

Coastal Migratory Pelagics Advisory Panel

Meeting Summary

Holiday Inn

Tampa, FL

December 1, 2022

8:30 am – 5:00 pm

The meeting of the Gulf of Mexico (Gulf) Fishery Management Council's (Council) Coastal Migratory Pelagics (CMP) Advisory Panel (AP) was convened on December 1, 2022 at 8:30 am EST. The agenda and summary report from the July 22, 2021 meeting were approved as written.

Presentation: Florida Keys National Marine Sanctuary (FKNMS) Expansion

Mr. Stephen Werndli (FKNMS staff) provided a presentation reviewing a recently published draft rule to modify conservation measures for the FKNMS. The draft rule was published on July 2022 which details the proposed FKNMS boundary expansion and provides updates and additions to management area descriptions. The recommendations provided by the AP will be presented to the Council during its January 2023 meeting.

An AP member asked Mr. Werndli to characterize the public comments received to date. Mr. Werndli responded that the FKNMS received comments in support of the draft rule and protection of the habitat. Other comments expressed concerns with enforceability of proposed FKNMS modifications. The AP had concerns about the definition of traditional fishing, which it considered outdated and did not account for the development of new fishing techniques. The AP inquired about which agency has the final say in management implementation, given the Council has authority of fishing regulations within the sanctuary. The AP was concerned about future fishing restrictions should Pulley Ridge become part of the FKNMS. Specifically, the AP inquired about the rationale to include Pulley Ridge as part of the FKNMS boundary expansion and suggested that area be managed as a separate sanctuary. The AP further noted that Pulley Ridge is visited by user groups outside of the Florida Keys and contains a mesophotic reef system that is different from the shallow water reefs in the Florida Keys. The AP also discussed the benefits of restricting anchoring of all vessels in Pulley Ridge, as the area can be used as a staging point for larger vessels waiting for access to Gulf ports.

Motion: The CMP AP recommends that Pulley Ridge be excluded from the FKNMS expansion.

Motion carried 10-1.

The AP also discussed the issue of enforceability and delineating marine zones with straight lines instead of a more shaped designation like what was used in the Flower Garden Banks (FGBNMS). An AP member shared that the Shrimp and Spiny Lobster APs expressed similar concerns during their joint meeting in September 2022. Another AP member asked about the

management plan to address water quality issues, as nutrient runoff and spillage of untreated water has been a continuing issue affecting the region's coral reefs. The AP member recommended the FKNMS be more involved in regional water quality management.

An AP member disagreed with the socio-economic analyses' conclusion that the draft rule would mostly affect small entities and not large businesses. The AP member argued that the main asset in the Florida Keys is access to the water, which is something that is being reduced with the proposed regulations. He mentioned that, compared to previous years, many shrimp docks, as well as recreational and commercial waterfront access points, have disappeared. He contended that anything that affects small users is going to echo up the economic chain. Keys residents are already subject to transitioning from septic to sewer to improve water quality, the cost of which adds additional strain to low-income households. This and other cost of living increases may be exacerbating gentrification and displacement of the working class in Monroe County.

The AP also discussed enforcement of a limited entry permit, similar to how some National Parks limit the number of visitors. An AP member used Bahia Honda as an example, where visitors receive a pamphlet outlining the activities that are allowed inside the State Park. The AP explained that reefs in the worst condition tend to be those with mooring buoys and high visitor traffic by snorkel and diving charters.

Motion: The CMP AP recommends no expansion to the FKNMS.

Motion carried 7-4.

Review: Development of Electronic Reporting for the Commercial Coastal Logbook Program

The Southeast Fishery Science Center (SEFSC) is interested in transitioning to an electronic reporting platform for the commercial coastal logbook program. This transition would allow fishermen with Gulf federal commercial reef fish and/or coastal migratory pelagic permits to report using electronic logbooks rather than by completing paper forms. SEFSC staff provided an overview of reporting modifications and demonstrated the electronic reporting platform. Electronic reporting would allow for selections of "favorites", automated error identification, and quicker transmission than the current paper forms.

An AP member inquired why trip-start and -end time data fields were being added. SEFSC staff replied that the extra level of precision was necessary to differentiate situations where two commercial trips may be taken within a calendar day. The Council representative asked if the proposed electronic reporting for the commercial coastal logbook program was linked to the Individual Fishing Quota (IFQ) reporting platform; SEFSC staff indicated they were not. An AP member clarified that commercial reporting requirements have linkages (i.e., trip ticket number) in several data collection programs to ensure that IFQ data are accurate and timely. Another AP member asked about security of the submitted data. SEFSC staff replied that, under the Magnuson-Stevens Act, collected data are confidential and can only be shared between

individuals who have current signed non-disclosure agreements, which must be renewed annually. The AP agreed that the transition to an electronic reporting platform would be beneficial for the program and fishermen.

Motion: The CMP AP recommends that the electronic reporting of the coastal logbook program be implemented post haste.

Motion carried unanimously.

Review of CMP Landings and Status Report on Framework Amendment 11: Modifications to Gulf King Mackerel Catch Limits

Ms. Kelli O'Donnell (NMFS Southeast Regional Office [SERO]) reviewed the recent landings for CMP species. The Gulf king mackerel gillnet component is expected to have a small payback in the 2022/2023 fishing season to account for an equal overage of its quota in the 2021/2022 fishing season. In general, Gulf king mackerel handline landings are substantially lower than in previous fishing years. Fishing seasons for Spanish mackerel and cobia in the Gulf are expected to remain open through the ends of their respective fishing years. Landings for cobia on the east coast of Florida are approaching the ACL for that zone.

Draft: Framework Amendment 12: Modifications to Commercial Gulf King Mackerel Gillnet Fishing Season

Council staff presented a draft of CMP Framework Amendment 12, which would remove the weekend and Federal holiday closures to the Gulf king mackerel gillnet component. At its October 2022 meeting, the Council selected a preferred option that would modify the fishing season for the gillnet component. This action is expected to go final during the April 2023 Council meeting with the intent of implementing the change for the 2023/2024 fishing year.

Council staff noted the fishing season for the gillnet component opens the Tuesday following the Martin Luther King, Jr., holiday in January. Spotter planes are used to direct vessels towards the fish, which use run-around gillnets for harvest. The fleet reports its landings daily to the NMFS SERO, which are later validated by federal seafood dealer reports. The fleet operates under a post-season accountability measure which uses a payback to account for quota overages in a given fishing year. The fishermen argue that this reporting system (daily by the fleet, with dealer validation) makes the current weekends and holidays harvest restriction unnecessary. Further, vessels must be unloaded by 5 pm on Friday to avoid the harvest restriction. The fleet prefers to land its quota as quickly and efficiently as possible. Vessels used in this fishery are also used in stone crab and lobster fishing, and changing fishing gear is laborious and time intensive. An AP member who participates in the gillnet component added that most, if not all, 16 vessels in the gillnet component are participating in the fishery. He also stated that fish are being caught further north than in previous years. Several AP members agreed that the current closure no longer serves the original purpose and is unnecessary.

Motion: The CMP AP recommends the Council select Option 2 as its preferred alternative.

Preferred Option 2. Remove the weekend and holiday closure for the gillnet component for Gulf migratory group king mackerel.

Motion carried unanimously.

Update on Amendment 33: Modifications to Gulf of Mexico Migratory Group King Mackerel Allocations and Review of Coastal Migratory Pelagics Objectives

Council staff informed the AP that work CMP Amendment 33 was cancelled by the Council at its October 2022 meeting. This document considered reallocation of Gulf king mackerel and also contained revisions to the CMP Fishery Management Plan (FMP) Objectives. Council staff noted that two deletions from the current FMP Objectives, passed by the Gulf Council at its October 2022 meeting, would be reviewed by the South Atlantic Council at its December 2022 meeting and the updated FMP objectives will be included in a future CMP plan amendment. The AP then reviewed the current CMP objectives with proposed revisions from the Gulf and South Atlantic Councils.

An AP member commented that Objective 2 aims to ‘minimizes regulatory delay’ and that finalizing recreational landings more quickly would assist with that. Another AP member inquired if Objective 5 (To minimize waste and bycatch in the fishery) applies to both sectors. Council staff responded that, unless otherwise noted, FMP Objectives apply to both sectors.

An AP member inquired what timeframe is being considered for distributing the total allowable catch of Atlantic migratory group Spanish mackerel, since Objective 4 (To distribute the total allowable catch of Atlantic migratory group Spanish mackerel between recreational and commercial user groups based on the catches that occurred during the early to mid-1970s, which is prior to the development of the deep-water run-around gillnet fishery and when the resource was not overfished) is being considered for deletion. Council staff responded that the Councils are not currently considering redistributing the ACL [total allowable catch], but that the Gulf Council considered it to be overly prescriptive. Council staff reminded the AP that only the Gulf Council has passed the motion to delete that FMP Objective so far, and that the South Atlantic Council will consider the motion at its meeting next week.

An AP member inquired how Objective 8 (To achieve robust fishery reporting and data collection systems across all sectors for monitoring the coastal migratory pelagic fishery which minimizes scientific, management, and risk uncertainty) is being met for recreational sector. Council staff first noted that Objective 8 was added by the Gulf and South Atlantic Councils in 2022. Council staff then explained that Council amendments work to achieve FMP Objectives and that the Council could consider in the future how an amendment or framework action may

work to achieve Objective 8 specifically for the recreational sector. The Council representative noted that the Council discussed the need for more timely information for landings for CMP and reef fish species. An AP member noted that robust fishery reporting and data collection systems already exist in the commercial sector, so the FMP Objective should identify the data-poor collection system currently in the recreational sector. Several AP members stated that recreational vessel reporting needs to exist and that additional monitoring of private anglers needs to occur. An AP member inquired if there was anything prohibiting the recreational sector from electronic reporting through the coastal logbook program. Council staff responded that, even if the recreational sector were to use the coastal logbook program, there is not currently anywhere for those data to be warehoused. An AP member noted that, in Canada, every fish is counted for both the commercial and recreational sectors, and that with today's technology, the data collection program needs to be improved upon for the recreational sector in the Gulf.

An AP member asked if the Council had considered a stamp for use in reporting landings by the recreational sector. The Council representative responded that Council members have had those discussions but for political, economic, and social reasons, progress on data collection programs for the recreational sector has not followed the same path as the commercial sector. Council staff noted that one of the recommendations from the Joint Council Workgroup on Section 102 of the Modern Fish Act, which was passed by the Gulf Council at its October 2022 meeting was: To direct staff to initiate a document that would first review the state specific private angler licensing and reporting requirements that are currently used to define the universe of offshore anglers in each state.

Discussion: AP Recommendations on Potential Action to Prohibit Recreational Sale of Gulf Cobia

Council staff requested feedback from the AP regarding the potential sale of recreationally harvested cobia. Some AP members did not consider this to be an issue, given permit requirements in each Gulf state in order to sell fish. In contrast, other AP members mentioned a loophole in which restaurants are purchasing cobia directly from recreational fishermen, and bypassing the purchase through a permitted seafood dealer. This practice can negatively affect commercial fishermen as the cost of these recreationally harvested fish is lower than market price. Another AP member also mentioned that fish caught during tournaments can be donated and sold after the fact. The group discussed that given the current regulations, this may be an enforcement rather than a regulatory issue. In light of concerns of the practice still taking place, despite being illegal, the group passed the following motions:

Motion: The CMP AP recommends the Council to make the recreational sale of Gulf cobia prohibited.

Motion carried unanimously.

Motion: The CMP AP recommends the Council require a federal commercial fishing permit to sell Gulf cobia harvested from the EEZ.

Motion carried 10-0 with one abstention.

Meeting adjourned at 2:30 pm.

Participants List:

CMP AP

Martin Fisher, Chair
Tom Marvel, Vice-Chair
Christopher Jenkins
Christopher Mallory
Ed Walker
Kelty Readenour
George Niles
Bob Woithe
Charles Bergmann
Joshua Ellender
Ed Swindell

Council Representative

Kevin Anson

Council Staff

Natasha Méndez-Ferrer
Ryan Rindone
Lisa Hollensead
John Froeschke
Matt Freeman
Camilla Shireman
Jessica Matos