

Agenda
Mackerel Management Committee

Hilton Riverside Hotel
New Orleans, Louisiana

Monday, August 10, 2015
1:30 – 3:30 P.M.

- I. Adoption of Agenda (**Tab C, No. 1**) – Dana
- II. Approval of Minutes (**Tab C, No. 2**) – Dana
- III. Action Guide and Next Steps (**Tab C, No. 3**) – Dana
- IV. Options Paper for CMP Amendment 26: Changes in Allocations, Stock Boundaries and Sale Provisions for Gulf of Mexico and Atlantic Migratory Groups of King Mackerel (**Tab C, No. 4**) - Rindone
 - a) Committee Recommendations – 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) Discussion of Control Date Modification – Rindone
 - b) Committee Recommendations – Dana
- VI. Other Business – Dana

Members:

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

Staff: Ryan Rindone

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 MACKEREL MANAGEMENT COMMITTEE4
5
6 Marriott Beachside Hotel Key West, Florida7
8 June 8, 2015
910
11 **VOTING MEMBERS**12 Pamela Dana.....Florida
13 Martha Bademan (designee for Nick Wiley).....Florida
14 Roy Crabtree.....NMFS, Florida
15 Myron Fischer (designee for Randy Pausina).....Louisiana
16 Corky Perret.....Mississippi
17 Lance Robinson (designee for Robin Riechers).....Texas
18 John Sanchez.....Florida
19 David Walker.....Alabama20
21 **NON-VOTING MEMBERS**22 Kevin Anson.....Alabama
23 Leann Bosarge.....Mississippi
24 Doug Boyd.....Texas
25 Jason Brand.....USCG
26 Dale Diaz (designee for Jamie Miller).....Mississippi
27 Dave Donaldson.....GSMFC
28 John Greene.....Alabama
29 Campo Matens.....Louisiana
30 Harlon Pearce.....Louisiana
31 Greg Stunz.....Texas
32 Roy Williams.....Florida33
34 **STAFF**35 Steven Atran.....Senior Fishery Biologist
36 Assane Diagne.....Economist
37 John Froeschke.....Fishery Biologist/Statistician
38 Doug Gregory.....Executive Director
39 Karen Hoak.....Administrative and Financial Assistant
40 Ava Lasseter.....Anthropologist
41 Mara Levy.....NOAA General Counsel
42 Emily Muehlstein.....Fisheries Outreach Specialist
43 Charlene Ponce.....Public Information Officer
44 Ryan Rindone.....Fishery Biologist/SEDAR Liaison
45 Bernadine Roy.....Office Manager
46 Charlotte Schiaffo.....Research & Human Resource Librarian47
48 **OTHER PARTICIPANTS**

1 Adam Bailey.....NMFS SERO, St. Petersburg, FL
2 Steve Branstetter.....NMFS
3 Eric Brazer.....Reef Fish Shareholder's Alliance
4 J.P. Brooker.....Ocean Conservancy, St. Petersburg, FL
5 Charles Carter.....Key West, FL
6 Michael Drexler.....Ocean Conservancy, St. Petersburg, FL
7 Sue Gerhart.....NMFS
8 Chad Hanson.....Pew Environmental Trusts
9 Mark Hubbard.....
10 Van Hubbard.....FL
11 Judy Jamison.....FL
12 Joe Jewell.....DMR, MS
13 Bill Kelly.....FKCFA, FL
14 Kelli O'Donnell.....NOAA Contractor, Summerland Key, FL
15 George Niles.....FL
16 Bonnie Ponwith.....SEFSC
17 Steve Tomeny.....LA

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19 - - -
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21 The Mackerel Management Committee of the Gulf of Mexico Fishery
22 Management Council convened at the Marriott Beachside Hotel, Key
23 West, Florida, Monday morning, June 8, 2015, and was called to
24 order at 9:30 a.m. by Chairman Pamela Dana.

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

30 **CHAIRMAN PAMELA DANA:** I would like to call to order the
31 Mackerel Management Committee and we've got David Walker and Roy
32 is not here and Steve is here and Myron and we've got a quorum.
33 I would like to call for the adoption of the agenda.

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

36
37 **CHAIRMAN DANA:** Do we have a second?

38
39 **MR. CORKY PERRET:** Second.

40
41 **CHAIRMAN DANA:** The agenda has been adopted and has everyone had
42 an opportunity to read the minutes and if so, I am going to call
43 for the approval of the minutes. Is there a second? The
44 minutes have been approved. Let's move now into the Tab C,
45 Number 3, the Action Guide and Next Steps.

46
47 **MR. RYAN RINDONE:** We have three big things that we're going to
48 be talking about today, the Framework Amendment 3 for making

1 modifications to the king mackerel gillnet fishery and this has
2 gone through the council's online public hearing process and
3 Emily is going to talk to you guys about any comments that we
4 received and then additional public hearing comments we'll hear
5 during the public hearing on Wednesday and we have this slated
6 as final action.

7
8 Then we have Amendment 26 for changes in allocation, stock
9 boundaries, and sale provisions for Gulf and Atlantic kingfish
10 and we'll go through the scoping comments that we received and
11 the bag limit analysis that the council and the AP requested and
12 you guys can give the okay on the actions and alternatives that
13 are in there and suggest some new ones and suggest some changes
14 and then bless it, as appropriate.

15
16 Then we have the discussion document for Amendment 28, which is
17 the splitting of the kingfish and the Spanish mackerel permits
18 between the Gulf and the Atlantic. Right now, it's just one
19 permit for each respective species and the South Atlantic had
20 initiated this amendment and has since directed their staff to
21 stop working on it and so if you guys don't adopt it, then it
22 would be dead. If you do adopt it, the South Atlantic would
23 have to take it up again and if they do, then we continue and if
24 not, then it's dead. Emily will go through those scoping
25 comments that we received for that document as well.

26
27 **CHAIRMAN DANA:** Is there any questions on the schedule, the
28 action schedule?

29
30 **MR. JOHN SANCHEZ:** Madam Chair, I'm in receipt of a letter
31 that's going to, I guess, be submitted as part of the official
32 record from the Florida Keys Commercial Fishermen's Association.
33 I don't know when the appropriate part in this presentation
34 would be, but I just wanted to make you aware that they have
35 asked to approach the podium briefly and bring us up to speed on
36 some new developments among the permit holders that recently
37 held a meeting. It was pretty much the entire gillnet fishery
38 and so if you could just consider the appropriate time and
39 entertain the idea of them approaching the podium.

40
41 **CHAIRMAN DANA:** Thank you, John, and everyone, I think John is
42 referring to this particular letter that was handed out to each
43 of you of the Florida Keys Commercial Fishermen's Association
44 letter and I think it would be appropriate, since there is new
45 information, that they do come to the podium to give a brief
46 comment on that meeting and that will be in our next section,
47 which is on Tab C, Number 4(a), Final Action on CMP Framework
48 Amendment 3, Gulf of Mexico King Mackerel Gillnet Fishery

1 Management Modifications. Ryan.

2
3 **FINAL ACTION FOR CMP FRAMEWORK AMENDMENT 3: GULF OF MEXICO KING**
4 **MACKEREL GILLNET FISHERY MANAGEMENT MODIFICATIONS**
5

6 **MR. RINDONE:** Thank you, Madam Chair. Since we're taking final
7 action on this or we're planning to take final action on this,
8 I'm going to go ahead and go through the document with you guys,
9 if you want to start on page 10 of Tab C, Number 4(a) with
10 Action 1.

11
12 Action 1 would modify the commercial king mackerel gillnet trip
13 limit and the council's current preferred alternative is to
14 increase the trip limit to 35,000 pounds. Does the committee
15 have any desire to revisit that preferred alternative?
16

17 **MR. SANCHEZ:** Yes, I would like to hear from the commercial
18 fishermen's association in the Florida Keys regarding this,
19 because that's pretty much the heart of their letter right there
20 and if we're going to be entertaining some changes to this.
21

22 **CHAIRMAN DANA:** Thank you. Captain Kelly, would you like to
23 provide comments to the committee on your meeting with the
24 gillnet fishermen?
25

26 **MR. BILL KELLY:** Yes, I would.
27

28 **CHAIRMAN DANA:** Thank you and I recognize George Niles as well,
29 Captain Niles.
30

31 **MR. KELLY:** Bill Kelly with Florida Keys Commercial Fishermen's
32 Association. On May 6, the active gillnet permit holders had a
33 stakeholder's meeting here in Key West and we discussed a number
34 of things, including one of the most important items and that is
35 trip limits.
36

37 I have distributed some of the literature where I had an
38 opportunity to do so. Previously, there were three stakeholders
39 that were in opposition to an increase to 45,000 pounds and that
40 has now been changed as a result of that meeting. In
41 discussion, all seventeen permits holders realize that a 45,000-
42 pound trip limit eliminates 95 percent of our problems, because
43 95 percent of those strikes are under 45,000 pounds.
44

45 When we first approached the council regarding changes in rules
46 and regulations, one of the main criteria here was to reduce the
47 potential for fines in a very high-yield fishery. For example,
48 we had one fisherman not too long ago and his only resource

1 violation was he exceeded his trip limit of 25,000 pounds by
2 2,250 pounds and he was summarily fined \$6,750.

3
4 This is just devastating to the industry for those that are
5 trying to abide by the law and also at 45,000 pounds, it really
6 reduces, by a substantial amount, the need for at-sea transfers
7 when your net is over that trip limit and so it substantially
8 improves safety at sea and enhances profitability and reduces
9 the carbon footprint, et cetera.

10
11 The petition or the affidavit that I have contains the
12 signatures of all seventeen of those permit holders and they
13 have been invited to address the council here on Wednesday
14 afternoon in public comment and, that said, I will turn it over
15 to Captain George here.

16
17 **MR. GEORGE NILES:** Like Captain Bill said, we have all come
18 together in the industry and we would just like you to consider
19 industry's alternative to the 45,000 pounds and our idea on the
20 other options and I would be happy to answer any questions
21 regarding any of it. Thank you.

22
23 **CHAIRMAN DANA:** Any committee members have questions of Captain
24 Kelly and Captain Niles? I know Mara has something to add in a
25 moment.

26
27 **MR. KELLY:** Madam Chair, if I may just make one more comment.
28 At the last council meeting, the 35,000-pound trip limit or an
29 increase to 45,000, at least I thought it looked like it might
30 go. Dr. Crabtree suggested that since this is a big step that
31 let's go to 35,000 and try that for three years. Our request is
32 let's do what industry is recommending and that's the 45,000
33 pounds. Let's try that for three years and if that doesn't
34 work, then we can revert and try something else. Thank you.

35
36 **CHAIRMAN DANA:** Thank you. Doug Gregory and then Mara.

37
38 **EXECUTIVE DIRECTOR DOUG GREGORY:** Sorry to interrupt, but I just
39 wanted to point out that this letter was received on Sunday,
40 yesterday, and it was from Mr. Kelly and it was addressed to Ms.
41 Dana, Mr. Anson, Mr. Crabtree, myself, Mr. Hartig, and Mr.
42 Mahood. It has not been distributed to the council.

43
44 We typically take comment letters like this and put them on the
45 website and we haven't done that yet, because I haven't sent it
46 to Charlene, but I just wanted to make it clear that the full
47 council or the full committee has not seen this letter, as far
48 as I know, unless somebody else has distributed it.

1
2 **CHAIRMAN DANA:** Thank you for the clarification. I was under
3 the impression that everyone had received and so we will make
4 sure that all get a copy of that. I did get one through email
5 yesterday and then I also have a hard copy that was given to me
6 today.

7
8 **MR. SANCHEZ:** I have a question for either of you or both of
9 you. With respect to moving from the existing preferred 35,000
10 and hypothetically going to 45,000, I would like to hear from,
11 again, either or both of you how you would address
12 accountability measures in the event of some overage or
13 something.

14
15 **MR. KELLY:** The industry-volunteered accountability measures
16 that we implemented several years ago is at 75 percent of the
17 quota, and we have our pilots reporting to our representative,
18 Betsy Daniels, on a daily basis and she also contacts fish
19 houses and so forth and gets the numbers from them and the port
20 agents.

21
22 We relay that information to NMFS SERO and the appropriate
23 people, but at 75 percent of the quota, even if there are boats
24 onsite, the lead pilot, Tim Daniels, calls the fishery. Those
25 boats have to return to port. Then what we do is we conduct a
26 lottery and we draw the names and we determine how much quota is
27 actually left after we have that accurate accounting and then we
28 fish it accordingly and we've demonstrated over the past two to
29 three years that this system works and it's effective and it's
30 highly accountable.

31
32 **MR. SANCHEZ:** Just again in the event that even following that -
33 - That's demonstrated commitment to working together with
34 management and with NMFS and with everybody involved and that's
35 greatly appreciated, but in the event, even following that
36 slowdown at 75 and the lottery and all these demonstrated
37 activities, in the event there was an overage, an overrun, how
38 would you propose to accept it? Do we take it off the following
39 year's quota? I mean what do we need to do to give I'm thinking
40 everyone as a group peace of mind to maybe go forward and maybe
41 embrace your suggestion?

42
43 **MR. KELLY:** To that point, industry was willing to volunteer
44 overages or paybacks, but we also wanted to look at and examine
45 the opportunity for underages. You know we have yet to come to
46 agreement on how we would implement that measure, if at all, if
47 we had the 45,000 pounds.

1 Industry as a whole right now has said, look, we will take the
2 hit if we're over, but we think that there's more acceptable
3 language. Perhaps there could be a buffer on that quota and if
4 we could agree to some terms on paybacks. You know from both
5 sides I think that needs to be an ongoing discussion.

6
7 **MS. MARA LEVY:** I just want to make clear that when we're
8 talking about the meeting that you all had, this is a private
9 industry group and so we're not talking about a council advisory
10 panel or anything that was set up in this fashion and so the
11 discussion that's happening here I'm taking as a sort of public
12 comment period time, because I don't want to get into any
13 impression that we're in an advisory panel type of mode that
14 would then have Federal Advisory Act Committee implications.

15
16 **CHAIRMAN DANA:** That's correct and thank you for bringing up
17 that concern. We did call to the podium Captain Niles and
18 Captain Kelly because there was a meeting of the entirety of
19 that finite gillnet fishery since the previous meeting and so
20 this was just for the committee to have the best available
21 information.

22
23 **MR. PERRET:** Mr. Niles and Mr. Kelly, thank you. Dr.
24 Branstetter, you might want -- I don't have the exact numbers,
25 but it seems like when we had it on 25,000 pounds that it was a
26 very, very short season, the number of days. Going up to 35,000
27 or 45,000, I assume then the potential would be for an even
28 shorter season.

29
30 I also understand that in some of the years we had a problem and
31 because of the volume of fish coming in, NMFS was not able to
32 keep up and we went over and so, Dr. Branstetter, I guess my
33 question is do we have a system in place now that hopefully
34 we'll have up to day landings and we keep a handle on whether or
35 not it's 35,000 or 45,000 trip limit?

36
37 **DR. STEVE BRANSTETTER:** Yes, Corky. I have a lot of
38 reservations about a 45,000-pound trip limit. That's 80,000
39 pounds over the quota if all fourteen boats catch 45,000 pounds.
40 I can't shut them down for two more days. They can voluntarily
41 shut themselves down and they can voluntarily close their
42 fishery, but there is no official way to stop. At 35,000
43 pounds, they are below the quota on day one no matter what.

44
45 **MR. PERRET:** Have they ever done that? Have they ever done it
46 in one day or caught that volume of fish in one day?

47
48 **DR. BRANSTETTER:** They can't at 25,000.

1
2 **MR. SANCHEZ:** But I mean the landings kind of show historically
3 that, first of all, the likelihood of all the boats striking
4 45,000 in one day -- You have a better chance of winning the
5 Florida lottery.

6
7 Beyond that, it just defies logic that industry is here asking
8 for something and then the only holdup is inability to keep
9 track of it. There is a series of ways we can do it and I think
10 they have demonstrated industry cooperation in this fishery and
11 probably more so than in a lot of fisheries.

12
13 It's a small group of people and if it wasn't for the fines that
14 are coming out, we probably wouldn't be having this discussion,
15 but the fact that there are people getting fined for being
16 basically honest -- They could have lied and they could have
17 said something wrong, but they followed the letter of the law
18 and reported exactly what they caught and now they're being
19 penalized and in some instances, a couple of years after the
20 actual events took place. They're pretty healthy fines and
21 there is probably more coming for being honest and for pursuing
22 this.

23
24 It's a high-yield fishery and it's hard to estimate. The
25 industry has discussed this at length and this is the solution
26 they've arrived at that allows them efficiency economically to
27 fish this fishery, to pursue it, and to stay within the quota
28 limits the best that they can and they feel they can do it and I
29 think their willingness to work with us and demonstrate a
30 history kind of deserves a right to try this.

31
32 Just the inability not to keep up with it for a potential that's
33 probably far-fetched, that all fourteen boats are going to
34 strike and I just don't see the logic or the fear being real. I
35 think it's more perception than reality.

36
37 **DR. BRANSTETTER:** At that point, why do we need to go to 45,000
38 pounds? The one thing that I would suggest and one thing that
39 we have talked about at the SERO offices is that we are not
40 opposed to the 45,000 pounds as long as there is a substantial
41 payback, including an alternative that would consider if the
42 quota is exceeded at 45,000 pounds that the trip limit
43 automatically reverts to 35,000 pounds and permanently. That's
44 an alternative that we would be willing to consider for a
45 45,000-pound trip limit.

46
47 **MS. LEANN BOSARGE:** I am not on your committee, but I had a
48 question for our two gentlemen at the podium. Refresh my

1 memory. About how long has the gillnet fishery been doing this
2 self-policing and what does the track record look like? Have
3 you guys consistently been staying under quota with the system
4 that you have in place or have there been a few hiccups? What
5 does that look like?
6

7 **MR. NILES:** It's been in place for the past two years really
8 strong, really cooperatively with everybody in this industry,
9 and it's worked perfect so far. My biggest problem is I want to
10 explain why 45,000 instead of 35,000.
11

12 With 35,000 pounds, as Mr. Branstetter said, it takes them two
13 days to shut down the fishery. There will be boats that make it
14 back the next day with 35,000 and if a boat has 45,000, he is
15 not going to next day and so instead of catching 70,000, the
16 potential for 70,000, in two days, the potential is only there
17 for 45,000 in two days.
18

19 If anybody tells you that they can make it back with 45,000,
20 they are lying. That might have happened in 1980 when we
21 fishing thirty minutes from the dock, but we fish four and five
22 hours from the dock now, out in the middle of the Gulf of
23 Mexico, and there's just no way you can make it back with
24 45,000.
25

26 The faster boats will make it back with 35,000 the next day and
27 so you have the potential for 70,000 in two days instead of the
28 45,000 and that is industry's main reason and it also makes it
29 fair, because there is some faster boats with two engines that
30 will make it back and the slower boats won't. Nobody will make
31 it back with 45,000 and that's industry's reason for the 45,000.
32

33 **MR. PERRET:** Steve, you said NMFS would support 45,000 pounds.
34 However, if there were an overage that it would go back to
35 35,000 pounds permanently and what do you mean by permanently?
36

37 **DR. BRANSTETTER:** That it's not just an accountability measure.
38 We'll try 45,000 and if it doesn't work, we're going back to
39 35,000, where the quota cannot be caught in one day. Now, I'm
40 not opposed to a 100 percent payback either.
41

42 **MR. PERRET:** I still don't get what permanent means. It goes to
43 35,000 for the next year and the next year and the next year and
44 the next year or until this council, by a majority vote, changes
45 it.
46

47 **DR. BRANSTETTER:** Until the council by a majority vote changes
48 it.

1
2 **MR. SANCHEZ:** I think this council could revisit this if there
3 was an overage or something and change it anyway and so that's
4 kind of a moot point, but I would agree that in the interest of
5 making this fair that if there's an overage then it comes off
6 the next year's quota and that, to me, is a fair way to approach
7 this and kind of saying let's all put our money where our mouth
8 is and let's police our industry. Let's go for the 45,000, as
9 requested, and then if there is an overrun, it comes off the
10 next year's quota and then that would address this.

11
12 Now, as far as going permanently to something, we can always
13 revisit this as many times as we want and make any adjustments
14 that we deem necessary by a majority vote and so that's my two-
15 cents.

16
17 **MR. RINDONE:** Just a point of clarification for the council. We
18 are changing or considering changing the trip limit right now
19 via a framework action and if you guys wanted to change the trip
20 limit again in the future, you could do it again through a
21 framework action and you would need only to request it.

22
23 **CHAIRMAN DANA:** Thank you for the clarification. Captain Kelly.

24
25 **MR. KELLY:** Yes and just to clarify a bit on what Mr. Sanchez
26 had stated earlier regarding accountability measures, in
27 previous discussions, we volunteered very strict accountability
28 measures in this regard and not only did we set up industry-
29 based that I explained to you, but we volunteered in-season
30 accountability measures and anyone that would exceed that
31 45,000-pound trip limit, that amount would be deducted from that
32 present year's quota as a penalty and then, in addition, if the
33 industry as a whole exceeded the quota for the year, then we
34 would volunteer paybacks the following year.

35
36 That discussion though, and I don't see that information, unless
37 I missed it, in the language there, is we felt those were pretty
38 stringent accountability measures for violating a trip limit.

39
40 **MR. RINDONE:** As far as any overage coming off the current
41 year's quota, that would happen anyway. Any fish landed in the
42 current year counts against the current quota, whether it's in
43 excess of the quota or not, and so that happens now.

44
45 **MS. BADEMAN:** I wanted to ask you all about Action 3, which is
46 about electronic reporting. It seems that, to me, that when we
47 talked about this at the last council meeting -- It seemed that
48 Alternative 3 seemed to be an option that seemed to work best

1 for the Fisheries Service, but you guys are asking for no action
2 and can you explain that?

3
4 **MR. KELLY:** Yes and what we did is over the past two years we've
5 developed a pretty effective reporting system here. It has to
6 show an extremely high level of cooperation between NMFS SERO
7 and the industry. Judging where this fishery is and the ability
8 to keep it under control should be based on the number of nets
9 that are in the water and not the amount or number of boats that
10 are on scene.

11
12 We have been extremely accurate here in the past two years in
13 putting this information together and we were wondering why
14 there would be a deviation from that plan. If in fact
15 discussion with NMFS SERO felt they could alleviate that or come
16 up with a better result, then I think that we would support
17 that. We had an issue that there was significant lag time, as
18 much as twelve to fifteen hours, between our data that we were
19 gathering and what was being received by NMFS SERO and so it was
20 a mutual effort to improve that and I think that we did it.

21
22 **DR. BRANSTETTER:** The reason that we've suggested going back to
23 the way we used to do it is the lag time with electronic
24 reporting and there is no QA/QC on those data when they come
25 into the Science Center. They've been turned around way too
26 quick to have any kind of quality control analysis of them.

27
28 We are totally dependent upon the industry reporting to our
29 office and we would prefer that the dealers report to the
30 Southeast Fisheries Science Center in a method decided on by the
31 Science Center Director.

32
33 In the past, this was done by the dealers reporting to the port
34 agents and the port agents called the dealers and they had the
35 daily information every morning and we could do something with
36 it.

37
38 As it works right now, we may not get that information for
39 twenty-four hours. If a boat gets back to the dock after 6:00
40 A.M., they are not going to report for twenty-four hours through
41 that dealer. If we can get that information to the port agents
42 and to Bonnie's shop that day, then we have that information in
43 a more timely fashion, but right now, this is all dependent upon
44 industry reporting voluntarily.

45
46 **MS. BADEMAN:** It almost seems like this more or less codified
47 almost what's happening now. You guys are having a
48 representative call and the port agents are saying -- With the

1 exception of the electronic reporting part. I mean is that a
2 problem? I am trying to make things better, so that the
3 Fisheries Service has data more quickly and you guys can do what
4 you need to do.

5
6 **MR. NILES:** If it isn't broke, don't fix it. It's worked the
7 past two years. When Dr. Branstetter is talking about going
8 back to something that -- We either got closed 100,000 pounds
9 short or went over. I mean that's old school and this is
10 working and why fix it?

11
12 **CHAIRMAN DANA:** Sue, I apologize. I didn't see you back there.

13
14 **MS. SUE GERHART:** I just wanted to clarify and I think there's a
15 misunderstanding. This alternative, Preferred Alternative 3,
16 would not change that, what's happened over the past couple of
17 years. In fact, except for this year, we're going back to what
18 we did the two years previously, which is still the industry
19 cooperation.

20
21 All it's doing is getting rid of the requirement to report
22 electronically daily through the electronic system and so it
23 actually eases up on the dealers so that they don't have to do
24 this daily reporting that isn't helping us with quota monitoring
25 anyway and so we would go back to what we were doing two years
26 ago, which would still involve the industry cooperation with
27 that.

28
29 **MR. DOUG BOYD:** I'm not on this committee, but I do have a
30 question for Captain Kelly, if that's all right. Bill, I am
31 very impressed with your ability to organize this fishery and to
32 gain the fishermen's cooperation in what I will just call self-
33 control of the fishery, but I have a question. I know in my own
34 household when I get an increase in salary that I can hit that
35 pretty quick and I can spend it. What controls would be in
36 place to keep the fishermen from bumping up against a new higher
37 quota every time? If we went to 35,000 pounds, what's going to
38 control them to keep them from bumping up and over that and then
39 at 45,000 pounds it could happen the same way.

40
41 **CHAIRMAN DANA:** Any response, Captain Kelly?

42
43 **MR. BOYD:** Did you hear my question?

44
45 **MR. NILES:** It's a lot less likely to go over 45,000 than it is
46 25,000. There's a lot less strikes of that magnitude.

47
48 **MR. BOYD:** I think where I'm going is that the fishermen are

1 very efficient and they will be able to modify -- I would think
2 they would be able to modify their ability to catch fish, either
3 with greater length nets, if that's possible, or more time with
4 the nets in the water or whatever they could do. They're going
5 to try to maximize their catch and if they're as efficient as I
6 think they are, they could bump against these new quotas pretty
7 quickly and so I have a concern not that the trip limits are
8 bad, but how quick are they going to be efficient and overrun
9 those trip limits once we reset them?

10
11 **MR. NILES:** I have been gill netting king mackerel since 1972
12 and the nets haven't changed since 1972 and there used to be no
13 trip limit. They are what they are. They're a very efficient
14 method that once you put them around a school of fish, you can't
15 stop the fish from sticking in it.

16
17 Many times in the past five years I've caught 70,000 and had to
18 give them to two different boats and cut my net and so then I
19 have a piece of my net that is in the Naples area and a piece of
20 my net that's in the Marathon area and I've got to get it before
21 I can go fishing again and I can only bring 25,000 to the dock.
22 We're just trying to make it easier. With the 45,000 -- Roughly
23 5 percent of the strikes are 45,000 or over and it's less likely
24 that I have to cut my net and I mean I've handled 45,000 many
25 times and it's not a problem, if that helps you any.

26
27 **MR. BOYD:** Yes, thank you.

28
29 **MR. PERRET:** I move we make the preferred alternative
30 **Alternative 3, increase the trip limit to 45,000 pounds.**

31
32 **CHAIRMAN DANA:** We have a motion to change the preferred
33 alternative to Alternative 3, change the trip limit to 45,000
34 pounds. Is there a second?

35
36 **MR. SANCHEZ:** Second, Madam Chair.

37
38 **CHAIRMAN DANA:** Any discussion on the motion?

39
40 **MR. PERRET:** Mr. Kelly, I make this motion with some
41 reservation. I am impressed that you guys are together and
42 you're going to report and you're going to follow the rules, but
43 the response to Mr. Boyd's question concerns me.

44
45 You can catch up to 70,000 pounds in a set and so you've got to
46 cut your net twice to split it three ways. If you can catch
47 that much, you can still -- You will have to cut your net only
48 once now.

1
2 However, if the council wants to go along with this, I am
3 willing to take a chance on it. It seems like you guys are well
4 regulated and the NMFS comment that they don't oppose this
5 unless you go over the quota and then they would like to see it
6 go back down to 35,000, which I'm all for and maybe even down to
7 25,000, if indeed there are going to be some of these large sets
8 and it's going to be a similar situation. It's just the net
9 won't have to be cut as often. I applaud you all working
10 together to try and do this for your industry and so I make the
11 motion.

12
13 **CHAIRMAN DANA:** Thank you, Corky. John Sanchez.

14
15 **MR. SANCHEZ:** Thank you, Corky. I think we heard from George
16 and history will say that these higher-volume strikes -- That's
17 been something that's been going on forever and it's always been
18 managed by cutting the net and how many cuts -- I guess if
19 that's an issue for some, but I don't see the relevance. It's
20 the overall quota that we're concerned with and I think in
21 addressing it with accountability measures -- If there's an
22 overage, then it gets addressed that way. That's kind of what
23 we're looking at doing, biologically speaking, to maintain the
24 integrity and the direction of this stock.

25
26 With regards to efficiency issues and cooperation, the industry
27 has demonstrated cooperation and if this is what they want, I am
28 glad that at least we have that on the table right now for
29 support and give them the chance to do it and, again, if it
30 doesn't work, we could always come back, as Ryan mentioned, by
31 framework and adjust that trip limit number and so it's not
32 something that -- If this fails and it doesn't go as envisioned,
33 as planned, as hoped, we can always revisit it and I don't see
34 the impact biologically if we, in conjunction with this, include
35 the appropriate accountability measure.

36
37 **DR. BRANSTETTER:** To clarify on something that Corky mentioned
38 and Ryan followed up on, we do support a 45,000, but, again, the
39 intent is to put the impetus on the industry that if you go over
40 45,000, we would rather have the option in there that the quota
41 reverts to 35,000 without having to have the council take
42 action.

43
44 Now, obviously the council could come in and change that, but
45 it's an automatic for the next year. Let the council then
46 decide do they want to do 35,000 or 45,000, but it would be an
47 automatic reversion to the 35,000 and that would be guaranteed
48 before the council takes action or maybe doesn't take action in

1 time for the next year's fishing season.

2
3 **CHAIRMAN DANA:** So are you recommending a clarification of that
4 motion or are you just -- How do you articulate that other than
5 a desire?

6
7 **DR. BRANSTETTER:** I am just speaking to Corky's comment.

8
9 **MR. SANCHEZ:** This is directed at Ryan. Ryan, procedurally, if
10 this went awry and we wanted to, I guess, address Steve's
11 comments and go back to 35,000 or 25,000 or whatever the magic
12 number is, couldn't we do that rather efficiently or expediently
13 through framework?

14
15 **MR. RINDONE:** We can and I think the difference between the two
16 is that with what Dr. Branstetter is requesting is that as soon
17 as the ACL is exceeded that it would facilitate a change in
18 fishery rule that the trip limit would be reduced to 35,000
19 pounds as a function of that ACL being exceeded. It would take
20 the council two meetings, approximately, to facilitate the same
21 change through a framework action and so it's -- I guess it's
22 really you guys' decision on how quickly you think something
23 like that would need to be addressed.

24
25 **CHAIRMAN DANA:** Steve to that point and Mara to that point.

26
27 **DR. BRANSTETTER:** That is the point, to go ahead and reduce it
28 to some number. If the council doesn't like that number at that
29 point in time in life, they have the opportunity to come in and
30 change it, as we've discussed. Maybe you want to try 40,000,
31 but we have an automatic in place and, again, it's an
32 accountability for the industry to not exceed their 45,000 or to
33 exceed their quota.

34
35 **MS. LEVY:** I just also wanted to say that you may want to think
36 about that if you -- If the council likes this idea of doing the
37 45,000-pound trip limit but having the trip limit go down if the
38 quota is exceeded, then by writing it into the framework now and
39 putting it in the regulations like that, then you don't have
40 staff time devoted to doing another framework action.

41
42 If this is the direction you really want to go, set it now and
43 then staff doesn't have to prepare another framework action.
44 You don't have to have another meeting about it. If you're not
45 sure or if you want to discuss it more, then obviously you
46 wouldn't put it in here now, but I think there's an efficiency
47 argument as well for doing it at this time.

48

1 **CHAIRMAN DANA:** Corky, to that point, and then Martha and Myron.

2
3 **MR. PERRET:** Mara and Steve, if the quota is exceeded, it's shut
4 down and why do we have to go to anything? It's closed. In
5 future years, you've got a year to get whatever the council may
6 want then, but it's closed for this season we're talking about.

7
8 **MS. LEVY:** All this would be saying is that there is some trust
9 in the industry, based on past history and what they've done,
10 that if you go to this larger trip limit that they're not going
11 to exceed the quota. However, if they do, then you're
12 automatically going to reduce the trip limit next year and so it
13 didn't work out and we're going to reduce it automatically. It
14 doesn't require any more staff time and it doesn't require any
15 more council time and that's what is just going to happen and so
16 they're two different things, whether it closes during the year
17 and then what happens the year after if it goes over.

18
19 **MS. BADEMAN:** On this topic of reducing the trip limit and how
20 to handle it, the season is in late January, Martin Luther King
21 Day, and let's pretend it closes the end of January. Steve,
22 when do you guys have final landings for that fishery? Is it
23 final when you close? Okay.

24
25 So if it closes in late January, the council probably wouldn't
26 be able to even think about it until their March/April meeting,
27 just to start an amendment, and then we would have to go through
28 probably two meetings there and so we're looking at June or
29 August, potentially, for -- I am just trying to think is it even
30 possible? If we have a problem in one year, can we get it in
31 place for the following year's season in time?

32
33 **DR. BRANSTETTER:** Martha is right and that's kind of the point I
34 was trying to make. Mara has made a good point that if you put
35 this provision in, you don't have to do anything. You don't
36 have to have two council meetings and you don't have to have
37 staff time to write a new regulatory amendment.

38
39 If you want to and you want to consider something other than
40 35,000, but remember at 35,000, they can catch the quota in two
41 days and so the issue is still can we control closing the
42 fishery in an efficient time fashion and if the council wants to
43 come back and consider 40,000 pounds, they could do that through
44 a framework and yes, we could have that implemented in time for
45 the January fishery, in all likelihood, but this would be an
46 automatic time efficiency target and it also -- Again, as Mara
47 said, this is -- We're trying to work with them.

1 If they really want to go to this 45,000-pound trip limit, then
2 stick to it and show that they can be accountable in their
3 fishery.

4
5 **CHAIRMAN DANA:** I am going to ask for Myron's comments and
6 Corky's and then I am going to ask Ryan from a staff perspective
7 to sum it up and then we're going to vote.

8
9 **MR. MYRON FISCHER:** Thank you, Madam Chair. I was going to make
10 comments, but Mara and Steve beat me to that area. If the
11 industry wants to go to a 45,000-pound trip limit, it's a gamble
12 on their part and so if it fails, the burden should also be on
13 their part and my question was pretty much answered of why can't
14 we in the accountability measures have a provision that if you
15 exceed the quota that it automatically reverts the trip limit to
16 XYZ, whatever we choose?

17
18 Steve, I guess I don't even know why we have to have another
19 meeting and it would be voted on now. If the quota, the annual
20 quota, is surpassed, if we overfish the quota, then it
21 automatically reduces and it puts the burden on the industry to
22 make damned sure they stay within their quota and that would
23 probably be something added to Action 2. Thank you, Madam
24 Chair.

25
26 **MR. PERRET:** I feel the way Myron does, but I have no problem I
27 guess amending the alternative that if they exceed the quota for
28 the season that the following year the limit be whatever, but
29 that's not the way these alternatives were written and so why
30 are wanting to do it now, when we had a 35,000 preferred? It
31 seems like they could possibly go over at 35,000 and we should
32 have had that suggestion earlier on and so I'm like Myron.

33
34 If they go over at 45,000, I suggest they will be back to us
35 with a recommendation of what it should be for the coming year
36 and it just seems premature to do anything at this time other
37 than come up with a preferred and right now the motion is for
38 45,000.

39
40 **CHAIRMAN DANA:** I am going to ask Ryan to give us staff's
41 perspective and then we will vote on this committee motion and
42 then I'm going to ask the Director if he would like to take a
43 break or if we should continue.

44
45 **MR. RINDONE:** Thank you, Madam Chair and, Sue, throw something
46 if I sound something that sounds foolish. From what Dr.
47 Branstetter has requested, it seems like the most appropriate
48 place to add that caveat would be under Action 2 for modifying

1 the accountability measures. I don't think that this -- You
2 could put it in Action 1 as an amendment to Alternative 3 if you
3 wanted to, but either way, it doesn't really require any
4 additional time in terms of analyses, because we've already
5 analyzed 35,000 pounds within the document and so this would be
6 just a language change that staff would make at the council's
7 request.

8

9 **CHAIRMAN DANA:** All right. I am going to honor Corky.

10

11 **MR. PERRET:** I call the question.

12

13 **CHAIRMAN DANA:** That's good, but our legal counsel has a point
14 first.

15

16 **MS. LEVY:** I would just say that it's probably more appropriate
17 to add it in the action to accountability, but you're going to
18 add a new action and so not to say there is no further analysis,
19 but the analysis on what the effects of the trip limits are are
20 already in the document and so what we're talking about is
21 whether we can take final action if we add a new alternative and
22 I think that that's probably appropriate, but there is going to
23 be analysis needed of this new alternative if you decide to add
24 it.

25

26 **CHAIRMAN DANA:** Thank you, Mara. The question has been called.
27 We have a committee motion on the board. The committee
28 recommends that in Action 1 to make the preferred alternative
29 Alternative 3, increase the trip limit to 45,000 pounds. **All**
30 **those in favor raise your hand, six in favor; those opposed.**
31 **Six to one and the motion passes.** Mr. Gregory, you had asked
32 earlier perhaps to have a break and if we can move forward or we
33 can call for a ten-minute break.

34

35 **EXECUTIVE DIRECTOR GREGORY:** Yes, let's have a ten-minute break.

36

37 **CHAIRMAN DANA:** We are going to start back at 10:25, promptly.

38

39 (Whereupon, a brief recess was taken.)

40

41 **CHAIRMAN DANA:** Let's continue on with the Mackerel Management
42 Committee. Ryan, let's move into Action 2 of the gillnet final
43 framework, which is modify accountability measures for the
44 gillnet component of the king mackerel fishery.

45

46 **MR. RINDONE:** Thank you, Madam Chair. Currently, the gillnet
47 fishery is closed when the quota is met or projected to be met.
48 When the Gulf AP had met back in March, they had preferred

1 Option a and Option e of Alternative 2, which is to establish an
2 annual catch target for the gillnet component of the commercial
3 king mackerel fishery that's below the ACL and will be the
4 quota.

5
6 The gillnet component would be closed when the ACT is met or
7 projected to be met and the AP preferred Option a, which is that
8 the ACT would be equal to 95 percent of the ACL. This is
9 approximately 27,000 pounds of the current ACL or a little more
10 than full trip.

11
12 Table 2.2.1 shows you the difference in pounds for each of the
13 reductions in the ACL to set an ACT and what means in terms of
14 the number of full gillnet sets and so Option 2a, which is 5
15 percent, would be about one set, a little more than one set.
16 Option 2b would be a little bit more than two sets and Option
17 2c, which is the 20 percent reduction from the ACL, would be a
18 little more than four sets, just to give you some idea of what
19 this actually means in pounds and trips.

20
21 The AP also preferred Option e in Alternative 2, where if the
22 gillnet component of the fishery doesn't land its ACT in a given
23 year then the amount of any landings under that quota would be
24 added to the following year's quota, up to but not exceeding the
25 ACL. This quota carryover, as we're calling it, would be
26 reduced to account for the natural mortality rate according to
27 the best scientific information available and since -- We do
28 need to make a little revision here and with you all's blessing,
29 staff can just make this change.

30
31 The Scientific and Statistical Committee doesn't establish what
32 is best science. It's actually established and approved by NMFS
33 and so where you see that yellow highlighting, everything after
34 that, all the way to the period, would just be deleted from the
35 option.

36
37 Then, finally, we have Alternative 3, which is the payback
38 provision, where if the Florida west coast subzone gillnet ACL
39 is exceeded, then NMFS would reduce the subzone's ACL in the
40 following year by the full amount of the overage. The ACT, if
41 established, would also be adjusted to reflect the previously
42 established buffer, if one was selected in one of Options a
43 through d in Alternative 2.

44
45 Alternative 3 for the payback has two options. The payback
46 would occur regardless of stock status or only if Gulf kingfish
47 are overfished and so as far as the housekeeping things, if it's
48 okay with you guys, we'll make that change to Option e to

1 Alternative 2 and to just delete the rest of the sentence
2 following the yellow highlighting.

3
4 **CHAIRMAN DANA:** Any opposition by the committee to make the
5 changes as Ryan just outlined? Ryan, you've got authorization
6 to make those changes. Steve, do you have any input based on --
7 Myron after Steve, but on this particular action?

8
9 **DR. BRANSTETTER:** Yes and thank you, Madam Chairman. I would
10 just point out that in Table 2.2.1 the ACTs that are defined
11 based on your recent action to increase the trip limit to 45,000
12 pounds that a 5 percent buffer for an ACT is a half a set and so
13 just keep that in mind as you move forward. I am not -- I am a
14 little concerned about an ACT, but we can get into that later.
15 Is the intent to make an ACT a quota?

16
17 **MR. FISCHER:** This may be directed to Ryan as the author of the
18 entire document. Ryan, would this be prudent in this section to
19 add some of the discussion and possibly a motion of what we had
20 prior to the break about something to trigger the trip limit
21 down from 45,000 down to an XYZ of a 35,000-pound trip limit if
22 the quota is exceeded and to trigger that down for the next
23 year?

24
25 **MR. RINDONE:** This is the appropriate action to do that and I
26 think that's in the works from another one of your committee
27 members.

28
29 **MR. FISCHER:** Then I will defer, being this is a Florida matter.
30 I would prefer the Florida components of the council to look
31 into this and come up with best idea.

32
33 **MR. SANCHEZ:** Following up on our discussion of Action Item 1
34 and the trip limit to 45,000, I have spoken with industry and in
35 the industry of I guess having this gain some real traction and
36 addressing the concerns of National Marine Fisheries Service, I
37 would be in support of having some meaningful accountability
38 measures such as Alternative 3, Option 3a, that the payback be
39 100 percent. If the quota is overrun by X, then that gets taken
40 off of next year's quota. That, I think, should keep everybody
41 in check and sincere in their efforts to manage this fishery at
42 that 45,000 pounds.

43
44 **I just wanted to put that out there and I guess I will just go**
45 **ahead and make a motion to make Alternative 3, Option 3a the**
46 **preferred alternative for Action 2.2.**

47
48 **CHAIRMAN DANA:** We have a motion on the board to make

1 Alternative 3a the preferred alternative for Action 2. Do I
2 have a second?

3
4 **MR. PERRET:** Yes, I fully support it. As you've heard me say
5 before, I think any sector that goes over an allowable take
6 should have a payback, regardless of the stock status, and I
7 fully support this one.

8
9 **CHAIRMAN DANA:** Further discussion on the motion?

10
11 **MR. SANCHEZ:** I think that addresses concerns in a more
12 comprehensive biological manner. If there's an overage, you
13 take it off the next year regardless of stock status, as opposed
14 to trying to arbitrarily find which is the trip limit that
15 automatically triggers in to control this. This controls it in
16 its entirety, universally speaking.

17
18 **CHAIRMAN DANA:** Any further discussion? Steve, does this
19 address your earlier concerns?

20
21 **DR. BRANSTETTER:** Yes and I think, just to kind of add some
22 support for this, as the committee is probably aware, the
23 economics of the fishery changes drastically during the king
24 mackerel gillnet fishery and even before it starts and I think
25 that payback provision would provide an economic -- It could
26 provide an economic benefit to the hook and line component the
27 following year, because they're going to know that the gillnet
28 fishery is not going to be open as long, whereas the economic
29 impacts from any overage would be reflected for a longer period
30 during that same fishing year.

31
32 **CHAIRMAN DANA:** Thank you, Steve. Ryan or Sue, do you have
33 anything to add before I call for a vote? If there is no
34 further discussion, let's go ahead and vote on this committee
35 motion. The motion is in Action 2 to make Alternative 3, Option
36 3a the preferred alternative. **All those in favor say aye;**
37 **opposed likewise. The motion passes.** Okay, Ryan, let's move
38 into Action 3, modify electronic reporting requirements for
39 dealers receiving king mackerel harvested by a gillnet in the
40 Gulf of Mexico west coast southern subzone. Corky and then
41 Martha.

42
43 **MR. PERRET:** Just back on Action 2, we could have two
44 preferreds, couldn't we? We've got that Alternative 2, Option
45 a, which the Gulf CMP AP preferred. I am just wondering if we
46 want to consider having two preferreds.

47
48 **MR. RINDONE:** You guys can have more than one preferred in this

1 action and it's important to note that since you chose to
2 increase the trip limit to 45,000 pounds that the analysis
3 provided in Table 2.2.1 isn't -- It would need to be adjusted.

4
5 When you look at the amount that those ACL drops to an ACT, like
6 those amounts of pounds, when you look at those, you have to
7 consider those in the wake of a 45,000-pound trip limit now
8 instead of a 35,000 and so it actually would constitute even
9 fewer trips in terms of how that drop is actually going to
10 affect the fishery.

11
12 If you guys wanted to pursue an ACT, you could certainly do that
13 and I think that there was another motion for an additional
14 alternative that was also being discussed.

15
16 **MS. BADEMAN:** On that note, for Action 2, I wanted to make a
17 motion to add a new alternative based on our discussion that we
18 had before the break. **That motion would be to add a new**
19 **Alternative 4 that would state that if the Florida west coast**
20 **southern subzone gillnet ACL is exceeded in a year that NMFS**
21 **would reduce the gillnet trip limit to 35,000 -- I guess you**
22 **would have to have options. It would reduce the gillnet trip**
23 **limit for subsequent seasons and one option would be 35,000**
24 **pounds and the other would be 25,000 pounds and so just adding**
25 **that to the document.**

26
27 **CHAIRMAN DANA:** This motion is being put on the board right now
28 and so Ms. Bademan has made a committee motion to add a new
29 Alternative 4. If the Florida west coast southern subzone
30 gillnet ACL is exceeded in a year, NMFS would reduce the gillnet
31 trip limit for subsequent seasons. Option 4a is 35,000 pounds
32 and Option 4b is 25,000 pounds. Is there a second? Myron
33 seconds. Any discussion? Myron and John.

34
35 **MR. FISCHER:** This could be -- The new Alternative 4 could be an
36 additional preferred in addition to any other preferred and that
37 would be correct? Okay. Thank you, Madam Chair, for
38 acknowledging me.

39
40 **CHAIRMAN DANA:** My pleasure, Mr. Fischer. John.

41
42 **MR. SANCHEZ:** Thank you. I would speak against it, just in that
43 I think the Alternative 3, Option 3a kind of again universally
44 addresses this and, again, there is other means to always
45 address trip limit changes, but be that as it may, I just want
46 to let you know how I feel about it.

47
48 **EXECUTIVE DIRECTOR GREGORY:** I just wanted to get some

1 clarification if the intent was for this to apply if the quota
2 went over by one pound or is there any consideration for a
3 percentage or if any thought had been put into that. I think it
4 needs to come out in the discussion.

5
6 **MS. BADEMAN:** I wasn't considering a percentage. I was just
7 basically trying to tee up a motion based on what we discussed
8 earlier this morning and so I just put the two suboptions in
9 there because I guess it depends on what trip limit we
10 ultimately choose, 45,000 or 35,000 or whatever, and that's kind
11 of how the other actions are structured and so I'm just trying
12 to think ahead.

13
14 **CHAIRMAN DANA:** Steve, can you provide guidance?

15
16 **DR. BRANSTETTER:** I was going to offer a friendly suggestion for
17 clarification that it just say "reduce the gillnet trip limit
18 for subsequent seasons until changed by the council" and does
19 that make a clarification that addresses Mr. Perret's concerns?

20
21 **CHAIRMAN DANA:** So we have a friendly suggestion/amendment and
22 does that author of this motion agree?

23
24 **MS. BADEMAN:** Agreed.

25
26 **MR. RINDONE:** Until modified by the council.

27
28 **CHAIRMAN DANA:** Does the seconder agree with this? Okay.
29 Myron, the seconder, agrees. More discussion?

30
31 **MR. PERRET:** To me, that makes good commonsense. A one-pound
32 overage is one thing. 10 or 20 percent overage is a whole
33 different situation. If you go over by 75 or 80 percent, I
34 suspect we might want an option that's even lower than some of
35 the numbers up there and so the future council action I think
36 will address it appropriately.

37
38 **CHAIRMAN DANA:** Thank you, Corky. John.

39
40 **MR. SANCHEZ:** I just wanted to say that, again, having something
41 automatic in there, I am against it in the sense that what if
42 the overage to the overall quota is ever so slight and boom,
43 we've just negated all this industry recommendation that they
44 wanted and worked for.

45
46 This is a high-yield fishery and if there was some percentage
47 equated to that then it might make a little more sense and be a
48 little more substantive, because -- Steve, what do you think

1 would be the appropriate percentage, so I could maybe modify
2 with a substitute where this is -- It has some meaning. Do you
3 know what I mean? This makes sense then, because if they
4 overrun it by a hundred pounds and the 35,000 kicks in, all this
5 discussion and goodwill and effort and cooperation is kind of
6 negated.

7
8 It's a high-yield fishery and it's hard to manage it in these
9 small increments, but what would be the threshold where this
10 becomes something beyond that of an overage in a high-yield
11 fishery?

12
13 **DR. BRANSTETTER:** In the other fisheries where we have a
14 payback, one pound is a payback. If you exceed the ACL, we will
15 adjust the quota accordingly the following year.

16
17 **CHAIRMAN DANA:** To that point, John, and then Myron.

18
19 **MR. SANCHEZ:** I think we've already addressed that in
20 Alternative 3, 3a, in that payback is payback, regardless of
21 stock. What I'm saying is in conjunction with this reduction,
22 automatic reduction, due to an overage of quota, of reducing the
23 trip limit from the preferred 45,000 to some lesser number, how
24 do we do that and not just with one pound over and I mean,
25 again, this is a high-yield fishery, as opposed to some other
26 fisheries, and how do you do that and have this make sense?

27
28 To me right now to penalize them if they're over by 500 pounds
29 and automatically reduce them to 35,000, that doesn't make
30 sense. That 500 -- That's a rounding error in this fishery.

31
32 **MR. FISCHER:** Steve, how empirical are these numbers? Is there
33 any standard error or are they specific?

34
35 **DR. BRANSTETTER:** The numbers we receive from the industry right
36 now are specific.

37
38 **MR. ROY WILLIAMS:** I am not on this committee, but I will tell
39 you when this gets to full council that this is going to weigh
40 kind of heavily on me. This really is, as John is pointing out,
41 double indemnity. We're taking it away from them from next
42 year's catch, plus we're going to penalize them if they go one
43 pound over. I would really like to see a percentage in there.
44 By the time it gets to the full council, if this passes, I am
45 going to be offering a 15 or 20 percent overage before I could
46 agree to it.

47
48 **MR. FISCHER:** To Roy's comment, but I think it's also -- It's

1 not unprecedented, but it's fairly lenient to say we're going to
2 have a 45,000-pound trip limit that the industry wants and they
3 can self-regulate and if they go over, they have to pay the
4 price and revert back to where they were and it means they
5 couldn't self-regulate and whether it's one pound or a million
6 pounds, we are granting them something -- Gee, a 45,000-pound
7 trip limit, I would like to make certain they could stay within
8 it.

9
10 Is the penalty harsh? Well, all the penalty should be doing is
11 putting them back where they were this year, until the council
12 could come up with something else, because if we grant them a 20
13 percent, in the eyes of some people, and not these fine
14 fishermen, that's the new quota. We can now exceed it by 20
15 percent and it's like going down the highway and if you know the
16 police gave you a ten-mile speed limit and you've got your
17 cruise set nine miles over and it becomes the new limit.

18
19 **MS. BADEMAN:** I want to call the question.

20
21 **CHAIRMAN DANA:** Martha calls the question. We have a committee
22 motion on the board and it is to add a new alternative,
23 Alternative 4. If the Florida west coast southern subzone
24 gillnet ACL is exceeded in a year, NMFS would reduce the gillnet
25 trip limit for subsequent seasons until modified by the council
26 with Option 4a being 35,000 pounds and Option 4b being 25,000
27 pounds. I am calling for a vote. **All those in favor raise your
28 hand, five in favor; those opposed, one. The motion passes.**
29 Ryan, do you want to lead us? Is there any other comments on
30 Action 2? Seeing none, we are moving to 3.

31
32 **MR. RINDONE:** Thank you, Madam Chair, and staff will add that
33 alternative in there for you guys and get you a new draft out
34 with that alternative in there as soon as possible.

35
36 Moving on to Action 3, which is modifying electronic reporting
37 requirements for dealers receiving king mackerel harvested by
38 gillnet in the Gulf Florida west coast southern subzone,
39 currently dealers reporting purchases of king mackerel landed by
40 the gillnet sector must submit forms daily to the electronic
41 reporting system with the Science Center by 6:00 A.M. local time
42 until the commercial quota for the runaround gillnet component
43 is reached.

44
45 If no king mackerel were received, an electronic report must say
46 that for -- It must be submitted for that day and so basically
47 whether you -- As long as the season is open, whether you buy
48 them or not, you've got to send something in, either zero or

1 what you bought.

2
3 The second alternative would remove the daily electronic
4 reporting requirement and dealer purchases of gillnet-landed
5 kingfish would be required to be submitted weekly for trips
6 between Sunday and Saturday to the electronic reporting system
7 with the Science Center by 11:59 P.M. by the following Tuesday
8 and if no fish were received, then a zero report has to be
9 submitted.

10
11 The preferred alternative, the council's current preferred
12 alternative, is Alternative 3, which reflects pretty much what's
13 going on now, where you have a relationship between the industry
14 and the folks at SERO, where they are communicating to one
15 another more accurately and more timely to get the landings
16 reported in.

17
18 What Alternative 3 would do is remove that daily electronic
19 reporting requirement for the dealers and while the season is
20 open, dealers reporting purchases of kingfish landed by a
21 gillnet would report daily via port agents, telephone, internet,
22 or some other means that NMFS determines to be efficient,
23 accurate, and reliable.

24
25 Prior to the beginning of each kingfish gillnet season, NMFS
26 would provide written notice to the dealers telling them of any
27 changes to the reporting method and anything like that from the
28 previous year and post this information on SERO's website so
29 that everybody knows what they are supposed to do.

30
31 In addition, dealers reporting purchases of gillnet-landed
32 kingfish in the Gulf southern zone would be required to submit
33 forms weekly, which is what they used to do. They would report
34 daily via some instantaneous means and then weekly via the forms
35 for the electronic system.

36
37 **CHAIRMAN DANA:** Thank you, Ryan. Sue, do you have anything to
38 offer there? I know you commented earlier and then, again, the
39 council has already provided a preferred.

40
41 **MS. GERHART:** I would just, again, clarify that all we're doing
42 is taking away the requirement for daily electronic reporting
43 for the dealers. The rest of everything will stay the same,
44 including industry cooperation that we have.

45
46 **CHAIRMAN DANA:** Thank you, Sue. Corky and then Steve.

47
48 **MR. PERRET:** I don't like to see a preferred with language that

1 seems to be taking something away, but not offering something
2 better and this is just a suggestion on modifying this language.
3 The preferred is fine, but remove the requirement for daily
4 electronic reporting by commercial king mackerel gillnet
5 dealers, we are taking something away and replace it with a more
6 efficient method of and the lead into it. Just change the
7 language a little bit. We are removing something, but we're
8 going to have a better system. Have it in the same sentence.

9
10 **CHAIRMAN DANA:** Mara, is it appropriate if we give staff license
11 to craft the language in concert with Corky so that it's more
12 user friendly? I got a shaking head from the legal counsel and
13 so yes. To that point, Sue, and then Steve.

14
15 **MS. GERHART:** I misspoke a little bit. There is more language
16 in there than what you see in the italics that says we will come
17 up with a different method for daily reporting and so it will
18 still be daily reporting and we left -- We put in multiple ways
19 to do it, because we want to work with industry and see what's
20 going to work best for all of us.

21
22 **DR. BRANSTETTER:** As Martha mentioned earlier, this basically
23 will codify what is now a voluntary system and Betsy Daniels and
24 the industry have worked very closely with us and we appreciate
25 their cooperation. Betsy doesn't have a dealer permit if she
26 decides not to report on Tuesday and so there is no reach out to
27 her. By having these dealers report or not report on a daily
28 basis by whatever means we choose, whether it's calling the port
29 agents again or the port agents calling them or however we want
30 to do it, but the old system worked really well, Corky.

31
32 What we had before, electronic reporting, worked really well,
33 but it was dealers calling to the port agents and getting those
34 numbers in by ten o'clock in the morning.

35
36 **MR. WILLIAMS:** Steve or Sue, how many dealers are buying gillnet
37 king mackerel?

38
39 **DR. BRANSTETTER:** It depends on the year, but about four or
40 five.

41
42 **CHAIRMAN DANA:** Any further discussion? Seeing none, we are
43 going to -- Actually, what do I need to do here?

44
45 **MR. RINDONE:** You guys already have a preferred alternative and
46 so if you don't want to change it, then we just move on and
47 staff will get with Corky to craft that first sentence to be a
48 little bit more reader friendly.

1
2 **CHAIRMAN DANA:** I see no objection to moving onward and, Ryan,
3 lead us through the final action in the gillnet, which is Action
4 4, elimination of inactive commercial king mackerel gillnet
5 permits.

6
7 **MR. RINDONE:** Thank you, Madam Chair. We have five alternatives
8 in here. Last time, you guys wanted to see some options added
9 for different poundages and we had to add a couple of
10 alternatives to cover the difference between a recent ten-year
11 time series, which is reflected in Alternatives 2 and 3, and a
12 five-year time series, which is reflected in Alternatives 4 and
13 5.

14
15 Probably the easiest way to go through these options is to look
16 at Table 2.4.1, which is on page 19, and so Alternative 1 isn't
17 going to eliminate any of the inactive kingfish gillnet permits.
18 Alternative 2 would use average landings between 2006 and 2015,
19 or a ten-year time series, to eliminate those landings based on
20 a threshold of either one pound, Option a; 10,000 pounds, Option
21 b; or 25,000 pounds, Option c.

22
23 Obviously the higher the landings threshold, the more permits
24 you're going to eliminate and you're going to eliminate more
25 permits usually by going with average landings over any time
26 series than by picking just one single year within a time
27 series.

28
29 If you look at that table, you can get a pretty good idea of how
30 many permits would be eliminated. If you focus just on the most
31 recent five years, more permits would be eliminated than if you
32 focused on the last ten years and so it might be best if you
33 guys just had a second to digest that table and then take
34 questions.

35
36 **CHAIRMAN DANA:** The table Ryan is referring to is page 19. Any
37 discussion?

38
39 **MR. SANCHEZ:** Having looked at the table and knowing the
40 participants in the fishery for many years, I would move that we
41 make Alternative 3, Option a the preferred alternative for
42 Action 4.

43
44 **CHAIRMAN DANA:** Do I have a second?

45
46 **MS. BADEMAN:** I will second that.

47
48 **CHAIRMAN DANA:** Martha Bademan seconds. Is there discussion on

1 that motion? John Sanchez.

2
3 **MR. SANCHEZ:** The reason, the rationale, is there are some
4 historical participants in this fishery that due to hardship and
5 health reasons and such they weren't able to participate during
6 some of these alternatives and options, whereas that would allow
7 them to stay in, given their historical participation in the
8 years chosen.

9
10 **CHAIRMAN DANA:** Any further discussion?

11
12 **DR. BRANSTETTER:** Can I have about five seconds with my staff to
13 confer something? Sue, is this based on the original twenty-
14 three permits or the twenty-one we now have?

15
16 **MS. GERHART:** The twenty-one we have now.

17
18 **CHAIRMAN DANA:** Any further discussion? Okay. We have a
19 preferred alternative -- A motion for a preferred alternative on
20 the board, which is to make Action 4, Alternative 3, the
21 preferred, to allow commercial king mackerel gillnet permits to
22 be renewed only if landings for a single year during 2006 to
23 2015 were greater than one of the options listed below. Gillnet
24 permits that do not qualify will be nonrenewable and
25 nontransferable. Option a is one pound and Option b is 10,000
26 pounds and Option c is 25,000 pounds. The preferred, for
27 clarification, would be Action 4, Alternative 3, Option a, one
28 pound. **Any opposition? Seeing none, the motion passes.** I
29 think that wraps up the -- Go ahead, Ryan.

30
31 **MR. RINDONE:** You guys had voted to add an Alternative 4 to
32 Action 2 that if the ACL were exceeded that NMFS would
33 automatically reduce the trip limit for subsequent seasons until
34 the council took further action and you had two options in there
35 for 35,000 pounds and 25,000 pounds.

36
37 I guess staff's question is if this is something that you guys
38 want to recommend to the council to go final that you voted to
39 add this alternative and would you choose to prefer one of the
40 options in this alternative before recommending that this
41 framework amendment go final to the council?

42
43 **MS. LEVY:** Did anybody choose that action as a preferred? So
44 you want them to see the action with the option, if anyone wants
45 to make that a preferred.

46
47 **MR. RINDONE:** It was voted to be added in, but it was not
48 selected as preferred.

1
2 **MR. FISCHER:** I think we have taken many documents up until the
3 last second without a preferred and I think I would like to see
4 what the public says. I think we'll have quite a handful of
5 people at the podium weigh in on the pros and cons of it. I
6 think this gives them an action to alert themselves that
7 something might be done and we could see what they have to say
8 about it, because this is something that was created today and
9 it may be premature today to also have a preferred. I think by
10 the end of the week we could have a preferred, if that would
11 pass legal scrutiny.

12
13 **CHAIRMAN DANA:** Thank you, Myron. Ryan.

14
15 **MR. RINDONE:** So then at this time it's probably not appropriate
16 to push this final and so we'll hold off on that and we can move
17 on with the rest of the agenda.

18
19 **CHAIRMAN DANA:** Yes, let's go ahead and move on. We've got
20 thirty minutes left in this committee and we've got a number of
21 items still to cover. We will move next into Options Paper for
22 CMP Amendment 26, which is Changes in Allocation, Stock
23 Boundaries, and Sale Provisions for Gulf of Mexico and Atlantic
24 Migratory Groups of King Mackerel. Ryan.

25
26 **OPTIONS PAPER FOR CMP AMENDMENT 26: CHANGES IN ALLOCATIONS,**
27 **STOCK BOUNDARIES AND SALE PROVISIONS FOR GULF OF MEXICO AND**
28 **ATLANTIC MIGRATORY GROUPS OF KING MACKEREL**

29
30 **MR. RINDONE:** Thank you, Madam Chair. I will try to blaze
31 through this and you all interrupt at will. We're going to go
32 ahead and start on page 13, which has the management
33 alternatives. Action 1 would adjust the management boundary for
34 Gulf and Atlantic migratory groups of king mackerel.

35
36 Currently, the management boundaries shift depending on whether
37 we're in the summer months or the winter months and you guys can
38 look at Figure 2.2.1 there on that page and you can see what the
39 current management boundaries are. However, the SEDAR-38 stock
40 assessment took another look at how these fish move around and
41 determined that the winter mixing zone is much smaller than was
42 previously estimated and we've reduced the amount of fish that
43 are accounted for within that mixing zone from 21 percent to 7
44 percent, which is a great increase in the accuracy of the
45 landings.

46
47 As such, Alternative 2 would establish a single year boundary
48 for separating management of the Gulf and Atlantic migratory

1 groups of king mackerel at the Gulf and South Atlantic Council
2 boundary and would set the South Atlantic Council as being
3 responsible for management measures within the mixing zone and
4 so basically this means that south of the Keys the South
5 Atlantic Council would manage all the way to the council
6 boundary and then north of the Keys the Gulf Council would
7 manage.

8
9 Alternative 3 would establish a single year-round boundary for
10 separating the councils' migratory groups at the Dade/Monroe
11 line and the Gulf Council would be the responsible management
12 entity for setting management measures within the mixing zone.
13 Basically this would mean that the Gulf Council would manage all
14 the way to Dade/Monroe all year long and this was preferred by
15 both the Gulf and the South Atlantic Migratory Pelagic Advisory
16 Panels.

17
18 **CHAIRMAN DANA:** Okay. We have 2.1, Action 1, and currently, as
19 Ryan said, the Alternative 3 was preferred by both the Gulf and
20 the South Atlantic Coastal Migratory Pelagics and do we --
21 Martha.

22
23 **MS. BADEMAN:** Are you looking for a preferred alternative?
24

25 **CHAIRMAN DANA:** Yes, ma'am.
26

27 **MS. BADEMAN:** Okay. I will make one. I will make a motion to
28 make Alternative 3 the preferred alternative.
29

30 **MR. RINDONE:** You guys need to accept the language in the action
31 as being suitable for further analysis and then if you wanted to
32 prefer one, I guess you could, but you would need to accept the
33 language first.
34

35 **MS. BADEMAN:** Okay and so do you want to do that in a motion?
36

37 **MR. RINDONE:** Yes.
38

39 **MS. BADEMAN:** I will make a motion to accept the language
40 changes shown here for Action 1.
41

42 **CHAIRMAN DANA:** We've got a motion to accept the language
43 changes --
44

45 **MR. RINDONE:** No changes. It's the initial language. It's just
46 to accept the language in Action 1. I think that gets the point
47 across. Is that fine, Mara? We went to scoping and talked to
48 everybody and we got some options and wrote them down for you

1 guys and so you guys would need to accept the language that
2 we've provided and then we'll go into further analysis from
3 there.

4
5 Emily is going to provide some feedback on what folks thought
6 with the scoping comments and, Emily, do you want to do that as
7 we go or do you want to --

8
9 **MS. EMILY MUEHLSTEIN:** I can either do it as we go or I would
10 suggest that I would do it before you guys start getting into
11 preferreds or maybe even talking about the language that's in
12 the changes, since the changes are brought on by what we heard.
13 That's up to you guys.

14
15 I can tell you what they said about the stock boundary. Is that
16 a good start? I can go section-by-section with you and so
17 regarding the king mackerel stock boundary, at our scoping
18 meetings there was universal support expressed for the creation
19 of the new mixing zone that was identified in the assessment.

20
21 **CHAIRMAN DANA:** Thank you, Emily. All right and so we have an
22 options paper, CMP Amendment 26, and we have a motion, a
23 committee motion, for CMP Amendment 26 to accept the language in
24 Action 1. Do I have a second? I have no second.

25
26 **MR. SANCHEZ:** Second.

27
28 **CHAIRMAN DANA:** Is there any discussion on that motion? **Hearing**
29 **none, all those in favor of accepting this motion to accept the**
30 **language in Action 1 say aye. The motion carries.**

31
32 **MR. RINDONE:** Does anyone have any other questions on Action 1
33 before I move forward? All right. Action 2 starts on page 18
34 and this is a South Atlantic action that would update the
35 reference points such as MSY, minimum stock size threshold,
36 maximum fishing mortality threshold, and revise the ACL and ACT
37 for Atlantic migratory group kingfish and because we have this
38 change in the mixing zone, the Florida east coast subzone, which
39 used to be counted as part of the Gulf stock, is now considered
40 part of the Atlantic stock and with that goes a certain poundage
41 of fish, but also goes an even greater amount of effort and so
42 you're going to see increases in the OFL and ABC estimates for
43 the Atlantic side and decreases for the Gulf, but the thing to
44 remember is that the Atlantic, comparatively, if you will,
45 picked up more effort than they did fish and the Gulf might have
46 fewer fish now, but it has even less effort to go and chase
47 those fish down and if that sounded confusing, I will try again
48 with something else. I have an analogy with pie that works

1 pretty well.

2
3 There are some sub-actions with Action 2. The first one is to
4 revise the ABC for Atlantic group king mackerel and there are
5 three different -- There are four alternatives there and
6 Alternative 2 would revise the ABC based on ABC levels
7 recommended by the SSC under the high recruitment scenario and
8 so the Atlantic SSC was presented with a high, medium, and low
9 recruitment level based on recruitment projections for the
10 Atlantic stock and recruitment has been trending down on the
11 Atlantic side and so the concern was is it going to rebound,
12 because it's been down for about five years or so, and so the
13 ability to pick amongst these provided a little bit of wiggle
14 room and the ability to be a little bit more conservative, if
15 necessary, in the wake of a little bit of uncertainty in the
16 assessment. The South Atlantic's AP preferred that Alternative
17 2.

18
19 Alternative 3 would accept the ABC under the medium recruitment
20 scenario and Alternative 4 under the low recruitment scenario
21 and those are all outlined -- Those ABCs are outlined in Table
22 2.2.3 and I'm just going to continue to move through the Action
23 2 subalternatives and you guys can decide whether you want to
24 accept the language.

25
26 Action 2.2 would revise the ACLs, quotas, and ACT for Atlantic
27 group kingfish and there are a few alternatives in here also.
28 Alternative 2 would set the ACL equal to optimum yield and equal
29 to the ABC based on the ABC levels picked under Action 2.1 and
30 so if the South Atlantic picks the high recruitment scenario,
31 then that would be reflected in Action 2.2 also. It would
32 affect what ACL is chosen and you guys can see those in the
33 subsequent tables.

34
35 **MR. PERRET:** I see our Gulf AP had a preferred suggestion in
36 Alternative 1, but we've got no preferred on the next two and
37 what was the rationale? We've got the South Atlantic with
38 suggestions, but nothing from the Gulf on these.

39
40 **MR. RINDONE:** The Gulf's take on it was that it was the -- The
41 Gulf AP's take on it was that it was a South Atlantic concern
42 and it was affecting their fishermen and so they should be the
43 one to make the decision on what they thought was best for them
44 and so the AP largely left it alone.

45
46 **MR. PERRET:** That is good to know. Thanks.

47
48 **CHAIRMAN DANA:** Do you have any more on that?

1
2 **MR. RINDONE:** I have Alternative 3, which would set the ACL
3 equal to optimum yield, which would be equal to a deterministic
4 equilibrium yield at F 30 percent SPR and Alternative 4 would
5 set the ACL equal to optimum yield equal to the deterministic
6 equilibrium yield at 75 percent of F at 30 percent SPR, which is
7 about 1.1 million pounds lower than it is in Alternative 3.
8
9 Then Alternative 5 would set the ACL equal to 90 percent of the
10 ABC and then subsequently you have Table 2.2.5, which looks at
11 the effects of those, and then Alternative 6 would set the ACL
12 equal to 80 percent of the ABC and so you guys would just need
13 to accept the language for Action 2, if you think it's
14 appropriate, and let the South Atlantic Council hash that out.
15
16 **CHAIRMAN DANA:** Welcome, Dr. Crabtree. Does anyone on the
17 committee have any questions here or do I have a motion to
18 accept the language on this option, on this action?
19
20 **MR. PERRET:** So moved.
21
22 **CHAIRMAN DANA:** I've got a motion to accept the language from
23 Corky and second by John Sanchez and is there any discussion?
24
25 **DR. ROY CRABTREE:** Good morning, everyone. It's good to be here
26 with you. You know I'm not sure the South Atlantic has even
27 seen this language yet and have they, Ryan?
28
29 **MR. RINDONE:** They meet later tomorrow, I think.
30
31 **DR. CRABTREE:** Yes, but they could change it tomorrow and so
32 just be aware.
33
34 **CHAIRMAN DANA:** So the South Atlantic Council can change it when
35 they meet tomorrow on this and just be aware, per Dr. Crabtree.
36 Okay. So we have a motion on the board to accept the language
37 in Action 2 as currently presented. **All those in favor say aye;**
38 **opposed. The motion passes.** Ryan.
39
40 **MR. RINDONE:** Thank you, Madam Chair. Action 3 begins on page
41 28 and this covers the sale of incidental catch of Atlantic
42 migratory group kingfish caught in the small coastal shark drift
43 gillnet fishery and there are some previously approved
44 alternatives by the South Atlantic Council.
45
46 Alternative 1 is no action and no sale. Sale of incidentally-
47 caught kingfish was prohibited in CMP Amendment 20A and the
48 previously approved Alternative 2 would allow the sale of

1 Atlantic migratory group kingfish caught with drift gillnets for
2 any vessel with a valid shark directed or shark incidental
3 commercial permit and a valid federal commercial kingfish
4 permits.

5
6 For shark vessels fishing in the Florida EEZ, no more than two
7 kingfish per crew member could be sold for each trip and for
8 shark vessels in the EEZ north of the Georgia/Florida line, no
9 more than three kingfish per crew member could be sold and this
10 reflects the current recreational bag limits for kingfish in
11 those areas and kingfish must be sold to a dealer with a valid
12 Southeast Federal Dealer Permit.

13
14 The IPT has recommended some alternatives though. They have a
15 new Alternative 2 that would allow the retention and sale of
16 Atlantic kingfish caught with drift gillnets as long as the
17 vessel had a valid shark directed commercial permit and a
18 federal kingfish permit and, again, those kingfish must be sold
19 to a permitted dealer and Option a would be for trips in the EEZ
20 that no more than two kingfish per crew onboard and no more than
21 two king mackerel per crew member could be sold from the trip
22 and for trips in the EEZ north of the Georgia/Florida line, that
23 limit would be increased to three.

24
25 Option b is for shark gillnet trips in the southern zone, which
26 is on the Atlantic side, no more than two kingfish per crew
27 member can be onboard and no more than two kingfish per crew
28 member can be sold from the trip and in the northern zone, which
29 is north of the Georgia/Florida line, that limit would be
30 increased to three.

31
32 Alternative 3 would allow the retention and sale of Atlantic
33 kingfish caught in shark gillnets for any vessel with a directed
34 shark permit and a valid federal kingfish permit. It must be
35 sold to the dealer and Option a is for shark gillnet trips in
36 the South Atlantic, no more than 100 pounds of kingfish can be
37 onboard and no more than 100 pounds of kingfish can be sold per
38 trip. This is preferred by the South Atlantic's AP.

39
40 Option b is for shark gillnet trips in the South Atlantic, no
41 more than a hundred pounds of kingfish can be onboard and no
42 more than a hundred pounds of kingfish can be sold and so the
43 Gulf AP's take on this was that obviously release mortality from
44 gillnets is incredibly high, if not 100 percent, and it's better
45 that the fish are sold than just dumped overboard and so that
46 was the Gulf AP's take, is that sales should be allowed in a
47 manner that the South Atlantic thinks is appropriate.

48

1 **MR. PERRET:** You know I am always big on purpose and need and so
2 I'm trying to relate this to the purpose and need of this
3 document and low and behold, we don't have a purpose and need
4 yet and so it's kind of hard to relay actions and alternatives
5 to purpose and need.
6

7 I assume if we have something or if this council has something
8 relative to purpose and need, to prevent waste or something like
9 that, this would all be applicable in some fashion. Allowing
10 the sale of a bag limit, first off, these are all commercial
11 fishermen, permit holders, and is that right, Ryan? This is a
12 commercial-type fishery that takes an incidental catch and the
13 purpose seems to be to prevent waste and can somebody tell me
14 how many of these kings are caught in a normal -- There is no
15 such thing as normal, but what's the range of the number of fish
16 caught in various shark gillnet sets?
17

18 **MR. RINDONE:** I am going to refer to Kari MacLauchlin to answer
19 that from the South Atlantic Council.
20

21 **MS. KARI MACLAUCHLIN:** It was a practice that was a little more,
22 but in more recent years, it's very low and maybe 4,000 or 5,000
23 pounds a year tops and even lower. There are not that many
24 shark gillnetters working right now and then they were, before
25 Amendment 20A, were only selling the two per person and so six
26 per boat and so it was a very small level.
27

28 **MR. PERRET:** But is that 4,000 or 5,000 pounds total in the
29 whole fishery or per boat or what?
30

31 **MS. MACLAUCHLIN:** Yes, in the whole fishery.
32

33 **MR. PERRET:** If that's the case, why have a limit of two or
34 three if we're trying to prevent waste? Now, if we have no
35 limit on them, then I guess maybe they could be targeting them
36 or something and so I assume that's the reason, but it seems
37 like if there is only 4,000 or 5,000 pounds of fish in the whole
38 fishery and we're trying to prevent waste of it that we should
39 in some sort of way let it be landed and enter commerce.
40

41 **MS. BADEMAN:** Given that this is -- I mean this is certainly an
42 interesting action, but given that it's more of a South Atlantic
43 one and there's a lot of IPT suggestions that the South Atlantic
44 Council hasn't looked at and we'll be talking about this
45 amendment with them on Thursday, my suggestion was going to be
46 that we just kind of roll through this and keep going, because I
47 know we have a lot to cover in the next ten minutes or whatever.
48

1 **CHAIRMAN DANA:** Martha's suggestion is that we move forward,
2 because we have not heard the South Atlantic perspective on it
3 yet. Is there any opposition to moving forward? Seeing none,
4 Ryan, can you --

5
6 **MR. RINDONE:** Yes, ma'am. Action 4 would establish a Florida
7 east coast subzone and a commercial quota in South Atlantic
8 waters and do you guys want to move past this one as well, since
9 this is primarily a South Atlantic action?

10
11 **CHAIRMAN DANA:** If there is anyone that wants to drill down
12 deeper on this, please indicate. We are moving forward.

13
14 **MR. RINDONE:** All right. Action 5 starts on page 35 and this
15 would modify the ACL for Gulf migratory group kingfish.
16 Currently, the ACL in the Gulf is designated in Amendment 18 as
17 10.8 million pounds. The stock assessment, of course, move that
18 Florida east coast subzone into the Atlantic migratory group.
19 With that went a certain poundage of fish and also effort and so
20 because of that, the ABC projections for the Gulf are lower than
21 10.8 million pounds, but what it constitutes is more fish still
22 for everybody, because there is even less effort.

23
24 You had six people eating eight slices of pie and now you have
25 three people eating six slices of pie and so everybody gets
26 more, even though you have fewer slices.

27
28 Alternative 2 would set the Gulf kingfish ACL equal to the ABC
29 recommended by the SSC for 2015 to 2019 and the ABC values are
30 in millions of pounds whole weight and so for 2019, that would
31 be 9.62 million pounds and 9.21 for 2016 and so forth down
32 through 2019 and the reason this is declining is -- One reason
33 this is declining anyway is because kingfish have been
34 historically under harvested in the Gulf and so you have a glut
35 of fish in excess of the minimum stock size threshold and so the
36 model is assuming that the fishermen are going to fish that
37 surplus down to what MSY is into the future and so if it's not
38 fished down, then this glut would still perpetuate through time.

39
40 Alternative 3 would establish a constant catch scenario for Gulf
41 migratory group kingfish ACL for one of the following time
42 periods. The ACL during the selected time period may not
43 exceeds the ABC recommended by the SSC for any single year
44 during the selected time period and we put options in there of
45 three and five years and so do you guys have any questions?

46
47 **CHAIRMAN DANA:** We don't need to take any action, do we?
48

1 **MR. RINDONE:** You just need to accept the language or not accept
2 it or change or whatever.

3

4 **CHAIRMAN DANA:** We have a motion to accept the language in
5 **Action 5.**

6

7 **MS. BADEMAN:** Second.

8

9 **CHAIRMAN DANA:** We have a second. Any discussion? **All those in**
10 **favor. The motion is accepted.**

11

12 **MR. RINDONE:** Action 6 begins on page 37 and this would revise
13 the commercial zone quotas for Gulf migratory group kingfish.
14 Currently, those zone quotas are 31 percent in the western zone
15 and 5.17 percent to the Gulf northern zone and 15.96 percent
16 each to the southern zone hand line and gillnet components.

17

18 If you guys haven't noticed, we are changing the names of the
19 zones here. Instead of calling it the eastern zone Florida
20 northern subzone or eastern zone Florida west coast southern
21 subzone, we're just going to call it the western zone, the Gulf
22 northern zone, and the Gulf southern zone. Hopefully that will
23 make it easier to understand.

24

25 Alternative 2 would revise the commercial zone quotas for Gulf
26 kingfish by dividing the Florida east coast zone quota into four
27 equal parts to be added to each of the remaining Gulf commercial
28 zones. Alternative 3 would revise the commercial zone quotas by
29 the sum of the quota percentages for all the Gulf commercial
30 zones except the Florida east coast zone, with each resultant
31 percentage becoming that zone's new commercial quota. I will
32 explain that in a second. That's the proportional reallocation
33 method.

34

35 Then Alternative 4 would revise the zones as follows and this is
36 the Gulf CMP AP's recommendation. It's 40 percent for the
37 western zone, 18 percent for the northern zone, and 21 percent
38 each for the southern zone hand line and gillnet components.

39

40 If you go to Table 2.6.2 on page 38, it's right there at the
41 top. You can see how these break out in table form and how each
42 of those alternatives would affect the current situation for
43 each of the zones and so the current situation, of course, is in
44 Alternative 1 and dividing the quota vacated by the Florida east
45 coast zone into four equal parts, as reflected in Alternative 2,
46 and dividing each individual zone's current quota by the total,
47 less the Florida east coast zone or its proportion, as shown in
48 Alternative 3, and then the Gulf AP's recommendation is in

1 Alternative 4.

2

3 **DR. BRANSTETTER:** Ryan, can you explain the rationale behind --
4 You just explained the rationale, but how you reached the
5 percentages for Alternative 2 and 3? What was the rationale for
6 Alternative 4?

7

8 **MR. RINDONE:** The AP, of course, wanted to see everybody get
9 more fish and some of the AP members felt that the northern zone
10 was a growing fishery and that there were a number of fishermen,
11 licensed fishermen, in that zone that have been unable to use
12 their permits because either the fish hadn't shown up by the
13 time the quota had been caught or the quota gets caught so
14 quickly by traveling fishermen that they don't get an
15 opportunity to go out there and they thought that by increasing
16 the northern zone's quota in tandem with the delay in the
17 pushback of the opening date for the northern zone to October 1
18 in Amendment 20B that that would let those guys use their
19 permits and so that's why so much more was given to the northern
20 zone in Alternative 4 than in the other two alternatives, which
21 are just done by simple math choices.

22

23 **MR. PERRET:** Are you looking for a preferred now or are we just
24 going to go through?

25

26 **CHAIRMAN DANA:** Do we just want to accept the language or
27 discuss?

28

29 **MR. PERRET:** I would like to make Alternative 4 the preferred,
30 as per the recommendation of the Gulf Advisory Panel.

31

32 **CHAIRMAN DANA:** We need to accept the language first, but then I
33 could entertain a preferred.

34

35 **MR. PERRET:** I move to accept the language.

36

37 **CHAIRMAN DANA:** Do I have a second? I have a second from Martha
38 Bademan. Any discussion? **All those in favor say aye; opposed.**
39 **The motion passes.**

40

41 **MR. PERRET:** I move to make Alternative 4 the preferred.

42

43 **CHAIRMAN DANA:** Okay. We've got a motion on the board in Action
44 2.6, Action 6, that Alternative 4 be the preferred. Revise the
45 commercial zone quotas for Gulf migratory group king mackerel as
46 follows: 40 percent for the western zone, 18 percent for the
47 northern zone, 21 percent for the southern zone hand line
48 component, and 21 percent for the southern zone gillnet

1 component. Do I have a second? David Walker. Any discussion?
2

3 **MS. LEVY:** I just want to note that currently the document has
4 no analysis about the impacts of any of these alternatives and
5 so I understand that the AP recommended it, but you have no
6 indication of what the impacts are of socioeconomic or
7 biological or anything when you're making this decision about a
8 preferred at this point.
9

10 **CHAIRMAN DANA:** Good point. Thank you.
11

12 **MR. PERRET:** Obviously the advisory panel had a lot of input on
13 that and as the council member from the western zone, from day
14 one the western zone has always had a very small percentage of
15 the entire take and as we all know, we've got a lot of people
16 that come from the east to the western zone and this finally
17 gives an opportunity for a big whopping 9 percent increase if
18 approved.
19

20 While I am sure the socioeconomic data can be certainly added to
21 what's needed, I just -- Since it's my last Mackerel Committee
22 meeting, I thought it might be appropriate to see if we can't
23 get a recommendation to the full council to give the western
24 zone a few more fish.
25

26 **CHAIRMAN DANA:** With guidance from legal counsel, the author of
27 the motion sticks to it. Do we have any further discussion? We
28 have a committee motion on the board for Alternative 4 to be the
29 preferred alternative. **All those in favor say aye; any opposed,
30 one opposed. The motion passes.** Ryan.
31

32 **MR. RINDONE:** Thank you, Madam Chair. We will move on to Action
33 7, which is on page 39, and this would revise the recreational
34 and commercial allocations for Gulf migratory group kingfish.
35 Currently, 68 percent of the ABC goes to the recreational sector
36 and 32 percent to the commercial.
37

38 Alternative 2 would revise the recreational and commercial
39 allocations for Gulf migratory group king mackerel by shifting a
40 percentage of the recreational allocation to the commercial
41 sector with options for 5 percent, 10 percent, and 20 percent
42 shifting from the recreational to the commercial sector.
43

44 Alternative 3 would revise the recreational and commercial
45 allocations for Gulf migratory group king mackerel by shifting a
46 percentage of the recreational allocation to the commercial
47 allocation annually until such a time that the recreational
48 sector lands 80 percent of its allocation, after which no

1 additional allocation will be shifted from the recreational
2 sector to the commercial sector, with options to shift 2 percent
3 of the recreational allocation annually to the commercial
4 allocation and Option b is 5 percent to be shifted annually from
5 the recreational to the commercial allocation.

6
7 The Gulf AP preferred no action on this alternative. They
8 thought that other avenues should be explored first for trying
9 to encourage the recreational sector to catch their allocation
10 before moving that allocation from the recreational to the
11 commercial sector.

12
13 **CHAIRMAN DANA:** Any discussion on Action 7? Do I have a motion
14 to -- Mara.

15
16 **MS. LEVY:** I just have a question. Is there a particular reason
17 why under Alternative 2 we have 5, 10 and 20 percent, whereas
18 under Alternative 3 we have 2 and 5 percent?

19
20 **MR. RINDONE:** 2 percent was suggested at one point by one of the
21 fishermen and so that was why we had included 2 percent in
22 there, is it was the only value that was given. To have some
23 options for you guys, we added 5 percent, but --

24
25 **MS. LEVY:** Is it because that if you had a higher shift that
26 that 80 percent threshold would go away? I mean is that the
27 reason that you have smaller shifts under Alternative 3 than
28 under Alternative 2, because you have that trigger of once you
29 reach 80 percent you revert back?

30
31 **MR. RINDONE:** The idea that was provided by the fishermen was
32 that by providing some time-based incremental shift that it
33 would allow increases to the commercial side without harming the
34 recreational fishery's ability to fish for king mackerel in the
35 Gulf year-round, which the AP especially thought was of great
36 importance, was to make sure that fishery didn't close.

37
38 We haven't done any analysis to see what the impacts of these
39 shifts would be and so we couldn't say how long it would take or
40 how many shifts would occur before the recreational sector
41 landed 80 percent.

42
43 **DR. CRABTREE:** Over time, allocation could shift to the
44 commercial fishery and if that happened and then all of a sudden
45 the recreational catches went up and so they hit their ACL,
46 there is no automatic provision in here that would shift
47 anything back to them, right? So the council would have to come
48 in and do something to adjust?

1
2 **MR. FISCHER:** I just want to make certain I'm clear, after
3 Mara's comments, but I saw Alternative 2 as a one-time shift of
4 5, 10, or 20 percent, where Alternative 3 is an annual
5 cumulative until you reach the 80 percent -- I don't want to
6 call it a trigger, but 80 percent ceiling and therefore it
7 shouldn't be the same 5, 10, or 20 percent. It would have to be
8 something lower, because if you're adding it to each other year
9 after year.

10
11 **MS. LEVY:** Yes, that was my mistake. I was misreading what the
12 alternative was. Thanks.

13
14 **CHAIRMAN DANA:** Is everyone clear now on what these alternatives
15 mean? Any other discussion? Do I have a motion to accept the
16 language in Action 7?

17
18 **MR. PERRET:** So moved.

19
20 **CHAIRMAN DANA:** Martha Bademan seconds. Any discussion on the
21 motion? Seeing none, there is a motion on the board, a
22 committee motion, to accept the language in Action 7. **All those**
23 **in favor say aye; opposed. The motion carries.** I think, unless
24 there is any other --

25
26 **MR. RINDONE:** We have Action 8. Thank you, Madam Chair. Action
27 8 begins on page 44 and this would modify the recreational bag
28 limit for Gulf migratory king mackerel and Alternative 1 would
29 maintain the current bag limit of two fish per person per day
30 and Alternative 2 would increase it to three, and this is
31 preferred by the AP, and Alternative 3 would increase the bag
32 limit to four fish per person per day.

33
34 Both the council and the AP had requested a bag limit analysis
35 be done for looking at what the effects of this would be and
36 this is Tab C, Number 5(c) and I will summarize this real quick
37 for you guys.

38
39 They used two different methods to look at how increasing the
40 bag limit would affect the amount of fish that were landed. The
41 first method assumed that all trips that met the two fish per
42 angler bag limit would also meet the three and four fish options
43 and the second method isolated the trips that met the two fish
44 bag limit and assumed they had met the three and four fish bag
45 limits if those trips also had discards of one or two fish.

46
47 In summary, what this is basically showing though is that
48 increasing the bag limit isn't going to remarkably increase the

1 amount in recreational landings. The people that are currently
2 catching two fish do not make up a large percentage of the
3 recreational fishing population and so even if those people kept
4 three or four fish, there still aren't very many of them to
5 begin with and so the impacts would be minimal there and so, to
6 get an idea of what these percent increases in landings would
7 be, we go to Table 1 on PDF page 3.

8
9 It shows you the projected increases for the charter, private,
10 and headboats if those increases in bag limits were put forward
11 and Method 2, we weren't able to calculate for Texas Parks and
12 Wildlife because of their reporting. Does anybody have any
13 questions on Action 8? The increase to three fish is the AP's
14 preferred?

15
16 **CHAIRMAN DANA:** With no discussion, do I have a motion to accept
17 the language in Action 8?

18
19 **MR. FISCHER:** So moved.

20
21 **CHAIRMAN DANA:** Myron moves to accept and Martha seconds and is
22 there any discussion? **All those in favor of the motion to**
23 **accept the language in Action 8 say aye; opposed. The motion**
24 **passes.** Ryan.

25
26 **SUMMARY OF SCOPING COMMENTS FOR CMP AMENDMENT 26**

27
28 **MR. RINDONE:** All right and real quick, we will move forward
29 into CMP Amendment 28, which looks at the permit split that was
30 proposed initially by the South Atlantic Council and the South
31 Atlantic has voted to --

32
33 **MS. MUEHLSTEIN:** Ryan, I think in the interests of time, the
34 best thing for me to do is to go through our summaries from the
35 scoping meetings for Amendment 26. We went to scoping and we
36 actually scoped 26 and 28 together. We went to nine different
37 locations and we had a total of eleven people at those meetings.

38
39 Most notably, there was nobody in attendance in Mobile, San
40 Antonio, Corpus Christi, or in Panama City and so here is the
41 comments that we received on 26. Regarding the Gulf king
42 mackerel annual catch limit, there was support for raising the
43 annual catch limit to match the newly recommended ABC and there
44 was also support for keeping the annual catch limit at the
45 current levels since it hasn't been harvested in recent years.

46
47 The constant catch scenario for the annual catch limit was
48 recommended by the advisory panel and that was also supported

1 because the declining yield stream would allow maximum harvest
2 the whole time and there was also a suggestion that the ABC be
3 evaluated annually with more authority of management given to
4 the Gulf Council.

5
6 Regarding the king mackerel stock boundary, I already let you
7 guys know there was universal support for the creation of the
8 new mixing zone and then moving on to the Gulf king mackerel
9 commercial zone allocations, the advisory panel's suggestion to
10 give 40 percent to the western zone, 18 percent to the northern
11 zone, and 21 percent to each component of the southern zone was
12 supported.

13
14 It was also suggested that the increase should be spread out
15 evenly amongst all of the zones and it was suggested that more
16 quota should be given to the northern subzone of the eastern
17 zone and that's because there is such a small portion of fish
18 that you can't fish off the Tampa area. The fish are all
19 harvested in the Panhandle before they get south and so there is
20 effectively no season for the Tampa folks.

21
22 The council should consider making a new zone off of Tampa in
23 March or May so that fish can be targeted off that central
24 Florida coast if we don't decide to increase that northern
25 subzone's allocation.

26
27 Next we move to the Gulf king mackerel sector allocations. It
28 was suggested that the fish that are under harvested by the
29 recreational sector should be given to the commercial sector. A
30 hard 10 percent shift from the recreational to the commercial
31 sector should be considered and it was also suggested that more
32 input from the recreational sector was necessary before a
33 decision was made. A sector should not be penalized for under
34 harvesting its portion of the allocation.

35
36 Moving to the sale of king mackerel bycatch in the South
37 Atlantic shark gillnet fishery, that was supported by some and
38 not by others. It was sort of thought that it was kind of a
39 minimal issue. Some people were just opposed to gillnets in
40 general.

41
42 Next, I will move on to the Florida east coast subzone
43 consideration. Everyone agreed that there was an effort
44 increase in that area, but there was not much support for the
45 creation of an endorsement. A separate zone allocation was
46 suggested, but it was suggested that possibly the Gulf Council
47 take a backseat on this and allow the South Atlantic to deal
48 with it, since it's more of a South Atlantic issue.

1
2 Then, finally, the recreational bag limit, there was some
3 support for the three fish limit and then there was some support
4 for not increasing the recreational bag limit at all and so that
5 concludes the comments specific to Amendment 26 and are there
6 any questions on what we heard?

7
8 **CHAIRMAN DANA:** I just have one question. You said --
9 Paraphrase for me again the communities that had zero attendance
10 and then, in contrast, those that did attend meetings, how many
11 people are we talking about?

12
13 **MS. MUEHLSTEIN:** We had eleven people total at all of the
14 meetings across the entire Gulf coast for this round of scoping
15 and that was for two amendments. There was nobody in attendance
16 in --

17
18 **CHAIRMAN DANA:** That's good enough. Basically, what you've just
19 said is based on eleven perspectives and so we probably have to
20 do some better -- You do a great job, but we have to figure out
21 how to get better public input on this particular issue as we
22 move forward. Thank you.

23
24 **MS. MUEHLSTEIN:** Okay and so I'm not clear and would you guys
25 like to hear the summaries on 28 and then we'll move on? Is
26 that appropriate, Carrie?

27
28 **DR. CARRIE SIMMONS:** I was thinking the committee should hear
29 those. I don't know if we'll have time to go through the actual
30 document, but I think they should hear those before we have our
31 joint session on Thursday with the South Atlantic Council.

32
33 **CHAIRMAN DANA:** Yes, go ahead with the public comment on 28 and
34 is that based again on those eleven folks?

35
36 **MS. MUEHLSTEIN:** Yes, ma'am.

37
38 **CHAIRMAN DANA:** All right. Thank you.

39
40 **DISCUSSION OF CMP AMENDMENT 28: SEPARATING PERMITS FOR GULF OF**
41 **MEXICO AND ATLANTIC MIGRATORY GROUPS OF KING MACKEREL AND**
42 **SPANISH MACKEREL**
43 **SUMMARY OF SCOPING COMMENTS FOR CMP AMENDMENT 28**
44

45 **MS. MUEHLSTEIN:** Here we go. For Amendment 28, on the
46 establishment of separate permits, separate permits were said to
47 be a good idea, but it was also suggested that the separate
48 permits should not limit people on where they fish or eliminate

1 permits through qualifying criteria. It was also said that
2 permit holders should only be allowed to fish on one side of
3 Florida and so, again, it was kind of divided among those eleven
4 people and there was no consensus.

5
6 It was also said that separate permits should not be created
7 under any circumstance, because they would unevenly affect the
8 traveling king mackerel fishermen. Additionally, it was
9 mentioned that any biological limits can be set via quotas and
10 zones rather than eliminating permits and so if the council's
11 goal here was to protect the stock, maybe they shouldn't do that
12 through limiting the fishermen.

13
14 Now, moving to the qualifying criteria for permits, responses
15 here were all over the board. Some people said that if we were
16 to limit permits and we needed a qualifying criteria that we
17 should use the length of time that people have been holding
18 permits, we should use an income qualifier, or we should use the
19 landings, which would then have to sort of be tiered based on
20 the fact that people fish in different places under different
21 quotas.

22
23 Then, moving on to Spanish mackerel, regarding the establishment
24 of separate Spanish mackerel permits, that was generally
25 supported, especially if the king mackerel permits are separated
26 as well.

27
28 Then regarding limited access for Spanish mackerel in the Gulf,
29 it was said that it's totally unnecessary and the South Atlantic
30 should decide how to handle it on their side, but in the Gulf
31 it's not needed. There was caution that if the South Atlantic
32 decides on a limited access permit that it may cause effort
33 shifting into the Gulf and so that was it for that amendment.

34
35 **CHAIRMAN DANA:** Thank you for the speed read, Emily. Now, since
36 you gave the eleven public members' comments, I am going to have
37 Ryan give a quick overview of the discussion paper. We're not
38 at the options paper yet, but we're at the discussion.

39
40 **OVERVIEW OF DISCUSSION PAPER**

41
42 **MR. RINDONE:** Thank you, Madam Chair. You guys are familiar
43 with what's been going on with this and so the South Atlantic
44 has voted to stop work on it and so they've -- For Amendment 28
45 and so if you guys choose not to continue with it, then it goes
46 away and if you choose to continue with it, then the South
47 Atlantic will have to take it back and determine whether they
48 want to do something with it or not and if they don't, then

1 we're still at an impasse and so what is the committee's
2 pleasure?

3

4 **CHAIRMAN DANA:** Explain to them what Amendment 28 is.

5

6 **MR. RINDONE:** It's splitting the permits and like Emily was
7 talking about, you got a good perspective of how the fishermen
8 in the Gulf feel about it and one of the guys from the Atlantic
9 had come over to St. Pete and he spoke a little bit, too.

10

11 The Gulf's AP is in favor of splitting the permits and they had
12 provided a metric by which you guys could do that using fully
13 transferable and non-transferable permits and had offered
14 suggestions for qualifying criteria for those.

15

16 Basically you guys would just need to decide if you want to
17 continue work on this and continue exploring splitting the king
18 and Spanish mackerel permits or if that's not something you want
19 to pursue right now.

20

21 **CHAIRMAN DANA:** Okay. What is the committee's pleasure?

22

23 **MR. PERRET:** I don't know if I can afford any more lawyers for
24 the pending divorces we've had with the South Atlantic Council
25 over the years on mackerel, but some of us acquiesced to Dr.
26 Crabtree and the South Atlantic. Mr. Fischer and I and a few
27 others relative to some things that we wanted for the Gulf king
28 mackerel fishery and unless we changed, it wasn't going to
29 happen and so we supported the South Atlantic.

30

31 Now we've got a lot of support for separating permits in the
32 Gulf and the South Atlantic doesn't want to do it and it seems
33 like it's time for them to come around to our way of thinking on
34 this thing and so I would like to at least continue on with it
35 and let's see what they have to offer us tomorrow.

36

37 **CHAIRMAN DANA:** I need a formal motion and would you like to
38 provide a formal motion, Corky?

39

40 **MR. PERRET:** I move we continue on with separating permits for
41 the Gulf of Mexico and Atlantic migratory groups of king
42 mackerel and Spanish mackerel, Discussion Paper 28.

43

44 **CHAIRMAN DANA:** Mara, can you help us or can somebody help us
45 with the proper motion there?

46

47 **MR. RINDONE:** That staff continue work on CMP Amendment 28.

48

1 **CHAIRMAN DANA:** We have a committee motion on the board and as
2 it pertains to Coastal Migratory Pelagics Amendment 28. The
3 committee motion is to have staff continue work on CMP Amendment
4 28 and do I have a second?

5
6 **MR. SANCHEZ:** Second.

7
8 **CHAIRMAN DANA:** Second by John Sanchez. Any discussion? Dr.
9 Crabtree.

10
11 **DR. CRABTREE:** I have never really been convinced that we need
12 to do this. It's going to be complicated, because anytime you
13 get into qualifiers and who gets them and who doesn't get them
14 and normally what we've done in the past when we've gone down
15 that path is let virtually everyone in and so then you just end
16 up having created yet another permit.

17
18 It's going to be more burdensome on fishermen, especially down
19 here in the Keys, where they're going to have what was one
20 permit and will now be two permits and they're going to have to
21 pay double fees and go through extra processes on it and so
22 unless there's a real need to do this, my preference would be to
23 drop this and move on with other things.

24
25 **CHAIRMAN DANA:** Any further discussion? Seeing none, we have a
26 committee motion on the board to have staff continue work on CMP
27 Amendment 28. **All those in favor please raise your hands. We**
28 **have five in favor and two opposed. The motion passes.**

29
30 I think we -- I have Other Business here and does anyone have
31 any additional business to offer? Seeing none, I apologize, Mr.
32 Chairman, for going over by twenty minutes, or eighteen minutes,
33 but we had a lot to cover and I appreciate everyone's patience.
34 The CMP Mackerel Management Committee stands adjourned.

35
36 (Whereupon, the meeting adjourned at 11:49 a.m., June 8, 2015.)

37
38 - - -
39

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

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

Documents: Complete Options Paper (**Tab C, No. 4**)

Timeline Status: Options Paper

Council Input and Next Steps:

- Discuss proposed options in CMP Amendment 26, recommend adding/removing any options
 - Staff will plan to bring CMP Amendment 26 to the Council as a Public Hearing Draft in October 2015
-

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**)

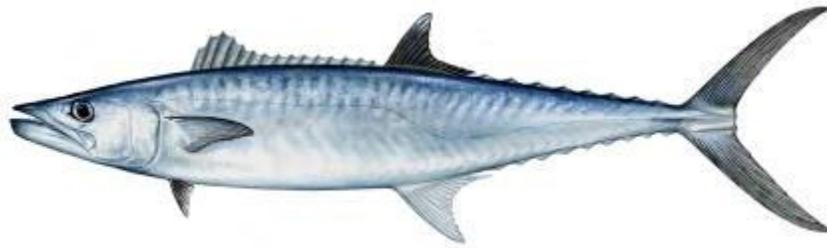
Timeline Status: Options Paper

Council Input and Next Steps:

- Discuss proposed options in CMP Amendment 28, recommend adding/removing any options
 - Consideration of a new control date (e.g., January 1, 2015)
 - Determine whether to submit the Draft Options Paper for CMP Amendment 28 to the South Atlantic Council for consideration
 - Staff will plan to bring CMP Amendment 28 to the Council as an Options Paper in October 2015
-

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

AP



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

July 2015



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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.

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

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

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

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

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.

In addition to ACL and stock boundary issues, the South Atlantic Council is interested in exploring a provision for the small coastal shark drift gillnet fishery for bag limit sales of king mackerel bycatch. Bag limit sales were prohibited in Coastal Migratory Pelagics (CMP) Amendment 20A (implemented July 2014), and allowing such sales for a specific fishery would allow a historic practice to continue.

1.1 Background

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

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

In 2014, a stock assessment was completed for Gulf and Atlantic migratory group king mackerel (SEDAR 38 2014). 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).

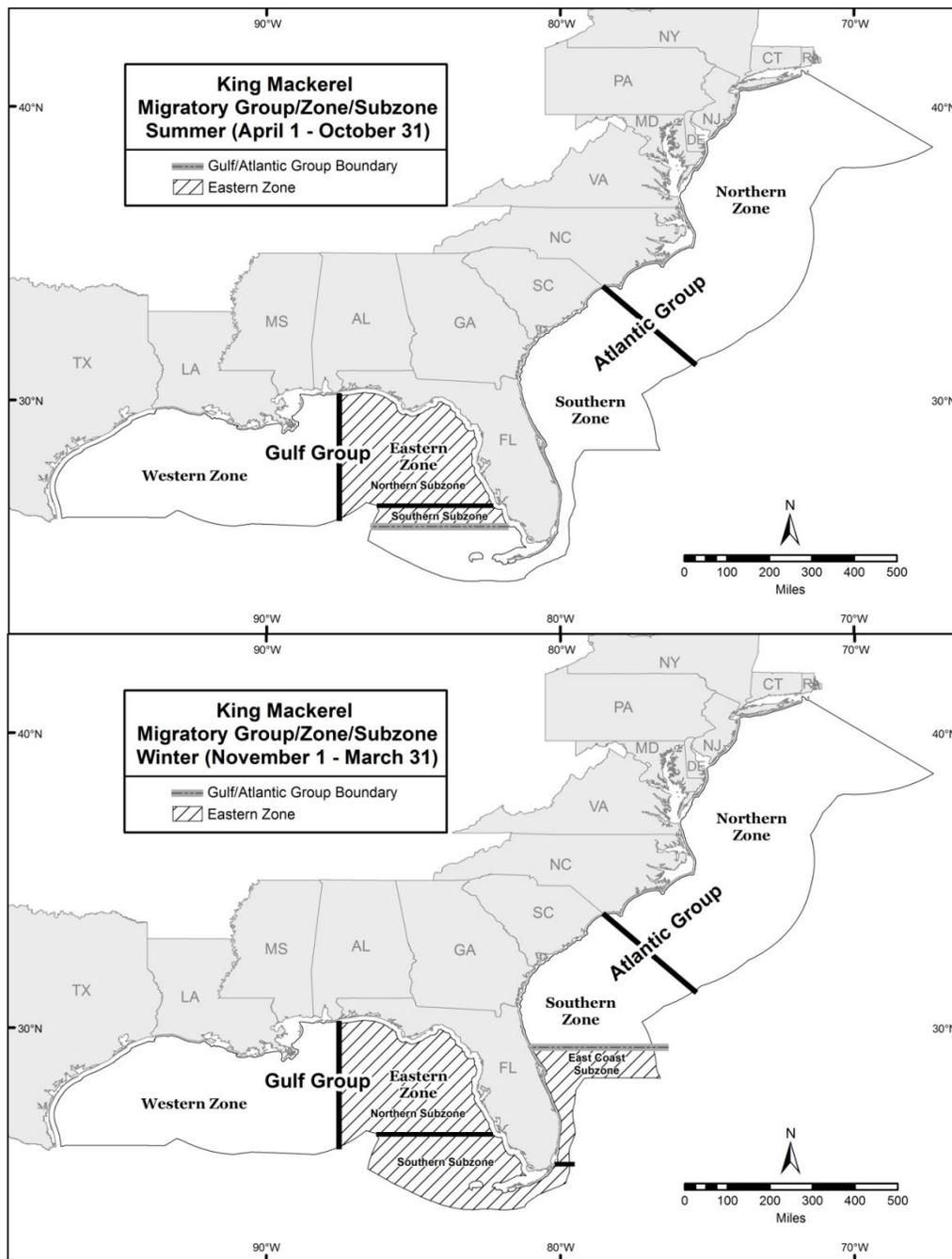


Figure 1.1.1. Seasonal boundary between Atlantic and Gulf migratory groups of king mackerel.

The Florida East Coast (FLEC) Subzone is currently included in 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 of Mexico, the commercial zone allocations will need to be re-evaluated with the potential

removal of the Florida East Coast 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 Council 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 management measures for Gulf and Atlantic migratory groups of king mackerel as necessary based on the most recent stock assessment; to revise recreational and commercial allocations and the recreational bag limit for Gulf king mackerel; and to create an incidental catch allowance of Atlantic king mackerel for the shark gillnet fishery.

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 Gulf and Atlantic migratory groups of king mackerel in accordance with provisions set forth in Magnuson-Stevens 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 CMP zonal issues. A full history of CMP management can be found in Amendment 18 (GMFMC and SAFMC 2011), and is incorporated here by reference.

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

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

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

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

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

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

Amendment 18, with EA, implemented in January 2012, established ACLs and accountability measures for Gulf and Atlantic migratory groups of cobia, king mackerel, and Spanish mackerel. 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 19, with EIS, implemented in July 2010, was part of the South Atlantic Comprehensive Ecosystem-based Amendment 2 and established Coral Habitat Areas of Particular Concern (CHAPCs).

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

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

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

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

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

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

CHAPTER 2. MANAGEMENT ALTERNATIVES

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

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

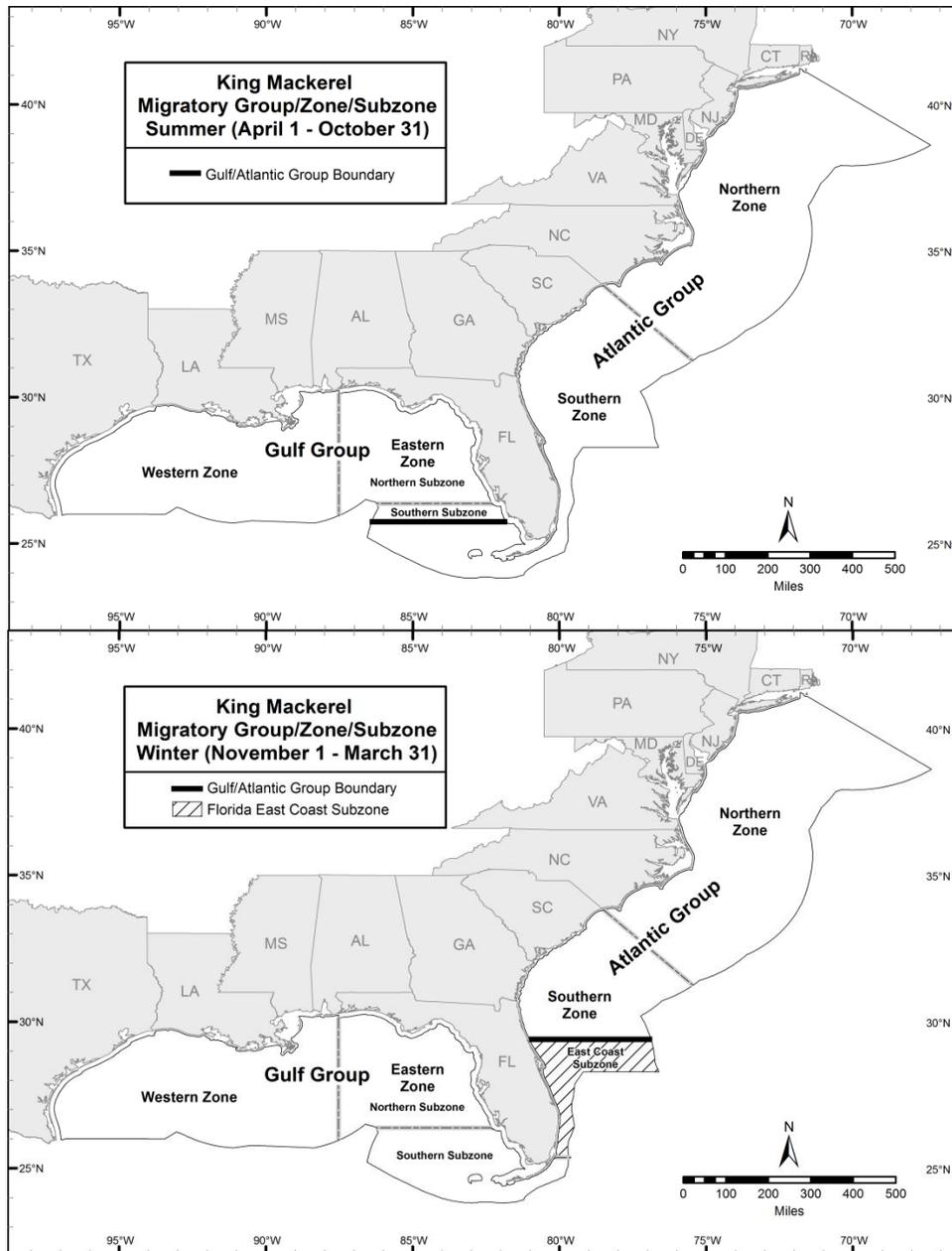


Figure 2.1.1. Alternative 1: Seasonal management boundaries for Atlantic and Gulf migratory groups of king mackerel.

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

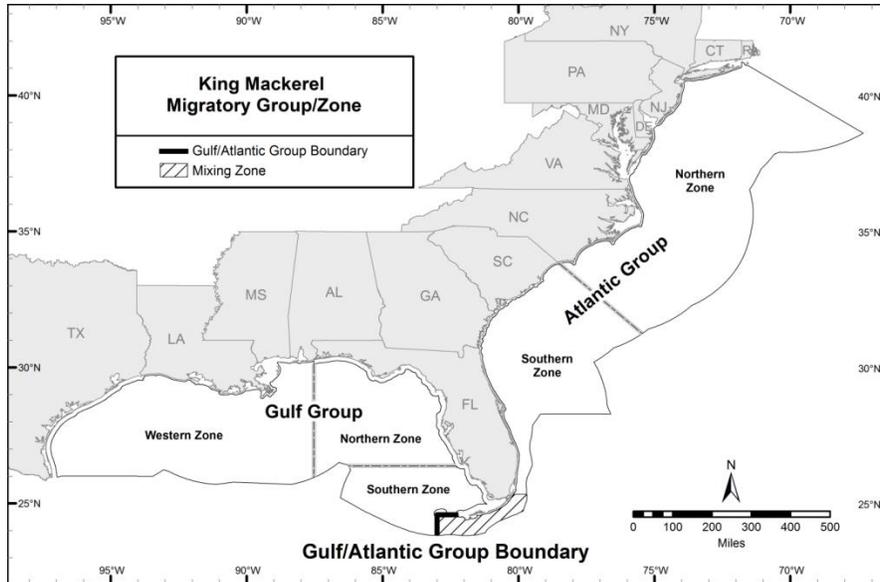


Figure 2.1.2. Alternative 2: Proposed management boundary for Atlantic and Gulf migratory groups of king mackerel.

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

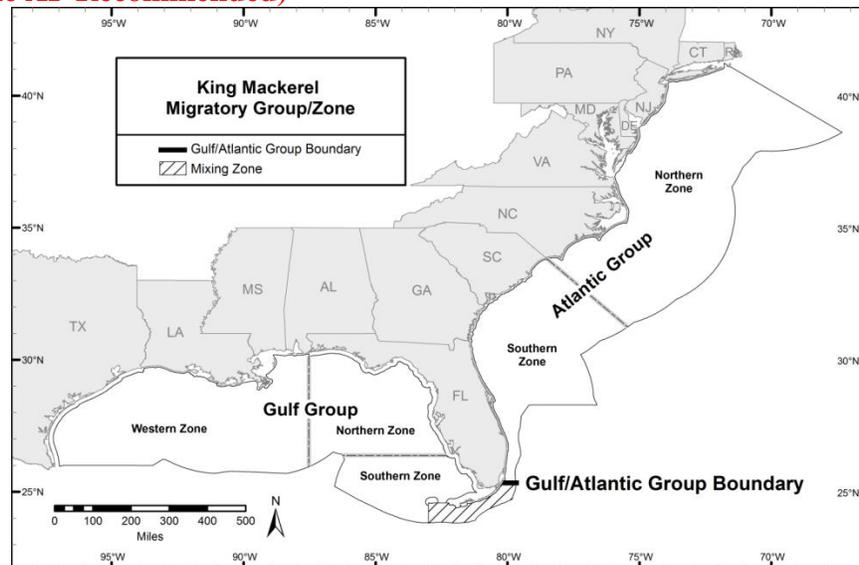


Figure 2.1.3. Alternative 3: Proposed management boundary for Atlantic and Gulf groups of king mackerel.

Discussion:

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

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

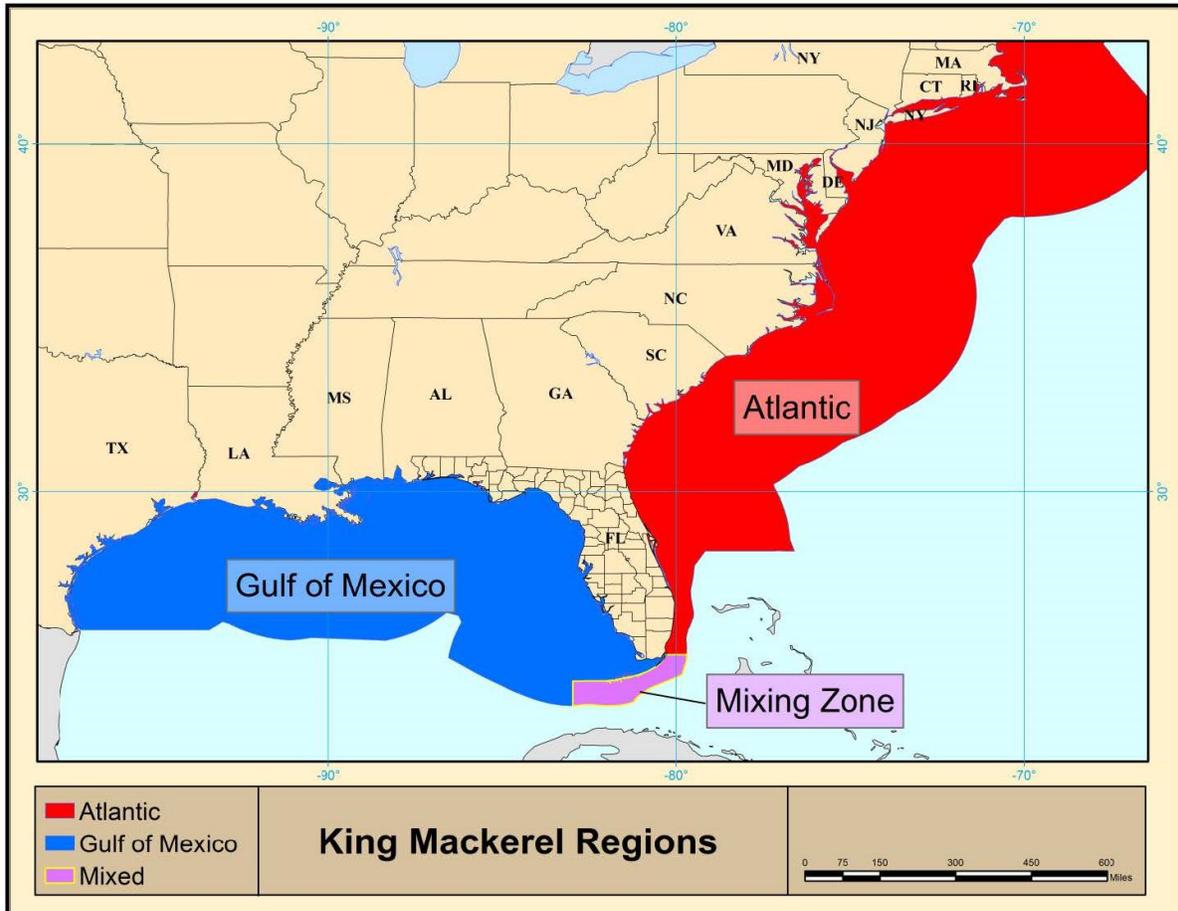


Figure 2.1.4. Areas of Gulf and Atlantic migratory king mackerel and the mixing zone as defined by SEDAR 38.

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

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

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

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

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 (MSY, MSST, MFMT/OFL), and Revise the Annual Catch Limit (ACL) and Recreational Annual Catch Target (ACT) for Atlantic Migratory Group King Mackerel

The South Atlantic Council has determined that the value for MSY is the value of yield at F_{MSY} from the most recent stock assessment. Currently $MSY = 10.4$ million pounds (mp) (SEDAR 16). In October 2014, the 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 MSST is the value from the most recent stock assessment. Currently $MSST = 1,827.5$ million hydrated eggs (SEDAR 16). Based on the SEDAR 38 assessment, $MSST = 1,991$ million hydrated eggs. The South Atlantic Council has determined that the value for MFMT is the value of F_{MSY} or proxy from the most recent stock assessment. Currently $MFMT = F_{MSY} = F_{30\%SPR} = 0.256$ (SEDAR 16). Based on the SEDAR 38 assessment, $MFMT = F_{MSY} = F_{30\%SPR} = 0.157$.

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

Criteria	Deterministic
Overfished evaluation	No, $SSB/SSB_{30\%SPR} = 1.86$
Overfishing evaluation	No, $F/F_{30\%SPR} = 0.17$
MFMT	$F_{30\%SPR} = 0.157$
$SSB_{30\%SPR}$ (unit)	2,372 million eggs
MSST (unit)	1,991 million eggs
MSY (1000 lb)	12.7 mp
Y at 75% $F_{30\%SPR}$ (1000 lb)	Not recommended
ABC Control Rule Adjustment	17.5%
P-Star	32.5%
OFL (1000 lb)	See Table 2

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

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

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

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 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 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 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 SSC for ABC under a low recruitment scenario.

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

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

Discussion

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

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

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

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

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

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

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

2.2.2 Action 2-2 – Revise ACLs, 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)**

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

ACL = ABC HIGH Recruitment Scenario Action 2-1, Alt 2						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	17.4 mp	6.5 mp	1,497,600	5,197,400	10.9 mp	10.1 mp
2017/18	15.8 mp	5.9 mp	1,359,360	4,717,640	9.9 mp	9.2 mp
2018/19	14.1 mp	5.2 mp	1,198,080	4,157,920	8.9 mp	8.3 mp
2019/20	12.7 mp	4.7 mp	1,082,880	3,758,120	8.0 mp	7.4 mp
ACL = ABC MEDIUM Recruitment Scenario Action 2-1, Alt 3						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	16.5 mp	6.1 mp	1,405,440	4,877,560	10.4 mp	9.7 mp
2017/18	14.3 mp	5.3 mp	1,221,120	4,237,880	9.0 mp	8.4 mp
2018/19	12.9 mp	4.8 mp	1,105,920	3,838,080	8.1 mp	7.5 mp
2019/20	12.1 mp	4.5 mp	1,036,800	3,598,200	7.6 mp	7.1 mp

Table 2.2.4 continued on the next page

Table 2.2.4 continued						
ACL = ABC LOW Recruitment Scenario Action 2-1, Alt 4						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	15.4 mp	5.7 mp	1,313,280	4,557,720	9.7 mp	9.0 mp
2017/18	12.9 mp	4.8 mp	1,105,920	3,838,080	8.1 mp	7.5 mp
2018/19	11.9 mp	4.4 mp	1,013,760	3,518,240	7.5 mp	7.0 mp
2019/20	11.6 mp	4.3 mp	990,720	3,438,280	7.3 mp	6.8 mp

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	3,758,120 lbs
Recreational ACL	8.0 mp
Recreational ACT*	7.4 mp

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

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

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	3,438,280 lbs
Recreational ACL	7.3 mp
Recreational ACT*	6.8 mp

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

Alternative 5: Establish ACL = OY = 90% ABC based on the ABC levels selected under Action 2-1.

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

ACL = 90% ABC HIGH Recruitment Scenario Action 2-1, Alt 2						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	15.7 mp	5.8 mp	1,336,320	4,637,680	9.9 mp	9.2 mp
2017/18	14.2 mp	5.3 mp	1,221,120	4,237,880	8.9 mp	8.3 mp
2018/19	12.7 mp	4.7 mp	1,082,880	3,758,120	8.0 mp	7.4 mp
2019/20	11.4 mp	4.2 mp	967,680	3,358,320	7.2 mp	6.7 mp
ACL = 90% ABC MEDIUM Recruitment Scenario Action 2-1, Alt 3						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	14.9 mp	5.5 mp	1,267,200	4,397,800	9.4 mp	8.7 mp
2017/18	12.9 mp	4.8 mp	1,105,920	3,838,080	8.1 mp	7.5 mp
2018/19	11.6 mp	4.3 mp	990,720	3,438,280	7.3 mp	6.8 mp
2019/20	10.9 mp	4.0 mp	921,600	3,198,400	6.9 mp	6.4 mp
ACL = 90% ABC LOW Recruitment Scenario Action 2-1, Alt 4						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	13.9 mp	5.2 mp	1,198,080	4,157,920	8.7 mp	8.1 mp
2017/18	11.6 mp	4.3 mp	990,720	3,438,280	7.3 mp	6.8 mp
2018/19	10.7 mp	4 mp	921,600	3,198,400	6.7 mp	6.2 mp
2019/20	10.4 mp	3.9 mp	898,560	3,118,440	6.5 mp	6.0 mp

Alternative 6: Establish ACL = OY = 80% ABC based on the ABC levels selected under Action 2-1.

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

ACL = 80% ABC HIGH Recruitment Scenario Action 2-1, Alt 2						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	13.9 mp	5.2 mp	1,198,080	4,157,920	8.7 mp	8.1 mp
2017/18	12.6 mp	4.7 mp	1,082,880	3,758,120	7.9 mp	7.3 mp
2018/19	11.3 mp	4.2 mp	967,680	3,358,320	7.1 mp	6.6 mp
2019/20	10.3 mp	3.8 mp	875,520	3,038,480	6.5 mp	6.0 mp
ACL = 80% ABC MEDIUM Recruitment Scenario Action 2-1, Alt 3						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	13.2 mp	4.9 mp	1,128,960	3,918,040	8.3 mp	7.7 mp
2017/18	11.4 mp	4.2 mp	967,680	3,358,320	7.2 mp	6.7 mp
2018/19	10.3 mp	3.8 mp	875,520	3,038,480	6.5 mp	6.0 mp
2019/20	9.7 mp	3.6 mp	829,440	2,878,560	6.1 mp	5.7 mp
ACL = 80% ABC LOW Recruitment Scenario Action 2-1, Alt 4						
Fishing year	Total Atl KM ACL	Commercial			Recreational	
		Comm ACL	Northern Zone Quota (lbs)	Southern Zone Quota (lbs)	Rec ACL	Rec ACT
2016/17	12.3 mp	4.6 mp	1,059,840	3,678,160	7.7 mp	7.2 mp
2017/18	10.3 mp	3.8 mp	875,520	3,038,480	6.5 mp	6.0 mp
2018/19	9.5 mp	3.5 mp	806,400	2,798,600	6.0 mp	5.6 mp
2019/20	9.3 mp	3.5 mp	806,400	2,798,600	5.8 mp	5.4 mp

Discussion:

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

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

Alternatives 2, 5, and 6 would set the ACL based on the ABC in **Action 2-1**. The ACL would be set equal to the ABC (**Alternative 2**), or at a percentage of the ABC (**Alternatives 5-6**) to provide an additional buffer. **Alternatives 3 and 4** are based on the SSC recommendation to use the long-term equilibrium yield $F_{30\%SPR}$, and **Alternative 4** includes an additional buffer by setting the ACL at 75% of the long-term equilibrium yield.

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

Council Conclusions:

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

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

Alternative 2: Allow retention and sale of Atlantic migratory group king mackerel caught with drift gillnet as incidental catch in the gillnet portion of the commercial shark fishery for any vessel with a valid shark directed commercial permit AND valid federal king mackerel commercial permit. The king mackerel must be sold to a dealer with the Southeast federal dealer permit. 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 migratory group king mackerel caught with drift gillnet as incidental catch in the gillnet portion of the commercial shark fishery for any vessel with a valid shark directed commercial permit AND valid federal king mackerel commercial permit. The king mackerel must be sold to a dealer with the Southeast federal dealer permit. 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 CMP Amendment 20A (2014), fishermen with federal commercial shark permits and federal commercial king mackerel permits could sell the bag limit of king mackerel incidentally caught on shark gillnet trips. However, CMP Amendment 20A prohibited bag limit sales of incidentally caught king mackerel in South Atlantic Council jurisdictional waters. Gillnet gear is not an authorized gear type for king mackerel in the South Atlantic, further precluding those incidentally harvested king mackerel from being sold. Under **Alternative 1** (No Action), incidentally harvested king mackerel are currently discarded. Due to the mesh size and the nature of the small coastal shark drift gillnet fishery, most of the king mackerel are already dead when the gillnets are retrieved. The South Atlantic Council is considering a bycatch allowance to retain and sell king mackerel that may be caught incidentally in small coastal shark drift gillnet gear. The South Atlantic and Gulf CMP APs were supportive of allowing small coastal shark drift gillnet fishermen to retain and sell king mackerel caught on shark gillnet trips.

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

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

Under **Alternative 3**, the bycatch allowance would be limited to two king mackerel per crew member to be retained and sold only for trips in the Atlantic Southern Zone. For shark gillnet trips in the Atlantic Northern Zone, no more than three king mackerel per crew member would be allowed to be retained or sold from a trip. This would allow consistent regulations within each Zone.

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

In April 2015, the South Atlantic Mackerel AP recommended the following options for Florida east coast management, which are incorporated into the alternatives in Actions 4-1, 4-2 and 4-3.

South Atlantic AP recommendations:

The Southern Zone quota would have seasonal allocations. The first season would be March 1 – September 30 and would be allocated 60% of the Southern Zone quota. The second season would be October 1- February 28 and would be allocated 40% of the Southern Zone quota plus any unused quota from the first season. There would be no sub-quota for the FLEC subzone. Quota transfers between the Northern Zone and Southern Zone would still be allowed.

March 1 through September 30

- The FLEC subzone would be from the Volusia/Brevard county line to the Dade/Monroe county line.
- The commercial trip limit in the FLEC subzone would be 75 fish with a possible step-down to 50 fish on May 1. The step-down could apply for only the month of May or through the summer.
- The commercial trip limit north of the Volusia/Brevard county line could be 3,500 lbs.

October 1 through February 28/29

- The FLEC subzone would be from the Flagler/Volusia county line to the Dade/Monroe county line.
- The commercial trip limit in the FLEC subzone would be 50 fish with a possible increase to 75% if X% of the quota has not been met by [date].
- The commercial trip limit north of the Flagler/Volusia county line could be 3,500 lbs.

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

Alternative 1: No action - Do not establish a Florida East Coast Subzone.

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

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

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

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

Alternative 3: Establish a Florida East Coast Subzone that exists March 1 through September 30 with boundaries at:

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

Option b: Volusia/Brevard county line and Dade/Monroe county line. **(South Atlantic AP Recommended)**

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

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

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

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

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

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

Alternative 1: No action - Do not allocate quota among areas or seasons.

Alternative 2: Allocate a proportion of the Southern Zone quota to the Florida East Coast (FLEC) Subzone. Commercial harvest of king mackerel in the area designated as the FLEC Subzone in Action 4-1 will be counted towards the FLEC Subzone sub-quota. When the sub-quota for the season is met or expected to be met, commercial harvest of king mackerel in the FLEC Subzone will be prohibited for the remainder of the fishing year for the FLEC Subzone.

Option 2a: Use historic landings in the Southern Zone from the 2009/10 through the 2013/14 fishing seasons (last five years) to calculate the FLEC Subzone quota.

Expected Allocation to FLEC: 93% FLEC Subzone

Option 2b: Use historic landings in the Southern Zone from the 2004/05 through the 2013/14 fishing seasons (last ten years) to calculate the FLEC Subzone quota.

Expected: 92.3% FLEC Subzone

Option 2c: Use historic landings in the Southern Zone from the 1999/00 through the 2013/14 fishing seasons (last fifteen years) to calculate the FLEC Subzone quota.

Expected: 90.5% FLEC Subzone

Alternative 3: Allocate quota for the Southern Zone Atlantic Migratory Group King Mackerel using split fishing seasons, in which 60% of the Southern Zone quota will be allocated to March 1- September 30 and 40% of the Southern Zone quota would be allocated October 1- end of February. 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 AP Recommended)**

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

Note: Action 4-3 will only apply if a Florida East Coast Subzone is created in Action 4-1.

Alternative 1: No action - Do not establish trip limits for the Florida East Coast Subzone for Atlantic Migratory Group King Mackerel. The trip limit will remain: from April 1 through October 31

In the area between the Flagler/ Volusia county line and the Volusia/Brevard county line, the trip limit is 3,500 lbs from April 1 through October 31.

In the area from the Volusia/Brevard county line to the Miami-Dade/Monroe county line, the trip limit is 75 fish. ;

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

Alternative 2: The commercial trip limit in the FLEC Subzone as established in Action 4-1 is 75 fish. The commercial trip limit north of the FLEC Subzone northern boundary is 3,500 lbs.

Alternative 3: The commercial trip limit in the Florida East Coast (FLEC) Subzone as established in Action 4-1 is 75 fish with a step-down to 50 fish. The commercial trip limit north of the Florida East Coast Subzone northern boundary is 3,500 lbs.

Option 3a: The step-down applies for only the month of May.

Option 3b: The step-down applies from May-August.

Option 3c: The step-down applies from April 15- May 15.

Alternative 4: The commercial trip limit in the FLEC Subzone as established in Action 4-1 in summer is 75 fish and in winter) is 50 fish.

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

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

(2) If less than 70 % of the quota or sub-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 quota or sub-quota has been taken the trip limit is 50 fish.

(2) If less than 70 % of the quota or sub-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 quota or sub-quota has been taken the trip limit is 50 fish.

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

Discussion:

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

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

The present FLEC Subzone is split between two seasons and separated by different county lines and different trip limits, and commercial sub-quotas. From November 1 - March 31, the FLEC Subzone extends from the Flagler/Volusia county line to the Dade/Monroe county line and has a commercial sub-quota of the Gulf Commercial ACL (1,102,896 lbs).

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

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

At the South Atlantic CMP AP meeting, South Atlantic Council staff provided possible actions and alternatives for management in the FLEC Subzone including boundaries, when the subzone exists (year-round or during a sub-season), sub-quota, and trip limits. The AP members recommended a seasonal allocation of the Southern Zone quota with 60% of the quota allocated for March 1 – September 30 and 40% allocated for October 1- the end of February. Any unused quota from the first season would carry over to the second season. Quota transfers between the Atlantic Northern Zone and Atlantic Southern Zone would still be allowed. The South Atlantic CMP AP recommended that during March 1 - September 30, the FLEC Subzone would extend from the Volusia/Brevard county line to the Dade/Monroe county line and the commercial trip limit would be 75 fish with a possible step-down to 50 fish on May 1. The step-down could apply for only the month of May or throughout the summer months. The South Atlantic CMP AP recommended that the commercial trip limit north of the Volusia/Brevard county line remain at 3,500 lbs. From October 1 – the end of February, the South Atlantic CMP AP recommended

that the FLEC Subzone boundaries be from the Flagler/Volusia county line to the Dade/Monroe county line. The South Atlantic CMP AP recommended a commercial trip limit in the FLEC subzone of 50 fish with a possible increase to 75 fish if a certain percentage of the quota had not been met by a specified date. During this time period, the commercial trip limit north of the Flagler/Volusia county line would be 3,500 lbs.

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

Table 2.4.1. Southern Zone commercial landings of Atlantic king mackerel. For discussion about Action 4-3.

Fishing Year	Southern Zone Atlantic group King Mackerel Landings			% Total Landings from Mar-Oct	% Total Landings from Nov-Feb
	Mar-Oct	Nov-Feb	Total Landings		
1998-99	1,352,567	1180162	2,532,729	53.4%	46.6%
2000-01	1,308,891	529930	1,838,821	71.2%	28.8%
2001-02	1,124,947	725400	1,850,--00K347	60.8%	39.2%
2002-03	962,863	669978	1,632,841	59.0%	41.0%
2003-04	1,365,949	737073	2,103,022	65.0%	35.0%
2004-05	1,778,407	744683	2,523,090	70.5%	29.5%
2005-06	1,350,872	475415	1,826,287	74.0%	26.0%
2006-07	1,896,802	585655	2,482,457	76.4%	23.6%
2007-08	1,570,897	841710	2,412,607	65.1%	34.9%
2008-09	2,070,303	1196906	3,267,209	63.4%	36.6%
2009-10	2,716,313	1173597	3,889,910	69.8%	30.2%
2010-11	3,104,614	1126357	4,230,971	73.4%	26.6%
2011-12	1,594,660	1198216	2,792,876	57.1%	42.9%
2012-13	1,095,609	1021223	2,116,832	51.8%	48.2%
2013-14	803,797	834432	1,638,229	49.1%	50.9%

2.5 Action 5: 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)

Discussion:

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

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

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

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

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

Council Conclusions:

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

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

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

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

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

Discussion:

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

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

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

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

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

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

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

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

Council Conclusions:

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

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

Discussion:

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

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

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

Source: SEFSC/SERO/MRIP

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

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

Source: SEFSC/SERO/MRIP

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

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

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

Source: SERO

Gulf King Mackerel Landings and ACLs: 2000-2013

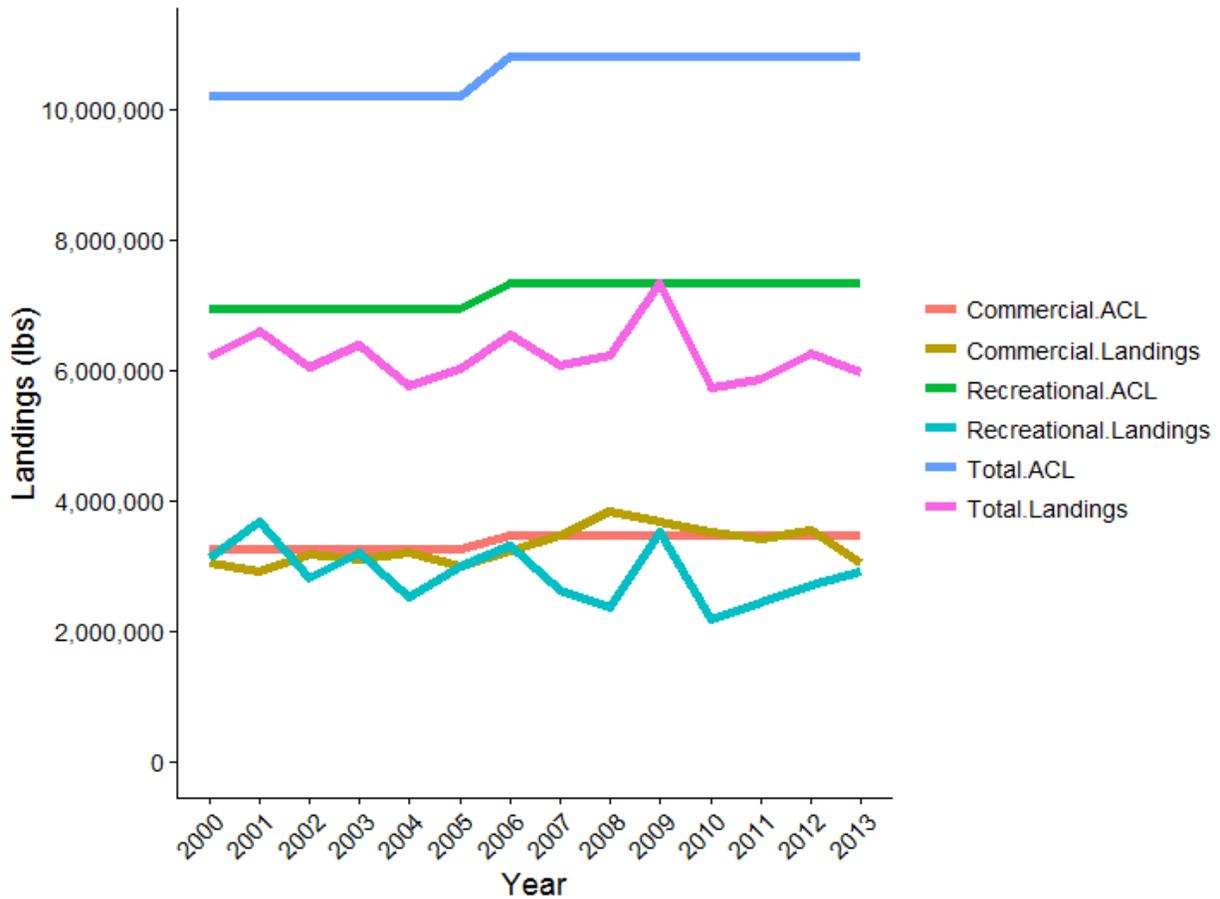


Figure 2.7.1. Trends in Gulf migratory group king mackerel landings by sector for 2000-2012 fishing seasons. Landings are in pounds.

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

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

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

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

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

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

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 2.7.5.

Table 2.7.5. Sector allocations based on options presented in **Alternative 4** of Action 7. Percentages are rounded to the nearest whole number.

	Recreational	Commercial
Status quo	68%	32%
Option a	65%	35%
Option b	61%	39%
Option c	54%	46%

Council Conclusions:

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

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

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

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

Discussion:

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

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

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

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

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

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

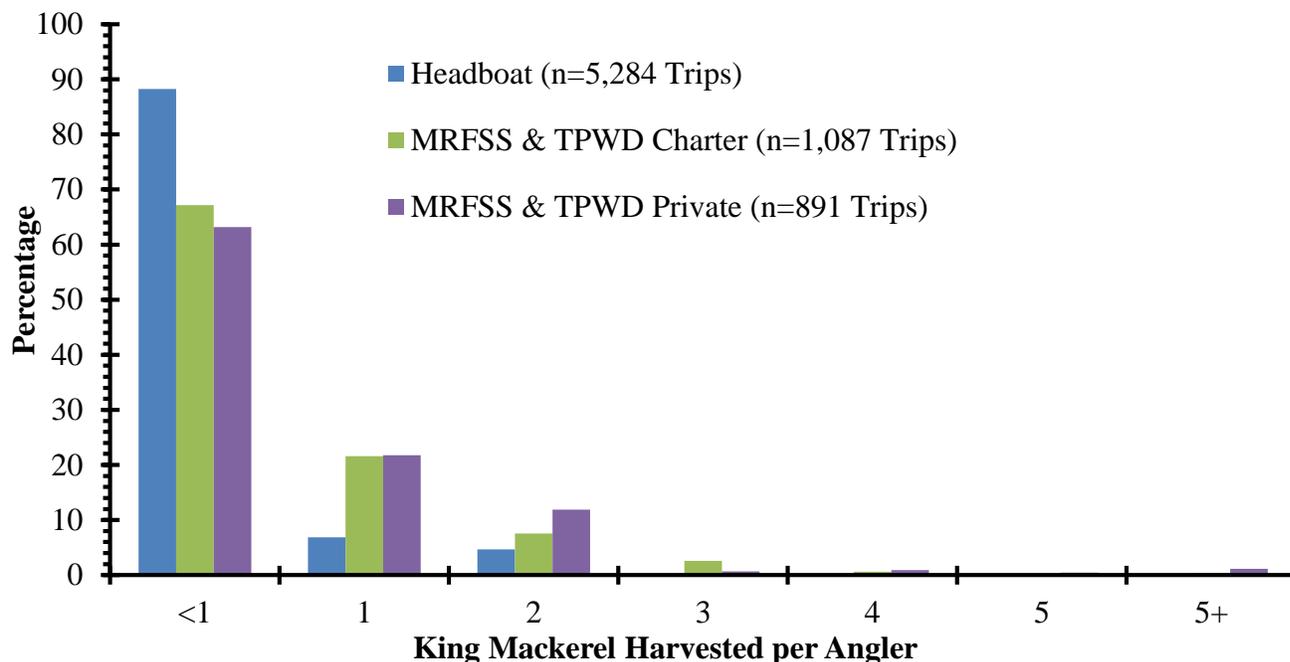


Figure 2.8.1. Distribution of Gulf of Mexico king mackerel harvested per angler by mode from 2011 through 2013. Source: NMFS SERO LAPP/DM Branch.

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

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

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

Source: NMFS SERO LAPP/DM Branch

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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

Meeting Attendees:
Rufus Young

King Mackerel Annual Catch Limit

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

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

Should a constant catch scenario be considered in the Gulf?

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

Gulf King Mackerel Commercial Zone Allocations

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

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

Gulf King Mackerel Sector Allocation

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

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

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

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

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

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

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

Recreational Bag Limit for King Mackerel

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

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

Saint Petersburg, Florida
April 13, 2015

Meeting Attendees:
Richard Sergent
Stewart Hehenberger

King Mackerel Stock Boundary

How would adjustments to the stock boundary effect the fishery?

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

Gulf King Mackerel Commercial Zone Allocations

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

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

Gulf King Mackerel Sector Allocation

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

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

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

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

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

Florida East Coast Subzone Management

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

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

Recreational Bag Limit for King Mackerel

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

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

Key West, Florida
April 19, 2015

Meeting Attendees:

George Niles
Daniel Padron
Bill Kelly

King Mackerel Annual Catch Limit

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

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

King Mackerel Stock Boundary

How would adjustments to the stock boundary effect the fishery?

- The proposed mixing zone is fine.

Gulf King Mackerel Sector Allocation

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

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

How should the king mackerel annual catch limit be allocated?

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

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

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

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

Florida East coast Subzone Management

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

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

Recreational Bag Limit for King Mackerel

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

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

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

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

Meeting Attendees:
Shane Cantrell

King Mackerel Annual Catch Limit

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

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

Should a constant catch scenario be considered in the Gulf?

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

King Mackerel Stock Boundary

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

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

How would adjustments to the stock boundary effect the fishery?

- Adjustments will have no effect.

Gulf King Mackerel Commercial Zone Allocations

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

- The Council should follow the Gulf CMP advisory panel recommendation. 40% for the Western Zone, 18% for the Northern Zone, and 21% each for the Southern Zone handline and gillnet components.

Gulf King Mackerel Sector Allocation

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

- More recreational input is needed before a decision on allocation is made. We should have more information on why the recreational sector isn't harvesting their allocation. They shouldn't necessarily be penalized for under harvesting.

How should the king mackerel annual catch limit be allocated?

- A bag limit analysis and research on mortality rate of king mackerel releases should be performed to inform this decision.

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

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

- Yes. There is no reason to discard dead fish, especially if they have dockside value.

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

- There will be no change.

Florida East Coast Subzone Management

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

- There should be a sub-quota rather than an endorsement to fish in the Florida East Coast Subzone.

Should specific accountability measures be established in the Florida East Coast Subzone?

- Yes. Effort over there seems to be an issue for the South Atlantic, so they will probably want to look at specific things over there.

Recreational Bag Limit for King Mackerel

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

- Yes. We need to do everything we can to help the recreational fishermen catch their allocation. Maybe this will help them land more fish.

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

- Depends on individual, but generally there will be changes in behavior with a larger bag limit. The for-hire group would keep extra fish.

Grand Isle, Louisiana
April 28, 2015

Meeting Attendees:

Dean Blanchard
Kelty Readenour
Michael Frazier
Abigail Frazier
Brian Hardcastle

King Mackerel Annual Catch Limit

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

- The maximum possible ACL is preferred as long as it does not cause overfishing.

Should a constant catch scenario be considered in the Gulf?

- Council should follow the advisory panel suggestion and select a constant catch scenario.

King Mackerel Stock Boundary

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

- The mixing zone should be created if it makes sense scientifically. There would be no effect on the fishery.

Gulf King Mackerel Zone Allocations

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

- Locals don't have a chance to fish in the Western zone with so many traveling fishermen coming from different areas. The advisory panel's recommendation of 41% allocation for the western Gulf should be considered.

Sector Reallocation of Gulf King Mackerel

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

- Do not move recreational allocation to commercial sector. You don't want to mess with those guys, or you'll never hear the end of it.

Sale of King Mackerel Bycatch in the Shark Gillnet Fishery

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

- Yes, as long as it is monitored.

Management for the Florida East Coast Subzone

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

- Follow the advisory panel recommendation. This is largely a South Atlantic issue, so the South Atlantic Council should decide.

Recreational Bag Limit for King Mackerel

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

- Yes. Do something to see if they can catch their fish. If not, then reallocate fish to the commercial sector.

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

- Fishing behavior won't change by a measurable amount.

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.

Coastal Migratory Pelagics Amendment 26

- 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 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.

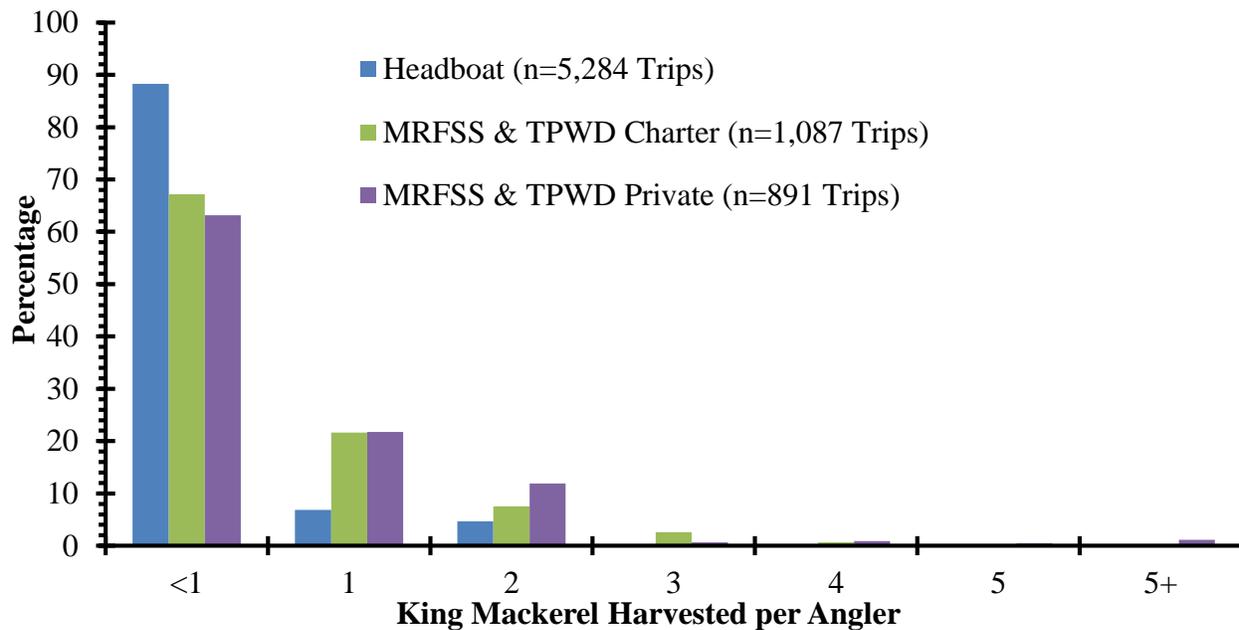


Figure 1. Distribution of Gulf of Mexico king mackerel harvested per angler by mode from the three recreational datasets (MRFSS, Headboat, and TPWD). The data used are from 2011 through 2013.

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.

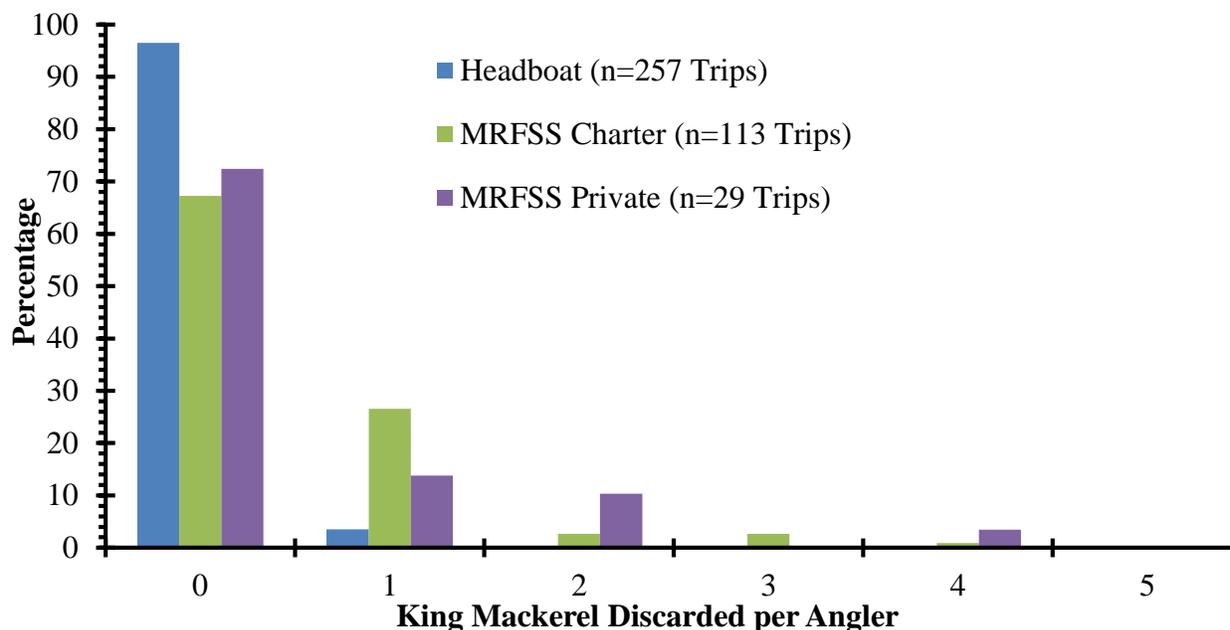


Figure 2. Distribution of Gulf of Mexico king mackerel discarded per angler by mode from MRFSS and Headboat data. TPWD data are not included because no discard information is collect in the TPWD survey. The data used are from 2011 through 2013.

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.

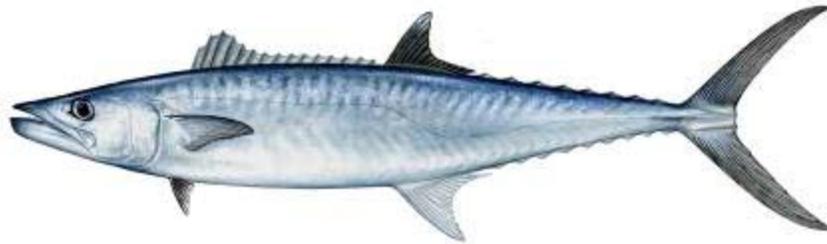
Mode	Landings (lbs ww)	Percent
MRFSS charter	2,543,217	27%
MRFSS private	6,157,548	64%
TPWD charter	25,797	0%
TPWD private	292,286	3%
Headboat	567,549	6%
Total	9,586,397	100%

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.

Reorganizing Management for Gulf of Mexico and Atlantic Coastal Migratory Pelagic Species



PP

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

August 2015



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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.

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
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 August 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.**

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 actions¹) 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

¹ 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 amendments² 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.

² 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 York³. 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.

³ 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.

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.

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 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.

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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

Meeting Attendees:
Rufus Young

King Mackerel Permits

Should separate permits be established?

- Yes, splitting permits is a good, fair idea.

Should permit holders be allowed to receive both permits?

- Yes. Shouldn't limit folks on where they want to fish.

If only one permit is granted per permit holder, how will the new permit be chosen?

- Landings would be an appropriate criteria to use if you give fishermen 3-5 years from now to qualify.

Should qualifying criteria be designed to reduce the number of permits?

- No, don't actively eliminate permits through qualifying criteria.

Spanish Mackerel Permits

Should separate commercial permits be established?

- Yes, separate Spanish mackerel permits.

Should either Council establish a limited access system for commercial permits?

- Limited access might be applicable to the Atlantic but not the Gulf. The Gulf stocks are healthy. No reason to cut someone out of the fishery.

What qualifying criteria should be used for limited access permits or to reduce the number of permits?

- Criteria should be based on having landed at least a certain number of fish for a certain time period/ series.

Saint Petersburg, Florida
April 13, 2015

Meeting Attendees:
Richard Sergent
Stewart Hehenberger

King Mackerel Permits

Should separate permits be established?

- Separate permits should absolutely not be created, the quotas and zones can be adjusted to ensure that the amount of fish being caught isn't too much. Establishing separate permits in the Gulf and South Atlantic won't help the fish stock or control the amount of fish harvested.
- Creating separate permits, especially if you don't qualify for both, would put a major financial burden on people.
- Separate permits would unevenly effect the traveling king mackerel fishermen.

Should permits holders be allowed to receive both permits?

- Yes.

If only one permit is granted per permit holder, how will the new permit be chosen?

- The fishermen should be able to pick the zone or area(s) where they want to fish.

What qualifying criteria should be used for permits?

- If you require some criteria to qualify you for a permit, and each fisherman wasn't allowed to choose, they felt that using the hailing port would be the worst criteria possible. Instead, they felt landings, trips, or days-at-sea should be used as criteria to qualify a fisherman.

Should qualifying criteria be designed to reduce the number of permits?

- No.

Other Issues:

- Concern was expressed about enforcement of the recently implemented transit provisions because it could be easily circumvented. For example, the transit provision created in the southern subzone of the eastern zone may promote fishing while in closed waters. A fisherman could easily get around the transit provision when fishing for king mackerel because you only have 2 or 3 lines out while you're fishing. If you are pulled over you can quickly cut the lines to satisfy the gear storage requirement while in transit.
- By removing the stepped trip limit reductions in the Gulf, NMFS has compromised their ability to close the king mackerel fishery on time. Each of the subzones have overharvested their quota by 30% in 2015 since this was recently implemented. The Council should consider reestablishing that provision. If the fishery continues to go over the subzone quotas fishermen fear that NMFS will put an IFQ in place to control the fishery even though the previous trip limit reduction has proven to have the same benefits.

Key West, Florida
April 19, 2015

Meeting Attendees:

George Niles
Daniel Padron
Bill Kelly

King Mackerel Permits

Should separate permits be established?

- It depends on how many active permits are being used on both coasts and how many people it would affect.
- Fishermen still need to be able to follow fish as they migrate.

Should permits holders be allowed to receive both permits?

- Qualifying for both permits adds to cost of doing business. Would rather see only one permit or the other with option to change or transfer permits as needed, but not be able to have both at same time.

If only one permit is granted per permit holder, how will the new permit be chosen?

- Non-transferable permits are staying in families and don't allow others to get into fishery.
- Loopholes need to be closed, and the current system is not working the way it was designed.

- There needs to be a way to get rid of permits that fishermen have not been able to use.

Should qualifying criteria be designed to reduce the number of permits?

- There is no reason to get rid of any handline permits, both stocks are healthy.

Spanish Mackerel

Should separate commercial permits be established?

- The same metric should be used for Spanish as for kingfish.

Should either Council establish a limited access system for commercial permits?

- Not in the Gulf- Gulf fishers do not go to the South Atlantic for mackerel, and the Gulf Spanish mackerel ACL is very high.
- If the South Atlantic is having a problem, then they should cap the number of permits at the current level. Don't limit the use of newly purchased permits, whether in Gulf or South Atlantic.
- Establish temporary moratorium during which qualifying criteria could be met

What qualifying criteria should be used for limited access permits or to reduce the number of permits?

- Since the Spanish mackerel price is high right now, people will try to keep others from getting into the fishery.
- There is concern expressed about South Atlantic plan for limited access since so many South Atlantic based fishermen come to the Gulf. If the South Atlantic makes it harder to catch Spanish mackerel over there, what would keep the South Atlantic based fishermen from coming to the Gulf?

Other issues:

- Do not want to see 1250 lb limit because they won't be able to afford to fish. The 2000 lb limit that was proposed was voted down with no explanation given.
- The quota needs to make fishing worthwhile, the commercial sector is being severely punished through no fault of theirs.
- There is an over-capitalization of the king mackerel fishery even though it is under quota.
- Emotional pleas have trumped science from both Gulf & South Atlantic Councils.
- Permit holders need to be protected, since they are affected by low trip limits.

Meeting Attendees:
Shane Cantrell

King Mackerel Permits

Should separate permits be established?

- Yes, but the number of permits allowed need to be monitored, it could further over-capitalize fishery.

Should permits holders be allowed to receive both permits?

- Yes, in special cases people should be allowed to hold both permits if historically their landings are large enough on each side to qualify for each permit.
- This may prevent newer entrants from being able to get into fishery. New entrants should not have to buy nontransferable permits. There needs to be some mechanism in place to allow for new entrants without the large initial investment of buying a permit. Potentially, a federally-backed loan program could subsidize costs of permits for new entrants.

What qualifying criteria should be used for permits?

- An income qualifier should be used as a criteria to receive permits.

Should qualifying criteria be designed to reduce the number of permits?

- Yes, the fishery is likely over-capitalized.

Spanish Mackerel

Should separate commercial permits be established?

- Yes, this will allow the Councils to do what is best for their fishermen.

Should either Council establish a limited access system for commercial permits?

- There should be a cap on the number of permits. It should be set at the current level of participation.
- Qualifying criteria used should be based on income & landings. The landings criteria needs to be based on a tiered landing system, where those fishermen with landings only in recent years can still qualify for a permit, while also recognizing the historical fishermen.

- A temporary moratorium should be established so fishermen can meet qualifying criteria.

Other Issues:

- Limited access needs to be maintained, but new entrants need to be allowed to get into fishery through some mechanism (purchase existing permit, purchase shares, etc).
- The commercial western zone king mackerel season should open on June 1.

Grand Isle, Louisiana
April 28, 2015

Meeting Attendees:

Dean Blanchard
Kelty Readenour
Michael Frazier
Abigail Frazier
Brian Hardcastle

King Mackerel Permits

Should separate permits be established?

- Yes. You should be fishing where you live.

Should permits holders be allowed to receive both permits?

- No. You should only be allowed to fish in either the Gulf or the Atlantic.

What qualifying criteria should be used for permits?

- The length of time people have held permits should be considered and there should be historical endorsements that allow for the fully transferable option as proposed by the Gulf CMP AP in March 2015. You should qualify for the fully transferable option either by your landings history, or through a historical endorsement.

Should qualifying criteria be designed to reduce the number of permits?

- No, qualifying criteria shouldn't reduce permits because the current number of fishermen are not hurting the stock.

Spanish Mackerel Permits

Should separate commercial permits be established?

- Yes. If you are going to split king mackerel permits, you should split Spanish mackerel permits too.

Should either Council establish a limited access system for commercial permits?

Let the South Atlantic Council decide on their side but, the Gulf should not consider a limited access program.