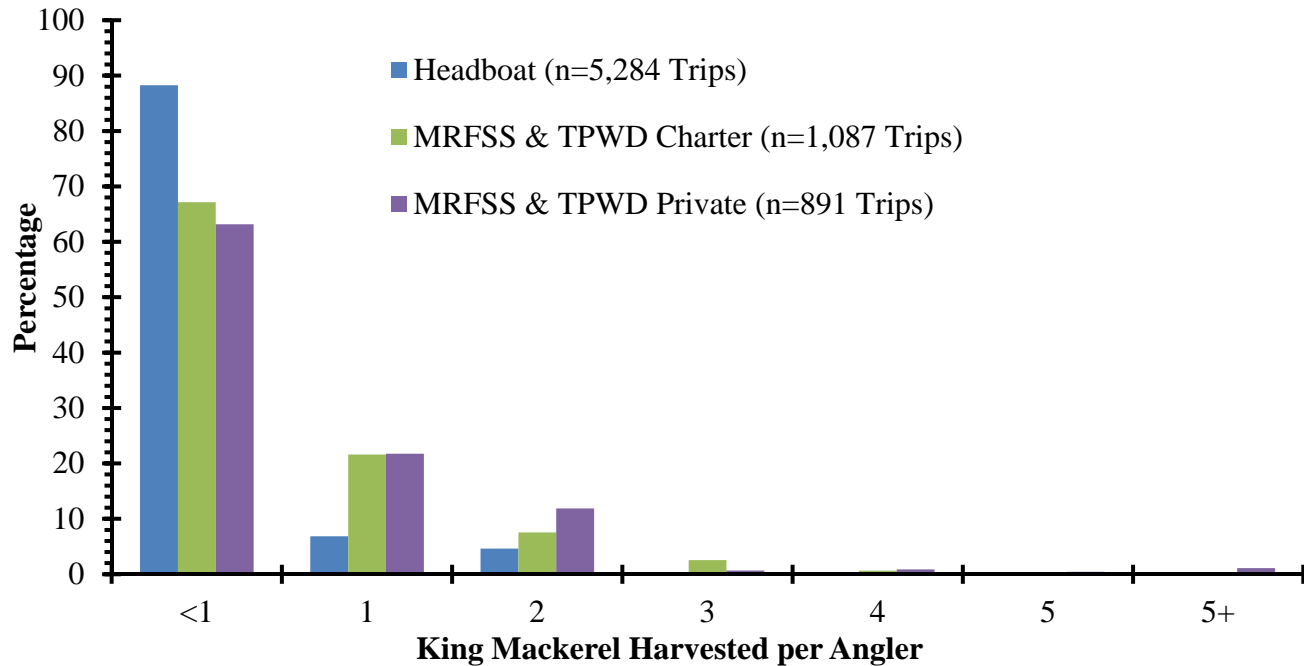


Figure 2.8.1. Distribution of Gulf of Mexico king mackerel harvested per angler by mode from 2011 through 2013. Source: NMFS SERO LAPP/DM Branch.

Based on the two methods described above, a three-fish bag limit (**Alternative 2, (Gulf CMP AP Preferred)**) would increase landings by an estimated 1-10% (weighted by mode) and a four-fish bag limit (**Alternative 3**) would increase landings by an estimated 3-21% (weighted by mode). If the higher ends of the estimates are used, the recreational sector would still be expected to leave 37% of the recreational ACL with **Alternative 2** and 26% with **Alternative 3** based on the highest year of landings (2001) in Table 2.7.3. Thus the Council could choose alternatives in both Action 7 and Action 8 and the recreational landings would still not be expected to reach the ACL.

Table 2.8.1. Percent increase in Gulf of Mexico king mackerel recreational landings with an increase in the bag limit (based on 2011-2013 data). Estimates were weighted based on the percentage of landings each mode contributed to the overall landings during 2011-2013. See Bag Limit Analysis document for more details.

Bag Limit	Method 1	Method 2
3 fish per person per day	10.1%	0.9%
4 fish per person per day	21.1%	3.1%

Source: NMFS SERO LAPP/DM Branch

CHAPTER 3. REFERENCES TO BE UPDATED

Atkinson L. P., D. W. Menzel, and K. A. E. Bush. 1985. Oceanography of the southeastern U.S. continental shelf. American Geophysical Union, Washington, DC.

Barnette, M. C. 2001. A review of the fishing gear utilized within the Southeast Region and their potential impacts on essential fish habitat. NOAA Technical Memorandum NMFS-SEFSC-449, 62pp.

Brooks, E. N. and M. Ortiz. 2004. Estimated von Bertalanffy growth curves for king mackerel stocks in the Atlantic and Gulf of Mexico. Sustainable Fisheries Division Contribution SFD-2004-05. SEDAR5 AW-10. National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Southeast Fisheries Science Center. Miami, Florida.

Burdeau, C. and J. Reeves. 2012, APNewsBreak: Tests confirm oil came from BP spill. Published by the Associated Press on 6 September 2012 at 17:32 EDT. Accessed on September 11, 2013 at: http://hosted2.ap.org/ZEBRA/98df8c7abf974deb9b6bf92f727c328d/Article_2012-09-06/id-2bc024be85d64e399c5529ce20cef665.

Camilli, R., C. M. Reddy, D. R. Yoerger, B. A. S. Van Mooy, M. V. Jakuba, J. C. Kinsey, C. P. McIntyre, S. P. Sylva, and J. V. Maloney. 2010. Tracking Hydrocarbon Plume Transport and Biodegradation at Deepwater Horizon. Science 330(6001): 201-204.

Dumas, C. F., J. C. Whitehead, C. E. Landry, and J. H. Herstine. 2009. "Economic Impacts and Recreation Value of the North Carolina For-Hire Fishing Fleet." North Carolina Sea Grant FRG Grant Report 07-FEG-05.

GMFMC. 1993. Final Amendment 5 to the Reef Fish Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico including Regulatory Impact Review and Initial Regulatory Flexibility Analysis, and Environmental Assessment. Gulf of Mexico Fishery Management Council, 5401 West Kennedy Blvd., Suite 331. Tampa, Florida. 450 p.
<http://www.gulfcouncil.org/Beta/GMFMCWeb/downloads/RF%20Amend-05%20Final%201993-02.pdf>

GMFMC. 1999. Regulatory amendment to the reef fish fishery management plan to set 1999 gag/black grouper management measures (revised). Gulf of Mexico Fishery Management Council, Tampa, Florida. 84 p.
<http://gulfcouncil.org/Beta/GMFMCWeb/downloads/RF%20RegAmend%20-%201999-08.pdf>

GMFMC. 2001. Final Generic Amendment Addressing the Establishment of Tortugas Marine Reserves in the following Fishery Management Plans of the Gulf of Mexico: Coastal migratory pelagics of the Gulf of Mexico and South Atlantic, Coral and Coral Reefs, Red Drum, Reef Fish, Shrimp, Spiny Lobster, Stone Crab. Gulf of Mexico Fishery Management Council Plan including Regulatory Impact Review, Regulatory Flexibility Analysis, and Environmental Impact Statement. Gulf of Mexico Fishery Management Council, 3018 North U.S. Highway 301, Suite 1000. Tampa, Florida. 194 p.

<http://www.gulfcouncil.org/Beta/GMFMCWeb/downloads/TORTAMENwp.pdf>

GMFMC. 2003. Final Amendment 21 to the Reef Fish Fishery Management Plan including Regulatory Impact Review, Initial Regulatory Flexibility Analysis, and Environmental Assessment. Gulf of Mexico Fishery Management Council, 3018 North U.S. Highway 301, Suite 1000. Tampa, Florida. 215 p.

<http://www.gulfcouncil.org/Beta/GMFMCWeb/downloads/Amend21-draft%203.pdf>

GMFMC. 2005. Generic amendment number 3 for addressing essential fish habitat requirements, habitat areas of particular concern, and adverse effects of fishing in the following fishery management plans of the Gulf of Mexico: shrimp fishery of the Gulf of Mexico, United States waters, red drum fishery of the Gulf of Mexico, reef fish fishery of the Gulf of Mexico, coastal migratory pelagic resources (mackerels) in the Gulf of Mexico and South Atlantic, stone crab fishery of the Gulf of Mexico, spiny lobster fishery of the Gulf of Mexico and South Atlantic, coral and coral reefs of the Gulf of Mexico. Gulf of Mexico Fishery Management Council. Tampa, Florida.

http://www.gulfcouncil.org/Beta/GMFMCWeb/downloads/FINAL3_EFH_Amendment.pdf

GMFMC. 2008. Final Amendment 30B to the Reef Fish Fishery Management Plan. Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607. 427 p.

http://www.gulfcouncil.org/Beta/GMFMCWeb/downloads/Final%20Amendment%2030B%2010_10_08.pdf

GMFMC and SAFMC. 1982. Fishery Management Plan for Coral and Coral Reefs in the Gulf of Mexico and South Atlantic Fishery Management Councils. Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 W. Kennedy Boulevard, Tampa, Florida; South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, South Carolina, 29407. 332 p.

<http://www.gulfcouncil.org/Beta/GMFMCWeb/downloads/Coral%20FMP.pdf>

GMFMC and SAFMC. 1985. Final amendment 1 to the fishery management plan, environmental impact statement, for coastal migratory pelagic resources (mackerels). Gulf of Mexico Fishery Management Council. Tampa, Florida, and South Atlantic Fishery Management Council.

Charleston, South Carolina. ftp://ftp.gulfcouncil.org/Web_Archive/Mackerel/MAC%20Amend-01%20Final%20Apr85.pdf

GMFMC and SAFMC. 2000. Final amendment 9 to the fishery management plan and environmental assessment for coastal migratory pelagic resources (mackerels). Gulf of Mexico

Fishery Management Council. Tampa, Florida, and South Atlantic Fishery Management Council. Charleston, South Carolina. ftp://ftp.gulfcouncil.org/Web_Archive/Mackerel/MAC%20Amend-09%20Final%20Nov98.pdf

GMFMC and SAFMC. 2011. Final amendment 18 to the fishery management plan for coastal migratory pelagic resources in the Gulf of Mexico and Atlantic regions including environmental assessment, regulatory impact review, and regulatory flexibility act analysis. Gulf of Mexico Fishery Management Council. Tampa, Florida, and South Atlantic Fishery Management Council. Charleston, South Carolina. <http://www.gulfcouncil.org/docs/amendments/Final%20CMP%20Amendment%2018%20092311%20w-o%20appendices.pdf>

GMFMC and SAFMC. 2013. Generic amendment to the fishery management plans of the Gulf of Mexico and Atlantic regions including environmental assessment, regulatory impact review, and regulatory flexibility act analysis: Modifications to Federally-Permitted Seafood Dealer Reporting Requirements. Gulf of Mexico Fishery Management Council. Tampa, Florida, and South Atlantic Fishery Management Council. Charleston, South Carolina. <http://gulfcouncil.org/docs/amendments/Modifications%20to%20Federally-Permitted%20Seafood%20Dealer%20Reporting%20Requirements.pdf>

Godcharles, M. F., and M. D. Murphy. 1986. Species profiles: life history and environmental requirements of coastal fishes and invertebrates (south Florida) -- king mackerel and Spanish mackerel. U. S. Fish and Wildlife Service Biological Report 82(11.58). U.S. Army Corps of Engineers TR EL-82-4. Vicksburg, Mississippi.

Goodman, R., 2003. Tar Balls: The End State. *Spill Science & Technology Bulletin* 8(2): 117-121.

Gore, R. H. 1992. *The Gulf of Mexico: A treasury of resources in the American Mediterranean*. Pineapple Press. Sarasota, Florida.

Harper, J. 2003. Exxon Valdez Oil Spill Trustee Council Gulf of Alaska Ecosystem Monitoring Project Final Report. ShoreZone Mapping of the Outer Kenai Coast, Alaska. Gulf of Alaska Ecosystem Monitoring Project 02613.

Holland, S. M., A. J. Fedler and J. W. Milon. 1999. The operations and economics of the charter and Head Boat Fleets of the Eastern Gulf of Mexico and South Atlantic Coasts. Report for NMFS, MARFIN program grant number NA77FF0553.

Incardona, J.P., L. D. Gardnerb, T. L. Linbo, T. L. Brown, A. J. Esbaugh, E. M. Mager, J. D. Stieglitz, B. L. French, J. S. Labenia, C. A. Laetz, M. Tagal, C. A. Sloan, A. Elizur, D. D. Benetti, M. Grosell, B. A. Block, and N. L. Scholz. 2014. Deepwater Horizon crude oil impacts the developing hearts of large predatory pelagic fish. *Proceedings of the National Academy of Sciences of the United States of America* 111(15): 1510-1518.z

IPCC (Intergovernmental Panel on Climate Change). 2007. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. M. L. Parry, O. F. Canziani, J. P. Palutikof, P. J. van der Linden and C. E. Hanson (eds). Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.

Jacob, S., P. Weeks, B. Blount, and M. Jepson. 2013. Development and evaluation of social indicators of vulnerability and resiliency for fishing communities in the Gulf of Mexico. *Marine Policy* 37:86-95.

Jepson, M. and L. L. Colburn. 2013. Development of Social Indicators of Fishing Community Vulnerability and Resilience in the U.S. Southeast and Northeast Regions. U.S. Dept. of Commerce, NOAA Technical Memorandum NMFS-F/SPO-129, 64 p.

Kennedy, V. S., R. R. Twilley, J. A. Kleypas, J. H. Cowan, and S. R. Hare. 2002. Coastal and marine ecosystems & global climate change. Report prepared for the Pew Center on Global Climate Change. 52p. Available at: http://www.c2es.org/docUploads/marine_ecosystems.pdf.

Kujawinski, E. B., M. C. Kido Soule, D. L. Valentine, A. K. Boysen, K. Longnecker, and M. C. Redmond. 2011. Fate of dispersants associated with the Deepwater Horizon Oil Spill. *Environmental Science and Technology* 45: 1298-1306.

Lee, T. N., M. E. Clarke, E. Williams, A. F. Szmant, and T. Berger. 1994. Evolution of the Tortugas Gyre. *Bulletin of Marine Science* 54(3):621-646.

Leis, J. M. 1991. The pelagic stage of reef fishes: the larval biology of coral reef fishes. Pages 183-230 in P. F. Sale editor. *The ecology of fishes on coral reefs*. Academic Press, New York, NY.

Liese, C. and D. W. Carter. 2011. Collecting Economic Data from the For-Hire Fishing Sector: Lessons from a Cost and Earnings Survey of the Southeast U.S. Charter Boat Industry. 14 p. In Beard, T.D., Jr., A.J. Loftus, and R. Arlinghaus (editors). *The Angler and the Environment*. American Fisheries Society, Bethesda, MD.

MSAP (Mackerel Stock Assessment Panel). 1996. Report of the Mackerel Stock Assessment Panel. Prepared by the Mackerel Stock Assessment Panel. Gulf of Mexico Fishery Management Council. Tampa, Florida.

Mayo C. A. 1973. Rearing, growth, and development of the eggs and larvae of seven scombrid fishes from the Straits of Florida. Doctoral dissertation. University of Miami, Miami, Florida.

McEachran, J. D. and J. D. Fechhelm. 2005. *Fishes of the Gulf of Mexico. Volume 2* University of Texas Press, Austin.

McEachran, J. D., and J. H. Finucane. 1979. Distribution, seasonality and abundance of larval king and Spanish mackerel in the northwestern Gulf of Mexico. (Abstract). Gulf States Marine Fisheries Commission. Publication Number 4. Ocean Springs, Mississippi.

Menzel, D. W., editor. 1993. Ocean processes: U.S. southeast continental shelf. DOE/OSTI -- 11674. U.S. Department of Energy.

Needham, H., D. Brown, and L. Carter. 2012. Impacts and adaptation options in the Gulf coast. Report prepared for the Center for Climate and Energy Solutions. 38 p. Available at: <http://www.c2es.org/docUploads/gulf-coast-impacts-adaptation.pdf>.

NMFS. 2009. Fisheries Economics of the United States 2006. U.S. Depart. of Commerce, NOAA Tech. Memo. NMFS-F/SPO-97. 158 p. Available at: <http://www.st.nmfs.gov/st5/publications/index.html>.

Schekter, R. C. 1971. Food habits of some larval and juvenile fishes from the Florida current near Miami, Florida. MS Thesis, University of Miami, Coral Gables.

Schwartz, F. J. 1989. Zoogeography and ecology of fishes inhabiting North Carolina's marine waters to depths of 600 meters. 335-374. In R. Y. George, and A. W. Hulbert, editors. North Carolina coastal oceanography symposium. U.S. Dep. Commerce, NOAA-NURP Rep. 89-2.

SEDAR 16. 2009. South Atlantic and Gulf of Mexico king mackerel benchmark stock assessment report. Southeast Data, Assessment, and Review. North Charleston, South Carolina. http://www.sefsc.noaa.gov/sedar/download/SEDAR16_final_SAR.pdf?id=DOCUMENT

Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K. B. Averyt, M. Tignor, and H. L. Miller. Intergovernmental Panel on Climate Change 2007. Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change Cambridge University Press, Cambridge, United Kingdom and New York, New York. Available at: http://www.ipcc.ch/publications_and_data/publications_ipcc_fourth_assessment_report_wg1_report_the_physical_science_basis.htm.

Sutton, S. G., R. B. Ditton, J. R. Stoll, and J. W. Milon. 1999. A cross-sectional study and longitudinal perspective on the social and economic characteristics of the charter and party boat fishing industry of Alabama, Mississippi, Louisiana, and Texas. Report by the Human Dimensions of Recreational Fisheries Research Laboratory, Texas A&M for NMFS, MARFIN program grant number NA 77FF0551.

Tampa Bay Times article: USF study finds more sick fish in oil spill area than rest of Gulf of Mexico, January 14, 2012. Available at: <http://www.tampabay.com/news/environment/wildlife/article1210495.ece>

Vondruska, J. 2010. Fishery analysis of the commercial fisheries for eleven coastal migratory pelagic species. SERO-FSSB-2010-01. National Marine Fisheries Service, Southeast Regional Office. St. Petersburg, Florida.

Whitehead, J. C. 2006. "A comparison of contingent valuation method and random utility model estimates of the value of avoiding reductions in king mackerel bag limits." *Applied Economics* 38(15):1725-1735.

Williams, R. O., and R. G. Taylor. 1980. The effect of water temperature and winter air temperature on springtime migrations of king mackerel in the vicinity of Tampa Bay, Florida. *Florida Science* 43(supplemental):26 (abstract).

Wollam, M. B. 1970. Description and distribution of larvae and early juveniles of king mackerel, *Scomberomorus cavalla* (Cuvier), and Spanish mackerel, *S. maculatus* (Mitchill); (Pisces: Scombridae); in the Western North Atlantic. Florida Department of Natural Resources Laboratory Technical Service 61.

Yeung, C., and M. F. McGowan. 1991. Differences in inshore-offshore and vertical distribution of phyllosoma larvae of *Panulirus*, *Scyllarus*, and *Scyllarides* in the Florida Keys in May-June, 1989. *Bulletin of Marine Science* 49:699-714.

APPENDIX A. SUMMARIES OF PUBLIC COMMENTS RECEIVED

Gulf of Mexico Scoping Workshop Comments

SCOPING WORKSHOPS
Coastal Migratory Pelagics
Amendment 26
King Mackerel Allocations & Mixing Zone Delineation

Biloxi, Mississippi
March 31, 2015

Meeting Attendees:
Rufus Young

King Mackerel Annual Catch Limit

How should the Councils adjust the king mackerel annual catch limits in light of the recent adjustment to acceptable biological catch?

- The Council should raise the annual catch limit along with the acceptable biological catch. Anything to get a little back.

Should a constant catch scenario be considered in the Gulf?

- A declining trend is fine. The constant catch scenario not preferable because it doesn't allow for the most fish to be harvested.

Gulf King Mackerel Commercial Zone Allocations

How should the Gulf annual catch limit be allocated to the commercial zones?

- The Gulf CMP Advisory Panel suggestions are fine. 40% to the Western Zone, 18% to the Northern Zone, and 21% each to the Southern Zone components. The Northern Zone guys need to fish too.

Gulf King Mackerel Sector Allocation

Should the Gulf Council adjust the commercial and recreational allocations for king mackerel?

- There should be a hard shift of 10% of the allocation from the recreational to commercial sector. Anything to give the commercial side more and keep the season open longer.

Sale of King Mackerel Bycatch in the South Atlantic Shark Gillnet Fishery

Should the South Atlantic Council allow bag limit sale of king mackerel caught while shark gillnetting?

- Yes, let them sell the bag limit. No sense in throwing dead fish away.

How would allowing bag limit sale of king mackerel change fishing behavior?

- There shouldn't be any change in fishing behavior.

Recreational Bag Limit for King Mackerel

Should the Gulf Council consider increasing the recreational bag limit for king mackerel?

- No, and it will cause recreational fishermen to fish hard if they can get three fish.

Saint Petersburg, Florida
April 13, 2015

Meeting Attendees:
Richard Sergent
Stewart Hehenberger

King Mackerel Stock Boundary

How would adjustments to the stock boundary effect the fishery?

- The opening dates for the new zones would have to change to ensure the fish are in those areas when they're open.
- There are not a whole lot of fish caught during the winter in the east/north end of that mixing zone. Fish are mostly to the west and northeast at that time.
- The suggested boundary change seems reasonable.

Gulf King Mackerel Commercial Zone Allocations

How should the Gulf annual catch limit be allocated to the commercial zones?

- The increase should be spread it out evenly.
- Consider giving more quota to the panhandle area (Northern subzone of the Eastern zone) which doesn't have enough fish. Currently that area has such a small portion of the fish that you can't even fish for king mackerel off of the St. Petersburg area because the panhandle fishermen catch the zone allocation up before the fish get there.
- Consider making a new fishing zone off St. Petersburg so the season can be open when the fish are around. Make the season for the Tampa zone open in March-May and maybe again in the fall.

Gulf King Mackerel Sector Allocation

Should the Gulf Council adjust the commercial and recreational allocations for king mackerel?

- The fish that are under harvested by the recreational sector should be given to the commercial sector.

Sale of King Mackerel Bycatch in the South Atlantic Shark Gillnet Fishery

Should the South Atlantic Council allow bag limit sale of king mackerel caught while shark gillnetting?

- No, those fishermen are shark fishing. Gillnets were banned off the Atlantic coast for a reason and harvest of king mackerel with that gear type should not be encouraged.

Florida East Coast Subzone Management

Should the South Atlantic consider creating a sub-quota or endorsement for king mackerel fishing in the Florida East Coast Subzone?

- Effort increase is a concern in that area but limiting entry in some way could be bad. There is fear that a qualifying year or number of landings will be chosen and fishermen currently fishing in that area will be excluded.
- There should not be an endorsement required to fish in the Florida East Coast subzone.

Recreational Bag Limit for King Mackerel

Should the Gulf Council consider increasing the recreational bag limit for king mackerel?

- The recreational bag limit should not increase. A 2-fish per person bag limit is plenty of meat.

Key West, Florida
April 19, 2015

Meeting Attendees:

George Niles
Daniel Padron
Bill Kelly

King Mackerel Annual Catch Limit

How should the Councils adjust the king mackerel annual catch limits in light of the recent adjustment to acceptable biological catch?

- Council's should evaluate the ABC annually.
- The Gulf Council should have more authority over the fishery than the South Atlantic Council.
- The SSC should reevaluate the ABC.

King Mackerel Stock Boundary

How would adjustments to the stock boundary effect the fishery?

- The proposed mixing zone is fine.

Gulf King Mackerel Sector Allocation

Should the Gulf Council adjust the commercial and recreational allocations for king mackerel?

- There has to be some way to use the fish that aren't being harvested.
- Recreational fish already go against commercial quota because they can sell the fish they catch.
- Give the commercial fishermen quota from the recreational sector until the recreational sector is landing 80% of its quota.
- The three million pounds of fish being left in the water by the recreational sector is not being caught, and using a "use it or lose it" for a million of those pounds over 5 years doesn't make sense.

How should the king mackerel annual catch limit be allocated?

- The recreational sector should lend portion of their quota to commercial sector because they're not using it and fish are being wasted. Try lending program for a year and see how it works.
- Attendees in favor of proportional allocation, where the Western Zone would get 45.53%; the Northern Zone, 7.61%; and each component of the Southern Zone, 23.43%.
- The allocation in the northern areas doesn't make sense. Those areas were never where the heart of the fishery was.

Sale of King Mackerel Bycatch in the South Atlantic Shark Gillnet Fishery

How would allowing bag limit sale of king mackerel change fishing behavior?

- It will not change the way people fish.
- A three fish limit will benefit those who are able to sell the incidentally caught fish.

Florida East coast Subzone Management

Should the South Atlantic consider creating a sub-quota or endorsement for king mackerel fishing in the Florida East Coast Subzone?

- There is not a lot of support for this idea, the system already too complicated.
- This may cause more people would jump into fishery.
- If it's done the Councils need to build in a sunset provision.
- The two-for-one provision that was brought up at South Atlantic AP was brought up, however, not much support from attendees.
- A sub-quota may affect the after-market in a negative way.

Recreational Bag Limit for King Mackerel

Should the Gulf Council consider increasing the recreational bag limit for king mackerel?

- The recreational sector does not need a three fish bag limit.
- Try a recreational bag limit increase for 1-2 years.
- Give an extra 2,000,000 pounds to the commercial sector instead.
- Rather than decreasing the recreational allocation, the Council needs to make it feasible for people to fish.

How would increasing the recreational bag limit for king mackerel change fishing behavior?

- Behavior will change if recreational fishermen are allowed to sell their fish. Charter boats will definitely fish for kingfish more in this case.

Meeting Attendees:
Shane Cantrell

King Mackerel Annual Catch Limit

How should the Councils adjust the king mackerel annual catch limits in light of the recent adjustment to acceptable biological catch?

- Since the annual catch limit has not been harvested in recent years there is no need to raise it now.
- Keep status quo for three years to see how it works, reconsider an adjustment if we begin see a change in landings.

Should a constant catch scenario be considered in the Gulf?

- Yes. This would provide predictability in season length for the commercial zones.

King Mackerel Stock Boundary

What should the Councils do regarding the stock assessment recommendation on creating a mixing zone?

- The Council should follow the scientific advice and create a mixing zone.

How would adjustments to the stock boundary effect the fishery?

- Adjustments will have no effect.

Gulf King Mackerel Commercial Zone Allocations

How should the Gulf annual catch limit be allocated to the commercial zones?

- The Council should follow the Gulf CMP advisory panel recommendation. 40% for the Western Zone, 18% for the Northern Zone, and 21% each for the Southern Zone handline and gillnet components.

Gulf King Mackerel Sector Allocation

Should the Gulf Council adjust the commercial and recreational allocations for king mackerel?

- More recreational input is needed before a decision on allocation is made. We should have more information on why the recreational sector isn't harvesting their allocation. They shouldn't necessarily be penalized for under harvesting.

How should the king mackerel annual catch limit be allocated?

- A bag limit analysis and research on mortality rate of king mackerel releases should be performed to inform this decision.

Sale of King Mackerel Bycatch in the South Atlantic Shark Gillnet Fishery

Should the South Atlantic Council allow bag limit sale of king mackerel caught while shark gillnetting?

- Yes. There is no reason to discard dead fish, especially if they have dockside value.

How would allowing bag limit sale of king mackerel change fishing behavior?

- There will be no change.

Florida East Coast Subzone Management

Should the South Atlantic consider creating a sub-quota or endorsement for king mackerel fishing in the Florida East Coast Subzone?

- There should be a sub-quota rather than an endorsement to fish in the Florida East Coast Subzone.

Should specific accountability measures be established in the Florida East Coast Subzone?

- Yes. Effort over there seems to be an issue for the South Atlantic, so they will probably want to look at specific things over there.

Recreational Bag Limit for King Mackerel

Should the Gulf Council consider increasing the recreational bag limit for king mackerel?

- Yes. We need to do everything we can to help the recreational fishermen catch their allocation. Maybe this will help them land more fish.

How would increasing the recreational bag limit for king mackerel change fishing behavior?

- Depends on individual, but generally there will be changes in behavior with a larger bag limit. The for-hire group would keep extra fish.

Grand Isle, Louisiana
April 28, 2015

Meeting Attendees:

Dean Blanchard
Kelty Readenour
Michael Frazier
Abigail Frazier
Brian Hardcastle

King Mackerel Annual Catch Limit

How should the Councils adjust the king mackerel annual catch limits in light of the recent adjustment to acceptable biological catch?

- The maximum possible ACL is preferred as long as it does not cause overfishing.

Should a constant catch scenario be considered in the Gulf?

- Council should follow the advisory panel suggestion and select a constant catch scenario.

King Mackerel Stock Boundary

What should the Councils do regarding the stock assessment recommendation on creating a mixing zone?

- The mixing zone should be created if it makes sense scientifically. There would be no effect on the fishery.

Gulf King Mackerel Zone Allocations

How should the Gulf annual catch limit be allocated to the commercial zones?

- Locals don't have a chance to fish in the Western zone with so many traveling fishermen coming from different areas. The advisory panel's recommendation of 41% allocation for the western Gulf should be considered.

Sector Reallocation of Gulf King Mackerel

Should the Gulf Council adjust the commercial and recreational allocations for king mackerel?

- Do not move recreational allocation to commercial sector. You don't want to mess with those guys, or you'll never hear the end of it.

Sale of King Mackerel Bycatch in the Shark Gillnet Fishery

Should the South Atlantic Council allow bag limit sale of king mackerel caught while shark gillnetting?

- Yes, as long as it is monitored.

Management for the Florida East Coast Subzone

Should the South Atlantic consider creating a sub-quota or endorsement for king mackerel fishing in the Florida East Coast Subzone?

- Follow the advisory panel recommendation. This is largely a South Atlantic issue, so the South Atlantic Council should decide.

Recreational Bag Limit for King Mackerel

Should the Gulf Council consider increasing the recreational bag limit for king mackerel?

- Yes. Do something to see if they can catch their fish. If not, then reallocate fish to the commercial sector.

How would increasing the recreational bag limit for king mackerel change fishing behavior?

- Fishing behavior won't change by a measurable amount.

SCOPING WORKSHOPS
Coastal Migratory Pelagics
Amendment 26
King Mackerel Allocations & Mixing Zone Delineation

Biloxi, Mississippi
March 31, 2015

Meeting Attendees:
Rufus Young

King Mackerel Annual Catch Limit

How should the Councils adjust the king mackerel annual catch limits in light of the recent adjustment to acceptable biological catch?

- The Council should raise the annual catch limit along with the acceptable biological catch. Anything to get a little back.

Should a constant catch scenario be considered in the Gulf?

- A declining trend is fine. The constant catch scenario not preferable because it doesn't allow for the most fish to be harvested.

Gulf King Mackerel Commercial Zone Allocations

How should the Gulf annual catch limit be allocated to the commercial zones?

- The Gulf CMP Advisory Panel suggestions are fine. 40% to the Western Zone, 18% to the Northern Zone, and 21% each to the Southern Zone components. The Northern Zone guys need to fish too.

Gulf King Mackerel Sector Allocation

Should the Gulf Council adjust the commercial and recreational allocations for king mackerel?

- There should be a hard shift of 10% of the allocation from the recreational to commercial sector. Anything to give the commercial side more and keep the season open longer.

Sale of King Mackerel Bycatch in the South Atlantic Shark Gillnet Fishery

Should the South Atlantic Council allow bag limit sale of king mackerel caught while shark gillnetting?

- Yes, let them sell the bag limit. No sense in throwing dead fish away.

How would allowing bag limit sale of king mackerel change fishing behavior?

- There shouldn't be any change in fishing behavior.

Recreational Bag Limit for King Mackerel

Should the Gulf Council consider increasing the recreational bag limit for king mackerel?

- No, and it will cause recreational fishermen to fish hard if they can get three fish.

Saint Petersburg, Florida
April 13, 2015

Meeting Attendees:
Richard Sergent
Stewart Hehenberger

King Mackerel Stock Boundary

How would adjustments to the stock boundary effect the fishery?

- The opening dates for the new zones would have to change to ensure the fish are in those areas when they're open.
- There are not a whole lot of fish caught during the winter in the east/north end of that mixing zone. Fish are mostly to the west and northeast at that time.
- The suggested boundary change seems reasonable.

Gulf King Mackerel Commercial Zone Allocations

How should the Gulf annual catch limit be allocated to the commercial zones?

- The increase should be spread it out evenly.
- Consider giving more quota to the panhandle area (Northern subzone of the Eastern zone) which doesn't have enough fish. Currently that area has such a small portion of the fish that you can't even fish for king mackerel off of the St. Petersburg area because the panhandle fishermen catch the zone allocation up before the fish get there.
- Consider making a new fishing zone off St. Petersburg so the season can be open when the fish are around. Make the season for the Tampa zone open in March-May and maybe again in the fall.

Gulf King Mackerel Sector Allocation

Should the Gulf Council adjust the commercial and recreational allocations for king mackerel?

- The fish that are under harvested by the recreational sector should be given to the commercial sector.

Sale of King Mackerel Bycatch in the South Atlantic Shark Gillnet Fishery

Should the South Atlantic Council allow bag limit sale of king mackerel caught while shark gillnetting?

- No, those fishermen are shark fishing. Gillnets were banned off the Atlantic coast for a reason and harvest of king mackerel with that gear type should not be encouraged.

Florida East Coast Subzone Management

Should the South Atlantic consider creating a sub-quota or endorsement for king mackerel fishing in the Florida East Coast Subzone?

- Effort increase is a concern in that area but limiting entry in some way could be bad. There is fear that a qualifying year or number of landings will be chosen and fishermen currently fishing in that area will be excluded.
- There should not be an endorsement required to fish in the Florida East Coast subzone.

Recreational Bag Limit for King Mackerel

Should the Gulf Council consider increasing the recreational bag limit for king mackerel?

- The recreational bag limit should not increase. A 2-fish per person bag limit is plenty of meat.

Key West, Florida
April 19, 2015

Meeting Attendees:
George Niles
Daniel Padron

Bill Kelly

King Mackerel Annual Catch Limit

How should the Councils adjust the king mackerel annual catch limits in light of the recent adjustment to acceptable biological catch?

- Council's should evaluate the ABC annually.
- The Gulf Council should have more authority over the fishery than the South Atlantic Council.
- The SSC should reevaluate the ABC.

King Mackerel Stock Boundary

How would adjustments to the stock boundary effect the fishery?

- The proposed mixing zone is fine.

Gulf King Mackerel Sector Allocation

Should the Gulf Council adjust the commercial and recreational allocations for king mackerel?

- There has to be some way to use the fish that aren't being harvested.
- Recreational fish already go against commercial quota because they can sell the fish they catch.
- Give the commercial fishermen quota from the recreational sector until the recreational sector is landing 80% of its quota.
- The three million pounds of fish being left in the water by the recreational sector is not being caught, and using a "use it or lose it" for a million of those pounds over 5 years doesn't make sense.

How should the king mackerel annual catch limit be allocated?

- The recreational sector should lend portion of their quota to commercial sector because they're not using it and fish are being wasted. Try lending program for a year and see how it works.
- Attendees in favor of proportional allocation, where the Western Zone would get 45.53%; the Northern Zone, 7.61%; and each component of the Southern Zone, 23.43%.
- The allocation in the northern areas doesn't make sense. Those areas were never where the heart of the fishery was.

Sale of King Mackerel Bycatch in the South Atlantic Shark Gillnet Fishery

How would allowing bag limit sale of king mackerel change fishing behavior?

- It will not change the way people fish.
- A three fish limit will benefit those who are able to sell the incidentally caught fish.

Florida East coast Subzone Management

Should the South Atlantic consider creating a sub-quota or endorsement for king mackerel fishing in the Florida East Coast Subzone?

- There is not a lot of support for this idea, the system already too complicated.
- This may cause more people would jump into fishery.
- If it's done the Councils need to build in a sunset provision.
- The two-for-one provision that was brought up at South Atlantic AP was brought up, however, not much support from attendees.
- A sub-quota may affect the after-market in a negative way.

Recreational Bag Limit for King Mackerel

Should the Gulf Council consider increasing the recreational bag limit for king mackerel?

- The recreational sector does not need a three fish bag limit.
- Try a recreational bag limit increase for 1-2 years.
- Give an extra 2,000,000 pounds to the commercial sector instead.
- Rather than decreasing the recreational allocation, the Council needs to make it feasible for people to fish.

How would increasing the recreational bag limit for king mackerel change fishing behavior?

- Behavior will change if recreational fishermen are allowed to sell their fish. Charter boats will definitely fish for kingfish more in this case.

Galveston, Texas
April 27, 2015

Meeting Attendees:
Shane Cantrell

King Mackerel Annual Catch Limit

How should the Councils adjust the king mackerel annual catch limits in light of the recent adjustment to acceptable biological catch?

- Since the annual catch limit has not been harvested in recent years there is no need to raise it now.
- Keep status quo for three years to see how it works, reconsider an adjustment if we begin see a change in landings.

Should a constant catch scenario be considered in the Gulf?

- Yes. This would provide predictability in season length for the commercial zones.

King Mackerel Stock Boundary

What should the Councils do regarding the stock assessment recommendation on creating a mixing zone?

- The Council should follow the scientific advice and create a mixing zone.

How would adjustments to the stock boundary effect the fishery?

- Adjustments will have no effect.

Gulf King Mackerel Commercial Zone Allocations

How should the Gulf annual catch limit be allocated to the commercial zones?

- The Council should follow the Gulf CMP advisory panel recommendation. 40% for the Western Zone, 18% for the Northern Zone, and 21% each for the Southern Zone handline and gillnet components.

Gulf King Mackerel Sector Allocation

Should the Gulf Council adjust the commercial and recreational allocations for king mackerel?

- More recreational input is needed before a decision on allocation is made. We should have more information on why the recreational sector isn't harvesting their allocation. They shouldn't necessarily be penalized for under harvesting.

How should the king mackerel annual catch limit be allocated?

- A bag limit analysis and research on mortality rate of king mackerel releases should be performed to inform this decision.

Sale of King Mackerel Bycatch in the South Atlantic Shark Gillnet Fishery

Should the South Atlantic Council allow bag limit sale of king mackerel caught while shark gillnetting?

- Yes. There is no reason to discard dead fish, especially if they have dockside value.

How would allowing bag limit sale of king mackerel change fishing behavior?

- There will be no change.

Florida East Coast Subzone Management

Should the South Atlantic consider creating a sub-quota or endorsement for king mackerel fishing in the Florida East Coast Subzone?

- There should be a sub-quota rather than an endorsement to fish in the Florida East Coast Subzone.

Should specific accountability measures be established in the Florida East Coast Subzone?

- Yes. Effort over there seems to be an issue for the South Atlantic, so they will probably want to look at specific things over there.

Recreational Bag Limit for King Mackerel

Should the Gulf Council consider increasing the recreational bag limit for king mackerel?

- Yes. We need to do everything we can to help the recreational fishermen catch their allocation. Maybe this will help them land more fish.

How would increasing the recreational bag limit for king mackerel change fishing behavior?

- Depends on individual, but generally there will be changes in behavior with a larger bag limit. The for-hire group would keep extra fish.

Grande Isle, Louisiana
April 28, 2015

Meeting Attendees:

Dean Blanchard
Kelty Readenour
Michael Frazier
Abigail Frazier
Brian Hardcastle

King Mackerel Annual Catch Limit

How should the Councils adjust the king mackerel annual catch limits in light of the recent adjustment to acceptable biological catch?

- The maximum possible ACL is preferred as long as it does not cause overfishing.

Should a constant catch scenario be considered in the Gulf?

- Council should follow the advisory panel suggestion and select a constant catch scenario.

King Mackerel Stock Boundary

What should the Councils do regarding the stock assessment recommendation on creating a mixing zone?

- The mixing zone should be created if it makes sense scientifically. There would be no effect on the fishery.

Gulf King Mackerel Zone Allocations

How should the Gulf annual catch limit be allocated to the commercial zones?

- Locals don't have a chance to fish in the Western zone with so many traveling fishermen coming from different areas. The advisory panels recommendation of 41% allocation for the western Gulf should be considered.

Sector Reallocation of Gulf King Mackerel

Should the Gulf Council adjust the commercial and recreational allocations for king mackerel?

- Do not move recreational allocation to commercial sector. You don't want to mess with those guys, or you'll never hear the end of it.

Sale of King Mackerel Bycatch in the Shark Gillnet Fishery

Should the South Atlantic Council allow bag limit sale of king mackerel caught while shark gillnetting?

- Yes, as long as it is monitored.

Management for the Florida East Coast Subzone

Should the South Atlantic consider creating a sub-quota or endorsement for king mackerel fishing in the Florida East Coast Subzone?

- Follow the advisory panel recommendation. This is largely a South Atlantic issue, so the South Atlantic Council should decide.

Recreational Bag Limit for King Mackerel

Should the Gulf Council consider increasing the recreational bag limit for king mackerel?

- Yes. Do something to see if they can catch their fish. If not, then reallocate fish to the commercial sector.

How would increasing the recreational bag limit for king mackerel change fishing behavior?

- Fishing behavior won't change by a measurable amount.

King Mackerel Bag Limit Analysis

The Gulf of Mexico Fishery Management Council requested analysis of increasing the king mackerel bag limit from 2 to 3 fish per angler at their March 2015 meeting. This analysis also includes an increase to 4 fish per angler, to provide a range of alternatives should this action be added to an amendment. This action may be added to Amendment 26 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and South Atlantic Region or developed as a framework amendment.

First, Gulf of Mexico recreational datasets from Marine Recreational Fisheries Statistical Survey (MRFSS), Headboat, and Texas Parks and Wildlife Department (TPWD) were explored to determine the numbers of king mackerel harvested per angler. Data from the most recent years of complete data (2011-2013) were used. Figure 1 provides the distribution of the number of king mackerel harvested per angler.

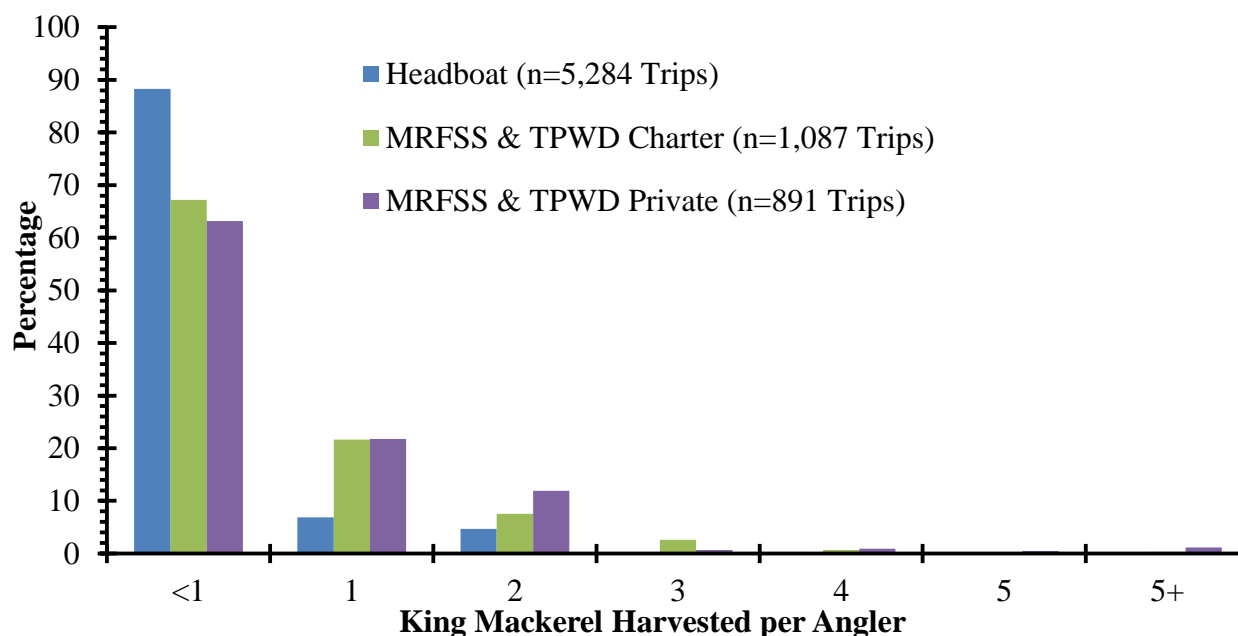


Figure 1. Distribution of Gulf of Mexico king mackerel harvested per angler by mode from the three recreational datasets (MRFSS, Headboat, and TPWD). The data used are from 2011 through 2013.

Since the current bag limit is two king mackerel per angler, the possibility exists that king mackerel may be discarded after the bag limit is met on a trip. This was explored by first isolating the trips that met or exceeded the bag limit. Only 7% (n=513 trips) of the total trips from 2011-2013 met or exceeded the 2-fish bag limit. The number of discards per angler on trips that met or exceeded the bag limit were plotted in Figure 2. However, discards are not recorded in the TPWD survey so it is unknown how many king mackerel were discarded in Texas waters. TPWD accounted for 22% (n=114 trips) of the 513 trips that met or exceeded the trip limit.

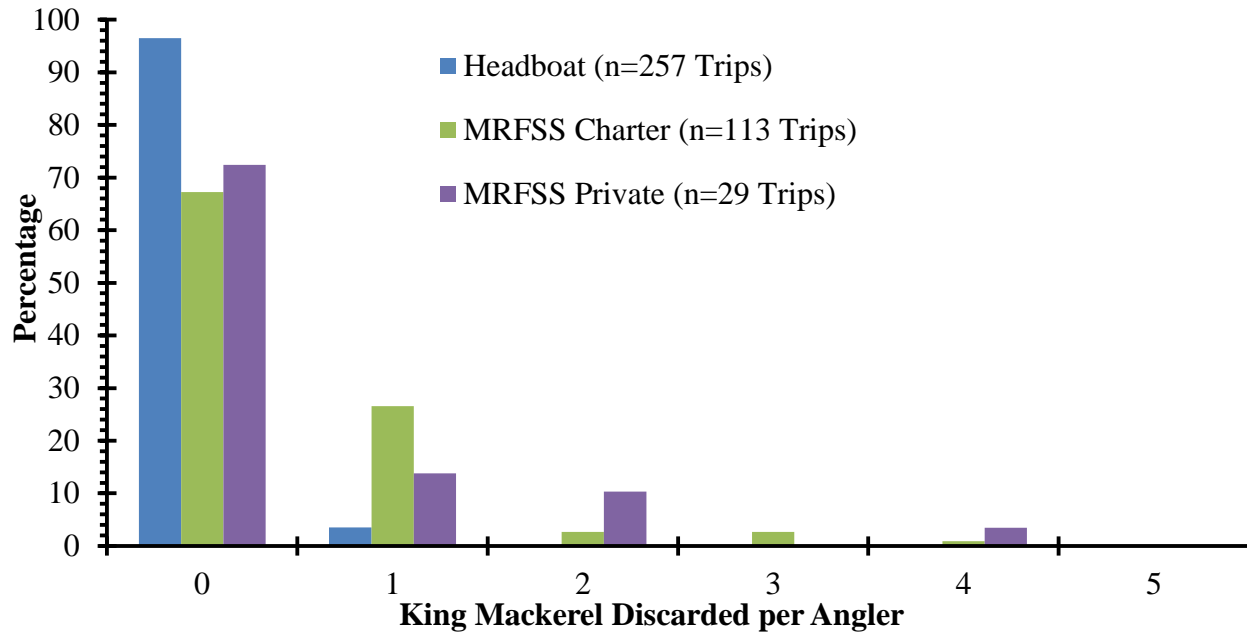


Figure 2. Distribution of Gulf of Mexico king mackerel discarded per angler by mode from MRFSS and Headboat data. TPWD data are not included because no discard information is collect in the TPWD survey. The data used are from 2011 through 2013.

Increases from 2 to 3 fish and from 2 to 4 fish were analyzed with two different methods that modified the trips that met the 2 fish per angler bag limit. Trips that harvested less than 2 fish per angler or more than 2 fish per angler were not modified. The first of the two methods assumed that all trips that met the 2 fish per angler bag limit would also meet the 3 and 4 fish per angler bag limit. The second method isolated the trips that met the 2 fish bag limit and assumed they met the 3 and 4 fish bag limit if those trips also had discards of 1 or 2 king mackerel, respectively. For example, a trip that met the 2 fish bag limit and had at least two discarded king mackerel was analyzed by assuming 4 king mackerel (2 harvested fish plus the 2 discarded fish) were harvested for that trip. It must be noted that the second method assumes discarded king mackerel were only discarded because the trip limit was met. However, these discards could have been because these fish were below the minimum size limit of 24 inches fork length. The length of the discarded fish is not available so it is not possible to distinguish if the discards were because the fish was below the minimum size. The calculated percent increase in landings by mode are shown in Table 1.

Table 1. Calculated percent increase in Gulf of Mexico king mackerel recreational landings from increasing the bag limit. Percent increase in landings was calculated by mode for two different methods. Method 1 assumes all the trips that met the 2 fish bag limit would also meet the 3 or 4 fish per angler bag limit. Method 2 isolated the trips that met the 2 fish bag limit and allowed them to meet the 3 and 4 fish bag limit if these trips also had discarded king mackerel. Analysis for TPWD was not possible because discards are not recorded in the TPWD survey.

Bag Limit	MRFSS		TPWD		Headboat
	Charter	Private	Charter	Private	
Method 1					
2 to 3 Fish	7%	11%	6%	14%	13%
2 to 4 Fish	17%	22%	11%	28%	27%
Method 2					
2 to 3 Fish	1%	1%	NA	NA	<1%
2 to 4 Fish	2%	4%	NA	NA	<1%

An overall percent increase in recreational landings was calculated by weighting the percent increase for each mode by the percentage of landings that mode contributed to the overall recreational landings. The pounds and percentage of king mackerel recreational landings for each mode from 2011 to 2013 are shown in Table 2. The overall percent increase is shown in Table 3.

Table 2. Gulf of Mexico king mackerel landings by mode from 2011 to 2013. The landings are in pounds whole weight (lbs ww) and percent of the total landings.

Mode	Landings (lbs ww)	Percent
MRFSS charter	2,543,217	27%
MRFSS private	6,157,548	64%
TPWD charter	25,797	0%
TPWD private	292,286	3%
Headboat	567,549	6%
Total	9,586,397	100%

Table 3. Percent increase in Gulf of Mexico king mackerel recreational landings generated from data for the years 2011 to 2013. The percent increase estimates were calculated by weighting the increase in the bag limit for each mode (Table 1). The weighting was based on the percentage of landings each mode contributed to the overall landings from 2011 to 2013 (Table 2).

Bag Limit	Method 1	Method 2
2 to 3 Fish	10.1%	0.9%
2 to 4 Fish	21.1%	3.1%

This analysis attempted to predict realistic changes to king mackerel recreational landings by applying increases to the current 2-fish bag limit. Uncertainty exists in these projections, as economic conditions, weather events, changes in catch-per-unit effort, fisher response to management regulations, and a variety of other factors may cause departures from this assumption. The bounds of this uncertainty are not captured by the analysis as currently configured; as such, it should be used with caution as a ‘best guess’ for future dynamics. In addition to the aforementioned sources of uncertainty, the predicted increase in landings associated with bag limit options assume past performance in the fishery is a good predictor of future dynamics. The analysis constrained the range of data considered to recent years to reduce the unreliability of this assumption.

Discussion Document

Coastal Migratory Pelagics Joint Amendment 26

(Changes in Allocations, Stock Boundaries and Sale
Provisions for Gulf of Mexico and Atlantic Migratory
Groups of King Mackerel)

South Atlantic Mackerel Committee
June 2015



May 14, 2015

ACTIONS FOR AMENDMENT 26

- Modify the Management/Stock Boundary for Gulf and Atlantic Migratory Groups of King Mackerel
- Update the biological reference points and revise the ABC, OY, ACLs and Recreational ACT for Atlantic group king mackerel
- Incidental catch allowance of Atlantic group king mackerel caught in the shark gillnet fishery
- Establish a [new] Florida East Coast subzone for Atlantic group king mackerel
 - Boundary
 - Sub-quota of the Southern Zone commercial quota
 - Management Measures
- Update the biological reference points and revise the ACL for Gulf group king mackerel
- Revise the commercial zone quotas for Gulf group king mackerel
- Revise the recreational and commercial allocation of Gulf group king mackerel
- Modify the recreational bag limit for Gulf group king mackerel

TENTATIVE TIMELINE FOR AMENDMENT 26

- ✓ December 2014- South Atlantic approves for scoping
- ✓ January 2015- South Atlantic scoping
- ✓ January 2015- Gulf AP reviews potential actions and alternatives
- ✓ January 2015- Gulf Council approves for scoping
- ✓ April 2015- South Atlantic Mackerel AP reviews actions and alternatives
- ✓ April 2015- Gulf scoping
- June 2015- Joint Gulf and South Atlantic meeting in Key West- review public input, provide direction on actions and alternatives
- August 2015- Gulf Council reviews document, selects preferred alternatives and provides direction to staff
- September 2015- South Atlantic Council reviews document, selects preferred alternatives, and approves for public hearings
- October 2015- Gulf Council reviews document, selects preferred alternatives, and approves for public hearings
- November 2015- South Atlantic/Gulf public hearings
- December 2015- South Atlantic Council Final Action
- January 2016- Gulf Council Final Action
- April/May 2016- Implementation

Background

SEDAR 38 (SEDAR 2014) was completed in August 2014 and included assessments for Gulf and Atlantic king mackerel. SEDAR 38 used a different approach than the current management stock boundary to designate the Gulf and Atlantic stocks, and the mixing zone. In December 2014, the South Atlantic SSC provided recommendations to the South Atlantic Council for new ABCs for Atlantic king mackerel. The Gulf SSC provided their recommendations for Gulf king mackerel to the Gulf Council in January 2015. The catch limits for both stocks (and zone/subzone quotas) will need to be updated based on SEDAR 38 in addition to changes due to the modified stock boundary. The South Atlantic will establish a new Florida East Coast subzone and associated quotas and management measures. The Gulf Council is also considering revising sector allocations for Gulf king mackerel and modifying the recreational bag limit for Gulf king mackerel.

In addition, the South Atlantic Council is considering a provision to allow fishermen who participate in the shark fishery using gillnets to retain and sell incidental catch of Atlantic king mackerel. Prior to Amendment 20A, fishermen with federal commercial shark permits and federal commercial king mackerel permits would sell small numbers of king mackerel caught on shark gillnet trips. However, because gillnet is not an authorized gear for king mackerel, the king mackerel cannot be sold under the federal king mackerel permit. Currently under the prohibition on bag limit sales, the king mackerel are discarded.

Draft Purpose and Need (to be added for the joint meeting, following Committee meetings)

ACTION 1. Modify the Management Boundary for Gulf and Atlantic Migratory Groups of King Mackerel

Alternative 1 (No action). Maintain the current mixing zone designation and management boundaries for Gulf and Atlantic migratory groups of king mackerel (**Figure 1**).

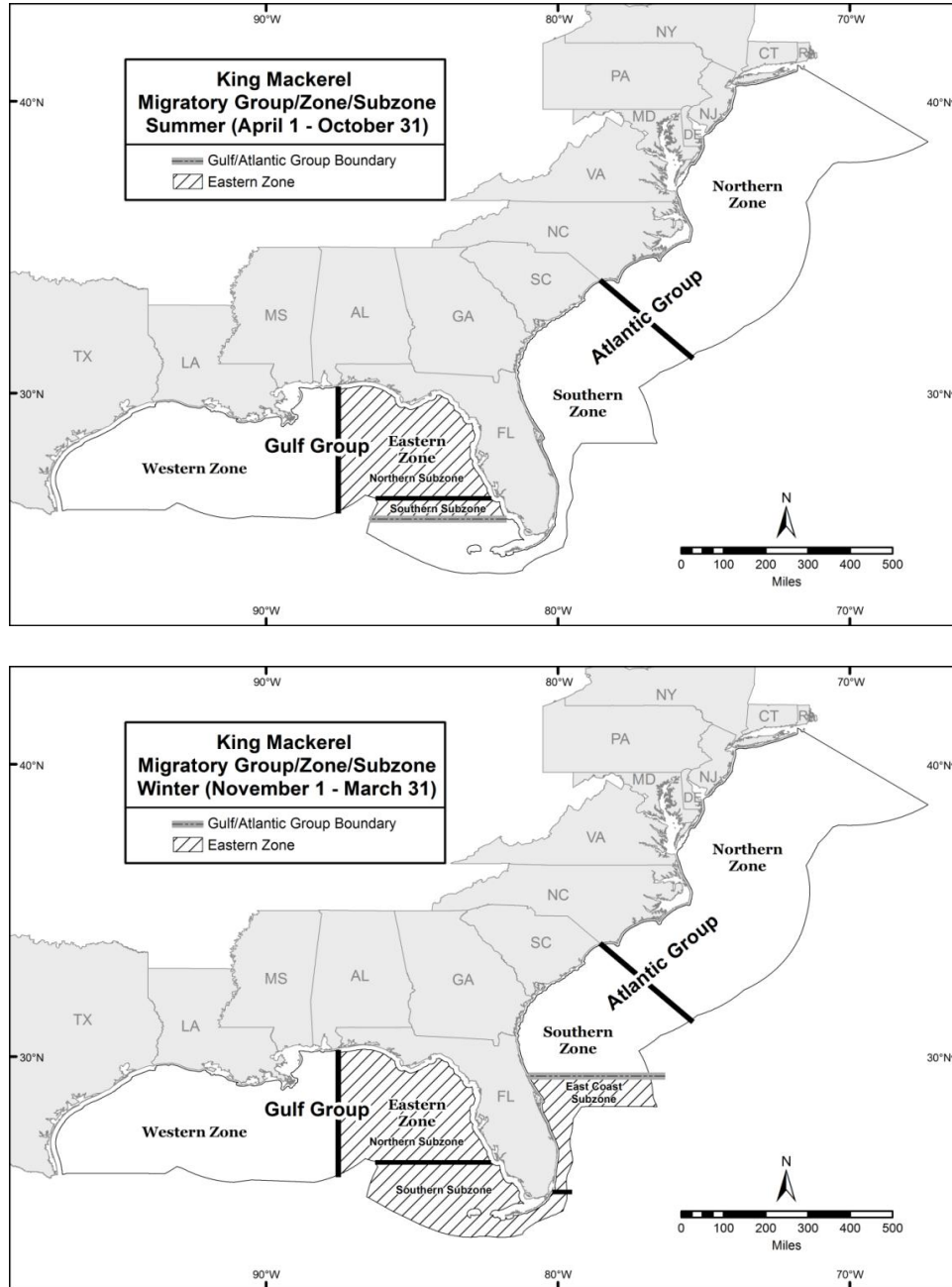


Figure 1. Current king mackerel seasonal boundaries.

Alternative 2. Establish a permanent, year-round boundary for separating management of the Gulf and Atlantic migratory groups of king mackerel at the Gulf/South Atlantic Council boundary (**Figure 2**). The mixing zone would be designated as 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' North latitude, then south at 83° West longitude 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. The South Atlantic Council would be responsible for management measures in the mixing zone. From November 1 – March 31, king mackerel landings in the mixing zone would be counted as 50% toward the Gulf King Mackerel ACL and 50% towards the Atlantic King Mackerel ACL.

IPT Recommendations for Alternative 2:

Alternative 2. Establish a permanent, year-round boundary for separating management of the Gulf and Atlantic migratory groups of king mackerel at the Gulf/South Atlantic Council boundary (**Figure 2**). The mixing zone would be designated as 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' North latitude, then south at 83° West longitude 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. The South Atlantic Council would be responsible for management measures in the mixing zone. ~~From November 1 – March 31, king mackerel landings in the mixing zone would be counted as 50% toward the Gulf King Mackerel ACL and 50% towards the Atlantic King Mackerel ACL.~~

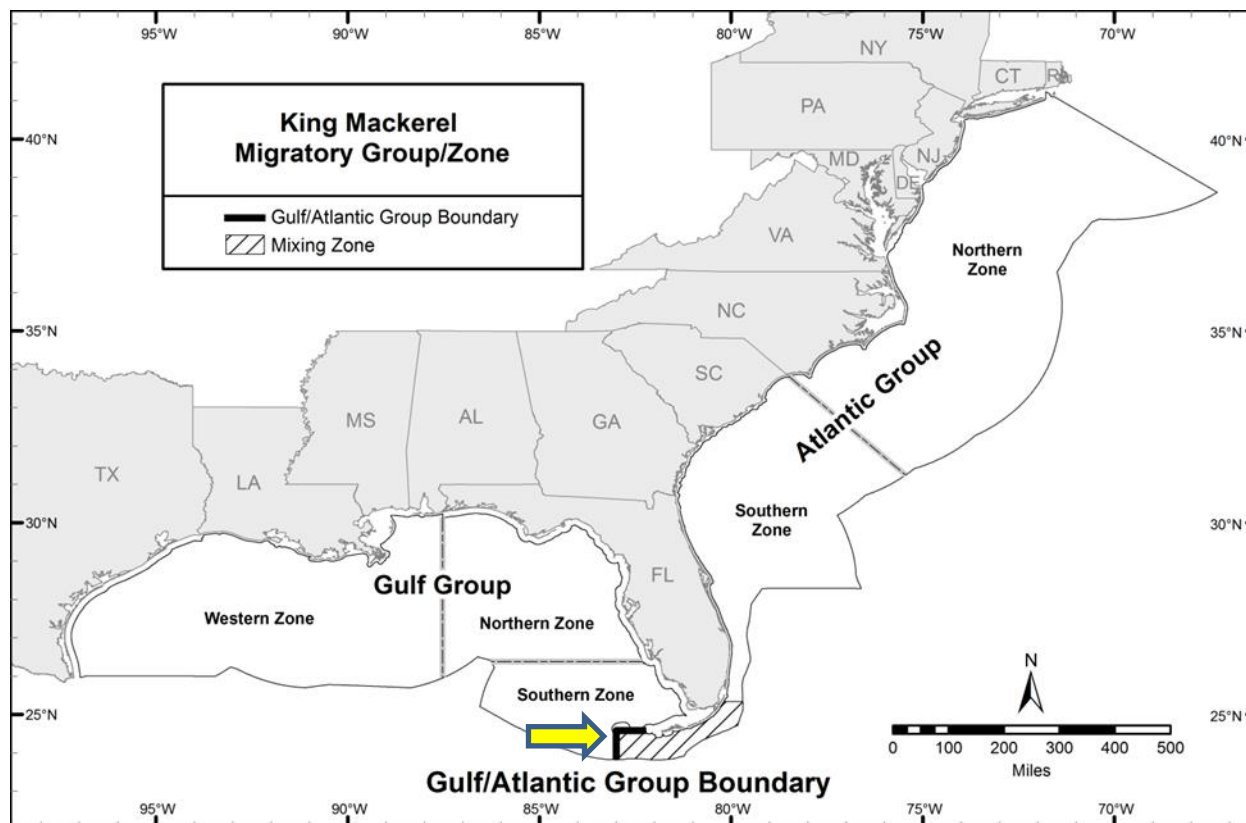


Figure 2. Alternative 2 proposed management boundary for Atlantic and Gulf groups of king mackerel.

Alternative 3. Establish a permanent, year-round boundary for separating the Gulf and Atlantic migratory groups of king mackerel at the Dade/Monroe County line (**Figure 3**). The mixing zone would be designated as 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' North latitude, then south at 83° West longitude 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. The Gulf Council would be responsible for management measures in the mixing zone. From November 1 – March 31, king mackerel landings in the mixing zone would be counted as 50% toward the Gulf King Mackerel ACL and 50% towards the Atlantic King Mackerel ACL.

The IPT Leads are recommending a revised Alternative 3:

Alternative 3. Establish a permanent, year-round boundary for separating the Gulf and Atlantic migratory groups of king mackerel at the Dade/Monroe County line (**Figure 3**). The mixing zone would be designated as 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' North latitude, then south at 83° West longitude 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. The Gulf Council would be responsible for management measures in the mixing zone. ~~From November 1 – March 31, king mackerel landings in the mixing zone would be counted as 50% toward the Gulf King Mackerel ACL and 50% towards the Atlantic King Mackerel ACL.~~ **Gulf and South Atlantic AP Preferred**

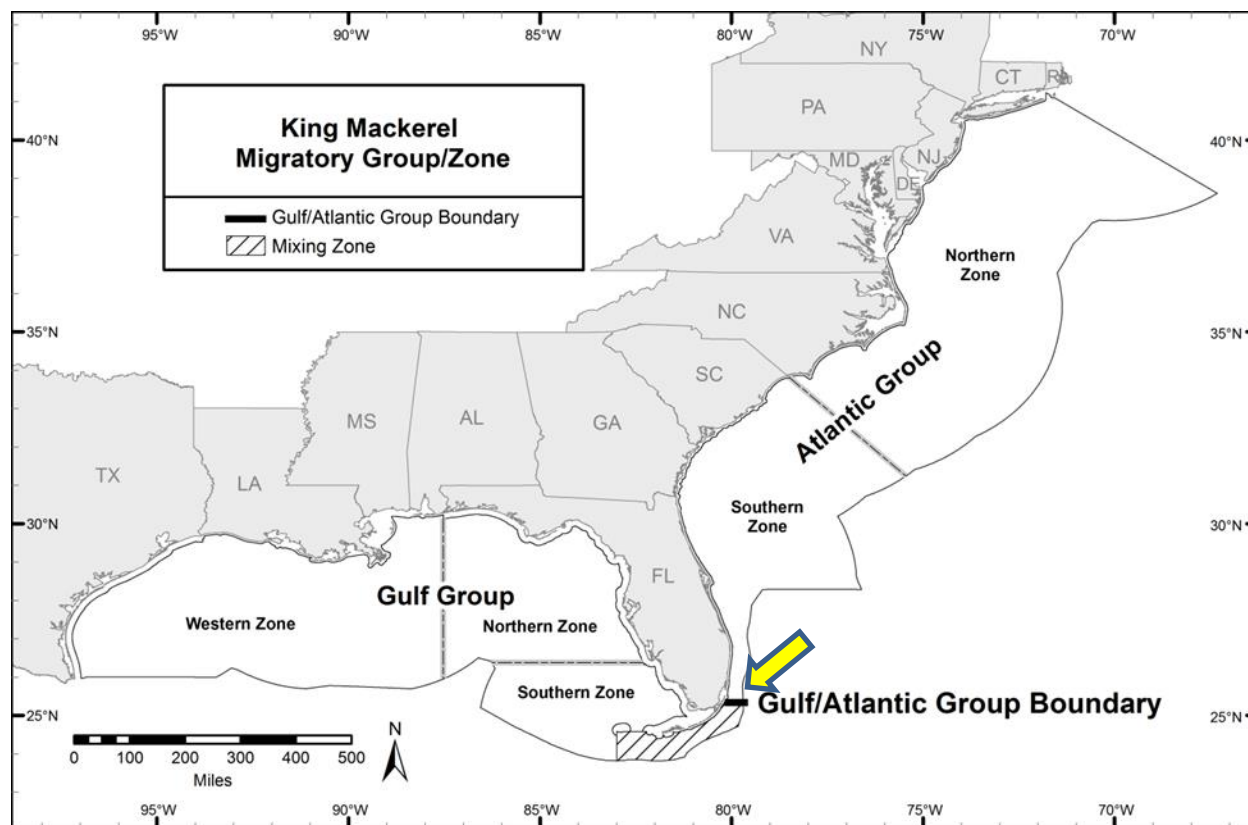


Figure 3. Alternative 3 proposed management boundary for Atlantic and Gulf groups of king mackerel, with the Northern and Southern Zones in the Atlantic Group.

Discussion

This action would modify the management boundary so that it is consistent with the stock boundary used in SEDAR 38. The Assessment Report states:

...that the best approach is 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. lat, 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 (**Figure 4**). King mackerel captured in this zone from November 1 to March 31 should be assigned 50:50 to Gulf and Atlantic stocks. (SEDAR 38 Atlantic King Mackerel Stock Assessment Report, pp. 16-17)

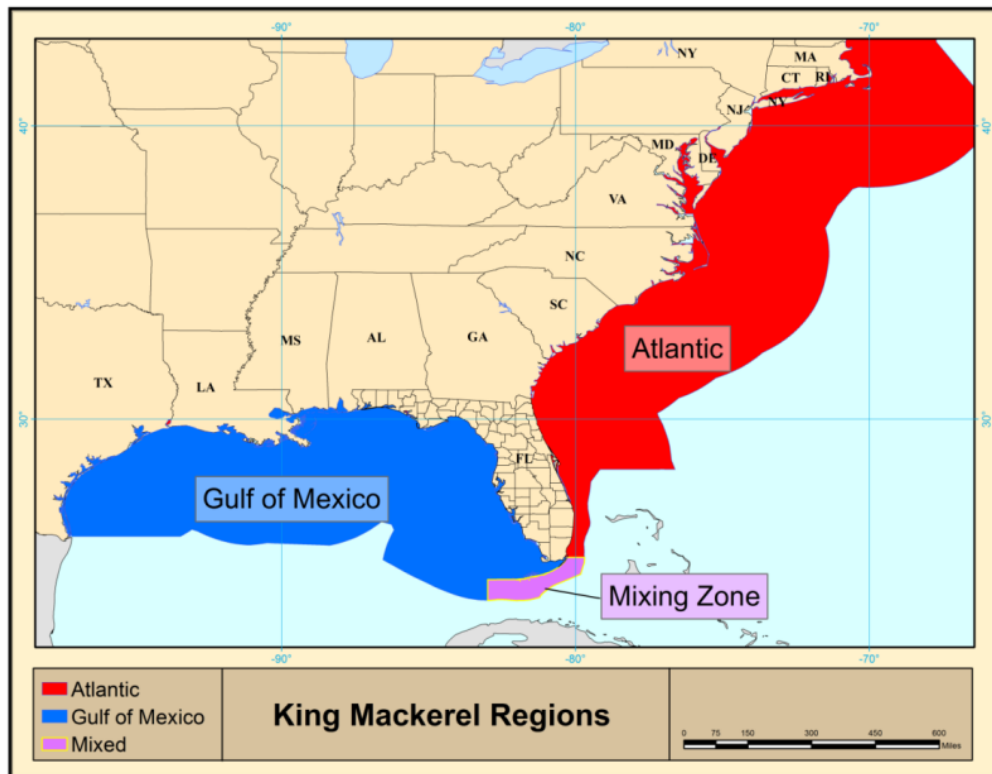


Figure 4. Regions used to aggregate landings for stock assessment of king mackerel in the GMFMC and SAFMC management areas (*Figure 4.2 from the SEDAR 38 Stock Assessment Report*).

Alternative 2 would set a year-round boundary in which each Council manages within its jurisdiction (which could result in separate management on each side of the Florida Keys). **Alternative 3** would set a year-round boundary so that the Gulf Council would manage all of the Florida Keys.

AP RECOMMENDATIONS AND SCOPING COMMENTS

South Atlantic AP Recommendation (April 2015):

The South Atlantic AP supported Alternative 3 (as revised by IPT), but with some concern that South Atlantic fishermen may be excluded from the Keys if the Gulf Council manages the whole Keys area.

The South Atlantic AP also recommended Sub-Alternative 3a, which was a potential suggestion by the IPT to allocate a portion of the South Atlantic ACL to the Gulf to balance landings that would count towards the Gulf ACL. However, the IPT later decided to omit recommendations to consider the sub-alternatives because the relative landings level was so small that it would not affect either Council's ACLs.

Gulf AP Recommendation (March 2015):

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.

The Gulf AP approved the following 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 (Alternative 3).

South Atlantic Scoping Comments (January 2015):

Support for updating the stock boundary and mixing zone. At the time, the IPT had not developed potential alternatives and the South Atlantic scoping document did not include details about jurisdiction over the Florida Keys.

Gulf Scoping Comments (April 2015):

To be added when available.

COMMITTEE ACTIONS

- 1) Edit/approve the IPT suggested language for Alternatives 2 and 3.

IPT Recommendations for Alternative 2:

Alternative 2. Establish a permanent, year-round boundary for separating management of the Gulf and Atlantic migratory groups of king mackerel at the Gulf/South Atlantic Council boundary (**Figure 2**). The mixing zone would be designated as 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' North latitude, then south at 83° West longitude 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. The South Atlantic Council would be responsible for management measures in the mixing zone. ~~From November 1—March 31, king mackerel landings in the mixing zone would be counted as 50% toward the Gulf King Mackerel ACL and 50% towards the Atlantic King Mackerel ACL.~~

IPT Recommendations for Alternative 3:

Alternative 3. Establish a permanent, year-round boundary for separating the Gulf and Atlantic migratory groups of king mackerel at the Dade/Monroe County line (**Figure 3**). The mixing zone would be designated as 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' North latitude, then south at 83° West longitude 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. The Gulf Council would be responsible for management measures in the mixing zone. ~~From November 1 – March 31, king mackerel landings in the mixing zone would be counted as 50% toward the Gulf King Mackerel ACL and 50% towards the Atlantic King Mackerel ACL.~~ **Gulf and South Atlantic AP Preferred**

- 2) Do you want to add or remove any alternatives?
- 3) Do you want to select a Preferred Alternative?

ACTION 2. Update Reference Points (MSY, MSST, MFMT/OFL), and Revise the Annual Catch Limit (ACL) and Recreational Annual Catch Target (ACT) for Atlantic Migratory Group King Mackerel

The South Atlantic Council has determined that the value for MSY is the value of yield at F_{MSY} from the most recent stock assessment. Currently $MSY = 10.4$ mp (SEDAR 16). The SSC did not recommend a value for MSY so the 10.4 mp estimate remains in place.

The South Atlantic Council has determined that the value for MSST is the value from the most recent stock assessment. Currently $MSST = 1,827.5$ million hydrated eggs (SEDAR 16). Based on the SEDAR 38 assessment, $MSST = 1,991$ million hydrated eggs.

The South Atlantic Council has determined that the value for MFMT is the value of F_{MSY} or proxy from the most recent stock assessment. Currently $MFMT = F_{MSY} = F_{30\%SPR} = 0.256$ (SEDAR 16). Based on the SEDAR 38 assessment, $MFMT = F_{MSY} = F_{30\%SPR} = 0.157$.

Table 1. Recommendations from the October 2014 SSC meeting for Atlantic Migratory Group King Mackerel.

Criteria	Deterministic
Overfished evaluation	No, $SSB/SSB_{30\%SPR} = 1.86$
Overfishing evaluation	No, $F/F_{30\%SPR} = 0.17$
MFMT	$F_{30\%SPR} = 0.157$
$SSB_{30\%SPR}$ (unit)	2,372 million eggs
MSST (unit)	1,991 million eggs
MSY (1000 lb)	Not recommended
Y at 75% $F_{30\%SPR}$ (1000 lb)	Not recommended
ABC Control Rule Adjustment	17.5%
P-Star	32.5%
OFL (1000 lb)	See Table 2.2.2

The SSC provided the following OFLs at their October 2014 meeting (**Table 2**).

Table 2. Recommendation for OFL from the October 2014 SSC meeting for Atlantic Migratory Group King Mackerel.

Fishing year	OFL (million pounds whole weight)
2016/17	19.8
2017/18	18.3
2018/19	16.7
2019/20	15.2
2020	14.3

IPT Suggestion for SA: Revise to only specify OFLs through 2019 and round to 1 decimal place.

COMMITTEE ACTION

- 1) Approve the language for the Biological Parameters.

Action 2-1. Revise the Acceptable Biological Catch (ABC) for Atlantic Migratory Group King Mackerel

Alternative 1 (No action). Retain the current ABC for Atlantic Migratory Group King Mackerel (10.46 mp).

Alternative 2. Revise the ABC for Atlantic Migratory Group King Mackerel for 2016/17 through 2019/20 2020/21 based on the ABC levels recommended by the SSC for ABC under a high recruitment scenario. **South Atlantic AP Preferred**

Alternative 3. Revise the ABC for Atlantic Migratory Group King Mackerel for 2016/17 through 2019/20 2020/21 based on the ABC levels recommended by the SSC for ABC under a medium recruitment scenario.

Alternative 4. Revise the ABC for Atlantic Migratory Group King Mackerel for 2016/17 through 2019/20 2020/21 based on the ABC levels recommended by the SSC for ABC under a low recruitment scenario (**Table 3**).

IPT Suggestion to SA: Only set ABCs for 2016/17 through 2019/20; move Alternatives 5-6 to the considered but rejected appendix because these will go in Action 2-2. The SSC recommended values for 5 years beginning with 2015/16 but management will not be effective until 2016/17 fishing year. The ABC/ACL for 2019/20 will remain until modified.

Table 3. ABC recommendations from the October 2014 SSC meeting for Atlantic Migratory Group King Mackerel.

P star= 0.325	ABC HIGH Recruitment Scenario	ABC MED Recruitment Scenario	ABC LOW Recruitment Scenario	Buffer between ABC and OFL		
				HI	MED	LO
Fishing year	Alt 2	Alt 3	Alt 4			
2016/17	17.4 mp	16.5 mp	15.4 mp	12%	16%	22%
2017/18	15.8 mp	14.3 mp	12.9 mp	14%	22%	29%
2018/19	14.1 mp	12.9 mp	11.9 mp	15%	23%	28%
2019/20	12.7 mp	12.1 mp	11.6 mp	17%	21%	24%
2020/21	11.5 mp	11.3 mp	11.0 mp	19%	21%	23%

AP RECOMMENDATIONS AND SCOPING COMMENTS

South Atlantic AP Recommendation (April 2015):

The South Atlantic AP approved a motion to recommend the ABC under the high recruitment scenario (Alternative 2), with a review after two years to evaluate if it is the appropriate ABC level.

Most of the AP members supported recommending the high recruitment scenario as the preferred alternative because the high recruitment model was an average for projected landings. AP members not supportive of the high recruitment ABC voiced concern about the decrease in recreational landings. All AP members supported a review of the recruitment model within two years to evaluate if the high recruitment ABC is still appropriate for the fishery.

South Atlantic Scoping Comments (January 2015):

Several commenters that the Council set the ACL at the highest level possible (high recruitment ABC) because of the abundance of small fish and high recruitment in recent years; also some commenters supported the medium recruitment ABC.

Gulf Scoping Comments (April 2015):

To be added when available.

COMMITTEE ACTIONS

1) Edit and approve the language in Alternatives 2-4.

Alternative 2. Revise the ABC for Atlantic Migratory Group King Mackerel for 2016/17 through 2019/2020/21, based on the ABC levels recommended by the SSC for ABC under a high recruitment scenario

Alternative 3. Revise the ABC for Atlantic Migratory Group King Mackerel for 2016/17 through 2019/2020/21 ABC levels recommended by the SSC for ABC under a medium recruitment scenario

Alternative 4. Revise the ABC for Atlantic Migratory Group King Mackerel for 2016/17 through 2019/2020/21, based on the ABC levels recommended by the SSC for ABC under a low recruitment scenario (**Table 3**).

2) Do you want to add or remove any alternatives?

3) Do you want to select a Preferred Alternative?

Action 2-2. Revise the ACL and Recreational ACT for Atlantic Migratory Group King Mackerel

Please see Appendix A for details of how the Northern and Southern Zone quotas will work with the new stock boundary.

Alternative 1 (No action). Retain the ACL and Recreational ACT for Atlantic Migratory Group King Mackerel.

Atlantic King Mackerel ACL	10.46 mp
Commercial ACL	3.88 mp
Northern Zone Quota	1,292,040 lbs
Southern Zone Quota	2,587,012 lbs
Recreational ACL	6.58 mp
Recreational ACT	6.11 mp

Alternative 2. Establish ACL = OY = ABC based on the ABC levels selected under Action 2-1 (**Table 4**).

Table 4. Possible outcomes under **Alternative 2** based on alternatives in Action 2-1. The recreational allocation is 62.9% and the commercial allocation is 37.1%. The Northern Zone quota will be 23.04% and the Southern Zone quota allocation is 79.96% (see **Appendix A** for details on how the Northern and Southern Zone quota allocations were recalculated using the SEDAR 38 boundary). ACT values are calculated based on formula from CMP Amendment 18 using the average PSE from 2005-2009.

ACL = ABC HIGH Recruitment Scenario Action 2-1, Alt 2						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	17.4 mp	6.5 mp	1,497,600	5,197,400	10.9 mp	10.1 mp
2017/18	15.8 mp	5.9 mp	1,359,360	4,717,640	9.9 mp	9.2 mp
2018/19	14.1 mp	5.2 mp	1,198,080	4,157,920	8.9 mp	8.3 mp
2019/20	12.7 mp	4.7 mp	1,082,880	3,758,120	8.0 mp	7.4 mp
2020/21	11.5 mp	4.3 mp	990,720	3,438,280	7.2 mp	6.7 mp

Table 4 continues on next page

Table 4 continued

ACL = ABC MEDIUM Recruitment Scenario Action 2-1, Alt 3						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	16.5 mp	6.1 mp	1,405,440	4,877,560	10.4 mp	9.7 mp
2017/18	14.3 mp	5.3 mp	1,221,120	4,237,880	9.0 mp	8.4 mp
2018/19	12.9 mp	4.8 mp	1,105,920	3,838,080	8.1 mp	7.5 mp
2019/20	12.1 mp	4.5 mp	1,036,800	3,598,200	7.6 mp	7.1 mp
2020/21	11.3 mp	4.2 mp	967,680	3,358,320	7.1 mp	6.6 mp
ACL = ABC LOW Recruitment Scenario Action 2-1, Alt 4						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	15.4 mp	5.7 mp	1,313,280	4,557,720	9.7 mp	9.0 mp
2017/18	12.9 mp	4.8 mp	1,105,920	3,838,080	8.1 mp	7.5 mp
2018/19	11.9 mp	4.4 mp	1,013,760	3,518,240	7.5 mp	7.0 mp
2019/20	11.6 mp	4.3 mp	990,720	3,438,280	7.3 mp	6.8 mp
2020/21	11.0 mp	4.1 mp	944,640	3,278,360	6.9 mp	6.4 mp

IPT recommendation to take out 2020/21.

Alternative 3. Establish ACL = OY = Deterministic equilibrium yield at $F_{30\%SPR} = 12.7$ mp for fishing years 2016/17 through 2019/20. ~~2020/21~~ IPT recommendation to take out 2020/21
 Note: This was recommended by the SSC but is not binding on the Council since the Council sets ACL. The proxy for MSY is 30% SPR.

Alternative 3	
Atlantic King Mackerel ACL	12.7 mp
Commercial ACL	4.7 mp
Northern Zone Quota	1,082,880 lbs
Southern Zone Quota	3,758,120 lbs
Recreational ACL	8.0 mp
Recreational ACT*	7.4 mp

*ACT value calculated based on formula from CMP Amendment 18 using the average PSE from 2005-2009.

Alternative 4. Establish ACL = OY = Deterministic equilibrium yield at 75% $F_{30\%SPR} = 11.6$ mp for fishing years 2016/17 through 2019/20. ~~2020/21~~ IPT recommendation to take out 2020/21.
 Note: 75% of F_{MSY} (which is the same as 75% $F_{30\%SPR}$ because 30% SPR is the proxy for MSY) is usually in the TORs of all the assessments. 75% F_{MSY} was the old OY, as yield at the long term F_{MSY} (MSY) was the old OFL. It is still part of the TORs in case the Council wants to choose that strategy to have stable catches rather than following the P^* and have changing catch levels each year.

Alternative 4	
Atlantic King Mackerel ACL	11.6 mp
Commercial ACL	4.3 mp
Northern Zone Quota	990,720 lbs
Southern Zone Quota	3,438,280 lbs
Recreational ACL	7.3 mp
Recreational ACT*	6.8 mp

*ACT value calculated based on formula from CMP Amendment 18 using the average PSE from 2005-2009.

Alternative 5. Establish ACL = OY = 90% ABC (**Table 5**)

Table 5. Possible outcomes under **Alternative 5** based on alternatives in Action 2-1. The recreational allocation is 62.9% and the commercial allocation is 37.1%. The Northern Zone quota will be 23.04% and the Southern Zone quota allocation is 79.96% (see Appendix A for details on how the Northern and Southern Zone quota allocations were recalculated using the SEDAR 38 boundary). ACT values are calculated based on formula from CMP Amendment 18 using the average PSE from 2005-2009.

ACL = 90% ABC HIGH Recruitment Scenario Action 2-1, Alt 2						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	15.7 mp	5.8 mp	1,336,320	4,637,680	9.9 mp	9.2 mp
2017/18	14.2 mp	5.3 mp	1,221,120	4,237,880	8.9 mp	8.3 mp
2018/19	12.7 mp	4.7 mp	1,082,880	3,758,120	8.0 mp	7.4 mp
2019/20	11.4 mp	4.2 mp	967,680	3,358,320	7.2 mp	6.7 mp
2020/21	10.4 mp	3.9 mp	898,560	3,118,440	6.5 mp	6.0 mp
ACL = 90% ABC MEDIUM Recruitment Scenario Action 2-1, Alt 3						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	14.9 mp	5.5 mp	1,267,200	4,397,800	9.4 mp	8.7 mp
2017/18	12.9 mp	4.8 mp	1,105,920	3,838,080	8.1 mp	7.5 mp
2018/19	11.6 mp	4.3 mp	990,720	3,438,280	7.3 mp	6.8 mp
2019/20	10.9 mp	4.0 mp	921,600	3,198,400	6.9 mp	6.4 mp
2020/21	10.2 mp	3.8 mp	875,520	3,038,480	6.4 mp	5.9 mp

Table 5 continues on next page

Table 5 continued

ACL = 90% ABC
 LOW Recruitment Scenario
Action 2-1, Alt 4

Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	13.9 mp	5.2 mp	1,198,080	4,157,920	8.7 mp	8.1 mp
2017/18	11.6 mp	4.3 mp	990,720	3,438,280	7.3 mp	6.8 mp
2018/19	10.7 mp	4 mp	921,600	3,198,400	6.7 mp	6.2 mp
2019/20	10.4 mp	3.9 mp	898,560	3,118,440	6.5 mp	6.0 mp
2020/21	10 mp	3.7 mp	852,480	2,958,520	6.3 mp	5.9 mp

IPT recommendation to take out 2020/21.

Alternative 6. Establish ACL = OY = 80% ABC (**Table 6**)

Table 6. Possible outcomes under **Alternative 6** based on alternatives in Action 2-1. The recreational allocation is 62.9% and the commercial allocation is 37.1%. The Northern Zone quota will be 23.04% and the Southern Zone quota allocation is 79.96% (see Appendix A for details on how the Northern and Southern Zone quota allocations were recalculated using the SEDAR 38 boundary). ACT values are calculated based on formula from CMP Amendment 18 using the average PSE from 2005-2009.

ACL = 80% ABC HIGH Recruitment Scenario Action 2-1, Alt 2						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	13.9 mp	5.2 mp	1,198,080	4,157,920	8.7 mp	8.1 mp
2017/18	12.6 mp	4.7 mp	1,082,880	3,758,120	7.9 mp	7.3 mp
2018/19	11.3 mp	4.2 mp	967,680	3,358,320	7.1 mp	6.6 mp
2019/20	10.3 mp	3.8 mp	875,520	3,038,480	6.5 mp	6.0 mp
2020/21	9.2 mp	3.4 mp	783,360	2,718,640	5.8 mp	5.4 mp
ACL = 80% ABC MEDIUM Recruitment Scenario Action 2-1, Alt 3						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	13.2 mp	4.9 mp	1,128,960	3,918,040	8.3 mp	7.7 mp
2017/18	11.4 mp	4.2 mp	967,680	3,358,320	7.2 mp	6.7 mp
2018/19	10.3 mp	3.8 mp	875,520	3,038,480	6.5 mp	6.0 mp
2019/20	9.7 mp	3.6 mp	829,440	2,878,560	6.1 mp	5.7 mp
2020/21	9 mp	3.3 mp	760,320	2,638,680	5.7 mp	5.3 mp

Table 6 continues on next page

Table 6 continued

ACL = 80% ABC LOW Recruitment Scenario Action 2-1, Alt 4						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	12.3 mp	4.6 mp	1,059,840	3,678,160	7.7 mp	7.2 mp
2017/18	10.3 mp	3.8 mp	875,520	3,038,480	6.5 mp	6.0 mp
2018/19	9.5 mp	3.5 mp	806,400	2,798,600	6.0 mp	5.6 mp
2019/20	9.3 mp	3.5 mp	806,400	2,798,600	5.8 mp	5.4 mp
2020/21	8.8 mp	3.3 mp	760,320	2,638,680	5.5 mp	5.1 mp

IPT recommendation to take out 2020/21.

AP RECOMMENDATIONS AND SCOPING COMMENTS

South Atlantic AP Recommendation (April 2015):

The South Atlantic AP approved a motion to set the ACL = High Recruitment ABC (Alternative 2).

Most AP members supported setting the ACL equal to the high recruitment ABC. Some members had concerns about risk of negative effects on the stock if the high recruitment ABC was not appropriate, so the motion was amended to add the recommendation for an updated recruitment study. Additionally, some AP members expressed concern about how long a framework amendment could take to be developed and implemented, if it was necessary to change the ACL.

South Atlantic Scoping Comments (January 2015):

Several commenters that the Council set the ACL at the highest level possible (high recruitment ABC) because of the abundance of small fish and high recruitment in recent years; also some commenters supported the medium recruitment ABC.

Gulf Scoping Comments (April 2015):

To be added when available.

COMMITTEE ACTIONS

1) Edit and approve the language in Alternatives 2-6.

Alternative 2. Establish $ACL = OY = ABC$ based on the ABC levels selected under Action 2-1.

Alternative 3. Establish $ACL = OY =$ Deterministic equilibrium yield at $F_{30\%SPR} = 12.7$ mp for fishing years 2016/17 through 2019/20.

Alternative 4. Establish $ACL = OY =$ Deterministic equilibrium yield at $75\% F_{30\%SPR} = 11.6$ mp for fishing years 2016/17 through 2019/20.

Alternative 5. Establish $ACL = OY = 90\%$ ABC.

Alternative 6. Establish $ACL = OY = 80\%$ ABC.

2) Do you want to add or remove any alternatives?

3) Do you want to select a Preferred Alternative?

ACTION 3. Incidental Catch Allowance for Atlantic Migratory Group King Mackerel Caught in the Shark Gillnet Fishery

Previously Approved Alternatives by South Atlantic Council:

Alternative 1: No action - Sale of Atlantic migratory group king mackerel caught with drift gillnet as incidental catch in the Drift Gillnet Small Coastal Shark Fishery is prohibited.

Alternative 2: Allow sale of Atlantic migratory group king mackerel caught with drift gillnet as incidental catch in the Drift Gillnet portion of the commercial sector of the Small Coastal Shark Fishery for any vessel with a valid Shark Directed or Shark Incidental commercial permit AND valid federal king mackerel commercial permit. For shark vessels fishing in the Florida EEZ, no more than 2 king mackerel per crew member can be sold on each trip. For shark vessels in the EEZ north of the GA/FL line, no more than 3 king mackerel per crew member can be sold on each trip. The king mackerel must be sold to a dealer with the Southeast federal dealer permit.

IPT Suggested Alternatives:

Alternative 1: No action - Do not allow retention and sale of Atlantic migratory group king mackerel caught with drift gillnet as incidental catch in the gillnet portion of the commercial shark fishery.

Alternative 2: Allow retention and sale of Atlantic migratory group king mackerel caught with drift gillnet as incidental catch in the gillnet portion of the commercial shark fishery for any vessel with a valid shark directed commercial permit AND valid federal king mackerel commercial permit. The king mackerel must be sold to a dealer with the Southeast federal dealer permit.

Option 2a: For shark gillnet trips in the EEZ off Florida, no more than 2 king mackerel per crew member can be on board, and no more than 2 king mackerel per crew member can be sold from the trip. For shark gillnet trips in the EEZ north of the GA/FL line, no more than 3 king mackerel per crew member can be on board, and no more than 3 king mackerel per crew member can be sold from the trip. [Same as Alternative 2 above]

Option 2b: For shark gillnet trips in the Southern Zone, no more than 2 king mackerel per crew member can be on board, and no more than 2 king mackerel per crew member can be sold from the trip. For shark gillnet trips in the Northern Zone, no more than 3 king mackerel per crew member can be on board, and no more than 3 king mackerel per crew member can be sold from the trip.

Alternative 3: Allow retention and sale of Atlantic migratory group king mackerel caught with gillnet as incidental catch in the drift gillnet portion of the commercial shark fishery for any vessel with a valid shark directed commercial permit AND valid federal king mackerel commercial permit. The king mackerel must be sold to a dealer with the Southeast federal dealer permit.

Option 3a: For shark gillnet trips in the South Atlantic, no more than 100 lbs of king mackerel can be on board, and no more than 100 lbs of king mackerel can be sold from the trip. **(South Atlantic CMP AP Preferred)**

Option 3b: For shark gillnet trips in the South Atlantic, no more than 100 lbs of king mackerel can be on board, and no more than 100 lbs of king mackerel can be sold from the trip.

AP RECOMMENDATIONS AND SCOPING COMMENTS

South Atlantic AP Recommendation (April 2015):

The South Atlantic AP approved a motion to recommend [IPT-suggested] Alternative 3, Option 3a.

The South Atlantic AP was supportive of allowing shark gillnet fishermen to retain and sell king mackerel caught on shark gillnet trips. Alternative 3 would reduce dead discards, but the trip limit in Sub-Alternative 1 is low enough to not encourage fishermen to target king mackerel. One AP member noted that the allowance was inconsistent with Amendment 20A (prohibition on bag limit sales). For the trip limit, one AP member preferred 50 lbs and another member preferred number of fish instead of pounds because weight per fish varies. Although this practice is currently only occurring in Florida, Alternative 3 would allow retention and sale of king mackerel in the rest of the region as well, and one AP member pointed out that shark gillnet fishermen working north of Hatteras could switch to trawling to target king mackerel. Additionally, the AP requested that staff compile data on the number of pounds of king mackerel per shark gillnet trip.

Gulf AP Recommendation (March 2015):

The Gulf AP recommended 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.

South Atlantic Scoping Comments (January 2015):

Several commenters supported allowing shark gillnet fishermen to sell a small amount of king mackerel bycatch.

Gulf Scoping Comments (April 2015):

To be added when available.

COMMITTEE ACTIONS

- 1) Edit and approve the language in the alternatives. Edit and approve the language in the alternatives. Consider adding Option b for Alternative 2, and Options a & b for Alternative 3.
- 2) Do you want to add or remove any alternatives?
- 3) Do you want to select a Preferred Alternative/Option?

ACTION 4. Florida East Coast Subzone for Atlantic Migratory Group King Mackerel

Currently the Florida East Coast (FLEC) Subzone is part of the Gulf king mackerel management zones. Because of the new stock and management boundaries following the stock assessment results, the South Atlantic Council is considering establishing a Florida East Coast (FLEC) subzone for Atlantic king mackerel. The Atlantic FLEC Subzone could be based on the same boundaries, quota, management measures, etc., as the Gulf FLEC Subzone, or could be designed differently with new features.

The Gulf FLEC Subzone (**Figure 5**) is the area from the Flagler/Volusia county line to the Dade/Monroe county line; exists November 1- March 31; and has a commercial sub-quota of the Gulf Commercial ACL (1,102,896 lbs) and specific trip limits.

From April 1- October 31, harvest is counted as Atlantic king mackerel with trip limits of 3,500 lbs for Volusia county, 75 fish from Volusia/Brevard county line to Dade/Monroe, and 1,250 lbs from the Dade/Monroe line to the Council boundary. Commercial harvest during this time is counted under the Southern Zone king mackerel quota.

North of the Flagler/Volusia county line, commercial harvest is counted towards the Southern Zone quota and the trip limit is 3,500 lbs year-round.

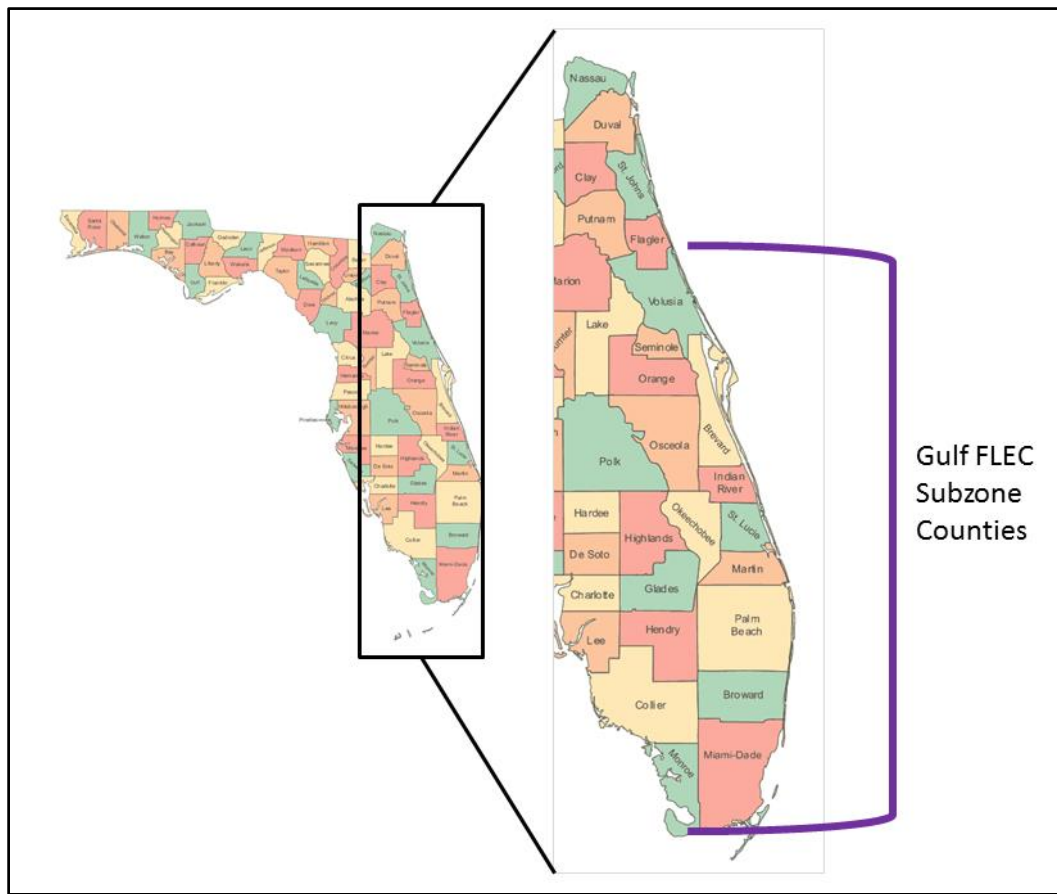


Figure 5. The current Gulf FLEC Subzone.

Table 7. Winter (Nov 1- Mar 31) landings by county in the Florida East Coast subzone for 1998-99 through 2012-13.

Fishing Year	Volusia	Brevard	Indian Riv/ St Lucie*	Martin	Palm Beach	Broward	Miami-Dade	TOTAL
1998-99	25,756	176,876	751,819	28,320	61,049	38,752	31,506	1,114,078
1999-00	27,428	20,471	457,026	20,406	61,374	20,685	36,776	644,166
2000-01	23,351	64,587	577,767	23,428	146,871	18,594	44,603	899,201
2001-02	29,335	106,595	495,124	21,577	58,424	21,883	32,373	765,311
2002-03	37,786	169,896	287,363	45,278	158,863	25,921	60,339	785,446
2003-04	95,534	203,701	365,609	26,300	228,168	24,218	56,280	999,810
2004-05	12,381	118,406	105,215	63,379	234,610	23,792	43,425	601,208
2005-06	28,558	75,424	312,976	65,072	319,309	21,708	53,797	876,844
2006-07	3,795	211,337	530,205	35,984	165,144	25,765	35,019	1,007,249
2007-08	31,043	755,759	357,887	20,240	35,453	18,419	31,496	1,250,297
2008-09	29,021	525,169	372,593	68,076	68,121	13,808	31,108	1,107,896
2009-10	140,813	349,732	425,713	65,386	48,408	10,015	50,663	1,090,730
2010-11	27,641	271,410	425,763	228,385	264,871	10,775	46,677	1,275,522
2011-12	33,204	588,584	256,550	34,549	64,766	7,991	26,156	1,011,800
2012-13	108,644	495,033	258,834	2,024	20,243	5,135	13,697	903,610

*Indian River County and St Lucie County were combined to maintain confidentiality
Data source: SEFSC/SEDAR 38

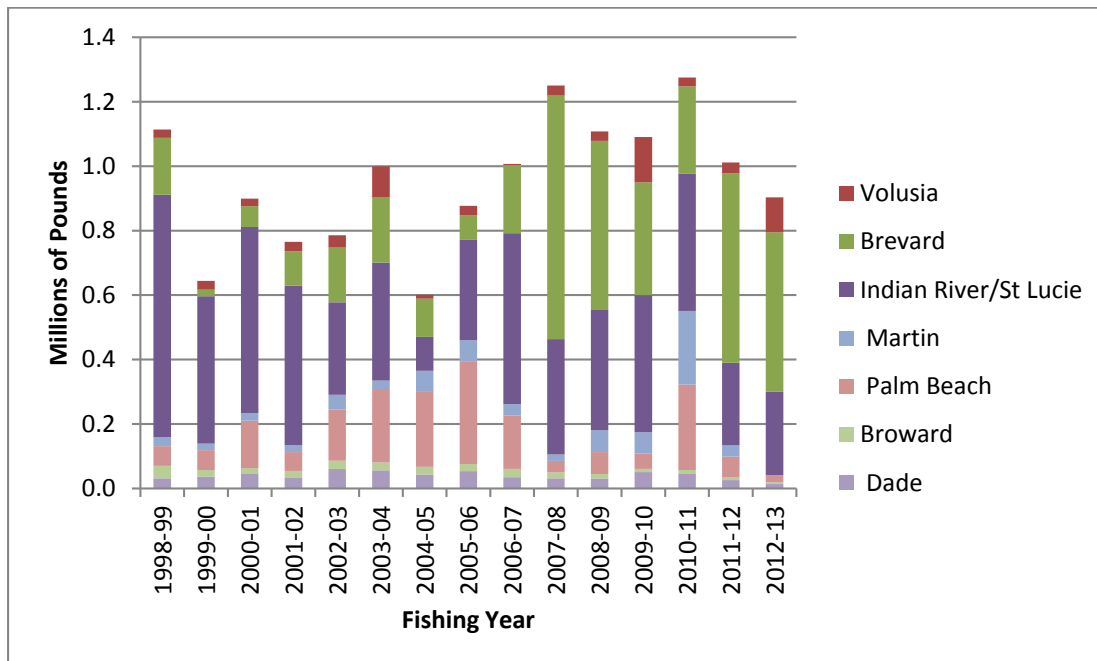


Figure 6. Winter (Nov 1- Mar 31) landings by county in the Florida East Coast subzone for 1998-99 through 2012-13.

SOUTH ATLANTIC AP RECOMMENDATIONS:

In April 2015, the AP recommended the following for Florida east coast management, from which the IPT drafted potential actions and alternatives:

The Southern Zone quota would have seasonal allocations. The first season would be March 1 – September 30 and would be allocated 60% of the Southern Zone quota. The second season would be October 1- February 28 and would be allocated 40% of the Southern Zone quota plus any unused quota from the first season. There would be no sub-quota for the FLEC subzone. Quota transfers between the Northern Zone and Southern Zone would still be allowed.

March 1 through September 30

- The FLEC subzone would be from the Volusia/Brevard county line to the Dade/Monroe county line.
- The commercial trip limit in the FLEC subzone would be 75 fish with a possible step-down to 50 fish on May 1. The step-down could apply for only the month of May or through the summer.
- The commercial trip limit north of the Volusia/Brevard county line could be 3,500 lbs.

October 1 through February 28/29

- The FLEC subzone would be from the Flagler/Volusia county line to the Dade/Monroe county line.
- The commercial trip limit in the FLEC subzone would be 50 fish with a possible increase to 75% if X% of the quota has not been met by [date].
- The commercial trip limit north of the Flagler/Volusia county line could be 3,500 lbs.

The AP also suggested exploring the trip limit for the FLEC subzone in pounds, as well as in numbers of fish. There could also be an alternative that was a combination of both. The AP requested that staff provide the expected quotas for the suggested first and second seasons.

South Atlantic Scoping Comments (January 2015):

- Set a sub-quota for the Florida East Coast subzone.
- Move the Florida East Coast subzone boundary south of the Flagler/Volusia line.
- Wait until the new ACLs are in place before addressing management in the FLEC subzone.
- Change the fishing year for the Florida East Coast subzone to March 1.

Action 4 - Establish a Florida East Coast Subzone and Commercial Quota

NOTE: Potential Actions and Alternatives- THESE ARE IPT RECOMMENDATIONS BASED ON SOUTH ATLANTIC AP RECOMMENDATIONS
The Councils will review recommendations, edit and approve language in alternatives in June 2015.

Action 4-1. Establish a Florida East Coast Subzone for Atlantic Migratory Group King Mackerel

Alternative 1: No action - Do not establish a Florida East Coast Subzone for Atlantic Migratory Group King Mackerel. Commercial harvest in the EEZ off the east coast of Florida will be counted towards the Atlantic Southern Zone commercial quota (as established in Action 1), and recreational harvest in the EEZ off the east coast of Florida will be counted towards the Atlantic king mackerel recreational ACT and ACL (as established in Action 1).

Alternative 2: Establish a Florida East Coast Subzone that exists year-round with boundaries at:

Option 2a: Flagler/Volusia county line and Dade/Monroe county line.

Option 2b: Volusia/Brevard county line and Dade/Monroe county line.

Option 2c: Volusia/Brevard county line and Council jurisdictional boundary (as designated Action 1).

Alternative 3: Establish a Florida East Coast Subzone that exists November 1 through March 31 with boundaries at:

Option 3a: Flagler/Volusia county line and Dade/Monroe county line.

Option 3b: Volusia/Brevard county line and Dade/Monroe county line.

Option 3c: Volusia/Brevard county line and Martin/Palm Beach county line and the Council jurisdictional boundary (as designated in Action 1).

Alternative 4: Establish a Florida East Coast Subzone that exists October 1 through end of February with boundaries at:

Option 4a: Flagler/Volusia county line and Dade/Monroe county line.

Option 4b: Volusia/Brevard county line and Dade/Monroe county line.

Option 4c: Volusia/Brevard county line and Martin/Palm Beach county line and Council boundary (as designated in Action 1).

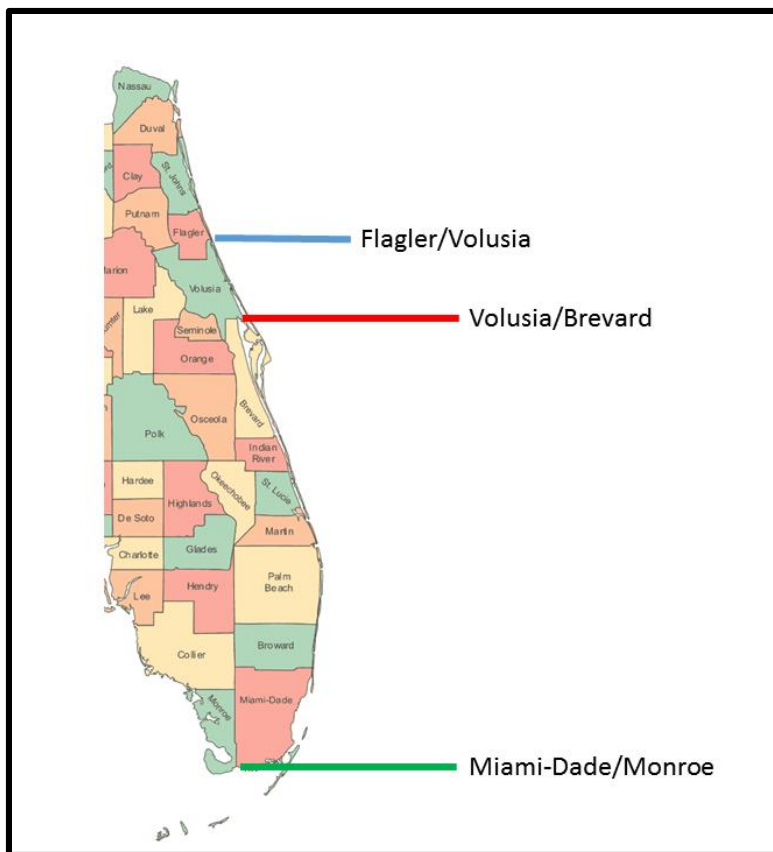


Figure 7. County lines that would be boundaries for the FLEC Subzone under the options in Alternatives 2-4.

COMMITTEE ACTIONS

- 1) Do you want to add this action and alternatives?
- 2) Do you want to any additional alternatives?
- 3) Do you want to select a Preferred Alternative/Option?

Action 4-2. Allocate Quota for the Florida East Coast Subzone within the Atlantic Southern Zone for Atlantic Migratory Group King Mackerel

Alternative 1: No action - Do not allocate quota among areas or seasons.

Alternative 2: Establish a Florida East Coast Subzone sub-quota within the Southern Zone quota for Atlantic Migratory Group King Mackerel in which x% of the quota would be allocated to the Subzone. Commercial harvest of king mackerel in the area designated in Action 3-1/ would be counted towards the Florida East Coast Subzone sub-quota. When the quota for the season is met or expected to be met, commercial harvest of king mackerel in the subzone will be prohibited for the remainder of the fishing year for the subzone (as designated in Action 4-1).

Option 2a: Use historic landings in the Southern Zone from the 2009/10 through the 2013/14 fishing seasons (last five years) to calculate the FLEC Subzone quota.

Option 2b: Use historic landings in the Southern Zone from the 2004/05 through the 2013/14 fishing seasons (last ten years) to calculate the FLEC Subzone quota.

Option 2c: Other?

Alternative 3: Establish a split season for Atlantic Migratory Group King Mackerel in which 60% of the quota would be allocated to March 1- September 30 and 40% of the quota would be allocated October 1- end of February. Commercial harvest of king mackerel in the area designated in Action 4-1 would be counted towards the Southern Zone quota. When the quota for the season is met or expected to be met, commercial harvest of king mackerel in the entire zone will be prohibited for the remainder of the fishing year.

Table 8. Expected calculations of the FLEC Proportion of Total SZ Landings under Alternative 2.

Year	SZ Landings (lbs)	FLEC Landings (lbs)	Proportion FLEC Landings of Total SZ Landings
2004-05	2,622,305	2,182,780	83.2%
2005-06	2,021,140	1,817,520	89.9%
2006-07	2,825,673	2,662,816	94.2%
2007-08	2,709,845	2,644,651	97.6%
2008-09	3,359,877	3,120,354	92.9%
2009-10	4,087,983	3,718,020	90.9%
2010-11	4,255,278	4,040,925	95.0%
2011-12	2,817,705	2,585,849	91.8%
2012-13	2,029,643	1,899,614	93.6%
2013-14	1,489,016	1,394,322	93.6%
			Average FLEC Proportion Last 5 Years = 93.0%
			Average FLEC Proportion Last 10 Years = 92.3%

Table 9. Examples of possible FLEC Sub-quotas (in lbs) under Alternative 2.

Year	ACL=ABC ¹ High Recruitment ²		ACL=ABC ¹ Medium Recruitment ³		ACL=Deterministic Equilibrium Yield at F _{30%SPR} ⁴	
	Sub-alt 2a	Sub-alt 2b	Sub-alt 2a	Sub-alt 2b	Sub-alt 2a	Sub-alt 2b
2016/17	4,833,582	4,797,200	4,536,131	4,501,988	3,495,052	3,468,745
2017/18	4,387,405	4,354,382	3,941,228	3,911,563		
2018/19	3,866,866	3,837,760	3,569,414	3,542,548		
2019/20	3,495,052	3,468,745	3,346,326	3,321,139		
2010/21	3,197,600	3,173,532	3,123,238	3,099,729		

¹ Alternative 2 under Action 2-2

² Alternative 2 under Action 2-1, ABC under High Recruitment Scenario

³ Alternative 3 under Action 2-1, ABC under Medium Recruitment Scenario

⁴ Alternative 3 under Acton 2-2

Table 10. Examples of possible split season quotas for the Southern Zone (in lbs) under Alternative 3.

Year	ACL=ABC ¹ High Recruitment ²		ACL=ABC ¹ Medium Recruitment ³		ACL=Deterministic Equilibrium Yield at F _{30%SPR} ⁴	
	Mar-Sept (60%)	Oct-Feb (40%)	Mar-Sept (60%)	Oct-Feb (40%)	Mar-Sept (60%)	Oct-Feb (40%)
2016/17	3,118,440	2,078,960	2,926,536	1,951,024	2,254,872	1,503,248
2017/18	2,830,584	1,887,056	2,542,728	1,695,152		
2018/19	2,494,752	1,663,168	2,302,848	3,542,548		
2019/20	2,254,872	1,503,248	2,158,920	1,439,280		
2010/21	2,062,968	1,375,312	2,014,992	1,343,328		

¹ Alternative 2 under Action 2-2

² Alternative 2 under Action 2-1, ABC under High Recruitment Scenario

³ Alternative 3 under Action 2-1, ABC under Medium Recruitment Scenario

⁴ Alternative 3 under Acton 2-2

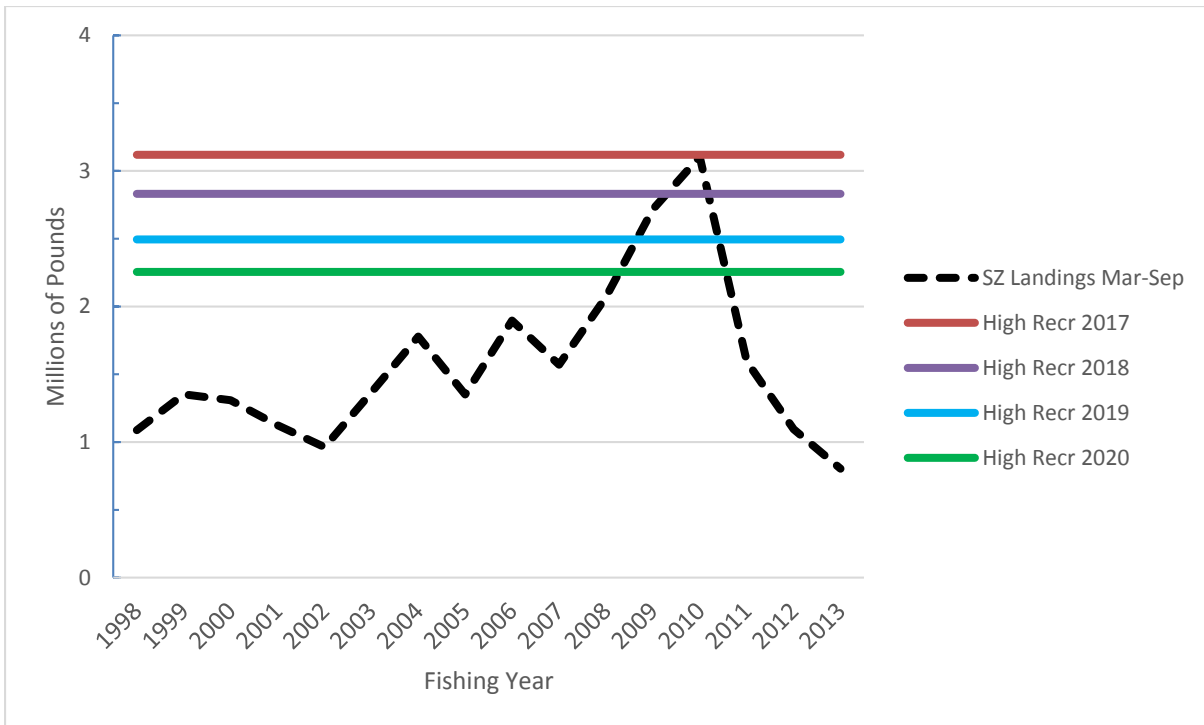


Figure 8. Comparison of Southern Zone landings in March through September in 1998-2013 fishing years with possible first season (Mar-Sept- 60%) quota under Alternative 3. In this example, ACL = ABC High Recruitment (Alternative 2 in Action 2-1, and Alternative 2 in Action 2-2).

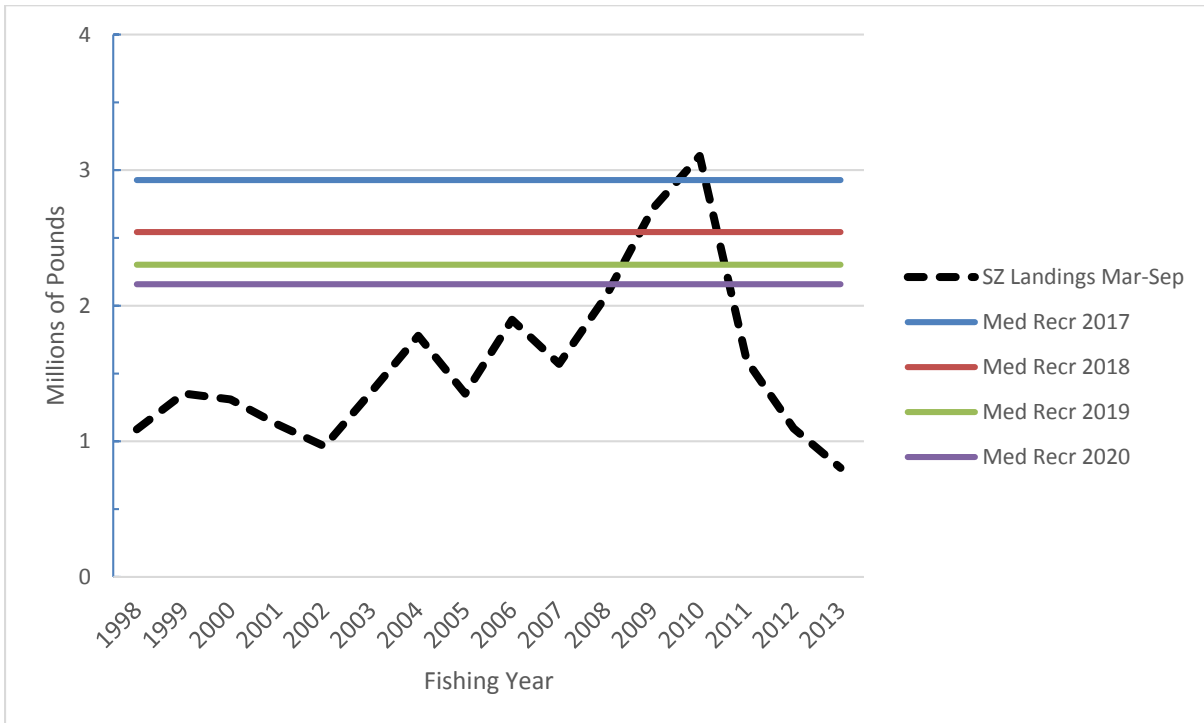


Figure 9. Comparison of Southern Zone landings in March through September in 1998-2013 fishing years with possible first season (Mar-Sept- 60%) quota under Alternative 3. In this example, ACL = ABC Medium Recruitment (Alternative 3 in Action 2-1, and Alternative 2 in Action 2-2).

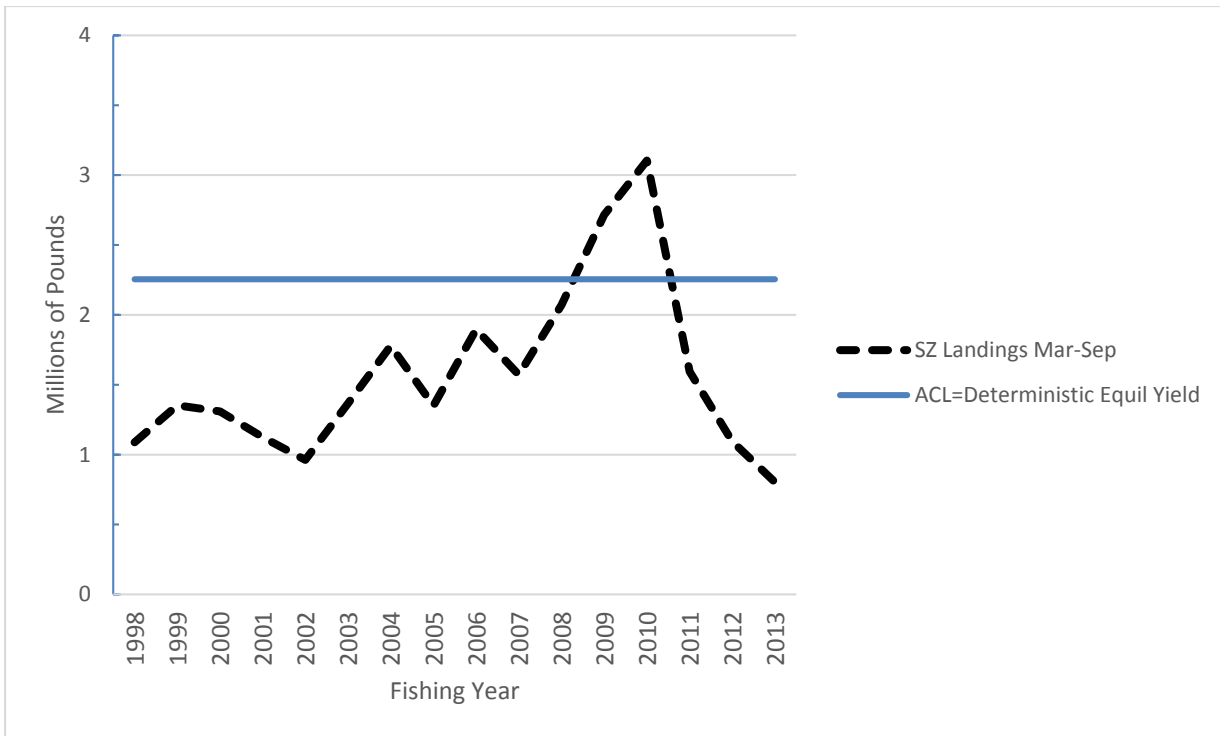


Figure 10. Comparison of Southern Zone landings in March through September in 1998-2013 fishing years with possible first season (Mar-Sept- 60%) quota under Alternative 3. In this example, ACL Deterministic equilibrium yield at $F_{30\%SPR} = 12.7$ mp (Alternative 3 in Action 2-2).

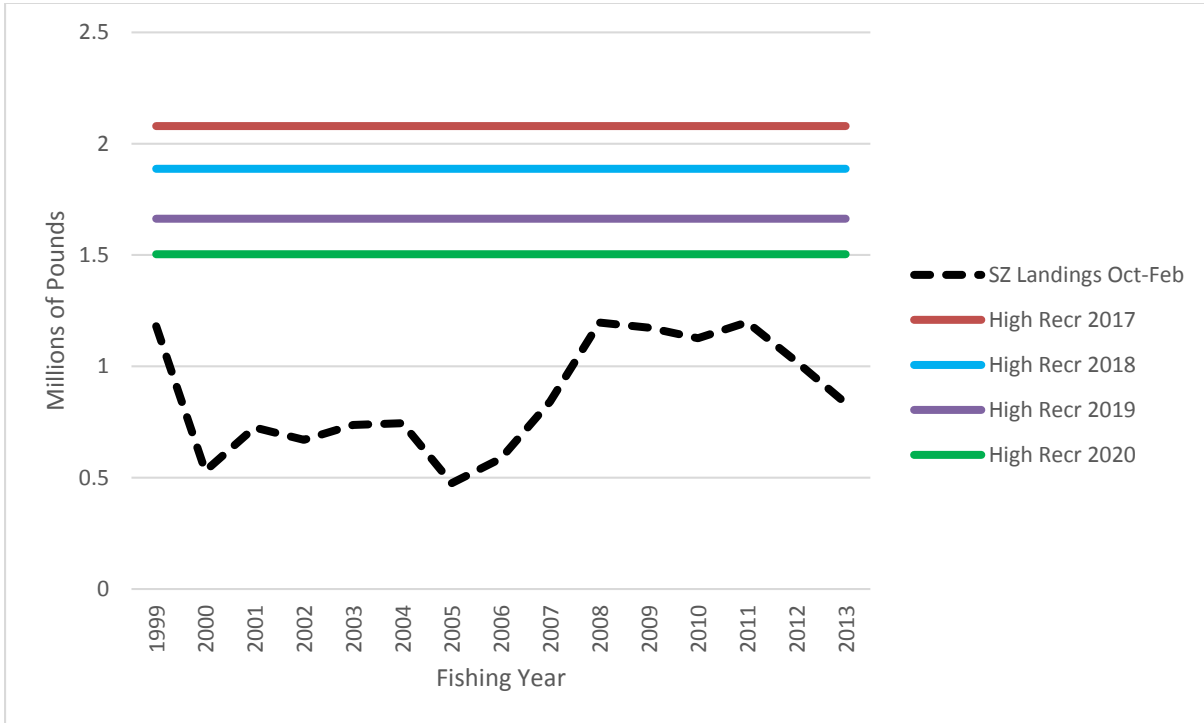


Figure 11. Comparison of Southern Zone landings in October through February in 1999-2013 fishing years with possible second season (Oct-Feb - 40%) quota under Alternative 3. In this example, ACL = ABC High Recruitment (Alternative 2 in Action 2-1, and Alternative 2 in Action 2-2).

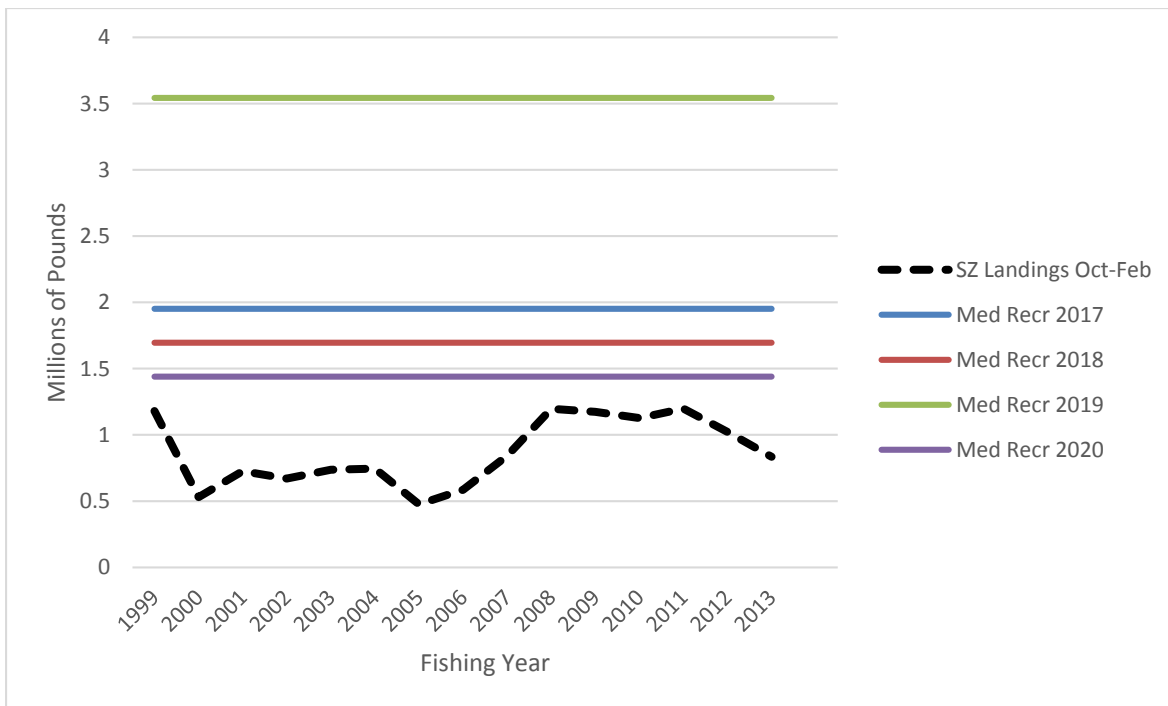


Figure 12. Comparison of Southern Zone landings in October through February in 1999-2013 fishing years with possible second season (Oct-Feb - 40%) quota under Alternative 3. In this example, ACL = ABC Medium Recruitment (Alternative 3 in Action 2-1, and Alternative 2 in Action 2-2).

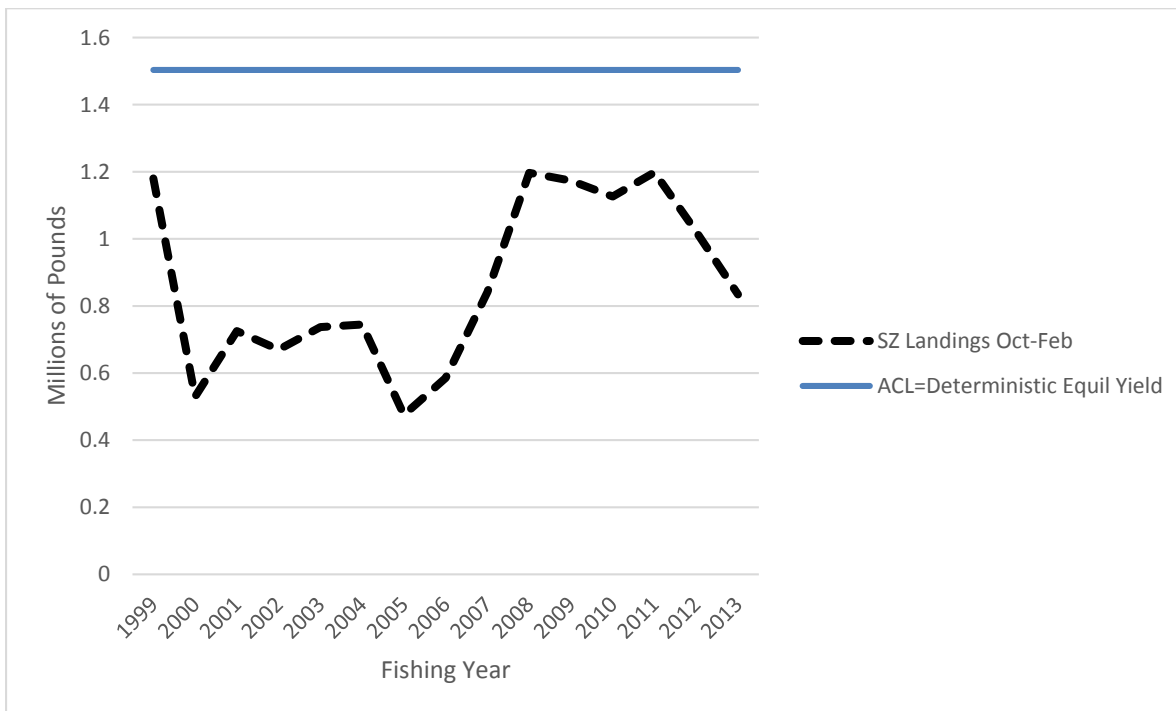


Figure 13. Comparison of Southern Zone landings in October through February in 1999-2013 fishing years with possible second season (Oct-Feb - 40%) quota under Alternative 3. In this example, ACL Deterministic equilibrium yield at $F_{30\%SPR} = 12.7$ mp (Alternative 3 in Action 2-2).

COMMITTEE ACTIONS

- 1) Do you want to add this action and alternatives?
- 2) Do you want to any additional alternatives?
- 3) Do you want to select a Preferred Alternative/Option?

Action 4-3. Modify Trip Limits for the Florida East Coast Subzone for Atlantic Migratory Group King Mackerel

Alternative 1: No action - Atlantic migratory group king mackerel.

(a) From April 1 through October 31

In the area between the Flagler/ Volusia county line and the Volusia/Brevard county line, the trip limit is 3,500 lbs from April 1 through October 31.

In the area from the Volusia/Brevard county line to the Miami-Dade/Monroe county line, the trip limit is 75 fish.

(b) From November 1 through March 31, no trip limit is in place for Atlantic migratory group king mackerel.

Alternative 2: The commercial trip limit in the Florida East Coast Subzone would be 75 fish with a step-down to 50 fish on May 1. The commercial trip limit north of the Florida East Coast Subzone northern boundary would be 3,500 lbs.

Option 2a: The step-down would apply for only the month of May.

Option 2b: The step-down would apply from May-August.

Alternative 3: The commercial trip limit in the Florida East Coast Subzone would be 75 fish. The commercial trip limit north of the Florida East Coast Subzone northern boundary would be 3,500 lbs.

Alternative 4: The commercial trip limit in the Florida East Coast Subzone would be 50 fish with an increase to 75 fish if **X%** of the quota has not been met by **[date]**. The commercial trip limit north of the Florida East Coast Subzone northern boundary would be 3,500 lbs.

Current trip limits in the FLEC Subzone area:

Atlantic King Mackerel	Apr 1 – Oct 31	Nov 1 – Mar 31
- North of Flagler/Volusia (through Mid-Atlantic)	-- 3,500 lbs --	
- Flagler/Volusia to Volusia/Brevard	3,500 lbs	See FLEC limits
- Volusia/Brevard to Dade/Monroe	75 fish	See FLEC limits
- Dade/Monroe to SAFMC line	1,250 lbs	1,250 lbs (Gulf Southern Subzone)
Gulf King Mackerel	Apr 1 – Oct 31	Nov 1 – Mar 31
- Florida East Coast (FLEC) subzone (Flagler/Volusia to Dade/Monroe)	--	Nov 1- Feb 28: 50 fish Mar 1- Mar 31: - If 70% or more of the FLEC quota has been met, the trip limit is 50 fish. - If less than 70% of the FLEC quota is met, the trip limit is 75 fish till Mar 31.

COMMITTEE ACTIONS

- 1) Do you want to add this action and alternatives?
- 2) Do you want to any additional alternatives?
- 3) Do you want to select a Preferred Alternative/Option?

POTENTIAL ACTION 5: Modify the ACL for Gulf Migratory Group King Mackerel

The Gulf Mackerel Committee will review this potential action in June 2015.

Alternative 1: No action - Retain the current Gulf migratory group king mackerel ACL as designated in Amendment 18 (GMFMC/SAFMC 2011) of 10.8 million pounds.

Alternative 2: Set the Gulf migratory group king mackerel ACL equal to the ABC recommended by the Gulf Scientific and Statistical Committee for 2015-2019:

Year	ABC
2015	9.62
2016	9.21
2017	8.88
2018	8.71
2019	8.55

Alternative 3: Establish a constant catch scenario for the Gulf migratory group king mackerel ACL for one of the following time periods. The ACL during the selected time period may not exceed the ABC recommended by the Gulf SSC for any year during the selected time period.

Option 3a: A three year period (2015-2017)

Option 3b: A five year period (2015-2019)

The current Gulf king mackerel ACLs were designated in Amendment 18 (GMFMC/SAFMC 2011):

Total Gulf king mackerel ACL: 10,800,000 lbs ww

Commercial ACL: 3,456,000 lbs ww

Recreational ACL: 7,344,000 lbs ww

It is important to remember that the area attributed to the Gulf migratory group of king mackerel is thought to be smaller than previously described in past stock assessments (see **Action 1**). Even though the OFL and ABC projections are lower than the current ACL, the amount of area for which the *new* OFL and ABC recommendations applies is in fact smaller than the area for which the *old* ACL applies.

AP RECOMMENDATIONS AND SCOPING COMMENTS

South Atlantic AP Recommendation (April 2015):

The AP voiced concern about the projections from the SEDAR 38 model for Gulf king mackerel, because the recommended ABCs/ACLs for Gulf king mackerel decrease over time. The stock is not overfished and overfishing is not occurring.

Gulf Scoping Comments (April 2015):

To be added when available.

POTENTIAL ACTION 6. Revise the Commercial Zone Quotas for Gulf Migratory Group King Mackerel

Staff recommends that the South Atlantic Council postpone any input for this action until after the Gulf Mackerel Committee meeting in June 2015.

Alternative 1: No action – Do not revise the commercial zone quotas for Gulf migratory group king mackerel (Western Zone: 31%; Northern Zone: 5.17%; Southern Zone Handline: 15.96%; Southern Zone Gillnet: 15.96%; Florida East Coast Zone: 31.91%).

Alternative 2: Revise the commercial zone quotas for Gulf migratory group king mackerel by dividing the Florida East Coast Zone’s quota into four equal parts, to be added to each of the remaining Gulf commercial zones.

Alternative 3: Revise the commercial zone quotas for Gulf migratory group king mackerel by dividing each individual zone’s quota percentage by the sum of the quota percentages for all Gulf commercial zones *except* the Florida East Coast Zone, with each resultant percentage becoming that respective zone’s new commercial quota.

Alternative 4: Revise the commercial zone quotas for Gulf migratory group king mackerel as follows: 40% for the Western Zone; 18% for the Northern Zone; 21% for the Southern Zone Handline component; and 21% for the Southern Zone Gillnet component. **Gulf CMP AP and South Atlantic Mackerel AP Preferred**

In keeping with the aforementioned changes in the stock boundaries accepted in SEDAR 38 (2014), the Gulf Council will need to reallocate the commercial ACL amongst the three remaining fishing zones in the Gulf (Western Zone, Northern Zone, and Southern Zone). The current allocations are shown in Table 11 below.

Table 11. Commercial fishing zone allocations for Gulf migratory group king mackerel.

Gulf King Mackerel: Commercial Zone Allocations	
Zone	Percent of Comm Allocation
Western	31%
Northern	5.17%
Southern: Handline	15.96%
Southern: Gillnet	15.96%
FL East Coast	31.91%

Because of the proposed change in the jurisdictional boundary (Action 1), the Florida East Coast Zone would be integrated into the Atlantic Southern Zone, created through Amendment 20B (effective March 1, 2015). This integration would result in an imbalance in the distribution of quota for the Gulf commercial fishery, and thus necessitates reallocation. Options for reallocation might include either an equal or proportional distribution of the 31.91% void, as demonstrated in **Tables 12-14**. **Table 15** shows a commercial zone reallocation option proposed by the Gulf CMP AP.

Table 12. Options for redistribution of commercial zone allocation for Gulf migratory group king mackerel.

Zone	Current Allocation	Equal Reallocation	Proportional Reallocation
Western	31%	38.98%	45.53%
Northern	5.17%	13.15%	7.60%
Southern: H/L	15.96%	23.93%	23.43%
Southern: Gillnet	15.96%	23.93%	23.43%
FL East Coast	31.91%		

Table 13. Pounds associated with an equal redistribution of commercial zone allocation for Gulf migratory group king mackerel.

Year	Possible Commercial ACL based on the ABCs from Table 2*	Western Zone ¹ (38.98%)	Eastern Zone		
			Northern Subzone ² (13.15%)	Southern Subzone H&L ³ (23.93%)	Southern Subzone Gillnet ³ (23.93%)
2015	3,078,400	1,199,960	404,810	736,661	736,661
2016	2,947,200	1,148,819	387,557	705,265	705,265
2017	2,841,600	1,107,656	373,670	679,995	679,995
2018	2,787,200	1,086,451	366,517	666,977	666,977
2019	2,736,000	1,066,493	359,784	654,725	654,725

* The Gulf Council may choose to set the ACL = ABC with 32% for the commercial ACL, but may consider other options.

¹ Current Western Zone quota is 1,107,360 lbs (31% of Gulf Comm ACL). The fishing year is July 1- June 30.

² Current Eastern Zone/Northern Subzone quota is 178,848 lbs (5.17% of Gulf Comm ACL). The fishing year is Oct 1- Sept 30.

³ Current Eastern Zone/Southern Subzone quota for hook and line is 551,448 lbs (15.96% of Gulf Comm ACL). The fishing year is July 1- June 30.

⁴ Current Eastern Zone/Southern Subzone quota for gillnet is 551,448 lbs (15.96% of Gulf Comm ACL). The fishing year is July 1- June 30, but harvest is not allowed from July 1 till the first weekend after MLK, Jr Day in January.

Table 14. Pounds associated with a proportional redistribution of commercial zone allocation for Gulf migratory group king mackerel.

Year	Possible Commercial ACL based on the ABCs from Table 2*	Western Zone ¹ (45.53%)	Eastern Zone		
			Northern Subzone ² (7.6%)	Southern Subzone H&L ³ (23.43%)	Southern Subzone Gillnet ³ (23.43%)
2015	3,078,400	1,401,596	233,958	721,269	721,269
2016	2,947,200	1,341,860	223,987	690,529	690,529
2017	2,841,600	1,293,780	215,962	665,787	665,787
2018	2,787,200	1,269,012	211,827	653,041	653,041
2019	2,736,000	1,245,701	207,936	641,045	641,045

* The Gulf Council may choose to set the ACL = ABC with 32% for the commercial ACL, but may consider other options.

¹ Current Western Zone quota is 1,107,360 lbs (31% of Gulf Comm ACL). The fishing year is July 1- June 30.

² Current Eastern Zone/Northern Subzone quota is 178,848 lbs (5.17% of Gulf Comm ACL). The fishing year is Oct 1- Sept 30.

³ Current Eastern Zone/Southern Subzone quota for hook and line is 551,448 lbs (15.96% of Gulf Comm ACL). The fishing year is July 1- June 30.

⁴ Current Eastern Zone/Southern Subzone quota for gillnet is 551,448 lbs (15.96% of Gulf Comm ACL). The fishing year is July 1- June 30, but harvest is not allowed from July 1 till the first weekend after MLK, Jr Day in January.

Table 15. Pounds associated with a redistribution of commercial zone allocation for Gulf migratory group king mackerel as proposed by the Gulf Council’s CMP Advisory Panel in March 2015.

Year	Possible Commercial ACL based on the ABCs from Table 2*	Western Zone ¹ 40.00%	Eastern Zone		
			Northern Subzone ² 18.00%	Southern Subzone H&L ³ (21%)	Southern Subzone Gillnet ³ (21%)
2015	3,078,400	1,231,360	554,112	646,464	646,464
2016	2,947,200	1,178,880	530,496	618,912	618,912
2017	2,841,600	1,136,640	511,488	596,736	596,736
2018	2,787,200	1,114,880	501,696	585,312	585,312
2019	2,736,000	1,094,400	492,480	574,560	574,560

* The Gulf Council may choose to set the ACL = ABC with 32% for the commercial ACL, but may consider other options.

¹ Current Western Zone quota is 1,107,360 lbs (31% of Gulf Comm ACL). The fishing year is July 1- June 30.

² Current Eastern Zone/Northern Subzone quota is 178,848 lbs (5.17% of Gulf Comm ACL). The fishing year is Oct 1- Sept 30.

³ Current Eastern Zone/Southern Subzone quota for hook and line is 551,448 lbs (15.96% of Gulf Comm ACL). The fishing year is July 1- June 30.

⁴ Current Eastern Zone/Southern Subzone quota for gillnet is 551,448 lbs (15.96% of Gulf Comm ACL). The fishing year is July 1- June 30, but harvest is not allowed from July 1 till the first weekend after MLK, Jr Day in January.

AP RECOMMENDATIONS AND SCOPING COMMENTS

South Atlantic AP Recommendation (April 2015):

The South Atlantic AP approved a motion to endorse the Gulf AP's recommendation.

Gulf AP Recommendation (March 2015):

The Gulf AP approved the following 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%

Gulf Scoping Comments (April 2015):

To be added when available.

POTENTIAL ACTION 7. Revise the Recreational and Commercial Allocations of Gulf Migratory Group King Mackerel

Staff recommends that the South Atlantic Council postpone any input for this action until after the Gulf Mackerel Committee meeting in June 2015.

Alternative 1: No action – Do not revise the current recreational and commercial allocations for Gulf migratory group king mackerel (68% recreational, 32% commercial). **(Gulf CMP AP Preferred)**

Alternative 2: Revise the recreational and commercial allocations for Gulf migratory group king mackerel by shifting a percentage of the recreational allocation to the commercial sector.

Option 2a: Shift 5% of the recreational allocation to the commercial sector.

Option 2b: Shift 10% of the recreational allocation to the commercial sector.

Option 2c: Shift 20% of the recreational allocation to the commercial sector.

Alternative 3: Revise the recreational and commercial allocations for Gulf migratory group king mackerel by shifting a percentage of the recreational allocation to the commercial allocation annually until such a time that the recreational sector lands 80% of its allocation, after which no additional allocation will be shifted from the recreational allocation to the commercial allocation.

Option 3a: Shift 2% of the recreational allocation annually to the commercial allocation.

Option 3b: Shift 5% of the recreational allocation annually to the commercial allocation.

The Gulf Council is considering modifying the sector allocations for Gulf migratory group king mackerel. In multiple fishing seasons over the past ten years, the commercial sector has exceeded the commercial ACL while the recreational sector has landed decreasingly lower proportions of the recreational ACL. The Gulf Council has requested economic analyses to explore the effects of reallocating up to 10 percent of the Gulf recreational ACL to the commercial fishery. Recent landings of Gulf migratory group king mackerel are shown in Tables 16-18. The fishing year for the time series presented is July 1 – June 30. Resultant allocations are shown in Table 19.

Table 16. Gulf of Mexico commercial king mackerel landings by Zone and gear. Gillnet landings only include the Gulf Southern Zone. Note: these landings include those attributed to the Florida East Coast Zone.

Fishing Year	Gulf Western Zone	Florida East Coast Zone	Gulf Northern Zone	Gulf Southern Handline	Gulf Southern Gillnet	Grand Total	H&L TAC/ACL	Gill TAC/ACL	% HL	% Gill
2000 - 01	1042579	743967	214107	603663	451906	3056222	2739688	520312	95	87
2001 - 02	912809	722561	241727	696045	329490	2902632	2739688	520312	94	63
2002 - 03	1007483	906782	172821	707888	389504	3184478	2739688	520312	102	75
2003 - 04	1009462	795291	205899	609113	475908	3095673	2739688	520312	96	91
2004 - 05	1071603	740260	127653	595291	680869	3215676	2739688	520312	93	131
2005 - 06	942902	719330	124871	686900	510691	2984694	2739688	520312	90	98
2006 - 07	1054992	912140	172270	605566	486766	3231734	2739688	520312	100	94
2007 - 08	1002337	1075485	217879	553092	610271	3459064	2739688	520312	104	117
2008 - 09	923877	1110695	183645	736988	878821	3834026	2739688	520312	108	169
2009 - 10	1047792	1011694	361217	638886	613039	3672628	2739688	520312	112	118
2010 - 11	976113	1122391	228385	651079	543157	3521125	2739688	520312	109	104
2011 - 12	1016886	1063850	253326	639308	454521	3427891	2739688	520312	109	87
2012 - 13	1163731	840015	330989	703067	500426	3538228	3200386	607614	95	82
2013 - 14	934646	635747	255747	608053	620825	3055018	2904552	551448	84	113
Average	To be completed								99	102

Source: SEFSC/SERO/MRIP

Table 17. Landings and proportions landed by each sector for Gulf migratory group king mackerel, less those landings attributed to the Florida East Coast Zone (FLEC).

Fishing Year	Total Gulf king mackerel Landings	Sector Landings (less FLEC)		% of Total Landings by each sector	
		Comm	Rec	Comm	Rec
2001-02	4,150,189	745,780	3,404,409	18.0%	82.0%
2002-03	4,583,200	1,990,053	2,593,147	43.4%	56.6%
2003-04	5,051,033	2,067,028	2,984,005	40.9%	59.1%
2004-05	4,492,842	2,115,184	2,377,659	47.1%	52.9%
2005-06	4,795,257	1,956,005	2,839,253	40.8%	59.2%
2006-07	5,412,306	2,204,924	3,207,382	40.7%	59.3%
2007-08	4,735,460	2,299,832	2,435,628	48.6%	51.4%
2008-09	4,808,181	2,638,490	2,169,691	54.9%	45.1%
2009-10	6,104,556	2,642,137	3,462,419	43.3%	56.7%
2010-11	4,319,497	2,218,858	2,100,639	51.4%	48.6%
2011-12	4,616,615	2,260,442	2,356,173	49.0%	51.0%
2012-13	5,923,021	2,145,257	3,777,764	36.2%	63.8%
2013-14	To be completed				

Source: SEFSC/SERO/MRIP

Table 18. Proportion of sector ACLs landed and proportion of total ACL landed for Gulf migratory group king mackerel.

Fishing Year	Total TAC/ACL	% of Sector ACL Landed		Total ACL Landed
		Comm ¹	Rec ²	
2001-02	10.2 MP	88.9%	52.9%	64.7%
2002-03	10.2 MP	97.6%	40.6%	59.3%
2003-04	10.2 MP	94.8%	46.3%	62.7%
2004-05	10.2 MP	98.5%	36.5%	56.4%
2005-06	10.2 MP	91.4%	43.2%	58.9%
2006-07	10.8 MP	93.5%	45.0%	60.5%
2007-08	10.8 MP	100.1%	35.8%	56.3%
2008-09	10.8 MP	110.9%	32.0%	57.6%
2009-10	10.8 MP	106.3%	48.0%	68.0%
2010-11	10.8 MP	101.9%	29.7%	53.0%
2011-12	10.8 MP	99.2%	33.2%	54.3%
2012-13	10.8 MP	102.4%	36.9%	57.9%
2013-14	10.8 MP	88.4%	39.7%	55.3%

¹Commercial allocation = 32% ²Recreational allocation = 68%

Source: SERO

Table 19. Resultant allocations based on options presented in Action 7. Alternative 3 would be dependent upon the landings reported in the year during which the recreational sector landed 80% of its allocation.

Option	Commercial Allocation	Recreational Allocation
Alternative 1	32%	68%
Alternative 2, Option 2a	37%	63%
Alternative 2, Option 2b	42%	58%
Alternative 2, Option 2c	52%	48%
Alternative 3		

AP RECOMMENDATIONS AND SCOPING COMMENTS

Gulf AP Recommendation (March 2015):

The Gulf AP approved the following 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.

Gulf Scoping Comments (April 2015):

To be added when available.

POTENTIAL ACTION 8. Modify the Recreational Bag Limit for Gulf Migratory Group King Mackerel

Staff recommends that the South Atlantic Council postpone any input for this action until after the Gulf Mackerel Committee meeting in June 2015.

Alternative 1: No action - Maintain the two fish per person per day recreational bag limit.

Alternative 2: Increase the bag limit to three fish per person per day.

Alternative 3: Increase the bag limit to four fish per person per day.

The Gulf Council may consider increasing the recreational bag limit for Gulf king mackerel in order to increase access to the recreational ACL. As explained in Action 7, in recent years, recreational landings have accounted for less than 50% of the recreational ACL. The current bag limit of Gulf king mackerel is 2 fish per person per day.

At the March 2015 Gulf Council CMP AP meeting, the Gulf AP recommended that the Gulf Council abstain from reallocating any king mackerel from the recreational sector to the commercial sector until after additional options for utilizing excess quota are explored for the recreational sector. Some Gulf AP members thought the initial decrease of the bag limit to two fish per person per day in the mid-1990s may have been partly to blame for the decrease in recreational effort. Additionally, recent short recreational seasons for popular reef fish species may result in more effort shifting to king mackerel in the near future. Decreased fuel prices and a general improvement in the economy may also encourage greater recreational effort for king mackerel. The Gulf AP recommended an increase to three fish per person per day for the recreational bag limit as a way to potentially increase utilization of the recreational ACL.

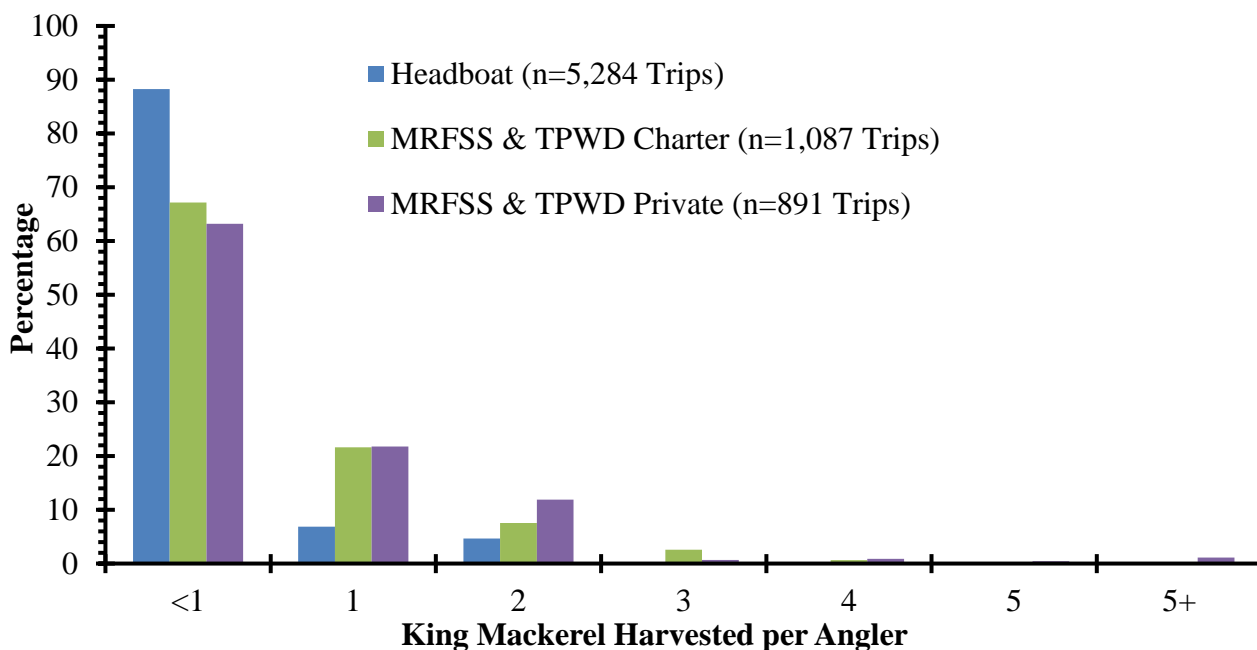


Figure 14. Distribution of Gulf of Mexico king mackerel harvested per angler by mode from 2011 through 2013. Source: NMFS SERO LAPP/DM Branch

AP RECOMMENDATIONS AND SCOPING COMMENTS

Gulf AP Recommendation (March 2015):

The Gulf AP approved the following 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.

Gulf Scoping Comments (April 2015):

To be added when available.

APPENDIX A: EXPECTED NORTHERN AND SOUTHERN ZONE ALLOCATIONS WITH THE SEDAR 38 STOCK BOUNDARY

Kari MacLauchlin, SAFMC Staff
April 2015

In CMP Amendment 20B, the South Atlantic Council established commercial king mackerel quotas for a Northern and Southern Zone. The boundary between the zones is the NC/SC boundary. The allocations of the commercial ACL that would go to each zone were based on a time period selected in CMP Amendment 20B. This document provides details of how the Northern and Southern zone quotas for Atlantic king mackerel will be set up under the SEDAR 38 stock boundary.

Following the approach used in SEDAR 38, landings in **Table A-1** and **Figure A-1** from the [new] mixing zone from November 1- March 31 are counted as 50% Atlantic and 50% Gulf; and landings from the [new] mixing zone from April 1- October 31 are counted as Atlantic. The fishing year for Atlantic king mackerel is March 1- February 28/29.

COMMERCIAL AND RECREATIONAL LANDINGS

Table A-1. Recreational landings estimates (blue) and total commercial landings (red) of Atlantic king mackerel from 2002-03 through 2013-14. Data sources: SEFSC/MRIP/SEDAR 38.

Fishing Year	Commercial Landings (lbs)			Recreational Landings (lbs)
	Northern Zone	Southern Zone	TOTAL Commercial	
2002-03	777,749	2,102,493	2,880,242	4,572,182
2003-04	594,870	2,181,464	2,776,334	5,484,156
2004-05	1,046,857	2,622,305	3,669,162	5,354,585
2005-06	1,156,465	2,021,140	3,177,605	3,962,532
2006-07	1,204,659	2,825,673	4,030,332	5,410,425
2007-08	1,112,270	2,709,845	3,822,115	7,134,876
2008-09	953,736	3,359,877	4,313,613	4,154,875
2009-10	786,060	4,087,983	4,874,043	4,212,935
2010-11	294,281	4,255,278	4,549,559	2,636,250
2011-12	433,295	2,817,705	3,251,000	1,835,817
2012-13	345,175	2,029,643	2,374,818	1,802,805
2013-14	Available at AP meeting			1,004,439 (Prelim)

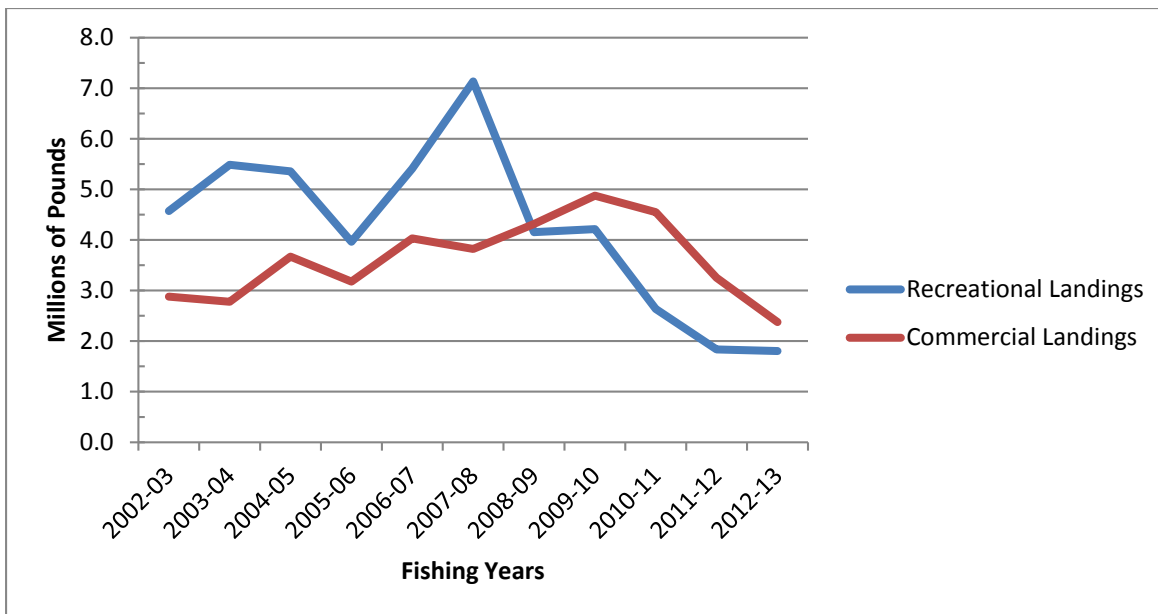


Figure A-1. Recreational landings estimates (blue) and total commercial landings (red) of Atlantic king mackerel from 2002-03 through 2013-14. Data sources: SEFSC/MRIP/SEDAR 38.

RECALCULATING NORTHERN AND SOUTHERN ZONE QUOTAS

In Action 4.1 in Amendment 20B (Establish Regional Commercial Quotas for Atlantic Migratory Group King Mackerel), the Councils selected the following alternative as the Preferred:

Preferred Alternative 3: Establish quotas for Northern and Southern Zones for Atlantic migratory group king mackerel based on **Options a-d** below. The Northern Zone would include the EEZ off states from North Carolina north to New York. The Southern Zone would include the EEZ off South Carolina, Georgia, and the east coast of Florida. NMFS would monitor landings in both zones and close the EEZ of each zone when the respective quota is reached.

Preferred Option b: Each zone quota would be the Atlantic migratory group ACL times the average of **the proportion of landings in that zone from 2002/2003 through 2011/2012.**

For Amendment 26, the expected percentage of the quota for each zone was re-calculated using the same time period as specified in Amendment 20B, but with landings that would be counted as Atlantic king mackerel using the stock boundary and mixing zone from SEDAR 38 (**Table 1**). The expected percentages will be:

Northern Zone - 23.04% **Southern Zone - 76.96%**

Northern Zone landings = Atlantic king mackerel landings north of the NC/SC boundary (North Carolina + Mid-Atlantic landings).

Southern Zone landings = Atlantic king mackerel landings south of the NC/SC boundary to the Dade/Monroe county line + Atlantic KM landings in the [new] mixing zone landings from April 1 through October 31 + 50% of Atlantic KM landings in the [new] mixing zone from November 1 through March 31.

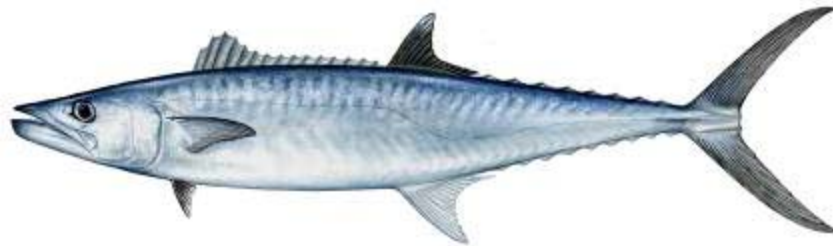
Table A-2 shows how landings would be counted as Atlantic king mackerel landings under the SEDAR 38 stock boundary and mixing zone. Following the approach used in SEDAR 38, landings from the [new] mixing zone from November 1- March 31 are counted as 50% Atlantic and 50% Gulf; and landings from the [new] mixing zone from April 1- October 31 are counted as 100% Atlantic. The fishing year for Atlantic king mackerel is March 1- February 28/29.

The landings data for the [new] mixing zone are confidential and cannot be shown separately from other Florida landings.

Table A-2. Commercial landings of Atlantic king mackerel in the Northern and Southern Zones using the SEDAR 38 approach to designating landings in the [new] mixing zone as 100% Atlantic stock from April 1 – October 31; and 50% of landings in the [new mixing zone] from November 1 - March 31 and landings in the Florida East Coast subzone November 1 - March 31 as Atlantic stock. Proportion of total landings is shown for each year, in addition to the average proportion of total landings for each Zone from 2002-03 through 2011-12. Data source: SEFSC and SEDAR 38.

Fishing Year	Commercial Landings of Atlantic King Mackerel (lbs)			Proportion of Total Landings	
	Northern Zone (NC and Mid-Atl)	Southern Zone (SC, GA, FL, new mixing zone)	TOTAL Landings	Northern Zone	Southern Zone
2002-03	777,749	2,102,493	2,880,242	27.00%	73.00%
2003-04	594,870	2,181,464	2,776,334	21.43%	78.57%
2004-05	1,046,857	2,622,305	3,669,162	28.53%	71.47%
2005-06	1,156,465	2,021,140	3,177,605	36.39%	63.61%
2006-07	1,204,659	2,825,673	4,030,332	29.89%	70.11%
2007-08	1,112,270	2,709,845	3,822,115	29.10%	70.90%
2008-09	953,736	3,359,877	4,313,613	22.11%	77.89%
2009-10	786,060	4,087,983	4,874,043	16.13%	83.87%
2010-11	294,281	4,255,278	4,549,559	6.47%	93.53%
2011-12	433,295	2,817,705	3,251,000	13.33%	86.67%
			AVERAGE:	23.04%	76.96%

Separating Permits for Gulf of Mexico and Atlantic Migratory Groups of King Mackerel and Spanish Mackerel



DP

Discussion Paper for the Fishery Management Plan for the Coastal Migratory Pelagics Fishery of the Gulf of Mexico and the South Atlantic

May 2015



This is a publication of the Gulf of Mexico Fishery Management Council Pursuant to National Oceanic and Atmospheric Administration Award No. NA10NMF4410011, and of the South Atlantic Fishery Management Council Pursuant to National Oceanic and Atmospheric Administration Award No. NA05NMF4410001.

This page intentionally blank

TABLE OF CONTENTS

TABLE OF CONTENTS.....	ii
Introduction.....	3
King Mackerel Permits	4
Background.....	4
Options for Separating Permits – Number of Permits Granted per Vessel.....	4
Options for Separating Permits – Qualification Criteria.....	4
Important Issues to Consider	6
Potential Actions.....	6
Spanish Mackerel Permits.....	7
Important issues to consider.....	7
Potential Actions.....	7
Other Considerations	8
Comments from South Atlantic Scoping for CMP 28 - January 2014	9
Comments from Gulf Scoping for CMP 28 - April 2015	10
Comments from South Atlantic Mackerel Advisory Panel– April 2015	17
Comments from Gulf CMP Advisory Panel – March 2015	18

INTRODUCTION

The National Marine Fisheries Service (NMFS) issues king mackerel limited access permits and Spanish mackerel open access permits. These permits are valid for fishing in the Gulf of Mexico (Gulf), South Atlantic, and Mid-Atlantic regions and are required for commercial fishermen to retain fish in excess of the bag limit and to sell their harvest. However, both species have separate regulations for two migratory groups, Gulf and Atlantic, which are developed by the respective Gulf of Mexico and South Atlantic Fishery Management Councils (Councils). There are vessels that travel and fish in multiple regions, and some vessels that fish only in specific areas. The South Atlantic Council is concerned with increasing effort off of Florida south of Cape Canaveral. Some historical king mackerel fishermen are concerned that permit holders who have not been fishing regularly or fishing at low levels may begin participating more fully. Other historical fishermen think that the number of fishermen traveling from the South Atlantic to the Gulf is increasing, resulting in shorter seasons and reducing the profitability of the fishery.

More vessels fishing under the same quota could mean lower catches for each vessel. On the other hand, many king mackerel fishermen diversify and harvest species from multiple fisheries. Although they may be considered “part-time” king mackerel fishermen, king mackerel may contribute a large portion of their income. The migratory nature of the fish promotes this part-time participation for those who do not want to travel long distances. Thus, elimination of permits with low levels of landings could eliminate full-time fishermen that are only part-time king mackerel fishermen because of their diversification. In Amendment 20A, the Councils considered ways to remove inactive permits, but public comments indicated that fishermen in most areas in the regions did not feel that latent effort was a problem or would impact the stock.

Establishing criteria for future separate permits would be difficult because historically, some vessels from the Atlantic have fished on the Gulf migratory group king mackerel quota, particularly in the Western and Northern Zones. Additionally, there are different seasons in the Gulf and Atlantic, and different zones that have different trip limits. Consequently, setting qualifications based on landings is biased by region because management may not allow fishermen to participate at the same level in different places.

Another way to restrict participation would be to require endorsements for different regions. This option was explored for the Gulf zones in Amendment 20B, but was moved to the considered but rejected section. The Gulf Council determined the establishment of endorsements would increase the monitoring and enforcement burden tremendously.

This amendment, if initiated by the Councils, could consider ways to reduce participation in overcapitalized regions and would include actions to separate the commercial permits for king mackerel and Spanish mackerel into one permit for each species in each region (Gulf king mackerel, Atlantic king mackerel, Gulf Spanish mackerel, and Atlantic Spanish mackerel). The Councils could also consider separating the joint fishery management plan into a Gulf FMP and South Atlantic FMP. In March 2015, the South Atlantic Council approved a motion to stop work on Amendment 28.

KING MACKEREL PERMITS

Background

A moratorium on the issuance of king mackerel permits was implemented in 1998 (Amendment 8), extended in 2000 (Amendment 12), and made permanent through a limited access system in 2005 (Amendment 15). Although the king mackerel commercial permit is limited access, a large number of permits were issued, and some fishermen have continued to renew their permits even if they were not actively fishing for king mackerel. When the moratorium was first implemented, 2,172 king mackerel permits were issued. As of April 21, 2015, 1,342 king mackerel permits were valid or renewable (within one year of expiration). The total number of permits (valid or renewable) cannot increase.

Options for Separating Permits – Number of Permits Granted per Vessel

If the Councils establish two king mackerel permits, they must develop criteria for determining which of those permits each vessel with a current permit would be granted. These criteria would determine the total number of king mackerel permits issued. On one end of the spectrum, each vessel could be granted both new permits, resulting in a doubling of the number of total permits. On the other end, each vessel could be granted only one permit each and only if they meet some specific qualifying criteria, such as a landings threshold. This would reduce the number of permits by an amount depending on the qualifying criteria.

The Councils must determine if a vessel could be granted both permits or if they would be limited to one permit during the initial issuance process. If the Councils choose to allow two permits to be granted (one for the Gulf and one for the South Atlantic), any vessel with a current permit meeting the qualifications for each new permit would receive both permits. If the Councils choose to allow only one permit to be issued to a single vessel, and a vessel with a current permit meets the qualifications for both, a determination would be made as to which permit would be granted to that vessel. This determination could be based on a secondary qualification (such as home port) or could be left to the permit holder to choose. Even if only one permit is granted during the initial granting period, fishermen could purchase the additional permit later.

Any qualifying criteria that result in a vessel not receiving either permit would have economic and social impacts. A valid permit has value to the permit holder, which is represented by dockside revenues from sales of king mackerel that are harvested by the permit holder. A permit also has an exchange value, which is represented by the value that the permit holder could receive from transferring the permit. Because king mackerel are migratory, most king mackerel permit holders do not fish exclusively for king mackerel, although king mackerel may make up a substantial portion of their income in a year. Revoking a permit based on a particular level of landings may penalize fishermen that diversify when king mackerel are not present in their area, rather than fishing in other zones.

Options for Separating Permits – Qualification Criteria

In Amendment 20A, the Councils established landings thresholds when considering elimination of permits. The Gulf and Atlantic have different seasons, and different fishing zones have

different quotas and trip limits (**Table 1**). Consequently, setting qualifications based on landings is biased by region because management may not allow fishermen to participate at the same level in different places. For this reason, if the Councils choose to use landings thresholds for permit qualification, separate thresholds should be set for the two permits. Further, the landings threshold to qualify for the Gulf permit would need to be low enough not to penalize fishermen from zones with low quotas and low trip limits. The Gulf Council should also consider how the permit modification would affect requirements for the gillnet endorsement.

Table 1. Quotas and trip limits for commercial king mackerel zones and subzones.

	Fishing Season	2014/2015 Quotas (pounds)	Trip Limit
Gulf Group		3,456,000	
Western Zone	Jul-Jun	1,071,360	3,000 lbs
Northern Zone	Oct-Sept (previously Jul-Jun)	178,848	1,250 lbs
Southern Zone (hook-and-line)	Jul-Jun	551,448	1,250 lbs
Southern Zone (gillnet)	Day after MLK-Jun	551,448	25,000 lbs
Florida East Coast Subzone*	Nov-Mar	1,102,896	50 fish
Atlantic Group*			
Northern Zone	Mar-Feb	1,292,040	3,500 lbs
Southern Zone	Mar-Feb	2,587,960	3,500 lbs N of Volusia/Brevard 75 fish Volusia/Brevard to Dade/Monroe (Apr-Oct)** 1,250 lbs Monroe (Apr-Oct)**

*The Florida East Coast Subzone would be included in the new Atlantic Southern Zone if Amendment 26 is implemented.

**Part of the Gulf Florida East Coast Subzone Nov-Mar)

The Councils may consider qualification criteria other than landings. One option would use the vessel homeport to grant a permit. A complication to this option is that historically, some vessels from the Atlantic have fished in the Gulf region, particularly in the Western Zone and the Northern Subzone off Florida. Other options include thresholds for number of trips or days fished.

Important Issues to Consider

- Should separate commercial permits be established for king mackerel in the Gulf and Atlantic regions?
- Should current permit holders be allowed to receive both permits?
- If only one permit is granted per current permit holder, how should the determination be made if a permit holder qualifies for both?
 - Secondary qualification criteria
 - Permit holder chooses
- What qualifying criteria should be used for each permit?
 - Landings threshold
 - Trips threshold
 - Days at sea threshold
 - Hailing port
- Should either Council establish qualifying criteria that will reduce the number of permits?

Potential Actions

Action 1. Reorganize Management of Coastal Migratory Pelagic (CMP) Species in the Gulf of Mexico (Gulf) and Atlantic Region

Action 2. Qualifying Criteria for a South Atlantic Commercial King Mackerel Permit

Action 3. Qualifying Criteria for a Gulf Commercial King Mackerel Permit

SPANISH MACKEREL PERMITS

Creating separate Gulf and Atlantic permits for Spanish mackerel is less complicated than for king mackerel because the permits are open access. Anyone can purchase a Spanish mackerel permit from NMFS with no qualifiers. Therefore, NMFS could simply replace the current Spanish mackerel permit with two new permits: a Gulf Spanish mackerel permit and an Atlantic Spanish mackerel permit. A fisherman could choose to purchase one or both of the permits when their current permit expires.

The South Atlantic Council may wish to establish a limited access system for the Atlantic Spanish mackerel permit. As of January 6, 2015, NMFS had issued 1,717 Spanish mackerel permits. For other limited access permits in the southeast, including the king mackerel permit, when the limited access system was implemented all permits held as of a certain date were valid and no others were issued after that. This type of moratorium would not actively reduce the number of permits, but would set a maximum and allow for passive reduction. If the Councils wanted to immediately reduce the number of permits, qualifying criteria would be needed, as discussed for king mackerel permits. However, landings are not associated with open access permits, so landings thresholds would need to be based on vessel landings. This may be complicated for those individuals who have recently changed vessels. The Council could consider a moratorium period during which landings would be associated with the permit, before establishing a permanent limited access system.

Important issues to consider

- Should separate commercial permits be established for Spanish mackerel in the Gulf and Atlantic regions?
- Does either Council wish to establish a limited access system for Spanish mackerel permits?
 - Cap the number of permits at the current level
 - Set qualifying criteria
 - Establish temporary moratorium during which qualifying criteria could be met
- What qualifying criteria should be used for limited access permits?
 - Landings threshold
 - Trips threshold
 - Days at sea threshold

Potential Actions

Action 4. Qualifying Criteria for a South Atlantic Commercial Spanish Mackerel Permit

Action 5. Qualifying Criteria for Gulf Commercial Spanish Mackerel Permit

OTHER CONSIDERATIONS

The Councils may wish to set more recent control dates in anticipation of this action. The current control dates are:

- 6/30/2009 Gulf king mackerel
- 3/31/2010 Gulf Spanish mackerel
- 9/17/2010 South Atlantic king and Spanish mackerel

The king mackerel stocks in the Gulf and South Atlantic underwent an assessment through SEDAR 38, which found neither stock to be overfished nor experiencing overfishing. Decisions by participants in the Data and Assessment Workshops reduce the winter mixing zone to the area of Monroe County south of the Florida Keys. As such, the Florida East Coast Subzone of the Gulf migratory group may be eliminated, and that area would be considered part of the Atlantic year-round (CMP Amendment 26).

The Councils may wish to consider alternatives to permit separation. One option would be to establish endorsements for the zones or regions considered to have overcapacity. Qualifying criteria would need to be established for endorsements. Another option would be to create separate fishery management plans for each Council. If permits are separated, and the current mixing zone is drastically reduced, little would remain to jointly manage.

The Mid-Atlantic Council has delegated management of king and Spanish mackerel within their jurisdictional area to the South Atlantic Council. Thus, fishing in those areas would likely be included under the South Atlantic permit, if separate permits are established. However, the Mid-Atlantic Council would need to be consulted.

Comments from South Atlantic Scoping for CMP 28 - January 2014

General topics from public input (including recorded testimony, written comments, and informal discussion):

- Support for separating permits, primarily at the Cocoa Beach meeting so that the Councils could address specific problems in their region without impacting the other region.
- Some opposition to separate permits (Key West and Jacksonville) because of fishermen harvesting in both regions, and impact on new entrants who want to work both regions
- Some meeting attendees supported removal of king mackerel permits with no or low landings so that full-time mackerel fishermen could have more access to the ACL (primarily in Cocoa Beach)
- Some opposition to any action that would take away king mackerel permits with no or low landings (NC, Jacksonville, Key West) because the Councils should not take away any more permits. It was also noted in Key West that a higher trip limit would increase the number of active permits, so the Councils should consider increasing trip limits before any action to address latent permits.
- Some opposition to a two-for-one requirement on king mackerel permits because of impact on new entrants and increased capital required to enter the fishery
- Some support for a two-for-one requirement (Cocoa Beach)
- Some support for an endorsement for the king mackerel mixing zone
- If permits are split, support for qualifying for both permits if the permit holder has landings in both areas, and use a very recent control date
- South Atlantic staff plans to meet with the Cocoa Beach/Canaveral mackerel fishermen to discuss options for specific actions to address king mackerel effort of the east coast of Florida.

Comments from Gulf Scoping for CMP 28 - April 2015

SCOPING WORKSHOPS

Coastal Migratory Pelagics

Amendment 28

King Mackerel Permits

Biloxi, Mississippi

March 31, 2015

Meeting Attendees:

Rufus Young

King Mackerel Permits

Should separate permits be established?

- Yes, splitting permits is a good, fair idea.

Should permit holders be allowed to receive both permits?

- Yes. Shouldn't limit folks on where they want to fish.

If only one permit is granted per permit holder, how will the new permit be chosen?

- Landings would be an appropriate criteria to use if you give fishermen 3-5 years from now to qualify.

Should qualifying criteria be designed to reduce the number of permits?

- No, don't actively eliminate permits through qualifying criteria.

Spanish Mackerel Permits

Should separate commercial permits be established?

- Yes, separate Spanish mackerel permits.

Should either Council establish a limited access system for commercial permits?

- Limited access might be applicable to the Atlantic but not the Gulf. The Gulf stocks are healthy. No reason to cut someone out of the fishery.

What qualifying criteria should be used for limited access permits or to reduce the number of permits?

- Criteria should be based on having landed at least a certain number of fish for a certain time period/ series.

Saint Petersburg, Florida
April 13, 2015

Meeting Attendees:
Richard Sergent
Stewart Hehenberger

King Mackerel Permits

Should separate permits be established?

- Separate permits should absolutely not be created, the quotas and zones can be adjusted to ensure that the amount of fish being caught isn't too much. Establishing separate permits in the Gulf and South Atlantic won't help the fish stock or control the amount of fish harvested.
- Creating separate permits, especially if you don't qualify for both, would put a major financial burden on people.
- Separate permits would unevenly effect the traveling king mackerel fishermen.

Should permits holders be allowed to receive both permits?

- Yes.

If only one permit is granted per permit holder, how will the new permit be chosen?

- The fishermen should be able to pick the zone or area(s) where they want to fish.

What qualifying criteria should be used for permits?

- If you require some criteria to qualify you for a permit, and each fisherman wasn't allowed to choose, they felt that using the hailing port would be the worst criteria possible. Instead, they felt landings, trips, or days-at-sea should be used as criteria to qualify a fisherman.

Should qualifying criteria be designed to reduce the number of permits?

- No.

Other Issues:

- Concern was expressed about enforcement of the recently implemented transit provisions because it could be easily circumvented. For example, the transit

provision created in the southern subzone of the eastern zone may promote fishing while in closed waters. A fisherman could easily get around the transit provision when fishing for king mackerel because you only have 2 or 3 lines out while you're fishing. If you are pulled over you can quickly cut the lines to satisfy the gear storage requirement while in transit.

- By removing the stepped trip limit reductions in the Gulf, NMFS has compromised their ability to close the king mackerel fishery on time. Each of the subzones have overharvested their quota by 30% in 2015 since this was recently implemented. The Council should consider reestablishing that provision. If the fishery continues to go over the subzone quotas fishermen fear that NMFS will put an IFQ in place to control the fishery even though the previous trip limit reduction has proven to have the same benefits.

Key West, Florida
April 19, 2015

Meeting Attendees:

George Niles
Daniel Padron
Bill Kelly

King Mackerel Permits

Should separate permits be established?

- It depends on how many active permits are being used on both coasts and how many people it would affect.
- Fishermen still need to be able to follow fish as they migrate.

Should permits holders be allowed to receive both permits?

- Qualifying for both permits adds to cost of doing business. Would rather see only one permit or the other with option to change or transfer permits as needed, but not be able to have both at same time.

If only one permit is granted per permit holder, how will the new permit be chosen?

- Non-transferable permits are staying in families and don't allow others to get into fishery.
- Loopholes need to be closed, and the current system is not working the way it was designed.
- There needs to be a way to get rid of permits that fishermen have not been able to use.

Should qualifying criteria be designed to reduce the number of permits?

- There is no reason to get rid of any handline permits, both stocks are healthy.

Spanish Mackerel

Should separate commercial permits be established?

- The same metric should be used for Spanish as for kingfish.

Should either Council establish a limited access system for commercial permits?

- Not in the Gulf- Gulf fishers do not go to the South Atlantic for mackerel, and the Gulf Spanish mackerel ACL is very high.
- If the South Atlantic is having a problem, then they should cap the number of permits at the current level. Don't limit the use of newly purchased permits, whether in Gulf or South Atlantic.
- Establish temporary moratorium during which qualifying criteria could be met

What qualifying criteria should be used for limited access permits or to reduce the number of permits?

- Since the Spanish mackerel price is high right now, people will try to keep others from getting into the fishery.
- There is concern expressed about South Atlantic plan for limited access since so many South Atlantic based fishermen come to the Gulf. If the South Atlantic makes it harder to catch Spanish mackerel over there, what would keep the South Atlantic based fishermen from coming to the Gulf?

Other issues:

- Do not want to see 1250 lb limit because they won't be able to afford to fish. The 2000 lb limit that was proposed was voted down with no explanation given.
- The quota needs to make fishing worthwhile, the commercial sector is being severely punished through no fault of theirs.
- There is an over-capitalization of the king mackerel fishery even though it is under quota.
- Emotional pleas have trumped science from both Gulf & South Atlantic Councils.
- Permit holders need to be protected, since they are affected by low trip limits.

Meeting Attendees:
Shane Cantrell

King Mackerel Permits

Should separate permits be established?

- Yes, but the number of permits allowed need to be monitored, it could further over-capitalize fishery.

Should permits holders be allowed to receive both permits?

- Yes, in special cases people should be allowed to hold both permits if historically their landings are large enough on each side to qualify for each permit.
- This may prevent newer entrants from being able to get into fishery. New entrants should not have to buy nontransferable permits. There needs to be some mechanism in place to allow for new entrants without the large initial investment of buying a permit. Potentially, a federally-backed loan program could subsidize costs of permits for new entrants.

What qualifying criteria should be used for permits?

- An income qualifier should be used as a criteria to receive permits.

Should qualifying criteria be designed to reduce the number of permits?

- Yes, the fishery is likely over-capitalized.

Spanish Mackerel

Should separate commercial permits be established?

- Yes, this will allow the Councils to do what is best for their fishermen.

Should either Council establish a limited access system for commercial permits?

- There should be a cap on the number of permits. It should be set at the current level of participation.
- Qualifying criteria used should be based on income & landings. The landings criteria needs to be based on a tiered landing system, where those fishermen with landings only in recent years can still qualify for a permit, while also recognizing the historical fishermen.

- A temporary moratorium should be established so fishermen can meet qualifying criteria.

Other Issues:

- Limited access needs to be maintained, but new entrants need to be allowed to get into fishery through some mechanism (purchase existing permit, purchase shares, etc).
- The commercial western zone king mackerel season should open on June 1.

Grand Isle, Louisiana
April 28, 2015

Meeting Attendees:

Dean Blanchard
Kelty Readenour
Michael Frazier
Abigail Frazier
Brian Hardcastle

King Mackerel Permits

Should separate permits be established?

- Yes. You should be fishing where you live.

Should permits holders be allowed to receive both permits?

- No. You should only be allowed to fish in either the Gulf or the Atlantic.

What qualifying criteria should be used for permits?

- The length of time people have held permits should be considered and there should be historical endorsements that allow for the fully transferable option as proposed by the Gulf CMP AP in March 2015. You should qualify for the fully transferable option either by your landings history, or through a historical endorsement.

Should qualifying criteria be designed to reduce the number of permits?

- No, qualifying criteria shouldn't reduce permits because the current number of fishermen are not hurting the stock.

Spanish Mackerel Permits

Should separate commercial permits be established?

- Yes. If you are going to split king mackerel permits, you should split Spanish mackerel permits too.

Should either Council establish a limited access system for commercial permits?

- Let the South Atlantic Council decide on their side but, the Gulf should not consider a limited access program.

Comments from South Atlantic Mackerel Advisory Panel– April 2015

There was some support for separate permits or FMPs, but overall the majority of the AP did not support separate management. This was primarily due to concern that South Atlantic fishermen could lose access to Gulf stocks, which would especially impact traveling fishermen. The AP also commented that separate management would not be practical for Florida. There was some support for separate management if there were fair measures implemented to allow South Atlantic fishermen to continue to fish in the Gulf.

The AP approved the following motion:

MOTION #8: RECOMMEND TO NOT SEPARATE THE PERMITS, MAINTAIN STATUS QUO.

APPROVED BY AP. (8/1/1).

In regards to permits, the AP discussed king mackerel commercial permits with low or no landings. Some AP members felt that a passive reduction (making latent permits non-transferable) would be a fair way to reduce the number of permits. One AP member pointed out that low trip limits for king mackerel may hinder a permit holder's ability to keep landings on a permit, and trip limits should be increased before any changes to the permits take place.

Comments from Gulf CMP Advisory Panel – March 2015

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

SCOPING WORKSHOPS
Coastal Migratory Pelagics
Amendment 28
King Mackerel Permits

Biloxi, Mississippi
March 31, 2015

Meeting Attendees:
Rufus Young

King Mackerel Permits

Should separate permits be established?

- Yes, splitting permits is a good, fair idea.

Should permit holders be allowed to receive both permits?

- Yes. Shouldn't limit folks on where they want to fish.

If only one permit is granted per permit holder, how will the new permit be chosen?

- Landings would be an appropriate criteria to use if you give fishermen 3-5 years from now to qualify.

Should qualifying criteria be designed to reduce the number of permits?

- No, don't actively eliminate permits through qualifying criteria.

Spanish Mackerel Permits

Should separate commercial permits be established?

- Yes, separate Spanish mackerel permits.

Should either Council establish a limited access system for commercial permits?

- Limited access might be applicable to the Atlantic but not the Gulf. The Gulf stocks are healthy. No reason to cut someone out of the fishery.

What qualifying criteria should be used for limited access permits or to reduce the number of permits?

- Criteria should be based on having landed at least a certain number of fish for a certain time period/ series.

Saint Petersburg, Florida
April 13, 2015

Meeting Attendees:
Richard Sergent
Stewart Hehenberger

King Mackerel Permits

Should separate permits be established?

- Separate permits should absolutely not be created, the quotas and zones can be adjusted to ensure that the amount of fish being caught isn't too much. Establishing separate permits in the Gulf and South Atlantic won't help the fish stock or control the amount of fish harvested.
- Creating separate permits, especially if you don't qualify for both, would put a major financial burden on people.
- Separate permits would unevenly effect the traveling king mackerel fishermen.

Should permits holders be allowed to receive both permits?

- Yes.

If only one permit is granted per permit holder, how will the new permit be chosen?

- The fishermen should be able to pick the zone or area(s) where they want to fish.

What qualifying criteria should be used for permits?

- If you require some criteria to qualify you for a permit, and each fisherman wasn't allowed to choose, they felt that using the hailing port would be the worst criteria possible. Instead, they felt landings, trips, or days-at-sea should be used as criteria to qualify a fisherman.

Should qualifying criteria be designed to reduce the number of permits?

- No.

Other Issues:

- Concern was expressed about enforcement of the recently implemented transit provisions because it could be easily circumvented. For example, the transit

provision created in the southern subzone of the eastern zone may promote fishing while in closed waters. A fisherman could easily get around the transit provision when fishing for king mackerel because you only have 2 or 3 lines out while you're fishing. If you are pulled over you can quickly cut the lines to satisfy the gear storage requirement while in transit.

- By removing the stepped trip limit reductions in the Gulf, NMFS has compromised their ability to close the king mackerel fishery on time. Each of the subzones have overharvested their quota by 30% in 2015 since this was recently implemented. The Council should consider reestablishing that provision. If the fishery continues to go over the subzone quotas fishermen fear that NMFS will put an IFQ in place to control the fishery even though the previous trip limit reduction has proven to have the same benefits.

Key West, Florida
April 19, 2015

Meeting Attendees:

George Niles
Daniel Padron
Bill Kelly

King Mackerel Permits

Should separate permits be established?

- It depends on how many active permits are being used on both coasts and how many people it would affect.
- Fishermen still need to be able to follow fish as they migrate.

Should permits holders be allowed to receive both permits?

- Qualifying for both permits adds to cost of doing business. Would rather see only one permit or the other with option to change or transfer permits as needed, but not be able to have both at same time.

If only one permit is granted per permit holder, how will the new permit be chosen?

- Non-transferable permits are staying in families and don't allow others to get into fishery.
- Loopholes need to be closed, and the current system is not working the way it was designed.
- There needs to be a way to get rid of permits that fishermen have not been able to use.

Should qualifying criteria be designed to reduce the number of permits?

- There is no reason to get rid of any handline permits, both stocks are healthy.

Spanish Mackerel

Should separate commercial permits be established?

- The same metric should be used for Spanish as for kingfish.

Should either Council establish a limited access system for commercial permits?

- Not in the Gulf- Gulf fishers do not go to the South Atlantic for mackerel, and the Gulf Spanish mackerel ACL is very high.
- If the South Atlantic is having a problem, then they should cap the number of permits at the current level. Don't limit the use of newly purchased permits, whether in Gulf or South Atlantic.
- Establish temporary moratorium during which qualifying criteria could be met

What qualifying criteria should be used for limited access permits or to reduce the number of permits?

- Since the Spanish mackerel price is high right now, people will try to keep others from getting into the fishery.
- There is concern expressed about South Atlantic plan for limited access since so many South Atlantic based fishermen come to the Gulf. If the South Atlantic makes it harder to catch Spanish mackerel over there, what would keep the South Atlantic based fishermen from coming to the Gulf?

Other issues:

- Do not want to see 1250 lb limit because they won't be able to afford to fish. The 2000 lb limit that was proposed was voted down with no explanation given.
- The quota needs to make fishing worthwhile, the commercial sector is being severely punished through no fault of theirs.
- There is an over-capitalization of the king mackerel fishery even though it is under quota.
- Emotional pleas have trumped science from both Gulf & South Atlantic Councils.
- Permit holders need to be protected, since they are affected by low trip limits.

Galveston, Texas
April 27, 2015

Meeting Attendees:
Shane Cantrell

King Mackerel Permits

Should separate permits be established?

- Yes, but the number of permits allowed need to be monitored, it could further over-capitalize fishery.

Should permits holders be allowed to receive both permits?

- Yes, in special cases people should be allowed to hold both permits if historically their landings are large enough on each side to qualify for each permit.
- This may prevent newer entrants from being able to get into fishery. New entrants should not have to buy nontransferable permits. There needs to be some mechanism in place to allow for new entrants without the large initial investment of buying a permit. Potentially, a federally-backed loan program could subsidize costs of permits for new entrants.

What qualifying criteria should be used for permits?

- An income qualifier should be used as a criteria to receive permits.

Should qualifying criteria be designed to reduce the number of permits?

- Yes, the fishery is likely over-capitalized.

Spanish Mackerel

Should separate commercial permits be established?

- Yes, this will allow the Councils to do what is best for their fishermen.

Should either Council establish a limited access system for commercial permits?

- There should be a cap on the number of permits. It should be set at the current level of participation.
- Qualifying criteria used should be based on income & landings. The landings criteria needs to be based on a tiered landing system, where those fishermen with landings only in recent years can still qualify for a permit, while also recognizing the historical fishermen.

- A temporary moratorium should be established so fishermen can meet qualifying criteria.

Other Issues:

- Limited access needs to be maintained, but new entrants need to be allowed to get into fishery through some mechanism (purchase existing permit, purchase shares, etc).
- The commercial western zone king mackerel season should open on June 1.

Grand Isle, Louisiana
April 28, 2015

Meeting Attendees:

Dean Blanchard
Kelty Readenour
Michael Frazier
Abigail Frazier
Brian Hardcastle

King Mackerel Permits

Should separate permits be established?

- Yes. You should be fishing where you live.

Should permits holders be allowed to receive both permits?

- No. You should only be allowed to fish in either the Gulf or the Atlantic.

What qualifying criteria should be used for permits?

- The length of time people have held permits should be considered and there should be historical endorsements that allow for the fully transferable option as proposed by the Gulf CMP AP in March 2015. You should qualify for the fully transferable option either by your landings history, or through a historical endorsement.

Should qualifying criteria be designed to reduce the number of permits?

- No, qualifying criteria shouldn't reduce permits because the current number of fishermen are not hurting the stock.

Spanish Mackerel Permits

Should separate commercial permits be established?

- Yes. If you are going to split king mackerel permits, you should split Spanish mackerel permits too.

Should either Council establish a limited access system for commercial permits?

- Let the South Atlantic Council decide on their side but, the Gulf should not consider a limited access program.

Discussion Document

Coastal Migratory Pelagics Joint Amendment 28

(Separate management plans/ permits)

South Atlantic Mackerel Committee
June 2015



May 14, 2015

Background

The Gulf and Atlantic stocks of king mackerel, Spanish mackerel, and cobia are managed jointly by the South Atlantic Fishery Management Council and the Gulf of Mexico Fishery Management Council. The South Atlantic Council manages the Atlantic groups of all three stocks through the Mid-Atlantic region.

In March 2015, the South Atlantic Council approved a motion to stop development of Amendment 28, which would include actions for separate permits or FMPs. The Gulf Council is currently moving forward with Amendment 28 with scoping in April 2015 and the Councils will discuss next steps for Amendment 28 at the joint meeting on June 11, 2015.

AP Recommendations and Scoping Comments

South Atlantic Mackerel AP (April 2015):

There was some support for separate permits or FMPs, but overall the majority of the AP did not support separate management. This was primarily due to concern that South Atlantic fishermen could lose access to Gulf stocks, which would especially impact traveling fishermen. The AP also commented that separate management would not be practical for Florida. There was some support for separate management if there were fair measures implemented to allow South Atlantic fishermen to continue to fish in the Gulf.

South Atlantic Scoping Comments (January 2014):

- Support for separating permits, primarily at the Cocoa Beach meeting so that the Councils could address specific problems in their region without impacting the other region.
- Some opposition to separate permits (Key West and Jacksonville) because of fishermen harvesting in both regions, and impact on new entrants who want to work both regions
- Some meeting attendees supported removal of king mackerel permits with no or low landings so that full-time mackerel fishermen could have access to the ACL (primarily in Cocoa Beach)
- Some opposition to any action that would take away king mackerel permits with no or low landings (NC, Jacksonville, Key West) because the Councils should not take away any more permits. It was also noted in Key West that a higher trip limit would increase the number of active permits, so the Councils should consider increasing trip limits before any action to address latent permits.
- Some opposition to a two-for-one requirement on king mackerel permits because of impact on new entrants and increased capital required to enter the fishery
- Some support for a two-for-one requirement (Cocoa Beach)
- Some support for an endorsement for the king mackerel mixing zone
- If permits are split, support for qualifying for both permits if the permit holder has landings in both areas, and use a very recent control date

South Atlantic Scoping Comments (January 2015):

- Several discussion participants did not support splitting permits because they want access to both regions.
- One commenter supported separating permits or the FMP.
- Several commenters supported a two-for-one requirement for commercial king mackerel permits (same as the snapper grouper permit) to reduce the number of king mackerel permits over time.

Gulf Mackerel AP (March 2015):

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

Gulf Scoping Comments (April 2015):

To be added when available.

King mackerel

Currently, the stock boundary for king mackerel is a shifting boundary. From April 1- October 31, the boundary is at the Monroe/Collier county line (**Figure 1**). From November 1- March 31, the boundary is at the Flagler/Volusia county line (**Figure 2**). The framework procedure allows each Council to designate the management measures such as trip limits and fishing years in the area of its jurisdiction regardless of the king mackerel stock being harvested at that time. For example, in the winter, king mackerel harvested in the Florida east coast subzone (the mixing zone) have been considered (and tracked as) Gulf stock, but the South Atlantic Council sets the trip limits for that area.

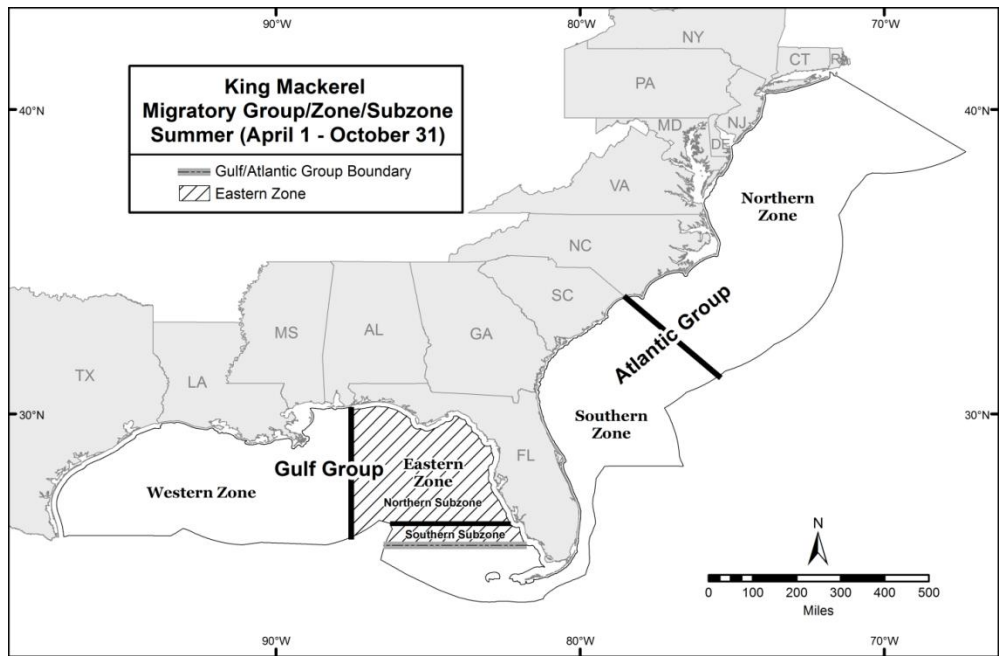


Figure 1. King mackerel seasonal boundaries April 1-October 31, with the Northern and Southern Zones in the Atlantic Group.

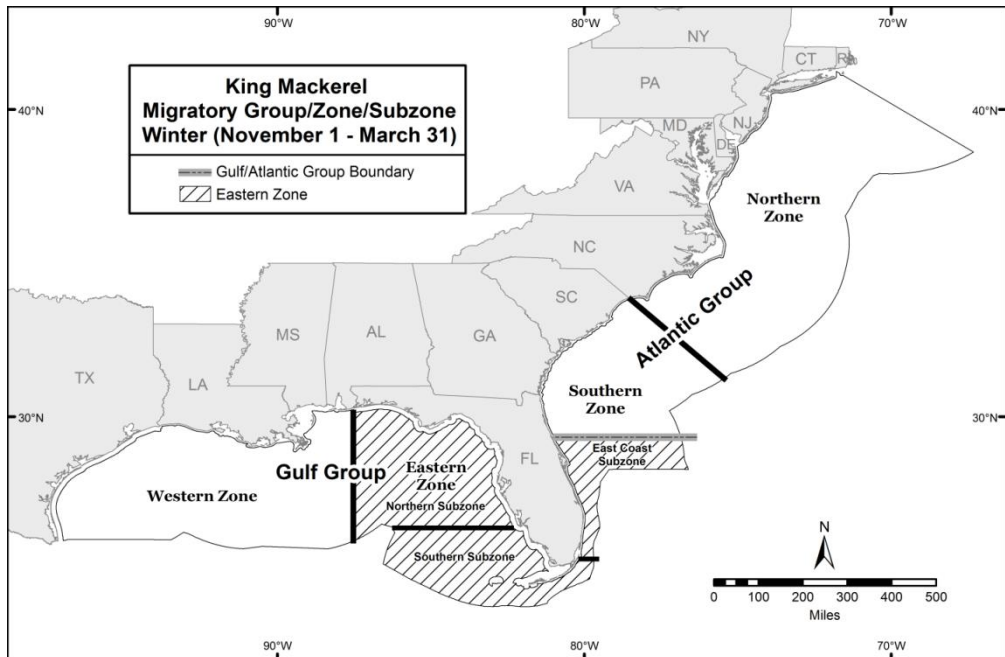


Figure 2. King mackerel seasonal boundaries November 1- March 31, with the Northern and Southern Zones in the Atlantic Group.

However, SEDAR 38 (2014) used more recent data and redefined the mixing zone to be the Florida Keys, with boundary to be set at the Council management boundary in the Keys, with a shift to the Monroe/Dade county line in the winter (**Figure 3**). CMP Amendment 26 includes an action to modify the stock boundary for king mackerel based on the results from SEDAR 38.

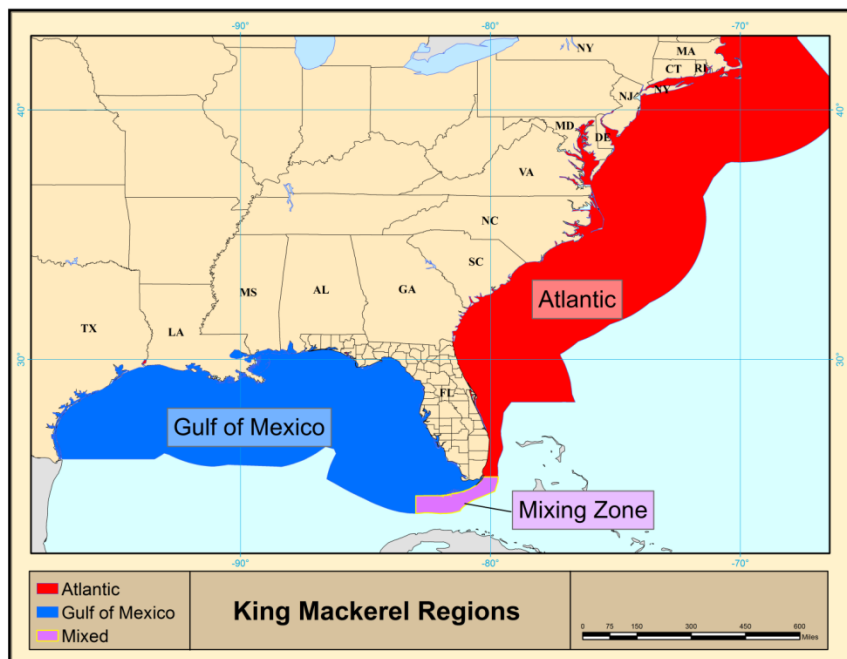


Figure 3. SEDAR 38 king mackerel stock boundaries.

Additionally, Amendment 20B established Northern and Southern Zones, each with their own commercial quotas based on proportions of total landings from 2002-2013. The boundary between the zones is the South Carolina/North Carolina line.

There is one federal commercial permit for king mackerel required for commercial harvest and sale of king mackerel in the EEZ of the Gulf, South Atlantic, and Mid-Atlantic regions. This permit is under a limited entry program and there are currently 1,332 permits (as of 2/4/15). Additionally there is a permit required for commercial harvest of king mackerel with gillnet in the Gulf Eastern Zone/Southern Subzone. This is also a limited entry permit and there are currently 19 permits (as of 2/4/15).

There are separate federal CMP permits for for-hire vessels. In the EEZ of the South Atlantic and Mid-Atlantic regions, king mackerel charter boats or headboats must have a federal South Atlantic Charter/Headboat for Pelagic Fish permit. This is an open access permit and there are 1,343 permits (as of 2/4/15). In the EEZ of the Gulf, king mackerel charter boats or headboats must have a federal Gulf of Mexico Charter/Headboat for Pelagic Fish permit or a Historical Captain Gulf of Mexico Charter/Headboat for Pelagic Fish permit. Both of these are limited entry permits, and there are currently 1,151 and 31 permits, respectively (as of 2/4/15).

Spanish mackerel

The stock boundary for Spanish mackerel is fixed at the Monroe/Dade county line throughout the year (**Figure 4**). Spanish mackerel harvested in the Florida Keys are considered Gulf stock.

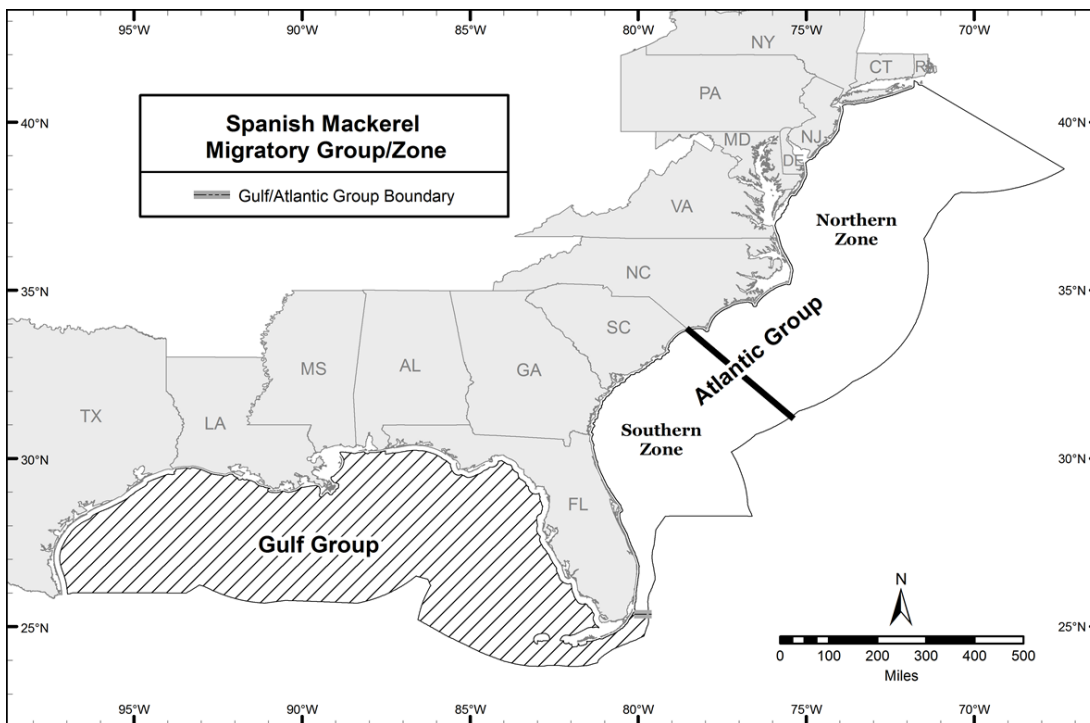


Figure 4. Fixed boundary between Atlantic and Gulf migratory groups of Spanish mackerel, with the Northern and Southern Zones in the Atlantic Group.

As with king mackerel, Amendment 20B established Northern and Southern Zones for Spanish mackerel, each with their own Spanish mackerel commercial quotas.

There is one federal commercial permit for Spanish mackerel required for commercial harvest and sale of king mackerel in the EEZ of the Gulf, South Atlantic and Mid-Atlantic regions. This permit is open access and there are currently 1,728 permits (as of 2/4/15).

There are separate federal CMP permits for for-hire vessels fishing for Spanish mackerel, as with king mackerel. The South Atlantic CMP Charter/Headboat permit is open access, and the two Gulf CMP Charter/Headboat permits are limited entry.

Cobia

Following SEDAR 28, the Councils revised the stock boundary for cobia to be at the Georgia/Florida state line throughout the year (**Figure 5**). Amendment 20B established an Atlantic group cobia ACL that applied north of the Georgia/Florida line. For the EEZ off the Georgia/Florida line to the Council management boundary in the Keys, the quota is a portion of the Gulf group cobia ACL, but is managed by the South Atlantic Council. The Gulf Council sets the Gulf ACL and a portion is allocated to the Florida East Coast Zone using a previously agreed percentage; the South Atlantic Council specifies the management measures for the Florida East Coast Zone.

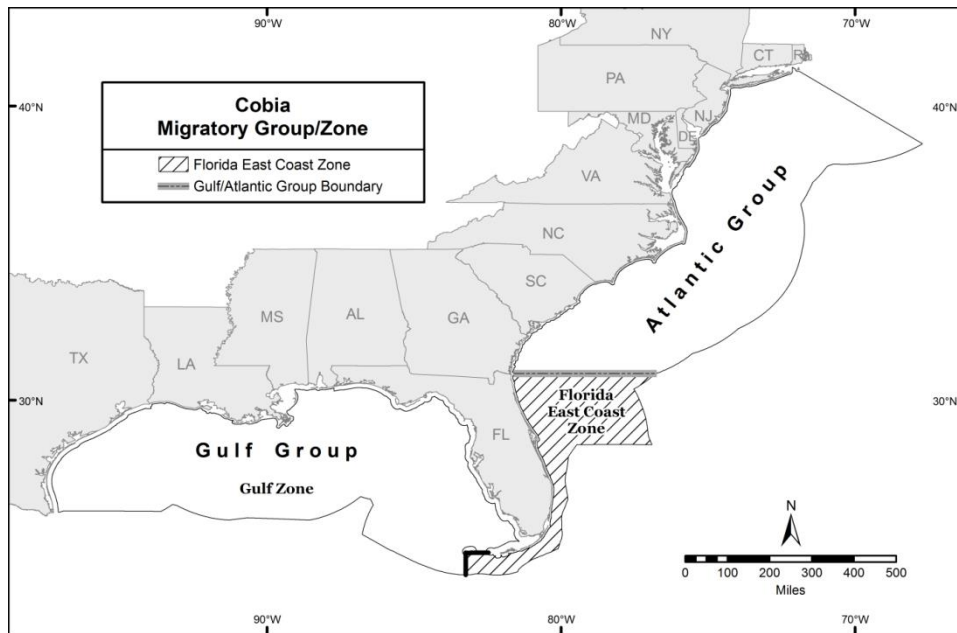


Figure 5. Fixed boundary between Atlantic and Gulf migratory groups of cobia, with the Florida East Coast zone established in Amendment 20B.

There is no federal commercial permit requirement for cobia in the Gulf, South Atlantic, and Mid-Atlantic regions. Charter boats and headboats must have the appropriate federal CMP permit(s), as with king and Spanish mackerel.

Committee Actions

OPTION 1. DIRECT STAFF/IPT TO INCLUDE AN ACTION IN AMENDMENT 28 TO ESTABLISH SEPARATE GULF AND SOUTH ATLANTIC COASTAL MIGRATORY PELAGICS FISHERY MANAGEMENT PLANS.

OPTION 2. DO NOT DEVELOP SEPARATE COASTAL MIGRATORY PELAGICS FISHERY MANAGEMENT PLANS.

OPTION 3. OTHERS?