

**Agenda**  
**Mackerel Management Committee**

**Hilton Galveston Island Resort**  
**Galveston, Texas**

**Monday, October 5, 2015**  
**1:00 pm to 3:30 pm**

- 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. Public Hearing Draft 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. 4**) - Rindone
  - a) CMP 26 Decision Document (**Tab C, No. 4a**) – Rindone
  - b) CMP 26 IPT-Revised Action 7 (**Tab C, No. 4b**) – Rindone
  - c) Committee Recommendations – Dana
  - d) Selection of Public Hearing Locations – Dana
- V. Options Paper for CMP Amendment 28: Separating Permits for Gulf of Mexico and Atlantic Migratory Groups of King Mackerel and Spanish Mackerel (**Tab C, No. 5**) - Rindone
  - a) Committee Recommendations – Dana
- VI. Other Business – Dana

Members:

Pamella Dana, *Chair*

David Walker, *V. Chair*

Roy Crabtree/Steve Branstetter

Randy Pausina/Myron Fischer

Robin Riechers/Lance Robinson

John Sanchez

Nick Wiley/Martha Bademan

Staff: Ryan Rindone

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL  
2  
3 MACKEREL MANAGEMENT COMMITTEE

4  
5 Hilton Riverside Hotel New Orleans, Louisiana  
6

7 August 10, 2015  
8

9 **VOTING MEMBERS**

- 10 Pamela Dana.....Florida
- 11 Martha Bademan (designee for Nick Wiley).....Florida
- 12 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- 13 Myron Fischer (designee for Randy Pausina).....Louisiana
- 14 Robin Riechers.....Texas
- 15 John Sanchez.....Florida
- 16 David Walker.....Alabama

17  
18 **NON-VOTING MEMBERS**

- 19 Kevin Anson.....Alabama
- 20 Leann Bosarge.....Mississippi
- 21 Doug Boyd.....Texas
- 22 Glenn Constant.....USFWS
- 23 Dale Diaz.....Mississippi
- 24 Dave Donaldson.....GSMFC
- 25 John Greene.....Alabama
- 26 Kelly Lucas (designee for Jamie Miller).....Mississippi
- 27 Campo Matens.....Louisiana
- 28 Greg Stunz.....Texas
- 29 Ed Swindell.....Louisiana
- 30 Roy Williams.....Florida

31  
32 **STAFF**

- 33 Assane Diagne.....Economist
- 34 John Froeschke.....Fishery Biologist/Statistician
- 35 Doug Gregory.....Executive Director
- 36 Beth Hager.....Financial Assistant/IT Coordinator
- 37 Karen Hoak.....Administrative and Financial Assistant
- 38 Ava Lasseter.....Anthropologist
- 39 Mara Levy.....NOAA General Counsel
- 40 Emily Muehlstein.....Fisheries Outreach Specialist
- 41 Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- 42 Bernadine Roy.....Office Manager
- 43 Charlotte Schiaffo.....Research & Human Resource Librarian
- 44 Carrie Simmons.....Deputy Director

45  
46 **OTHER PARTICIPANTS**

- 47 Anna Beckwith.....SAFMC
- 48 Theo Brainerd.....SEFSC

1 Steve Branstetter.....NMFS  
2 Eric Brazer.....Reef Fish Shareholder's Alliance  
3 J.P. Brooker.....Ocean Conservancy  
4 Shane Cantrell.....Galveston, TX  
5 Eden Davis.....Louisiana Wildlife Federation, Baton Rouge, LA  
6 Michael Drexler.....Ocean Conservancy, St. Petersburg, FL  
7 Julie Falgout.....Louisiana Sea Grant, Houma, LA  
8 Chad Hanson.....Pew  
9 Matt Hill.....MS DMR, Biloxi, MS  
10 Scott Hickman.....Galveston, TX  
11 Peter Hood.....NMFS  
12 Joe Jewell.....MS DMR, Biloxi, MS  
13 Mark Kinsey.....NOAA OLE, Galveston, TX  
14 Paul Mickle.....Biloxi, MS  
15 Ashford Rosenberg.....Audubon Nature Institute  
16 Bill Tucker.....Dunedin, FL  
17 Jim Zurbrick.....Steinhatchee, FL

18  
19 - - -  
20

21 The Mackerel Management Committee of the Gulf of Mexico Fishery  
22 Management Council convened at the Hilton Riverside Hotel, New  
23 Orleans, Louisiana, Monday morning, August 10, 2015, and was  
24 called to order at 11:30 a.m. by Chairman Pamela Dana.

25  
26 **ADOPTION OF AGENDA**  
27 **APPROVAL OF MINUTES**  
28 **ACTION GUIDE AND NEXT STEPS**  
29

30 **CHAIRMAN PAMELA DANA:** We will call to order the Mackerel  
31 Management Committee and I need a motion to adopt the agenda,  
32 Tab C, Number 1.

33  
34 **MS. MARTHA BADEMAN:** So moved.

35  
36 **CHAIRMAN DANA:** Do I have a second?

37  
38 **MR. MYRON FISCHER:** Second.

39  
40 **CHAIRMAN DANA:** Okay. The agenda has been adopted and has  
41 everyone had an opportunity to review the minutes and, if so,  
42 can I hear a motion to approve or adopt the minutes? I've got a  
43 first and a second. Thank you. The minutes are approved.

44  
45 Action Guide and Next Steps, we are going to move directly into  
46 the options paper for Coastal Migratory Pelagics Amendment 26:  
47 Changes in Allocations, Stock Boundaries, and Sale Provisions  
48 for Gulf of Mexico and Atlantic Migratory Groups of King

1 Mackerel. I am going to turn it over to Ryan Rindone for a  
2 review.

3  
4 **OPTIONS PAPER FOR CMP AMENDMENT 26: CHANGES IN ALLOCATIONS,**  
5 **STOCK BOUNDARIES, AND SALE PROVISIONS FOR GULF OF MEXICO AND**  
6 **ATLANTIC MIGRATORY GROUPS OF KING MACKEREL**

7  
8 **MR. RYAN RINDONE:** Thank you, Madam Chair. At the last meeting,  
9 you guys had directed staff, along with some input from the  
10 South Atlantic Council, about all the things that you wanted  
11 included and otherwise revised for this amendment and so the IPT  
12 went through and made all of those changes.

13  
14 Since then, we have added a couple more alternatives to one of  
15 the actions. If you go to page 40 in the document, it's Section  
16 2.7, Action 7, Revise the Recreational and Commercial  
17 Allocations for Gulf Migratory Group King Mackerel.

18  
19 We have several different proposed alternatives here for ways to  
20 revise the recreational and commercial allocations. The new  
21 material that I wanted to call your attention to for inclusion  
22 in the document are Alternatives 4 and 5 and Alternative 4 would  
23 conditionally transfer a percentage, based on Options a through  
24 c, of the recreational allocation to the commercial sector until  
25 such a time that the recreational landings reach a predetermined  
26 threshold and those thresholds are outlined in Options d through  
27 f.

28  
29 If this threshold is met, then the recreational and commercial  
30 allocations would go back to what they are now, which is 68  
31 percent recreational and 32 percent commercial.

32  
33 Based on the options that we have in Alternatives 2 and 3, for  
34 Alternative 4 we have Option a, transfer 5 percent of the  
35 recreational allocation to the commercial sector, Option b is 10  
36 percent, and Option c is 20 percent. If Alternative 4 is going  
37 to be preferred in any way, you have to choose -- Based on how  
38 it's set up, you have to choose one of Options a through c and  
39 you also have to choose one of Options d through f.

40  
41 Those thresholds that we previously mentioned are, for Option d,  
42 revert to the status quo, or the allocations we have now, if 80  
43 percent of the adjusted recreational ACL is landed. Option e is  
44 90 percent and Option f is 100 percent and this is based on the  
45 motion that came in at full council during the joint council  
46 meeting in June. That's where this alternative comes from.'

47  
48 Alternative 5 added a sunset provision, which the council

1 expressed some interest in. What this basically sets up is --  
2 It says it establishes a sunset provision for any change in the  
3 status quo sector allocations for Gulf migratory group king  
4 mackerel and, again, that's 68 percent for the recreational  
5 sector and 32 percent commercial.

6  
7 Then after the predetermined time period, any change in the  
8 sector allocations would revert back to the allocations  
9 specified in the original CMP FMP, which is that 68 to 32. We  
10 have three options here for this sunset provision, a five-year  
11 sunset, which is Option a, ten years for Option b, and fifteen  
12 years for Option c. That period would begin the year that the  
13 amendment is implemented and the regulations become effective.

14  
15 What the IPT is looking for from the committee is do we have you  
16 guys' blessing to include these in the document and do the  
17 analyses required to create the public hearing draft? Madam  
18 Chair.

19  
20 **CHAIRMAN DANA:** Thank you, Ryan. Discussion on the inclusion of  
21 Alternative 4 and choosing an option and also inclusion of  
22 Alternative 5? Myron.

23  
24 **MR. FISCHER:** Thank you, Madam Chair. On Alternative 4, Ryan,  
25 what was the concept that the transfer takes place and when the  
26 threshold is reached -- This is all within the same fishing year  
27 and that portion is transferred back?

28  
29 **MR. RINDONE:** It would be in the following year that the  
30 allocation would change back to what it was originally, if that  
31 threshold is met. So if it were in effect now and 10 percent of  
32 the recreational allocation had been transferred to the  
33 commercial sector, that would make the allocations 58 percent  
34 recreational and 42 percent commercial. If the threshold that  
35 you guys determined was 90 percent and so if the recreational  
36 sector reached 90 percent or more of their ACL, based on that 58  
37 percent of the total ACL that they have been allocated, then in  
38 2016 the allocation would immediately revert back to 68 percent  
39 recreational and 32 percent commercial.

40  
41 **CHAIRMAN DANA:** A follow-up, Myron?

42  
43 **MR. FISCHER:** So it's possible that -- It's not in the same year  
44 and so the recreational sector could be shut down in a given  
45 year due to the transfer and I was thinking there was a method  
46 they could get it back in the same year, but I think obviously  
47 not in this.

48

1 **MR. RINDONE:** They wouldn't get it back in the same year under  
2 this. Right now, they're landing about half of their allocation  
3 and so I suppose if you transferred 20 percent of the  
4 recreational allocation to the commercial sector and, granted,  
5 that's 20 percent of what they have, and then you had a buffer  
6 of 80 percent, the likelihood of them at some point in the  
7 future reaching that threshold is higher than it would be for  
8 any combination of the other options, but still, again, they are  
9 only landing half of their allocation now and so even under that  
10 scenario, the odds are still lower that it could be reached in  
11 the near future. I mean what happens in the future all depends  
12 on the amount of effort that increases on kingfish.

13  
14 **CHAIRMAN DANA:** Further discussion from the committee? Okay.  
15 We have recommended action as to whether to include Alternative  
16 4 and Alternative 5 in this document. Do I have any -- We are  
17 being requested to act and does anyone choose to act on the  
18 committee? Does no one on the committee want to include  
19 Alternative 4 and --

20  
21 **MR. JOHN SANCHEZ:** I would just as soon include it, in the  
22 interest of having additional options to explore as we move  
23 forward addressing allocation on several fronts at this meeting,  
24 king mackerel, snapper, et cetera, et cetera. Let's look at a  
25 full gamut of options and these are certainly some.

26  
27 **CHAIRMAN DANA:** We have a motion on the board by John Sanchez to  
28 include Alternative 4 and Alternative 5 with the stated options.  
29 Do I have a second? David Walker seconds. Any discussion?  
30 Myron.

31  
32 **MR. FISCHER:** I think we're in two different amendments, but we  
33 have to keep in mind we're also considering increasing the bag  
34 limit in the recreational sector and how that might weigh on  
35 these percentages. Ryan is going to correct me.

36  
37 **CHAIRMAN DANA:** Ryan.

38  
39 **MR. RINDONE:** Thank you, Madam Chair. Mr. Fischer, the bag  
40 limit change that you're talking about is actually Action 8 in  
41 this amendment and there is a bag limit analysis that is  
42 included for you guys' review and that bag limit analysis looks  
43 at a couple of different ways of trying to determine how much  
44 more king mackerel would be landed by the recreational sector if  
45 the limit were increased to three fish and under both scenarios,  
46 one a little bit more conservative than the other, it's not  
47 going to result in much of a change in how many fish are  
48 actually landed by the recreational sector and so it might be

1 nice for some, but basically what we're seeing is that most  
2 people aren't keeping -- They are either not keeping any  
3 kingfish at all or they're only keeping one. It's a much  
4 smaller portion of the recreational fishing community that keeps  
5 two and then presumably from there it would be interested in  
6 keeping three.

7  
8 **CHAIRMAN DANA:** Myron, did that answer your question? Okay. So  
9 we have a motion on the board to include Alternatives 4 and 5 in  
10 Action 7. **All those in favor say aye; opposed. The motion**  
11 **passes.** Okay. Ryan, now must we move forward to choose an  
12 option under Alternative 4 or what is our next -- What do we  
13 need to do next?

14  
15 **MR. RINDONE:** For Amendment 26, you don't have to do anything  
16 else at this time. This is an options paper that is being  
17 prepared to be a public hearing draft to go out to public  
18 hearings and so we have analyses that we will need to complete  
19 and then you guys will receive a public hearing draft at the  
20 next meeting and that will have the analyses that the IPT has  
21 completed for you to consider and at that time, if you're so  
22 inclined, you can pick preferred alternatives then. It would  
23 probably be more appropriate to do it then, after you've had  
24 time to review the analyses. So we're all good here now, if  
25 that's okay with you all.

26  
27 **CHAIRMAN DANA:** I think that we'll go ahead and call it a day on  
28 Amendment 26 and allow for whatever the staff needs to do to  
29 prepare for public meetings or the next meeting. John Sanchez  
30 has a quick question.

31  
32 **MR. SANCHEZ:** Ryan, about how long do you think it would take to  
33 be able to prepare the analysis associated with these now agreed  
34 upon options to move forward with to see how they relate to  
35 changes in increase in bag limit, et cetera, et cetera, how they  
36 all relate to each other?

37  
38 **MR. RINDONE:** I think I would need to know a little bit more  
39 about what it is you want to answer that question, but, broadly  
40 speaking, without knowing which alternatives you guys prefer,  
41 there are obviously an awful lot of different ways everything  
42 could go.

43  
44 After reviewing the bag limit analysis, I would argue that the  
45 bag limit analysis itself is not likely to impact recreational  
46 landings to such a degree that options picked elsewhere in the  
47 document as they relate to the Gulf migratory group of king  
48 mackerel -- I don't think that changing the bag limit is going

1 to change any of the other stuff much, if at all, and so it  
2 would be my advice to you guys if you want to increase the bag  
3 limit, then, by all means, that's your prerogative, but don't  
4 think of it as impacting Actions 5, 6, and 7, which are,  
5 respectively, the ACL increase, the changes to the commercial  
6 zone allocations, and then the shift of recreational ACL to the  
7 commercial sector.

8  
9 **CHAIRMAN DANA:** Okay. Chairman Anson, I think, since we've gone  
10 through 26, would you like us to continue into 28 or conclude  
11 for now, until after lunch?

12  
13 **MR. KEVIN ANSON:** It probably would be good to go ahead and  
14 conclude, take a break, at this point. We will go ahead and  
15 break and then be back here at 1:30.

16  
17 (Whereupon, the meeting recessed at 11:45 a.m., August 10,  
18 2015.)

19  
20 - - -

21  
22 August 10, 2015

23  
24 MONDAY AFTERNOON SESSION

25  
26 - - -

27  
28 The Mackerel Management Committee of the Gulf of Mexico Fishery  
29 Management Council reconvened at the Hilton Riverside Hotel, New  
30 Orleans, Louisiana, Monday afternoon, August 10, 2015, and was  
31 called to order at 1:30 p.m. by Chairman Pamela Dana.

32  
33 **CHAIRMAN DANA:** We are going to resume the Mackerel Management  
34 Committee, starting off with Item Number V, Options Paper for  
35 Coastal Migratory Pelagics Amendment 28, which is Separating  
36 Permits for the Gulf of Mexico and Atlantic Migratory Groups of  
37 King Mackerel and Spanish Mackerel. You will find that in Tab  
38 C, Number 5. Ryan, would you like to review where we're at and  
39 next steps, if any.

40  
41 **OPTIONS PAPER FOR CMP AMENDMENT 28: SEPARATING PERMITS FOR GULF**  
42 **OF MEXICO AND ATLANTIC GROUPS OF KING MACKEREL AND SPANISH**  
43 **MACKEREL**

44  
45 **MR. RINDONE:** Sure and thank you, Dr. Dana. At the joint  
46 council meeting in Key West, we presented a white paper, kind of  
47 a discussion paper, that kind of outlined where the IPT thought  
48 both councils were headed with respect to Amendment 28, which is



1 looking at reorganizing management for the Gulf and Atlantic CMP  
2 species.

3  
4 One of the big things in this is splitting the king and Spanish  
5 mackerel permits. Currently, the kingfish and the Spanish  
6 mackerel respective permits are applicable for the Gulf and the  
7 Atlantic and so you would only need one kingfish permit, one  
8 federal commercial kingfish permit, to fish in either the Gulf  
9 or the Atlantic and the same for Spanish.

10  
11 For ease of facilitating migratory group-specific management  
12 measures, splitting those permits was proffered as a good way to  
13 move forward, so that each council do whatever they thought was  
14 best for managing their migratory group.

15  
16 At the June meeting, the South Atlantic Council, which had  
17 actually initiated the action on this early last year, decided  
18 that they were no longer interested in moving forward with  
19 Amendment 28, while the Gulf Council had decided they were  
20 interested.

21  
22 During scoping, we had received a lot of support from Gulf  
23 fishermen to look at splitting these permits and the South  
24 Atlantic Council had received the exact opposite from their  
25 fishermen and so the South Atlantic Council directed their staff  
26 to stop work and you guys told us to come up with an options  
27 paper and try and figure out some ideas that we might offer to  
28 the South Atlantic Council at some point to see if they are  
29 willing to again move forward with it.

30  
31 That's basically what we have for you here in Tab C, Number 5.  
32 This is just a draft options paper with a few actions in it that  
33 the IPT came up with, based on what we heard during scoping and  
34 what we heard at council meetings.

35  
36 It's just to get the ball rolling. We can go through these and  
37 you guys can let us know what you think or if we're headed in  
38 the right direction or if we need some recalibration. If you  
39 like what you see, then you guys could make the decision to  
40 forward this on to the South Atlantic Council for consideration  
41 at the next opportune moment for them. Do you want me to keep  
42 pushing?

43  
44 **CHAIRMAN DANA:** Yes, I would like you to. Thanks.

45  
46 **MR. RINDONE:** All right. If we want to skip ahead to page 13,  
47 Chapter 2, for Management Alternatives, Action 1 would  
48 reorganize management of the CMP species in the Gulf and

1 Atlantic. Of course, Alternative 1 would leave us with what we  
2 have.

3  
4 Alternative 2 would retain a single Gulf and South Atlantic FMP  
5 for CMP species and it would create separate commercial king  
6 mackerel permits and/or commercial Spanish mackerel permits for  
7 the regions managed by each respective council and qualifying  
8 criteria for the limited access kingfish permits would be  
9 addressed in Actions 2 and 3, Action 2 for the Gulf and 3 for  
10 the Atlantic.

11  
12 Since Spanish permits are open access, there wouldn't be any  
13 qualifying criteria established for those, at least not at this  
14 time. I know there has been some interest by the South Atlantic  
15 to try to reduce the number of Spanish mackerel permits over  
16 there and if that's something that they want to explore, once  
17 the permits were split, then that's something they could  
18 explore.

19  
20 Then, of course, we have options for establish separate kingfish  
21 permits in each region for Option a and then the same for  
22 Spanish mackerel for Option b. Raise your hand or interrupt  
23 more or anything if you have any questions.

24  
25 Alternative 3 would create separate FMPs for CMP species, one  
26 for the Gulf and one for the Atlantic. The Gulf CMP FMP would  
27 be administered by the Gulf Council and the Atlantic by the  
28 South Atlantic Council. It's important to note that the  
29 Atlantic FMP also includes the Mid-Atlantic Council and so  
30 they're going to be interested, if this starts moving forward,  
31 to keep track of its progress, especially as it relates to the  
32 Atlantic region.

33  
34 The same rules would apply for the qualifying criteria. The  
35 qualifying criteria would be established in Actions 2 and 3 for  
36 the limited access kingfish permits and since Spanish permits  
37 are open access, no qualifying criteria would be addressed for  
38 those.

39  
40 All other management measures in the current joint FMP would  
41 apply to the appropriate stock and region and would be included  
42 in the appropriate new FMP and so any rules we have in the Gulf  
43 would be included in the Gulf's new respective FMP and the same  
44 for the Atlantic.

45  
46 The jurisdictional boundary for the councils would need to be  
47 established also and so we have options here for the Dade/Monroe  
48 County line, which is also being proposed as a boundary option

1 in Action 1 of CMP Amendment 26 for king mackerel specifically,  
2 and then another option might be the Gulf and South Atlantic  
3 Council jurisdictional boundary.

4  
5 Of note for the other two species, cobia's migratory group  
6 boundary is at the Florida/Georgia line and Spanish mackerel's  
7 is at the Dade/Monroe line and so if kingfish is also at the  
8 Dade/Monroe line, after Amendment 26, then that seems like that  
9 might be a reasonable path forward for determining where the  
10 divisions should be between the migratory groups. Does anybody  
11 have any questions on Action 1? There's a lot that kind of goes  
12 on in this.

13  
14 All right. Moving forward. Action 2 would establish the  
15 qualifying criteria for obtaining and/or retaining a Gulf  
16 commercial kingfish permit and these alternatives are based on  
17 AP recommendations from the Gulf CMP Advisory Panel and  
18 Alternative 4 in this list can be selected in conjunction with  
19 any of Alternatives 1 through 3 and multiple options may be  
20 selected as preferred in Alternatives 2 and 3.

21  
22 Alternative 1 would not establish any qualifying criteria and so  
23 basically what that is saying is anybody that is currently  
24 permitted to fish in the Gulf would continue to be permitted to  
25 fish in the Gulf for king mackerel. Alternative 2 would  
26 establish qualifying criteria for the Gulf-specific commercial  
27 king mackerel permit and an individual currently holding a valid  
28 or renewable combined Gulf and Atlantic permit would receive the  
29 fully transferable Gulf-specific permit if they have met one of  
30 the following criteria for king mackerel in the Gulf.

31  
32 Option a would be that they had 5,000 pounds of king mackerel  
33 landed in any one year between 1994 and 2009 and the AP had  
34 proposed this particular time series so that fishermen that  
35 historically fished in the Gulf that may not have fished in  
36 recent history would still be able to obtain that fully  
37 transferable permit.

38  
39 Option b would establish the qualifying criteria at 10,000  
40 pounds of king mackerel landed annually in at least four years  
41 during the 2010 to 2014 time period, so four years out of those  
42 five years, and Option c is the same as Option b, except it  
43 increases the poundage requirement to 20,000 pounds.

44  
45 Option d would list the qualifying criteria as the hailing port  
46 listed on the current federal commercial king mackerel permit as  
47 of January 1, 2015 as being a port within the Gulf region and so  
48 a mailing address for say, Doug Boyd, commercial king mackerel

1 fisherman, might be Orlando, but your hailing port might be  
2 Crystal River, where you actually come in. That hailing port  
3 can be changed based on if you move where you're bringing your  
4 boat in, et cetera, and so establishing a control date, meaning  
5 as of this date if your hailing port was in the Gulf that you  
6 qualify for the Gulf permit, makes things a whole lot easier  
7 administratively.

8  
9 Hailing ports can be updated through time if a captain decides  
10 to move where they are bringing the boat in and that information  
11 can be overwritten and so establishing a new control date with  
12 respect to moving forward with any of the qualifying criteria  
13 with the permit split would be a good idea.

14  
15 Right now, the control date for king mackerel is June 30, 2009.  
16 That's a pretty old control date by most respects and so it  
17 might be worth the committee's consideration to consider a more  
18 recent control date and the IPT just arbitrarily offered January  
19 1, for the sake of argument. That might be something you guys  
20 want to talk about.

21  
22 **CHAIRMAN DANA:** January 1 of what year?

23  
24 **MR. RINDONE:** 2015.

25  
26 **CHAIRMAN DANA:** Is there any discussion on control dates?  
27 Martha Bademan.

28  
29 **MS. BADEMAN:** I have a question about the hailing port. How  
30 often do people change that during the year? Is that something  
31 that people do or no?

32  
33 **MR. RINDONE:** They can and I don't know.

34  
35 **MS. BADEMAN:** I mean I know that people obviously move around,  
36 but whether they change that on paper. With January, the people  
37 that are fishing Gulf and Atlantic, there's a good chance that  
38 they're probably fishing the Atlantic in January and so whether  
39 or not they have put Gulf on their paperwork, I don't know, but  
40 then they may fish Gulf later in the year.

41  
42 **MR. RINDONE:** For the sake of the permit and for fishing,  
43 because the permit is valid in either the Gulf or the Atlantic,  
44 it doesn't really matter where your hailing port is. Your  
45 hailing port could be Sebastian Inlet and you could still fish  
46 in the Gulf all year and never fish in the Atlantic.

47  
48 **MS. BADEMAN:** It doesn't matter until we split permits based on

1 it. That's why I'm asking.

2  
3 **CHAIRMAN DANA:** Okay. Any other questions on the hailing port?  
4 I think I heard from you, Ryan, through the IPT that you were  
5 looking for input or clarification on the control date and  
6 whether there was any desire to make the control date more  
7 recent, based on the 2009 control date that is currently listed.  
8 I personally think that's quite aged too and we would be better  
9 off looking at a more current control date. Any discussion?  
10 Myron or Roy? You all have been in this for a while. John  
11 Sanchez.

12  
13 **MR. SANCHEZ:** Thank you. When considering control dates, you  
14 obviously have to give some thought to history. As we approach  
15 a lot of fisheries, we always look at historical participation  
16 and this is kind of one of those exceptions to the rule in which  
17 you had a thriving hand line fishery in the Keys in the 1990s  
18 that you no longer have, because of the economics of it and the  
19 trip limit changes that ensued throughout that course of time,  
20 from then to now.

21  
22 Fuel went up in price and this and that and the economics were  
23 that they have kind of fallen out of the picture, yet  
24 historically they were responsible for a lot of hook and line  
25 landings. If you go with a newer control date, you might lose  
26 some of these historical players and so I would just caution  
27 that a little bit, given the history.

28  
29 **CHAIRMAN DANA:** So that was a statement and not a motion?

30  
31 **MR. SANCHEZ:** It was a statement.

32  
33 **CHAIRMAN DANA:** Okay. Let's just continue on, Ryan, if there's  
34 no more discussion. Roy.

35  
36 **DR. ROY CRABTREE:** Before we move on on this one, I have a lot  
37 of concerns about the hailing port as a criteria. It seems to  
38 me that potentially is a violation of National Standard 4,  
39 because it seems to be discriminating who gets a permit based on  
40 if the hailing port reflects residency or something like that.  
41 I think that's something that staff is going to need to consult  
42 with Mara on to look at, because we can't discriminate based on  
43 residency.

44  
45 **CHAIRMAN DANA:** Thanks, Dr. Crabtree. I think that's the kind  
46 of comments we want to hear during this particular discussion,  
47 is the red flags or what staff needs to look into more, because  
48 this is just at the options paper level and so thank you, Dr.

1 Crabtree. Okay. Chairman Anson.

2  
3 **MR. ANSON:** Thank you. Dr. Crabtree, declaration, I guess, is  
4 that an option that's available, that if you were to say as of  
5 this date in time we're going to be transitioning to two  
6 separate permits and you all need to declare -- I know it kind  
7 of is a question mark as to how many will declare Gulf versus  
8 Atlantic, but is that a possible option or not recommended and  
9 why?

10  
11 **DR. CRABTREE:** You mean you would have to choose that you can  
12 only have one or the other? It might be. I mean there are a  
13 lot of things within the statute about limited access permits  
14 and you have to take into account present and historical  
15 participation in the fishery and those kinds of things and so I  
16 wouldn't say you can't do that, but we would have to look at it.

17  
18 The other thing I would add is, before this amendment can really  
19 go anywhere, there is going to have to be a South Atlantic  
20 action added to it to look at qualifiers and the permits and  
21 everything else, because this is going to all -- If we're really  
22 going to do this, that's all going to have to happen at once.

23  
24 **CHAIRMAN DANA:** Thanks, Dr. Crabtree. Just a reminder, and we  
25 discussed this also at the last meeting, the South Atlantic is  
26 not in favor of moving forward on this particular amendment at  
27 this point.

28  
29 We, as a council, at the last meeting voted to continue movement  
30 and ergo the reason that this options paper is where it's at. A  
31 lot of that support from this council comes from the choose your  
32 zone considerations that we've had over the last couple of years  
33 and the frustration of Gulf king mackerel fishermen having those  
34 from the South Atlantic cross over and fish out the allocations  
35 before the Gulf fishermen are able to fish their particular  
36 regions. I just wanted to give a little bit more background to  
37 refresh everyone's memory. Dr. Crabtree.

38  
39 **DR. CRABTREE:** I understand that. We just need to be careful,  
40 because I think what National Standard 4 -- One of the reasons  
41 Congress put it in the statute is to prevent trying to keep one  
42 set of fishermen out of your region because they live somewhere  
43 else. That's just something you can't do and we need to be very  
44 careful with how we go down this, so we don't end up spending a  
45 whole lot of time going down a blind end.

46  
47 **CHAIRMAN DANA:** Noted. Ryan, do you want to move forward or  
48 does anyone else have comments here? Okay, Ryan.

1  
2 **MR. RINDONE:** Alternative 3 would establish qualifying criteria  
3 for the non-transferable Gulf-specific commercial king mackerel  
4 permit and so if you remember the Alternative 2 talks about a  
5 fully transferable permit and this fully transferable permit can  
6 be sold to anyone who can qualify for it that wants to buy it  
7 and so the non-transferable permit cannot be sold at all to  
8 anyone ever.

9  
10 An individual currently holding a valid or renewable combined  
11 Gulf and Atlantic commercial king mackerel permit would receive  
12 the non-transferable Gulf-specific permit if they didn't meet  
13 the qualifying criteria established in Alternative 2, but have  
14 met one of the following criteria for king mackerel in the Gulf.

15  
16 Option a says that they have commercial landings of any  
17 federally-managed species in the Gulf. It doesn't matter what  
18 it is. They're just on record as having landed something that  
19 we manage in the Gulf. Option b is the hailing port, again, as  
20 of January 1, 2015, is listed as being within the Gulf region.

21  
22 Alternative 4, which can be selected in conjunction or separate  
23 from Alternatives 2 or 3, would establish a spatial restriction  
24 for all Gulf-specific commercial king mackerel permits, whereby  
25 the permit holder may only fish in a specific Gulf commercial  
26 zone, based upon predetermined criteria. This restriction will  
27 be valid upon the date of issuance of the permit. Right now,  
28 there is not a provision suggested to allow this to change and  
29 so you would declare your zone and that's it for that permit.

30  
31 Option a says that the Gulf zone where the permit had the  
32 highest average landings of king mackerel during the previous  
33 five years is where that permit would be good to fish. Option b  
34 is the Gulf zone where the permit had the highest average  
35 landings of king mackerel over the previous ten years and Option  
36 c is selected by the permit holder before the permit is issued.

37  
38 This gets back to that declare your zone initiative that was  
39 pushed originally and this is something that the AP had  
40 suggested again and so we went ahead and plugged it in. Again,  
41 I had mentioned that we don't have a provision in here to allow  
42 this to be changed and so if that's something that you guys  
43 would want included, then let us know and we can add an option  
44 for that too. Any other discussion on Action 2?

45  
46 **CHAIRMAN DANA:** Continue on, Ryan.

47  
48 **MR. RINDONE:** All right. Action 3 would establish qualifying

1 criteria for the Atlantic permit and since this sandbox is kind  
2 of lonely right now and it's just us playing in it, we don't  
3 have anything recommended for the Atlantic side yet and we could  
4 recommend similar things, but we figured we would just leave  
5 that up to them, if and when they decide that they want to  
6 participate.

7  
8 Where this leaves us is that we're still kind of in a holding  
9 pattern, because the South Atlantic hasn't agreed to continue  
10 moving forward with this and so if you guys like the options  
11 that you see or you want to see some things taken out or some  
12 different things put in or considered, let us know and we can  
13 bring it back to you again at the next meeting and you can take  
14 another look then.

15  
16 Or, if you like what you see, you can recommend that it be moved  
17 forward to the South Atlantic Council for consideration. It's  
18 more than likely that they wouldn't be able to consider it until  
19 their December meeting. Madam Chair, it's your pleasure.

20  
21 **CHAIRMAN DANA:** Thank you, Ryan. That was a very nice overview  
22 and thanks for the hard work by you and staff on this options  
23 paper. Is there any discussion currently as has been presented?  
24 Martha Bademan and then John Sanchez.

25  
26 **MS. BADEMAN:** It sounds like there is some questions about  
27 whether we can actually do some of these things and if the South  
28 Atlantic can't take it up until December, if they even wanted  
29 to, it seems like we could come back in October and talk about  
30 it again with some updated information. That's just a potential  
31 path forward.

32  
33 **CHAIRMAN DANA:** John Sanchez.

34  
35 **MR. SANCHEZ:** Thank you. Back in Key West, when we kind of  
36 mentioned this during our joint meeting, both councils, we had  
37 mentioned that given that we're developing new subzones and we  
38 have modified, with SEDAR in 2014, the mixing zone and it's been  
39 a little more focused and it's right there at the Keys, that has  
40 kind of changed the ballgame a little bit.

41  
42 It seems like this might be a ripe time for divorce and I am  
43 hearing people saying that maybe they don't want to sign on to  
44 that now, but I heard some sentiment from Chairman Hartig there,  
45 and I don't want to put words in his mouth, but it's a matter of  
46 record, that he was saying now that we are developing these new  
47 subzones and some of these fish are going to the Atlantic that  
48 it might be time, so we don't bog down the system with having to



1 get approval and just kick things back and forth and back and  
2 forth and take twice as long.

3  
4 If there is something we can do -- Perhaps that is going to give  
5 them heartburn here or something inconsistent with the National  
6 Standards that maybe shouldn't be in here, then I would suggest  
7 we focus on those items, but definitely proceed with some way to  
8 kind of divorce ourselves from having to do these jointly-  
9 managed plans, which add ridiculous amounts of time to this  
10 process.

11  
12 **CHAIRMAN DANA:** Thank you, John. Anna Beckwith.

13  
14 **MS. ANNA BECKWITH:** From our perspective on the South Atlantic,  
15 we would most likely be willing to reconsider this options paper  
16 once you guys had considered some preferreds. Even if they  
17 weren't your final preferreds, of course, it would give us a  
18 sense of what direction you guys were looking to proceed and we  
19 may be willing to shop those around to some of our folks in the  
20 South Atlantic and give some informal meetings and get some  
21 feedback from our fishermen and get their perspective on this,  
22 but our sense, at the moment, is -- My sense, at the moment, is  
23 we would not be willing to reconsider this options paper until  
24 we had some sense of which direction you guys were going a  
25 little bit more specifically.

26  
27 **CHAIRMAN DANA:** Thank you, Anna. David Walker, do you have  
28 anything from the commercial fishermen in Alabama?

29  
30 **MR. DAVID WALKER:** I just agree with what John Sanchez said.

31  
32 **CHAIRMAN DANA:** Ryan, we need to help you either to not do more  
33 work and spin your wheels or --

34  
35 **MR. RINDONE:** It sounds like we need to have a more thought-out  
36 discussion about the hailing port issue and we can certainly do  
37 that and the control date, of course.

38  
39 Just a point of clarification for the control date. The control  
40 date affects everything that would happen after it and so  
41 whoever was a participant in the fishery prior to the control  
42 date being established would be under consideration for whatever  
43 changes are being proposed and so it wouldn't be preclude  
44 somebody that was a historical participant from being considered  
45 for either permit.

46  
47 Obviously the South Atlantic Council is going to have some  
48 consternation about their fishermen and their access and so that

1 certainly merits you guys' consideration when thinking about  
2 what you want to propose to them and so it might be worth  
3 considering thinking about things which may not necessarily  
4 adversely affect anybody currently, if you do truly want to  
5 split the FMP.

6  
7 In order to split the FMP, we need to split the permits. We  
8 can't have separate FMPs and still use the same permit system  
9 and so that's something that would have to be done one way or  
10 another.

11  
12 **CHAIRMAN DANA:** Dr. Crabtree, on that control date for 2.2.  
13 Action 2, Alternative 2, the IPT, again, made the recommendation  
14 that if we were to go further on this that we should have a  
15 newer control date. Could we add an option to this array that -  
16 - Like for 5,000 pounds of king mackerel in any one year during  
17 1994 through 2014?

18  
19 **MR. RINDONE:** You can change the range and the years if you  
20 like. Option a was set up so that --

21  
22 **CHAIRMAN DANA:** You had to catch 5,000, at least.

23  
24 **MR. RINDONE:** You have caught at least 5,000 pounds during that  
25 time period and the AP had recommended that, because there are  
26 some guys, like in Grand Isle, like some of the shrimp fishermen  
27 that used to fish that don't want to lose their permits, and  
28 they would have at least 5,000 pounds of landings in at least  
29 one year during that time period and so that would keep them  
30 from losing a fully transferable permit.

31  
32 It's kind of a protection for the historical fishermen and you  
33 could select more than one option in Alternative 2. You could  
34 use Option a to help protect the historical guy and you could  
35 use Option b or c to qualify only the guys that are really  
36 dedicated to the king mackerel fishery currently and that would  
37 remove any of the smaller time traveling players, if that was  
38 your motivation anyway.

39  
40 The control date really helps facilitate the hailing port issue,  
41 but, just from a general perspective of applying new rules as we  
42 move forward, having a more recent control date than 2009 is  
43 very useful, from an administrative standpoint.

44  
45 **CHAIRMAN DANA:** I guess I am -- Just going back to my original  
46 question to you, in that the IPT recommended a more recent  
47 control date -- 5,000 pounds is a lot of fish, irregardless, in  
48 a year, but to protect the historical from the 1994, could there

1 be another option that's placed in there that does go from 1994  
2 all the way to 2014, to be consistent with the other options  
3 that end in 2014?

4

5 **MR. RINDONE:** Sure.

6

7 **CHAIRMAN DANA:** So you guys could do that independently if you  
8 wanted to and just plug that in, with the 5,000 minimum?

9

10 **MR. RINDONE:** Of course. If you guys want us to add an option,  
11 we can add an option. If you want us to take an option out, we  
12 can do that too. We are very draft right now in terms of where  
13 we are with this and so it's really you all's pleasure as far as  
14 what you want to do.

15

16 **CHAIRMAN DANA:** Thank you. Dr. Crabtree.

17

18 **DR. CRABTREE:** One other kind of red flag that I see is under  
19 Alternative 3, Option a, where it says commercial landings of  
20 any federally-managed species in the Gulf. At least the way  
21 it's drafted, that could be someone with an HMS permit even and  
22 if you look at what the statute says, you can establish limited  
23 access, but you have to take into account present participation  
24 in the fishery, historical practices in the fishery, and various  
25 things.

26

27 This seems to be saying that you can get in even if you've never  
28 even been in the fishery and you've been in shrimp, for example,  
29 or a tuna fisherman or you've been in some other fishery and you  
30 qualify, but combined with the hailing port thing, someone who  
31 has been a big-time participant in the fishery might not qualify  
32 and so I -- I recall some years ago, I think, we had a South  
33 Atlantic Council provision that one of the qualifiers was having  
34 any other federally-managed permit and that very issue came up  
35 and that limited access program was disapproved at that point.

36

37 I think there are a whole lot of issues that revolve around not  
38 just the hailing port, but also allowing the fact that you have  
39 a permit in some other fishery to qualify you for them that I  
40 would kind of stay away from.

41

42 **CHAIRMAN DANA:** Ryan.

43

44 **MR. RINDONE:** Just a point of clarification on that, for  
45 Alternative 3. It's for an individual currently holding a valid  
46 or renewable combined commercial king mackerel permit and so you  
47 would already have the current permit in hand and you would  
48 qualify for the non-transferable version of that permit, one, if

1 you didn't qualify for the fully transferable version and, two,  
2 if you had landings of some species in the Gulf.

3  
4 If you fish for reef fish and you have your commercial reef fish  
5 permit and you also have a commercial king mackerel permit, but  
6 you don't have any landings on that permit in recent history,  
7 you would qualify for the non-transferable permit, simply  
8 because you catch Gulf reef fish, but you hold a current  
9 commercial king mackerel permit already. It's not for people  
10 that don't hold a permit yet.

11  
12 **DR. CRABTREE:** I guess for that to work though you have to argue  
13 that they are a participant in the fishery just because they  
14 hold the permit, even though they haven't participated in the  
15 fishery in terms of actually fishing. Maybe that works and I  
16 don't know, but that's something we need to really look at.

17  
18 **MR. RINDONE:** That's correct and that kind of goes back to kind  
19 of in honor of the council's motion in Amendment 20A or 20B,  
20 where you guys elected not to eliminate any commercial king  
21 mackerel permits. This allows the folks that are in the Gulf  
22 that didn't have their permits eliminated then to still not have  
23 them eliminated now and they would still have the option to fish  
24 them, but because they have little to no landings for whatever  
25 amount of time, they wouldn't be able to sell that permit. It  
26 doesn't take it away from them, but they can't sell it later is  
27 how it's currently written.

28  
29 **CHAIRMAN DANA:** Any further discussion? I would like to hear  
30 from members of the committee on what they would like to happen  
31 and whether we just want to postpone any action by staff until  
32 October or if you want to hear it again in October. I don't  
33 want the staff to spin their wheels on something that no one has  
34 any interest in moving forward on. Again, the AP -- These  
35 recommendations came from the AP for coastal migratory. Any  
36 comments? David, you're the Vice Chair. Come on.

37  
38 **MR. WALKER:** I wouldn't like to see the permits removed. I  
39 mean, personally, on my fishing vessel, we don't maybe land and  
40 some years we might land 5,000 pounds, but it's mostly reef fish  
41 and there are opportunities or times that we can catch king  
42 mackerel, but I don't spend a lot of time or we don't spend a  
43 lot of time fishing for king mackerel. At the same time, we do  
44 catch those and I would like to be able to maintain our permit  
45 and I'm sure there's a lot of other people in the reef fishery  
46 that would like to keep their permits.

47  
48 **CHAIRMAN DANA:** I don't think that that's too much of the

1 question. The Gulf Council has pretty much erred on the side  
2 that you just articulated, to not take those permits away from  
3 the fishermen, if they're even using them in the slightest.

4  
5 **MR. RINDONE:** To Ms. Beckwith's comment about when the South  
6 Atlantic would be prepared to take this up again if the Gulf had  
7 preferreds, it makes it not impossible, but I would say quite  
8 difficult, to put you guys in a position where you could even  
9 pick preferreds without some participation from the South  
10 Atlantic Council.

11  
12 The reason for that is the Gulf can jump through the hoops of  
13 coming up with a way to determine who gets a Gulf permit, but  
14 without knowing who is getting a South Atlantic permit, you  
15 won't necessarily know how the permits are going to be truly  
16 divided and how many participants there are going to be and if  
17 you don't know the number of participants, you can't really  
18 determine what the effect is going to be on the fishery and so  
19 your biological, social, and economic effects are big question  
20 marks.

21  
22 Waiting until the council has enough information to make motions  
23 on which alternatives they prefer, I would see that as being  
24 very difficult and there would be an awful lot of asterisks at  
25 the end of all of that and so it would all reasonably be  
26 contingent on what the South Atlantic also wanted to do and so  
27 some participation between now and then, even if it's just  
28 giving us some feedback, would be really beneficial to determine  
29 whether this needs to move forward or not.

30  
31 **CHAIRMAN DANA:** Anna, to that point?

32  
33 **MS. BECKWITH:** Sure and I think Ben was willing to get some  
34 feedback from some of the fishermen on the Atlantic side and go  
35 through those routes and so I am sure that we would be willing  
36 to look at this again. I certainly couldn't speak to what we  
37 would decide to do with it, but I think some casual  
38 conversations with our fishermen would certainly be a next step.

39  
40 **CHAIRMAN DANA:** Thank you, Anna. Would it be fair then if we  
41 were to not necessarily table, but to hold off on this  
42 particular options paper until we hear back at the next meeting  
43 on the South Atlantic perspective and then we can decide at that  
44 time whether to move forward with it or table it indefinitely?

45  
46 **MS. BECKWITH:** If you guys could clarify some of the concerns  
47 that Roy had in that document and then send those to us, I am  
48 sure that we would be happy to take a peek at it again.

1  
2 **CHAIRMAN DANA:** I have been told by staff that they can do that.  
3 Any other input? I don't want to belabor this. Roy Williams.

4  
5 **MR. ROY WILLIAMS:** Ryan, is it implicit in this that you can  
6 hold a Gulf permit or a South Atlantic permit, but you cannot  
7 hold one of each? Assuming we divide them, the councils divide  
8 them, can a vessel -- They would not be able to retain -- You  
9 could only have one and is that part of this?

10  
11 **MR. RINDONE:** No and so if you are a -- Let's say you're a  
12 historical traveling fisherman and the Gulf Council elects to go  
13 with Option b of Alternative 2, which says that you had to have  
14 landed 10,000 pounds annually in at least four of the last five  
15 years to get that fully transferable permit, and you currently  
16 hold the joint permit, you would qualify.

17  
18 If you're a traveling fisherman and you meet that landings  
19 criteria, you get a Gulf fully transferable permit. Now, you  
20 might also qualify for an Atlantic permit, either based on the  
21 fact that you live there, if the hailing port thing holds up, or  
22 you have landings there or whatever qualifying criteria they  
23 would like to entertain.

24  
25 You could hold both, but the number of people holding both would  
26 be markedly diminished from what it is now, just by function of  
27 where people fish and how much they can ostensibly catch in a  
28 season.

29  
30 **MR. WILLIAMS:** I have a follow-up. Did you say that under  
31 Alternative 2 that you could choose two options, like a and b?  
32 I didn't really understand how you could do that.

33  
34 **MR. RINDONE:** Yes, I did and so if you chose Option a under  
35 Alternative 2, anyone that met that criterion would qualify for  
36 that fully transferable permit. If you also chose Option b,  
37 then anyone that didn't meet Option a, but met Option b, would  
38 also qualify. It would allow the people that have been  
39 participating actively, and probably pretty heavily in recent  
40 years, to qualify for that fully transferable permit, but it  
41 would also protect the historical fishermen, as described by the  
42 AP.

43  
44 The same goes for being able to choose multiple options for  
45 Alternative 3 and, of course, pending some more banging our  
46 heads on the table about the hailing port issue.

47  
48 **CHAIRMAN DANA:** Any more input for Ryan to incorporate into the

1 options paper that will be shared with the South Atlantic?  
2 Okay. Hearing none, I think, Ryan, you've got your marching  
3 orders and then we will revisit this in October, at our next  
4 council meeting. Is there any other business to come before  
5 this committee? Seeing none, Chairman Anson, I adjourn.

6

7 (Whereupon, the meeting adjourned at 2:15 p.m., August 10,  
8 2015.)

9

10

- - -

**Mackerel Committee:** Action Schedule for Tab C, Nos. 4-5

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**Agenda Item IV:** Public Hearing Draft 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:** Public Hearing Draft (**Tab C, No. 4a**), CMP 26 Decision Document (**Tab C, No. 4b**), CMP 26 IPT-Revised Action 7 (**Tab C, No. 4c**) – Rindone

**Timeline Status:** Public Hearing Draft

**Council Input and Next Steps:**

- Discuss proposed alternatives in CMP Amendment 26, recommend adding/removing any options (Discussion Document contains *only* actions/alternatives)
  - Review re-write for reallocation between recreational and commercial sectors
  - Determine if the document is ready to go out to public hearings, and if so, select public hearing locations
  - Pending approval, staff will plan to bring CMP Amendment 26 to the Council as a Final Draft in March/April 2016
- 

**Agenda Item V:** Draft Options Paper for Coastal Migratory Pelagics Amendment 28: Reorganizing Management for Gulf of Mexico and Atlantic Coastal Migratory Pelagic Species

**Documents:** Draft Options Paper (**Tab C, No. 5**)

**Timeline Status:** Options Paper

**Council Input and Next Steps:**

- Discuss proposed options in CMP Amendment 28, recommend adding/removing any options
  - Review South Atlantic Council discussions of Draft Options Paper for CMP Amendment 28
  - Determine whether to continue considering “hailing port” as a qualifying criterion
-



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

RP



## **Draft Amendment 26 to the Fishery Management Plan for the Coastal Migratory Pelagics Fishery of the Gulf of Mexico and Atlantic Region**

**October 2015**



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

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# 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 South 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.

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## Type of Action

Administrative  
 Draft

Legislative  
 Final

## Responsible Agencies and Contact Persons

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## 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
ASFMC	Atlantic States Marine Fisheries Commission
CFDBS	Commercial Fisheries Data Base System
CLM	commercial landings monitoring system
CMP	coastal migratory pelagics
Council	Gulf of Mexico and South Atlantic Fishery Management Councils
CS	consumer surplus
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
FMP	Fishery Management Plan
Gulf	Gulf of Mexico
Gulf Council	Gulf of Mexico Fishery Management Council
GMFMC	Gulf of Mexico Fishery Management Council
GSMFC	Gulf States Marine Fisheries Commission
HAPC	habitat area of particular concern
HBS	NMFS Headboat Survey
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

OFL	overfishing level
OY	optimum yield
PS	producer surplus
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
SCS	small coastal sharks
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
SSB	spawning stock biomass
SSC	Scientific and Statistical Committee
SPR	spawning potential ratio
TAC	total allowable catch
TLR	trip limit reduction
TPWD	Texas Parks and Wildlife Department
USCG	United States Coast Guard
ww	whole weight

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# CHAPTER 1. INTRODUCTION

## What Actions Are Being Proposed?

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

## Why Are The Councils Considering Action?

In 2014, a stock assessment of the Atlantic and Gulf migratory groups of 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 only 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 ACL amongst the remaining Gulf commercial zones.

Historically, the recreational sector in the Gulf has not landed its allocation of the king mackerel ACL (currently 68%), while the commercial sector 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 Councils have decided to evaluate reallocation

### *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.

from the recreational sector to the commercial sector in the Gulf and changes to the recreational bag limit.

In addition to ACL and stock boundary issues, the Councils are interested in exploring a provision for the South Atlantic 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

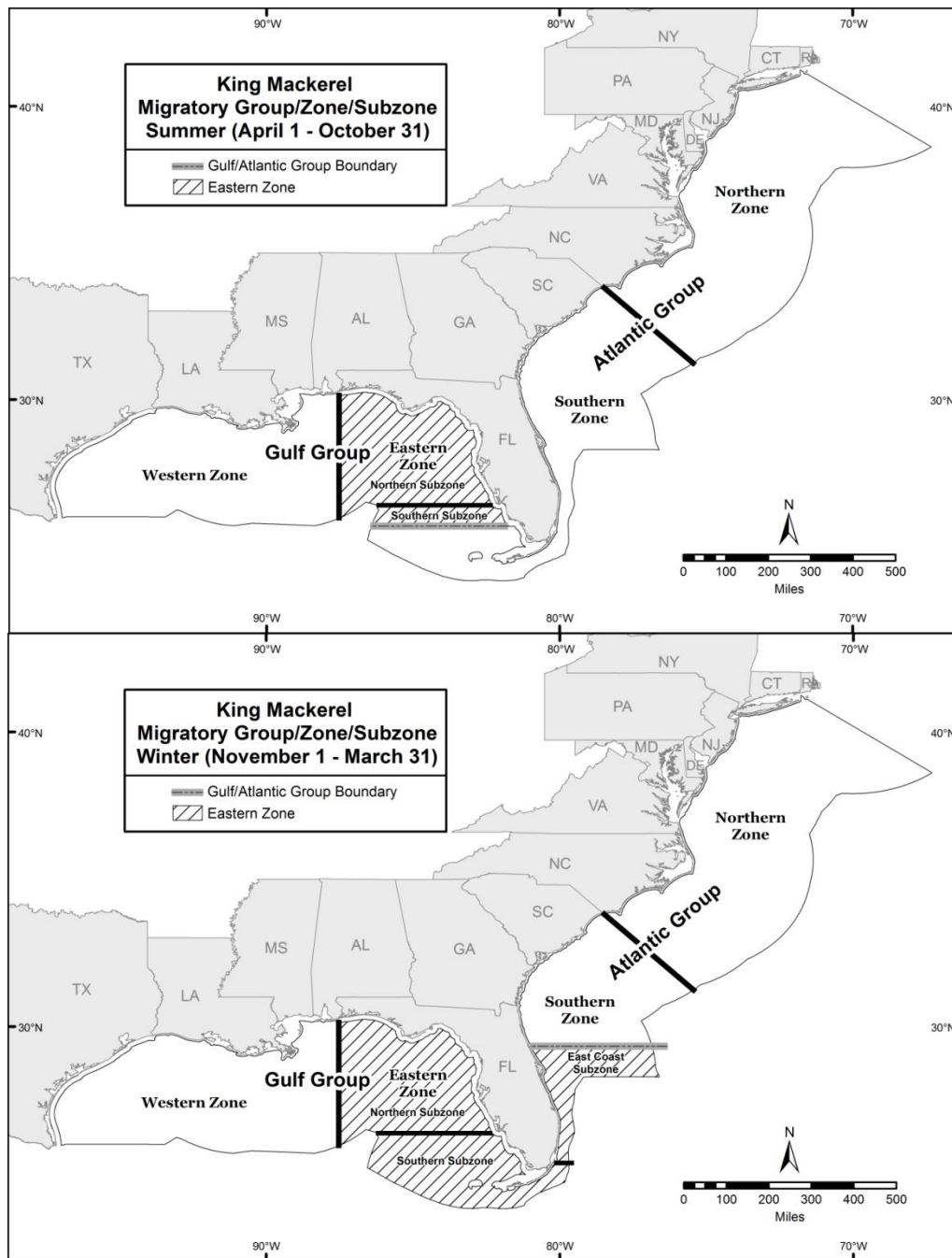
Initially, the Fishery Management Plan (FMP) for the CMP Resources in the Gulf and South Atlantic Region (GMFMC and SAFMC 1982) treated king mackerel as one stock. The present management regime in the FMP recognizes two migratory groups: the Gulf migratory group and the Atlantic migratory group. Each migratory group is managed separately by the respective Council. 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.

In order to simplify the nomenclature for identifying commercial fishing zones in the Gulf of Mexico, the current names of the zones will be changed to read as follows:

Old Zone Name	New Zone Name
Western Zone	Western Zone
Florida West Coast Northern Subzone	Northern Zone
Florida West Coast Southern Subzone	Southern Zone

**King mackerel:** The two migratory groups were historically 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).

In 2014, a stock assessment was completed for Gulf and Atlantic migratory group king mackerel (SEDAR 38). Based on the research highlighted in the assessment, 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). The stock assessment also generated updated stock benchmarks and yield projections, which will require the Councils to take action to update said benchmarks (if necessary) and to update annual catch limits (as appropriate).



**Figure 1.1.1.** Current seasonal boundary between Atlantic and Gulf migratory groups of king mackerel.

The Florida East Coast (FLEC) Subzone is currently one of the Gulf migratory group king mackerel commercial management zones, with king mackerel taken from this area counting against the Gulf commercial ACL. However, because of new stock and management boundaries recommended in the stock assessment (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. In the

Gulf, the commercial zone allocations will need to be re-evaluated with the potential removal of the FLEC Subzone from the Gulf migratory group ACL. This will require reallocation amongst the three remaining Gulf commercial fishing zones (Western Zone, Northern Zone, and Southern Zone).

Prior to CMP Amendment 20A (2014), fishermen with both federal commercial shark and king mackerel permits could sell the bag limit of king mackerel incidentally caught on shark gillnet trips. CMP Amendment 20A prohibited this practice in South Atlantic Council jurisdictional waters, and the prohibition of gillnet gear for harvesting king mackerel in the South Atlantic currently prevents incidentally harvested king mackerel from being sold.

The Councils are considering modifying the sector allocations for Gulf migratory group king mackerel. Over the past decade, the commercial sector has regularly met or exceeded the commercial ACL while the recreational sector has landed decreasingly lower proportions of the recreational ACL. At the March 2015 Gulf CMP Advisory Panel (AP) meeting, members recommended that the Councils abstain from reallocating any king mackerel from the recreational sector to the commercial sector. The Gulf CMP AP subsequently 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.



## 1.2 Purpose and Need

### *Purpose for Action*

The purpose of this amendment is to modify the stock boundary and revise the ACLs for Atlantic and Gulf migratory group king mackerel; to modify the commercial zone quotas for Gulf migratory king mackerel; to revise recreational and commercial allocations for Gulf migratory king mackerel; to create an incidental catch allowance of Atlantic migratory king mackerel for the shark gillnet fishery; and to revise or create management measures for Atlantic migratory group king mackerel in the Florida East Coast Subzone.

### *Need for Action*

The need for this amendment is to ensure annual catch limits are based on the best scientific information available and to ensure overfishing does not occur in the coastal migratory pelagics (CMP) fishery, while increasing social and economic benefits of the CMP fishery through sustainable and profitable harvest of king mackerel in accordance with provisions set forth in the Magnuson-Stevens Fishery Conservation and Management Act.

## 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 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 5**, with environmental assessment (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); and modified the seasonal framework adjustment measures.

**Amendment 9**, with EA, implemented in April 2000, created north and south subzones on the Florida east coast and reallocated the commercial portion of the total allowable catch among the Gulf zones.

**Amendment 18**, with EA, implemented in January 2012, established ACLs and accountability measures for Gulf and Atlantic migratory groups of king mackerel. The ACLs for the Gulf and South Atlantic migratory groups of king mackerel were 10.8 million pounds and 10.46 million pounds, respectively.

**Amendment 20A**, with EA, implemented in July 2014, prohibited sale of recreationally caught king 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.

**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.

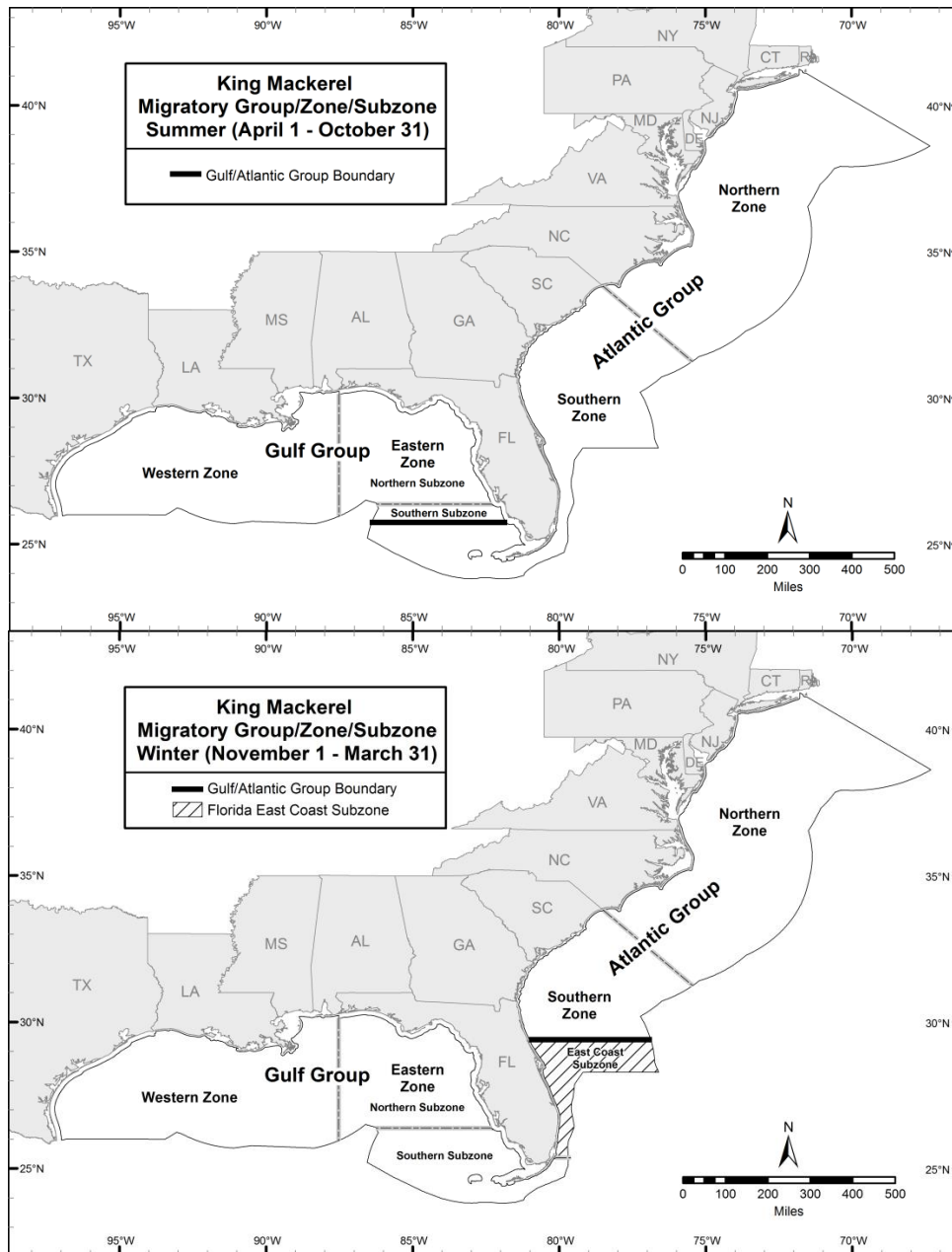
**Amendment 23**, with EA, implemented in August 2014, was part of the joint Gulf/ South Atlantic Dealer Amendment, and requires CMP fishermen to sell to a federally permitted dealer.

**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

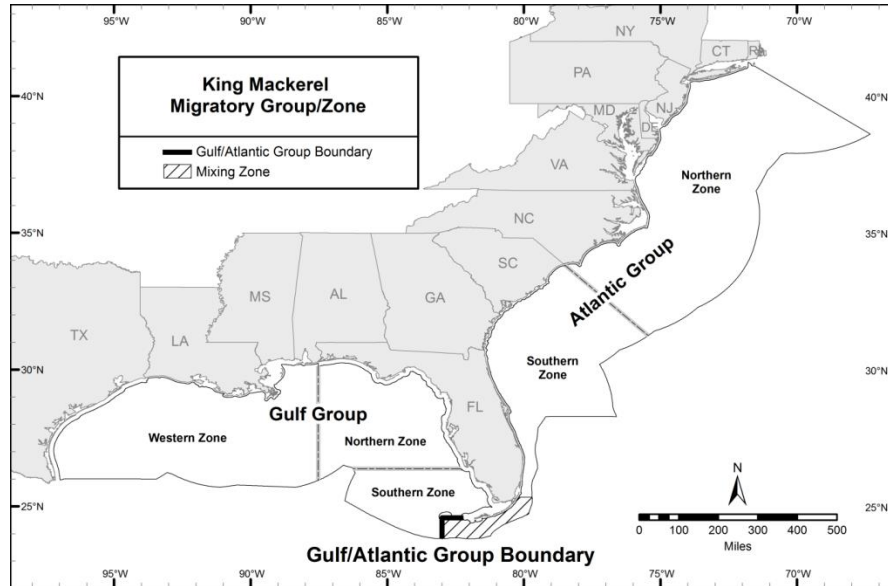
### 2.1 Action 1 – Adjust the Management Boundary for Gulf of Mexico (Gulf) and Atlantic Migratory Groups of King Mackerel

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



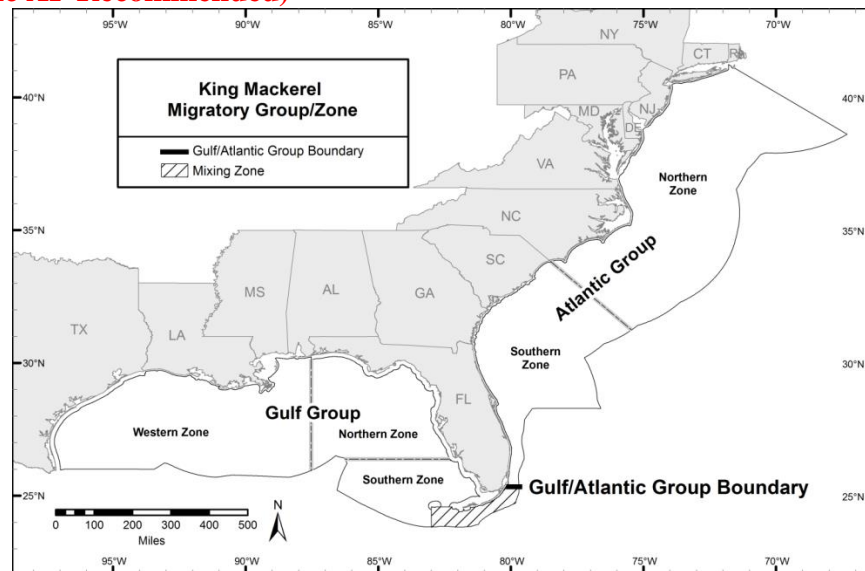
**Figure 2.1.1. Alternative 1:** Current seasonal management boundaries for Atlantic and Gulf migratory groups of king mackerel.

**Alternative 2:** Establish a single year-round boundary for separating management of the Gulf and Atlantic migratory groups of king mackerel at the regulatory boundary between the Gulf and South Atlantic Fishery Management Councils (Councils) (**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 AP Recommended**)

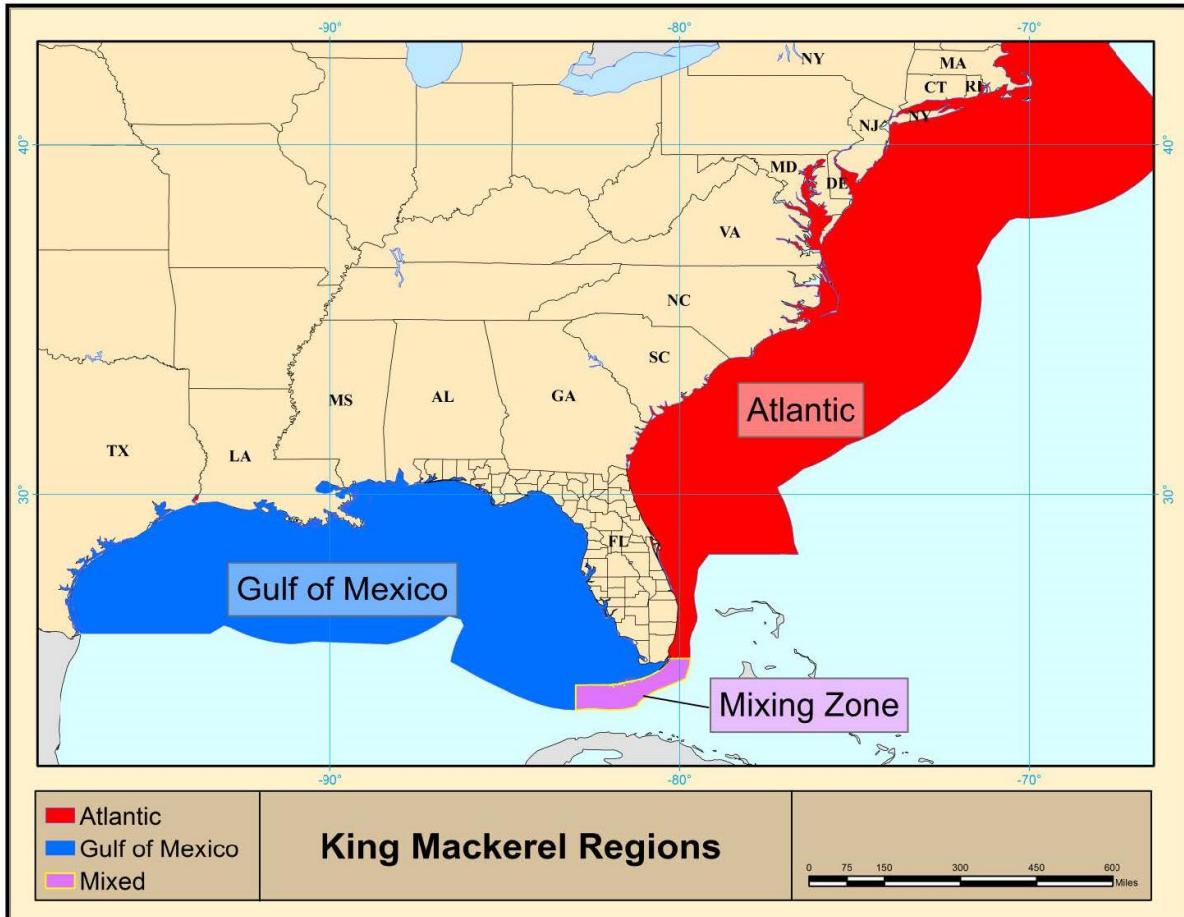


**Figure 2.1.3. Alternative 3:** Proposed management boundary for Atlantic and Gulf groups of king mackerel.

## **Discussion:**

Separate 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 FMP (GMFMC/SAFMC 1994) established a separate quota for the mixing zone, then called the North Area of the Gulf migratory group, and 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 Council established the current Gulf migratory group zones and subzones in Amendment 9 (GMFMC/SAFMC 2000). The Gulf 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 /South Atlantic 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 the stock assessment (SEDAR 38 2014) 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** 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 Dade/Monroe county line, so enforcement would be simplified.

With either **Alternative 2** or **3**, the East Coast Subzone for the Gulf migratory group would no longer exist. That area would be completely within the range of the Atlantic migratory group, and would be managed year-round by the South Atlantic Council. As such, the highlighted language below would be unnecessary and removed from the framework procedure:

*Responsibilities of Each Council:*

1. *Recommendations with respect to the Atlantic migratory groups of king mackerel, Spanish mackerel, and cobia will be the responsibility of the South Atlantic Council, and those for the Gulf migratory groups of king mackerel, Spanish mackerel, and cobia will be the responsibility of the Gulf Council, with the following exceptions:*

*The South Atlantic Council will have responsibility to set vessel trip limits, closed seasons or areas, or gear restrictions for:*

- a. *The Eastern Zone - East Coast Subzone for Gulf migratory group king mackerel*
- b. *The east coast of Florida including the Atlantic side of the Florida Keys for Gulf migratory group cobia.*

## 2.2 Action 2 – Update Reference Points 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 maximum sustainable yield (MSY) is the value of yield at  $F_{MSY}$  from the most recent stock assessment. Currently  $MSY = 10.4$  million pounds (mp) (SEDAR 16). In October 2014, the South Atlantic Council’s Scientific and Statistical Committee (SSC) recommended a proxy for MSY at 30% SPR (spawning potential ratio), which is 12.7 mp.

The South Atlantic Council has determined that the value for minimum stock size threshold (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 maximum fishing mortality threshold (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 South Atlantic 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	12.7 mp
ABC Control Rule Adjustment	17.5%
P-Star	32.5%

See the CMP Fishery Management Plan (GMFMC and SAFMC 1982) and Amendment 18 (GMFMC and SAFMC 2011) for more information about the biological parameters in this action.

The South Atlantic SSC provided the following overfishing levels (OFLs) for Atlantic king mackerel at their October 2014 meeting (**Table 2.2.2**).

**Table 2.2.2.** Recommendation for OFL from the October 2014 South Atlantic 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



## 2.2.1 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 king mackerel (10.46 million pounds (mp)).

**Alternative 2:** Revise the ABC for Atlantic king mackerel for 2016/17 through 2019/20 based on the ABC levels recommended by the SSC for ABC under a high recruitment scenario. **(South Atlantic AP Recommended)**

**Alternative 3:** Revise the ABC for Atlantic king mackerel for 2016/17 through 2019/20 based on the ABC levels recommended by the SSC for ABC under a medium recruitment scenario.

**Alternative 4:** Revise the ABC for Atlantic king mackerel for 2016/17 through 2019/20 based on the ABC levels recommended by the SSC for ABC under a low recruitment scenario.

**Table 2.2.1.1.** Recommendations from the October 2014 South Atlantic SSC meeting for Atlantic 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	<b>Alt 2</b>	<b>Alt 3</b>	<b>Alt 4</b>			
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%

### Discussion

Amendment 18 (GMFMC and SAFMC 2011) established an 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 [South Atlantic] 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.

**Alternative 1** (No Action) would not update the ABC values for Atlantic king mackerel based on the outcomes of the recent stock assessment. **Alternatives 2-4** allow the Councils to consider additional information about recruitment when setting the ABC for Atlantic king mackerel, with the option to set the ABC values based on a high (**Alternative 2**), medium (**Alternative 3**), or low (**Alternative 4**) recruitment scenario. Because king mackerel is a dynamic stock and has historically experienced fluctuations in landings, the Councils may want to consider factors that could affect recruitment. Information to consider may include environmental factors, more recent data through trip tickets or independent surveys, and reports from fishermen about numbers and sizes of king mackerel.

Public comment during scoping meetings and the South Atlantic Mackerel Advisory Panel (South Atlantic 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 indicated by SEDAR 38 models. 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, Commercial Quotas, and Recreational ACT for Atlantic Migratory Group King Mackerel

**Alternative 1:** No action - Retain the ACL and recreational ACT for Atlantic king mackerel based on the previous ABC. ACL = optimum yield (OY) = ABC.

**Alternative 2:** Revise the ACL and recreational ACT based on the ABC levels selected under Action 2-1. ACL = OY = ABC, recreational ACT = [0.5 or (1-PSE), whichever is greater].  
**(South Atlantic AP Recommended)**

**Table 2.2.2.1.** 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 allocation is 23.04% and the Southern Zone allocation is 76.96% (see Appendix E for details on how the Northern and Southern Zone quota allocations were recalculated using the SEDAR 38 boundary).

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	5,002,400	10.9 mp	10.1 mp
2017/18	15.8 mp	5.9 mp	1,359,360	4,540,640	9.9 mp	9.2 mp
2018/19	14.1 mp	5.2 mp	1,198,080	4,001,920	8.9 mp	8.3 mp
2019/20	12.7 mp	4.7 mp	1,082,880	3,617,120	8.0 mp	7.4 mp
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	4,694,560	10.4 mp	9.7 mp
2017/18	14.3 mp	5.3 mp	1,221,120	4,078,880	9.0 mp	8.4 mp
2018/19	12.9 mp	4.8 mp	1,105,920	3,694,080	8.1 mp	7.5 mp
2019/20	12.1 mp	4.5 mp	1,036,800	3,463,200	7.6 mp	7.1 mp

Table 2.2.2.1 continued on the next page

Table 2.2.2.1 continued

ACL = ABC LOW Recruitment Scenario <b>Action 2-1, Alt 4</b>						
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	4,386,720	9.7 mp	9.0 mp
2017/18	12.9 mp	4.8 mp	1,105,920	3,694,080	8.1 mp	7.5 mp
2018/19	11.9 mp	4.4 mp	1,013,760	3,386,240	7.5 mp	7.0 mp
2019/20	11.6 mp	4.3 mp	990,720	3,309,280	7.3 mp	6.8 mp

\*ACT values are calculated based on formula from CMP Amendment 18 using the average PSE from 2005-2009.

**Alternative 3:** Establish ACL = OY = Deterministic equilibrium yield at  $F_{30\%SPR} = 12.7$  mp for fishing years 2016/17 through 2019/20. **(Recommended by the South Atlantic SSC)**

Alternative 3	
Atlantic King Mackerel ACL	12.7 mp
Commercial ACL	4.7 mp
Northern Zone Quota	1,082,880 lbs
Southern Zone Quota	3,617,120 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.

*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 terms of reference (TORs) of all 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 South Atlantic Council wants to choose that strategy to have stable catches rather than following the P\* recommendation 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	3,309,280 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 based on the ABC levels selected under Action 2-1.

**Table 2.2.2.2.** 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 is 23.04% and the Southern Zone allocation is 76.96% (see Appendix E for details on how the Northern and Southern Zone quota allocations were recalculated using the SEDAR 38 boundary).

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	4,463,680	9.9 mp	9.2 mp
2017/18	14.2 mp	5.3 mp	1,221,120	4,078,880	8.9 mp	8.3 mp
2018/19	12.7 mp	4.7 mp	1,082,880	3,617,120	8.0 mp	7.4 mp
2019/20	11.4 mp	4.2 mp	967,680	3,232,320	7.2 mp	6.7 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	4,232,800	9.4 mp	8.7 mp
2017/18	12.9 mp	4.8 mp	1,105,920	3,694,080	8.1 mp	7.5 mp
2018/19	11.6 mp	4.3 mp	990,720	3,309,280	7.3 mp	6.8 mp
2019/20	10.9 mp	4.0 mp	921,600	3,078,400	6.9 mp	6.4 mp
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	4,001,920	8.7 mp	8.1 mp
2017/18	11.6 mp	4.3 mp	990,720	3,309,280	7.3 mp	6.8 mp
2018/19	10.7 mp	4 mp	921,600	3,078,400	6.7 mp	6.2 mp
2019/20	10.4 mp	3.9 mp	898,560	3,001,440	6.5 mp	6.0 mp

\*ACT values are calculated based on formula from CMP Amendment 18 using the average PSE from 2005-2009.

## **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:

*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.*

**Alternative 1** (No Action) would not revise the ACL for Atlantic king mackerel based on the recent stock assessment and the modified stock boundary. The current ACL (including sector ACLs), commercial quotas, and recreational ACT are:

Total ACL= 10.46 mp  
Commercial ACL= 3.88 mp  
Northern Zone Commercial Quota= 1,292,040 lbs  
Southern Zone Commercial Quota= 2,587,960 lbs  
Recreational ACL= 6.58 mp  
Recreational ACT= 6.11 mp

**Alternatives 2 and 5** would set the ACL based on the ABC in Action 2-1, which would depend on the level of recruitment (high, medium or low) that the Councils consider to be appropriate for Atlantic king mackerel. The ACL would be set equal to the ABC (**Alternative 2**), or at a percentage of the ABC (**Alternative 5**) to provide an additional buffer. Public input during scoping meetings and the South Atlantic Mackerel AP recommended setting the ACL equal to the high recruitment ABC (**Alternative 2**, in combination with **Alternative 2** in Action 2-1).

**Alternatives 3 and 4** are based on the South Atlantic SSC recommendation to use the long-term equilibrium yield at  $F_{30\%SPR}$ , 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 ABC (**Alternative 2**) under the high recruitment scenario ABC (**Alternative 2** in Action 2-1). Overall, public input and the South Atlantic AP support the highest ACL possible, which could only be achieved under **Alternative 2** in Action 2-1, and **Alternative 2** in Action 2-2.

## **Council Conclusions:**

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

**Alternative 1:** No action - Retention and sale of Atlantic 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 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. 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.

**Alternative 3:** Allow retention and sale of Atlantic 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. 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.

### **Discussion:**

Prior to Amendment 20A (2014), fishermen with both 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, Amendment 20A prohibited bag limit sales in South Atlantic Council jurisdictional waters, which included incidentally caught king mackerel on shark trips. 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 shark drift gillnet fishery, most of the king mackerel are already dead when the gillnets are retrieved. The South Atlantic and Gulf CMP APs were supportive of allowing shark drift gillnet fishermen to retain and sell king mackerel caught on shark gillnet trips.

**Alternatives 2 and 3** would establish an incidental catch allowance and would allow the retention and sale of Atlantic king mackerel caught with drift gillnets in the 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. Landings data indicate that a small number of fishermen have landed king mackerel on gillnet trips targeting

sharks (Table 2.3.1). There are no gillnet trips with shark and king mackerel in Georgia or South Carolina in the last five years.

Under **Alternative 2**, the incidental catch 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 **Alternative 3**, the incidental catch 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.

**Table 2.3.1.** Information on gillnet trips landing shark and king mackerel in Florida from 2010-2014.

Year	# Gillnet Trips Shark <sup>a</sup>	# Gillnet Trips Shark and King Mackerel	# Participants with Shark/KM Gillnet Trips	Total Lbs King Mackerel Landed on Shark Gillnet Trips	Average Lbs King Mackerel Landed on Shark Gillnet Trips
2010	168	28	5	1255.3	44.8
2011	382	21	3	1039.0	49.5
2012	498	32	4	923.5	28.9
2013 <sup>b</sup>	298	33	5	2635.4	79.9
2014 <sup>c</sup>	161	23	4	2474.2	107.6
<b>TOTAL</b>	<b>1507</b>	<b>137</b>	<b>--</b>	<b>8327.3</b>	<b>60.8</b>

<sup>a</sup> Small coastal sharks (SCS)—blacknose, sharpnose, bonnethead, and finetooth

<sup>b</sup> SCS closed in September 30, 2013

<sup>c</sup> SCS closed in July 28, 2014

Source: ACCSP



## 2.4 Action 4 – Establish Commercial Split Seasons for Atlantic Migratory Group King Mackerel in the Southern Zone

**Alternative 1 (No Action).** The commercial fishing year for Atlantic king mackerel is March 1 – February 28. The Southern Zone quota is allocated for the entire fishing year.

**Alternative 2.** Allocate the Southern Zone quota for Atlantic king mackerel into two quotas: 60% to the period March 1 - September 30 (season 1) and 40% to the period October 1 – February 28 (season 2). Any remaining quota from season 1 would transfer to season 2. Any remaining quota from season 2 would not be carried forward. When the Southern Zone quota for the season is met or expected to be met, commercial harvest of king mackerel in the Southern Zone will be prohibited for the remainder of the season. (**South Atlantic Mackerel AP Recommended**)

**NEW Alternative 3.** Allocate the Southern Zone quota for Atlantic king mackerel into two quotas: 60% to the period March 1 – October 1 (season 1) and 40% to the period November 1 – February 28 (season 2). Any remaining quota from season 1 would transfer to season 2. Any remaining quota from season 2 would not be carried forward. When the Southern Zone quota for the season is met or expected to be met, commercial harvest of king mackerel in the Southern Zone will be prohibited for the remainder of the season.

**NEW Alternative 4.** Allocate the Southern Zone quota for Atlantic king mackerel into two quotas: 50% to the period March 1 – October 1 (season 1) and 50% to the period November 1 – February 28 (season 2). Any remaining quota from season 1 would transfer to season 2. Any remaining quota from season 2 would not be carried forward. When the Southern Zone quota for the season is met or expected to be met, commercial harvest of king mackerel in the Southern Zone will be prohibited for the remainder of the season.

**NOTE:** *Alternatives 3 and 4 were added by the South Atlantic Council in September 2015. The Gulf Council will review the new alternatives in October 2015.*

### **Discussion:**

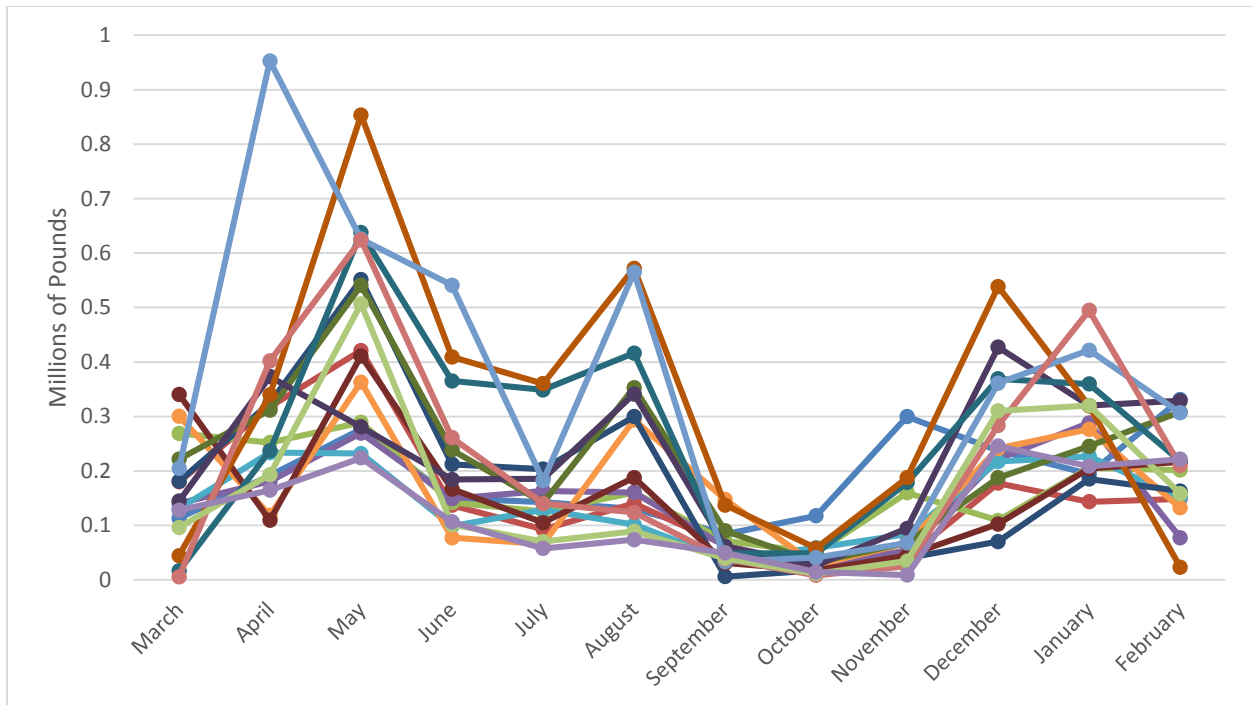
Currently, king mackerel harvest in the EEZ off the Florida east coast is managed with a shifting boundary, because part of the Florida east coast was designated as the mixing zone in past stock assessments (see **Section 1.1** for details on boundaries and management). If the management boundary in **Action 1** is approved, the Florida East Coast Subzone (part of Gulf king mackerel management) will no longer exist. The Councils will need to establish management measures for this area as part of the Atlantic king mackerel management system.

In April 2015, the South Atlantic Mackerel AP made recommendations for Florida east coast management, including the following recommendation on a split season for the Southern Zone:

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.

A large proportion (90% or higher) of the Southern Zone quota is landed on the Florida east coast. A commercial split season for the Southern Zone would ensure that a portion of the Southern Zone quota would be available in the later months of the fishing year, even if there is a high level of harvest in the earlier months. Under the current management system, harvest in the EEZ off the Florida east coast starting November 1 counts toward the quota for the Gulf Florida East Coast subzone, which means that landings on the Florida east coast in the earlier months of the fishing year (Atlantic king mackerel) do not affect the availability of quota in the late fall months. However, if the Councils modify the management boundary in Action 1, harvest of king mackerel in the EEZ off the Florida east coast could count toward one quota (Southern Zone) for the whole year, which may result in an early closure depending on the rate of harvest in the spring and summer. In general, landings patterns for the Southern Zone show that landings are at high levels in the spring and start to decrease in the summer. The months of September through November usually have the lowest landings levels of the year, followed by an increase starting in November or December (Figure 2.4.1).



**Figure 2.4.1.** King mackerel commercial landings in the Southern Zone by month for fishing years 1998-99 through 2013-14.

Source: NMFS ALS

**Alternative 1** (No Action) would not establish a commercial split season for the Southern Zone. When king mackerel landings in the Southern Zone are met or are expected to meet the Southern Zone quota, landings in the Southern Zone would be prohibited for the remainder of the fishing

year (unless there is a quota transfer from the Northern Zone). Under **Alternative 1**, there would be a risk that the Southern Zone quota would be met before the productive period in the late fall. **Alternative 2** would establish a commercial split season in which 60% of the Southern Zone quota would be allocated to the period of March 1 through September 30, and 40% to the period of October 1 through the end of the February. This alternative is based on the recommendation from the South Atlantic Mackerel AP. **Alternative 3** would also establish a commercial split season with 60% and 40% allocations, but with the first season designated as March 1 through October 31, and the second season as November 1 through the end of February. **Alternative 4** would establish a split season with equal allocations to season 1 (March 1 through October 31) and season 2 (November 1 through the end of February). In **Alternatives 2-4**, any remaining quota from season 1 would roll over to season 2. Table 2.4.1 shows the potential split season quotas under different ABC and ACL scenarios for **Alternatives 2 and 3**. Table 2.4.2 shows the potential split season quotas for **Alternative 4**.

**Table 2.4.1.** Examples of possible split season quotas for the Southern Zone (in lbs) with a 60/40 allocation (**Alternatives 2 and 3**).

	ACL=ABC <sup>1</sup> High Recruitment <sup>2</sup>		ACL=ABC <sup>1</sup> Medium Recruitment <sup>3</sup>		ACL=Deterministic Equilibrium Yield at F <sub>30%SPR</sub> <sup>4</sup>	
	Season 1 (60%)	Season 2 (40%)	Season 1 (60%)	Season 2 (40%)	Season 1 (60%)	Season 2 (40%)
2016/17	3,001,440	2,000,960	2,816,736	1,877,824	2,170,272	1,446,848
2017/18	2,724,384	1,816,256	2,447,328	1,631,552		
2018/19	2,401,152	1,600,768	2,216,448	1,477,632		
2019/20	2,170,272	1,446,848	2,077,920	1,385,280		

<sup>1</sup> Alternative 2 under Action 2-2

<sup>2</sup> Alternative 2 under Action 2-1, ABC under High Recruitment Scenario

<sup>3</sup> Alternative 3 under Action 2-1, ABC under Medium Recruitment Scenario

<sup>4</sup> Alternative 3 under Acton 2-2

**Table 2.4.2.** Examples of possible split season quotas for the Southern Zone (in lbs) with a 50/50 allocation (**Alternative 4**).

	ACL=ABC <sup>1</sup> High Recruitment <sup>2</sup>	ACL=ABC <sup>1</sup> Medium Recruitment <sup>3</sup>	ACL=Deterministic Equilibrium Yield at F <sub>30%SPR</sub> <sup>4</sup>
	Season 1 or 2 (50%)	Season 1 or 2 (50%)	Season 1 or 2 (50%)
2016/17	2,501,200	2,347,280	1,808,560
2017/18	2,270,320	2,039,440	
2018/19	2,000,960	1,847,040	
2019/20	1,808,560	1,731,600	

<sup>1</sup> Alternative 2 under Action 2-2

<sup>2</sup> Alternative 2 under Action 2-1, ABC under High Recruitment Scenario

<sup>3</sup> Alternative 3 under Action 2-1, ABC under Medium Recruitment Scenario

<sup>4</sup> Alternative 3 under Acton 2-2

Based on landings patterns for the Southern Zone (Table 2.4.3), the risk that the season 1 or season 2 quota would be met and result in an early closure will vary, because landings for king mackerel in the Southern Zone fluctuate from year to year depending on stock dynamics, environmental factors, and fishing effort.

**Table 2.4.3.** Total king mackerel commercial landings from the Southern Zone, and percentages of the total landings under the potential split seasons.

Fishing Year	Total SZ Landings	Mar- Sep <sup>1</sup> Landings	Oct- Feb <sup>1</sup> Landings	Mar-Oct <sup>2</sup> Landings	Nov- Feb <sup>2</sup> Landings
1998-99	2,268,020	1,087,858	1,180,162	1,205,471	1,062,549
1999-00	1,882,497	1,352,567	529,930	1,371,907	510,590
2000-01	2,034,291	1,308,891	725,400	1,358,444	675,847
2001-02	1,794,925	1,124,947	669,978	1,153,715	641,210
2002-03	1,699,936	962,863	737,073	1,021,530	678,406
2003-04	2,110,632	1,365,949	744,683	1,393,093	717,539
2004-05	2,253,822	1,778,407	475,415	1,795,750	458,072
2005-06	1,936,527	1,350,872	585,655	1,368,436	568,091
2006-07	2,738,512	1,896,802	841,710	1,929,071	809,441
2007-08	2,767,803	1,570,897	1,196,906	1,597,353	1,170,450
2008-09	3,243,900	2,070,303	1,173,597	2,118,706	1,125,194
2009-10	3,842,670	2,716,313	1,126,357	2,774,083	1,068,587
2010-11	4,302,830	3,104,614	1,198,216	3,145,611	1,157,219
2011-12	2,615,883	1,594,660	1,021,223	1,602,782	1,013,101
2012-13	1,930,041	1,095,609	834,432	1,106,881	823,160
2013-14	1,502,679	803,797	698,882	818,231	684,448

<sup>1</sup>Potential seasons for Alternatives 2 and 3

<sup>2</sup>Potential seasons for Alternative 4

The Northern Zone quota would not be affected by establishing commercial split seasons for the Southern Zone, unless there is a transfer during the year between zones as specified in Amendment 20B (GMFMC/SAFMC 2014). The recreational sector would not be directly affected by potential split seasons for the Southern Zone.

## 2.5 Action 5 – Establish trip limits for the Florida East Coast Management Zone

### 2.5.1 Action 5-1. Establish Boundaries for the Florida East Coast Management Zone for Atlantic Migratory Group King Mackerel

**Alternative 1:** No action - Do not establish a Florida east coast management zone.

**Alternative 2:** Establish a Florida east coast management zone 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 the Council jurisdictional boundary (as designated Action 1).

**Alternative 3:** Establish a Florida east coast management zone that exists for season 1 (as designated in Action 4) 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. **(South Atlantic AP Recommended)**

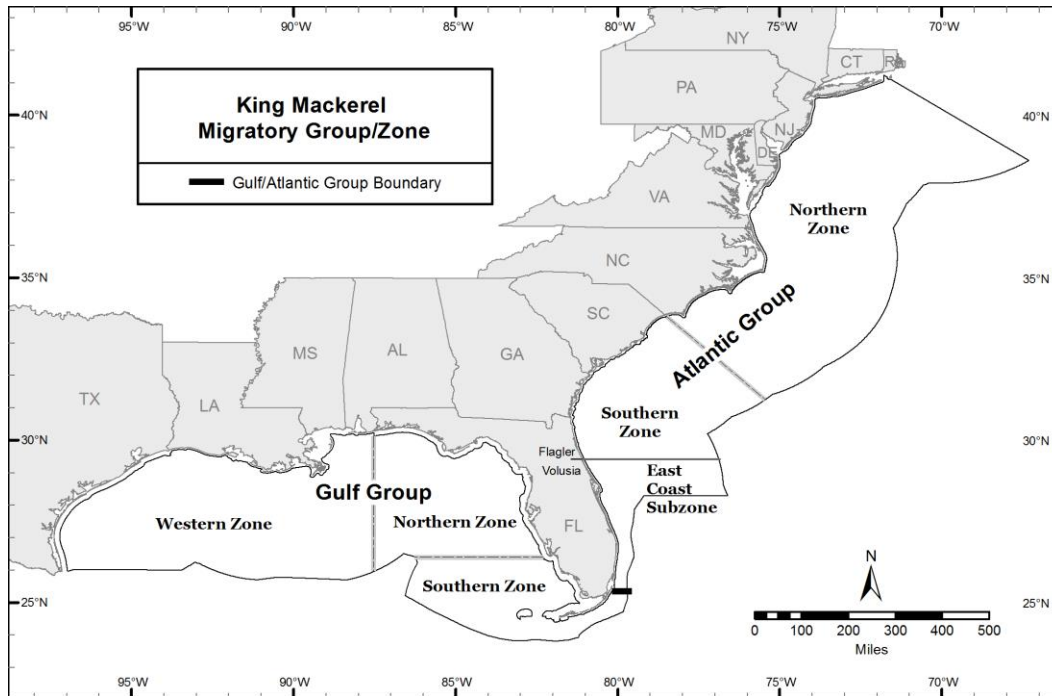
**Option 3c:** Volusia/Brevard county line and the Council jurisdictional boundary (as designated in Action 1).

**Alternative 4:** Establish a Florida east coast management zone that exists for season 2 (as designated in Action 4) with boundaries at:

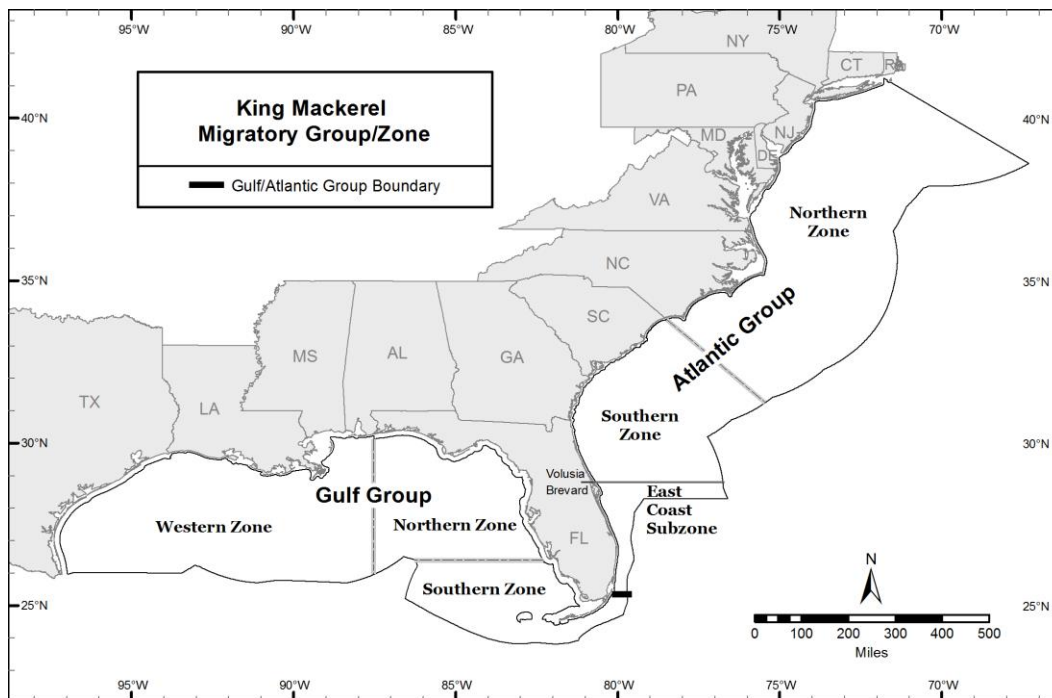
**Option 4a:** Flagler/Volusia county line and Dade/Monroe county line. **(South Atlantic AP Recommended)**

**Option 4b:** Volusia/Brevard county line and Dade/Monroe county line.

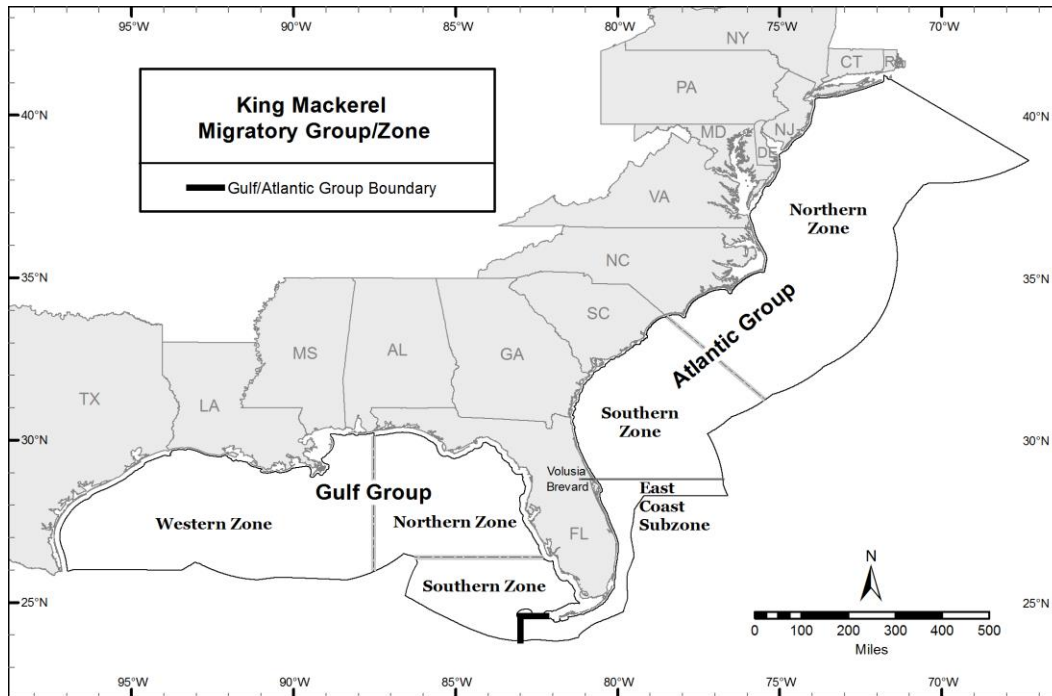
**Option 4c:** Volusia/Brevard county line and the Council jurisdictional boundary (as designated in Action 1).



**Figure 2.5.1.** Boundaries for the Florida east coast management zone under **Options 2a, 3a, and 4a** (Flagler/Volusia County line and Dade/Monroe County line).



**Figure 2.5.2.** Boundaries for the Florida east coast management zone under **Options 2b, 3b, and 4b**; or under **Options 2c, 3c, and 4c** if Action 1/Alternative 3 is selected (Volusia/Brevard County line and Dade/Monroe County line).



**Figure 2.5.3.** Boundaries for the Florida east coast management zone under **Options 2c, 3c, and 4c** or if Action 1/Alternative 2 is selected (Volusia/Brevard County line and Gulf/South Atlantic Council boundary).

## 2.5.2 Action 5-2. Establish a trip limit system for the Florida East Coast Management Zone

**Alternative 1:** No action. Do not establish commercial trip limits for the Florida east coast management zone for Atlantic migratory group king mackerel. The trip limit will remain:

*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.*

*From November 1 through March 31, no trip limit is in place for Atlantic migratory group king mackerel.*

**Alternative 2:** Establish a year-round trip limit of 75 fish for Atlantic king mackerel in the Florida east coast management zone management zone (designated in Action 5-1).

**Alternative 3:** Establish a trip limit of 75 fish for Atlantic king mackerel in the Florida east coast management zone management zone (designated in Action 5-1) for season 1 (as designated in Action 4).

**Option 3a.** Reduce the trip limit to 50 fish from May 1- May 31.

**Option 3b.** Reduce the trip limit to 50 fish from May 1- August 31.

**Option 3c.** Reduce the trip limit to 50 fish from April 15- May 15.

[The step-down in Options 3a-3c was recommended to reduce harvest during spawning.]

**Alternative 4:** Establish a trip limit of 50 fish for Atlantic king mackerel in the Florida east coast management zone management zone (designated in Action 5-1) for season 2 (as designated in Action 4).

**Option 4a.** Beginning on February 1 and continuing through the end of February--

(1) If 70 % or more of the season 2 quota has been taken, the trip limit is 50 fish.

(2) If less than 70 % of the season 2 quota has been taken, the trip limit is 75 fish.

**Option 4b.** Beginning on January 1 and continuing through the end of February--

(1) If 70 % or more of the season 2 quota has been taken, the trip limit is 50 fish.

(2) If less than 70 % of the season 2 quota has been taken, the trip limit is 75 fish.

**Option 4c.** Beginning on February 1 and continuing through the end of February--

(1) If 80 % or more of the season 2 quota has been taken, the trip limit is 50 fish.

(2) If less than 80 % of the season 2 quota has been taken, the trip limit is 75 fish.

### **Discussion:**

As discussed in Section 2.4, the current Florida east coast (FLEC) subzone under the Gulf management system will no longer exist if the management boundary is modified in Action 1. In April 2015, the South Atlantic Mackerel AP provided the following recommendations for management on the Florida east coast:

#### *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 area of the present Gulf 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 Gulf 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). From April 1 - October 31 this area is part of the Atlantic migratory group. 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; landings south of the South Carolina/North Carolina border count towards the Atlantic Southern Zone quota.

Actions 5-1 and 5-2 were developed based on the South Atlantic AP's recommendations. The alternatives in these actions will be constrained by the Councils' decisions on Action 1 and would only be relevant if the Councils choose one of the alternatives in Action 1 other than Alternative 1.

### **Action 5-1**

Under Action 5-1, **Alternative 1** (No Action), no new designated FLEC management zone will be established. If no action is taken in Action 1, the area would continue to be included within the Gulf Council's king mackerel management system. The area would be incorporated into the Atlantic migratory group Southern Zone if Alternative 2 or 3 is chosen in Action 1.

**Alternative 2** would establish the Atlantic FLEC management zone as a new designated area in the Atlantic king mackerel management system, with boundaries that do not shift during the fishing year. **Option a** would set the boundaries at the Flagler/Volusia county line and the Dade/Monroe county line, and **Option b** would set the boundaries at the Volusia/Brevard county line and the Dade/Monroe county line. **Option c** would set the northern boundary at the Volusia/Brevard county line and the southern boundary at the Council boundary as designated in Action 1. If the Councils select Alternative 2 as the preferred under Action 1, the southern boundary in **Option c** will be at the Council jurisdictional boundary. If the Councils select Alternative 3 as the preferred under Action 1, the southern boundary in **Option c** will be at the Dade/Monroe county line (same as **Option b**).

**Alternatives 3 and 4** would designate the FLEC management zone in season 1 and/or season 2, respectively, if split season quotas are established in Action 4. **Alternatives 3 and 4** have the same options for boundaries as under **Alternative 2**. **Alternatives 3 and 4** would allow the Councils to specify different trips limits during the two periods of the fishing year (Action 5-2), or establish future management measures specific to a particular area on the Florida east coast.

### **Action 5-2**

This action would establish commercial trip limits for the FLEC management zone as designated in Action 5-1. **Alternative 1** (No Action) would not change or establish commercial trip limits for the FLEC management zone. The trip limits that apply to the area under the Atlantic king mackerel management system would still apply for the months of April 1 through October 31. From November 1 through March 31, there would not be a trip limit in the FLEC management zone.

**Alternative 2** would set the trip limit for the FLEC management zone, as designated in Action 5-1, at 75 fish per vessel per trip. The rest of the Southern Zone would have a trip limit of 3,500 lbs per vessel per trip.

**Alternative 3** is identical to **Alternative 2** except that **Alternative 3** considers a step-down to 50 fish per vessel. The step-down was recommended by the South Atlantic Mackerel AP in order to protect king mackerel during spawning season. Under **Option 3a**, the 50-fish limit would apply only for May, and under **Option 3b**, the limit would apply from May through August. **Option 3c** would set the trip limit at 50 fish per vessel from April 15 through May 15.

**Alternative 4** is based on recommendations from the South Atlantic Mackerel AP and the current trip limit system in the current FLEC Subzone during the winter months. In this alternative, in season 1 (as designated in Action 4), the trip limit in the FLEC management zone (as designated in Action 5-1) would be 75 fish per vessel. On October 1, the trip limit in the designated FLEC management would change to 50 fish per vessel, which would slow the rate of harvest. Under **Option 4a**, if less than 70% of the quota has been landed by February 1, the trip limit would increase to 75 fish per vessel for the remainder of the fishing year. If 70% or more of the quota has been landed by February 1, the trip limit would stay 50 fish per vessel. Under **Option 4b**, the same system would be in place except that the trigger date would be January 1. Under **Option 4c**, if less than 80% of the quota has been landed by February 1, the trip limit would increase to 75 fish per vessel for the remainder of the fishing year. If 80% or more of the quota has been landed by February 1, the trip limit would remain at 50 fish per vessel. The step down to 50 fish per vessel in **Alternative 4** could help extend the fishing season; the step up to 75 fish per vessel at the end of the season would allow the king mackerel fishermen to try to land all of the quota before the end of the fishing year. The timing of the step up would minimize the negative effects on dealers and fish houses due to the increase in king mackerel by allowing the increased trip limit to apply only in the final month (**Options 4a** and **4c**) or final two months (**Option 4b**) of the fishing year.

## 2.6 Action 6 – Modify the ACL for Gulf Migratory Group King Mackerel

**Alternative 1:** No action – Do not modify the ACL for Gulf migratory group king mackerel. The ACL of 10.8 million pounds will remain.

**Alternative 2:** Set the Gulf migratory group king mackerel ACL equal to the ABC recommended by the Gulf Scientific and Statistical Committee (SSC) 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)

*Note: Constant catch scenarios require an allocation determination in order to be calculated. This alternative is not feasible until an allocation scenario is established. The Councils should consider providing direction to staff on this issue. If constant catch scenarios are developed using the current allocation, and then the Councils select a different allocation in Action 8, then the constant catch scenarios will no longer be accurate.*

### **Discussion:**

SEDAR 38 (2014) was completed in August 2014 and included assessments for Gulf and Atlantic migratory groups of 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.

**Table 2.6.1.** Stock benchmarks as proposed by the SEDAR 38 stock assessment of Gulf migratory group king mackerel.

Criteria	Deterministic
Overfished evaluation	No, SSB/SSB <sub>30%SPR</sub> = 2.10
Overfishing evaluation	No, F/F <sub>30%SPR</sub> = 0.507
F <sub>2012</sub>	0.08
MFMT (F <sub>30%SPR</sub> )	0.157
SSB <sub>2012</sub>	2353 metric tons
SSB <sub>MSY</sub> (SSB <sub>30%SPR</sub> )	1120 metric tons
P-Star	0.5 (OFL); 0.43 (ABC)

The Gulf SSC then recommended the following OFL and ABC values:

**Table 2.6.2.** Gulf SSC recommendations for ABC for Gulf migratory group king mackerel, using data resultant from SEDAR 38 (2014). OFL and ABC values are in millions of pounds whole weight.

Year	OFL	ABC
	$P^* = 0.50$	$P^* = 0.43$
<b>2015</b>	10.11	9.62
<b>2016</b>	9.61	9.21
<b>2017</b>	9.27	8.88
<b>2018</b>	9.11	8.71
<b>2019</b>	8.95	8.55

The Councils may consider setting the Gulf king mackerel ACL at the same level as the ABC recommended by the Gulf SSC in Table 2.6.2 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 Councils 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:**

## 2.7 Action 7 – 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 Recommended)**

### Discussion:

In keeping with the aforementioned changes in the stock boundaries identified in SEDAR 38 (2014), the Councils 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 2.7.1 below.

**Table 2.7.1.** Current 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 Subzone (FLEC) would be integrated into the proposed Atlantic Southern Zone (Amendment 20B) if the change to the stock boundary is adopted by the Councils, or a new Atlantic FLEC zone could be created (Action 5). In either case, the result would be 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 (from the no longer existing FLEC zone), as demonstrated in Table 2.7.2. Each of the presented reallocation options would result in additional fish for each of the Gulf commercial zones.

**Table 2.7.2.** 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** has been proposed by the Gulf Council’s CMP AP. The Gulf AP noted the low current commercial allocation for the Northern Zone (5.17%, **Alternative 1**, Table 2.7.2), and the new season opening date for that zone (October 1, Amendment 20A). The Gulf 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 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:**

## 2.8 Action 8 – 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 Recommended)**

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

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

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

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

**Alternative 3:** Revise the recreational and commercial allocations for Gulf migratory group king mackerel by transferring 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 transferred from the recreational allocation to the commercial allocation.

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

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

**Alternative 4:** Conditionally transfer a certain percentage (*Options a-c*) of the recreational allocation to the commercial sector until such a time that recreational landings reach a predetermined threshold (*Options d-f*). If this threshold is met, the recreational and commercial allocations will revert to 68% for the recreational sector and 32% for the commercial sector.

*Conditional Quota Transfer (MUST CHOOSE ONE):*

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

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

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

*Recreational ACL Threshold (MUST CHOOSE ONE):*

**Option d:** Revert to the status quo sector allocations if 80% of the adjusted recreational sector ACL is landed.

**Option e:** Revert to the status quo sector allocations if 90% of the adjusted recreational sector ACL is landed.

**Option f:** Revert to the status quo sector allocations if 100% of the adjusted recreational sector ACL is landed.

**Alternative 5:** Establish a sunset provision for any change in the sector allocations for Gulf migratory group king mackerel. After the predetermined time period, any change in sector allocations would revert back to the allocations specified in the original Coastal Migratory Pelagics Fishery Management Plan for the Gulf of Mexico (68% for the recreational sector and 32% for the commercial sector).

**Option a:** Sunset any change in sector allocations after a five year period (2016-2020).

- Option b:** Sunset any change in sector allocations after a ten year period (2016-2025).  
**Option c:** Sunset any change in sector allocations after a fifteen year period (2016-2030).

**Discussion:**

The Councils are considering modifying the sector allocations for Gulf migratory group king mackerel. Over the past ten years, the commercial sector has consistently landed near 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% of the Gulf migratory group king mackerel stock ACL to the commercial sector. Recent landings of Gulf migratory group king mackerel are shown in Table 2.8.1 and Figure 2.8.1. The fishing year for the time series presented is July1 – June 30.

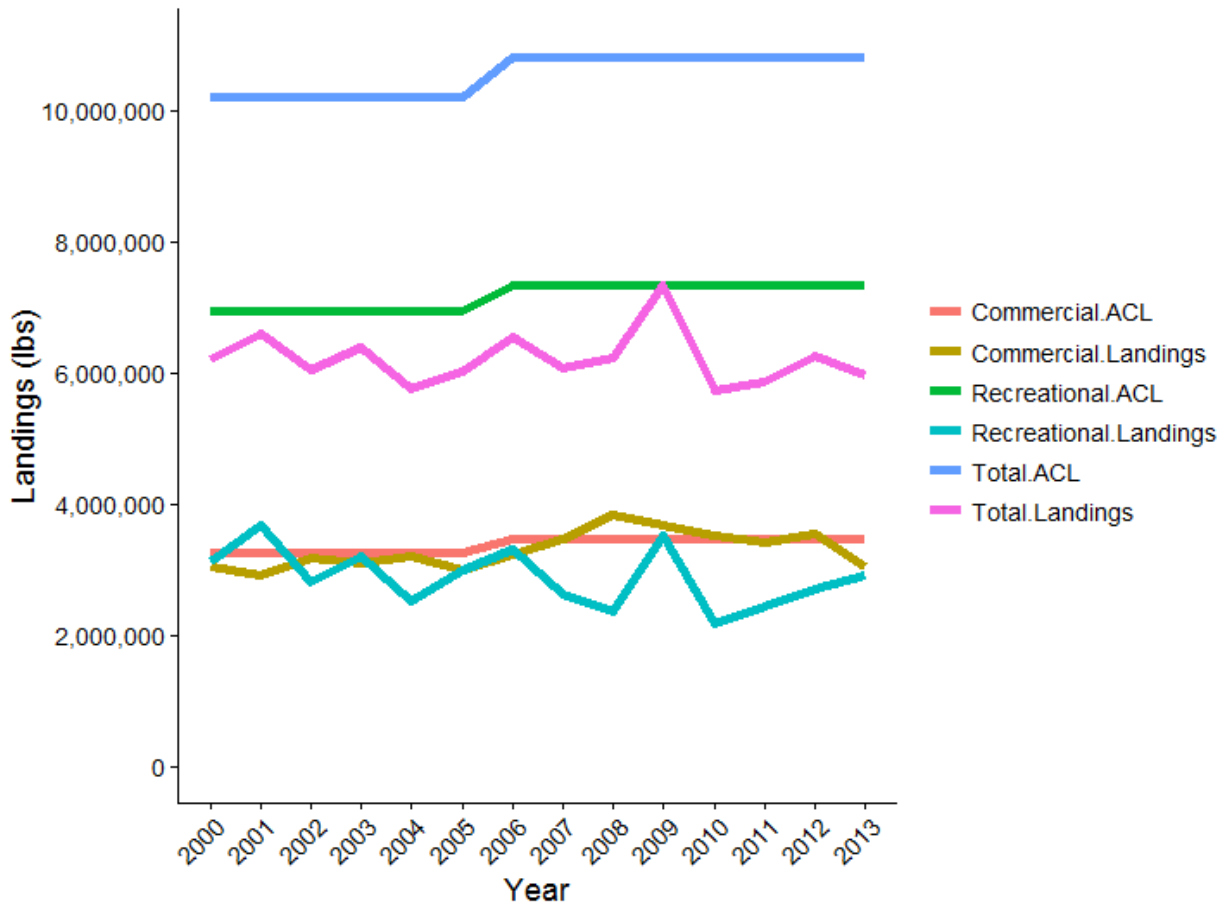
**Table 2.8.1.** Proportion of sector ACLs landed and proportion of total ACL landed for Gulf migratory group king mackerel, including those landings attributed to the Florida East Coast Zone (FLEC). The FLEC landings are included here since there is not a recreational allocation specifically for the FLEC Zone.

Fishing Year	Total TAC/ACL	Comm ACL	Comm Landings	Rec ACL	Rec Landings	% of Sector ACL Landed		Total ACL Landed
						Comm <sup>1</sup>	Rec <sup>2</sup>	
2001-02	10.2 mp	3.264 mp	2.902 mp	6.936 mp	3.669 mp	88.9%	52.9%	64.7%
2002-03	10.2 mp	3.264 mp	3.186 mp	6.936 mp	2.816 mp	97.6%	40.6%	59.3%
2003-04	10.2 mp	3.264 mp	3.094 mp	6.936 mp	3.211 mp	94.8%	46.3%	62.7%
2004-05	10.2 mp	3.264 mp	3.215 mp	6.936 mp	2.532 mp	98.5%	36.5%	56.4%
2005-06	10.2 mp	3.264 mp	2.983 mp	6.936 mp	2.996 mp	91.4%	43.2%	58.9%
2006-07	10.8 mp	3.456 mp	3.231 mp	7.344 mp	3.305 mp	93.5%	45.0%	60.5%
2007-08	10.8 mp	3.456 mp	3.459 mp	7.344 mp	2.629 mp	100.1%	35.8%	56.3%
2008-09	10.8 mp	3.456 mp	3.833 mp	7.344 mp	2.350 mp	110.9%	32.0%	57.6%
2009-10	10.8 mp	3.456 mp	3.674 mp	7.344 mp	3.525 mp	106.3%	48.0%	68.0%
2010-11	10.8 mp	3.456 mp	3.522 mp	7.344 mp	2.181 mp	101.9%	29.7%	53.0%
2011-12	10.8 mp	3.456 mp	3.428 mp	7.344 mp	2.438 mp	99.2%	33.2%	54.3%
2012-13	10.8 mp	3.456 mp	3.539 mp	7.344 mp	2.710 mp	102.4%	36.9%	57.9%
2013-14	10.8 mp	3.456 mp	3.055 mp	7.344 mp	2.916 mp	88.4%	39.7%	55.3%

<sup>1</sup>Commercial allocation = 32%      <sup>2</sup>Recreational allocation = 68%  
Source: SERO



## Gulf King Mackerel Landings and ACLs: 2000-2013



**Figure 2.8.1.** Trends in Gulf migratory group king mackerel landings by sector for the 2000-01 to the 2013-14 fishing seasons. Landings are in pounds.

**Alternative 1** 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 (Table 2.8.1). Closures for the commercial sector are facilitated by the National Marine Fisheries Service (NMFS), which provides notice to fishermen prior to closing each commercial zone to fishing when that zone ACL is projected to be reached. This trend would be expected to continue, at least in the short term, if **Alternative 1** is selected.

**Alternative 2** would revise the recreational and commercial allocations for Gulf migratory group king mackerel by transferring some percentage of the recreational allocation to the commercial sector. Options for such a transfer in allocation include 5% (**Option a**), 10% (**Option b**), and 20% (**Option c**). Transferring 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 2.8.2 shows the resultant allocations based on the options presented in this action.

**Table 2.8.2.** Resultant allocations based on options presented in Action 8. **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 4, Option a	37%	63%
Alternative 4, Option b	42%	58%
Alternative 4, Option c	52%	48%

**Alternative 3** would revise the recreational and commercial allocations for Gulf migratory group king mackerel by transferring 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 transferred from the recreational allocation to the commercial allocation. These annual percentage transfers 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. A small amount of allocation transfer each year while monitoring recreational landings could help the fishery achieve OY, without risking an overage due to a sudden increase in recreational fishing effort.

**Alternative 4** would conditionally transfer a certain percentage of the recreational allocation to the commercial sector until such a time that the recreational ACL is met. If the recreational ACL is met, then the recreational and commercial allocations will revert to 68% for the recreational sector and 32% for the commercial sector. The Councils proposed three options for transferring quota from the recreational sector to the commercial sector: 5% (**Option a**), 10% (**Option b**), and 20% (**Option c**). The resultant allocations for each sector under each option are shown in Table 2.8.2. Such a conditional transfer would allow for increased harvest by the commercial sector, while simultaneously accounting for any future increases in recreational fishing effort.

**Council Conclusions:**

## 2.9 Action 9 – 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 Recommended)**

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

### **Discussion:**

At the March 2015 Gulf AP meeting, members discussed reallocating from the recreational ACL to the commercial ACL (Action 8). The recreational sector has landed less than half of the recreational ACL in recent years (Table 2.8.1), and landings have marginally decreased since the mid-1990s. The 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 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.

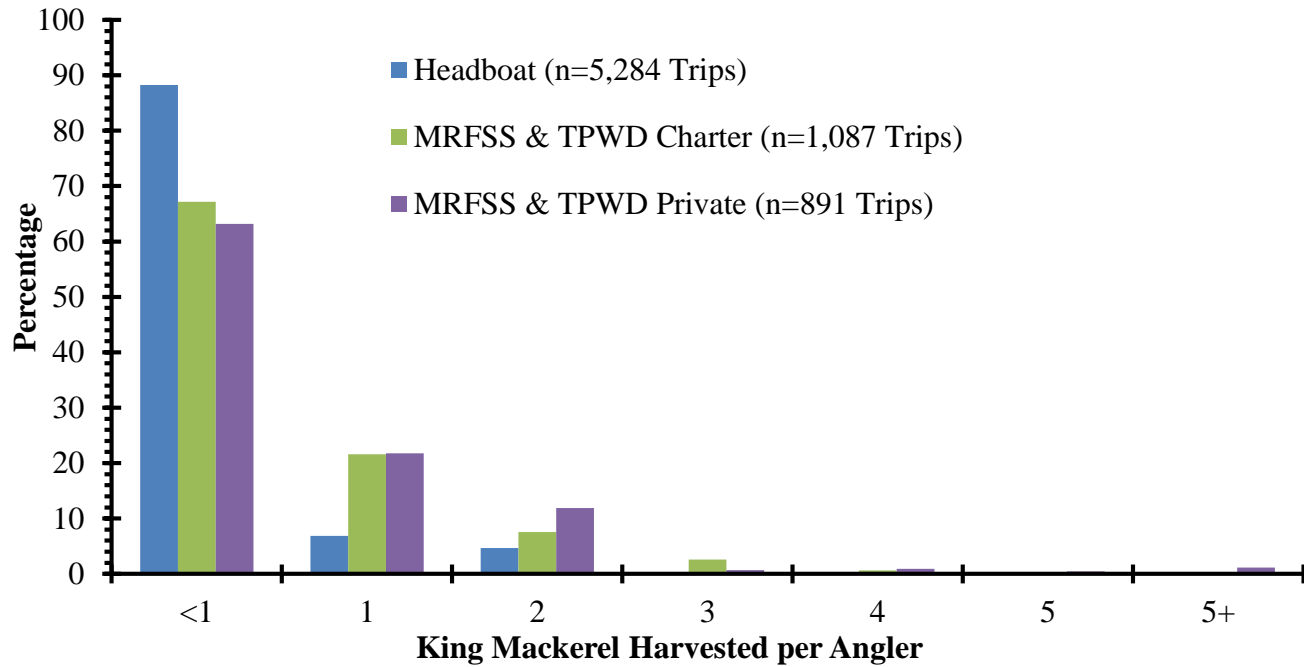
**Alternative 1** would maintain a two-fish bag limit. During 2011-2013, only 7% of anglers landed two or more fish and only 11% of anglers landed one fish. Most trips (82%) reported less than one fish per angler<sup>1</sup>. From this, one could infer that the majority of anglers would not catch more 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 have retained any discards if the bag limit was higher (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

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<sup>1</sup> 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.

range, although some discards may be due to not meeting the minimum size limit rather than exceeding the bag limit. Details of the analysis are in Appendix C. In either case, angler behavior cannot be predicted. Uncertainty also exists in the projections due to economic conditions, weather events, changes in catch-per-unit effort, and a variety of other factors.



**Figure 2.9.1.** Distribution of Gulf of Mexico migratory group 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**) 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 2.8.1. Thus the Councils could choose alternatives in both Action 8 and Action 9 and the recreational landings would still not be expected to reach the ACL under current conditions.

**Table 2.9.1.** Estimated 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 Appendix C 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. AFFECTED ENVIRONMENT

### 3.1 Description of the Fishery and Status of the Stock

#### 3.1.1 Description of the Fishery

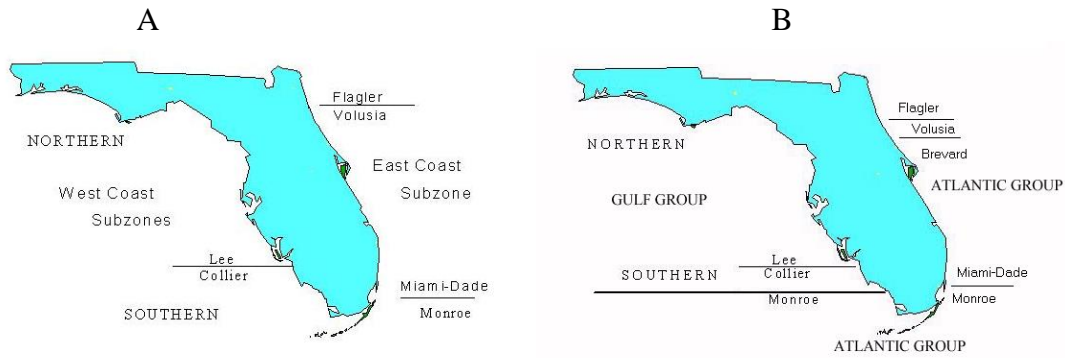
A detailed description of the coastal migratory pelagic (CMP) fishery was included in Amendment 18 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region (FMP) (GMFMC and SAFMC 2011) and is incorporated here by reference, as well as further summarized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

##### **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 and to sell king mackerel from federal waters. These permits are limited access. In addition, a limited-access gillnet permit is required to use gillnets in the Gulf Southern Zone. For-hire vessels must have either a Gulf or South Atlantic charter/headboat CMP vessel permit, depending on where they fish. The Gulf for-hire permit is limited access, but the South Atlantic for-hire permit is open access. The commercial king mackerel permits do not have an income requirement (Amendment 20A: GMFMC/SAFMC 2013). As of September 14, 2015, there were 1,326 valid or renewable federal commercial king mackerel permits.

For the commercial sector, the area occupied by Gulf migratory group king mackerel is divided into zones. The Western Zone extends from the southern border of Texas to the Alabama/Florida state line. The fishing year for this zone is July 1 through June 30 (Figure 3.1.1.1A, B). The Northern Zone extends from the Alabama/Florida State line in the west to the Lee/Collier County Line in the South, with a fishing year of October 1 through September 30. The Southern Zone extends south of the Lee/Collier County line, with a fishing year from July 1 through June 30. In the Southern Zone, the gillnet season opens on the day after the Martin Luther King, Jr. holiday. Gillnet fishing is allowed during the first weekend thereafter, but not on subsequent weekends.

The waters off Florida are divided at the Monroe/Dade county line, which corresponds to the easternmost border between the Gulf and Atlantic king mackerel migratory groups. The Florida East Coast (FLEC) Subzone is from the Flagler/Volusia county line south to the Dade/Monroe county line and only exists from November 1 through March 31. King mackerel in the FLEC Subzone are considered part of the Atlantic migratory group during summer (Figure 3.1.1.1B).



**Figure 3.1.1.1.** Gulf migratory group king mackerel zones adjacent to Florida for A) November 1 – March 31, and B) April 1 – October 31.

Management measures for the South Atlantic apply to king mackerel from New York to the east coast of Florida. The Atlantic migratory group king mackerel fishing year is March 1 through end of February. This migratory group is divided into Northern and Southern Zones by a line at the North Carolina/South Carolina border and different areas have different trip limits at different times of the year.

Commercial landings of Gulf migratory group king mackerel increased as the total commercial quota for the Gulf increased until 1997/1998 when the quota was set at 3.39 million pounds (mp). After that, landings have been relatively steady near the annual catch limit (ACL). The quota was decreased to 3.26 mp starting with the 2000/2001 season. Commercial landings of Atlantic king mackerel have also increased in recent years (Table 3.1.1.1).

**Table 3.1.1.1.** Annual commercial landings of king mackerel.

Fishing Year	Landings (lbs)	
	Gulf	Atlantic
2000/2001	3,056,222	1,932,162
2001/2002	2,902,632	1,686,844
2002/2003	3,184,478	1,856,717
2003/2004	3,095,673	2,774,442
2004/2005	3,215,676	2,243,000
2005/2006	2,984,694	2,991,346
2006/2007	3,231,734	2,656,832
2007/2008	3,459,064	3,105,433
2008/2009	3,834,026	3,560,880
2009/2010	3,672,628	3,402,329
2010/2011	3,521,125	2,051,938
2011/2012	3,427,891	1,346,376
2012/2013	3,538,228	1,346,459
2013/2014	3,055,018	1,116,833

Source: SEFSC, ALS database; NEFSC, CFDBS database.

King mackerel have long been a popular target for recreational fishermen. The recreational sector is allocated 68% of the Gulf ACL and 62.9% of the Atlantic ACL. Gulf recreational landings averaged about 2.8 mp per year over the last five years. The Atlantic migratory group recreational landings in recent years have been lower than previous years (Table 3.1.1.2).

**Table 3.1.1.2.** Annual recreational landings of king mackerel.

Fishing Year	Landings (lbs)	
	Gulf	Atlantic
2000/2001	3,121,584	6,184,541
2001/2002	3,668,540	5,035,061
2002/2003	2,817,537	4,574,235
2003/2004	3,211,497	4,979,506
2004/2005	2,528,457	5,321,449
2005/2006	2,995,716	4,457,679
2006/2007	3,305,567	5,127,178
2007/2008	2,626,527	7,128,545
2008/2009	2,352,510	4,228,245
2009/2010	3,523,777	4,394,015
2010/2011	2,182,980	2,692,771
2011/2012	2,436,026	1,562,905
2012/2013	2,711,213	1,719,199
2013/2014	2,914,241	1,004,441

Source: SEFSC, MRFSS, HBS, and TPWD databases.

### **3.1.2 Status of the Stock**

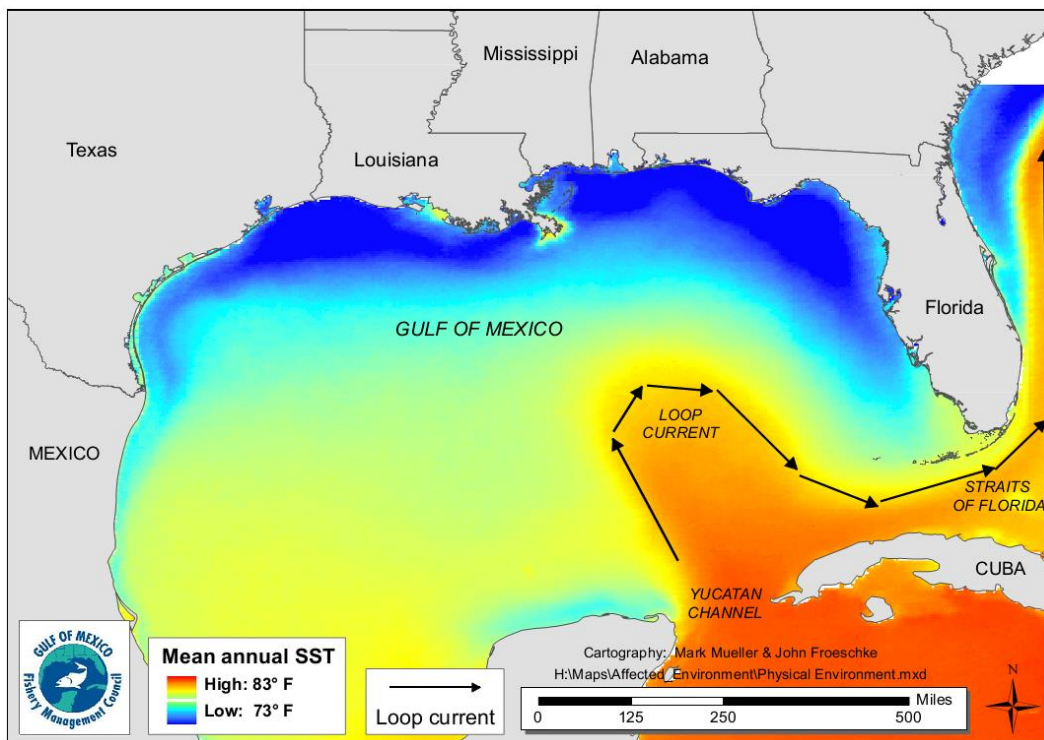
Both the Gulf and Atlantic migratory groups of king mackerel were assessed by the Southeast Data, Assessment, and Review (SEDAR) process in SEDAR 38 (2014). The SEDAR 38 assessment determined the Gulf and Atlantic migratory groups of king mackerel were not overfished and were not experiencing overfishing. Recruitment has been lower in recent years for the Atlantic migratory group. The Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) will examine alternatives for the acceptable biological catch for the Atlantic migratory group in Action 2-1 of this document which consider this recent potential decline in Atlantic migratory group recruitment.



## 3.2 Description of the Physical Environment

### 3.2.1 Gulf of Mexico

The Gulf has a total area of approximately 600,000 square miles (1.5 million km<sup>2</sup>), 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. 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 2005) and the Generic

ACLs/Accountability Measures (AMs) Amendment<sup>2</sup> (GMFMC 2011) which are hereby incorporated by reference and updated below.

In the Gulf, the U.S.S. Hatteras, located in federal waters off Texas, is listed in the National Register of Historic Places. Fishing activity already occurs in the vicinity of this site, but the proposed action would have no additional adverse impacts on listed historic resources, nor would they alter any regulations intended to protect them. Historical research indicates that over 2,000 ships sank on the federal outer continental shelf between 1625 and 1951; thousands more sank closer to shore in state waters during the same period. Only a handful of these have been scientifically excavated by archaeologists for the benefit of generations to come. Further information can be found at: <http://www.boem.gov/Environmental-Stewardship/Archaeology/Shipwrecks.aspx>

### **Habitat Areas of Particular Concern (HAPC)**

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

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

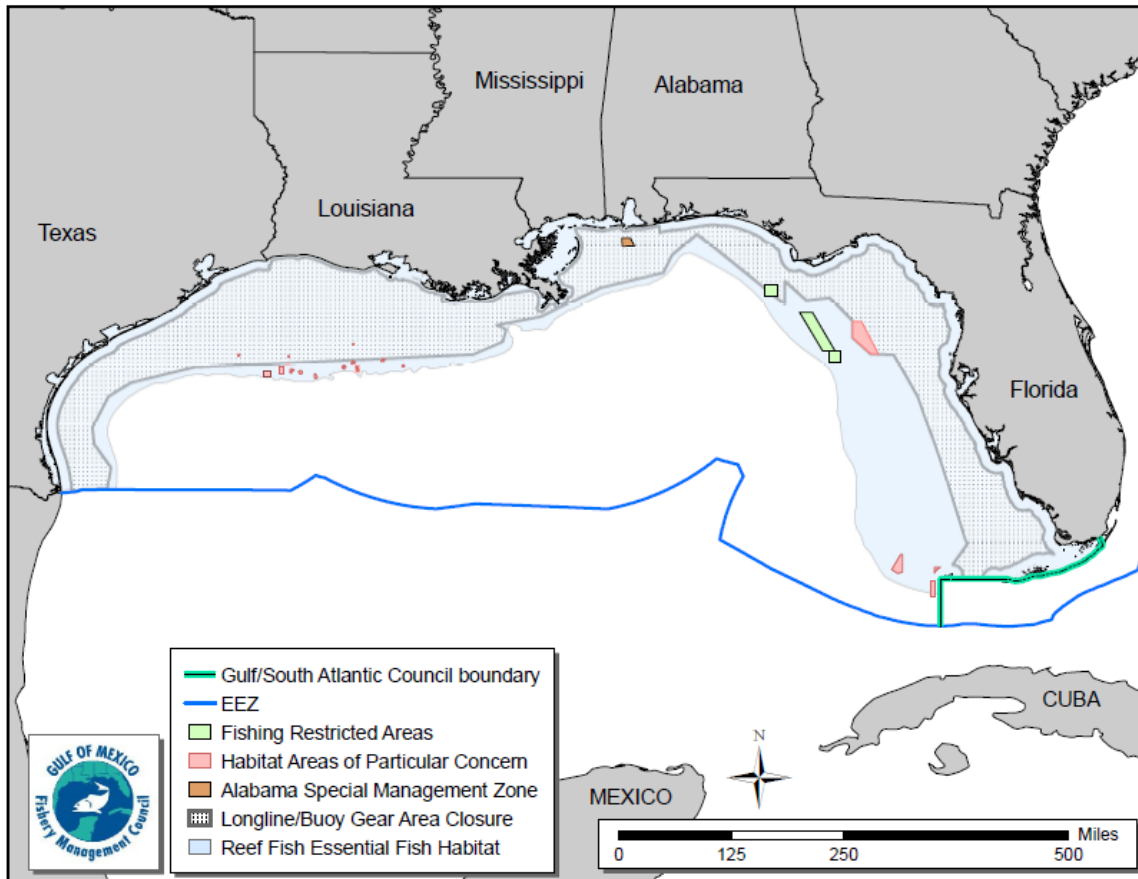
Tortugas North and South Marine Reserves – No-take marine reserves (185 nm<sup>2</sup>) cooperatively implemented by the state of Florida, National Ocean Service, the Gulf Council, and the National Park Service in Generic Amendment 2 Establishing the Tortugas Marine Reserves (GMFMC 2001).

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 nm<sup>2</sup> or 487.4 km<sup>2</sup>). 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.

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<sup>2</sup> Final Generic Annual Catch Limits/Accountability Measures Amendment for the Gulf of Mexico Fishery Management Council's Red Drum, Reef Fish, Shrimp, Coral and Coral Reefs Fishery Management Plans.

Pulley Ridge HAPC - A portion of the HAPC (2,300 nm<sup>2</sup> or 4,259 km<sup>2</sup>) 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).



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

### ***Deepwater Horizon* MC252 Oil Spill Incident**

#### *Overview*

On April 20, 2010 an explosion occurred on the *Deepwater Horizon* semi-submersible oil rig approximately 36 nautical miles (41 statute miles) off the Louisiana coast. Two days later the rig sank. An uncontrolled oil leak from the damaged well continued for 87 days until the well was successfully capped by British Petroleum on July 15, 2010. The *Deepwater Horizon* MC252 oil spill affected at least one-third of the Gulf area from western Louisiana east to the Florida Panhandle and south to the Campeche Bank in Mexico (Figure 3.3.1).

As reported by the National Oceanic and Atmospheric Administration Office of Response and Restoration (NOAA 2010), the oil from the *Deepwater Horizon* MC252 oil spill is relatively high in alkanes which can readily be used by microorganisms as a food source. As a result, the oil from this spill is likely to biodegrade more readily than crude oil in general. The *Deepwater Horizon* MC252 oil is also relatively much lower in polycyclic aromatic hydrocarbons.

Polycyclic aromatic hydrocarbons are highly toxic chemicals that tend to persist in the environment for long periods of time, especially if the spilled oil penetrates into the substrate on beaches or shorelines. Like all crude oils, *Deepwater Horizon* MC252 oil contains volatile organic compounds (VOCs) such as benzene, toluene, and xylene. Some VOCs are acutely toxic, but because they evaporate readily, they are generally a concern only when oil is fresh ([http://sero.nmfs.noaa.gov/sf/deepwater\\_horizon/OilCharacteristics.pdf](http://sero.nmfs.noaa.gov/sf/deepwater_horizon/OilCharacteristics.pdf)).

In addition to the crude oil, over one million gallons of the dispersant, Corexit 9500A®, was applied to the ocean surface and an additional hundreds of thousands of gallons of dispersant was pumped to the mile-deep well head (National Commission 2010). No large-scale applications of dispersants in deep water had been conducted prior to the *Deepwater Horizon* MC252 oil spill.

Oil could exacerbate the development of the hypoxic “dead” zone in the Gulf, similar in effect as higher than normal input of water laden with fertilizer runoff from the Mississippi River basin. For example, oil on the surface of the water could restrict the normal process of atmospheric oxygen mixing into and replenishing oxygen concentrations in the water column. In addition, microbes in the water that break down oil and dispersant consume oxygen; this metabolic process further depletes oxygen in the adjacent waters.

#### *General Impacts on Fishery Resources*

The presence of PAHs in marine environments can have detrimental impacts on marine finfish, especially during the more vulnerable larval stage of development (Whitehead et al. 2011). When exposed to realistic yet toxic levels of PAHs (1–15 µg/L), greater amberjack (*Seriola dumerili*) larvae develop cardiac abnormalities and physiological defects (Incardona et al. 2014). The future reproductive success of long-lived species, including red drum (*Sciaenops ocellatus*) and many reef fish species, may be negatively affected by episodic events resulting in high-mortality years or low recruitment. These episodic events could leave gaps in the age structure of the population, thereby affecting future reproductive output (Mendelssohn et al. 2012). Other studies have described the vulnerabilities of various marine finfish species, with morphological and/or life history characteristics similar to species found in the Gulf, to oil spills and dispersants (Hose et al. 1996; Carls et al. 1999; Heintz et al. 1999; Short 2003).

An increase in histopathological lesions were found in red snapper (*Lutjanus campechanus*) in the area affected by the oil, but Murawski et al. (2014) found that the incidence of lesions had declined between 2011 and 2012. The occurrence of such lesions in marine fish is not uncommon (Sindermann 1979; Haensly et al. 1982; Solangi and Overstreet 1982; Khan and Kiceniuk 1984, 1988; Kiceniuk and Khan 1987; Khan 1990). Red snapper diet was also affected after the spill. A decrease in zooplankton consumed, especially by adults (>400 mm TL) over natural and artificial substrates may have contributed to an increase in the consumption of fish and invertebrate prey- more so at artificial reefs than natural reefs (Tarnecki and Patterson 2015).

The effect of oil, dispersants, and the combination of oil and dispersants on fishes of the Gulf remains an area of concern. Marine fish species typically concentrate PAHs in the digestive tract, making stomach bile an appropriate testing medium. A study by Synder et al. (2015) assessed bile samples from golden tilefish (*Lopholatilus chamaeleonticeps*), king snake eel (*Ophichthus rex*), and red snapper for PAH accumulation over time, and reported concentrations

were highest in golden tilefish during the same time period when compared to king snake eel, and red snapper. These results suggest that the more highly associated an organism is with the sediment in an oil spill area, the higher the likelihood of toxic PAH accumulation. Twenty-first century dispersant applications are thought to be less harmful than their predecessors. However, the combination of oil and dispersants have proven to be more toxic to marine fishes than either dispersants or crude oil alone. Marine fish which are more active (e.g., a pelagic species versus a demersal species) appear to be more susceptible to negative effects from interactions with weathered oil/dispersant emulsions. These effects can include mobility impairment and inhibited respiration (Swedmark et al. 1973). Another study found that while Corexit 9500A® and oil are similar in their toxicity, when Corexit 9500A® and oil were mixed in lab tests, toxicity to microscopic rotifers increased up to 52-fold (Rico-Martínez et al. 2013). These studies suggest that the toxicity of the oil and dispersant combined may be greater than anticipated.

### **3.2.2 South Atlantic**

The South Atlantic Council has management jurisdiction of the federal waters (3-200 nm) offshore of North Carolina, South Carolina, Georgia, and Florida. The continental shelf off the southeastern U.S., extending from the Dry Tortugas, Florida, to Cape Hatteras, North Carolina, encompasses an area in excess of 100,000 square km (Menzel 1993). Based on physical oceanography and geomorphology, this environment can be divided into two regions: Dry Tortugas, Florida, to Cape Canaveral, Florida, and Cape Canaveral, Florida, to Cape Hatteras, North Carolina. The continental shelf from the Dry Tortugas, Florida, to Miami, Florida, is approximately 25 kilometers (km) wide and narrows to approximately 5 km off Palm Beach, Florida. The shelf then broadens to approximately 120 km off Georgia and South Carolina before narrowing to 30 km off Cape Hatteras, North Carolina. The Florida Current/Gulf Stream flows along the shelf edge throughout the region. In the southern region, this boundary current dominates the physics of the entire shelf (Lee et al. 1994).

In the northern region, additional physical processes are important and the shelf environment can be subdivided into three oceanographic zones (Atkinson et al. 1985; Menzel 1993), the outer shelf, mid-shelf, and inner shelf. The outer shelf (40-75 m) is influenced primarily by the Gulf Stream and secondarily by winds and tides. On the mid-shelf (20-40 m), the water column is almost equally affected by the Gulf Stream, winds, and tides. Inner shelf waters (0-20 m) are influenced by freshwater runoff, winds, tides, and bottom friction. Water masses present from the Dry Tortugas, Florida, to Cape Canaveral, Florida, include Florida Current water, waters originating in Florida Bay, and shelf water. From Cape Canaveral, Florida, to Cape Hatteras, North Carolina four water masses are found: Gulf Stream water; Carolina Capes water; Georgia water; and Virginia coastal water.

Spatial and temporal variation in the position of the western boundary current has dramatic effects on water column habitats. Variation in the path of the Florida Current near the Dry Tortugas induces formation of the Tortugas Gyre (Lee et al. 1992, 1994). This cyclonic eddy has horizontal dimensions of approximately 100 km and may persist near the Florida Keys for several months. The Pourtales Gyre, which has been found to the east, is formed when the Tortugas Gyres moves eastward along the shelf. Upwelling occurs in the center of these gyres, thereby adding nutrients to the near surface (<100 m) water column. Wind and input of Florida

Bay water also influence the water column structure on the shelf off the Florida Keys (Smith 1994; Wang et al. 1994). Further, downstream, the Gulf Stream encounters the “Charleston Bump”, a topographic rise on the upper Blake Ridge where the current is often deflected offshore resulting in the formation of a cold, quasi-permanent cyclonic gyre and associated upwelling (Brooks and Bane 1978). On the continental shelf, offshore projecting shoals at Cape Fear, North Carolina, Cape Lookout, North Carolina, and Cape Hatteras, North Carolina affect longshore coastal currents and interact with Gulf Stream intrusions to produce local upwelling (Blanton et al. 1981; Janowitz and Pietrafesa 1982). Shoreward of the Gulf Stream, seasonal horizontal temperature and salinity gradients define the mid-shelf and inner-shelf fronts. In coastal waters, river discharge and estuarine tidal plumes contribute to the water column structure.

The water column from Dry Tortugas, Florida, to Cape Hatteras, North Carolina, serves as habitat for many marine fish and shellfish. Most marine fish and shellfish release pelagic eggs when spawning and thus, most species utilize the water column during some portion of their early life history (Leis 1991; Yeung and McGowan 1991). Many fish inhabit the water column as adults. Pelagic fishes include numerous clupeoids, flying fish, jacks, cobia, bluefish, dolphin, barracuda, and the mackerels (Schwartz 1989). Some pelagic species are associated with particular benthic habitats, while other species are truly pelagic.

In the South Atlantic, areas of unique habitat exist such as the Oculina Bank and large expanses of deepwater coral; however, regulations are currently in place to protect these areas. Additionally, there are several notable shipwrecks along the South Atlantic coast in state and federal waters including Lofthus (eastern Florida), SS Copenhagen (southeast Florida), Half Moon (southeast Florida), Hebe (Myrtle Beach, South Carolina), Georgiana (Charleston, South Carolina), Monitor (Cape Hatteras, North Carolina), Huron (Nags Head, North Carolina), and Metropolis (Corolla, North Carolina). The South Atlantic coastline is also home to numerous marshes and wetland ecosystems; however, these sensitive ecological environments do not extend into federal waters of the South Atlantic. The proposed actions are not expected to alter fishing practices in any manner that would affect any of the above listed habitats or historic resources, nor would it alter any regulations intended to protect them.

### 3.3 Description of the Biological Environment

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

#### 3.3.1 King Mackerel

King mackerel is a marine pelagic species that is found throughout the western Atlantic from the Gulf of Maine to Brazil, including the Gulf and Caribbean Sea, and from the shore to 200 m depths. The habitat of adults is the coastal waters out to the edge of the continental shelf. 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.

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. Females may mature first when they are 450 to 499 mm (17.7 to 19.6 inches) in length and most are mature by the time they are 800 mm (35.4 inches) in length, or 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 larvae, 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 Bycatch Species

Species taken incidentally during king mackerel fishing will be discussed in the Bycatch Practicability Analysis in Appendix F.

### 3.3.3 Protected Species

Species in the Gulf and South Atlantic 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); four fish species (Gulf sturgeon, smalltooth sawfish, shortnose sturgeon, and Atlantic sturgeon); and seven coral species (elkhorn, staghorn, lobed star, knobby star, mountainous star, pillar, and rough cactus).

In a 2015 biological opinion, the National Marine Fisheries Service (NMFS) determined CMP fishing in the Southeastern United States was not likely to be jeopardized the continued existence of endangered sea turtles, Atlantic sturgeon, or smalltooth sawfish (NMFS 2015). Other listed species are not likely to be adversely affected, including ESA-listed whales, Gulf sturgeon, and *Acropora* corals. In addition, the CMP fishery is not likely to adversely affect designated critical habitats for elkhorn and staghorn corals or loggerhead sea turtles, and will have no effect on designated critical habitat for North Atlantic right whale.

The Gulf and South Atlantic CMP hook-and-line fishery is classified in the 2015 Marine Mammal Protection Act List of Fisheries as a Category III fishery (79 FR 77919), meaning the annual mortality and serious injury of a marine mammal resulting from the fishery is less than or equal to 1% of the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population. The Gulf and South Atlantic CMP gillnet fishery is classified as Category II fishery in the 2015 Marine Mammals Protection Act List of Fisheries. 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

### 3.4.1 Economic Description of the Commercial Sector

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 Framework Amendment 3 (GMFMC/SAFMC 2015, in review) for the gillnet segment of the CMP fishery, and are incorporated herein by reference.

#### Permits

Any fishing vessel that harvests and sells Gulf or South Atlantic migratory group king mackerel must have a valid commercial king mackerel permit. The commercial king mackerel permit is a limited access permit that can be transferred or sold, subject to certain conditions. There is only one permitting system for the commercial harvest of Gulf or South Atlantic migratory group king mackerel. In addition, a king mackerel gillnet permit, which is an endorsement attached to a Gulf commercial king mackerel permit, is required to harvest king mackerel using gillnets. Gillnets may only be used to harvest king mackerel in the Southern Zone of the Gulf king mackerel migratory group. The gillnet permit is also a limited access permit and is subject to more restrictive transferability conditions than the commercial king mackerel permit. After a permit expires, it can be renewed and transferred up to one year after it expires. Beginning in 2014, a federal dealer permit has been required to purchase king mackerel (among other species) harvested in the Gulf or South Atlantic.

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, retrieved April, 2015). As of April 30, 2015, there were 1,342 valid or renewable commercial king mackerel permits. From 2008 through 2014, there were an average of 23 king mackerel gillnet permits (NMFS SERO Permits Data, retrieved April, 2015). At present, there are 21 valid or renewable king mackerel gillnet permits. As of May 4, 2015, there were 325 dealer permits.

#### King Mackerel Annual Landings and Revenues

The commercial king mackerel fishing fleet in the Gulf and South Atlantic is composed of vessels using primarily hook and line gear. Gillnets have also been used but are now limited only to the Southern Zone of the Gulf migratory king mackerel. Gillnets are not considered an allowable gear for harvesting South Atlantic group king mackerel. Other gear types, such as gigs and spears, traps/pots, have accounted for a very small portion of the total king mackerel landings in the Gulf and South Atlantic. Table 3.4.1.1 shows landings and dockside revenues for the Gulf and South Atlantic migratory groups of king mackerel. The long-term (2000/01-2013/14) average landings and dockside revenues were approximately 3.35 mp and \$5.65 million for the Gulf group and 2.35 mp and \$4.97 million for the South Atlantic group king mackerel. Their short-term (2009/2010-2013/2014) counterparts are 3.54 mp valued at \$6.31 million for the Gulf group and 2.30 mp valued at \$4.91 million for the South Atlantic group. Price per pound is relatively higher in the South Atlantic.

**Table 3.4.1.1.** King mackerel landings, dockside revenues, and price per pound by migratory group, 2000/01-2013/14. Revenues and price per pound are in 2014 dollars.

Fishing Year	Gulf Migratory Group			South Atlantic Migratory Group		
	Pounds	Revenues	Price/lb	Pounds	Revenues	Price/lb
2000/01	3,070,473	\$5,376,506	\$1.75	2,148,262	\$5,092,006	\$2.37
2001/02	2,927,704	\$4,828,499	\$1.65	1,933,172	\$4,459,597	\$2.31
2002/03	3,221,656	\$4,938,643	\$1.53	1,687,709	\$3,696,381	\$2.19
2003/04	3,178,121	\$5,207,577	\$1.64	1,860,064	\$3,471,749	\$1.87
2004/05	3,225,765	\$5,190,696	\$1.61	2,776,748	\$5,487,732	\$1.98
2005/06	3,008,585	\$4,929,633	\$1.64	2,249,711	\$4,861,494	\$2.16
2006/07	3,231,883	\$5,305,649	\$1.64	2,992,672	\$6,041,002	\$2.02
2007/08	3,489,904	\$5,930,478	\$1.70	2,664,751	\$5,734,915	\$2.15
2008/09	3,860,618	\$5,852,968	\$1.52	3,105,889	\$6,114,044	\$1.97
2009/10	3,804,028	\$6,059,164	\$1.59	3,561,139	\$6,506,967	\$1.83
2010/11	3,530,905	\$6,277,473	\$1.78	3,402,677	\$6,118,822	\$1.80
2011/12	3,457,114	\$5,979,250	\$1.73	2,052,139	\$5,048,520	\$2.46
2012/13	3,627,429	\$6,917,871	\$1.91	1,346,459	\$3,612,517	\$2.68
2013/14	3,259,687	\$6,340,204	\$1.95	1,141,601	\$3,274,106	\$2.87
Avg (2000-14)	3,349,562	\$5,652,472	\$1.69	2,351,642	\$4,965,704	\$2.11
Avg (2009-14)	3,535,833	\$6,314,792	\$1.79	2,300,803	\$4,912,186	\$2.13

Fishing year for the Gulf migratory group is July 1 - June 30; fishing year for the South Atlantic group is March 1 - February 28. Note that some sub-zones have different open and closure dates than the general fishing year.

Source: SEFSC ACL\_FILES\_08262015.

### King Mackerel Trip Level Landings and Dockside Revenues

Information in the tables below is based on logbook data, supplemented with Accumulated Landings System (ALS) price data, and so would not exactly match with landings and revenues shown in the earlier table. The information is also presented in calendar rather than fishing year; moreover, landings are in gutted rather than whole weight. Using logbook data provides additional information regarding the number of vessels landing king mackerel, the number of trips they took with or without catching king mackerel, and other species they landed. Logbook data also provides more detailed revenue information of vessels landing king mackerel.

From 2000 through 2014, an annual average of 274 vessels took 2,019 commercial trips that combined landed an average of 1.97 mp of king mackerel in the Gulf annually with a dockside value (2014 dollars) of \$3.99 million (Tables 3.4.1.2-3.4.1.3). The corresponding numbers for the South Atlantic are 736 vessels, 10,293 trips, and 2.49 mp of king mackerel valued at \$3.99 million (Tables 3.4.1.4-3.4.1.5). Including revenues from all sources, the average revenue per vessel is \$66,952 in the Gulf and \$27,817 in the South Atlantic. Revenues from king mackerel accounted for approximately 22% in the Gulf and 29% in the South Atlantic of all vessel revenues from all species, including king mackerel, landed by these vessels. Gulf vessels received an average price of \$1.69 (\$1.79 for 2009-2014) per pound whereas South Atlantic vessels received \$2.11 (\$2.13 for 2009-2014) per pound.

**Table 3.4.1.2.** Vessels and trips with king mackerel landings by weight (lb gw), Gulf, 2010–2014.

Year	# of vessels landing king mackerel	# of trips landing king mackerel	Total king mackerel landings	Landings of other species jointly caught w/ king mackerel	# of trips only catching other species	Landings of other species on trips w/o king mackerel
2010	277	1,710	1,859,629	692,630	1,868	3,414,763
2011	290	2,006	2,194,213	589,794	2,248	4,827,227
2012	287	2,162	1,932,385	597,163	2,074	4,289,260
2013	267	2,161	1,932,985	661,216	1,731	3,882,970
2014	251	2,055	1,923,477	615,797	1,659	3,679,388
Average	274	2,019	1,968,538	631,320	1,916	4,018,722

Source: SEFSC SSRG Socioeconomic Panel Data.

**Table 3.4.1.3.** Dockside revenues (2014 \$) from all sources for vessels that landed king mackerel, Gulf, 2010–2014.

Year	# vessels landing king mackerel	King mackerel dockside revenue	Dockside revenue from 'other species' jointly landed w/ king mackerel	Dockside revenue from 'other species' landed on trips w/o king mackerel	Total dockside revenue	Average total dockside revenue per vessel
2010	277	\$3,406,889	\$1,932,394	\$10,199,121	\$15,538,403	\$56,095
2011	290	\$4,179,067	\$1,621,765	\$13,405,114	\$19,205,945	\$66,227
2012	287	\$3,835,865	\$1,767,242	\$12,756,897	\$18,360,004	\$63,972
2013	267	\$4,523,592	\$2,390,622	\$13,520,400	\$20,434,614	\$76,534
2014	251	\$3,992,941	\$1,964,070	\$12,097,171	\$18,054,182	\$71,929
Average	274	\$3,987,671	\$1,935,219	\$12,395,741	\$18,318,630	\$66,952

Source: SEFSC SSRG Socioeconomic Panel Data.

**Table 3.4.1.4.** Vessels and trips with king mackerel landings by weight (lb gw), South Atlantic, 2010–2014.

Year	# of vessels landing king mackerel	# of trips landing king mackerel	King mackerel landings	Landings of other species jointly caught w/ king mackerel	# of trips only catching other species	Landings of other species on trips w/o king mackerel
2010	809	13,318	3,660,905	1,100,091	9,857	6,450,140
2011	782	11,495	2,873,480	1,043,514	10,496	6,727,411
2012	752	9,743	2,321,424	894,894	10,221	6,016,318
2013	688	8,058	1,701,836	906,839	10,305	5,638,630
2014	648	8,849	1,878,948	840,880	9,823	5,455,512
Average	736	10,293	2,487,319	957,244	10,140	6,057,602

Source: SEFSC SSRG Socioeconomic Panel Data.

**Table 3.4.1.5.** Dockside revenues (2014 \$) from all sources for vessels that landed king mackerel, South Atlantic, 2010–2014.

Year	# vessels landing king mackerel	King mackerel dockside revenue	Dockside revenue from 'other species' jointly landed w/ king mackerel	Dockside revenue from 'other species' landed on trips w/o king mackerel	Total dockside revenue	Average total dockside revenue per vessel
2010	809	\$7,301,155	\$2,116,406	\$12,134,546	\$21,552,108	\$26,640
2011	782	\$6,572,753	\$1,844,602	\$12,733,174	\$21,150,529	\$27,047
2012	752	\$5,503,796	\$1,695,435	\$13,011,220	\$20,210,451	\$26,876
2013	688	\$4,808,125	\$2,111,889	\$13,303,731	\$20,223,744	\$29,395
2014	648	\$5,027,826	\$1,675,816	\$12,171,537	\$18,875,179	\$29,128
Average	736	\$5,842,731	\$1,888,830	\$12,670,841	\$20,402,402	\$27,817

Source: SEFSC SSRG Socioeconomic Panel Data.

## Dealers

As noted, a federal dealer permit had not been required to purchase king mackerel caught in the Gulf or South Atlantic until 2014, and as of May 4, 2015, 325 such dealer permits were issued. However, information about dealer purchases has been routinely collected by SEFSC. In 2013 (latest available), 219 dealers purchased king mackerel from fishermen approximately 4.30 mp valued at \$10.09 million (2014 dollars). The distribution of these dealers and their respective king mackerel purchases is: 6 dealers in Alabama--\$496 thousand; 145 dealers in Florida--\$8.37 million; 3 dealers in Louisiana--\$250 thousand; 52 dealers in North Carolina--\$905 thousand; 9 dealers in South Carolina--\$16 thousand; 4 combined dealers in Georgia, Mississippi, Texas and other states--\$51 thousand.

## Commercial Sector Business Activity

Estimates of the business activity (economic impacts) in the U.S. associated with the Gulf and South Atlantic king mackerel harvests were derived using the model developed for and applied in NMFS (2011b). Business activity for the commercial sector is characterized in the form of full-time equivalent (FTE) 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. The estimates of economic activity include the direct effects (effects in the sector where an expenditure is actually made), indirect effects (effects in sectors providing goods and services to directly affected sectors), and induced effects (effects induced by the personal consumption expenditures of employees in the direct and indirectly affected sectors).

In addition to king mackerel harvests, vessels that harvested king mackerel also harvested other species on trips where king mackerel were harvested. These vessels also took trips during the year where only species other than king mackerel were caught. All revenues from all species on all these trips contributed towards making these vessels economically viable and contribute to the economic activity associated with these vessels. The average annual total ex-vessel revenues from king mackerel and from all species (including king mackerel) and their associated economic activities are presented in Table 3.4.1.6.

**Table 3.4.1.6.** Average annual business activity associated with vessels that harvest king mackerel in the Gulf and South Atlantic states, 2010-2014. Dollar values are in 2014 dollars.

Species	Average Annual Dockside Revenue (millions)	Total Jobs	Harvester Jobs	Output (Sales) Impacts (millions)	Income Impacts (millions)
Gulf king mackerel	\$6.31	1,138	149	\$83.14	\$35.43
Gulf all species <sup>1</sup>	\$18.32	3,304	431	\$241.19	\$102.79
South Atlantic king Mackerel	\$4.91	886	115	\$64.68	\$27.57
South Atlantic all species <sup>1</sup>	\$20.40	3,680	480	\$268.63	\$114.49

<sup>1</sup>Includes dockside revenues and economic activity associated with the average annual harvests of all species, including king mackerel, landed by vessels that harvested king mackerel.

## Imports

Information on the imports of all mackerel species (fresh, frozen, or other product forms) are available at: [http://www.st.nmfs.noaa.gov/st1/trade/cumulative\\_data/TradeDataProduct.html](http://www.st.nmfs.noaa.gov/st1/trade/cumulative_data/TradeDataProduct.html). Information on the imports of individual mackerel species is not available. In 2012, imports of mackerel species (fresh, frozen, salted, smoked) were approximately 44.18 mp valued at approximately \$64.97 million (2014 dollars). These amounts are contrasted with the domestic harvest of all mackerel species in the U.S. in 2012 of approximately 138.03 mp (includes atka

mackerel) valued at approximately \$37.97 million (2014 dollars; data available at: <http://www.st.nmfs.noaa.gov/commercial-fisheries/publications/index>). Although the levels of domestic production and imports are not totally comparable for several reasons, including considerations of different product form such as fresh versus frozen, and possible product mislabeling, the difference in the magnitude of imports relative to amount of domestic harvest is indicative of the dominance of imports in the domestic market in terms of poundage but not in terms of dollar values. Final comparable data for more recent years is not currently available.

### **3.4.2 Economic Description of the Recreational Sector**

The following focuses on recreational landings and effort (angler trips) for king mackerel. The major sources of data summarized in this description are the Recreational ACL Dataset (SEFSC MRIPACLspec\_rec81\_14wv4\_30Oct14) for landings and the NOAA fisheries website for accessing recreational data (<http://www.st.nmfs.noaa.gov/recreational-fisheries/access-data/run-a-data-query/index>) for effort. Additional information on the recreational sector of the coastal migratory pelagic fishery contained in previous or concurrent amendments is incorporated herein by reference [see Amendment 20A, Amendment 20B, Framework Amendments 1, 2, and 3, South Atlantic Framework 2013].

The recreational fishery is comprised of the private and for-hire components. The private component includes anglers fishing from shore (all land-based structures) and private/rental boats. The for-hire component is composed of the charter boat and headboat (also called party boat) components. Charter boats generally carry fewer passengers and charge a fee on an entire vessel basis, whereas headboats carry more passengers and payment is per person.

#### **Permits**

The for-hire component is comprised of charter boats and headboats (party boats). Although charter boats tend to be smaller, on average, than headboats, the key distinction between the two types of operations is how the fee is determined. On a charter boat trip, the fee charged is for the entire vessel, regardless of how many passengers are carried, whereas the fee charged for a headboat trip is paid per individual angler.

A federal charter/headboat (for-hire) vessel permit has been required for harvesting king mackerel through the for-hire vessel fishing platform. The Gulf for-hire permit is a limited access system whereas the South Atlantic for-hire permit is an open access system. As of September 4, 2015, there were 1,296 valid (non-expired) or renewable Gulf charter/headboat pelagic fish permits, 34 historical captain charter/headboat pelagic fish permits, and 1,456 South Atlantic charter/headboat pelagic fish permits. A renewable permit is an expired permit that may not be actively fished, but is renewable for up to one year after expiration. Although the for-hire permit application collects information on the primary method of operation, the resultant permit itself does not identify the permitted vessel as either a headboat or a charter boat, operation as either a headboat or charter boat is not restricted by the permitting regulations, and vessels may operate in both capacities. However, only federally permitted headboats are required to submit harvest and effort information to the NMFS Southeast Region Headboat Survey (SRHS). Participation in the SRHS is based on determination by the SEFSC that the vessel primarily

operates as a headboat. There were 69 Gulf vessels and 77 South Atlantic vessels registered in the SRHS as of April 24, 2015 (K. Fitzpatrick, NMFS SEFSC, pers. comm.). Information on charter boat and headboat operating characteristics, including average fees and net operating revenues, is included in Savolainen et al. (2012) for Gulf vessels and Holland et al. (2012) for South Atlantic vessels, and is incorporated herein by reference.

There are no specific federal permitting requirements for recreational anglers to fish for or harvest king mackerel. Instead, anglers are required to possess either a state recreational fishing permit that authorizes saltwater fishing in general, or be registered in the federal National Saltwater Angler Registry system, subject to appropriate exemptions. As a result, it is not possible to identify with available data how many individual anglers would be expected to be affected by this proposed amendment.

### **Harvest**

Recreational landings of king mackerel for both Gulf and South Atlantic migratory groups are presented in Table 3.4.2.1. On average, the recreational sector landed 3.589 mp (2.661 mp for 2009-2014) of Gulf king mackerel and 4.138 mp (2.179 mp for 2009-2014) of South Atlantic king mackerel.

**Table 3.4.2.1.** Annual recreational landings (mp ww) of Gulf and South Atlantic migratory groups of king mackerel, 2000/02- 2013/14.

Fishing Year	Gulf Landings	South Atlantic Landings
2000/01	5.061	6.185
2001/02	5.163	5.035
2002/03	4.764	4.574
2003/04	4.296	4.980
2004/05	3.260	5.321
2005/06	3.317	4.458
2006/07	4.459	5.127
2007/08	3.471	7.129
2008/09	3.146	4.228
2009/10	2.391	4.394
2010/11	2.183	2.693
2011/12	2.547	1.449
2012/13	3.593	1.239
2013/14	2.592	1.121
Average (2000-2014)	3.589	4.138
Average (2009-2014)	2.661	2.179

Source: SEDAR 38 for fishing years 2000/01-2010/11; SEFSC MRIPACLspec\_rec81\_13wv4\_30Oct14 for fishing years 2011/12-2013/14.

## Effort

Recreational effort derived from the Marine Recreational Fisheries Statistics Survey (MRFSS) and the Marine Recreational Information Survey (MRIP) databases can be characterized in terms of the number of trips as follows:

*Target effort* - The number of individual angler trips, regardless of duration, where the intercepted angler indicated that the species or a species in the species group was targeted as either the first or second primary target for the trip. The species did not have to be caught.

*Catch effort* - The number of individual angler trips, regardless of duration and target intent, where the individual species or a species in the species group was caught. The fish did not have to be kept.

*Total recreational trips* - The total estimated number of recreational trips in the Gulf, regardless of target intent or catch success.

Other measures of effort are possible, such as the number of harvest trips (the number of individual angler trips that harvest a particular species regardless of target intent), and directed trips (the number of individual angler trips that either targeted or caught a particular species), among other measures, but the three measures of effort listed above are used in this assessment.



Estimates of the average annual king mackerel effort (in terms of individual angler trips) for 2010-2014 are provided in Table 3.4.2.2 for the Gulf and Table 3.4.2.3 for the South Atlantic. Target and catch trips are shown by fishing mode (charter, private/rental, shore) for each state. Estimates of king mackerel target and catch trips for additional years, and other measures of directed effort, are available at <http://www.st.nmfs.noaa.gov/recreational-fisheries/access-data/run-a-data-query/queries/index>.

Because of the *Deepwater Horizon* MC252 oil spill, 2010 was not a typical year for recreational fishing in the Gulf due to the extensive closures and associated decline in fishing in much of the Gulf. For information on the *Deepwater Horizon* MC252 oil spill and associated closures, see: [http://sero.nmfs.noaa.gov/deepwater\\_horizon\\_oil\\_spill.htm](http://sero.nmfs.noaa.gov/deepwater_horizon_oil_spill.htm).

**Table 3.4.2.2.** Average (2010-2014) king mackerel target and catch effort, Gulf.

Target Trips					
	Alabama	W. Florida	Louisiana	Mississippi	Total
Charter	4,421	25,894	0	327	30,642
Private	35,422	143,945	177	681	180,225
Shore	107,003	153,426	0	0	260,429
Total	146,847	323,264	177	1,008	471,296
Catch Trips					
	Alabama	W. Florida	Louisiana	Mississippi	Total
Charter	20,697	99,357	1,188	1,610	122,853
Private	32,289	113,316	2,734	4,926	153,266
Shore	16,849	32,069	0	0	48,918
Total	69,835	244,743	3,922	6,537	325,037

Source: <http://www.st.nmfs.noaa.gov/recreational-fisheries/access-data/run-a-data-query/queries/index>.

**Table 3.4.2.3.** Average (2010-2014) king mackerel target and catch effort, South Atlantic.

Target Trips					
	E. Florida	Georgia	N. Carolina	S. Carolina	Total
Charter	5,545	34	510	917	7,007
Private	175,860	6,433	60,785	13,538	256,616
Shore	27,420	0	43,273	41,865	112,559
Total	208,826	6,468	104,568	56,320	376,182
Catch Trips					
	E. Florida	Georgia	N. Carolina	S. Carolina	Total
Charter	26,533	58	3,676	545	30,812
Private	101,974	2,021	16,352	4,026	124,372
Shore	5,290	0	2,071	1,481	8,842
Total	133,797	2,079	22,099	6,052	164,027

Source: <http://www.st.nmfs.noaa.gov/recreational-fisheries/access-data/run-a-data-query/queries/index>.

Headboat data do not support the estimation of target or catch effort because target intent is not collected and the harvest data (the data reflect only harvest information and not total catch) are

collected on a vessel basis and not by individual angler. Table 3.4.2.4 contains estimates of the number of headboat angler days for all Gulf and South Atlantic states for 2010-2014.

**Table 3.4.2.4.** Average (2010-2014) Gulf and South Atlantic headboat angler days, by state.

<b>Gulf Angler Days</b>				
West FL/AL	LA	MS	TX	TOTAL
159,236	1,431	1,765	50,638	213,070
<b>South Atlantic Angler Days</b>				
Southeast FL	Northeast FL/GA	SC	NC	TOTAL
94,160	55,619	42,717	20,706	213,203

Source: NMFS Southeast Region Headboat Survey (SRHS).

### **Economic Value**

Economic value can be measured in the form of consumer surplus (CS) per additional king mackerel kept on a trip for anglers (the amount of money that an angler would be willing to pay for a fish in excess of the cost to harvest the fish). The estimated values of the CS per fish for a second, third, fourth, fifth, and sixth king mackerel kept on a trip are approximately \$100, \$67, \$49, \$39, and \$32, respectively (Carter and Liese 2012; values updated to 2014 dollars).

With regards to for-hire businesses, economic value can be measured by producer surplus (PS) per passenger trip (the amount of money that a vessel owner earns in excess of the cost of providing the trip). Estimates of the PS per for-hire passenger trip are not available. Instead, net operating revenue (NOR), which is the return used to pay all labor wages, returns to capital, and owner profits, is used as a proxy for PS. The estimated NOR value is \$153.45 (2014 dollars) per charter angler trip (Liese and Carter 2012). The estimated NOR value per headboat angler trip is \$52.97 (2014 dollars) (C. Liese, NMFS SEFSC, pers. comm.). Estimates of NOR per king mackerel target trip are not available.

### **Recreational Sector Business Activity**

Estimates of the business activity (economic impacts) associated with recreational angling for king mackerel were derived using average impact coefficients for recreational angling for all species, as derived from an add-on survey to the MRFSS to collect economic expenditure information, as described and utilized in NMFS (2011a). Estimates of these coefficients for target or catch behavior for individual species are not available. Estimates of the average expenditures by recreational anglers are also provided in NMFS (2011a) and are incorporated herein by reference.

Business activity for the recreational sector is characterized in the form of FTE jobs, output (sales) impacts (gross business sales), and value-added impacts (difference between the value of goods and the cost of materials or supplies). Job and output (sales) impacts are equivalent metrics across both the commercial and recreational sectors. Income impacts (commercial sector) and value-added impacts (recreational sector) are not equivalent, though similarity in the magnitude of multipliers generated and used for the two metrics may result in roughly equivalent

values. Similar to income impacts, value-added impacts should not be added to output (sales) impacts because this would result in double counting.

Estimates of the average king mackerel effort (2010-2014) and associated business activity (2014 dollars) are provided in Table 3.4.2.5 for Gulf States and Table 3.4.2.6 for South Atlantic states. King mackerel target effort (trips) was selected as the measure of king mackerel effort. More individual angler trips catch king mackerel than target king mackerel, however, as shown in Tables 3.4.2.2 and 3.4.2.3. Estimates of the business activity associated with king mackerel catch trips can be calculated using the ratio of catch trips to target trips because the available estimates of the average impacts per trip are not differentiated by trip intent or catch success. For example, if the estimated number of catch trips is three times the number of target trips for a particular state and mode, the estimate of the business activity associated with these catch trips would equal three times the estimated impacts of target trips.

The estimates of the business activity associated with king mackerel recreational trips are only available at the state level. Addition of the state-level estimates to produce a regional or national total will underestimate the actual amount of total business activity because summing the state estimates will not capture business activity that leaks outside the individual states. A state estimate only reflects activities that occur within that state and not related activity that occurs in another state. For example, if a good is produced in Alabama but sold in Florida, the measure of business activity in Florida associated with the its sale in Florida does not include the production process in Alabama. Assessment of business activity at the national (or regional) level would capture activity in both states and include all activity except that which leaks into other nations.

It is noted that these estimates do not, and should not be expected to, represent the total business activity associated with a specific recreational harvest sector in a given state or in total. For example, these results do not state, or should be interpreted to imply, that there are only 28 jobs associated with the charter sector in Alabama. Instead, as previously stated, these results relate only to the business activity associated with target trips for king mackerel. Few, if any businesses or jobs, would be expected to be devoted solely to king mackerel fishing. The existence of these businesses and jobs, in total, is supported by the fishing for, and expenditures on, the variety of marine species available to anglers throughout the year.

**Table 3.4.2.5.** Summary of king mackerel target trips (2010-2014 average) and associated business activity (2014 dollars), Gulf. Output and value added impacts are not additive.

	Alabama	West Florida	Louisiana	Mississippi	Texas
	<b>Shore Mode</b>				
Target Trips	107,003	153,426	0	0	*
Output (Sales) Impact	\$7,764,034	\$7,473,083	\$0	\$0	*
Value Added Impact	\$4,314,401	\$4,164,943	\$0	\$0	*
Jobs	89	68	0	0	*
	<b>Private/Rental Mode</b>				
Target Trips	35,422	143,945	177	681	*
Output (Sales) Impact	\$1,945,363	\$7,910,294	\$13,595	\$24,357	*
Value Added Impact	\$1,052,767	\$4,479,241	\$6,533	\$12,389	*
Jobs	21	67	0	0	*
	<b>Charter Mode</b>				
Target Trips	4,421	25,894	0	327	*
Output (Sales) Impact	\$2,871,059	\$19,296,818	\$0	\$134,585	*
Value Added Impact	\$1,964,800	\$12,900,959	\$0	\$94,806	*
Jobs	28	167	0	1	*
	<b>All Modes</b>				
Target Trips	146,846	323,265	177	1,008	*
Output (Sales) Impact	\$12,580,455	\$34,680,195	\$13,595	\$158,942	*
Value Added Impact	\$7,331,968	\$21,545,143	\$6,533	\$107,194	*
Jobs	137	303	0	2	*

\*Because target information is unavailable, associated business activity cannot be calculated.

Source: Effort data from the MRIP, economic impact results calculated by NMFS SERO using the model developed for NMFS (2011b).

**Table 3.4.2.6.** Summary of king mackerel target trips (2010-2014 average) and associated business activity (2014 dollars), South Atlantic. Output and value added impacts are not additive.

	East Florida	Georgia	North Carolina	South Carolina
	<b>Shore Mode</b>			
Target Trips	27,420	0	43,273	41,865
Output Impact	\$1,191,686	\$0	\$5,585,725	\$4,728,704
Value Added Impact	\$660,273	\$0	\$3,131,264	\$2,690,009
Jobs	11	0	55	48
	<b>Private/Rental Mode</b>			
Target Trips	175,860	6,433	60,785	13,538
Output Impact	\$9,145,146	\$332,056	\$5,131,014	\$651,349
Value Added Impact	\$5,148,548	\$194,800	\$2,908,700	\$362,968
Jobs	78	3	45	7
	<b>Charter Mode</b>			
Target Trips	5,545	34	510	917
Output Impact	\$4,421,954	\$16,100	\$271,760	\$607,308
Value Added Impact	\$2,910,372	\$11,306	\$186,133	\$417,608
Jobs	37	0	3	7
	<b>All Modes</b>			
Target Trips	208,825	6,467	104,568	56,320
Output Impact	\$14,758,786	\$348,157	\$10,988,499	\$5,987,362
Value Added Impact	\$8,719,193	\$206,106	\$6,226,097	\$3,470,585
Jobs	126	3	103	62

Source: Effort data from the MRIP, economic impact results calculated by NMFS SERO using the model developed for NMFS (2011b).

Estimates of the business activity (impacts) associated with headboat king mackerel effort are not available. The headboat sector in the Southeast is not covered in the MRFSS/MRIP, so estimation of the appropriate impact coefficients for the headboat sector has not been conducted. While appropriate impact coefficients are available for the charter sector, potential differences in certain factors, such as the for-hire fee, rates of tourist versus local participation, and expenditure patterns, may result in significant differences in the business impacts of the headboat sector relative to the charter sector.

## 3.5 Description of the Social Environment

This section provides the background for the proposed actions which will be evaluated in Chapter 4. Commercial and recreational king mackerel landings are included by State to provide information on the geographic distribution of fishing involvement. Descriptions of fishing communities including the top communities involved in king mackerel fishing in the Gulf, South Atlantic, and Mid-Atlantic are included here. The top communities with dual permitted vessels that possess both a commercial king mackerel permit and a commercial directed shark permit are also included. These community level data are presented in order to meet the requirements of National Standard 8 of the Magnuson-Stevens Act. National Standard 8 requires the consideration of the importance of fishery resources to human communities when considering changes to fishing regulations. Background information on allocation is provided for context. And lastly, minority, poverty, and social vulnerability data are presented to assess the potential for environmental justice concerns.

### 3.5.1 Landings by State

#### Commercial Landings

King mackerel is harvested commercially throughout the Gulf, South Atlantic, and Mid-Atlantic. The majority of Gulf migratory group king mackerel is landed in Florida (approximately 70% of Gulf migratory group king mackerel commercial landings, Table 3.5.1.1). A sizable portion of Gulf migratory king mackerel is also landed in Louisiana. Gulf migratory king mackerel is also landed in the other Gulf States, but these States represent a smaller percentage of the total commercial landings.

**Table 3.5.1.1.** Percentage of total commercial Gulf migratory group king mackerel landings by State for 2013.

State	Landings
AL	5.64%
FL (East Coast)	27.36%
FL (West Coast)	42.46%
LA	23.50%
MS	1.00%
TX	0.05%

Source: SERO ACL Files (July 2014)

The majority of Atlantic migratory group king mackerel is also landed in Florida (approximately 68% of Atlantic migratory group king mackerel commercial landings, Table 3.5.1.2). Nearly one-third of commercial landings of Atlantic migratory king mackerel are landed in North Carolina. Atlantic migratory group king mackerel is also landed in the other states in the South and Mid-Atlantic, but these states represent a smaller percentage of the total commercial

landings (Delaware, Georgia, Maryland, New Jersey, New York, South Carolina, and Virginia make-up less than 0.6% of Atlantic migratory king mackerel commercial landings, Table 3.5.1.2).

**Table 3.5.1.2.** Percentage of total commercial Atlantic migratory group king mackerel landings by State for 2013.

State	Landings
DE	confidential
FL (East Coast)	62.15%
FL (West Coast)	6.33%
GA	confidential
MD	confidential
NJ	confidential
NY	confidential
NC	30.93%
SC	0.56%
VA	confidential

Source: SERO ACL Files (July 2014)

### Recreational Landings

The majority of the recreational Gulf group king mackerel catch is landed along the west coast of Florida (approximately 72%, Table 3.5.1.3). Alabama, Texas, and the east coast of Florida also include sizable amounts of the recreational Gulf group king mackerel catch. Other Gulf States are also involved in recreational Gulf group king mackerel fishing, but these states represent a much smaller percentage of the total recreational landings.

**Table 3.5.1.3.** Percentage of total recreational Gulf group king mackerel landings by State for 2014.

State	Landings
AL	12.63%
FL (East Coast)	6.65%
FL (East Coast)/GA	0.97%
FL (West Coast)	71.71%
LA	0.49%
LA/MS	0.04%
MS	0.29%
TX	7.22%

Source: SERO (July 2015)

Most of the recreational Atlantic group king mackerel catch is landed along the east coast of Florida and in North Carolina (Table 3.5.1.4). Other South Atlantic states are involved in recreational Atlantic group king mackerel fishing, but represent a smaller percentage of the total recreational landings.

**Table 3.5.1.4.** Percentage of total recreational Atlantic group king mackerel landings by State for 2014.

State	Landings
FL (East Coast)	56.52%
FL (East Coast)/GA	4.64%
FL (West Coast)	2.66%
GA	0.38%
NC	31.66%
SC	4.15%

Source: SERO (July 2015)

### 3.5.2 Fishing Communities

Demographic profiles of coastal communities can be found in Amendment 18 (GMFMC and SAFMC 2011) and Amendment 20B (GMFMC and SAFMC 2014). The referenced description focuses on available geographic and demographic data to identify communities having a strong relationship with king mackerel fishing using 2008 and 2011 Accumulated Landings System (ALS) data. A strong relationship is defined as having significant landings and revenue for these species. Thus, positive or negative impacts from regulatory change are expected to occur in places with greater landings. This section has been updated using 2012 ALS data, the most recent year available.

The descriptions of Gulf, South Atlantic, and Mid-Atlantic communities include information about the top communities based upon a “regional quotient” of commercial landings and value for king mackerel. The regional quotient is the proportion of landings and value out of the total landings and value of that species for that region, and is a relative measure. The Florida Keys communities are included in both Gulf and South Atlantic communities to allow for comparison within each region. Although almost all communities in the South Atlantic, Mid-Atlantic, and Gulf regions have commercial landings of multiple species in addition to king mackerel, these top communities are referred to in this document as king mackerel communities. These communities would be most likely to experience the effects of the proposed actions that could change the king mackerel fishery and impact the participants and associated businesses and communities within the region. If a community is identified as a king mackerel community based on the regional quotient, this does not necessarily mean that the community would experience significant impacts due to changes in the king mackerel fishery if a different species or number of species were also important to the local community and economy. More detailed information about communities with the highest regional quotients are found in Amendment 18 (GMFMC and SAFMC 2011) and 20B (GMFMC and SAFMC 2014).



In addition to examining the regional quotients to understand how South Atlantic, Gulf, and Mid-Atlantic communities are engaged and reliant on fishing, indices were created using secondary data from permit and landings information for the commercial sector and permit information for the recreational sector (Jepson and Colburn 2013; Jacob et al. 2013). Fishing engagement is primarily the absolute numbers of permits, landings, and value. For commercial fishing, the analysis used the number of vessels designated commercial by homeport and owner address, value of landings, and total number of commercial permits for each community. Recreational fishing engagement is represented by the number of recreational permits and vessels designated as recreational by homeport and owners address. Fishing reliance includes the same variables as fishing engagement divided by population to give an indication of the per capita influence 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. Taking the communities with the highest regional quotients, factor scores of both engagement and reliance for both commercial and recreational fishing were plotted. Two thresholds of one and ½ standard deviation above the mean are plotted onto the graphs to help determine a threshold for significance. The factor scores are standardized therefore a score above 1 is also above one standard deviation. A score above ½ standard deviation is considered engaged or reliant with anything above 1 standard deviation to be very engaged or reliant.

The reliance index uses factor scores that are normalized. The factor score is similar to a z-score in that the mean is always zero and positive scores are above the mean and negative scores are below the mean. Comparisons between scores are relative but one should bear in mind that like a z-score the factor score puts the community on a spot in the distribution. Objectively they have a score related to the percent of communities with those similar attributes. For example, a score of 2.0 means the community is two standard deviations above the mean and is among the 2.27% most vulnerable places in the study (normal distribution curve). Reliance score comparisons between communities are relative. However, if the community scores greater than two standard deviations above the mean, this indicates that the community is dependent on fishing. Examining the component variables on the reliance index and how they are weighted by factor score provides a measurement of commercial reliance. The reliance index provides a way to gauge change over time in these communities and also provides a comparison of one community with another.

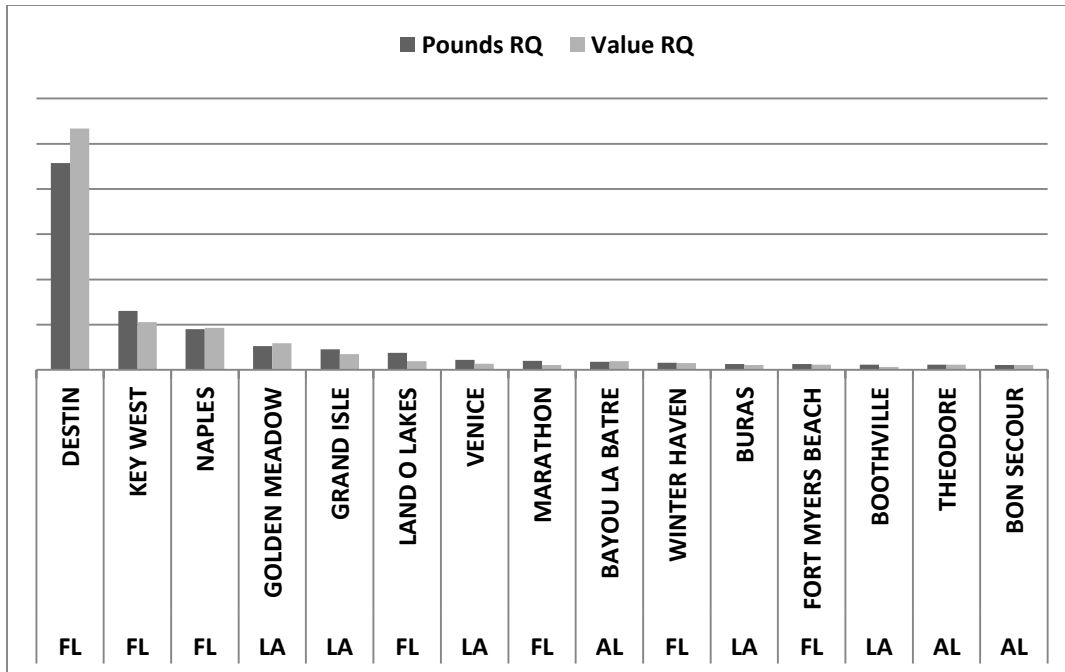
Dual permitted vessels that possess both a commercial king mackerel permit and commercial directed shark permit are also summarized by state. And the top communities with dual permitted vessels that possess both a commercial king mackerel permit and a commercial directed shark permit are described. Permits that are valid or renewable have been included. Permits termed renewable can be renewed within one calendar year.

## **Gulf King Mackerel Fishing Communities**

### *Commercial Communities*

About 46% of all Gulf king mackerel is landed in Destin, Florida, representing about 53% of the Gulf-wide value (Figure 3.5.2.1). Two Florida Keys communities (Key West and Marathon) are

included in the top communities and collectively these communities represent a substantial portion of the landings and value of commercial king mackerel. Naples, Florida also represents a substantial portion of landings. In addition, the top 15 communities include two other Florida communities, five Louisiana communities, and three communities in Alabama.

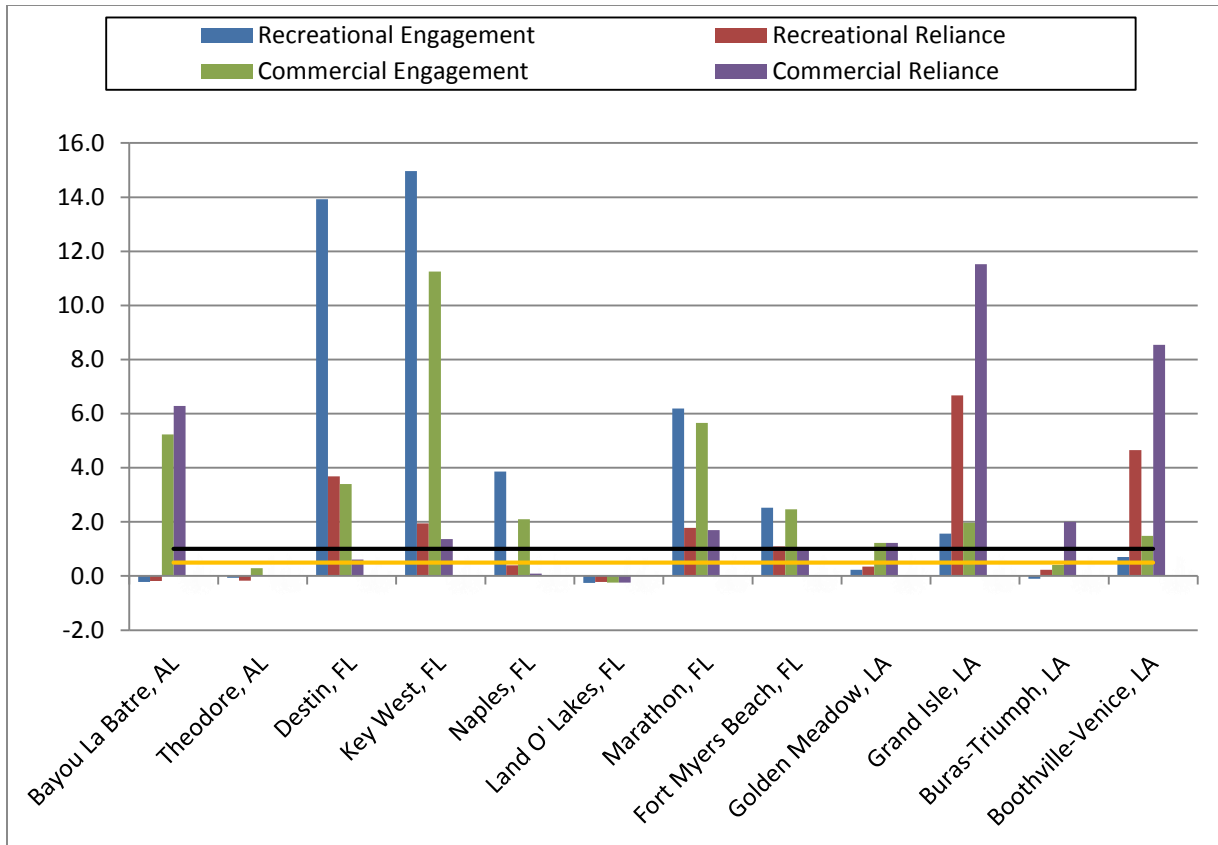


**Figure 3.5.2.1.** Top fifteen Gulf communities ranked by pounds and value regional quotient (RQ) of king mackerel. The actual RQ values (y-axis) are omitted from the figure to maintain confidentiality.

Source: SERO, Community ALS 2012.

### *Reliance on and Engagement with Commercial and Recreational Fishing*

The details of how these indices are generated are explained in the beginning of Section 3.5.2. For king mackerel (Figure 3.5.2.2), the primary communities that demonstrate high levels of commercial fishing engagement and reliance include Bayou La Batre, Alabama; Destin, Key West, Naples, Marathon, and Fort Myers Beach, Florida; and Grand Isle, Buras-Triumph, and Boothville-Venice, Louisiana. Communities with substantial recreational engagement and reliance include Destin, Key West, Naples, Marathon, and Fort Myers Beach, Florida and Grand Isle and Boothville-Venice, Louisiana.

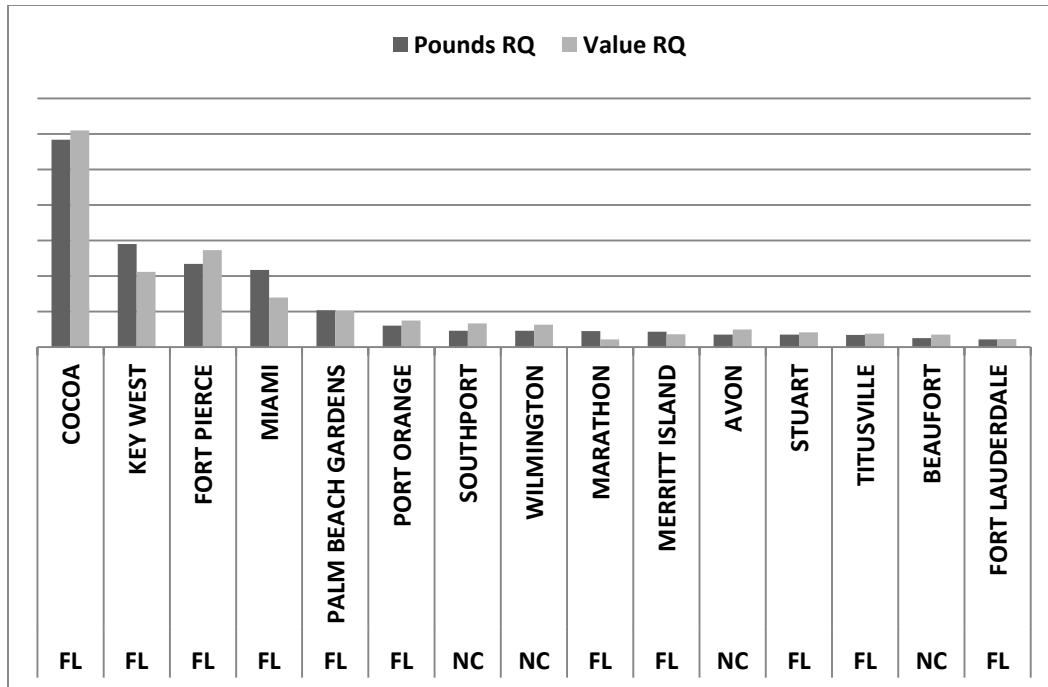


**Figure 3.5.2.2.** Commercial and recreational reliance and engagement for Gulf communities with the top regional quotients for king mackerel.  
 Source: SERO Social Indicator Database 2012.

### South Atlantic King Mackerel Fishing Communities

#### *Commercial Communities*

Cocoa, Florida lands about 29% of all king mackerel among South Atlantic fishing communities and those landings represent approximately 30% of the value (Figure 3.5.2.3). Only four North Carolina communities rank in the top fifteen, and no South Carolina or Georgia communities are included in the top 15 communities.

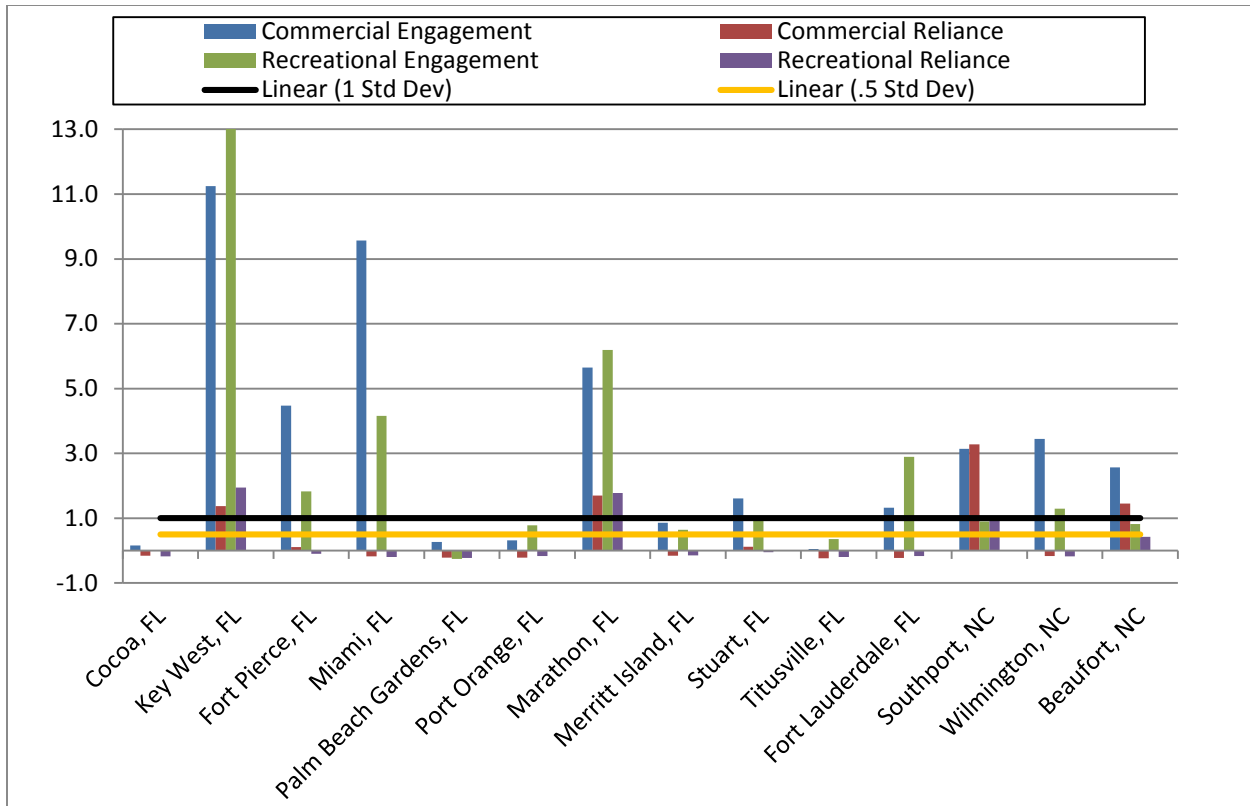


**Figure 3.5.2.3.** Top fifteen South Atlantic communities ranked by pounds and value regional quotient (RQ) of king mackerel. The actual RQ values (y-axis) are omitted from the figure to maintain confidentiality.

Source: SERO, Community ALS 2012.

### *Reliance on and Engagement with Commercial and Recreational Fishing*

For king mackerel (Figure 3.5.2.4), the primary communities that demonstrate high levels of commercial fishing engagement and reliance are include Fort Pierce, Florida; Key West, Florida; Marathon, Florida; Miami Florida; Stuart, Florida; Fort Lauderdale, Florida; Southport, North Carolina; Wilmington, North Carolina; and Beaufort, North Carolina. Communities with substantial recreational engagement and reliance include the Florida communities of Key West, Fort Pearce, Miami, Marathon, and Fort Lauderdale and the North Carolina community of Wilmington.



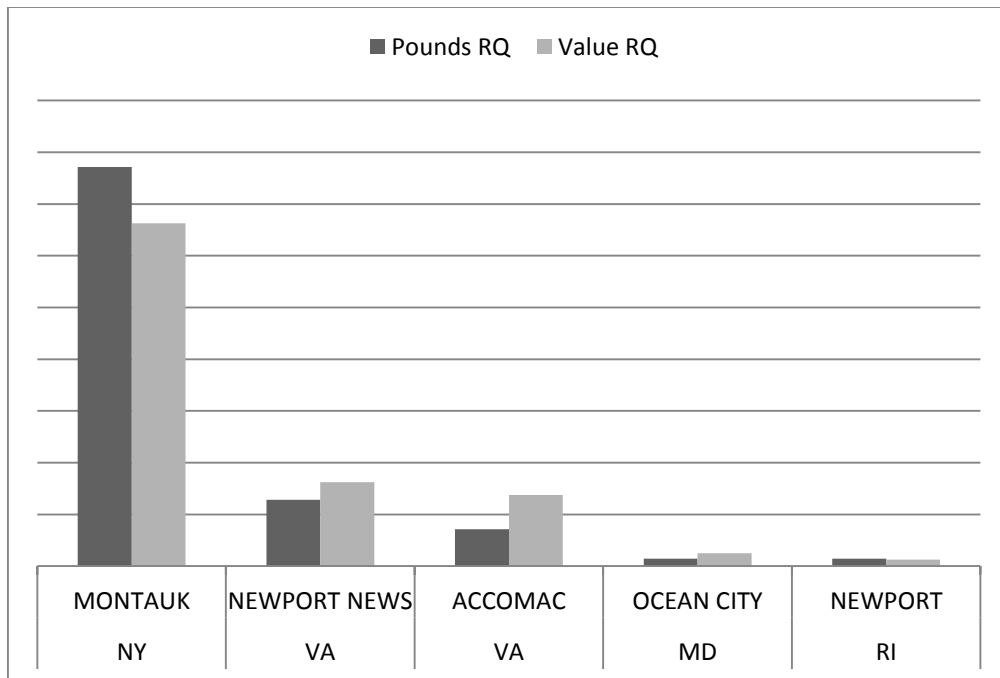
**Figure 3.5.2.4.** Commercial and recreational reliance and engagement for South Atlantic communities with the top regional quotients for king mackerel. Source: SERO Social Indicator Database 2012.

### Mid-Atlantic King Mackerel Fishing Communities

The South Atlantic Council manages Atlantic migratory groups of king mackerel through the Mid-Atlantic region as well as in the South Atlantic region. Overall, landings of these species in the Mid-Atlantic region are very low, and management actions by the South Atlantic Council likely have minimal impacts on Mid-Atlantic communities.

#### *Commercial Communities*

For king mackerel in the Mid-Atlantic (Figure 3.5.2.5), the relatively highest level of landings at the regional level occur in Montauk, New York. Other Mid-Atlantic communities with commercial king mackerel landings include Newport News, Virginia; Accomac, Virginia; Ocean City, Maryland; and Newport, Rhode Island.

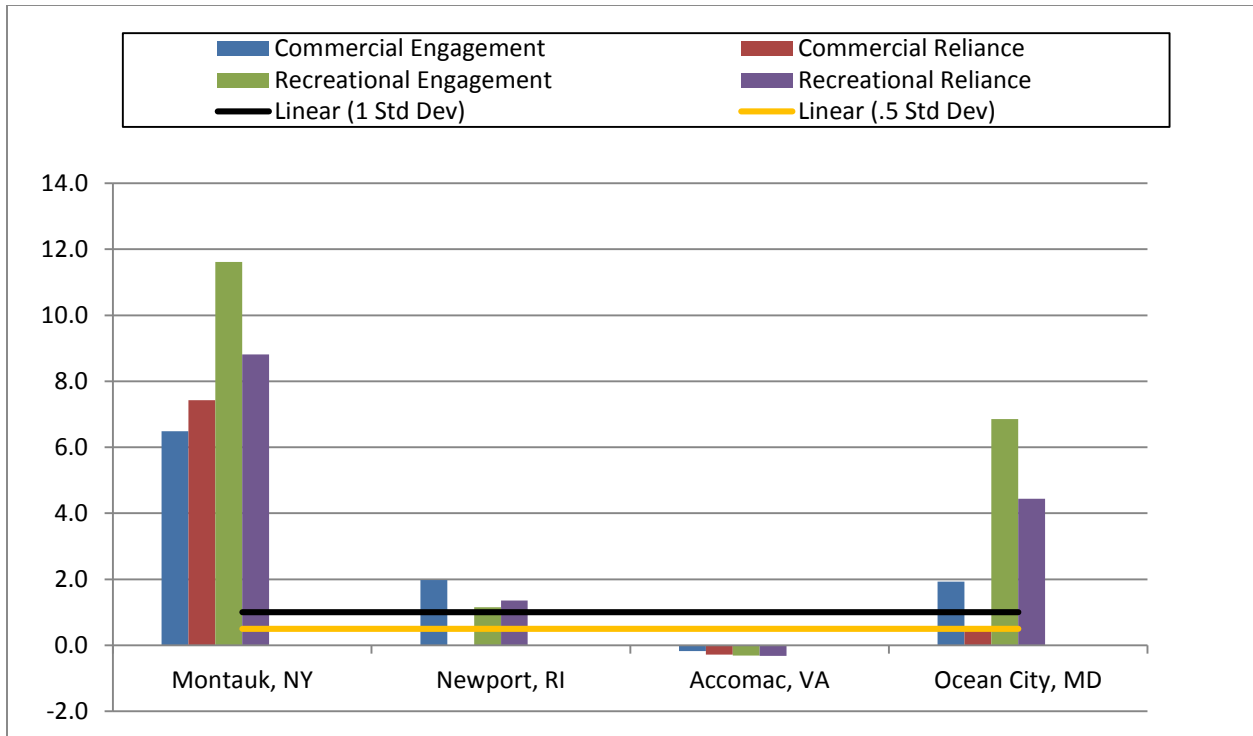


**Figure 3.5.2.5.** Top Mid-Atlantic communities ranked by pounds and value regional quotient (RQ) of king mackerel. The actual RQ values (y-axis) are omitted from the figure to maintain confidentiality.

Source: NEFSC 2012.

*Reliance on and Engagement with Commercial and Recreational Fishing*

For king mackerel (Figure 3.5.2.6), the primary Mid-Atlantic communities that demonstrate relatively high levels of commercial fishing engagement and reliance are include Montauk, New York; Newport, Rhode Island; and Ocean City, Maryland. Communities with substantial recreational engagement and reliance include Montauk, New York; Newport, Rhode Island; and Ocean City, Maryland.



**Figure 3.5.2.6.** Commercial and recreational reliance and engagement for Mid-Atlantic communities with the top regional quotients for king mackerel.

Source: SERO/NEFSC Social Indicator Database 2012.

### King Mackerel and Shark Directed Permit Communities

A total of 77 vessels are dual permitted, possessing both a commercial king mackerel permit and a commercial shark directed permit (Source: SERO PIMS Database, valid and renewable permits on September 4, 2015). The majority of vessels are located in Florida (about 69%), but a sizable number are located in North Carolina (11.7%) and New Jersey (6.5%). Dual permitted vessels are also located in Alabama, Georgia, South Carolina, Texas, and West Virginia, but the number of vessels in each state are not reported in order to maintain confidentiality.

A total of 50 communities include dual permitted vessels. Communities with the most dual permitted vessels are located in North Carolina, Florida, and New Jersey (Table 3.5.2.1). The top communities of Wanchese, North Carolina (5 vessels); Key West, Florida (4 vessels); Port Orange, Florida (4 vessels); and Port Salerno, Florida (4 vessels) include the largest number of dual permitted vessels. Other communities that include multiple dual permitted vessels are presented in Table 3.5.2.1, but the numbers of vessels by community are not reported in order to maintain confidentiality.

**Table 3.5.2.1.** Top communities by number of dual permitted commercial king mackerel and commercial shark directed vessels.

State	City
NC	Wanchese
FL	Key West
FL	Port Orange
FL	Port Salerno
FL	Destin
FL	Sebastian
FL	West Palm Beach
NJ	Barnegat Light
FL	Jacksonville
FL	Jupiter
FL	Key Largo
FL	Palm Beach
FL	St. Marks
FL	Stuart
NC	Hatteras

Source: SERO PIMS Database, valid and renewable permits September 4, 2015.

## Allocation

Allocation is a social issue of assigning access to a scarce resource. Allocating between sectors is difficult to determine because the “characteristics, motivations, and output measures for participants differ dramatically” (Gislason 2006). Reallocation is inherently controversial when the result will benefit some and be detrimental to others. When considering allocations of fishing privileges, the Magnuson-Stevens Act requires fishery managers to examine social and economic factors as laid out in the National Standards. These include National Standard 4 which states if it becomes necessary to allocate fishing privileges among fishermen, the allocation will be fair and equitable, will promote conservation, and be carried out such that no particular entity receives an excessive share; National Standard 5 which states conservation and management measures will consider efficiency in the utilization of fishery resources except that no such measure will have economic allocation as its sole purpose; and National Standard 8 which states that conservation and management measures shall take into account the importance of fishery resources to fishing communities.

At its August 2015 meeting, the Gulf Council took final action on Reef Fish Amendment 28 (GMFMC 2015) to reallocate a portion of the red snapper ACL from the commercial sector to the recreational sector. Amendment 28 includes a review of allocation decisions around the U.S. and a discussion of economic efficiency and social equity as apply to allocation decisions. This document is incorporated here by reference.



### 3.5.3 Environmental Justice Considerations

Executive Order 12898 requires federal agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. This executive order is generally referred to as environmental justice (EJ).

To evaluate EJ considerations for the proposed actions, information on poverty and minority rates is examined at the county level. Information on the race and income status for groups at the different participation levels (vessel owners, crew, dealers, processors, employees, employees of associated support industries, etc.) is not available. Because the proposed actions would be expected to affect fishermen and associated industries in several communities along the Gulf and South Atlantic coasts and not just those profiled, it is possible that other counties or communities have poverty or minority rates that exceed the EJ thresholds.

To identify the potential for EJ concern, the rates of minority populations (non-white, including Hispanic) and the percentage of the population that was below the poverty line were examined. The threshold for comparison that was used was 1.2 times the state average for minority population rate and percentage of the population below the poverty line. If the value for the community or county was greater than or equal to 1.2 times the state average, then the community or county was considered an area of potential EJ concern. Census data for the year 2010 were used. Estimates of the state minority and poverty rates, associated thresholds, and community rates are provided in Table 3.5.3.1 and 3.5.3.2; note that only communities that exceed the minority threshold and/or the poverty threshold are included in the table.

**Table 3.5.3.1.** Environmental justice rates and thresholds for counties in the Gulf region. Only coastal counties (west coast for Florida) with minority and/or poverty rates that exceed the state threshold are listed.

State	County/Parish	Minority Rate	Minority Threshold*	Poverty Rate	Poverty Threshold*
Florida		39.5	47.4	13.2	15.8
	Dixie	8.7	38.7	19.6	-3.8
	Franklin	19.2	28.2	23.8	-8.0
	Gulf	27	20.4	17.5	-1.7
	Jefferson	38.5	8.9	20.4	-4.6
	Levy	17.9	29.5	19.1	-3.3
	Taylor	26.2	21.2	22.9	-7.1
Alabama		31.5	37.8	16.8	20.2
	Mobile	39.5	-1.7	19.1	1.1
Mississippi		41.2	49.4	21.4	25.7
Louisiana		38.2	45.8	18.4	22.1
	Orleans	70.8	-25.0	23.4	-1.3
Texas		52.3	62.7	16.8	20.1
	Cameron	87.4	-24.7	35.7	-15.6
	Harris	63.5	-0.8	16.7	3.4
	Kenedy	71.7	-9.0	52.4	-32.3
	Kleberg	75	-12.3	26.1	-6.0
	Matagorda	51.9	10.8	21.9	-1.8
	Nueces	65.5	-2.8	19.7	0.4
	Willacy	89	-26.3	46.9	-26.8

\*The county minority and poverty thresholds are calculated by comparing the county minority rate and poverty estimate to 1.2 times the state minority and poverty rates. A negative value for a county indicates that the threshold has been exceeded. No counties in Mississippi exceed the state minority or poverty thresholds.  
Source: 2010 U.S. Census data.

**Table 3.5.3.2.** Environmental justice rates and thresholds for counties in the South Atlantic region. Only coastal counties (east coast for Florida) with minority and/or poverty rates that exceed the state threshold are listed.

State	County	Minority Rate	Minority Threshold*	Poverty Rate	Poverty Threshold*
Florida		39.5	47.4	13.2	15.8
	Broward	52	-4.6	11.7	4.1
	Miami-Dade	81.9	-34.5	16.9	-1.1
	Orange County	50.3	-2.9	12.7	3.1
	Osceola	54.1	-6.7	13.3	2.5
Georgia		41.7	50.0	15.0	18.0
	Liberty	53.2	-3.2	17.5	0.5
South Carolina		34.9	41.9	15.8	19.0
	Colleton	44.4	-2.5	21.4	-2.4
	Georgetown	37.6	4.3	19.3	-0.3
	Hampton	59	-17.1	20.2	-1.2
	Jasper	61.8	-19.9	19.9	-0.9
North Carolina		32.6	39.1	15.1	18.1
	Bertie	64.6	-25.5	22.5	-4.4
	Chowan	39.2	-0.1	18.6	-0.5
	Gates	38.8	0.3	18.3	-0.2
	Hertford	65.3	-26.2	23.5	-5.4
	Hyde	44.5	-5.4	16.2	1.9
	Martin	48.4	-9.3	23.9	-5.8
	Pasquotank	43.4	-4.3	16.3	1.8
	Perquimans	27.7	11.4	18.6	-0.5
	Tyrrell	43.3	-4.2	19.9	-1.8
	Washington	54.7	-15.6	25.8	-7.7

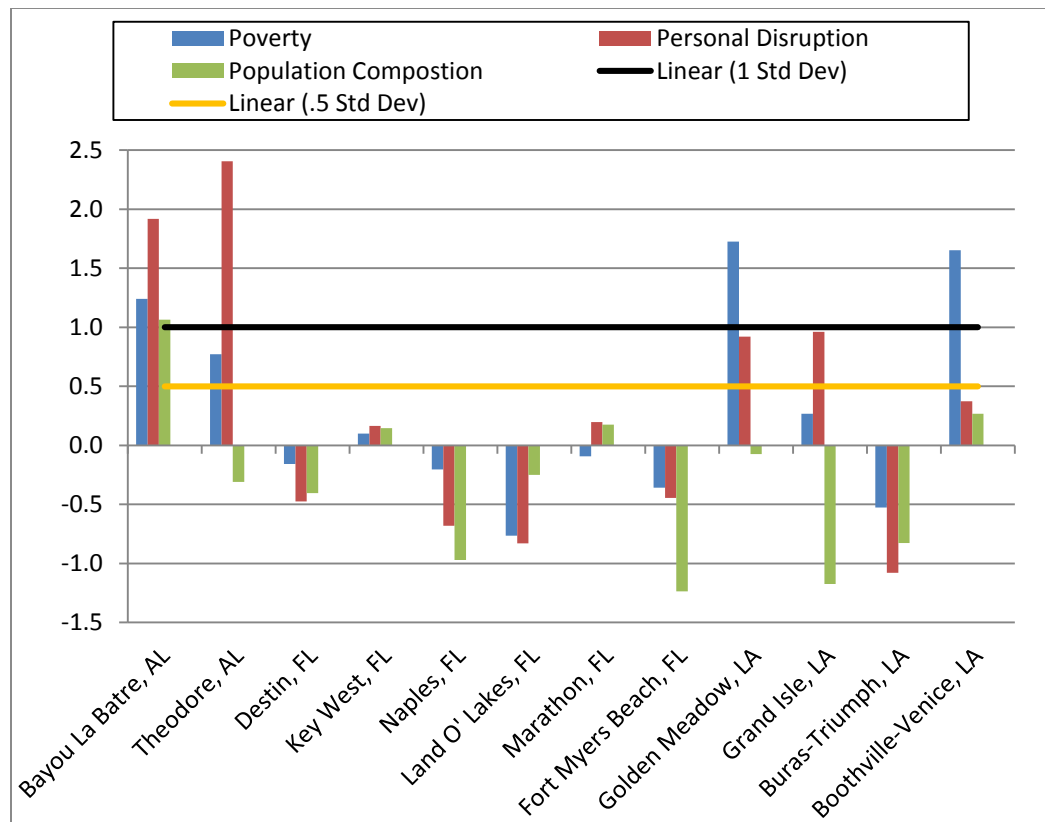
Source: 2010 U.S. Census data.

Another type of analysis uses a suite of indices created to examine the social vulnerability of coastal communities and is depicted in Figures 3.5.3.1, 3.5.3.2, and 3.5.3.3. 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; more households with children under the age of 5; and disruptions like higher separation rates, higher crime rates, and unemployment all are signs of populations having vulnerabilities. The data used to create these indices are from the 2005-2009 American Community Survey estimates at the U.S. Census Bureau. The thresholds of 1 and ½ standard deviation are the same for these standardized indices. Again, for

those communities that exceed the threshold for all indices it would be expected that they would exhibit vulnerabilities to sudden changes or social disruption that might accrue from regulatory change.

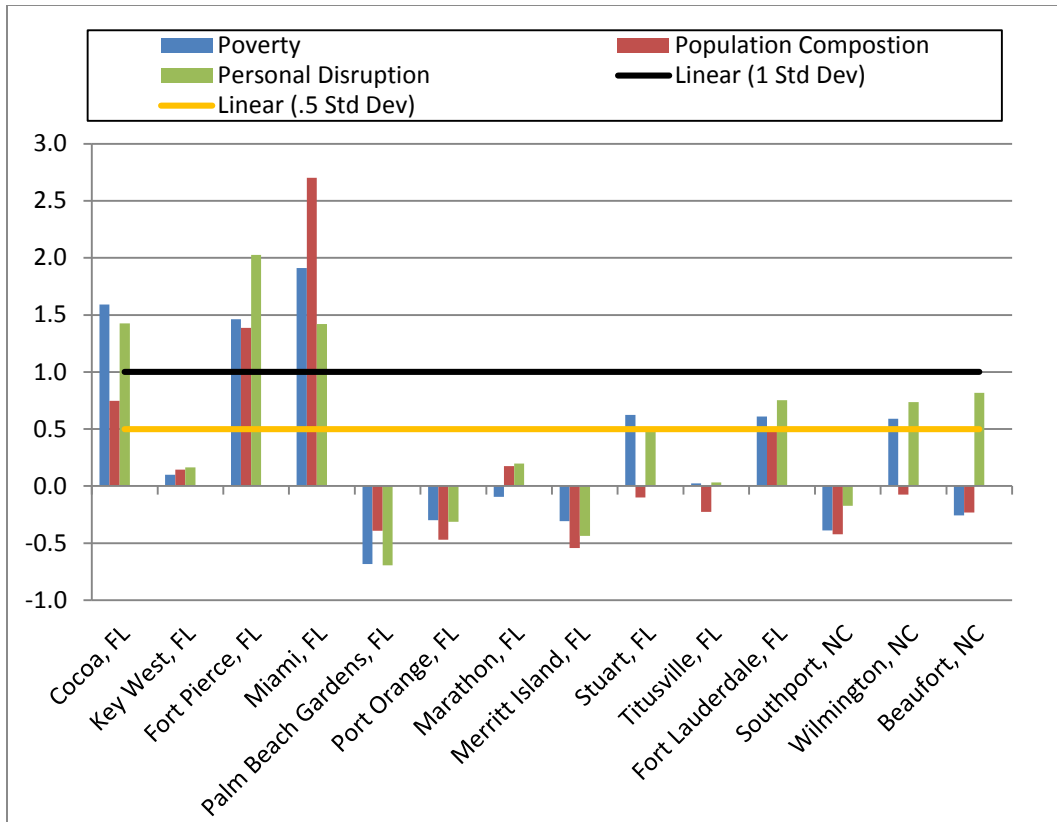
Similar to the reliance index discussed at the beginning of Section 3.5.2, the vulnerability indices also use normalized factor scores. Comparison of vulnerability scores is relative, but the score is related to the percent of communities with similar attributes. The social vulnerability indices provide a way to gauge change over time with these communities but also provides a comparison of one community with another.

With regard to social vulnerabilities, the following South Atlantic and Gulf communities exceed the threshold of 0.5 standard deviation for at least one of the social vulnerability indices (Figures 3.5.3.1 and 3.5.3.2): Bayou La Batre and Theodore, Alabama; Cocoa, Fort Pierce, Miami, Stuart, and Fort Lauderdale in Florida; Golden Meadow, Grand Isle, and Boothville-Venice in Louisiana; and Wilmington and Beaufort, North Carolina. The communities of Bayou La Batre and the Florida communities of Cocoa, Fort Pierce and Miami all exceed the thresholds on all three social vulnerability indices. These communities have substantial vulnerabilities and may be susceptible to further effects from any regulatory change depending upon the direction and extent of that change.



**Figure 3.5.3.1.** Social vulnerability indices for fifteen Gulf communities with the top regional quotients for king mackerel.

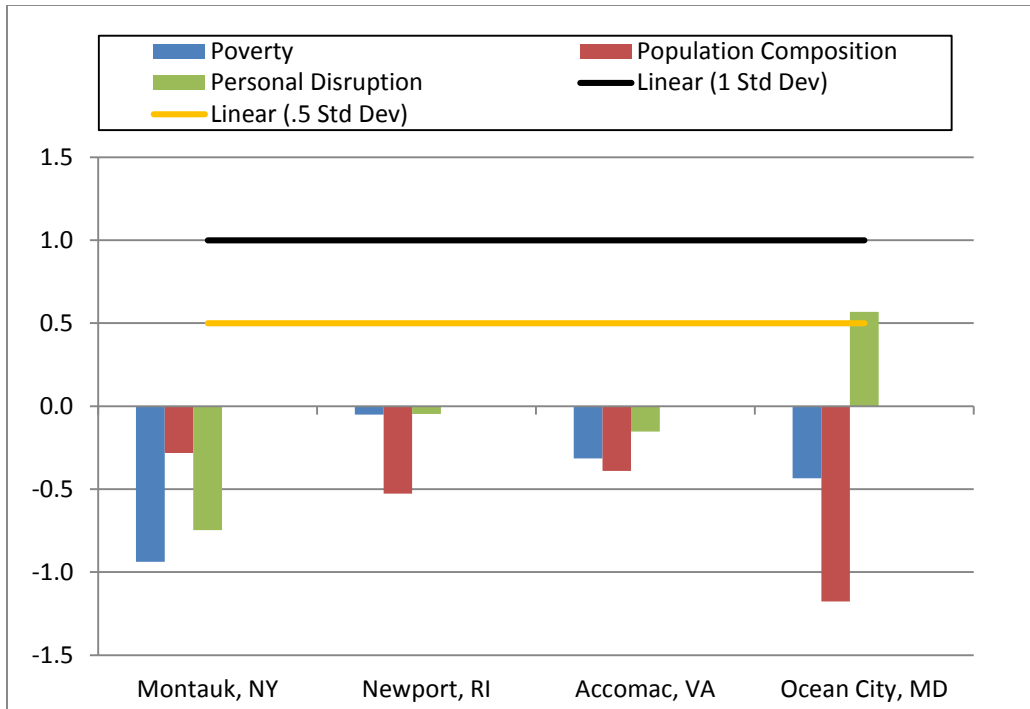
Source: SERO, Social Indicator Database 2012.



**Figure 3.5.3.2.** Social vulnerability indices for fifteen South Atlantic communities with the top regional quotients for king mackerel.

Source: SERO, Social Indicator Database 2012.

With regard to social vulnerabilities for the Mid-Atlantic Region, the following community exceeds the threshold of 0.5 standard deviation above the mean for one of the social vulnerability indices (Figure 3.5.3.3): Ocean City, Maryland. This community may be vulnerable. No other communities exceed the thresholds of any of the three indices.



**Figure 3.5.3.3.** Social vulnerability indices for fifteen Mid-Atlantic communities with the top regional quotients for king mackerel.

Source: SERO, Social Indicator Database 2012.

While some communities expected to be affected by this proposed amendment may have minority or economic profiles that exceed the EJ thresholds and, therefore, may constitute areas of concern, significant EJ issues are not expected to arise as a result of this proposed amendment. No adverse human health or environmental effects are expected to accrue to this proposed amendment, nor are these measures expected to result in increased risk of exposure of affected individuals to adverse health hazards. The proposed management measures would apply to all participants in the affected area, regardless of minority status or income level, and information is not available to suggest that minorities or lower income persons are, on average, more dependent on the affected species than non-minority or higher income persons.

Finally, the general participatory process used in the development of fishery management measures (e.g., scoping meetings, public hearings, and open South Atlantic and Gulf Council meetings) is expected to provide sufficient opportunity for meaningful involvement by potentially affected individuals to participate in the development process of this amendment 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 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 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 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 summarized in Section 4.10. In most cases, the Secretary has delegated this authority to NOAA Fisheries Service.

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 Council consists of 17 voting members: 11 public members appointed by the Secretary; one each from the fishery agencies of Texas, Louisiana, Mississippi, Alabama, and Florida; and one from NOAA Fisheries.

The South Atlantic Council is responsible for conservation and management of fishery resources in federal waters of the U.S. South Atlantic. These waters extend from 3 to 200 miles offshore from the seaward boundary of the States of North Carolina, South Carolina, Georgia, and east Florida to Key West. The Council has thirteen voting members: one from NOAA Fisheries Service; one each from the state fishery agencies of North Carolina, South Carolina, Georgia, and Florida; and eight public members appointed by the Secretary. Non-voting members include representatives of the U.S. Fish and Wildlife Service, USCG, and Atlantic States Marine Fisheries Commission (ASMFC).

The Mid-Atlantic Council has two voting seats on the South Atlantic Council's Mackerel Committee but does not vote during Council sessions. The Mid-Atlantic Council is responsible for fishery resources in federal waters off New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina, but has delegated management of CMP species to the South Atlantic Council.

The Councils use Scientific and Statistical Committees to review the data and science being used in assessments and fishery management plans/amendments. Regulations contained within FMPs

are enforced through actions of the NOAA's 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 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 eight 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 states natural resources, all states cooperate with numerous state and federal regulatory agencies when managing marine resources.

The states are also involved through the Gulf of Mexico Marine Fisheries Commission (GSMFC) and the ASMFC in management of marine fisheries. These commissions were created to coordinate state regulations and develop management plans for interstate fisheries.

NOAA Fisheries Service' 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>

Georgia Department of Natural Resources, Coastal Resources Division <http://crd.dnr.state.ga.us/>

South Carolina Department of Natural Resources <http://www.dnr.sc.gov/>

North Carolina Department of Environmental and Natural Resources

<http://portal.ncdenr.org/web/guest/>



## CHAPTER 4. ENVIRONMENTAL CONSEQUENCES

### 4.1 Action 1 – Adjust the Management Boundary for Gulf of Mexico (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.

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

**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. The Gulf Council would be responsible for management measures in the mixing zone. **(Gulf and South Atlantic AP Recommended)**

#### 4.1.1 Direct and Indirect Effects on the Physical and Biological Environments

King mackerel are typically caught at the ocean surface and, therefore, neither hook-and-line nor run-around gillnet gear typically come in contact with bottom habitat. However, these gear types 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. Any increase in effort would increase these impacts to the physical environment.

Management actions that affect the biological environment 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. The same would be true of non-targeted species incidentally caught during king mackerel fishing. Impacts of these alternatives on the biological environment would depend on the resulting reduction or increase in the level of fishing as a result of each alternative.

Changes to the management boundary would not be expected to result in any major differences in the effects on the physical or biological environment compared to **Alternative 1**. The same methods of fishing with the same gear would be expected to occur with **Alternative 2** and **Alternative 3** as with **Alternative 1**. The only potential change would be that on the east coast of Florida during winter, the current 50-fish trip limit could be eliminated. Having no trip limit for part of the year could allow a more rapid harvest of king mackerel and a greater probability of exceeding the annual catch limit (ACL). However, Action 5 in this amendment could

establish a separate Atlantic migratory group subzone for the east coast of Florida with new trip limits. In that case, any change to the effects on the biological and physical environments would be dependent on the size of the trip limit for the new subzone. The amount of bycatch should not be different among the alternatives because the same level of fishing would be expected with **Alternative 2** and **Alternative 3** as with **Alternative 1**.

#### **4.1.2 Direct and Indirect Effects on the Economic Environment**

**Alternative 1** would maintain the seasonal boundaries between the Gulf and South Atlantic migratory groups for king mackerel and continue establish a summer and a winter boundaries between the groups. **Alternative 1** would not be expected to affect the methods of fishing for king mackerel, harvest and customary uses of king mackerel. Therefore, **Alternative 1** would not be expected to result in economic effects.

**Alternatives 2** and **3** would establish year-round boundaries between the Gulf and South Atlantic migratory groups for king mackerel. The establishment of boundaries that remain unchanged during the year would be expected to be beneficial to fishermen because year-round boundaries would reduce confusion and possibly streamline enforcement. **Alternatives 2** and **3** are thus expected to result in positive economic effects. However, **Alternatives 2** and **3** would eliminate the 50-fish trip limit currently in effect on the east coast of Florida during winter. The elimination of the trip limit could result in increased harvest rates and potentially increase the likelihood of overages. However, Action 5 in this amendment could establish a separate Atlantic migratory group subzone for the east coast of Florida with new trip limits. In that case, expected economic effects may be dependent on the size of the trip limit for the new subzone.

**Alternatives 2** and **3** would be expected to result in adverse economic effects if overages occur as a result of boundary adjustments. Although unknown at this time, the magnitude of these potential adverse economic effects would be expected to be determined by the increased probability of recording overages, the size of the overages and by the severity of corrective measures that would be implemented as a result. Compared to **Alternative 3**, **Alternative 2** would be expected to result in additional adverse economic effects because for fishermen in the Keys, since **Alternative 2** would split management of the king mackerel gillnet component between the Gulf and South Atlantic Councils. The additional complications due to split management would be expected to be detrimental to gillnet fishermen because this gear is not allowed in the South Atlantic.

#### **4.1.3 Direct and Indirect Effects on the Social Environment**

The recent stock assessment determined that the stock mixing zone is smaller than the area currently defined as the mixing zone. Although additional effects would not usually be expected from retaining the current management boundary between the Gulf and Atlantic migratory groups under **Alternative 1** (No Action), this boundary would be inconsistent with the stock assessment.

Modifying the management boundary would not be expected to result in direct social effects, as moving the boundary would not affect fishing activity or behavior. Some indirect social benefits would be expected under **Alternatives 2** and **3**, as the management boundary would become

consistent with the stock assessment, which in turn, allows for the increase in the total allowable harvest to be distributed according to other actions in this amendment. Further, under **Alternatives 2 and 3**, the management boundary would no longer shift during the year, but remain fixed year-round.

Any indirect effects from **Alternatives 2 and 3** would be similar for all commercial fishermen except the small gillnet fleet in the Florida Keys. Under **Alternative 2**, management of the gillnet fleet would be split between the Gulf and South Atlantic Councils' jurisdiction. This would pose problems for the gillnet fishermen, as some vessels would be managed by each Council. Further, gillnets are currently prohibited in the South Atlantic region. In contrast, under **Alternative 3**, the gillnet fleet would be managed exclusively by the Gulf Council which allows gillnets to be used for the commercial harvest of king mackerel. Thus, some additional benefits would be expected from **Alternative 3**, compared to **Alternative 2**.

#### **4.1.4 Direct and Indirect Effects on the Administrative Environment**

The most impactful change with **Alternative 2** or **Alternative 3** versus **Alternative 1** would be the removal of the Gulf Florida east coast subzone. This would ease the administrative burden because National Marine Fisheries Service (NMFS) would have one less area with a quota to monitor and accountability measures to implement. However, if a new Atlantic migratory group subzone is established in Action 5 of this amendment, the same number of areas would exist and the burden would be the same for all of the alternatives. Regardless of the management measures established, NMFS would still monitor landings relative to the quota, and implement closures and other accountability measures.

The burden on enforcement would be higher with **Alternative 2** than with **Alternative 3** because the boundary between management areas would be in the middle of the Florida Keys. The burden on enforcement would be even higher with **Alternative 1** because the boundary would move during the year. Enforcement under **Alternative 3** would also be easier because the boundary for king mackerel would be the same as for Spanish mackerel.

## 4.2 Action 2 – Update Reference Points and Revise the Annual Catch Limit (ACL) and Recreational Annual Catch Target (ACT) for Atlantic Migratory Group King Mackerel

### 4.2.1 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 based on the ABC levels recommended by the South Atlantic Scientific and Statistical Committee (SSC) for ABC under a high recruitment scenario. (**South Atlantic AP Recommended**)

**Alternative 3:** Revise the ABC for Atlantic Migratory Group King Mackerel for 2016/17 through 2019/20 based on the ABC levels recommended by the South Atlantic 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 based on the ABC levels recommended by the South Atlantic SSC for ABC under a low recruitment scenario.

**Table 4.2.1.** 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	<b>Alt 2</b>	<b>Alt 3</b>	<b>Alt 4</b>			
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%

#### 4.2.1.1 Direct and Indirect Effects on the Physical and Biological Environments

**Alternative 1** (No Action) would not update the ABC values for Atlantic king mackerel based on the outcomes of the recent stock assessment. **Alternatives 2-4** allow the Councils to consider additional information about recruitment when setting the ABC for Atlantic king mackerel, with the option to set the ABC values based on a high (**Alternative 2**), medium (**Alternative 3**), or low (**Alternative 4**) recruitment scenario.

Table 4.2.1 illustrates the South Atlantic SSC recommended ABCs for action alternatives under Action 2-1.

Indirect impacts of these alternatives on the physical and biological environments would depend on the resulting reduction or increase in the level of commercial king mackerel fishing effort in the South Atlantic. The action alternatives under Action 2-2 would not functionally have any impact on harvest but decisions made in Action 2-2 are directly related to Action in 2-1 and may lead to an increase in the ACLs.

Changes in the ABCs would result in changes to the ACLs for king mackerel since the ACL is a function of the ABC. The amount of change depends on which alternatives are selected as preferred in Action 2-2. **Alternatives 2-4** would all result in an increase in the ABC in the 2016/17 fishing year and although the ABCs decrease each fishing year, they will still remain higher than the ABC that is currently in place. Any increase in harvest can have a negative biological impact on a species. However, all of the alternatives under this action were recommended by the South Atlantic SSC who would not be expected to establish ABCs that would lead to overfishing and result in negative biological impacts. If the Councils select **Alternative 4** to achieve the most conservative values of ABC, any biological impacts would be minimized. However, while conservative ABCs may provide the greatest biological benefit to the species, higher ABCs would not be expected to negatively impact the stock as long as harvest is maintained at a sustainable level and overfishing does not occur. Revising the ABC will not, in and of itself, affect protected species or essential fish habitat since immediate harvest objectives are based off, and not set by, the ABC.

#### **4.2.1.2 Direct and Indirect Effects on the Economic Environment**

**Alternative 1** (No Action) would not revise the ABCs for king mackerel, despite more recent data regarding current stock status. Thus, the status quo alternative would retain biological standards (and management measures) that are no longer based on the best available data.

**Alternatives 2-4** would increase the ABCs for king mackerel above **Alternative 1** (No Action). However, Action 2-1 by itself has no measurable economic effects except in terms of how it influences the selection of the ACL under Action 2-2.

The differences among the alternatives rely on future projected levels of recruitment. An optimistic assumption of high recruitment could have future direct long-term biological effects that result in a smaller biomass of king mackerel. A smaller biomass could have adverse economic effects making it more difficult to catch king mackerel, thus reducing economic efficiency. Conversely, an ABC that is set too low would keep fishermen from catching additional fish resulting in direct negative economic effects.

#### **4.2.1.3 Direct and Indirect Effects on the Social Environment**

Changes in the ABC for any stock can have direct effects on fishermen and fishing communities because the ABC will define the upper limit of the ACL. Once the ACL is met or exceeded, any accountability measures (AMs) that restrict or close harvest could negatively affect the

commercial fleet, for-hire fleet, and private anglers. In general, a higher ABC level and associated potential higher ACL would result in greater the short-term social and economic benefits. Additionally, using the most recent and accurate information to set catch limits will be the most beneficial to all resource users.

The variation under **Alternatives 2-4** for ABC recommendations from the South Atlantic SSC allows the Councils flexibility to consider and respond to changing fishery conditions of a dynamic stock. The ABC levels under **Alternative 2** are most likely to result in the highest ACL levels in Action 2-2, and would be expected to have the most short-term benefits to fishermen, followed by **Alternative 3** and **Alternative 4**. Because **Alternative 1** (No Action) would not revise the ABC levels for Atlantic king mackerel using the most recent stock assessment, this may have negative effects on fishermen and fishing communities by not allowing optimal yield and maximized access to the resource.

#### **4.2.1.4 Direct and Indirect Effects on the Administrative Environment**

This amendment considers modifying the ABCs for Atlantic group king mackerel based on recommendations by the SSC. The administrative impacts of **Alternatives 2-3** would be minimal, and not differ much from **Alternative 1** (No Action). The administrative burden would be greater for Action 2-2 than for Action 2-1, because Action 2-2 considers revisions to ACLs, which include the need to monitor landings and implement AMs when ACLs are met or are projected to be met. Action 2-1 would revise the ABCs but may not necessarily result in changes to the ACLs.

## 4.2.2 Action 2-2 – Revise ACLs, Commercial Quotas, and Recreational ACT for Atlantic Migratory Group King Mackerel

**Alternative 1:** No action - Retain the ACL and ACT for Atlantic Migratory Group King Mackerel based on the previous ABC. ACL = OY = ABC.

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

**Alternative 3:** Establish ACL = OY = Deterministic equilibrium yield at  $F_{30\%SPR} = 12.7$  mp for fishing years 2016/17 through 2019/20. **(South Atlantic SSC Recommended)**

**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 based on the ABC levels selected under Action 2-1.

*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 terms of reference (TORs) of all 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 South Atlantic Council wants to choose that strategy to have stable catches rather than following the  $P^*$  recommendation and have changing catch levels each year.*

### 4.2.2.1 Direct and Indirect Effects on the Physical and Biological Environments

Management actions that affect the biological environment 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. Impacts of these alternatives on the biological environment would depend on the resulting reduction or increases in the level of fishing as a result of each alternative.

In general, higher ACLs correspond to higher levels of negative biological impact. However, the proposed changes to the commercial and recreational ACL, Southern and Northern Zone quotas, and recreational ACT are based on the ABC recommendations from the South Atlantic SSC in Action 2-1. These recommendations are the best available science and ensure that harvest does not go over established ABC values in Action 2-1. Accountability measures have been established to ensure that overfishing does not occur.

**Alternative 1** (No Action) would not change the current ACL based on the revised ABC in Action 2-1. The ACL would be set equal to the optimum yield (OY), which would be set equal to the current ABC. Under this alternative, ACL values would not change from the status quo

regardless of whether the ABC values are revised in Action 2. This action would not be consistent with the most recent stock assessment (SEDAR 38 2014).

**Alternatives 2 and 5** would set the ACL based on the ABC in Action 2-1, which would depend on the level of recruitment (high, medium or low) that the Councils consider to be appropriate for Atlantic king mackerel. The ACL would be set equal to the ABC (**Alternative 2**), or at a percentage of the ABC (**Alternatives 5**) to provide an additional buffer. **Alternatives 3 and 4** are based on the South Atlantic 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.

**Alternative 5** would have a greater positive biological effect than **Alternative 2** because they would create a buffer between the ACL/OY and ABC. Creating a buffer between the ACL/OY and ABC would provide greater assurance that overfishing is prevented, and the long-term average biomass is near or above the spawning stock biomass level necessary to support harvest at maximum sustainable yield ( $SSB_{MSY}$ ). The South Atlantic Council's SSC ABC recommendations take into account scientific uncertainty, which inherently provides some degree of protection from overfishing.

The National Standard 1 guidelines indicate the ACL may typically be set equal to the ABC. Setting a buffer between the ACL and ABC would be appropriate in situations where there is uncertainty in whether or not management measures are constraining fishing mortality to target levels. The recreational ACTs, would also be modified under each alternative based on a formula from CMP Amendment 18 using the average PSE from 2005-2009. The recreational ACT is set below the ACLs to account for management uncertainty and provide greater assurance overfishing does not occur.

Alternatives under Action 2-2 would increase the ACL for Atlantic group king mackerel. In both the South Atlantic and the Gulf of Mexico, the current harvest level is below the proposed ACL. If harvest is less than the proposed ACLs, biological effects on stocks and protected species would be expected to be minimal.

In a 2015 biological opinion, NMFS determined the gillnet gear used in the federal CMP fisheries of the Atlantic and GOM may have adversely affected sea turtles, smalltooth sawfish, and Atlantic sturgeon in the past via entanglement and, in the case of sea turtles, via forced submergence. These adverse effects have not, however, been quantified. Commercial and recreational hook-and-line gear and commercial cast net gear have not likely adversely affected these species. The biological opinion provides an incidental take statement for species which may interact with the CMP fisheries.

The impacts from **Alternatives 2-5** on sea turtles, smalltooth sawfish, and Atlantic sturgeon are unclear. If alternatives that increase ACLs lead to greater fishing effort in the fishery as a whole, they would likely be less biologically beneficial to sea turtles, smalltooth sawfish and Atlantic sturgeon. However, the proposed ACLs are higher than current landing levels and unless there is a directed effort to increase harvest of Atlantic group king mackerel, the biological impacts are expected to remain minor. Also, Atlantic group king mackerel has recently been assessed and determined not to be overfished or undergoing overfishing (SEDAR 38 2014).



#### **4.2.2.2 Direct and Indirect Effects on the Economic Environment**

The economic effects of Action 2-2 depend on the level of ABC selected in Action 2-1. Therefore, **Alternative 1** (No Action) and **Alternative 2** are functionally equivalent, as both would set  $ABC=ACL=OY$ , dependent on the ABC set in Action 2-1. Assuming the entire ACL will be caught each year, and a constant price per pound estimate for the commercial sector and consumer surplus (CS) value for the recreational sector, the alternatives can be ranked from lowest to highest positive direct economic effects. If the Councils choose the “low recruitment” ABC in Action 2-1 (**Alternative 4**) or the “medium recruitment” ABC (**Alternative 3**), the rankings for Action 2-2 would be **Alternative 6, Alternative 4, Alternative 5, Alternative 3, Alternative 1** (No Action)/**Alternative 2**. If the Councils choose the “high recruitment” ABC in Action 2-1 (**Alternative 2**), the rankings for Action 2-2 would be **Alternative 4, Alternative 6, Alternative 3, Alternative 5, Alternative 1** (No Action)/**Alternative 2**.

#### **4.2.2.3 Direct and Indirect Effects on the Social Environment**

As discussed for Action 2-1, higher catch limits are expected to be more beneficial to fishermen and fishing communities by increasing access to the Atlantic king mackerel resource, as long as overharvest is not occurring to negatively affect the stock in the long term. Once the ACL is met or exceeded, any AMs that restrict or close harvest could negatively affect the commercial fleet, for-hire fleet, and private anglers. In general, the higher the ACL, the greater the short-term social and economic benefits that would be expected to accrue, assuming information is up-to-date and accurate in order to allow sustainable harvest. Additionally, adjustments to an ACL based on updated information from a stock assessment would be the most beneficial in the long term to fishermen and communities, because ACLs would be based on the current conditions (unlike under **Alternative 1** (No Action)). **Alternative 2** would establish the highest ACL and associated quotas for Atlantic king mackerel. However, a more conservative approach with lower ACLs under **Alternatives 3-5** may be more beneficial to fishermen in the long term by reducing risk and incorporating uncertainty.

#### **4.2.2.4 Direct and Indirect Effects on the Administrative Environment**

Specifying a new ACL would not increase the administrative burden over the status-quo. However, the monitoring and documentation needed to track the ACL can potentially result in a need for additional cost and personnel resources if the current monitoring mechanism is not sufficient. Commercial king mackerel landings are tracked electronically through dealer reporting and recreational king mackerel landings are tracked bimonthly by the Marine Recreational Information Program (MRIP). Timelier reporting from both of these sources may be needed. These impacts would be the same for all alternatives.

The alternatives provide options which ultimately lead to the division of quota among the commercial and recreational sectors and between the hook-and-line and run-around gillnet sectors. This division of the ACL results in a greater administrative burden than a single stock ACL because landings need to be monitored in relation to the commercial and recreational

sectors separately, and the commercial sector by gear. However, this is the current method and so would not impose any new administrative burden.

Alternatives that result in higher ACLs for species or species complexes could slightly reduce administrative burdens because the likelihood of triggering AMs would be reduced.

Administrative burdens also may result from revising the values under the alternatives in the form of development and dissemination of outreach and educational materials for fishery participants and law enforcement.

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

**Alternative 1:** No action - Retention and sale of Atlantic 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 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. 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.

**Alternative 3:** Allow retention and sale of Atlantic 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. 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.

#### 4.3.1 Direct and Indirect Effects on the Physical and Biological Environments

Under **Alternative 1** (No Action), incidentally harvested king mackerel are currently discarded. 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.

**Alternatives 2 and 3** would establish an incidental catch allowance and would allow the retention and sale of Atlantic king mackerel caught with drift gillnets in the 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**, king mackerel could be sold to a dealer operating with a southeast federal seafood dealer permit. Landings data indicate that a small number of fishermen have landed king mackerel on gillnet trips targeting sharks.

Under **Alternative 2**, the incidental catch 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. Table 2.3.1 indicates the number of king mackerel harvested from shark gillnet trips off Florida in the past five years. There are no gillnet trips with shark and king mackerel in Georgia or South Carolina in the last five years.

Under **Alternative 3**, the incidental catch 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.

King mackerel are incidentally caught in the shark gillnet fishery and, most of the time, fish caught in gillnets are dead when harvested. None of these alternatives are expected to have noticeable negative biological impacts on king mackerel because the trip limits are small enough to avoid a directed fishery.

#### **4.3.2 Direct and Indirect Effects on the Economic Environment**

This action cannot be analyzed quantitatively for economic effects until it is known how many trips would be taken and pounds of fish would be caught under **Alternatives 2** and **3**. However, both **Alternatives 2** and **3** are expected to have greater positive direct economic effects for harvesters than **Alternative 1** (No Action) assuming neither **Alternatives 2** nor **3** would cause the commercial portion of the ACL to be caught significantly sooner because at least some of the king mackerel that otherwise would have been dead discards in shark drift gillnets could be sold.

#### **4.3.3 Direct and Indirect Effects on the Social Environment**

Because bag limit sales of king mackerel in the South Atlantic region were prohibited in Amendment 20A (GMFMC/SAFMC 2013), the commercial shark fishermen who previously sold incidental catch of king mackerel are required to discard king mackerel on shark gillnet trips. The number of participants and average pounds of king mackerel on these trips are small (Table 2.3.1). Under **Alternatives 2** and **3**, the fishermen would be allowed to sell the bag limit and reduce discards of king mackerel, which would help reduce waste and to increase the profits from the trip. The small number of fish that may be sold is not expected to cause any directed effort for king mackerel on shark gillnet trips. Under **Alternative 1** (No Action), the fishermen would have to continue to discard incidental catch of king mackerel on shark gillnet trips and would not be able to maximize profits on these trips.

#### **4.3.4 Direct and Indirect Effects on the Administrative Environment**

The administrative impacts associated with the alternatives are expected to minimal and would be mostly associated with rulemaking, outreach, and enforcement. Under **Alternatives 2** and **3**, landings of Atlantic king mackerel as incidental catch from the shark drift gillnet fishery would be sold to federally permitted seafood dealers, who report their landings to the National Marine Fisheries Service. As such, no additional administrative burden is expected with respect to monitoring the Atlantic king mackerel ACL.

## 4.4 Action 4 – Establish Commercial Split Seasons for Atlantic Migratory Group King Mackerel in the Southern Zone

**Alternative 1 (No Action).** The commercial fishing year for Atlantic king mackerel is March 1 – February 28. The Southern Zone quota is allocated for the entire fishing year.

**Alternative 2.** Allocate the Southern Zone quota for Atlantic king mackerel into two quotas: 60% to the period March 1 - September 30 (season 1) and 40% to the period October 1 – February 28 (season 2). Any remaining quota from season 1 would transfer to season 2. Any remaining quota from season 2 would not be carried forward. When the Southern Zone quota for the season is met or expected to be met, commercial harvest of king mackerel in the Southern Zone will be prohibited for the remainder of the season. (**South Atlantic Mackerel AP Recommended**)

**NEW Alternative 3.** Allocate the Southern Zone quota for Atlantic king mackerel into two quotas: 60% to the period March 1 – October 1 (season 1) and 40% to the period November 1 – February 28 (season 2). Any remaining quota from season 1 would transfer to season 2. Any remaining quota from season 2 would not be carried forward. When the Southern Zone quota for the season is met or expected to be met, commercial harvest of king mackerel in the Southern Zone will be prohibited for the remainder of the season.

**NEW Alternative 4.** Allocate the Southern Zone quota for Atlantic king mackerel into two quotas: 50% to the period March 1 – October 1 (season 1) and 50% to the period November 1 – February 28 (season 2). Any remaining quota from season 1 would transfer to season 2. Any remaining quota from season 2 would not be carried forward. When the Southern Zone quota for the season is met or expected to be met, commercial harvest of king mackerel in the Southern Zone will be prohibited for the remainder of the season.

**NOTE:** *Alternatives 3 and 4 were added by the South Atlantic Council in September 2015. The Gulf Council will review the new alternatives in October 2015.*

### 4.4.1 Direct and Indirect Effects on the Physical and Biological Environments

**Alternative 1** (No action) would maintain the current fishing year for Atlantic king mackerel, which is March 1 – February 28. The entirety of the Atlantic Southern Zone quota would be allocated for the whole fishing year. This alternative would not result in any change to the current physical and biological environments.

**Alternatives 2-4** would allocate quota for the Southern Zone Atlantic migratory group king mackerel using split fishing seasons. Physical effects associated with changes in allocation and fishing year are usually dependent on resultant changes in fishing effort. Biological effects associated with changes in allocation and fishing year usually relate to changes in harvest. Because the catch is constrained by the ACL (established in Action 4.2.2.1), a change in the fishing year or temporal allocations within the Southern Zone are not expected to lead to an increase in physical or biological impacts on the stock or protected species.

#### 4.4.2 Direct and Indirect Effects on the Economic Environment

None of the alternatives would have direct economic effects overall, assuming the entire Southern Zone quota will be taken each fishing year regardless of the alternative selected. However, depending on which combination of seasons and percentage allocations of the Southern Zone quota is selected from **Alternatives 2-4**, there could be a redistribution of economic effects among those who fish in different parts of the Southern Zone. Depending on how many fishermen are not able to participate in both zones, those who can participate in both zones could see direct positive economic effects. The economic effects of **Alternative 1** (No action) compared with establishing commercial split seasons (**Alternatives 2-4**) will depend on how long season 1 and season 2 are open to harvest, and if the total Southern Zone quota can be met. This analysis is in process and will be included in a future draft of the amendment.

Whether there would be transfers of economic effects between fishery participants will depend on future analyses (biological effects and economic environment) that will predict fishing behavior.

#### 4.4.3 Direct and Indirect Effects on the Social Environment

The social effects of commercial split seasons would likely be associated with the economic effects, and also would depend on how the accessible quota compares to current landings levels for individual fishermen and communities. The effects on the commercial fleet due to establishing split seasons (**Alternatives 2-4**) would depend on the Southern Zone quota (designated in Action 2-1) and the rate of harvest during different times of the year. The overall negative effect on commercial fishermen and associated communities and businesses would depend on any restricted access to king mackerel due to early closures.

One concern of commercial split seasons is that the quota is further allocated into smaller portions assigned to a specific time of year, which could generate derby conditions. In addition to concerns about safety at sea that arise from the race to fish, a derby could result in a large amount of king mackerel on the market in a very short period of time. This may cause reduced market value and lower product quality, and the bust-and-boom nature of the king mackerel commercial sector may hinder business stability and steady job opportunities for captain and crew.

However, under the current management system that changes the boundary around the Florida east coast (the most productive area in the Southern Zone), fishermen working in the EEZ off the Florida east coast have access to a similar “split season” because landings count toward the Atlantic king mackerel Southern Zone quota from April 1 through October 31, but then counted toward the Gulf king mackerel Florida East Coast Subzone quota from November 1 through March 31. Therefore, fishing effort and landings in the earlier months of the fishing year have no effect on availability of quota in the later months of the fishing year. This may already foster a system in which king mackerel is highly available during short periods throughout the year.

A split season under **Alternatives 2-4** would likely be beneficial to commercial fishermen harvesting king mackerel in Florida, because the majority of king mackerel landings for the Southern Zone come from this area. Additionally, as shown in Table 2.4.1, there are two peak

periods for king mackerel in the Southern Zone—one around April through June, and another around November through February. When compared to **Alternative 1** (No Action), social benefits are expected from **Alternatives 2-4** because these would ensure available quota in the later months of the fishing year, regardless of fishing activity in earlier months of the fishing year.

#### **4.4.4 Direct and Indirect Effects on the Administrative Environment**

**Alternative 1** (No Action) would have fewer administrative impacts than **Alternatives 2-4** because only one quota would need to be monitored, versus two quotas for split seasons. Relative to **Alternative 1** (No Action), **Alternatives 2-4** would increase the administrative impacts in the form of rulemaking, outreach, education, monitoring, and enforcement. However, these impacts are not expected to be significant, as the infrastructure necessary to administer the proposed rule changes already exists.

## 4.5 Action 5 - Establish trip limits for a Florida East Coast (FLEC) Management Zone

### 4.5.1 Action 5-1. Establish boundaries for a Florida East Coast Management Zone for Atlantic Migratory Group King Mackerel

**Alternative 1:** No action - Do not establish a Florida east coast management zone.

**Alternative 2:** Establish a Florida east coast management zone 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 the Council jurisdictional boundary (as designated Action 1).

**Alternative 3:** Establish a Florida east coast management zone that exists for season 1 (as designated in Action 4) 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. **(South Atlantic AP Recommended)**

**Option 3c:** Volusia/Brevard county line and the Council jurisdictional boundary (as designated in Action 1).

**Alternative 4:** Establish a Florida east coast management zone that exists for season 2 (as designated in Action 4) with boundaries at:

**Option 4a:** Flagler/Volusia county line and Dade/Monroe county line. **(South Atlantic AP Recommended)**

**Option 4b:** Volusia/Brevard county line and Dade/Monroe county line.

**Option 4c:** Volusia/Brevard county line and the Council jurisdictional boundary (as designated in Action 1).

#### 4.5.1.1 Direct and Indirect Effects on the Physical and Biological Environments

**Alternative 1** (No action) would not establish a Florida East Coast (FLEC) management zone in the Atlantic Southern Zone. The quota of Atlantic group king mackerel allocated to the Atlantic Southern Zone would apply to the entirety of that zone for the prescribed fishing year. This alternative does not result in any change to the current physical and biological environments.

**Alternatives 2, 3, and 4** would establish a FLEC management zone with a revised stock boundary (Action 1). None of these alternatives would have direct biological impacts on Atlantic king mackerel or protected species. The establishment of management zones is usually intended to result in better apportionment of fishing effort (spatially and/or temporally), and to



aid in monitoring of landings. However, designation of a specific area as the FLEC management zone may be associated with sub-quotas (Action 4) or trip limits (Action 5-2), that may have minor biological impacts. See Sections 4.1.1 and 5.2.1.1 for more information on these potential effects.

#### **4.5.1.2 Direct and Indirect Effects on the Economic Environment**

Action 5-1 to establish a FLEC management zone is primarily a social or administrative action and is not expected to have any economic effects. Therefore, **Alternatives 2-4, Options a-c** are not expected to have an economic effect that is different from **Alternative 1** (No Action).

#### **4.5.1.3 Direct and Indirect Effects on the Social Environment**

Establishment of the FLEC management zone with a revised stock boundary (Action 1) would not have direct effects on fishermen and communities. However, designation of specific area as the FLEC management zone may be associated with trip limits (Action 5-2), that would be expected to affect fishermen harvesting king mackerel in the designated area.

**Alternative 1** (No Action) could have negative effects on fishermen who target king mackerel in the current FLEC Subzone because there would be no way to establish tailored management measures for Atlantic king mackerel. The year-round or seasonal boundaries under **Alternatives 2-4** may have different effects among fishermen depending on how the associated management measures were designed. Designating the boundaries (**Options a-c** under **Alternatives 2-4**) may also have some negative effects on fishermen if the boundaries change the existing regulations of fishery conditions for a community.

#### **4.5.1.4 Direct and Indirect Effects on the Administrative Environment**

The administrative impacts associated with **Alternatives 2-4** would be mostly associated with rulemaking, outreach, monitoring and enforcement. All of the alternatives would have the same level of impacts with respect to the status quo, since the infrastructure necessary to administer the proposed rule changes already exists.

## 4.5.2 Action 5-2. Establish a trip limit system for the Florida East Coast Management Zone

**Alternative 1:** No action. Do not establish commercial trip limits for the Florida east coast management zone for Atlantic migratory group king mackerel. The trip limit will remain:

*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.*

*From November 1 through March 31, no trip limit is in place for Atlantic migratory group king mackerel.*

**Alternative 2:** Establish a year-round trip limit of 75 fish for Atlantic king mackerel in the Florida east coast management zone (designated in Action 5-1).

**Alternative 3:** Establish a trip limit of 75 fish for Atlantic king mackerel in the Florida east coast management zone (designated in Action 5-1) for season 1 (as designated in Action 4).

**Option 3a.** Reduce the trip limit to 50 fish from May 1- May 31.

**Option 3b.** Reduce the trip limit to 50 fish from May 1- August 31.

**Option 3c.** Reduce the trip limit to 50 fish from April 15- May 15.

*[The step-down in Options 3a-3c was recommended to reduce harvest during spawning.]*

**Alternative 4:** Establish a trip limit of 50 fish for Atlantic king mackerel in the Florida east coast management zone (designated in Action 5-1) for season 2 (as designated in Action 4).

**Option 4a.** Beginning on February 1 and continuing through the end of February--

(1) If 70 % or more of the season 2 quota has been taken, the trip limit is 50 fish.

(2) If less than 70 % of the season 2 quota has been taken, the trip limit is 75 fish.

**Option 4b.** Beginning on January 1 and continuing through the end of February--

(1) If 70 % or more of the season 2 quota has been taken, the trip limit is 50 fish.

(2) If less than 70 % of the season 2 quota has been taken, the trip limit is 75 fish.

**Option 4c.** Beginning on February 1 and continuing through the end of February--

(1) If 80 % or more of the season 2 quota has been taken, the trip limit is 50 fish.

(2) If less than 80 % of the season 2 quota has been taken, the trip limit is 75 fish.

### 4.5.2.1 Direct and Indirect Effects on the Physical and Biological Environments

The biological effects of all alternatives in Action 5-2 would be expected to be neutral because ACLs are in place to prevent overharvesting, and AMs are in place to take action if ACLs are exceeded. Trip limits would slow the rate of harvest within the FLEC management zone and may reduce the amount of regulatory discards associated with the fishery.

Improvements have been made to the quota monitoring system, and the South Atlantic Council has approved a Dealer Reporting Amendment (effective August 7, 2014), which should enhance data reporting. Therefore, any biological benefits associated with trip limits would be expected to be small. Larger trip limits would not constrain catch and would result in the ACL being met earlier in the year than smaller trip limits. The overall ACL in the South Atlantic is has not been met in recent years and the alternatives in Action 5-1 would increase the overall ACL from the status quo.

Establishing commercial trip limits would not be expected to have any impact on essential fish habitat (EFH), habitat areas of particular concern (HAPCs), or protected species. In a 2015 biological opinion, NMFS determined the gillnet gear used in the federal CMP fisheries of the Atlantic and Gulf may have adversely affected sea turtles, smalltooth sawfish, and Atlantic sturgeon in the past via entanglement and, in the case of sea turtles, via forced submergence. These adverse effects have not, however, been quantified. Commercial and recreational hook-and-line gear and commercial cast net gear have not likely adversely affected these species. The biological opinion provides an incidental take statement for species which may interact with CMP fisheries.

#### **4.5.2.2 Direct and Indirect Effects on the Economic Environment**

Trip limits, especially those that restrict a larger number of trips, will introduce economic inefficiencies by increasing trip costs to harvest the same overall poundage of fish. Particularly successful trips might have to end earlier than they otherwise would because the trip limit would have been reached.

A potentially positive aspect of trip limits could be that the season will stay open longer and reduce the amount of dead discards that could occur after a closure. Dead discards are fish that cannot otherwise be sold and, depending on the amount of dead discards, could have an effect on future stock status.

Potential economic effects cannot be determined until the number of trips affected and the expected impact that would have on commercial sector closure date estimates are calculated.

**Alternative 2** would be expected to have greater direct negative economic effects than **Alternative 1** (No Action) because there would be a trip limit in the FLEC Subzone of 75 fish and 3,500 lbs north of the FLEC all year, whereas under **Alternative 1** (No Action) would there would be no trip limit from November 1 through March 31.

**Alternative 3** proposes a step-down from a 75 fish trip limit to a 50 fish trip limit only in the FLEC management zone. The longer the step-down, the greater the probability of having direct negative economic effects, assuming catch rates remain relatively constant. Therefore, **Option 3a** and **Option 3c**, each lasting a month, could have similar effects. The direct negative economic effects of **Option 3b** (May – August) would be expected to be greater depending on the number of trips that had to stop once 50 fish were caught.

**Alternative 4** is a step-up in allowable landings for the FLEC management zone in later months of the fishing year. It is not possible to evaluate the various options of this alternative until it is determined how many trips would likely be affected. Any option that would result in the commercial ACL not being caught would be an additional negative economic effect in addition to trips that were ended because the trip limit was reached.

#### **4.5.2.3 Direct and Indirect Effects on the Social Environment**

**Alternative 1** (No Action) would not establish a trip limit for the FLEC management zone in the winter months (November through February), which could result in a shorter season if the rate of harvest increases without trip limits. The 75-fish per vessel trip limit in **Alternatives 2 and 3** would be expected to benefit fishermen by maintaining a similar trip limit as the trip limit in place currently, and to help lengthen the season. The step-down to 50 fish per vessel under **Options 3a-3c** could have some negative effects on fishermen if trip efficiency is reduced, but may also help to limit harvest during the spawning period. **Alternative 4** would likely be beneficial and help to maintain accessible as under the current trip limit levels.

#### **4.5.2.4 Direct and Indirect Effects on the Administrative Environment**

**Alternative 1** (No Action) would have fewer administrative impacts than **Alternative 2** or **Alternative 3** because one less quota would need to be monitored. Relative to **Alternative 1** (No Action), **Alternative 2** and **3** would increase the administrative impacts in the form of rulemaking, outreach, education, monitoring, and enforcement. However, these impacts are not expected to be significant.

## 4.6 Action 6. Modify the ACL for Gulf Migratory Group King Mackerel

**Alternative 1:** No action – Do not modify the ACL for Gulf migratory group king mackerel. The ACL of 10.8 million pounds will remain.

**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)

*Note: Constant catch scenarios require an allocation determination in order to be calculated. This alternative is not feasible until an allocation scenario is established. The Councils should consider providing direction to staff on this issue. If constant catch scenarios are developed using the current allocation, and then the Councils select a different allocation in Action 7, then the constant catch scenarios will no longer be accurate.*

### 4.6.1 Direct and Indirect Effects on the Physical and Biological Environments

King mackerel are typically caught at the ocean surface and therefore neither hook-and-line nor run-around gillnet gear typically come in contact with bottom habitat. However, these gear types 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 biological environment 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. Impacts of these alternatives on the biological environment would depend on the resulting reduction or increases in the level of fishing as a

result of each alternative. A recent biological opinion released by the National Marine Fisheries Service (NMFS 2015) indicated that the continued operation of the hook-and-line components of the CMP fishery are not expected to have negative effects on protected species; however, the operation of the gillnet component may negatively affect those species. See Section 3.3.1 for more information.

Indirect impacts of these alternatives on the physical and biological environments would depend on the resulting reduction or increase in the level of king mackerel fishing effort in the Gulf. The status quo (**Alternative 1**) represents a harvest scenario where the recreational sector does not typically catch its ACL, while the commercial sector does. It is this scenario upon which the other alternatives in Action 5 will be compared for physical and biological effects.

**Alternative 1** would set an ACL equal to the current ACL of 10.8 mp for Gulf migratory group king mackerel. This alternative does not consider the results of the most recent stock assessment (SEDAR 38 2014), which recommended changes in stock boundaries and harvest levels. Therefore, **Alternative 1** does not include the most recent scientific information. Continuing to harvest king mackerel from the Gulf migratory group at the levels described in **Alternative 1** could result in harvest levels above those recommended by the stock assessment (SEDAR 38 2014) and the ABC projections recommended by the Gulf Council's Scientific and Statistical Committee.

**Alternative 2** would set ACL equal to the ABC. Based upon the sector landings history for Gulf migratory group king mackerel, it is highly improbable that the stock ACL would be met, based on the present level of recreational fishing effort. From a sector-specific standpoint, a recreational ACL would not likely be reached; on the other hand, the commercial sector has typically caught its ACL (Table 2.8.2). **Alternative 2** represents the greatest risk with respect to exceeding the ABC, since no buffer is proposed to separate the ABC and the ACL. The Councils have not proposed a buffer for Gulf migratory group king mackerel because the stock is not overfished or undergoing overfishing (SEDAR 38 2014). As the recreational sector is not expected to harvest its ACL, and since the commercial sector is expected to harvest its ACL, under **Alternative 2**, the physical and biological effects are not expected to differ from the status quo.

**Alternative 3** would establish a constant catch scenario for the recreational and commercial sectors. Fishermen have remarked that constant catch scenarios add a degree of predictability to when seasons will close. Since the recreational sector in the Gulf has not experienced a seasonal closure for king mackerel in over a decade due to landings well below the recreational ACL, a constant catch scenario is not likely to change angler behavior such that a change in effort is also likely. The commercial sector typically harvests its ACL every year. A constant catch scenario may help commercial fishermen better manage when and how they fish; however, since the commercial sector is expected to harvest its ACL regardless of which alternative is chosen in Action 5, the physical and biological effects of **Alternative 3** are expected to be similar to those in **Alternative 2**.

None of the alternatives are likely to trigger AMs for the recreational sector because the recreational catches have been well below their ACL (Table 2.8.2). On the other hand, the commercial sector typically has harvested its ACL prior to the end of the season (Table 2.8.2),

and may do so under any of the management options presented in Action 6. All options for Action 6 are presented in Table 4.6.1.1. Landings are in millions of pounds for **Alternative 1**, and in millions of pounds whole weight for **Alternatives 2 and 3**.

**Table 4.6.1.1.** Quotas for commercial Gulf migratory group king mackerel under the alternatives presented in Action 5 (in mp [**Alternative 1**], and mp ww [**Alternatives 2 and 3**]).

Option	Year	Commercial ACL	Recreational ACL	Total ACL
Alt 1	2015	3.456	7.344	10.8
	2016	3.456	7.344	10.8
	2017	3.456	7.344	10.8
	2018	3.456	7.344	10.8
	2019	3.456	7.344	10.8
Alt 2	2015	3.078	6.542	9.62
	2016	2.947	6.263	9.21
	2017	2.842	6.038	8.88
	2018	2.787	5.923	8.71
	2019	2.736	5.814	8.55
Alt 3, Opt a	2015	<p style="text-align: center;"><b>These options cannot be determined until an allocation scenario is established.</b></p>		
	2016			
	2017			
Alt 3, Opt b	2015			
	2016			
	2017			
	2018			
	2019			

#### 4.6.2 Direct and Indirect Effects on the Economic Environment

**Alternative 1** would maintain a 10.8 mp ACL for gulf migratory group king mackerel and would not be expected to affect harvests and other customary uses of gulf migratory group king mackerel. Therefore, **Alternative 1** would not be expected to result in economic effects.

Between 2015 and 2019, the ACLs for Gulf migratory group king mackerel proposed in **Alternative 2** range from 9.62 to 8.55 mp ww. It is noted that the ACLs that would be set under **Alternative 3** are not known at this time but would fall within the range specified for **Alternative 2**. Relative to the no action ACL of 10.8 mp, the proposed ACLs could reduce the king mackerel ACL in the Gulf by as much as 20.8%. However, the 10.8 mp ACL in **Alternative 1** includes the Florida East Coast (FLEC) Subzone which, according to the most recent stock assessment, is not considered part of the Gulf migratory group (SEDAR 38 2014). Because of this, it is more appropriate to compare these alternatives under the assumption that the FLEC will not be considered in Gulf ACL determinations. During the last 15 years, Gulf

migratory group king mackerel landings reached a maximum of 6.2 mp (Table 2.8.2). It is therefore not likely that the overall Gulf migratory group king mackerel ACL would be exceeded under any alternative. However, a sector-specific analysis indicates that while the recreational harvests are well below the recreational ACL, commercial landings routinely meet and on a few instances exceed the commercial ACL. Therefore, economic effects would not be expected to result from proposed decreases in recreational ACLs between 2015 and 2019. For the commercial sector, positive economic effects would be expected to result from increases in commercial ACLs. Table 4.6.2.1 provides status quo and proposed ACLs, increases in ACLs and in ex-vessel values between 2015 and 2019.

**Table 4.6.2.1.** Commercial Gulf group king mackerel ACLs, decreases in ACLs and in ex-vessel values relative to status quo (2015-2019). ACLs are in millions of pounds. FLEC stands for the Florida East Coast Subzone.

Year	Commercial ACLs (mp ww)			Difference (Alternative 1 [less FLEC] and Alternative 2)	
	Alternative 1 (Status quo)	Alternative 1 (Less FLEC)	Alternative 2	Million Pounds	Ex-Vessel Value
2015	3.456	2.353	3.078	+ 0.725	+ \$1,471,750
2016	3.456	2.353	2.947	+ 0.594	+ \$1,205,820
2017	3.456	2.353	2.842	+ 0.489	+ \$992,670
2018	3.456	2.353	2.787	+ 0.434	+ \$881,020
2019	3.456	2.353	2.736	+ 0.383	+ \$777,490

Ex-vessel values were calculated based on an ex-vessel price of \$2.03 per pound derived from landings data available at <http://www.st.nmfs.noaa.gov/commercial-fisheries/commercial-landings/annual-landings/index>

It is assumed that the commercial sector would have landed annually the totality of its ACL under status quo, i.e., 3.456 mp (or 2.353 mp, which excludes the FLEC). It is also assumed that commercial fishermen would land the entirety of the proposed ACLs between 2015 and 2019. Based on these assumptions, annual Gulf group king mackerel commercial landings would be expected to increase by an average of 0.525 mp under **Alternative 2**. The associated positive economic effects that would be expected to result from **Alternative 2** are estimated at approximately \$1.06 million. Because options in **Alternative 3** would set constant catch ACLs within the range of ACLs considered in **Alternative 2**, economic benefits to the commercial sector expected to result from **Alternative 3** are expected to be at most, equal to the economic effects estimated under **Alternative 2**.

### 4.6.3 Direct and Indirect Effects on the Social Environment

Although additional effects would not be expected from retaining the current ACL of 10.8 mp under **Alternative 1** (No Action), the ACL must be modified to be consistent with the results of the stock assessment. These results include the identification of the new, smaller mixing zone as well as updated stock benchmarks and yield projections. The effects of this action assume that the Florida East Coast Zone will be removed by the Council selecting Alternative 2 or 3 in Action 1.



In general, increasing an ACL would be expected to result in direct positive effects to the social environment by providing more fish for harvest, while direct negative effects would be expected from a decrease to an ACL, as less fish are available for harvest. The stock assessment allowed for the overall allowable catch for Gulf and Atlantic king mackerel to be increased, and identified new management boundaries for Gulf and Atlantic king mackerel. This provides a smaller area for the Gulf migratory group's ACL to be harvested than the current Gulf migratory group zones. Thus, although **Alternatives 2** and **3** provide lower ACLs than **Alternative 1**, the harvest area to which the new ACLs would be applied would also be smaller than at present. Further, Gulf migratory group king mackerel landings have not met the Gulf stock ACL in the last 15 years, meaning that fishing effort could increase somewhat and still remain below the ACL. For both of these reasons, **Alternative 2** or **3** would be expected to result in greater benefits compared with **Alternative 1**.

The difference between **Alternatives 2** and **3** that may affect the social environment pertains to a variable, decreasing ACL (**Alternative 2**), or a constant but lower annual ACL (**Alternative 3**). The Gulf migratory group ACL considered here will be divided between the commercial and recreational sectors. Generally, a constant ACL is assumed to entail more benefits compared to a variable ACL, as a constant ACL could allow for a consistent level of fishing effort and activity to occur from one year to the next. A constant catch ACL would be expected to provide more benefits to the recreational sector than the commercial sector. For the recreational sector, a constant catch scenario is more likely to provide a consistent fishing season length from one year to the next, and is preferred by charter operators and anglers who wish to plan their fishing activity. However, the recreational sector has a year-round fishing season for king mackerel and has caught an average of 38% of its quota over the last 10 years. Thus, even if the amount of fish allowed to be harvested increases, no additional benefits would be expected to result for the recreational sector, as these additional fish would not be caught under existing fishing activity. For the recreational sector, then, the effects of **Alternatives 2** and **3** would be expected to be similar.

The commercial sector has come close to meeting or has exceeded its sector ACL in recent years (Table 2.8.3), meaning that a proportional increase in the ACL would result in positive effects by providing more fish. When the commercial sector is projected to meet the ACL for a given zone, NMFS prohibits further harvest of king mackerel from that zone. Although the commercial sector has exceeded its sector ACL by as much as 11% in a single year, total landings have not exceeded 68% of the Gulf migratory group's ACL. Thus, the additional fish provided each year under **Alternative 2** would result in greater benefits for the commercial sector than the constant catch scenario of **Alternative 3**.

#### **4.6.4 Direct and Indirect Effects on the Administrative Environment**

Changing the ACL would not increase the administrative burden over the status-quo. However, the monitoring and documentation needed to track the ACL can potentially result in a need for additional cost and personnel resources if the current monitoring mechanism is not sufficient. Commercial king mackerel landings are tracked electronically by the Southeast Fisheries Science Center through port agents, and recreational king mackerel landings are tracked bimonthly by the Marine Recreational Information Program (MRIP). Timelier reporting from both of these sources may be needed. These impacts would be the same for all alternatives.

The alternatives provide options which ultimately lead to the division of quota among the commercial and recreational sectors and between the hook-and-line and run-around gillnet sectors. This division of the ACL results in a greater administrative burden than a single stock ACL because landings need to be monitored in relation to the commercial and recreational sectors separately, and the commercial sector by gear. However, this is the current method and so would not impose any new administrative burden.

Other administrative burdens that may result from all of the alternatives considered would take the form of development and dissemination of outreach and education materials for fishery participants.

## 4.7 Action 7. 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 Recommended)**

### 4.7.1 Direct and Indirect Effects on the Physical and Biological Environments

The capacity for the commercial sector in the Gulf to harvest its annual catch limit has been well documented (Table 2.8.2). Changes in the ACL (as proposed in Action 6) are not expected to result in the commercial sector not being able to harvest its ACL. Further, the commercial king mackerel fishing zones in the Gulf have a history of closing prior to the end of the commercial king mackerel fishing season, especially for the last five years (Table 4.7.1.1). In some years, the rate at which commercial landings were being reported exceeded the speed with which trip limit reductions (eliminated in CMP Amendment 20B: GMFMC/SAFMC 2014) could be issued and put into effect. During these years, commercial zone closures were issued without issuing trip limit reductions. However, the new requirement for dealer permits and electronic reporting should improve the timeliness of closures in the future.

**Table 4.7.1.1.** Closing dates for commercial king mackerel fishing zones in the Gulf. “TLR” = “trip limit reduction”. “X” indicates no trip limit reduction or no closure.

Zone		Years													
		2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Western Zone	Close	26-Aug	19-Nov	25-Oct	24-Sep	20-Oct	17-Nov	6-Oct	3-Nov	27-Mar	4-Sep	11-Feb	16-Sept	22-Aug	20-Sept
	TLR	12-Nov	x	30-Nov	30-Oct	x	x	27-Nov	27-Dec	x	x	26-Oct	x	30-Aug	25-Sept
Northern Zone	Close	19-Nov	10-Nov	5-Dec	13-Nov	x	x	x	x	x	24-Oct	4-Apr	7-Oct	5-Oct	12-Oct
	TLR	20-Feb	11-Mar	5-Mar	20-Mar	25-Feb	25-Feb	3-Mar	22-Mar	28-Feb	7-Feb	8-Mar	x	17-Mar	16-Feb
Southern Zone	Close	2-Mar	23-Mar	x	9-Apr	x	12-Mar	10-Apr	x	x	15-Feb	23-Mar	26-Feb	12-Mar	21-Feb
	TLR	20-Feb	11-Mar	5-Mar	20-Mar	25-Feb	25-Feb	3-Mar	22-Mar	28-Feb	7-Feb	8-Mar	x	17-Mar	16-Feb

**Alternative 1** would maintain the current commercial zone quotas for Gulf migratory group king. Since **Alternative 1** includes the FLEC Subzone which, according to the most recent stock assessment (SEDAR 38 2014) is not part of the Gulf migratory group of king mackerel, these quotas would unnecessarily render a large portion of the Gulf commercial quota to the Atlantic commercial king mackerel fishery. This would needlessly constrain commercial harvest in the Gulf, and could result in overharvest of the Atlantic migratory group. Under the current commercial zone management system, the commercial ACL for Gulf migratory group king mackerel is typically harvested.

**Alternative 2** would 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. This alternative would add approximately 7.96% to each zone’s ACL, with the separate handline and gillnet components of the Southern Zone being treated independent of each other. The largest percentage increase would be observed in the Northern Zone, which would increase more than 100% to a quota equal to approximately 13.13% of the commercial ACL.

**Alternative 3** would 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. This alternative relies upon the historical allocation amongst the zones to determine the new allocation.

**Alternative 4** would 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. These zone-specific allocations were recommended to the Gulf Council by the Gulf Council’s CMP Advisory Panel

(Gulf CMP AP). The AP thought that enough capacity existed within each zone to harvest the quota likely to result from their recommendation.

**Alternatives 2-4** are not expected to differ markedly from a physical and/or biological effects perspective from **Alternative 1**, in that the overall commercial ACL for Gulf migratory group king mackerel is still expected to be harvested. The history of landings shown in Table 2.8.2 suggests that the recreational sector is not likely to land its allocation in the near future, barring a marked increase in fishing effort. Since king mackerel are migratory in nature, the location of harvest becomes less critical from a biological standpoint compared to the quantity of fish harvested.

#### **4.7.2 Direct and Indirect Effects on the Economic Environment**

**Alternative 1** would maintain the current commercial zone quotas for Gulf migratory group king mackerel and would not be expected to affect the methods of fishing for king mackerel, harvest and customary uses of king mackerel. Therefore, **Alternative 1** would not be expected to result in economic effects.

**Alternatives 2-4** would redistribute the Gulf migratory group king mackerel quota between the different zones. Although total Gulf migratory group king mackerel harvests would be expected to remain unchanged, the rebalancing is considered to accommodate the adjustments to the seasonal boundaries considered in Action 1. Therefore, **Alternatives 2-4** would not be expected to result in net economic effects. However, the redistribution of quota between the zones would be expected to result in economic benefits in zones with increased quotas. For example, fishermen harvesting Gulf group king mackerel in the Western zone would enjoy economic benefits due to quota increases. Compared to the no action alternative which allocates 31% of the commercial quota to the Western zone, **Alternatives 2, 3 and 4** would increase the allocation in Western zone to 38.9%, 45.3% and 40%, respectively; however, if that area becomes part of the Atlantic migratory group year round (through Action 1), it would receive quota from that group.

#### **4.7.3 Direct and Indirect Effects on the Social Environment**

**Alternative 1** (No Action) would retain the FLEC and by extension, its corresponding proportion of the Gulf group ACL. Thus, **Alternative 1** would be inconsistent with the results of the stock assessment, which determined the FLEC zone is part of the Atlantic migratory group.

**Alternatives 2-4** would remove the FLEC from the Gulf migratory group. Each alternative proposes different ways to distribute the Gulf group ACL among the remaining zones and gear types. Positive effects would be expected from a new zone allocation that provides a corresponding amount of quota that is greater than under **Alternative 1**. To compare the resulting zone allocations under **Alternatives 1-4**, Table 4.6.3.1 provides the pounds which would result under each allocation using the current Gulf stock ACL of 10.8 mp. For all of the zones and under each of **Alternatives 2-4**, the resulting allocation is greater than **Alternative 1**. Thus, any of **Alternatives 2-4** would result in greater benefits than **Alternative 1**. The benefits

which would be expected under each alternative would vary by zone and relate to the amount of additional quota which results from the increase in the zone’s allocation.

**Table 4.6.3.1.** Comparison of the resulting pounds (mp) for the proposed Gulf zone allocations under **Alternatives 1-4** (Table 2.6.2), using the current Gulf stock ACL of 10.8 mp.

<b>Zone</b>	<b>Alternative 1</b>	<b>Alternative 2</b>	<b>Alternative 3</b>	<b>Alternative 4</b>
Western	3.35 mp	4.21 mp	4.92 mp	4.32 mp
Northern	0.56 mp	1.42 mp	0.82 mp	1.94 mp
Southern: H/L	1.72 mp	2.58 mp	2.53 mp	2.27 mp
Southern: Gillnet	1.72 mp	2.58 mp	2.53 mp	2.27 mp
FL East Coast	3.45 mp	n/a	n/a	n/a

Among **Alternatives 2-4**, the allocations under **Alternative 3** would most closely reflect existing fishing activity and behavior in each zone, as the allocations are based on a proportional distribution of the FLEC zone allocation among the other zones. Thus, the benefits expected to result from **Alternative 3** would be realized proportionately among zones. Distributing the FLEC quota equally among the four zones (**Alternative 2**) would benefit the Northern Zone the most, which currently has the lowest zone allocation (5.17%). **Alternative 2** would also result in some additional benefits to the Southern Zone (both gear types), compared with **Alternative 3**. **Alternative 4** would provide the greatest benefits to the Northern Zone among the alternatives, while still providing allocation increases to the other zones.

#### **4.7.4 Direct and Indirect Effects on the Administrative Environment**

**Alternative 1** would maintain the current administrative environment, and would not result in any new administrative burdens. **Alternatives 2-4** would revise those commercial zone allocations described in **Alternative 1**; however, since NMFS remains responsible for monitoring commercial king mackerel harvest for both the Gulf and Atlantic migratory groups of king mackerel, the administrative burden for **Alternatives 2-4** is expected to remain mostly unchanged from that of **Alternative 1**.

## 4.8 Action 8. 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 Recommended)**

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

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

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

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

**Alternative 3:** Revise the recreational and commercial allocations for Gulf migratory group king mackerel by transferring 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 transferred from the recreational allocation to the commercial allocation.

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

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

**Alternative 4:** Conditionally transfer a certain percentage (*Options a-c*) of the recreational allocation to the commercial sector until such a time that recreational landings reach a predetermined threshold (*Options d-f*). If this threshold is met, the recreational and commercial allocations will revert to 68% for the recreational sector and 32% for the commercial sector.

*Conditional Quota Transfer (MUST CHOOSE ONE):*

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

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

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

*Recreational ACL Threshold (MUST CHOOSE ONE):*

**Option d:** Revert to the status quo sector allocations if 80% of the adjusted recreational sector ACL is landed.

**Option e:** Revert to the status quo sector allocations if 90% of the adjusted recreational sector ACL is landed.

**Option f:** Revert to the status quo sector allocations if 100% of the adjusted recreational sector ACL is landed.

**Alternative 5:** Establish a sunset provision for any change in the status quo sector allocations for Gulf migratory group king mackerel (68% for the recreational sector and 32% for the commercial sector). After the predetermined time period, any change in sector allocations would revert back to the allocations specified in the original Coastal Migratory Pelagics Fishery Management Plan for the Gulf of Mexico.

- Option a:** Sunset any change in sector allocations after a five year period (2016-2020).
- Option b:** Sunset any change in sector allocations after a ten year period (2016-2025).
- Option c:** Sunset any change in sector allocations after a fifteen year period (2016-2030).

#### 4.8.1 Direct and Indirect Effects on the Physical and Biological Environments

King mackerel are typically caught at the ocean surface, and typical gear types used in the harvest of king mackerel do not normally come in contact with bottom habitat. Therefore, the alternatives presented in Action 8 are not expected to result in any previously unconsidered direct effects to the physical environment. This action could indirectly affect the physical environment if changes in allocation result in an increase or decrease in the amount of fishing gear used to harvest the respective commercial and recreational quotas, which in turn could increase the probability of gear becoming lost and fouled (Barnette 2001).

Removal of fish from the population through fishing can reduce the overall population size if harvest is not maintained at sustainable levels. Effects of these alternatives on the biological environment would depend on the resulting reduction or increases in the level of fishing as a result of each alternative. Indirect impacts of these alternatives on the biological environment would depend on the resulting change in the level of commercial king mackerel fishing effort in the Gulf.

The status quo (**Alternative 1**) would maintain the current allocation of 68% of the Gulf migratory group king mackerel ABC reserved for the recreational sector, and the remaining 32% reserved for the commercial sector. **Alternative 1** would not result in any change in effects to the physical or biological environments from the status quo.

Changes in allocation between sectors are proposed in **Alternatives 2-4**. These alternatives propose, through different methods, some manner of reallocation from the recreational sector to the commercial sector. The resultant allocations from each proposed alternative, as intended by the Councils, are shown in Table 2.8.4. Since the recreational sector *is not* currently landing its allocation, and the commercial sector *is* landing its allocation (Table 2.8.2), any transfer of unharvested fish from the recreational sector to the commercial sector will result in additional removals from the Gulf migratory group king mackerel stock. It is also because of this trend in landings that the Councils are not considering reallocating some portion of the stock ACL to the recreational sector. These proposed additional removals would constitute a negative biological effect; however, so long as the respective sector ACLs are not exceeded, the effect of additional harvest on the stock is not expected to impact the long-term sustainability of Gulf migratory group king mackerel.

**Alternative 2** would revise the recreational and commercial allocations for Gulf migratory group king mackerel by transferring a percentage of the recreational allocation to the commercial sector, with options for transferring 5% (**Option a**), 10% (**Option b**), and 20% (**Option c**) of said allocation. **Alternative 3** would revise the recreational and commercial allocations by



transferring 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 transferred from the recreational allocation to the commercial allocation. Options for **Alternative 3** include transferring either 2% (**Option a**) or 5% (**Option b**) of the recreational allocation annually to the commercial sector. The difference between **Alternatives 2** and **3** is that **Alternative 2** would transfer the prescribed amount of allocation all at once, while **Alternative 3** would do so gradually over time until such a time that the recreational sector lands at least 80% of its allocation in a fishing year. Any negative effects from selecting **Alternative 2** will depend on the amount of allocation to be transferred to the commercial sector, with those effects becoming more substantial as the amount of allocation to be transferred increases. Negative effects from **Alternative 3** would be spread out over time, but could ultimately be greater than those on **Option c** of **Alternative 2** depending on how much allocation is actually transferred to the commercial sector. Ultimately, the amount of additional king mackerel which would be removed from the migratory group under **Alternative 3** is unknown and completely dependent upon changes in future recreational fishing effort. However, so long as the sector ACLs are not exceeded, neither **Alternative 2** nor **3** are expected to impact the long-term sustainability of Gulf migratory group king mackerel.

**Alternative 4** would conditionally transfer a certain percentage of the recreational allocation to the commercial sector until such a time that recreational landings reach a predetermined threshold. If this threshold is met, the recreational and commercial allocations will revert to 68% for the recreational sector and 32% for the commercial sector. Options for the amount of allocation to be conditionally transferred include 5% (**Option a**), 10% (**Option b**), and 20% (**Option c**). Options for the recreational harvest threshold which, if met, would trigger a reversion of the allocation back to the current status quo include: 80% of the adjusted recreational sector ACL (**Option d**); 90% of the adjusted recreational sector ACL (**Option e**); and 100% of the adjusted recreational sector ACL (**Option f**). **Alternative 4** differs from **Alternatives 2** and **3** in that the allocation transfer in **Alternative 4** only exists so long as the recreational sector's landings do not reach the prescribed threshold, while the allocation transfers in **Alternatives 2** and **3** are considered permanent unless adjusted by the Councils through future action. Biological effects from **Alternative 4** would be similar to those in **Alternatives 2** and **3** in that more king mackerel are likely to be harvested; however, as was previously stated, so long as the respective sector ACLs are not exceeded, the effect of additional harvest on the stock is not expected to impact long-term sustainability.

**Alternative 5** would establish a sunset provision for any change in the status quo sector allocations for Gulf migratory group king mackerel. After the predetermined time period, any change in sector allocations would revert back to 68% for the recreational sector and 32% for the commercial sector. **Alternative 5** can only be selected as preferred in conjunction with one of **Alternatives 2-4**. Increases in effects from fishing on the physical and biological environment are generally correlated to increases in fishing effort. Any future changes in fishing effort would be due to other factors and independent of the presence or length of the sunset period. If **Alternative 5** is selected as preferred along with some other change in sector allocation, the biological effects of removing additional king mackerel through commercial harvest (**Alternatives 2-4**) would persist only for the time period permitted in **Alternative 5**.

## 4.8.2 Direct and Indirect Effects on the Economic Environment

**Alternative 1** would continue to allocate 68% and 32% of the Gulf migratory group king mackerel ACL to the recreational sector and commercial sector, respectively. **Alternative 1** would not be expected to affect the recreational or commercial harvests and other customary uses of Gulf group king mackerel. Therefore, **Alternative 1** would not be expected to result in direct economic effects. However, **Alternative 1** would be expected to continue to result in indirect adverse economic effects stemming from forgone fishing opportunities. Because recreational anglers harvest well below their allotted ACL, at most 68% of the total Gulf migratory group king mackerel ACL is harvested annually. Forgone opportunities in the recreational sector could potentially generate economic benefits if the commercial sector, which has typically harvested its ACL, was allowed to harvest portions of the ACL currently left unused. **Alternatives 2-5** propose various reallocation approaches to facilitate the harvest of portions of the unused Gulf migratory group king mackerel ACL.

**Alternative 2** would reallocate a portion of the recreational Gulf migratory group king mackerel ACL to the commercial sector. **Options a, b** and **c** would reallocate 5%, 10% and 20% of the recreational ACL to the commercial sector, respectively. Excluding considerations relative to non-use values, e.g., option value, **Alternative 2** would not be expected to result in economic effects to the recreational sector. Because the recreational sector consistently harvests well below its assigned ACL, none of the proposed reallocations in **Alternative 2** would be expected to result in economic losses to the sector. In contrast, the commercial sector has typically harvested the totality of its ACL. Therefore, the commercial sector would be expected to potentially benefit from additional harvest opportunities afforded by proposed reallocations to the sector. The amount reallocated and the extent to which commercial fishermen elect to take advantage of the available additional harvest opportunities would determine the magnitude of the potential economic benefits expected to result from **Alternative 2**.

**Alternative 3** proposes a gradual reallocation of portions of the Gulf migratory group king mackerel recreational ACL to the commercial sector until the recreational sector lands 80% of its ACL. As discussed in **Alternative 2**, reallocations to the commercial sector would not be expected to affect the recreational sector as long as that sector's king mackerel landings continue to be well below the recreational ACL. Like **Alternative 2**, **Alternative 3** would also be expected to result in economic benefits for the commercial sector. These potential economic benefits would be dependent on the magnitude of the additional commercial harvests that would result from the reallocation of portions of the recreational ACL.

**Alternative 4** would conditionally reallocate a portion of the Gulf migratory group king mackerel recreational ACL to the commercial sector provided that the recreational sector's landings are below a preset threshold. **Options a, b** and **c** would reallocate 5%, 10% and 20% of the recreational ACL to the commercial sector, respectively. **Options d, e** and **f** would set recreational landings thresholds at 80%, 90% and 100% of the recreational ACL, respectively. If the threshold is reached, the commercial and recreational allocations would revert to 32% and 68% of the total ACL, respectively. Based on the recreational king mackerel landings recorded during the past 15 years, it is not likely that any one of the proposed thresholds would be met in the foreseeable future. Similar to **Alternatives 2** and **3**, **Alternative 4** would not be expected to result in economic effects for the recreational sector. Commercial fishermen would be expected

to benefit from increased harvest opportunities afforded by proposed reallocations to the sector. The amount reallocated and the propensity with which commercial fishermen to take advantage of the additional harvest opportunities would determine the size of the potential economic benefits expected to result from **Alternative 4**.

**Alternative 5** would establish a sunset for any reallocation (**Alternatives 2-4**) after a predetermined time period and revert to the no action allocation. **Options a, b** and **c** would sunset reallocations after a five-year, ten-year, and fifteen-year period, respectively. **Alternative 5** is not comparable to the previous alternatives and would eliminate expected economic benefits for the commercial sector on the sunset date.

### 4.8.3 Direct and Indirect Effects on the Social Environment

Over the last decade, the commercial sector has regularly landed near the commercial ACL, while the recreational sector has landed decreasingly lower proportions of the recreational ACL (Table 2.8.3). For example, over the last ten years, the recreational sector has harvested an average 38% of the recreational ACL, and in each of those years, the recreational sector landed less than half of its ACL. However, as noted in Section 2.8, increased landings would not be expected to negatively affect the health of the stock so long as the ABC is not exceeded. King mackerel is not overfished nor undergoing overfishing (SEDAR 38 2014), and the total amount of allowable harvest is expected to increase through this amendment (Action 6).

**Alternative 1** (No Action) would retain the current sector allocations for the Gulf migratory group king mackerel ACL. Although additional effects would not be expected under **Alternative 1** as fishing practices and customary uses of Gulf group king mackerel would not change, optimum yield is not being achieved. Thus, indirect negative effects would be expected to continue under **Alternative 1** as fishing opportunities continue to go unused.

It is possible that some of these foregone fishing opportunities could be used by the recreational sector through an increase in the bag limit, as evaluated in Action 9. However, increasing the bag limit is not expected to increase landings substantially (Section 2.9 and 4.9), and it is likely that the recreational sector would continue to harvest well below its sector ACL even under a larger bag limit. Further, the recreational sector does not have a closed season for the harvest of king mackerel; the fishing season is open year-round. Thus, it is not possible to further extend when the recreational sector may harvest king mackerel. However, these unused fishing opportunities could provide benefits to the commercial sector, which typically harvests its sector ACL. The commercial fishing zones are regularly closed when the ACL for a zone is estimated to be reached; in some zones, the quota is caught quickly resulting in a very short season. It is highly likely that allocating some of the unused recreational fishing opportunities to the commercial sector would result in those fish being caught. In turn, benefits would result for the commercial sector.

Because **Alternatives 2-4** all transfer a certain amount of quota from the recreational sector to the commercial sector, the types of effects on the social environment would be similar among the alternatives. The effects would vary in scope and strength relative to the amount of quota that is reallocated. Most generally, the quality of social impacts differs between the sectors, in that a gain of commercial access to king mackerel could benefit the livelihoods of commercial

fishermen, especially small-scale owner-operators, hired captains and crew, and the well-being of commercial communities. Direct effects would not be expected for the recreational sector, which is not catching its portion of the quota. Should fishing behavior change or effort increase substantially in the future such that the recreational sector meets its quota, a reallocation of quota could result in constraints on recreational fishing opportunities, which would entail some negative effects for the recreational sector. However, given current fishing practices and behavior, it seems unlikely for recreational effort towards king mackerel to increase substantially in the near future. Further, there are no additional biological benefits to allowing a portion of the allowable harvest to remain in the water, unfished, since the stock is not overfished or undergoing overfishing. Thus, no long-term benefits would be expected for the recreational sector by not harvesting part of its quota. **Alternatives 2-4** propose various reallocation approaches to facilitate the harvest of portions of the unused Gulf migratory group king mackerel ACL. Compared with **Alternative 1**, social benefits would be expected for the commercial sector under each of **Alternatives 2-4**, while effects would not be expected for the recreational sector.

**Alternative 2** would reallocate a set portion of the recreational ACL to the commercial sector, 5% (**Option a**), 10% (**Option b**), or 20% (**Option c**). Because the recreational sector consistently harvests well below its assigned ACL, none of the proposed reallocation options in **Alternative 2** would be expected to affect the sector. In contrast, the commercial sector has typically harvested the totality of its ACL. Therefore, the commercial sector would be expected to benefit from additional harvest opportunities afforded by proposed reallocations to the sector. The amount reallocated and the extent to which commercial fishermen elect to take advantage of the available additional harvest opportunities would determine the magnitude of the potential benefits expected to result from **Alternative 2**.

**Alternative 3** would gradually reallocate portions of the Gulf migratory group king mackerel recreational ACL to the commercial sector until the recreational sector lands 80% of its ACL. As discussed in **Alternative 2**, reallocations to the commercial sector would not be expected to affect the recreational sector as long as recreational king mackerel landings remain well below the recreational ACL. Like **Alternative 2**, **Alternative 3** would also be expected to result in benefits for the commercial sector, which would relate to the magnitude of the additional commercial harvests that would result from the reallocation.

**Alternative 4** would conditionally reallocate a portion of the recreational ACL to the commercial sector (**Options a-c**), provided that the recreational sector's landings are below a preset threshold (**Options d-f**). If the threshold is reached, the recreational and commercial sector allocation would revert to that under **Alternative 1**, 68% and 32% of the total ACL, respectively. Based on the recreational king mackerel landings recorded during the past 15 years, it is not likely that any one of the proposed thresholds (**Options d-f**) would be met in the foreseeable future. Similar to **Alternatives 2 and 3**, **Alternative 4** would not be expected to result in effects for the recreational sector. Positive effects would be expected for the commercial sector, which would benefit from increased harvest opportunities afforded by the proposed reallocations. These benefits would relate to the extent that commercial fishermen take advantage of the additional harvest opportunities.

**Alternative 5** would end the reallocation implemented through this action after 5 (**Option 5a**), 10 (**Option 5b**), or 15 years (**Option 5c**), and the allocation would revert to that under **Alternative 1**, the sector allocation established in 1983. **Alternative 5** can be selected alongside any of the reallocation approaches in **Alternatives 2-4**, setting a sunset date for the reallocation, and thus, is not comparable to these alternatives. Selecting **Alternative 5** with any of **Options a-c** would eliminate the expected social benefits to the commercial sector at the time of the sunset.

#### **4.8.4 Direct and Indirect Effects on the Administrative Environment**

The monitoring and documentation needed to track the ACL can potentially result in a need for additional cost and personnel resources if the current monitoring mechanism is changed. Commercial king mackerel landings are tracked electronically by the Southeast Fisheries Science Center through dealer reporting, and recreational king mackerel landings are tracked bimonthly by the Marine Recreational Information Program (MRIP). Timelier reporting from both of these sources may be needed. These impacts would be the same for all alternatives.

The alternatives provide options which ultimately change the division of quota among the commercial and recreational sectors. The change in the division of the ACL under **Alternative 2** would not result in any increase in administrative burden compared to **Alternative 1**, besides the noticing of the resultant changes in allocation and commercial season lengths in the Federal Register. **Alternatives 3** and **4** both would result in increased administrative burdens in the form of increased personnel hours to track sector landings of Gulf king mackerel and to apply the prescribed modifications when necessary. These additional administrative burdens would be greater with **Alternative 3** than **Alternative 4**, since **Alternative 3** constitutes a continual modification over time while **Alternative 4** constitutes a single allocation transfer which only changes if the prescribed recreational landings threshold is met.

**Alternative 5** would add a sunset provision, which would result in the expiration of any changes in sector allocations after five years (**Option a**), ten years (**Option b**), or fifteen years (**Option c**). If this alternative is selected as preferred, it would result in a negative effect on the administrative environment in that the allocations would have to be changed back to the current status quo. This adverse effect to the administrative environment would come in the form of additional rulemaking. The likelihood of this occurring would be greatest under **Option a**, and least under **Option c**.

Other administrative burdens that may result from all of the action alternatives considered would take the form of development and dissemination of outreach and education materials for fishery participants.

## 4.9 Action 9. 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 Recommended)**

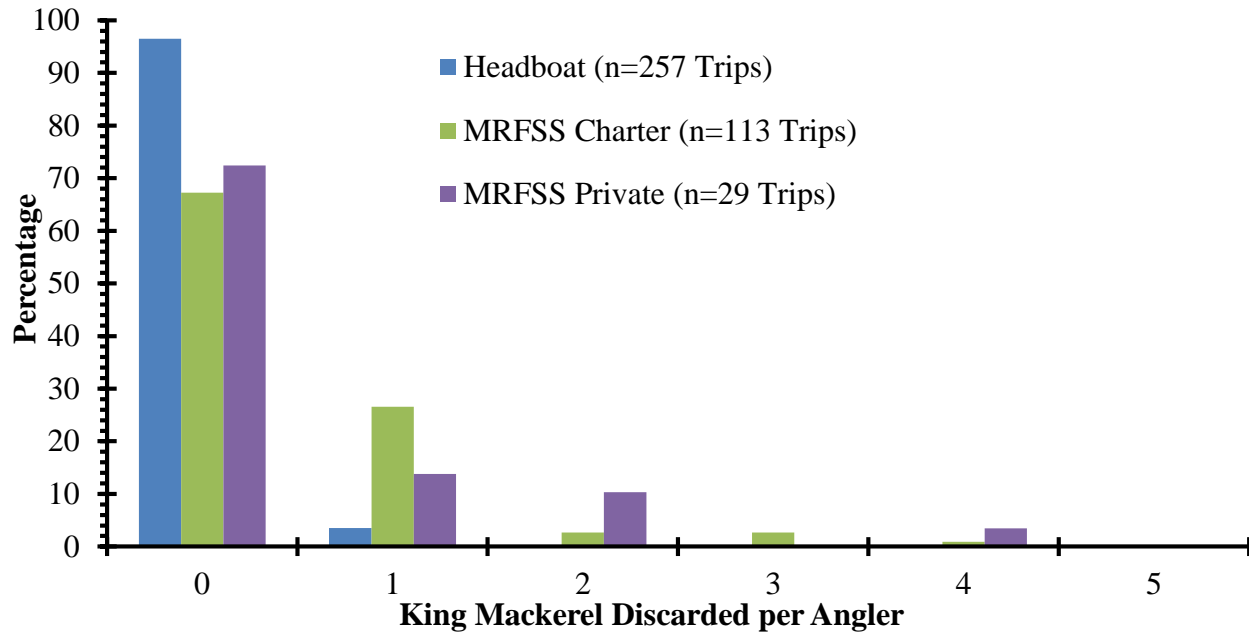
**Alternative 3:** Increase the bag limit to four fish per person per day.

### 4.9.1 Direct and Indirect Effects on the Physical and Biological Environments

**Alternative 1** would maintain the recreational sector's daily bag limit at two king mackerel per person. Therefore, this alternative should have no additional effects on the physical environment. **Alternative 2** and **Alternative 3** could increase fishing effort; however, any adverse effects to the physical environment would likely not be significant. As described in Section 2.9 and Appendix C, few fishermen catch more than one king mackerel on any given trip, minimizing the likelihood of a substantial increase in king mackerel fishing effort. Finally, as described in Section 4.1.1, gear used to fish for king mackerel minimally impacts bottom habitat.

The biological impacts of increasing the daily bag limit are also expected to be minimal because only 7% of anglers catch the current bag limit. Estimating how much landings might increase as the bag limit increases is difficult because that involves speculation about how many anglers would catch the higher bag limit. The two methods used to estimate these increases assume that either all fishermen harvesting two king mackerel now would harvest the higher bag limit, or that all king mackerel discarded now would be kept (Appendix C). The increase in recreational landings relative to the status quo (**Alternative 1**) range 1-10% with a three-fish bag limit (**Alternative 2**), and 3-21% with a four-fish bag limit (**Alternative 3**). The minor increases in landings with **Alternative 2** or **Alternative 3** would not be expected to substantially impact the status of the stock because even with the largest estimated increase, mortality of king mackerel would still be expected to be well within the ABC and the ACL. Even if we apply the highest estimated increase in landings due to a four-fish bag limit (21%) combined with the highest shift in allocation to the commercial sector proposed in Action 7 (20%) to the year with the highest landings in the recent 15 years (2001/2002, Table 2.8.3), the hypothetical landings would only reach 94% of the ACL.

In general, a higher trip limit would be expected to result in fewer discards. However, under the current two-fish trip limit (**Alternative 1**), most recreational anglers have no discards of king mackerel, and very few have more than one discarded fish (Figure 4.9.1). Nevertheless, some small reduction in discards would be expected under **Alternatives 2** or **3**. The Data Workshop for SEDAR 38 (2014) used 20% mortality for discards from private angling and charter trips and 33% mortality from headboats.



**Figure 4.9.1.** Distribution of Gulf 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.

#### 4.9.2 Direct and Indirect Effects on the Economic Environment

**Alternative 1** would maintain the current two-fish recreational bag limit for Gulf migratory group king mackerel and would not be expected to affect the recreational harvest and other customary uses of king mackerel. Therefore, **Alternative 1** would not be expected to result in direct economic effects. However, **Alternative 1** would be expected to continue to result in indirect adverse economic effects stemming from forgone fishing opportunities for the recreational sector. Because recreational anglers harvest well below their allotted ACL, a failure to increase the bag limit would continue to deprive recreational anglers from additional harvests and associated economic benefits.

**Alternatives 2 and 3** would increase the recreational bag limit for Gulf migratory group king mackerel to 3 and 4 fish, respectively. Relative to **Alternative 1**, **Alternatives 2 and 3** would provide recreational anglers opportunities to harvest more fish. However, because more than 90% of recreational anglers prosecuting Gulf group king mackerel landed less than the current two-fish limit, the extent to which anglers would take advantage of the additional opportunities to harvest more king mackerel is expected to be limited. Modelling approaches proposed in Appendix C suggest that **Alternative 2** could increase king mackerel harvest between 0.9% and 10.1%. **Alternative 3** is estimated to increase harvests between 3.1% and 21.1%. Therefore, **Alternatives 2 and 3** would be expected to result in economic effects commensurate with the estimated increases in recreational landings. Although size limit increases could result in shorter fishing seasons due to increased harvest rates, the proposed increases in Gulf migratory group

king mackerel recreational size limit would not be expected to affect the season because the recreational sector currently lands less than 40% of its ACL.

### 4.9.3 Direct and Indirect Effects on the Social Environment

Over the last 10 fishing seasons, the recreational sector in the Gulf has harvested an average of 38% of its king mackerel sector ACL (Table 2.8.3). There is no restriction to the fishing season for king mackerel; it is open year-round. The minimum size limit of 24 inches TL is not likely a constraint on angler's harvest, as a 24-inch king mackerel is younger than age 3 and only some females may have reached sexual maturity by this size (Section 3.3). This leaves the bag limit as the remaining effort constraint which could potentially be restricting harvest. In general, increasing a bag limit would be associated with direct social benefits, while decreasing a bag limit would be associated with direct negative effects, as anglers are allowed to keep more or fewer fish, respectively.

Additional effects would not be expected from retaining the two fish per person per day bag limit under **Alternative 1** (No Action). Given the low landings by the recreational sector and the size of the sector's ACL, a bag limit increase would be one mechanism for allowing the recreational harvest to increase. Increasing the bag limit to three fish per person per day (**Alternative 2**) would increase recreational landings by an estimated 1-10%. Increasing the bag limit to four fish per person (**Alternative 3**) would increase recreational landings by an estimated 3-21%. If the higher ends of the estimates are used and **Alternative 3** is selected as preferred, the recreational sector would still be expected to leave approximately 26% of the recreational ACL unharvested.

It remains unknown how angler behavior would change with an increase in the bag limit. King mackerel is an important recreational target species and is included in many recreational fishing tournaments. However, most anglers do not land even one king mackerel per day, despite the bag limit being two fish per day. Unlike red snapper and gag which are highly desirable food fish among anglers, it is possible that many anglers do not retain one or more king mackerel because it is not as desirable of a food fish. According to *Florida Sportsman*,<sup>3</sup> its food value "depends on [the] taste of the individual." It is likely that anglers value the experience of catching king mackerel, which is known as a strong and fast fish, more than as a food source. For these reasons, the benefits which would be expected from increasing the recreational bag limit for a popular species may not be realized for king mackerel. Nevertheless, the direct benefits of increasing the bag limit to three fish per person per day (**Alternative 2**) would be somewhat greater than **Alternative 1**. Given the low current harvest rate, the potential additional benefits between a three fish bag limit (**Alternative 2**) and four fish bag limit (**Alternative 3**) would likely be minimal.

### 4.9.4 Direct and Indirect Effects on the Administrative Environment

The alternatives in this action are expected to have nominal differences in the direct and indirect impacts on the administrative environment. **Alternative 1** would have the least burden on the

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<sup>3</sup> <http://www.floridasportsman.com/sportfish/kingmackerel/>



administrative environment, because it would maintain the daily bag limit of two king mackerel per angler per day. **Alternative 2** and **Alternative 3** would change the bag limit from **Alternative 1** creating an initial burden on the administrative environment. If the recreational king mackerel bag limit is modified (**Alternative 2** or **Alternative 3**) stakeholders and law enforcement officials would need to educate themselves initially about this change in the regulations.

## 4.10 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](http://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 Southeast Data Assessment and Review (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 allows vessels docked outside of their fishing area to land king mackerel at their homeport rather than transporting to a more distant port. This should improve safety at sea, and increase efficiency for some king mackerel 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. 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.

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 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**

Actions in CMP Framework Amendment 3 change management measures for the king mackerel gillnet component of the fishery. If implemented, this framework amendment would increase the trip limit, imposed a payback provision if the ACL is exceeded, change reporting requirements for dealers buying gillnet-caught king mackerel, and remove inactive permits. These actions were requested by the gillnet fishermen and are perceived as generally improving conditions for participants in this component of the fishery.

### **Reasonably Foreseeable Future Actions**

The following are regulatory actions affecting the CMP fishery that may be implemented within the next year.

- Amendment 28 would potentially establish separate FMPs for the Gulf and South Atlantic and/or separate king and Spanish commercial permits. The Gulf Council has directed staff to explore these options, but the South Atlantic Council has not. Setting a year-round boundary between the Councils for king mackerel in Action 1 of Amendment 26 would make such a separation more feasible.
- An amendment establishing electronic reporting for for-hire vessels operating in Gulf and South Atlantic federal waters would improve landings data and accountability for that portion of the CMP fishery. This amendment is under development and will likely be implemented in 2016.

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 2014).

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). King mackerels are migratory, 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 in 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.

The Southeast Regional Office is hosting a workshop to discuss climate change impacts on fisheries and will be developing a regional action plan to address climate change impacts on fisheries. This regional action plan will be developed by October 2016 and is guided by the NOAA Fisheries Climate Science Strategy document, issued in 2015.

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 fishing fleet, as well as fishing communities and associated businesses. The proposed changes in management for king mackerel 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 ACT ANALYSIS

## CHAPTER 7. LIST OF AGENCIES, ORGANIZATIONS, AND PERSONS CONSULTED

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GMFMC = Gulf of Mexico Fishery Management Council, SAFMC = South Atlantic Fishery Management Council, NMFS = National Marine Fisheries Service, SF = Sustainable Fisheries Division, PR = Protected Resources Division, HC = Habitat Conservation Division, GC = General Counsel



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

Georgia Department of Natural Resources

South Carolina Department of Natural Resources

North Carolina Division of Marine Fisheries

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# 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

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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

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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

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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

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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.

## South Atlantic Scoping Comments

The South Atlantic Council held scoping for items in Amendment 26 in January 2015. One in-person scoping meeting was held on January 21, 2015, in Cocoa Beach, FL, with 16 individuals providing public comment on the record. A scoping webinar for Amendment 26 was held on February 4, 2015. There were 12 individuals (plus staff) logged onto the webinar but only one individual provided comments on the record. Additionally, three written comments were received.

- Six commenters noted the abundance of small fish and high recruitment, and supported setting the ACL at the highest level possible (high recruitment ABC).
- Two commenters supported the medium recruitment ABC.
- One commenter felt that the OFL should be much higher due to high recruitment during several non-hurricane years.
- One commenter recommended allowing unused quota to be rolled over to the next year.
- One commenter was concerned about how lack of information about the dynamics of stock mixing in SEDAR 38
- Five commenters supported updating the stock boundary and mixing zone.
- Nine commenters and several discussion participants were concerned with how the Northern and Southern Zone quotas (set up in Amendment 20B) would work with the new stock boundary and ACLs for king mackerel. Some individuals did not support a separate Northern Zone quota.
- Several commenters and discussion participants were concerned that the Florida East Coast subzone quota would be moved to the other Gulf zones or be allocated to the Northern Zone quota.
- One commenter felt that the Gulf Eastern Zone/Northern Subzone should have the largest proportion of the Gulf ACL, because it has the largest number of participants and potential new entrants. There should be split seasons with a 500-lb trip limit from Apr 1- Sept 30, and a 1250-lb trip limit with a step-down in November for Oct 1- Mar 31.
- Six commenters supported allowing bag limit sales of king mackerel in the shark gillnet fishery. One commenter recommended that this should only be allowed if it can be strictly enforced so that only a small number (bag limit) can be sold.
- Twelve commenters were opposed to an endorsement to fish king mackerel in the Florida East Coast subzone, because if endorsements are set up in other zones/subzones, this would affect the traveling fishermen. Some commenters also felt that an endorsement would be a step toward catch shares and they were opposed to catch shares.
- One commenter supported a subquota for the Florida East Coast subzone.
- One commenter recommended moving the Florida East Coast subzone boundary south of the Flagler/Volusia line.
- One commenter recommended waiting until the new ACLs are in place before addressing management in the Florida East Coast subzone.
- One commenter recommended changing the fishing year for the Florida East Coast subzone to March 1.

## APPENDIX B. ALTERNATIVES CONSIDERED BUT REJECTED

### **Action 2-2 (removal not approved by Gulf Council as of September 2015)**

**Alternative 6:** Establish ACL = OY = 80% ABC based on the ABC levels selected under Action 2-1.

The South Atlantic Council removed this alternative in September 2015. The Gulf Council will review the removal in October 2015.

### **Action 3**

**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)**

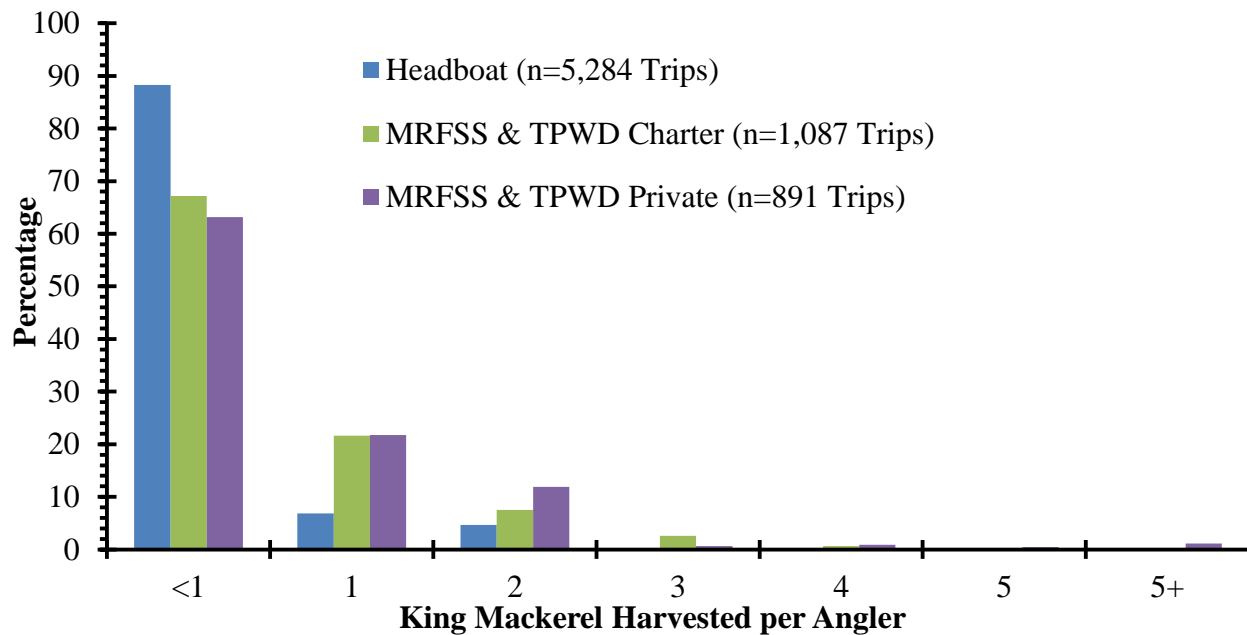
**Option b:** For shark gillnet trips in the South Atlantic, no more than 100 lbs of king mackerel can be on board, and no more than 100 lbs of king mackerel can be sold from the trip.

The Councils removed this alternative from consideration in June 2015. The Councils preferred to have alternatives with numbers of fish instead of pounds of fish because it would help compliance and enforcement. Additionally, depending on the mesh size being used, specification of a maximum poundage that could be on board and sold could vary on each trip.

## APPENDIX C. RECREATIONAL KING MACKEREL BAG LIMIT ANALYSIS FOR THE GULF OF MEXICO

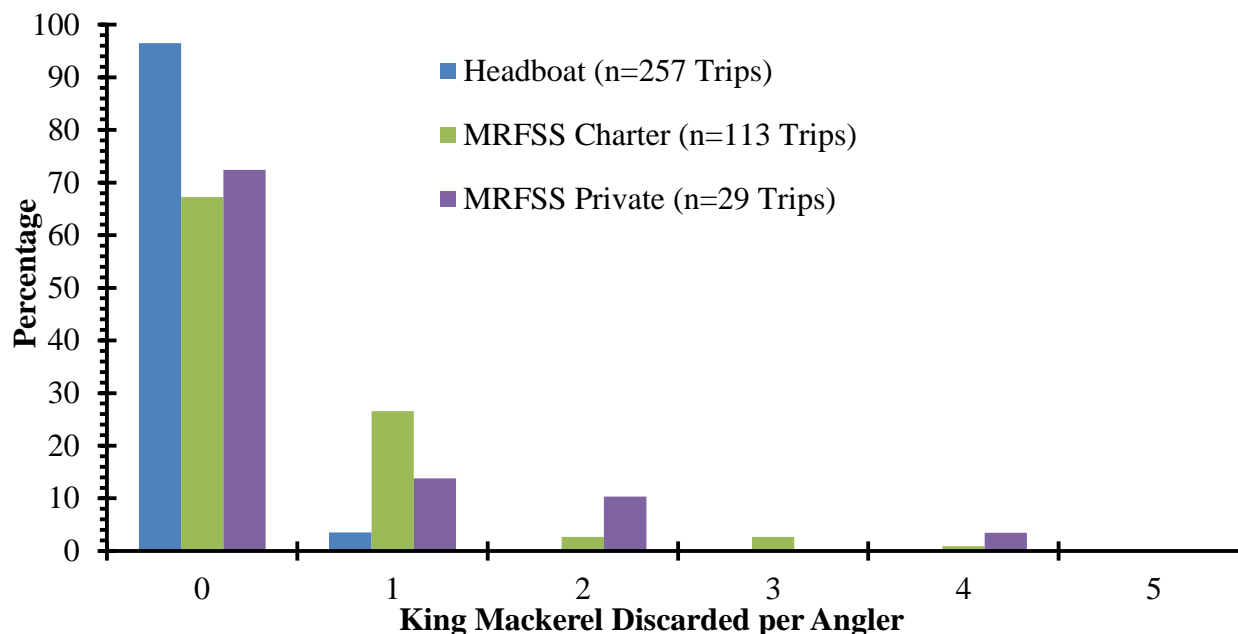
The Gulf of Mexico Fishery Management Council requested analysis of increasing the king mackerel bag limit from 2 to 3 fish per angler at their March 2015 meeting. This analysis also includes an increase to 4 fish per angler, to provide a range of alternatives should this action be added to an amendment. 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.



## APPENDIX D. 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 3.5.4). 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 Gulf and Atlantic states to the maximum extent possible. Their determination will then be submitted to the responsible state agencies under Section 307 of the CZMA administering approved Coastal Zone Management programs for each state.

### **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.

# APPENDIX E: EXPECTED NORTHERN AND SOUTHERN ZONE ALLOCATIONS WITH THE SEDAR 38 STOCK BOUNDARY

Kari MacLauchlin, SAFMC Staff  
April 2015

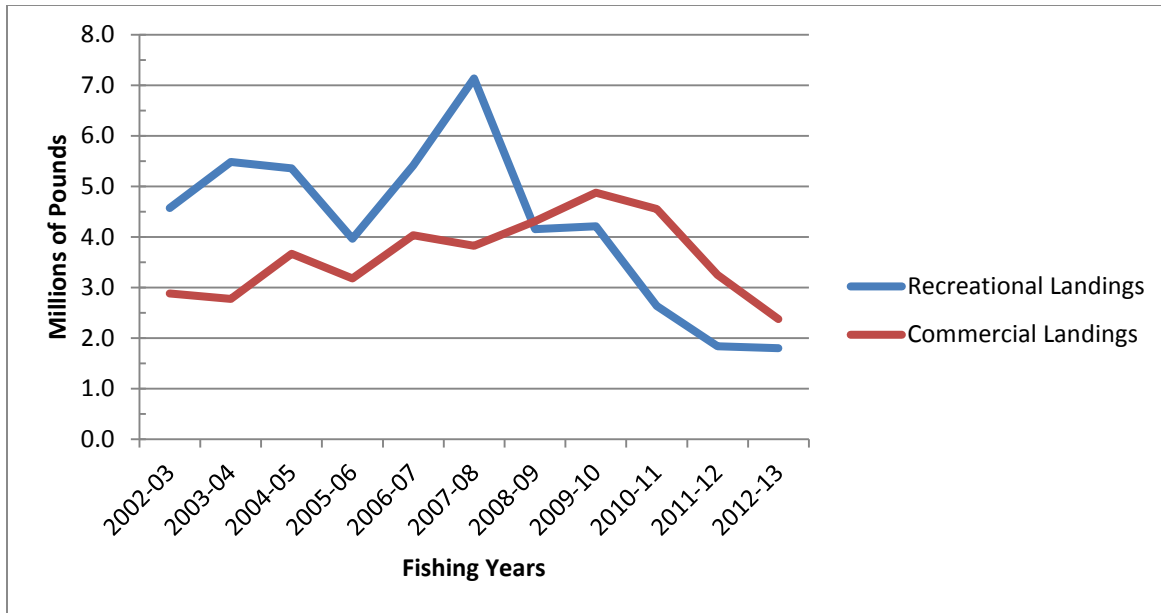
In CMP Amendment 20B, the South Atlantic Council established commercial king mackerel quotas for a Northern and Southern Zone. The boundary between the zones is the NC/SC boundary. The allocations of the commercial ACL that would go to each zone were based on a time period selected in CMP Amendment 20B. 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 E-1 and Figure E-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 E-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	1,489,016	373,427	1,862,443	1,035,006



**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 E-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 E-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 E-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%
			<b>AVERAGE:</b>	<b>23.04%</b>	<b>76.96%</b>

# APPENDIX F. BYCATCH PRACTICABILITY ANALYSIS (BPA)

## Population Effects for the Bycatch Species

### *Background*

In the Gulf of Mexico (Gulf) and Atlantic (Florida through New York) regions, most king mackerel and cobia are harvested with hook and line gear; however, gillnets and castnets are the predominant gear type used to harvest Spanish mackerel.

### *Commercial Sector*

Currently, discard data are collected using a supplemental form that is sent to a 20% stratified random sample of the active permit holders in CMP fishery. However, in the absence of any observer data, there are concerns about the accuracy of logbook data in collecting bycatch information. Biases associated with logbooks primarily result from inaccuracy in reporting of species that are caught in large numbers or are of little economic interest (particularly of bycatch species), and from low compliance rates. During 2008-2012, the commercial sector for CMP species in both the Gulf and Atlantic landed 11,714,560 lbs whole weight (ww) and discarded 44,035 lbs ww (Table 1). The commercial sector predominantly harvested king and Spanish mackerel, with relatively few cobia (Table 1).

### *Recreational Sector*

For the recreational sector, during 2008-2012, estimates of the number of recreational discards were available from Marine Recreational Fisheries Statistical Survey (MRFSS) and the National Marine Fisheries Service (NMFS) headboat survey. The MRFSS system classifies recreational catch into three categories:

- Type A - Fishes that were caught, landed whole, and available for identification and enumeration by the interviewers.
- Type B - Fishes that were caught but were either not kept or not available for identification:
  - Type B1 - Fishes that were caught and filleted, released dead, given away, or disposed of in some way other than Types A or B2.
  - Type B2 - Fishes that were caught and released alive.

During 2008-2012, the private recreational landings and discards for all three CMP species were higher than for either the headboat or charter boat category (Table 1). Landings and subsequent discards for the private recreational category were highest for Spanish mackerel, followed by king mackerel. Discards in the private recreational category for cobia were dis-proportionally high compared with its landings. A similar trend was seen for the charter boat category, with landings and discards for Spanish mackerel higher than king mackerel and cobia (Table 1). However, in the headboat category, landings and discards were higher for king mackerel,

followed by Spanish mackerel, and cobia. Discards for each of the three species were proportionally higher in the recreational sector than in the commercial sector.

During 2008-2012, information for charter trips came from two sources. Charter vessels for the CMP fishery were selected to report by the Science and Research Director (SRD) to maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, and on forms provided by the SRD. Harvest and bycatch information was monitored by MRFSS. Since 2000, a 10% sample of charter vessel captains were called weekly to obtain trip level information, such as date, fishing location, target species, etc. In addition, the standard dockside intercept data were collected from charter vessels and charter vessel clients were sampled through the standard random digital dialing of coastal households. Precision of charter vessel effort estimates has improved by more than 50% due to these changes (Van Voorhees et al. 2000).

Harvest from headboats was monitored by NMFS at the Southeast Fisheries Science Center's (SEFSC) Beaufort Laboratory. Collection of discard data began in 2004. Daily catch records (trip records) were filled out by the headboat operators, or in some cases by NMFS-approved headboat samplers based on personal communication with the captain or crew. Headboat trips were subsampled for data on species lengths and weights. Biological samples (scales, otoliths, spines, reproductive tissues, and stomachs) were obtained as time allowed. Lengths of discarded fish were occasionally obtained but these data were not part of the headboat database.

Recent improvements have been made to the MRFSS program, and the program is now called the Marine Recreational Information Program (MRIP). Beginning in 2013, samples were drawn from a known universe of fishermen rather than randomly dialing coastal households. Other improvements have been and will be made that should result in better estimating recreational catches and the variances around those catch estimates.



**Table 1.** Mean Headboat, MRFSS, and commercial estimates of landings and discards in the Gulf of Mexico and U.S. Atlantic Ocean (Florida to New York) during 2008-2012. Headboat, MRFSS (charter and private) landings are in numbers of fish (N); commercial landings are in pounds whole weight (lbs ww). Discards represent numbers of fish that were caught and released alive (B2).

	HEADBOAT				MRFSS CHARTER				MRFSS PRIVATE				COMMERCIAL		
	Catch (N)	Landings (N)	Discards (N)	Percent Discards	Catch (N)	Landings (N)	Discards (N)	Percent Discards	Catch (N)	Landings (N)	Discards (N)	Percent Discards	Landings (lbs ww)	Discards (N)	Percent Discards
Cobia	2,393	2,393	0	0%	22,579	12,256	10,323	84%	191,018	71,916	119,102	166%	202,991	0	0%
King Mackerel	33,449	31,254	2,195	7%	182,772	153,474	29,297	19%	622,353	441,727	180,625	41%	6,380,061	42,323	<1%
Spanish Mackerel	13,454	11,997	1,458	12%	437,110	334,701	102,409	31%	5,250,479	2,708,586	2,541,893	94%	5,131,508	1,712	<1%
<b>Total</b>	<b>49,297</b>	<b>45,644</b>	<b>3,653</b>		<b>642,461</b>	<b>500,431</b>	<b>142,030</b>		<b>6,063,850</b>	<b>3,222,229</b>	<b>2,841,621</b>		<b>11,714,560</b>	<b>44,035</b>	

Sources: MRFSS data from SEFSC Recreational ACL Dataset (May 2013); Headboat data from SEFSC Headboat Logbook CRNF files (expanded; May 2013);

Commercial landings data from SEFSC Commercial ACL Dataset (July 10, 2013) with discard estimates from expanded SEFSC Commercial Discard Logbook (Jun 2013).

Notes: Commercial discard estimates are for vertical line gear only. Commercial king mackerel includes "king and cero mackerel" category;

Estimates of commercial discards are highly uncertain; No reported discards for Commercial and Headboat Cobia.

King mackerel, cobia, and Spanish mackerel data include both Atlantic coast and Gulf of Mexico. Note that discard estimates for commercial and headboat include only the Gulf of Mexico and SAFMC jurisdiction; discards from the Mid-Atlantic would likely be relatively low, but are not reported here.

### *Finfish Bycatch Mortality*

Release mortality rates are unknown for most managed species. Recent Southeast Data, Assessment, and Review (SEDAR) assessments include estimates of release mortality rates based on published studies. Stock assessment reports can be found at <http://www.sefsc.noaa.gov/sedar/>.

SEDAR 28 (2013a, 2013b, 2013c, 2013d) assessed Spanish mackerel and cobia stocks in the South Atlantic and Gulf. The stocks were determined to be neither overfished nor undergoing overfishing. Both the Gulf and Atlantic migratory groups of king mackerel were assessed by SEDAR 16 in 2008/2009 (SEDAR 16 2009), and are being assessed again by SEDAR 38 in 2014. The SEDAR 16 (2009) assessment determined the Gulf migratory group of king mackerel was not overfished and was uncertain whether the Gulf migratory group was experiencing overfishing. Subsequent analyses showed that  $F_{\text{Current}}/F_{\text{MSY}}$  has been below 1.0 since 2002. Consequently, the most likely conclusion is the Gulf migratory group king mackerel stock is not undergoing overfishing. Atlantic migratory group king mackerel were also determined not to be overfished; however, it was uncertain whether overfishing is occurring, and thought to be at a low level if it is occurring.

SEDAR 16 (2009) provided a 20% estimate of release mortality of king mackerel for the private and charter sectors and 33% release mortality for the headboat sector. For Spanish mackerel, SEDAR 17 (2008) used the following discard mortality rates: gillnets 100%, shrimp trawls 100%, trolling 98%, hook-and-line 80%, and trolling/hook-and-line combined 88%. SEDAR 28 (2013c, 2013d) recommended identical discard mortality for Spanish mackerel as 100% for gillnets and shrimp trawls, but recommended a 10% discard mortality rate for commercial handlines, and 20% for recreational handlines. For cobia, SEDAR 28 (2013a and 2013b) used a discard mortality rate of 5% for the hook-and-line gear (both commercial and recreational sectors), and 51% for gillnets. Most king mackerel and cobia are harvested using hook-and-line gear, and gillnets are the primary gear for Spanish mackerel. As shown in Table 1, discards in the commercial sector are relatively low for all three CMP species, and while discards of cobia in the private recreational sector are very high, the discard mortality rate is very low for this species using hook-and-line gear (SEDAR 28, 2013a and 2013b).

### *Practicability of Management Measures in Directed Fisheries Relative to their Impact on Bycatch and Bycatch Mortality*

According to the bycatch information for mackerel gillnets, menhaden, smooth dogfish sharks, and spiny dogfish sharks were the three most frequently discarded species (SAFMC 2004). There were no interactions of sea turtles or marine mammals reported (Poffenberger 2004). The Southeast Region Current Bycatch Priorities and Implementation Plan FY04 and FY05 reported that 26 species of fish are caught as bycatch in the Gulf king mackerel gillnet sector. Of these, 34% are reported to be released dead, 59% released alive, and 6% undetermined. Bycatch was not reported for the Gulf Spanish mackerel sector. The Atlantic Spanish mackerel portion of the CMP fishery has 51 species reported as bycatch with approximately 81% reported as released alive. For the South Atlantic king mackerel portion of the CMP fishery 92.7% are reported as released alive with 6% undetermined. Bycatch was not reported separately for gillnets and hook-and-line gear. Additionally, the supplementary discard program to the logbook reporting requirement shows no interactions of gillnet gear with marine mammals or birds. Tables 2, 3,

and 4 list the species most often caught with king and Spanish mackerel in the Gulf and South Atlantic from the SEFSC commercial logbook. There is very little bycatch in the Spanish mackerel component of the fishery with gillnet gear, and the king mackerel component is also associated with a low level of bycatch. Amendment 20B would not modify the gear types or fishing techniques in the mackerel segments of the CMP fishery. Therefore, bycatch and subsequent bycatch mortality in the CMP fishery is likely to remain very low if this amendment is implemented.

Additional information on fishery related actions from the past, present, and future considerations can be found in Section 4.10 (Cumulative Effects) of Amendment 26.

**Table 2.** Top six species caught on trips where at least one pound of Spanish mackerel was caught with gillnet gear in the Gulf of Mexico and South Atlantic for 2008 and 2012.

Species	Percent of Harvest (Gillnets Only)
Spanish mackerel	94.1%
Blue runner	2.8%
King mackerel & Cero	2.6%
Unclassified jacks	0.38%
Crevalle jack	0.09%
Black sea bass	0.02%
Sheepshead	0.01%

Source: Southeast Fisheries Science Center Commercial Logbook (June 2013)

**Table 3.** Top three species caught on trips where at least one pound of Spanish mackerel was caught with all gear types in the Gulf of Mexico and South Atlantic from 2008-2012.

Species	Percent of Harvest (All Gear Types)
Spanish mackerel	78%
King mackerel & Cero	15%
Blue runner	2%
Yellowtail snapper	1%

Source: Southeast Fisheries Science Center Commercial Logbook (June 2013)

**Table 4.** Top 10 species caught on trips where at least one pound of king-cero mackerel with all gear types in the Gulf of Mexico and in the South Atlantic from 2008-2012.

Species	Percent of Total Harvest
King mackerel & Cero	73.83%
Vermilion snapper	5.93%
Red grouper	3.10%
Red snapper	2.76%
Spanish mackerel	2.47%
Yellowtail snapper	2.14%
Greater amberjack	2.07%
Gag	1.31%
Red pogy	0.89%
Gray triggerfish	0.83%
Scamp	0.80%

Source: Southeast Fisheries Science Center Commercial Logbook (June 2013)

### **Ecological Effects Due to Changes in the Bycatch**

The ecological effects of bycatch mortality are the same as fishing mortality from directed fishing efforts. If not properly managed and accounted for, either form of mortality could potentially reduce stock biomass to an unsustainable level. The Gulf Council, South Atlantic Council, and NMFS are in the process of developing actions that would improve bycatch monitoring in all fisheries including the CMP fishery. For example, the Joint South Atlantic/Gulf of Mexico Generic Charter/Headboat Reporting in the South Atlantic Amendment (Charter/Headboat Amendment), which became effective on January 7, 2014, requires weekly electronic reporting of landings and bycatch data for headboats in the South Atlantic. A similar framework action to require electronic reporting of landings and bycatch by headboats in the Gulf became effective on March 5, 2014. A generic amendment that requires weekly electronic reporting of commercial landings by dealers in the Gulf and South Atlantic became effective on August 7, 2014. The Gulf and South Atlantic Councils are developing an amendment that would require electronic reporting of commercial logbook data, which would include landed and discarded fish. Better bycatch and discard data would provide a better understanding of the composition and magnitude of catch and bycatch, enhance the quality of data provided for stock assessments, increase the quality of assessment output, provide better estimates of interactions with protected species, and lead to better decisions regarding additional measures to reduce bycatch. Management measures that affect gear and effort for a target species can influence fishing mortality in other species. Therefore, enhanced catch and bycatch monitoring would provide better data that could be used in multi-species assessments.

Ecosystem interactions among CMP species in the marine environment are poorly known. The three species are migratory, interacting in various combinations of species groups at different levels on a seasonal basis. With the current state of knowledge, it is difficult to evaluate the potential ecosystem-wide impacts of these species interactions, or the ecosystem impacts from

the limited mortality estimated to occur from mackerel fishing effort. However, there is very little bycatch in the Spanish mackerel portion of the CMP fishery with gillnet gear, and the king mackerel portion of the CMP fishery is also associated with a low level of bycatch (Tables 2, 3, and 4). Amendment 26 would not modify the gear types or fishing techniques in the CMP fishery. Therefore, ecological effects due to changes in bycatch in the CMP fishery are likely to remain very low if implemented. For more details on ecological effects, see Chapters 3 and 4 of the amendment.

### **Changes in the Bycatch of Other Fish Species and Resulting Population and Ecosystem Effects**

Actions in Amendment 26 are not expected to affect bycatch of other non-mackerel fish species. Less than 7% of the total landings in the mackerel and cobia components of the CMP fishery are non-targeted species (Tables 2, 3, and 4).

### **Effects on Marine Mammals and Birds**

Under Section 118 of the Marine Mammal Protection Act (MMPA), NMFS must publish, at least annually, a List of Fisheries that places all U.S. commercial fisheries into one of three categories based on the level of incidental serious injury and mortality of marine mammals that occurs in each fishery. The 2014 List of Fisheries classifies the Gulf and South Atlantic coastal migratory pelagic hook-and-line fishery as a Category III fishery (79 FR 14418, March 14, 2014). Category III designates fisheries with a remote likelihood or no known serious injuries or mortalities. The Gulf and South Atlantic coastal migratory pelagic gillnet portion of the CMP fishery is classified as Category II fishery. 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 gillnet portion of the CMP fishery has no documented interaction with marine mammals; NMFS classifies gillnet portion of the CMP fishery as Category II based on analogy (similar risk to marine mammals) with other gillnet fisheries.

The Bermuda petrel and roseate tern occur within the action area. Bermuda petrels are occasionally seen in the waters of the Gulf Stream off the coasts of North Carolina and South Carolina during the summer. Sightings are considered rare and only occurring in low numbers (Alsop 2001). Roseate terns occur widely along the Atlantic coast during the summer but in the southeast region, they are found mainly off the Florida Keys (unpublished USFWS data). Interaction with fisheries has not been reported as a concern for either of these species.

Fishing effort reductions have the potential to reduce the amount of interactions between the fishery and marine mammals and birds. Although, the Bermuda petrel and roseate tern occur within the action area, these species are not commonly found and neither has been described as associating with vessels or having had interactions with the CMP fishery. Thus, it is believed that the CMP fishery is not likely to negatively affect the Bermuda petrel and the roseate tern.

Spanish mackerel are among the species targeted with gillnet in North Carolina state waters. Observer coverage for gillnet is up to 10% and provided by the North Carolina Division of

Marine Fisheries, primarily during the fall flounder fishery in Pamlico Sound. Gillnets are also used from the North Carolina/South Carolina border and south and east of the fishery management council demarcation line between the Atlantic Ocean and the Gulf of Mexico. In this area gillnets are used to target finfish including, but not limited to king mackerel, Spanish mackerel, whiting, bluefish, pompano, spot, croaker, little tunny, bonita, jack crevalle, cobia, and striped mullet. The majority of fishing effort occurs in federal waters because South Carolina, Georgia, and Florida prohibit the use of gillnets, with limited exceptions, in state waters.

There is some observer coverage of CMP targeted trips by vessels with an active directed shark permit. The Shark Gillnet Observer Program is mandated under the Atlantic Highly Migratory Species FMP, the Atlantic Large Whale Take Reduction Plan (50 CFR Part 229.32), and the Biological Opinion for the Continued Authorization of the Atlantic Shark Fishery under Section 7 of the Endangered Species Act. Observers are deployed on any active fishing vessel reporting shark drift gillnet effort. In 2005, this program also began to observe sink gillnet fishing for sharks along the southeastern U.S. coast.

The shark gillnet observer program now covers all anchored (sink, stab, set), strike, or drift gillnet fishing by vessels that fish from Florida to North Carolina year-round. The observed fleet includes vessels with an active directed shark permit and fish with sink gillnet gear.

### **Changes in Fishing, Processing, Disposal, and Marketing Costs**

It is likely that all states within the Gulf and South Atlantic Councils' jurisdictions would be affected by the regulations associated with actions in Amendment 26. However, the methods of fishing, processing, disposal, and marketing are not expected to change.

Both Councils are considering options to enhance current data collection programs in future amendments. This might provide more insight in calculating the changes in fishing, processing, disposal, and marketing costs. See Chapter 4 of Amendment 20B for a complete description of how the CMP fishery and the species would be impacted by the proposed actions.

### **Changes in Fishing Practices and Behavior of Fishermen**

To be added.

### **Changes in Research, Administration, and Enforcement Costs and Management Effectiveness**

All actions in Amendment 26 would affect some measure of change in research, administration, and enforcement costs and management effectiveness. See Chapter 4 of this amendment for more details.

Research and monitoring is ongoing to understand the effectiveness of proposed management measures and their effect on bycatch. In 1990, the SEFSC initiated a logbook program for vessels with federal permits in the snapper grouper fishery from the Gulf of Mexico and South Atlantic. In 1999, logbook reporting was initiated for vessels catching king and Spanish

mackerel (Gulf and South Atlantic Councils). The Dolphin and Wahoo FMP required logbook reporting by fishermen with Commercial Atlantic Dolphin/Wahoo Permits. Approximately 20% of commercial fishermen from snapper grouper, dolphin wahoo, and CMP fisheries are asked to fill out discard information in logbooks; however, a greater percentage of fishermen could be selected with emphasis on individuals that dominate landings. Recreational discards are obtained from the MRIP and logbooks from the NMFS headboat program.

The Charter/Headboat Amendment, which became effective on January 7, 2014, requires electronic reporting for headboats each week for the snapper grouper, dolphin wahoo, and CMP fisheries in the Atlantic. A similar amendment became effective on March 5, 2014 to require weekly electronic reporting for headboats reef and CMP fisheries in the Gulf. Some observer information for the snapper grouper fishery has been provided by the SEFSC, Marine Fisheries Initiative, and Cooperative Research Programs (CRP), but more is desired for the snapper grouper, dolphin wahoo, reef fish, and CMP fisheries. An observer program is in place for headboats in the southeast for the snapper grouper, reef fish, dolphin wahoo, and CMP fisheries. Observers in the NMFS Headboat survey collect information about numbers and total weight of individual species caught, total number of passengers, total number of anglers, location fished (identified to a 10 mile by 10 mile grid), trip duration (half,  $\frac{3}{4}$ , full or multiday trip), species caught, and numbers of released fish with their disposition (dead or alive). The headboat survey does not collect information on encounters with protected species. At the September 2012 South Atlantic Council meeting, the SEFSC indicated that observers are placed on about 2% of the headboat trips out of South Carolina to Florida, and about 9% of the headboat trips out of North Carolina (<http://www.safmc.net/LinkClick.aspx?fileticket=XGaVZzxLePY%3d&tabid=745>).

Cooperative research projects between science and industry are being used to a limited extent to collect bycatch information from fisheries in the Gulf and South Atlantic. Research funds for observer programs, and gear testing and testing of electronic devices are also available each year in the form of grants from the Gulf and South Atlantic Foundation, Marine Fisheries Initiative, Saltonstall-Kennedy program, and the CRP. Efforts are made to emphasize the need for observer and logbook data in requests for proposals issued by granting agencies. A condition of funding for these projects is that data are made available to the Councils and NMFS upon completion of a study.

Stranding networks have been established in the Southeast Region. The NMFS SEFSC is the base for the Southeast United States Marine Mammal Stranding Program (<http://sero.nmfs.noaa.gov/pr/strandings.htm>). NMFS authorizes organizations and volunteers under the MMPA to respond to marine mammal stranding events throughout the United States. These organizations form the stranding network whose participants are trained to respond to, and collect samples from live and dead marine mammals that strand along southeastern United State beaches. The SEFSC is responsible for: coordinating stranding events; monitoring stranding rates; monitoring human caused mortalities; maintaining a stranding database for the southeast region; and conducting investigations to determine the cause of unusual stranding events including mass stranding events and mass mortalities (<http://www.sefsc.noaa.gov/species/mammals/strandings.htm>).

The Southeast Regional Office and the SEFSC participate in a wide range of training and outreach activities to communicate bycatch related issues. The NMFS Southeast Regional Office issues public announcements, Southeast Fishery Bulletins, or News Releases on different topics, including use of turtle exclusion devices, bycatch reduction devices, use of methods and devices to minimize harm to turtles and sawfish, information intended to reduce harm and interactions with marine mammals, and other methods to reduce bycatch for the convenience of constituents in the southern United States. These are mailed out to various organizations, government entities, commercial interests and recreational groups. This information is also included in newsletters and publications that are produced by NMFS and the various regional fishery management councils. Announcements and news releases are also available on the internet and broadcasted over NOAA weather radio.

Additional administrative and enforcement efforts would help to implement and enforce fishery regulations. The NMFS established the South East Fishery-Independent Survey in 2010 to strengthen fishery-independent sampling efforts in southeast U.S. waters, addressing both immediate and long-term fishery-independent data needs, with an overarching goal of improving fishery-independent data utility for stock assessments. Meeting these data needs is critical to improving scientific advice to the management process, ensuring overfishing does not occur, and successfully rebuilding overfished stocks on schedule.

### **Changes in the Economic, Social, or Cultural Value of Fishing Activities and Non-Consumptive Uses of Fishery Resources**

Proposed management measures, and any changes in economic, social, or cultural values are discussed in Chapter 4 of Amendment 26. Further analysis can be found in Chapter 5 (Regulatory Impact Review) and Chapter 6 (Regulatory Flexibility Act Analysis) of the amendment.

### **Changes in the Distribution of Benefits and Costs**

The distribution of benefits and costs expected from actions in Amendment 26 are discussed in Chapters 4, 5, and 6 of the amendment.

### **Social Effects**

The social effects of all the measures are described in detail in Chapter 4 of Amendment 26.

### **Conclusion**

This section evaluates the practicability of taking additional action to minimize bycatch and bycatch mortality using the ten factors provided at 50 CFR 600.350(d)(3)(i). In summary, measures proposed in Amendment 26 address issues associated with the new stock assessment for king mackerel in the Gulf and South Atlantic. None of the actions in this amendment are expected to significantly increase or decrease the magnitude of bycatch or bycatch mortality in the CMP fishery. Both sectors of the CMP fishery have relatively low baseline levels of bycatch,



which are not expected to change as a result of implementation of this amendment. No additional action is needed to further minimize bycatch in the CMP fishery.

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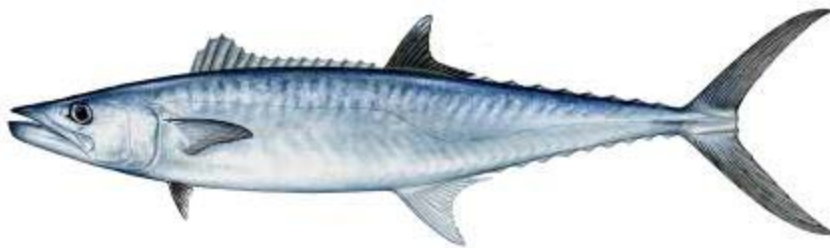
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**Back**

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

AP



## Draft Amendment 26 Decision Document

October 2015

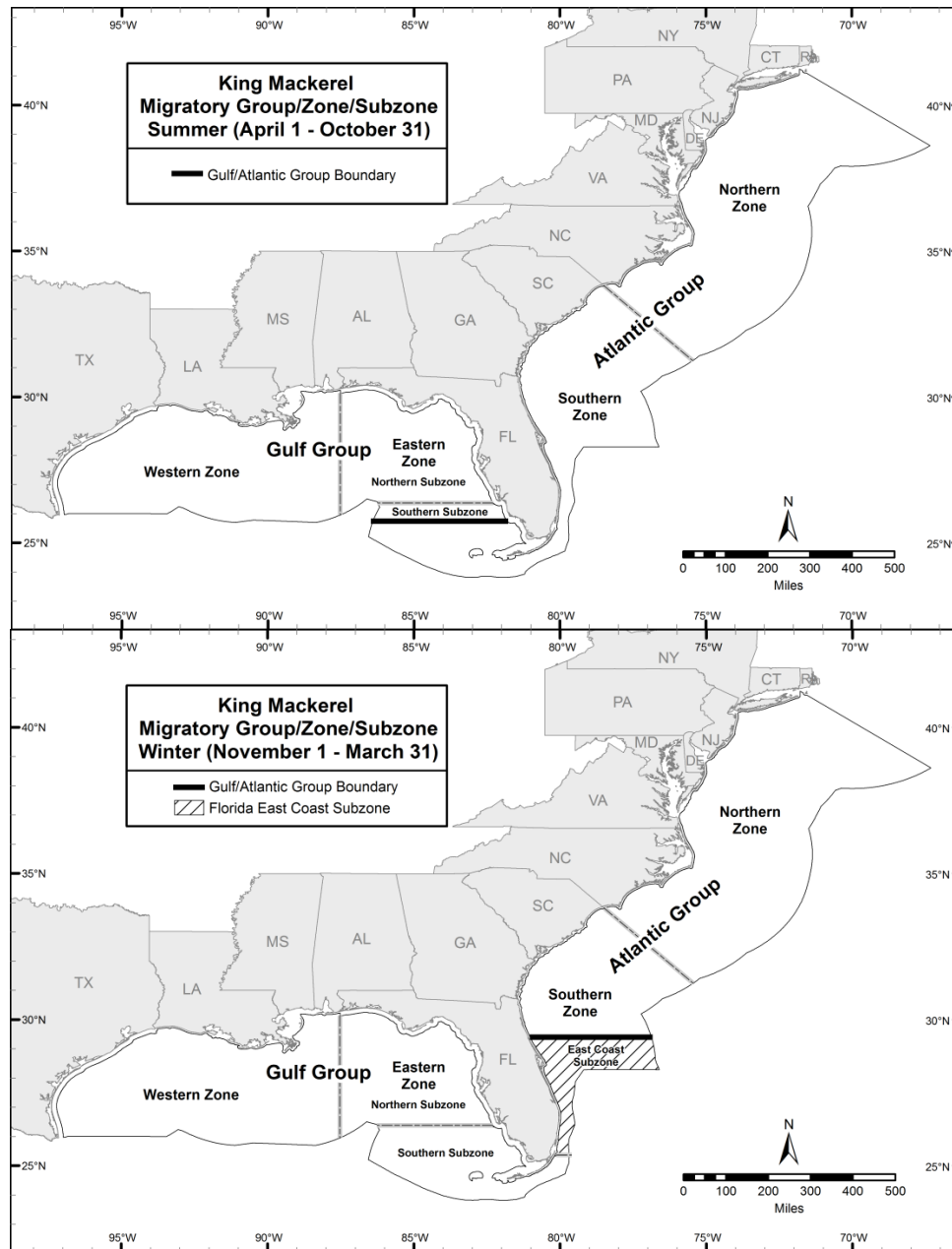


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# MANAGEMENT ALTERNATIVES

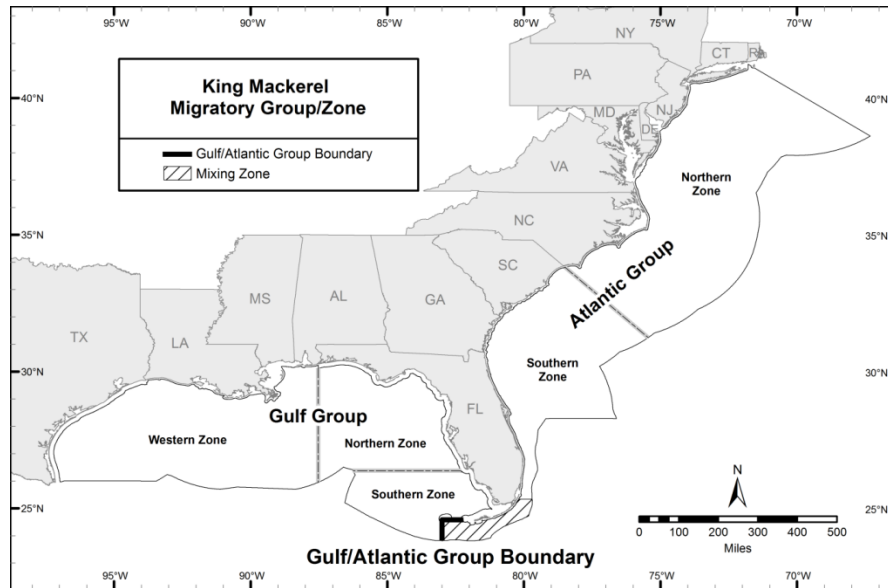
## Action 1 – Adjust the Management Boundary for Gulf of Mexico (Gulf) and Atlantic Migratory Groups of King Mackerel

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



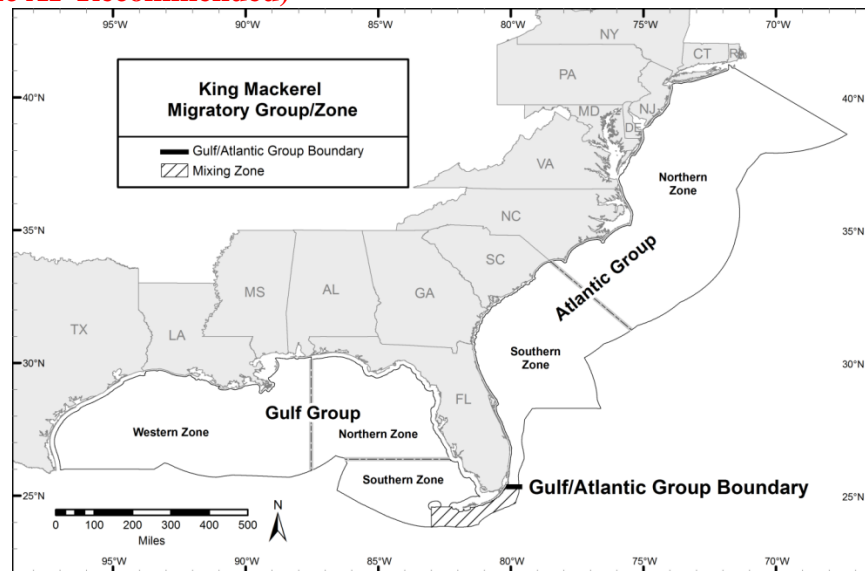
**Figure 2.1.1. Alternative 1:** Current seasonal management boundaries for Atlantic and Gulf migratory groups of king mackerel.

**Alternative 2:** Establish a single year-round boundary for separating management of the Gulf and Atlantic migratory groups of king mackerel at the regulatory boundary between the Gulf and South Atlantic Fishery Management Councils (Councils) (**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 AP Recommended**)



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

## Action 2 – Update Reference Points 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 maximum sustainable yield (MSY) is the value of yield at  $F_{MSY}$  from the most recent stock assessment. Currently  $MSY = 10.4$  million pounds (mp) (SEDAR 16). In October 2014, the South Atlantic Council’s Scientific and Statistical Committee (SSC) recommended a proxy for MSY at 30% SPR (spawning potential ratio), which is 12.7 mp.

**Table 2.2.1.** Recommendations from the October 2014 South Atlantic 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	12.7 mp
ABC Control Rule Adjustment	17.5%
P-Star	32.5%

See the CMP Fishery Management Plan (GMFMC and SAFMC 1982) and Amendment 18 (GMFMC and SAFMC 2011) for more information about the biological parameters in this action.

The South Atlantic SSC provided the following overfishing levels (OFLs) for Atlantic king mackerel at their October 2014 meeting (**Table 2.2.2**).

**Table 2.2.2.** Recommendation for OFL from the October 2014 South Atlantic 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

## 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 king mackerel (10.46 million pounds (mp)).

**Alternative 2:** Revise the ABC for Atlantic king mackerel for 2016/17 through 2019/20 based on the ABC levels recommended by the SSC for ABC under a high recruitment scenario. **(South Atlantic AP Recommended)**

**Alternative 3:** Revise the ABC for Atlantic king mackerel for 2016/17 through 2019/20 based on the ABC levels recommended by the SSC for ABC under a medium recruitment scenario.

**Alternative 4:** Revise the ABC for Atlantic king mackerel for 2016/17 through 2019/20 based on the ABC levels recommended by the SSC for ABC under a low recruitment scenario.

**Table 2.2.1.1.** Recommendations from the October 2014 South Atlantic SSC meeting for Atlantic 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	<b>Alt 2</b>	<b>Alt 3</b>	<b>Alt 4</b>			
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%

## Action 2-2 – Revise ACLs, Commercial Quotas, and Recreational ACT for Atlantic Migratory Group King Mackerel

**Alternative 1:** No action - Retain the ACL and recreational ACT for Atlantic king mackerel based on the previous ABC. ACL = optimum yield (OY) = ABC.

**Alternative 2:** Revise the ACL and recreational ACT based on the ABC levels selected under Action 2-1. ACL = OY = ABC, recreational ACT recreational ACL [0.5 or (1-PSE), whichever is greater]. **(South Atlantic AP Recommended)**

**Table 2.2.2.1.** 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 allocation is 23.04% and the Southern Zone allocation is 76.96% (see Appendix E for details on how the Northern and Southern Zone quota allocations were recalculated using the SEDAR 38 boundary).

ACL = ABC HIGH Recruitment Scenario <b>Action 2-1, Alt 2</b>						
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	5,002,400	10.9 mp	10.1 mp
2017/18	15.8 mp	5.9 mp	1,359,360	4,540,640	9.9 mp	9.2 mp
2018/19	14.1 mp	5.2 mp	1,198,080	4,001,920	8.9 mp	8.3 mp
2019/20	12.7 mp	4.7 mp	1,082,880	3,617,120	8.0 mp	7.4 mp
ACL = ABC MEDIUM Recruitment Scenario <b>Action 2-1, Alt 3</b>						
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	4,694,560	10.4 mp	9.7 mp
2017/18	14.3 mp	5.3 mp	1,221,120	4,078,880	9.0 mp	8.4 mp
2018/19	12.9 mp	4.8 mp	1,105,920	3,694,080	8.1 mp	7.5 mp
2019/20	12.1 mp	4.5 mp	1,036,800	3,463,200	7.6 mp	7.1 mp
Table 2.2.2.1 continued on the next page						



Table 2.2.2.1 continued						
ACL = ABC LOW Recruitment Scenario <b>Action 2-1, Alt 4</b>						
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	4,386,720	9.7 mp	9.0 mp
2017/18	12.9 mp	4.8 mp	1,105,920	3,694,080	8.1 mp	7.5 mp
2018/19	11.9 mp	4.4 mp	1,013,760	3,386,240	7.5 mp	7.0 mp
2019/20	11.6 mp	4.3 mp	990,720	3,309,280	7.3 mp	6.8 mp

\*ACT values are calculated based on formula from CMP Amendment 18 using the average PSE from 2005-2009.

**Alternative 3:** Establish ACL = OY = Deterministic equilibrium yield at  $F_{30\%SPR} = 12.7$  mp for fishing years 2016/17 through 2019/20. **(Recommended by the South Atlantic SSC)**

Alternative 3	
Atlantic King Mackerel ACL	12.7 mp
Commercial ACL	4.7 mp
Northern Zone Quota	1,082,880 lbs
Southern Zone Quota	3,617,120 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.

*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 terms of reference (TORs) of all 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 South Atlantic Council wants to choose that strategy to have stable catches rather than following the P\* recommendation 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	3,309,280 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 based on the ABC levels selected under Action 2-1.

**Table 2.2.2.2.** 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 is 23.04% and the Southern Zone allocation is 76.96% (see Appendix E for details on how the Northern and Southern Zone quota allocations were recalculated using the SEDAR 38 boundary).

ACL = 90% ABC HIGH Recruitment Scenario <b>Action 2-1, Alt 2</b>						
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	4,463,680	9.9 mp	9.2 mp
2017/18	14.2 mp	5.3 mp	1,221,120	4,078,880	8.9 mp	8.3 mp
2018/19	12.7 mp	4.7 mp	1,082,880	3,617,120	8.0 mp	7.4 mp
2019/20	11.4 mp	4.2 mp	967,680	3,232,320	7.2 mp	6.7 mp
ACL = 90% ABC MEDIUM Recruitment Scenario <b>Action 2-1, Alt 3</b>						
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	4,232,800	9.4 mp	8.7 mp
2017/18	12.9 mp	4.8 mp	1,105,920	3,694,080	8.1 mp	7.5 mp
2018/19	11.6 mp	4.3 mp	990,720	3,309,280	7.3 mp	6.8 mp
2019/20	10.9 mp	4.0 mp	921,600	3,078,400	6.9 mp	6.4 mp
ACL = 90% ABC LOW Recruitment Scenario <b>Action 2-1, Alt 4</b>						
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	4,001,920	8.7 mp	8.1 mp
2017/18	11.6 mp	4.3 mp	990,720	3,309,280	7.3 mp	6.8 mp
2018/19	10.7 mp	4 mp	921,600	3,078,400	6.7 mp	6.2 mp
2019/20	10.4 mp	3.9 mp	898,560	3,001,440	6.5 mp	6.0 mp

\*ACT values are calculated based on formula from CMP Amendment 18 using the average PSE from 2005-2009.

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

**Alternative 1:** No action - Retention and sale of Atlantic 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 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. 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.

**Alternative 3:** Allow retention and sale of Atlantic 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. 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.

**Table 2.3.1.** Information on gillnet trips landing shark and king mackerel in Florida from 2010-2014.

Year	# Gillnet Trips Shark <sup>a</sup>	# Gillnet Trips Shark and King Mackerel	# Participants with Shark/KM Gillnet Trips	Total Lbs King Mackerel Landed on Shark Gillnet Trips	Average Lbs King Mackerel Landed on Shark Gillnet Trips
2010	168	28	5	1255.3	44.8
2011	382	21	3	1039.0	49.5
2012	498	32	4	923.5	28.9
2013 <sup>b</sup>	298	33	5	2635.4	79.9
2014 <sup>c</sup>	161	23	4	2474.2	107.6
<b>TOTAL</b>	<b>1507</b>	<b>137</b>	<b>--</b>	<b>8327.3</b>	<b>60.8</b>

<sup>a</sup> Small coastal sharks (SCS)—blacknose, sharpnose, bonnethead, and finetooth

<sup>b</sup> SCS closed in September 30, 2013

<sup>c</sup> SCS closed in July 28, 2014

Source: ACCSP

## Action 4 – Establish Commercial Split Seasons for Atlantic Migratory Group King Mackerel in the Southern Zone

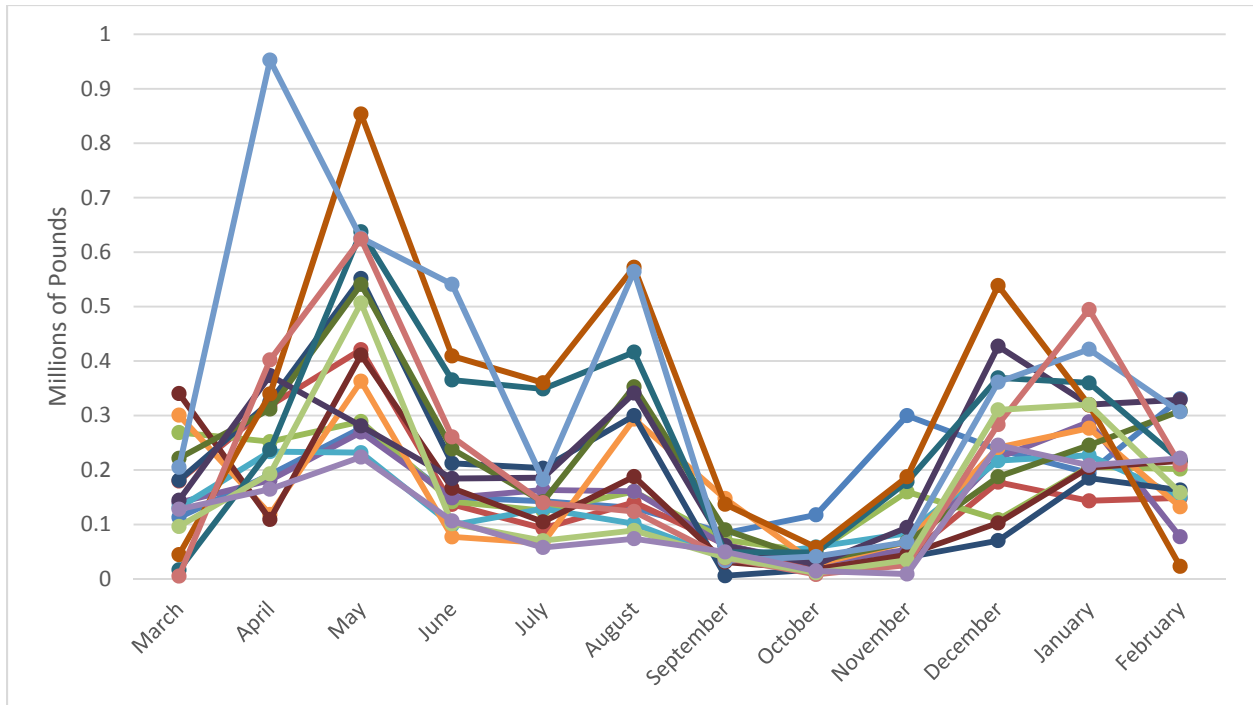
**Alternative 1 (No Action).** The commercial fishing year for Atlantic king mackerel is March 1 – February 28. The Southern Zone quota is allocated for the entire fishing year.

**Alternative 2.** Allocate the Southern Zone quota for Atlantic king mackerel into two quotas: 60% to the period March 1 - September 30 (season 1) and 40% to the period October 1 – February 28 (season 2). Any remaining quota from season 1 would transfer to season 2. Any remaining quota from season 2 would not be carried forward. When the Southern Zone quota for the season is met or expected to be met, commercial harvest of king mackerel in the Southern Zone will be prohibited for the remainder of the season. (**South Atlantic Mackerel AP Recommended**)

**NEW Alternative 3.** Allocate the Southern Zone quota for Atlantic king mackerel into two quotas: 60% to the period March 1 – October 1 (season 1) and 40% to the period November 1 – February 28 (season 2). Any remaining quota from season 1 would transfer to season 2. Any remaining quota from season 2 would not be carried forward. When the Southern Zone quota for the season is met or expected to be met, commercial harvest of king mackerel in the Southern Zone will be prohibited for the remainder of the season.

**NEW Alternative 4.** Allocate the Southern Zone quota for Atlantic king mackerel into two quotas: 50% to the period March 1 – October 1 (season 1) and 50% to the period November 1 – February 28 (season 2). Any remaining quota from season 1 would transfer to season 2. Any remaining quota from season 2 would not be carried forward. When the Southern Zone quota for the season is met or expected to be met, commercial harvest of king mackerel in the Southern Zone will be prohibited for the remainder of the season.

**NOTE:** *Alternatives 3 and 4 were added by the South Atlantic Council in September 2015. The Gulf Council will review the new alternatives in October 2015.*



**Figure 2.4.1.** King mackerel commercial landings in the Southern Zone by month for fishing years 1998-99 through 2013-14. Source: NMFS ALS

**Table 2.4.1.** Examples of possible split season quotas for the Southern Zone (in lbs) with a 60/40 allocation (Alternatives 2 and 3).

	ACL=ABC <sup>1</sup> High Recruitment <sup>2</sup>		ACL=ABC <sup>1</sup> Medium Recruitment <sup>3</sup>		ACL=Deterministic Equilibrium Yield at F <sub>30%SPR</sub> <sup>4</sup>	
	Season 1 (60%)	Season 2 (40%)	Season 1 (60%)	Season 2 (40%)	Season 1 (60%)	Season 2 (40%)
2016/17	3,001,440	2,000,960	2,816,736	1,877,824	2,170,272	1,446,848
2017/18	2,724,384	1,816,256	2,447,328	1,631,552		
2018/19	2,401,152	1,600,768	2,216,448	1,477,632		
2019/20	2,170,272	1,446,848	2,077,920	1,385,280		

<sup>1</sup> Alternative 2 under Action 2-2

<sup>2</sup> Alternative 2 under Action 2-1, ABC under High Recruitment Scenario

<sup>3</sup> Alternative 3 under Action 2-1, ABC under Medium Recruitment Scenario

<sup>4</sup> Alternative 3 under Acton 2-2

**Table 2.4.2.** Examples of possible split season quotas for the Southern Zone (in lbs) with a 50/50 allocation (Alternative 4).

	ACL=ABC <sup>1</sup> High Recruitment <sup>2</sup>	ACL=ABC <sup>1</sup> Medium Recruitment <sup>3</sup>	ACL=Deterministic Equilibrium Yield at F <sub>30%SPR</sub> <sup>4</sup>
	Season 1 or 2 (50%)	Season 1 or 2 (50%)	Season 1 or 2 (50%)
2016/17	2,501,200	2,347,280	1,808,560
2017/18	2,270,320	2,039,440	
2018/19	2,000,960	1,847,040	
2019/20	1,808,560	1,731,600	

<sup>1</sup> Alternative 2 under Action 2-2

<sup>2</sup> Alternative 2 under Action 2-1, ABC under High Recruitment Scenario

<sup>3</sup> Alternative 3 under Action 2-1, ABC under Medium Recruitment Scenario

<sup>4</sup> Alternative 3 under Acton 2-2

**Table 2.4.3.** Total king mackerel commercial landings from the Southern Zone, and percentages of the total landings under the potential split seasons.

Fishing Year	Total SZ Landings	Mar- Sep <sup>1</sup> Landings	Oct- Feb <sup>1</sup> Landings	Mar-Oct <sup>2</sup> Landings	Nov- Feb <sup>2</sup> Landings
1998-99	2,268,020	1,087,858	1,180,162	1,205,471	1,062,549
1999-00	1,882,497	1,352,567	529,930	1,371,907	510,590
2000-01	2,034,291	1,308,891	725,400	1,358,444	675,847
2001-02	1,794,925	1,124,947	669,978	1,153,715	641,210
2002-03	1,699,936	962,863	737,073	1,021,530	678,406
2003-04	2,110,632	1,365,949	744,683	1,393,093	717,539
2004-05	2,253,822	1,778,407	475,415	1,795,750	458,072
2005-06	1,936,527	1,350,872	585,655	1,368,436	568,091
2006-07	2,738,512	1,896,802	841,710	1,929,071	809,441
2007-08	2,767,803	1,570,897	1,196,906	1,597,353	1,170,450
2008-09	3,243,900	2,070,303	1,173,597	2,118,706	1,125,194
2009-10	3,842,670	2,716,313	1,126,357	2,774,083	1,068,587
2010-11	4,302,830	3,104,614	1,198,216	3,145,611	1,157,219
2011-12	2,615,883	1,594,660	1,021,223	1,602,782	1,013,101
2012-13	1,930,041	1,095,609	834,432	1,106,881	823,160
2013-14	1,502,679	803,797	698,882	818,231	684,448

<sup>1</sup>Potential seasons for Alternatives 2 and 3

<sup>2</sup>Potential seasons for Alternative 4

## **Action 5 – Establish trip limits for the Florida East Coast Management Zone**

### **Action 5-1. Establish Boundaries for the Florida East Coast Management Zone for Atlantic Migratory Group King Mackerel**

**Alternative 1:** No action - Do not establish a Florida east coast management zone.

**Alternative 2:** Establish a Florida east coast management zone 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 the Council jurisdictional boundary (as designated Action 1).

**Alternative 3:** Establish a Florida east coast management zone that exists for season 1 (as designated in Action 4) 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. **(South Atlantic AP Recommended)**

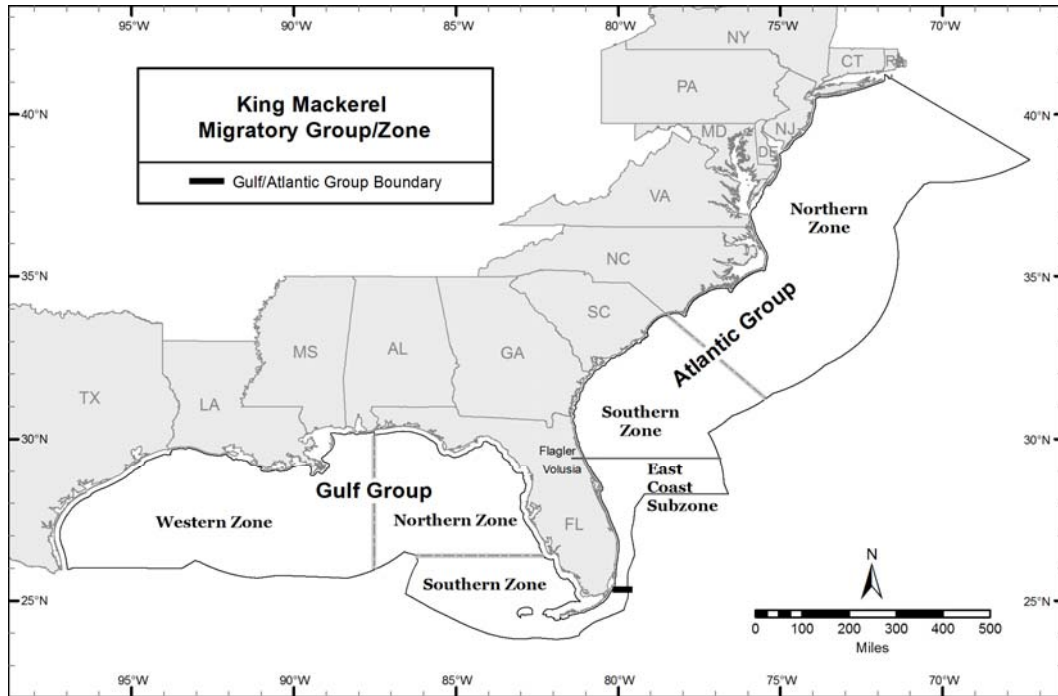
**Option 3c:** Volusia/Brevard county line and the Council jurisdictional boundary (as designated in Action 1).

**Alternative 4:** Establish a Florida east coast management zone that exists for season 2 (as designated in Action 4) with boundaries at:

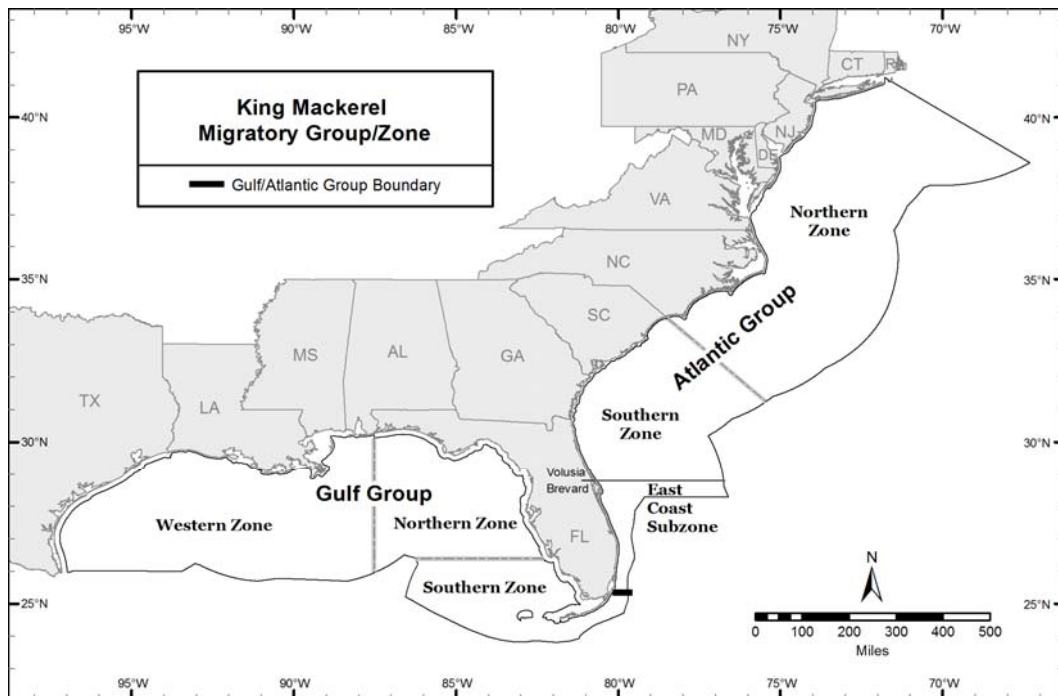
**Option 4a:** Flagler/Volusia county line and Dade/Monroe county line. **(South Atlantic AP Recommended)**

**Option 4b:** Volusia/Brevard county line and Dade/Monroe county line.

**Option 4c:** Volusia/Brevard county line and the Council jurisdictional boundary (as designated in Action 1).

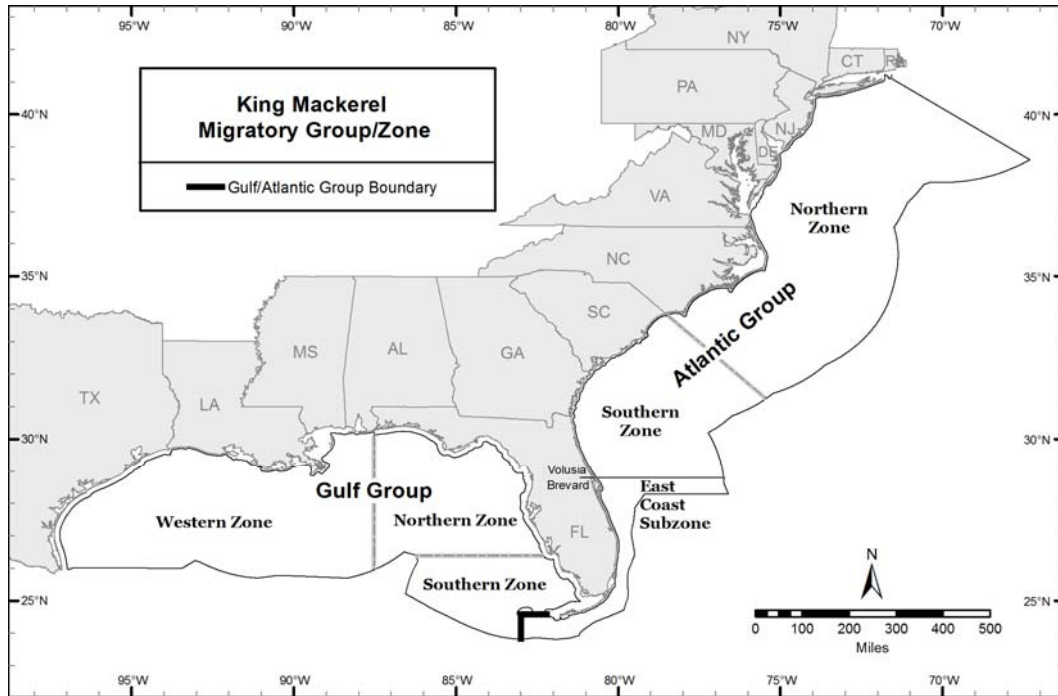


**Figure 2.5.1.** Boundaries for the Florida east coast management zone under Options 2a, 3a, and 4a (Flagler/Volusia County line and Dade/Monroe County line).



**Figure 2.5.2.** Boundaries for the Florida east coast management zone under Options 2b, 3b, and 4b; or under Options 2c, 3c, and 4c if Action 1/Alternative 3 is selected (Volusia/Brevard County line and Dade/Monroe County line).





**Figure 2.5.3.** Boundaries for the Florida east coast management zone under Options 2c, 3c, and 4c or if Action 1/Alternative 2 is selected (Volusia/Brevard County line and Gulf/South Atlantic Council boundary).

## **Action 5-2. Establish a trip limit system for the Florida East Coast Management Zone**

**Alternative 1:** No action. Do not establish commercial trip limits for the Florida east coast management zone for Atlantic migratory group king mackerel. The trip limit will remain:

*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.*

*From November 1 through March 31, no trip limit is in place for Atlantic migratory group king mackerel.*

**Alternative 2:** Establish a year-round trip limit of 75 fish for Atlantic king mackerel in the Florida east coast management zone (designated in Action 5-1).

**Alternative 3:** Establish a trip limit of 75 fish for Atlantic king mackerel in the Florida east coast management zone (designated in Action 5-1) for season 1 (as designated in Action 4).

**Option 3a.** Reduce the trip limit to 50 fish from May 1- May 31.

**Option 3b.** Reduce the trip limit to 50 fish from May 1- August 31.

**Option 3c.** Reduce the trip limit to 50 fish from April 15- May 15.

[The step-down in Options 3a-3c was recommended to reduce harvest during spawning.]

**Alternative 4:** Establish a trip limit of 50 fish for Atlantic king mackerel in the Florida east coast management zone (designated in Action 5-1) for season 2 (as designated in Action 4).

**Option 4a.** Beginning on February 1 and continuing through the end of February--

(1) If 70 % or more of the season 2 quota has been taken, the trip limit is 50 fish.

(2) If less than 70 % of the season 2 quota has been taken, the trip limit is 75 fish.

**Option 4b.** Beginning on January 1 and continuing through the end of February--

(1) If 70 % or more of the season 2 quota has been taken, the trip limit is 50 fish.

(2) If less than 70 % of the season 2 quota has been taken, the trip limit is 75 fish.

**Option 4c.** Beginning on February 1 and continuing through the end of February--

(1) If 80 % or more of the season 2 quota has been taken, the trip limit is 50 fish.

(2) If less than 80 % of the season 2 quota has been taken, the trip limit is 75 fish.

## Action 6 – Modify the ACL for Gulf Migratory Group King Mackerel

**Alternative 1:** No action – Do not modify the ACL for Gulf migratory group king mackerel. The ACL of 10.8 million pounds will remain.

**Alternative 2:** Set the Gulf migratory group king mackerel ACL equal to the ABC recommended by the Gulf Scientific and Statistical Committee (SSC) 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)

*Note: Constant catch scenarios require an allocation determination in order to be calculated. This alternative is not feasible until an allocation scenario is established. The Councils should consider providing direction to staff on this issue. If constant catch scenarios are developed using the current allocation, and then the Councils select a different allocation in Action 8, then the constant catch scenarios will no longer be accurate.*

**Table 2.6.1.** Stock benchmarks as proposed by the SEDAR 38 stock assessment of Gulf migratory group king mackerel.

Criteria	Deterministic
Overfished evaluation	No, SSB/SSB <sub>30%SPR</sub> = 2.10
Overfishing evaluation	No, F/F <sub>30%SPR</sub> = 0.507
F <sub>2012</sub>	0.08
MFMT (F <sub>30%SPR</sub> )	0.157
SSB <sub>2012</sub>	2353 metric tons
SSB <sub>MSY</sub> (SSB <sub>30%SPR</sub> )	1120 metric tons
P-Star	0.5 (OFL); 0.43 (ABC)

The Gulf SSC then recommended the following OFL and ABC values:

**Table 2.6.2.** Gulf SSC recommendations for ABC for Gulf migratory group king mackerel, using data resultant from SEDAR 38 (2014). OFL and ABC values are in millions of pounds whole weight.

Year	OFL	ABC
	<i>P* = 0.50</i>	<i>P* = 0.43</i>
<b>2015</b>	10.11	9.62
<b>2016</b>	9.61	9.21
<b>2017</b>	9.27	8.88
<b>2018</b>	9.11	8.71
<b>2019</b>	8.95	8.55

## Action 7 – 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 Recommended)**

**Table 2.7.1.** Current 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%

**Table 2.7.2.** 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%			

## Action 8 – 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 Recommended)**

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

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

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

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

**Alternative 3:** Revise the recreational and commercial allocations for Gulf migratory group king mackerel by transferring 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 transferred from the recreational allocation to the commercial allocation.

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

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

**Alternative 4:** Conditionally transfer a certain percentage (*Options a-c*) of the recreational allocation to the commercial sector until such a time that recreational landings reach a predetermined threshold (*Options d-f*). If this threshold is met, the recreational and commercial allocations will revert to 68% for the recreational sector and 32% for the commercial sector.

*Conditional Quota Transfer (MUST CHOOSE ONE):*

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

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

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

*Recreational ACL Threshold (MUST CHOOSE ONE):*

**Option d:** Revert to the status quo sector allocations if 80% of the adjusted recreational sector ACL is landed.

**Option e:** Revert to the status quo sector allocations if 90% of the adjusted recreational sector ACL is landed.

**Option f:** Revert to the status quo sector allocations if 100% of the adjusted recreational sector ACL is landed.

**Alternative 5:** Establish a sunset provision for any change in the sector allocations for Gulf migratory group king mackerel. After the predetermined time period, any change in sector allocations would revert back to the allocations specified in the original Coastal Migratory Pelagics Fishery Management Plan for the Gulf of Mexico (68% for the recreational sector and 32% for the commercial sector).

**Option a:** Sunset any change in sector allocations after a five year period (2016-2020).

- Option b:** Sunset any change in sector allocations after a ten year period (2016-2025).  
**Option c:** Sunset any change in sector allocations after a fifteen year period (2016-2030).

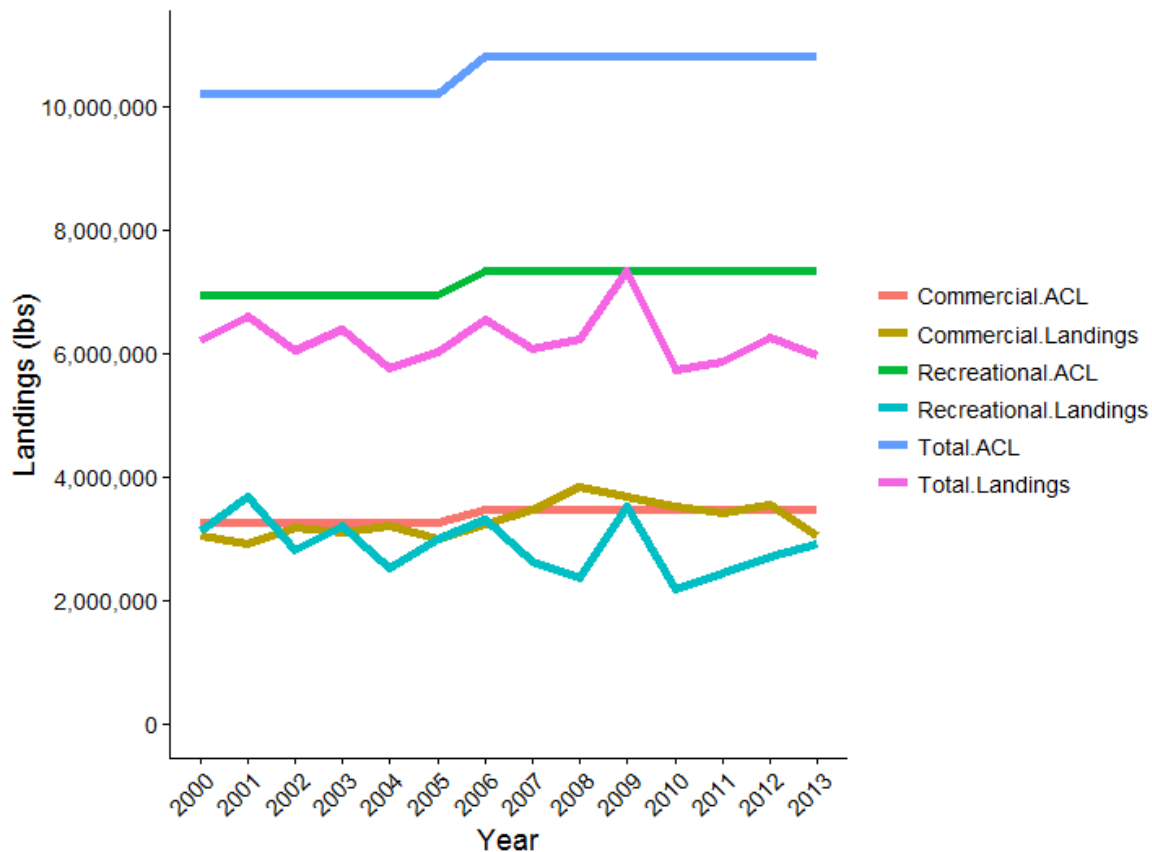
**Table 2.8.1.** Proportion of sector ACLs landed and proportion of total ACL landed for Gulf migratory group king mackerel, including those landings attributed to the Florida East Coast Zone (FLEC). The FLEC landings are included here since there is not a recreational allocation specifically for the FLEC Zone.

Fishing Year	Total TAC/ACL	Comm ACL	Comm Landings	Rec ACL	Rec Landings	% of Sector ACL Landed		Total ACL Landed
						Comm <sup>1</sup>	Rec <sup>2</sup>	
2001-02	10.2 mp	3.264 mp	2.902 mp	6.936 mp	3.669 mp	88.9%	52.9%	64.7%
2002-03	10.2 mp	3.264 mp	3.186 mp	6.936 mp	2.816 mp	97.6%	40.6%	59.3%
2003-04	10.2 mp	3.264 mp	3.094 mp	6.936 mp	3.211 mp	94.8%	46.3%	62.7%
2004-05	10.2 mp	3.264 mp	3.215 mp	6.936 mp	2.532 mp	98.5%	36.5%	56.4%
2005-06	10.2 mp	3.264 mp	2.983 mp	6.936 mp	2.996 mp	91.4%	43.2%	58.9%
2006-07	10.8 mp	3.456 mp	3.231 mp	7.344 mp	3.305 mp	93.5%	45.0%	60.5%
2007-08	10.8 mp	3.456 mp	3.459 mp	7.344 mp	2.629 mp	100.1%	35.8%	56.3%
2008-09	10.8 mp	3.456 mp	3.833 mp	7.344 mp	2.350 mp	110.9%	32.0%	57.6%
2009-10	10.8 mp	3.456 mp	3.674 mp	7.344 mp	3.525 mp	106.3%	48.0%	68.0%
2010-11	10.8 mp	3.456 mp	3.522 mp	7.344 mp	2.181 mp	101.9%	29.7%	53.0%
2011-12	10.8 mp	3.456 mp	3.428 mp	7.344 mp	2.438 mp	99.2%	33.2%	54.3%
2012-13	10.8 mp	3.456 mp	3.539 mp	7.344 mp	2.710 mp	102.4%	36.9%	57.9%
2013-14	10.8 mp	3.456 mp	3.055 mp	7.344 mp	2.916 mp	88.4%	39.7%	55.3%

<sup>1</sup>Commercial allocation = 32%      <sup>2</sup>Recreational allocation = 68%

Source: SERO

### Gulf King Mackerel Landings and ACLs: 2000-2013



**Figure 2.8.1.** Trends in Gulf migratory group king mackerel landings by sector for the 2000-01 to the 2013-14 fishing seasons. Landings are in pounds.

**Table 2.8.2.** Resultant allocations based on options presented in Action 8. **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 4, Option a	37%	63%
Alternative 4, Option b	42%	58%
Alternative 4, Option c	52%	48%

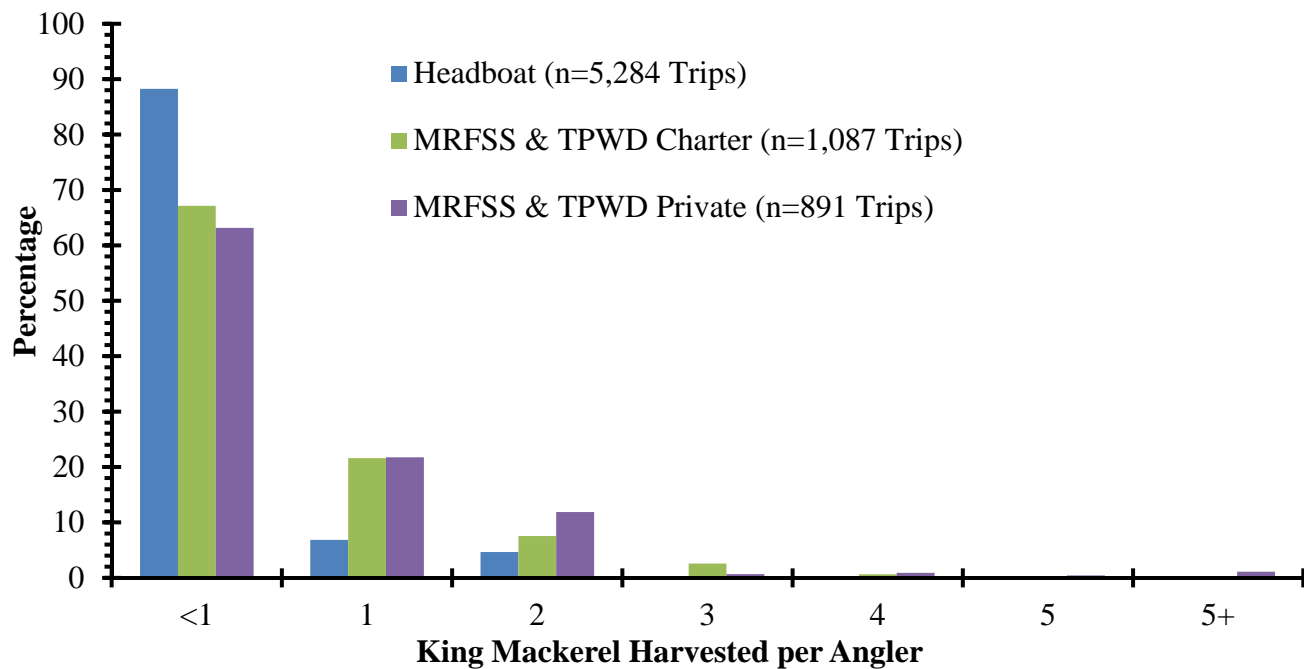


## Action 9 – Modify the Recreational Bag Limit for Gulf Migratory Group King Mackerel

**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 Recommended)**

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



**Figure 2.9.1.** Distribution of Gulf of Mexico migratory group king mackerel harvested per angler by mode from 2011 through 2013.

Source: NMFS SERO LAPP/DM Branch.

**Table 2.9.1.** Estimated 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 Appendix C 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

## 2.8 Action 8 – 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 Recommended)**

**Alternative 2:** Revise the recreational and commercial allocations for Gulf migratory group king mackerel by dividing the stock ACL using one of the options below.

**Option a:** 63% to the recreational sector, and 37% to the commercial sector.

**Option b:** 58% to the recreational sector, and 42% to the commercial sector.

**Option c:** 48% to the recreational sector, and 52% to the commercial sector.

**Alternative 3:** Revise the recreational and commercial allocations for Gulf migratory group king mackerel by transferring a percentage of the stock ACL 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 transferred from the stock ACL to the commercial allocation.

**Option a:** Transfer 2% of the stock ACL annually to the commercial allocation.

**Option b:** Transfer 5% of the stock ACL annually to the commercial allocation.

**Alternative 4:** Conditionally transfer a certain percentage (*Options a-c*) of the stock ACL to the commercial sector until such a time that recreational landings reach a predetermined threshold (*Options d-f*). If this threshold is met, the recreational and commercial allocations will revert to 68% for the recreational sector and 32% for the commercial sector.

*Conditional Quota Transfer (MUST CHOOSE ONE):*

**Option a:** Transfer 5% of the stock ACL to the commercial sector.

**Option b:** Transfer 10% of the stock ACL to the commercial sector.

**Option c:** Transfer 20% of the stock ACL to the commercial sector.

*Recreational ACL Threshold (MUST CHOOSE ONE):*

**Option d:** Revert to the status quo sector allocations if 80% of the adjusted recreational sector ACL is landed.

**Option e:** Revert to the status quo sector allocations if 90% of the adjusted recreational sector ACL is landed.

**Option f:** Revert to the status quo sector allocations if 100% of the adjusted recreational sector ACL is landed.

**Alternative 5:** Establish a sunset provision for any change in the sector allocations for Gulf migratory group king mackerel. After the predetermined time period, any change in sector allocations would revert back to the allocations specified in the original Coastal Migratory Pelagics Fishery Management Plan for the Gulf of Mexico (68% for the recreational sector and 32% for the commercial sector).

**Option a:** Sunset any change in sector allocations after a five year period (2016-2020).

**Option b:** Sunset any change in sector allocations after a ten year period (2016-2025).

**Option c:** Sunset any change in sector allocations after a fifteen year period (2016-2030).

**Discussion:**

The Councils are considering modifying the sector allocations for Gulf migratory group king mackerel. Over the past ten years, the commercial sector has consistently landed near 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 king mackerel stock ACL to the commercial sector. Recent landings of Gulf migratory group king mackerel are shown in Table 2.8.1 and Figure 2.8.1. The fishing year for the time series presented is July 1 – June 30.

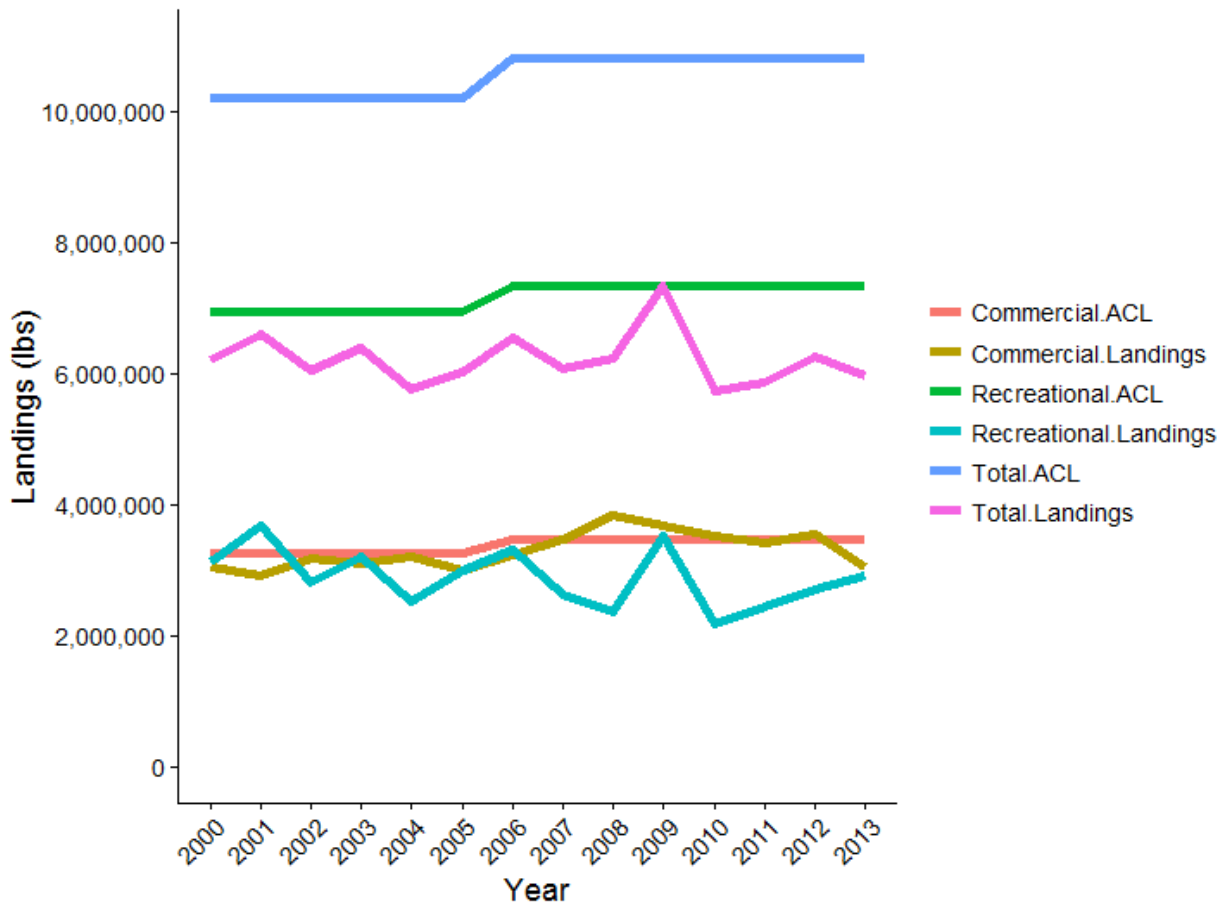
**Table 2.8.1.** Proportion of sector ACLs landed and proportion of total ACL landed for Gulf migratory group king mackerel, including those landings attributed to the Florida East Coast Zone (FLEC). The FLEC landings are included here since there is not a recreational allocation specifically for the FLEC Zone.

Fishing Year	Total TAC/ACL	Comm ACL	Comm Landings	Rec ACL	Rec Landings	% of Sector ACL Landed		Total ACL Landed
						Comm <sup>1</sup>	Rec <sup>2</sup>	
2001-02	10.2 mp	3.264 mp	2.902 mp	6.936 mp	3.669 mp	88.9%	52.9%	64.7%
2002-03	10.2 mp	3.264 mp	3.186 mp	6.936 mp	2.816 mp	97.6%	40.6%	59.3%
2003-04	10.2 mp	3.264 mp	3.094 mp	6.936 mp	3.211 mp	94.8%	46.3%	62.7%
2004-05	10.2 mp	3.264 mp	3.215 mp	6.936 mp	2.532 mp	98.5%	36.5%	56.4%
2005-06	10.2 mp	3.264 mp	2.983 mp	6.936 mp	2.996 mp	91.4%	43.2%	58.9%
2006-07	10.8 mp	3.456 mp	3.231 mp	7.344 mp	3.305 mp	93.5%	45.0%	60.5%
2007-08	10.8 mp	3.456 mp	3.459 mp	7.344 mp	2.629 mp	100.1%	35.8%	56.3%
2008-09	10.8 mp	3.456 mp	3.833 mp	7.344 mp	2.350 mp	110.9%	32.0%	57.6%
2009-10	10.8 mp	3.456 mp	3.674 mp	7.344 mp	3.525 mp	106.3%	48.0%	68.0%
2010-11	10.8 mp	3.456 mp	3.522 mp	7.344 mp	2.181 mp	101.9%	29.7%	53.0%
2011-12	10.8 mp	3.456 mp	3.428 mp	7.344 mp	2.438 mp	99.2%	33.2%	54.3%
2012-13	10.8 mp	3.456 mp	3.539 mp	7.344 mp	2.710 mp	102.4%	36.9%	57.9%
2013-14	10.8 mp	3.456 mp	3.055 mp	7.344 mp	2.916 mp	88.4%	39.7%	55.3%

<sup>1</sup>Commercial allocation = 32%      <sup>2</sup>Recreational allocation = 68%

Source: SERO

## Gulf King Mackerel Landings and ACLs: 2000-2013



**Figure 2.8.1.** Trends in Gulf migratory group king mackerel landings by sector for the 2000-01 to the 2013-14 fishing seasons. Landings are in pounds.

**Alternative 1** 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. Closures for the commercial sector are 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 transferring some percentage of the stock ACL to the commercial sector. Options for such a transfer in allocation include 5% (**Option a**), 10% (**Option b**), and 20% (**Option c**). Transferring allocation from the stock ACL 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 2.8.2 shows the resultant allocations based on the options presented in this action.

**Table 2.8.2.** Resultant allocations based on options presented in Action 8. 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
<b>Alternative 1</b>	32%	68%
<b>Alternative 2, Option a</b>	37%	63%
<b>Alternative 2, Option b</b>	42%	58%
<b>Alternative 2, Option c</b>	52%	48%
<b>Alternative 3</b>		
<b>Alternative 4, Option a</b>	37%	63%
<b>Alternative 4, Option b</b>	42%	58%
<b>Alternative 4, Option c</b>	52%	48%

**Alternative 3** would revise the recreational and commercial allocations for Gulf migratory group king mackerel by transferring a percentage of the stock ACL 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 transferred from the stock ACL to the commercial allocation. These annual percentage transfers could amount to 2% of the stock ACL (**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.

**Alternative 4** would conditionally transfer a certain percentage of the stock ACL to the commercial sector until such a time that the recreational ACL is met. If the recreational ACL is met, then the recreational and commercial allocations will revert to 68% for the recreational sector and 32% for the commercial sector. The Councils proposed three options for transferring quota from the stock ACL to the commercial sector: 5% (**Option a**), 10% (**Option b**), and 20% (**Option c**). The resultant allocations for each sector under each option are shown in Table 2.8.2.

**Council Conclusions:**

## 4.8 Action 8 – 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 Recommended)**

**Alternative 2:** Revise the recreational and commercial allocations for Gulf migratory group king mackerel by dividing the stock ACL using one of the options below.

**Option a:** 63% to the recreational sector, and 37% to the commercial sector.

**Option b:** 58% to the recreational sector, and 42% to the commercial sector.

**Option c:** 48% to the recreational sector, and 52% to the commercial sector.

**Alternative 3:** Revise the recreational and commercial allocations for Gulf migratory group king mackerel by transferring a percentage of the stock ACL 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 transferred from the stock ACL to the commercial allocation.

**Option a:** Transfer 2% of the stock ACL annually to the commercial allocation.

**Option b:** Transfer 5% of the stock ACL annually to the commercial allocation.

**Alternative 4:** Conditionally transfer a certain percentage (*Options a-c*) of the stock ACL to the commercial sector until such a time that recreational landings reach a predetermined threshold (*Options d-f*). If this threshold is met, the recreational and commercial allocations will revert to 68% for the recreational sector and 32% for the commercial sector.

*Conditional Quota Transfer (MUST CHOOSE ONE):*

**Option a:** Transfer 5% of the stock ACL to the commercial sector.

**Option b:** Transfer 10% of the stock ACL to the commercial sector.

**Option c:** Transfer 20% of the stock ACL to the commercial sector.

*Recreational ACL Threshold (MUST CHOOSE ONE):*

**Option d:** Revert to the status quo sector allocations if 80% of the adjusted recreational sector ACL is landed.

**Option e:** Revert to the status quo sector allocations if 90% of the adjusted recreational sector ACL is landed.

**Option f:** Revert to the status quo sector allocations if 100% of the adjusted recreational sector ACL is landed.

**Alternative 5:** Establish a sunset provision for any change in the sector allocations for Gulf migratory group king mackerel. After the predetermined time period, any change in sector allocations would revert back to the allocations specified in the original Coastal Migratory Pelagics Fishery Management Plan for the Gulf of Mexico (68% for the recreational sector and 32% for the commercial sector).

**Option a:** Sunset any change in sector allocations after a five year period (2016-2020).

**Option b:** Sunset any change in sector allocations after a ten year period (2016-2025).

**Option c:** Sunset any change in sector allocations after a fifteen year period (2016-2030).

#### 4.8.1 Description of the Physical and Biological Environments

King mackerel are typically caught at the ocean surface, and typical gear types used in the harvest of king mackerel do not normally come in contact with bottom habitat. Therefore, the alternatives presented in Action 7 are not expected to result in any previously unconsidered direct effects to the physical environment. This action could indirectly affect the physical environment if changes in allocation result in an increase or decrease in the amount of fishing gear used to harvest the respective commercial and recreational quotas, which in turn could increase the probability of gear becoming lost and fouled (Barnette 2001).

Removal of fish from the population through fishing can reduce the overall population size if harvest is not maintained at sustainable levels. Effects of these alternatives on the biological environment would depend on the resulting reduction or increases in the level of fishing as a result of each alternative. Indirect impacts of these alternatives on the biological environment would depend on the resulting change in the level of commercial king mackerel fishing effort in the Gulf.

The no action alternative (**Alternative 1**) would maintain the current allocation of 68% of the Gulf migratory group king mackerel stock ACL reserved for the recreational sector, and the remaining 32% reserved for the commercial sector. **Alternative 1** would not result in any change in effects to the physical or biological environments.

**Alternatives 2-4** propose, through different methods, some manner of reallocation from the recreational sector to the commercial sector. The resultant allocations from each proposed alternative, as intended by the Councils, are shown in Table 2.8.2. Since the recreational sector *is not* currently landing its allocation, and the commercial sector *is* landing its allocation (Table 2.8.1), any transfer of unharvested fish from the recreational sector to the commercial sector will result in additional removals from the Gulf migratory group king mackerel stock. It is also because of this trend in landings that the Councils are not considering reallocating some portion of the stock ACL to the recreational sector. These proposed additional removals would constitute a negative biological effect; however, so long as the respective sector ACLs are not exceeded, the effect of additional harvest on the stock is not expected to impact the long-term sustainability of Gulf migratory group king mackerel.

The difference between **Alternatives 2** and **3** is that **Alternative 2** would transfer the prescribed amount of allocation (Options a-c) all at once, while **Alternative 3** would do so gradually over time. Any negative effects from selecting **Alternative 2** will depend on the amount of allocation to be transferred to the commercial sector, with those effects becoming more substantial as the amount of allocation to be transferred increases. Negative effects from **Alternative 3** would be spread out over time, but could ultimately be greater than those on **Option c** of **Alternative 2** depending on how much allocation is actually transferred to the commercial sector. Ultimately, the amount of additional king mackerel which would be removed from the migratory group under **Alternative 3** is unknown and completely dependent upon changes in future recreational fishing effort. However, so long as the sector ACLs are not exceeded, neither **Alternative 2** nor **3** are expected to impact the long-term sustainability of Gulf migratory group king mackerel.

**Alternative 4** would conditionally transfer a certain percentage of the stock ACL to the commercial sector until such a time that recreational landings reach a predetermined threshold. If this threshold is met, the recreational and commercial allocations will revert to 68% for the recreational sector and 32% for the commercial sector. **Alternative 4** differs from **Alternatives 2 and 3** in that the allocation transfer in **Alternative 4** only exists so long as the recreational sector's landings do not reach the prescribed threshold, while the allocation transfers in **Alternatives 2 and 3** are considered permanent unless adjusted by the Councils through future action. Biological effects from **Alternative 4** would be similar to those in **Alternatives 2 and 3** in that more king mackerel are likely to be harvested; however, as was previously stated, so long as the respective sector ACLs are not exceeded, the effect of additional harvest on the stock is not expected to impact long-term sustainability.

**Alternative 5** would establish a sunset provision for any change in the sector allocations for Gulf migratory group king mackerel (68% for the recreational sector and 32% for the commercial sector). After the predetermined time period, any change in sector allocations would revert back to the allocations specified in the original CMP FMP for the Gulf of Mexico. **Alternative 5** can only be selected as preferred in conjunction with one of **Alternatives 2-4**. Increases in effects from fishing on the physical and biological environment are generally correlated to increases in fishing effort. Any future changes in fishing effort would be due to other factors and independent of the presence or length of the sunset period. If **Alternative 5** is selected as preferred along with some other change in sector allocation, the biological effects of removing additional king mackerel through commercial harvest (**Alternatives 2-4**) would persist only for the time period permitted in **Alternative 5**.

#### **4.8.2 Description of the Economic Environment**

**Alternative 1** would continue to allocate 68% and 32% of the Gulf migratory group king mackerel ACL to the recreational sector and commercial sector, respectively. **Alternative 1** would not be expected to affect the recreational or commercial harvests and other customary uses of Gulf group king mackerel. Therefore, **Alternative 1** would not be expected to result in direct economic effects. However, **Alternative 1** would be expected to continue to result in indirect adverse economic effects stemming from forgone fishing opportunities. Because recreational anglers harvest well below their allotted ACL, at most 68% of the total Gulf migratory group king mackerel ACL is harvested annually. Forgone opportunities in the recreational sector could potentially generate economic benefits if the commercial sector, which has typically harvested its ACL, was allowed to harvest portions of the ACL currently left unused. **Alternatives 2-5** propose various reallocation approaches to facilitate the harvest of portions of the unused Gulf migratory group king mackerel ACL.

**Alternative 2** would reallocate a portion of the Gulf migratory group king mackerel stock ACL to the commercial sector. **Options a, b** and **c** would reallocate 5%, 10% and 20% of the stock ACL to the commercial sector, respectively. Excluding considerations relative to non-use values, e.g., option value, **Alternative 2** would not be expected to result in economic effects to the recreational sector. Because the recreational sector consistently harvests well below its assigned ACL, none of the proposed reallocations in **Alternative 2** would be expected to result in economic losses to the sector. In contrast, the commercial sector has typically harvested the



totality of its ACL. Therefore, the commercial sector would be expected to potentially benefit from additional harvest opportunities afforded by proposed reallocations to the sector. The amount reallocated and the extent to which commercial fishermen elect to take advantage of the available additional harvest opportunities would determine the magnitude of the potential economic benefits expected to result from **Alternative 2**.

**Alternative 3** proposes a gradual reallocation of portions of the Gulf migratory group king mackerel stock ACL to the commercial sector until the recreational sector lands 80% of its ACL. As discussed in **Alternative 2**, reallocations to the commercial sector would not be expected to affect the recreational sector as long as that sector's king mackerel landings continue to be well below the recreational ACL. Like **Alternative 2**, **Alternative 3** would also be expected to result in economic benefits for the commercial sector. These potential economic benefits would be dependent on the magnitude of the additional commercial harvests that would result from the reallocation of portions of the stock ACL.

**Alternative 4** would conditionally reallocate a portion of the Gulf migratory group king mackerel stock ACL to the commercial sector provided that the recreational sector's landings are below a preset threshold. **Options a, b** and **c** would reallocate 5%, 10% and 20% of the stock ACL to the commercial sector, respectively. **Options d, e** and **f** would set recreational landings thresholds at 80%, 90% and 100% of the recreational ACL, respectively. If the threshold is reached, the commercial and recreational allocations would revert to 32% and 68% of the stock ACL, respectively. Based on the recreational king mackerel landings recorded during the past 15 years, it is not likely that any one of the proposed thresholds would be met in the foreseeable future. Similar to **Alternatives 2** and **3**, **Alternative 4** would not be expected to result in economic effects for the recreational sector. Commercial fishermen would be expected to benefit from increased harvest opportunities afforded by proposed reallocations to the sector. The amount reallocated and the propensity with which commercial fishermen to take advantage of the additional harvest opportunities would determine the size of the potential economic benefits expected to result from **Alternative 4**.

**Alternative 5** would establish a sunset for any reallocation (**Alternatives 2-4**) after a predetermined time period and revert to the no action allocation. **Options a, b** and **c** would sunset reallocations after a five-year, ten-year, and fifteen-year period, respectively. **Alternative 5** is not comparable to the previous alternatives and would eliminate expected economic benefits for the commercial sector on the sunset date.

### **4.8.3 Description of the Social Environment**

Over the last decade, the commercial sector has regularly landed near the commercial ACL, while the recreational sector has landed decreasingly lower proportions of the recreational ACL (Table 2.8.1). For example, over the last ten years, the recreational sector has harvested an average 38% of the recreational ACL, and in each of those years, the recreational sector landed less than half of its ACL. However, as noted in Section 2.8, increased landings would not be expected to negatively affect the health of the stock so long as the ABC is not exceeded. King mackerel is not overfished nor undergoing overfishing (SEDAR 38 2014), and the total amount of allowable harvest is expected to increase through this amendment (Action 6).

**Alternative 1** (No Action) would retain the current sector allocations for the Gulf migratory group king mackerel ACL. Although additional effects would not be expected under **Alternative 1** as fishing practices and customary uses of Gulf group king mackerel would not change, optimum yield is not being achieved. Thus, indirect negative effects would be expected to continue under **Alternative 1** as fishing opportunities continue to go unused.

It is possible that some of these foregone fishing opportunities could be used by the recreational sector through an increase in the bag limit, as evaluated in Action 9. However, increasing the bag limit is not expected to increase landings substantially (Section 2.9 and 4.9), and it is likely that the recreational sector would continue to harvest well below its sector ACL even under a larger bag limit. Further, the recreational sector does not have a closed season for the harvest of king mackerel; the fishing season is open year-round. Thus, it is not possible to further extend when the recreational sector may harvest king mackerel. However, these unused fishing opportunities could provide benefits to the commercial sector, which typically harvests its sector ACL. The commercial fishing zones are regularly closed when the ACL for a zone is estimated to be reached; in some zones, the quota is caught quickly resulting in a very short season. It is highly likely that allocating some of the unused recreational fishing opportunities to the commercial sector would result in those fish being caught. In turn, benefits would result for the commercial sector.

Because **Alternatives 2-4** all transfer a certain amount of quota from the stock ACL to the commercial sector, the types of effects on the social environment would be similar among the alternatives. The effects would vary in scope and strength relative to the amount of quota that is reallocated. Most generally, the quality of social impacts differs between the sectors, in that a gain of commercial access to king mackerel could benefit the livelihoods of commercial fishermen, especially small-scale owner-operators, hired captains and crew, and the well-being of commercial communities. Direct effects would not be expected for the recreational sector, which is not catching its portion of the quota. Should fishing behavior change or effort increase substantially in the future such that the recreational sector meets its quota, a reallocation of quota could result in constraints on recreational fishing opportunities, which would entail some negative effects for the recreational sector. However, given current fishing practices and behavior, it seems unlikely for recreational effort towards king mackerel to increase substantially in the near future. Further, there are no additional biological benefits to allowing a portion of the allowable harvest to remain in the water, unfished, since the stock is not overfished or undergoing overfishing. Thus, no long-term benefits would be expected for the recreational sector by not harvesting part of its quota. **Alternatives 2-4** propose various reallocation approaches to facilitate the harvest of portions of the unused Gulf migratory group king mackerel ACL. Compared with **Alternative 1**, social benefits would be expected for the commercial sector under each of **Alternatives 2-4**, while effects would not be expected for the recreational sector.

**Alternative 2** would reallocate a set portion of the stock ACL to the commercial sector, 5% (**Option a**), 10% (**Option b**), or 20% (**Option c**). Because the recreational sector consistently harvests well below its assigned ACL, none of the proposed reallocation options in **Alternative 2** would be expected to affect the sector. In contrast, the commercial sector has typically harvested the totality of its ACL. Therefore, the commercial sector would be expected to benefit

from additional harvest opportunities afforded by proposed reallocations to the sector. The amount reallocated and the extent to which commercial fishermen elect to take advantage of the available additional harvest opportunities would determine the magnitude of the potential benefits expected to result from **Alternative 2**.

**Alternative 3** would gradually reallocate portions of the Gulf migratory group king mackerel stock ACL to the commercial sector until the recreational sector lands 80% of its ACL. As discussed in **Alternative 2**, reallocations to the commercial sector would not be expected to affect the recreational sector as long as recreational king mackerel landings remain well below the recreational ACL. Like **Alternative 2**, **Alternative 3** would also be expected to result in benefits for the commercial sector, which would relate to the magnitude of the additional commercial harvests that would result from the reallocation.

**Alternative 4** would conditionally reallocate a portion of the stock ACL to the commercial sector (**Options a-c**), provided that the recreational sector's landings are below a preset threshold (**Options d-f**). If the threshold is reached, the recreational and commercial sector allocation would revert to that under **Alternative 1**, 68% and 32% of the total ACL, respectively. Based on the recreational king mackerel landings recorded during the past 15 years, it is not likely that any one of the proposed thresholds (**Options d-f**) would be met in the foreseeable future. Similar to **Alternatives 2** and **3**, **Alternative 4** would not be expected to result in effects for the recreational sector. Positive effects would be expected for the commercial sector, which would benefit from increased harvest opportunities afforded by the proposed reallocations. These benefits would relate to the extent that commercial fishermen take advantage of the additional harvest opportunities.

**Alternative 5** would end the reallocation implemented through this action after 5 (**Option 5a**), 10 (**Option 5b**), or 15 years (**Option 5c**), and the allocation would revert to that under **Alternative 1**, the sector allocation established in 1983. **Alternative 5** can be selected alongside any of the reallocation approaches in **Alternatives 2-4**, setting a sunset date for the reallocation, and thus, is not comparable to these alternatives. Selecting **Alternative 5** with any of **Options a-c** would eliminate the expected social benefits to the commercial sector at the time of the sunset.

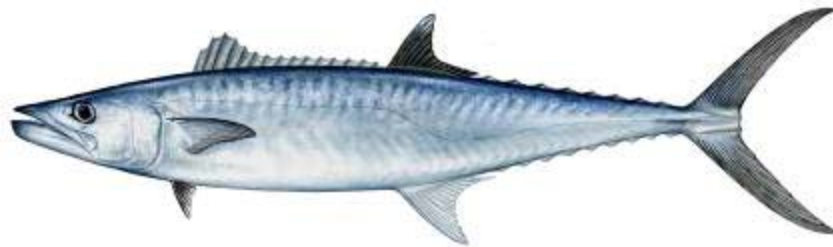
#### **4.8.4 Description of the Administrative Environment**

The alternatives provide options which ultimately change the division of quota among the commercial and recreational sectors. The change in the division of the ACL under **Alternative 2** would not result in any increase in administrative burden compared to **Alternative 1**, besides the noticing of the resultant changes in allocation and commercial season lengths in the Federal Register. **Alternatives 3** and **4** both would result in increased administrative burdens in the form of increased personnel hours to track sector landings of Gulf king mackerel and to apply the prescribed modifications when necessary. These additional administrative burdens would be greater with **Alternative 3** than **Alternative 4**, since **Alternative 3** constitutes a continual modification over time while **Alternative 4** constitutes a single allocation transfer which only changes if the prescribed recreational landings threshold is met.

**Alternative 5** would add a sunset provision, which would result in the expiration of any changes in sector allocations after five years (**Option a**), ten years (**Option b**), or fifteen years (**Option c**). If this alternative is selected as preferred, it would result in a negative effect on the administrative environment in that the allocations would have to be changed back to the current status quo. This adverse effect to the administrative environment would come in the form of additional rulemaking. The likelihood of this occurring would be greatest under **Option a**, and least under **Option c**.

Other administrative burdens that may result from all of the action alternatives considered would take the form of development and dissemination of outreach and education materials for fishery participants.

# **Reorganizing Management for Gulf of Mexico and Atlantic Coastal Migratory Pelagic Species**



AP

## **Options Paper to the Fishery Management Plan for the Coastal Migratory Pelagics Fishery of the Gulf of Mexico and the South Atlantic**

**October 2015**



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

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# REORGANIZING MANAGEMENT FOR GULF OF MEXICO AND ATLANTIC COASTAL MIGRATORY PELAGIC SPECIES

Draft Amendment 28 to Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and South Atlantic Region, including Environmental Assessment, Fishery Impact Statement, Regulatory Impact Review, and Regulatory Flexibility Act Analysis.

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## Type of Action

Administrative  
 Draft

Legislative  
 Final

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## 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
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
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
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
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
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
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



SSC  
USCG  
ww

Scientific and Statistical Committee  
United States Coast Guard  
whole weight

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## FOREWARD

At this time, the South Atlantic Fishery Management Council (South Atlantic Council) has not approved development of Coastal Migratory Pelagics (CMP) Amendment 28. The Gulf of Mexico Fishery Management Council (Gulf Council) has directed its staff to provide this Options Paper at the Gulf Council's October 2015 meeting to review potential actions and alternatives. However, because CMP Amendment 28 would be a joint plan amendment to the Joint CMP Fishery Management Plan, both Councils must approve development and further work on this amendment. If the South Atlantic Council does not change its position with respect to CMP Amendment 28, the amendment will not complete the development process set forth by the Magnuson-Stevens Fishery Conservation and Management Act and the National Environmental Policy Act. **Therefore, at this time, CMP Amendment 28 is only a Gulf Council Options Paper, not a developing amendment.**

The South Atlantic Council will review this document and consider taking on a larger role in its development during its September 2015 meeting.

# CHAPTER 1. INTRODUCTION

## 1.1 Background

The Fishery Management Plan for Coastal Migratory Pelagic (CMP) Resources in the Gulf of Mexico (Gulf) and South Atlantic Region (FMP; GMFMC/SAFMC) was implemented in 1983 as a joint plan between the Gulf and South Atlantic Fishery Management Councils (Councils). The three species in the FMP – king mackerel, Spanish mackerel, and cobia – are migratory and were originally believed to move throughout the range of the FMP. Therefore, the FMP treated each species as a single stock for management purposes.

Within two years, the Councils developed Amendment 1 (GMFMC/SAFMC 1985), which split the king mackerel stock into two separate migratory groups. After another two years, the Councils developed Amendment 2 (GMFMC/SAFMC 1987), which split the Spanish mackerel stock into two migratory groups. Since then, the Councils have developed 20 plan amendments. Ten of those amendments contained actions pertaining to only one migratory group, five for each Council. The other 10 amendments contained some actions that affected both groups, but most of the actions were specific to one or the other migratory group. Even for amendments developed jointly, with some exceptions, each Council has deferred to the other on Council-specific actions. Additionally, in Amendment 8 (GMFMC/SAFMC 1986), an action was approved that allowed each Council to independently develop and approve actions through the FMP framework procedure, without approval from the other Council. After that provision was in place, each Council developed framework amendments (also called regulatory amendments or framework actions<sup>1</sup>) almost annually until 2000, and then less often after that. Most of these framework amendments set annual specifications; however, the Gulf Council developed five and the South Atlantic Council developed three framework amendments that made significant regulatory changes, without the

### *Fishery Management Councils*

- Responsible for conservation and management of fish stocks
- Consist of voting members, many of whom are appointed by the Secretary of Commerce, the National Marine Fisheries Service Regional Administrator, and one representative from each of the State marine resource agencies
- Responsible for developing fishery management plans and amendments, and recommend 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

<sup>1</sup> The use of the term “framework amendment” and the current numbering system began in 2014 in an attempt to standardize the naming convention between the two Councils.

other Council's approval. The exception was for two framework amendments<sup>2</sup> between 2012 and 2015; Amendment 18 (GMFMC/SAFMC 2012) inadvertently removed the Amendment 8 provision allowing independent approval of framework amendments, which was not replaced until Amendment 20B (GMFMC/SAFMC 2015). However, during this time, each Council deferred to the other and simply approved the framework amendment after completion.

This review shows that the Councils have a history of working separately on actions that affect the migratory group for which they are responsible. Recent amendments have had few joint actions, and most of those actions further separated management between the Councils. Amendment 18 (GMFMC/SAFMC 2012) removed cero, little tunny, dolphin, and bluefish from the FMP; split the cobia stock into two migratory groups; and revised the framework procedure to allow implementation of additional management measures through framework amendments. Amendment 20A (GMFMC/SAFMC 2014) attempted a joint action to prohibit bag limit sales of king and Spanish mackerel; however, each Council ultimately picked a different preferred alternative and implemented different regulations for their area. Amendment 20B (GMFMC/SAFMC 2015) included joint actions that allowed transit through closed zones and modified the framework procedure by returning the provision that allows each Council to independently develop management measures for their respective migratory groups through framework amendments. Amendment 26, in development, proposes a new fixed jurisdictional boundary between the Councils for king mackerel and management of the mixing zone by only one Council, rather than the moving boundary and alternating management strategy currently in place.

In addition to actions increasing separation of management between the Councils, work on recent amendments has shown increasing disagreement between the Councils. As mentioned above, the Councils could not agree on an action in Amendment 20A (GMFMC/SAFMC 2014) that was intended to be a joint action. The Councils voted on submission of Amendment 20B (GMFMC/SAFMC 2015) to NMFS seven times before the same actions and alternatives were approved by both Councils. The South Atlantic Council proposed a permit split in 2013, but the Gulf Council was not interested in pursuing the issue; by early 2015, the Gulf Council had agreed to support a permit split, but the South Atlantic Council was no longer interested.

## **Permits**

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, 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. A moratorium on the issuance of king mackerel permits was implemented in 1998, extended in 2000, and made permanent through a limited access system in 2005. The intent of these actions was to prevent an increase in permittees that could force the need for additional regulations and jeopardize the Councils' ability to manage the fishery to achieve optimum yield. Spanish mackerel permits are open access and anyone can purchase one from NMFS with no qualifiers.

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<sup>2</sup> One joint framework amendment was developed during this time. Framework Amendment 2 had separate actions to increase the ACL for each migratory group of Spanish mackerel.

Some vessels travel and fish in multiple regions and some vessels fish only in specific areas. The South Atlantic Fishery Management Council is concerned with increasing effort for king mackerel 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 Joint 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.

This amendment would consider actions to further separate management of CMP species between the two Councils, including creating two separate FMPs that allow completely separate management of CMP species, as well as separating the commercial permits for king mackerel and Spanish mackerel into permits for each species in each region.

### *Who's Who?*

- NOAA Fisheries Service and Council staff – Develop alternatives based on guidance from the Council, and analyze the environmental impacts of those alternatives
- Councils – Engage in a process to determine a range of actions and alternatives, and recommend action to NOAA Fisheries Service
- Secretary of Commerce – Will approve, disapprove, or partially approve the amendment submitted by the Council



## Purpose and Need

### *Purpose for Action*

To re-organize the management of coastal migratory pelagic species and create separate commercial permit systems for Gulf of Mexico and Atlantic migratory groups of king and Spanish mackerel to simplify management, and address user conflicts and overcapacity in the Gulf and Atlantic coastal migratory pelagic fisheries.

### *Need for Action*

To allow the Gulf of Mexico and South Atlantic Fishery Management Councils to more effectively account for regional variations among fishery resources and participants, avoid duplication, and utilize fishery resources efficiently while preventing overfishing within each Councils respective area.

## History of Management

The CMP FMP, with Environmental Impact Statement (EIS), was approved in 1982 and implemented by regulations effective in February 1983 (GMFMC and SAFMC 1982). The management unit includes king mackerel, Spanish mackerel, and cobia. The FMP treated king and Spanish mackerel as unit stocks in the Atlantic and Gulf. The FMP established allocations for the recreational and commercial sectors harvesting these stocks, and the commercial allocations were divided between net and hook-and-line fishermen. A full history of CMP management can be found in Amendment 18 (GMFMC and SAFMC 2012) and Amendment 20B (GMFMC and SAFMC 2014).

## CHAPTER 2. MANAGEMENT ALTERNATIVES

### 2.1 Action 1 – Reorganize Management of Coastal Migratory Pelagic (CMP) Species in the Gulf of Mexico (Gulf) and Atlantic Region

**Alternative 1.** No Action. Retain a single Gulf and South Atlantic CMP Fishery Management Plan (FMP). Retain the joint commercial king mackerel permit and the joint commercial Spanish mackerel permit, which allow fishing throughout the range of the FMP.

**Alternative 2.** Retain a single Gulf and South Atlantic CMP FMP. Create separate commercial king mackerel permits and/or commercial Spanish mackerel permits for the regions managed by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils). Qualifying criteria for the limited access king mackerel permits will be addressed in Actions 2-3; Spanish mackerel permits are open access, and therefore do not require qualifying criteria.

**Option a.** Establish separate commercial king mackerel permits for each region

**Option b.** Establish separate commercial Spanish mackerel permits for each region

**Alternative 3.** Create separate CMP FMPs, one for the Gulf and one for the Atlantic region. The Gulf CMP FMP will be administered by the Gulf Council and the Atlantic CMP FMP will be administered by the South Atlantic Council. Create separate commercial king mackerel and commercial Spanish mackerel permits for each Council's region. Qualifying criteria for the limited access king mackerel permits will be addressed in Actions 2-3; Spanish mackerel permits are open access. All other management measures in the joint FMP will apply to the appropriate stock and region, and be included in the appropriate new FMPs. The jurisdictional boundary between the Councils for the new FMPs will be at:

**Option a.** The Dade-Miami/Monroe County line

**Option b.** The Gulf/South Atlantic Council boundary

#### **Discussion:**

Currently, the CMP resources are managed with a joint FMP. Each Council may develop proposed management measures, but both Councils must approve all actions in any plan amendment. A single federal king mackerel commercial permit and a single federal Spanish mackerel commercial permit are required to harvest the respective species throughout the Gulf and South Atlantic exclusive economic zone (EEZ). No commercial permit is required to harvest cobia in the EEZ.

**Alternative 1** would continue joint management of the CMP species through the current Gulf and South Atlantic CMP FMP and the joint commercial permits for king and Spanish mackerel. King mackerel, and to some extent Spanish mackerel and cobia, are migratory fish. In general, most migration is north-south, although some is inshore-offshore. The most recent stock assessment for king mackerel (SEDAR 38 2014) showed that intermixing of the two king mackerel migratory groups still occurs, with 50% of the fish south of the Florida Keys belonging to each migratory group in winter. Because of the movement of fish, some fishermen also travel

to different areas to harvest king mackerel. Other fishermen are only part-time king mackerel fishermen, and only fish when king mackerel are in their area.

The joint king mackerel commercial permit was implemented through Amendment 1 (GMFMC/SAFMC) in 1985, and the joint Spanish mackerel commercial permit was implemented through Amendment 2 (GMFMC/SAFMC) in 1987. These permits are valid for fishing from Texas to New York<sup>3</sup>. The king mackerel commercial permit is limited access, meaning NMFS does not issue any additional permits beyond those already issued prior to the moratorium implemented through Amendment 12 (GMFMC/SAFMC 1999) and the limited access program implemented through Amendment 15 (GMFMC/SAFMC 2004). Entities can renew permits or transfer them to another entity or vessel, but if permits are not renewed within one year of their expiration date, they are terminated and are no longer available. Spanish mackerel commercial permits are open access, meaning an unlimited number can be issued by NMFS and annual renewal is not necessary.

A single king mackerel permit allows travelling fishermen to move between the South Atlantic and the Gulf. This is desirable for those travelling fishermen, but not for resident fishermen in the area to which they travel. Conflicts between these two types of fishermen have risen, especially in the northern Gulf. Resident fishermen in the Florida panhandle particularly resent travelling fishermen in their area, as that area has a small quota that has been quickly harvested in recent years after the Gulf Western Zone closes, usually in September. In Amendment 20B (GMFMC/SAFMC 2015), the beginning of the fishing season for the Gulf Northern Zone was moved from July 1 to October 1, in part to discourage travelling fishermen from staying in the area after the Gulf Western Zone closes.

**Alternative 2** would continue joint management of the CMP species through the current Gulf and South Atlantic CMP FMP, but create separate commercial king and Spanish mackerel permits for the two Council jurisdictional areas. Issuing separate permits for fishing in each area is consistent with the charter/headboat permits for CMP species, which have been separate since implemented in 1987. Separate permits could allow further refinement of management measures within each Council's area. In developing recent amendments, the Councils have expressed different desires for elimination of latent permits, endorsements, declaration of zones, and limited access programs, all of which are related to permits.

If the Councils establish two king mackerel permits in **Option a**, they must develop criteria for determining which of those permits each vessel with a current permit would be granted, because the current permit is limited access. These criteria would determine the total number of king mackerel permits issued and are presented in Actions 2 and 3. In Amendment 20A (GMFMC/SAFMC 2014), the Councils considered an action to eliminate latent king mackerel permits (those with little to no landings). The South Atlantic Council was interested in preventing holders of those permits from becoming active and competing with historical fishermen, who already feel limited by closures. The Gulf Council did not want to take permits away from fishermen that might be holding them for future use. In the end, the action was not adopted because of this disagreement. If **Alternative 2, Option a** is implemented, the South Atlantic Council could proceed with elimination of latent permits for their area.

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<sup>3</sup> The Mid-Atlantic Council has delegated management of CMP species to the South Atlantic Council.

Anyone can currently purchase a Spanish mackerel commercial permit from NMFS with no qualifiers. Therefore, if the Councils choose to create separate Spanish mackerel permits in **Option b**, NMFS could simply replace the current Spanish mackerel permit with two new permits: a Gulf Spanish mackerel commercial permit and an Atlantic Spanish mackerel commercial permit. A fisherman could choose to purchase one or both of the permits when their current permit expires. Landings of Spanish mackerel in the Gulf are well below the current annual catch limit (ACL) for the stock (the Gulf has no sector allocation for Spanish mackerel). However, in the Atlantic, commercial landings of Spanish mackerel have been near or over the commercial ACL in recent years. The South Atlantic Council has expressed interest in considering a limited access permit for Spanish mackerel to address overcapitalization. **Alternative 2, Option b** would allow the South Atlantic to pursue this idea without impacting fishermen in the Gulf.

The Councils considered separating the FMP (**Alternative 3**) in Amendment 8. Part of that proposal was to set a fixed boundary for king mackerel between the two Councils' jurisdictional areas. The rationale was that although most of the biology of king and Spanish mackerel is the same for each region, the social and economic characteristics of these fisheries are not. Even by then, the Councils had been pursuing separate management measures for their areas and anticipated continued divergence in the future. However, at that time the king mackerel off the east coast of Florida were considered to be 100% Gulf migratory group fish in the winter. Any boundary that would include the east coast of Florida as Atlantic fish year-round would complicate the stock assessments, and was therefore deemed too difficult to enact.

In the most recent king mackerel stock assessment (SEDAR 38 2014), the king mackerel off the east coast of Florida were determined to be Atlantic migratory group fish only. The mixing zone was reduced to a small area south of the Florida Keys, and Amendment 26 was developed to include and action for a fixed boundary for king mackerel between the two Councils. Additionally, although both migratory groups were determined to not be overfished or undergoing overfishing, recruitment for the Atlantic migratory group was on a downward trend, whereas recruitment for the Gulf migratory group was on an upward trend. These trends indicate potential differences in the status of each migratory group.

If the Council chooses **Alternative 3**, separation of the king and Spanish mackerel commercial permits would be a necessary part of the process to separate the FMP and would proceed as discussed for **Alternative 2**. With the change in the mixing zone, all other management for king mackerel would be different for each Council. The same is true for Spanish mackerel, which already has a fixed management boundary at the Miami-Dade/Monroe County line. The management boundary for cobia is at the Florida/Georgia boundary, but management of cobia off the east coast of Florida to the Miami-Dade/Monroe County line was delegated from the Gulf Council to the South Atlantic Council via the framework procedure developed in Amendment 18 (GMFMC/SAFMC 2012).

Under **Alternative 3**, the regulations for the Gulf migratory groups would become part of the Gulf CMP FMP, and the regulations for the Atlantic migratory groups would become part of the Atlantic CMP FMP. The framework procedure would be modified to remove requirements for

each Council to approve all plan amendments, and to remove the section describing each Council's responsibilities under the joint plan. Additional measures might be needed to fully delegate management of cobia on the east coast of Florida from the Gulf Council to the Atlantic Council, as the current joint framework procedure may not be adequate. If NOAA General Counsel advises the Councils of this necessity, an action could be added to this amendment.

## 2.2 Action 2 – Qualification Criteria for Obtaining and/or Retaining a Gulf of Mexico Commercial King Mackerel Permit

*Note: Alternatives are based on the Gulf CMP Advisory Panel recommendations. Alternative 4 can be selected in conjunction with any of Alternatives 1-3. Multiple options may be selected as preferred in Alternatives 2 and 3.*

**Alternative 1.** No Action. Those individuals currently permitted to commercially fish for king mackerel in the Gulf of Mexico will continue to be allowed to do so.

**Alternative 2.** Establish qualifying criteria for the Gulf-specific commercial king mackerel permit. An individual currently holding a valid or renewable combined Gulf and Atlantic permit will receive the fully transferable Gulf-specific permit if they have met one of the following criteria for king mackerel in the Gulf:

**Option a:** 5,000 lbs of king mackerel in any one year during 1994-2009

**Option b:** 10,000 lbs of king mackerel annually in at least 4 years during 2010-2014

**Option c:** 20,000 lbs of king mackerel annually in at least 4 years during 2010-2014

**Option d:** The hailing port listed on the current federal commercial king mackerel permit as of January 1, 2015, was a port within the Gulf region.<sup>[RR1]</sup>

**Alternative 3.** Establish qualifying criteria for a non-transferable Gulf-specific commercial king mackerel permit. An individual currently holding a valid or renewable combined Gulf and Atlantic permit will receive the non-transferable Gulf-specific permit if they did not meet the qualification criteria for the fully transferable permit, but have met one of the following criteria for king mackerel in the Gulf:

**Option a:** Commercial landings of any federally managed species in the Gulf

**Option b:** The hailing port listed on the current federal commercial king mackerel permit as of January 1, 2015, was a port within the Gulf region.<sup>[RR2]</sup>

**Alternative 4.** Establish a spatial restriction for all Gulf-specific commercial king mackerel permits, whereby the permit holder may only fish in a specific Gulf commercial zone based upon predetermined criteria. This restriction will be valid upon the date of issuance of the permit.

**Option a:** The Gulf zone where the permit had the highest average landings of king mackerel during the previous five years.

**Option b:** The Gulf zone where the permit had the highest average landings of king mackerel during the previous ten years.

**Option c:** Selected by the permit holder before issuance of the permit.

### Discussion:

Commercial king mackerel fishermen in the Gulf and the South Atlantic are currently managed under a single permit which applies to both areas of jurisdiction. These permits are under a

moratorium, meaning that no additional permits may be issued. New entrants into the commercial king mackerel fishery must purchase a permit from an existing permit holder. Permit holders are permitted to fish for king mackerel in either the Gulf or South Atlantic Council's area of jurisdiction, so long as the fishing season for the specific area in which said permit holder is fishing is open. Fishermen are required to follow trip limits, which vary by the commercial zone in which they are fishing.

If separate permits are established in Action 1, the Councils will need to determine which entities currently holding the combined Gulf and Atlantic permit will receive a Gulf-specific commercial king mackerel fishing permit. **Alternative 1** would not establish any qualifying criteria, thereby granting all current commercial king mackerel permit holders a Gulf-specific permit. This alternative is not expected to result in any change to the current biological or social environments. In such cases where a permit holder maintains both a Gulf-specific and South Atlantic-specific permit, a slight negative economic effect would be experienced by permit holders whose annual costs to renew their fishing permits would increase marginally (currently \$10 per additional permit after the first permit). Additional administrative burdens would be incurred by the permit issuing agency, which would have to re-issue Gulf-specific commercial king mackerel fishing permits to each current permit holder. Further, by not establishing qualifying criteria, the overall number of permits (the sum of the new Gulf and Atlantic permits) would increase substantially, thereby negating the purpose of the current limited access system.

**Alternatives 2 and 3** would establish qualifying criteria for the Gulf-specific commercial king mackerel permit. These alternatives include options for two types of permits: those which are fully transferable (**Alternative 2**) and those which are non-transferable (**Alternative 3**). A fully transferable permit may be sold to any prospective permit holder. A non-transferable permit may not be sold, transferred, or inherited. In general, any reduction in the total number of permits valid for commercial king mackerel fishing in the Gulf has the potential to yield positive biological effects. If fishing effort and, by association, landings, is reduced, then more king mackerel will remain in the water. Conversely, the elimination of any permits will have multiple negative effects on both the social and economic environments. Some current permit holders may not be able to transfer or sell their permits to new entrants. This will likely create both social and economic hardships for those permit holders affected by **Alternatives 2 or 3**.

**Alternative 2** would establish qualifying criteria for the fully transferable Gulf-specific commercial king mackerel permit. Several landings thresholds have been proposed for determining which individuals currently holding a valid or renewable combined Gulf and Atlantic permit would receive the fully transferable Gulf-specific permit in the event the combined permit is split in Action 1. **Alternative 2, Option a** would require the individual currently holding a valid or renewable combined Gulf and Atlantic permit to have landed at least 5,000 lbs of king mackerel in any one year during 1994-2009. **Alternative 2, Option b** would require the current permit holder to have landed at least 10,000 lbs of king mackerel annually in at least 4 years during 2010-2014. **Alternative 2, Option c** would require the current permit holder to have landed at least 20,000 lbs of king mackerel annually in at least 4 years during 2010-2014. **Option d** of **Alternative 2** can be selected either by itself, or in conjunction with one of **Options a-c**. **Option d** would require that the hailing port listed on the current federal commercial king mackerel permit as of January 1, 2015, be a port within the Gulf region in order

for the current permit holder to receive the fully transferable permit. The use of January 1, 2015 as a new control date for king mackerel would need to be adopted by the Gulf Council.

**Alternative 3** would establish qualifying criteria for the non-transferable Gulf-specific commercial king mackerel permit. An individual currently holding a valid or renewable combined Gulf and Atlantic permit would receive the non-transferable Gulf-specific permit if they did not meet the qualification criteria for the fully transferable Gulf-specific permit (**Alternative 2**), but met other qualifying criteria based on commercial fishing for king mackerel in the Gulf. Options for qualifying criteria for **Alternative 3** include requiring that current permit holders have commercial landings of any federally-managed species in the Gulf (**Option a**), or that the hailing port listed on the current federal commercial king mackerel permit as of January 1, 2015, was a port within the Gulf region (**Option b**). Only those fishermen who had previously purchased a commercial king mackerel permit, but never participated in commercial fishing activities in the Gulf, would be disqualified under **Option a** of **Alternative 3**. **Option b** of **Alternative 3** may result in a larger number of current permit holders not being eligible to receive a non-transferable Gulf-specific commercial king mackerel permit, with particular emphasis on those fishermen who travel to the Gulf from other areas to fish. Further, the current permit requires that the permit holder indicate a hailing port (a shoreline location adjacent to the waters in which the permit holder expects to be fishing). If a permit holder fishes in both the Gulf and the South Atlantic, but has reported a hailing port on a South Atlantic shoreline, then under **Option b** of **Alternative 3**, said permit holder would not be eligible for the non-transferable Gulf-specific commercial king mackerel permit. In the event a current permit holder is not eligible for either the fully transferable or the non-transferable Gulf-specific commercial king mackerel permit, said individual would not qualify to fish commercially for king mackerel in the Gulf.

**Alternative 4** would establish a spatial restriction for the transferable, non-transferable, or both Gulf-specific commercial king mackerel permits, whereby the permit holder may only fish in a specific Gulf commercial zone based upon predetermined criteria. Options for determination criteria include restricting the permit's validity to the zone where the permit had the highest average landings of king mackerel during the previous five years (**Option a**) or ten years (**Option b**). Alternatively, the permit holder could also be given the option of personally selecting for which zone their permit would be valid prior to the issuance of said permit (**Option c**). This permanent restriction [RR3] would be applied to all Gulf-specific permits, and would be valid and enforceable upon the date of issuance of the permit. **Alternative 4** could be selected as preferred in conjunction with any of **Alternatives 1-3**. In practice, this alternative will limit movement between commercial fishing zones in the Gulf by those traveling fishermen who fish in multiple zones. Additional economic hardship may befall those fishermen who travel, as their harvest capabilities would be limited to a single zone.



## **2.3 Action 3 – Qualification Criteria for Obtaining and/or Retaining an Atlantic Commercial King Mackerel Permit**

*Note: The South Atlantic Council has not yet agreed to go forth with CMP Amendment 28. As such, Action 3 will remain blank until guidance on the Action is provided by the South Atlantic Council.*

## CHAPTER 3. REFERENCES (TO BE UPDATED)

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# APPENDIX A. PUBLIC COMMENTS RECEIVED ON CMP AMENDMENT 28

## SCOPING WORKSHOPS Coastal Migratory Pelagics Amendment 28 King Mackerel Permits

Biloxi, Mississippi  
March 31, 2015

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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

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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

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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

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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.