

# Amendment 34

## to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region



(Atlantic king mackerel catch levels and  
management measures)

Advisory Panel Summary

## Background

In 2014, a stock assessment of both Gulf of Mexico and Atlantic migratory groups of king mackerel was completed (SEDAR 38) and indicated that neither migratory group was overfished or experiencing overfishing. In addition to revised yield streams, the stock assessment redefined the spatial and temporal extent of the mixing zone between the migratory groups to be south of the Florida Keys during winter months. The stock assessment and subsequent amendment to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region (CMP FMP) (Amendment 26) also redefined the geographic boundary between the migratory groups to be at the Dade/Monroe County, Florida line.

An update to SEDAR 38 was completed in April 2020 (SEDAR 38 Update 2020) and indicated, consistent with the original stock status determined by SEDAR 38, that Atlantic migratory group king mackerel (Atlantic king mackerel) was not overfished or undergoing overfishing. Additionally, recreational and commercial landings, and catch per unit effort all showed an increasing trend. Based on the results of SEDAR 38 update, the Scientific and Statistical Committee (SSC) has made new Atlantic king mackerel catch level recommendations for the South Atlantic Fishery Management Council (South Atlantic Council) to consider (**Table**

1). The assessment and SSC catch level recommendations incorporate revised recreational catch estimates based on the new Marine Recreational Information Program (MRIP) survey design.

**Table 1.** South Atlantic SSC recommendations for acceptable biological catch for Atlantic migratory group king mackerel, using data resultant from SEDAR 38 update (2020).

Year	OFL Recommendations (lbs)	ABC Recommendations (lbs)
2022/2023	33,900,000	32,800,000
2023/2024	29,400,000	28,400,000
2024/2025	26,300,000	25,400,000
2025/2026	24,200,000	23,300,000
2026/2027+	22,800,000	21,800,000

The SEDAR 38 update includes revised recreational landings that are based on the Marine Recreational Information Program’s (MRIP) newer Fishing Effort Survey (FES) method, which is considered more reliable and robust compared to the Coastal Household Telephone Survey (CHTS) method. As a result of the change in methodology, the South Atlantic Council is considering revising current sector allocations, which were based on the historical proportion of landings between the commercial and recreational sector from 1979 through 1983. Currently, the CMP FMP Framework Procedure does not allow allocations to be modified through a framework amendment, as such this will be a full plan amendment with input from the South Atlantic Council and the Gulf of Mexico Fishery Management Council (Gulf Council). In addition to catch levels and sector allocations, this amendment contains several actions that address management measures for Atlantic king mackerel and Atlantic migratory group Spanish mackerel (Atlantic Spanish mackerel) including bag limit, minimum size limit, and provisions for landing fish with heads and fins intact.

## Actions in this amendment

**Action 1.** Revise the total annual catch limit for Atlantic migratory group king mackerel to reflect the updated acceptable biological catch level.

**Action 2.** Revise sector allocations and sector annual catch limits for Atlantic migratory group king mackerel.

**Action 3.** Revise recreational annual catch target for Atlantic migratory group king mackerel.

**Action 4.** Increase the recreational bag and possession limit for Atlantic migratory group king mackerel in the exclusive economic zone off Florida.

**Action 5.** Reduce the minimum size limit for recreational and commercial harvest of Atlantic migratory group king mackerel.

**Action 6.** Modify the recreational requirement for Coastal Migratory Pelagic species in the Atlantic region to be landed with heads and fins intact.

## Tentative Timing for CMP Amendment 34

	Process Step	Date
✓	South Atlantic Council directs staff to start work on an amendment.	June 2020
✓	Mackerel Cobia Advisory Panel reviews assessment and makes recommendations for actions to include in amendment.	November 2020
✓	South Atlantic Council reviews options paper and approves amendment for scoping.	December 2020
✓	South Atlantic Council reviews scoping comments and approves action/alternatives to be analyzed.	March 2021
	Gulf Mackerel Cobia Advisory Panel reviews amendment	March 2021
	Gulf Council reviews document and provides direction to staff.	April 2021
	South Atlantic Mackerel Cobia Advisory Panel reviews amendment	Spring 2021
	South Atlantic Council reviews draft amendment, selects preferred alternatives, and approves for public hearings.	June 2021
	Public Hearings	Summer 2021
	South Atlantic Council reviews the draft amendment, modifies the document as necessary, and approves for formal review.	September 2021
	Gulf Council reviews the draft amendment, modifies the document as necessary, and approves for formal review.	October 2021
	CMP Amendment 34 transmitted for Secretarial Review.	Fall 2021

**Opportunities to provide public comment in-person include the scoping webinar, South Atlantic Council meetings, and public hearings. There will also be opportunities to submit written comments via the online comment form throughout the process.**

## Purpose and need statement

The *purpose* of this amendment is to revise the annual catch limits for Atlantic migratory group king mackerel; to revise recreational and commercial allocations for Atlantic migratory group king mackerel; and to revise or establish management measures for Atlantic migratory group king and Spanish mackerel.

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 Atlantic migratory group king and Spanish mackerel fisheries, while increasing social and economic benefits through sustainable and profitable harvest of Atlantic migratory group king and Spanish mackerel.

## Proposed Actions and Alternatives

**Action 1. Revise the total annual catch limit for Atlantic migratory group king mackerel to reflect the updated acceptable biological catch level.**

**Alternative 1 (No Action).** The total annual catch limit for Atlantic migratory group king mackerel is set equal to the current acceptable biological catch level (12,700,000 pounds).

**Alternative 2.** The total annual catch limit for Atlantic migratory group king mackerel is equal to the updated acceptable biological catch level.

**Alternative 3.** The total annual catch limit for Atlantic migratory group king mackerel is equal to 95% of the updated acceptable biological catch level.

**Alternative 4.** The total annual catch limit for Atlantic migratory group king mackerel is equal to 90% of the updated acceptable biological catch level.

### Discussion:

The update to SEDAR 38 was completed in April 2020 and included assessments for Gulf and Atlantic king mackerel. In April 2020, the SSC reviewed the results of the SEDAR 38 Update 2020 and provided new values for the acceptable biological catch (ABC) for Atlantic king mackerel (**Table 1**). The South Atlantic Council may consider setting the Atlantic king mackerel total annual catch limit (ACL) at the same level as the ABCs recommended by the SSC (**Alternative 2**) in **Table 1** above or may consider including a buffer between the two values (**Alternatives 3-4; Table 2**). Given the increase in catch levels, the South Atlantic Council's Mackerel Cobia Advisory Panel (AP) recommended the South Atlantic Council consider accommodating a buffer between the ABC and ACL, while ensuring that that commercial and recreational fisheries can remain open year-round.

**Table 2.** Annual Catch Limit levels based on revised MRIP estimates for Atlantic migratory group king mackerel under **Action 1** proposed alternatives.

Fishing Year	Annual Catch Limits (lbs.)		
	Alternative 2 (ACL=ABC)	Alternative 3 (ACL=95% ABC)	Alternative 4 (ACL=90% ABC)
2021/22	33,300,000	31,635,000	29,970,000
2022/23	28,500,000	27,075,000	25,650,000
2023/24	25,400,000	24,130,000	22,860,000
2024/25	23,300,000	22,135,000	20,970,000
2025/26+	21,800,000	20,710,000	19,620,000

**Note:** The current ABC is 12,700,00 pounds. However, previous ABCs and ACLs and the proposed ABCs are not directly comparable because the updated assessment includes changes in the recreational catch estimates based on new methodology used in the Marine Recreational Information Program (MRIP).

## **Action 2. Revise sector allocations and sector annual catch limits for Atlantic migratory group king mackerel.**

**Note:** The revised total annual catch limit in Alternatives 1 (No Action) through 3 reflect **Alternative 2 in Action 1** in Amendment 34 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region. The revised total ACL incorporates recreational data from the Marine Recreational Information Program using the Fishing Effort Survey method, as well as updates to commercial and for-hire landings.

**Alternative 1 (No Action).** Retain the current recreational and commercial sector allocations as 62.9% and 37.1%, respectively, and apply to the revised total annual catch limit for Atlantic migratory group king mackerel. This is based on landings from 1979-1983.

**Alternative 2.** Allocate 78.44% of the revised total annual catch limit for Atlantic migratory group king mackerel to the recreational sector. Allocate 21.56% of the revised total annual catch limit for Atlantic migratory group king mackerel to the commercial sector. The allocations are calculated based on approximately maintaining the current commercial annual catch limit beginning in the 2026/2027 fishing season and allocating the remaining revised total annual catch limit to the recreational sector.

**\*\*At the March 2021 meeting the South Atlantic Council directed staff to work with the IPT to develop additional alternatives for Action 2 that would consider both long-term and short-term time periods. Additionally, they asked staff to examine when historical catch has been restricted by commercial or recreational total allowable catch (TAC) or ACLs\*\***

### **Discussion:**

The Fisheries Allocation Review Policy (NMFS Policy Directive 01-119) and the associated Procedural Directive on allocation review triggers (NMFS Procedural Directive 01-119-01) established the responsibility for the Regional Fishery Management Councils to set allocation review triggers and consider three types of trigger criteria: indicator, public interest, and time. Councils were directed to establish triggers for consideration of allocation reviews. The South Atlantic Council chose several indicator-based criteria as triggers, including after a stock assessment is approved by the SSC. The South Atlantic Council will determine and document whether modifications to allocations are necessary. If it is determined that allocation revisions are necessary, they will be included in this amendment.

The SEDAR 38 update includes revised recreational landings that are based on MRIP's newer FES method, which is considered more reliable and robust compared to the CHTS survey method. As a result of the change in methodology the Council may want to consider revising current sector allocations, which were based on the historical proportion of landings between the commercial and recreational sector.

Current sector allocations for king mackerel were established in Amendment 1 to the CMP FMP (1985) which was the first amendment to recognize separate migratory groups of king mackerel (Gulf and South Atlantic). Catch was allocated based on the largest number of years,

beginning in 1979, for which concurrent recreational and commercial catch data were available. Catch data were used to calculate the average percent distribution of catch between commercial and recreational fishermen, resulting in the current allocation of **37.1% to the commercial sector and 62.9% to the recreational sector**.

**Action 2** proposes two possible alternatives – retaining the current sector allocations as established in Amendment 1 to the CMP FMP (**Alternative 1 (No Action)**), holding the commercial sector poundage in the 20206/2027+ season equal to the commercial poundage during the current (2020/2021) season and allocating the remaining increase to the recreational sector to account for revisions to MRIP estimates (**Alternative 2**) (**Table 3** and **4**).

The South Atlantic AP felt that overall, king mackerel has been functioning well with the current sector allocations, however regional allocations may need to be addressed in the future with changes in landing distributions due to climate change. The current allocations are historical and accurately represent the historical fishery. Especially with the increase in proposed catch levels, there is no need to alter sector allocations.

**Table 3.** Sector allocations based on alternatives under **Action 2**.

Fishing Year	Annual Catch Limit			
	Alternative 1 (No Action)		Alternative 2	
	Recreational	Commercial	Recreational	Commercial
2021/22	20,945,700	12,354,300	26,120,520	7,179,480
2022/23	17,926,500	10,573,500	22,355,400	6,144,600
2023/24	15,976,600	9,423,400	19,923,760	5,476,240
2024/25	14,655,700	8,644,300	18,276,520	5,023,480
2025/26+	13,712,200	8,087,800	17,099,920	4,700,080

**Note:** The revised total ACL in Alternatives 1 (No Action) through 3 reflect **Alternative 2 in Action 1** in Amendment 34 to the CMP FMP and Atlantic Region. The revised total ACL incorporate recreational data as per MRIP using the Fishery Effort Survey method, as well as updates to commercial and for-hire landings.

**Table 4.** Current commercial annual catch limits for Atlantic migratory group king mackerel based on SEDAR 38 and Amendment 26 to the CMP FMP.

Fishing Season	Annual Catch Limit (lbs)
2016/2017	6,500,000
2017/2018	5,900,000
2018/2019	5,200,000
2019/2020+	4,700,000

**Action 3. Revise recreational annual catch target for Atlantic migratory group king mackerel.**

**Alternative 1 (No Action).** Retain the current recreational annual catch target for Atlantic migratory group king mackerel [ $ACL[(1-PSE)$  or 0.5, whichever is greater] based on the previous acceptable biological catch (ACT = 7,400,000 pounds)

**Alternative 2.** Revise the recreational annual catch target to reflect updated acceptable biological catch level. The recreational annual catch target equals sector  $ACL[(1-PSE)$  or 0.5, whichever is greater].

**Alternative 3.** Revise the recreational annual catch target to reflect updated acceptable biological catch level. The recreational annual catch target equals 90% sector ACL.

**Alternative 4.** Revise the recreational annual catch target to reflect updated acceptable biological catch level. The recreational annual catch target equals 85% sector ACL.

**Discussion:**

The recreational ACT is currently codified and utilized in the post-season recreational accountability measure for Atlantic king mackerel and needs to be updated based on the SEDAR 38 Update. If the recreational landings exceed the recreational ACL and the sum of the commercial and recreational landings, exceeds the stock ACL, the Regional Administrator (RA) may reduce the bag limit for the following fishing year by the amount necessary to ensure recreational landings may achieve the recreational ACT, but do not exceed the recreational ACL. Additionally, if the sum of the commercial and recreational landings exceeds the stock ACL and Atlantic king mackerel are overfished, the RA may reduce the recreational ACL and ACT for that following year by the amount of any recreational sector overage in the prior fishing year.

The current recreational ACT is based on adjusting the ACL by 50% or one minus the five-year average proportional standard error (PSE) from the recreational sector, whichever is greater, as established in Amendment 18 to the CMP FMP.

**Action 4. Increase the recreational bag and possession limit for Atlantic migratory group king mackerel in the exclusive economic zone off Florida.**

**Alternative 1 (No Action).** The daily bag limit for Atlantic migratory group king mackerel in the exclusive economic zone off Florida is two fish per person. Two fish per person is the daily bag limit specified by Florida for its waters.

**Alternative 2.** Increase the daily bag limit for Atlantic migratory group king mackerel to three fish per person. off Florida.

**Discussion:**

The current bag limit for Atlantic king mackerel and Gulf king mackerel is three fish per person except for the east coast of Florida where the bag limit is set to match the daily bag limit specified for Florida state waters (currently two fish per person). So long as the bag limit does not exceed five fish per person (50 CFR §622.382(a)(1)(i)(b)). Fishermen and Mackerel Cobia Advisory Panel (AP) members have requested to raise the east coast of Florida bag limit in federal waters to three fish per person to match the rest of the CMP FMP management area.

Given that the purpose of this action is to create consistency in trip limits between the east coast of Florida and other area of the CMP FMP's jurisdiction, two alternatives is appropriate for this action.

**Action 5. Reduce the minimum size limit for recreational and commercial harvest of Atlantic migratory group king mackerel.**

**Alternative 1 (No Action).** The minimum size limit for commercial and recreational harvest of Atlantic migratory group king mackerel is 24-inches fork length.

**Alternative 2.** Reduce the minimum size limit for commercial and recreational harvest of Atlantic king migratory group mackerel to 22-inches fork length.

**Alternative 3.** Reduce the minimum size limit for commercial and recreational harvest of Atlantic migratory group king mackerel to 20-inches fork length.

**Alternative 4.** Remove the minimum size limit for commercial and recreational harvest of Atlantic migratory group king mackerel.

**Discussion:**

In recent years, Atlantic king mackerel total landings have been well below the total ACL. Fishing mortality rates are well below target and the recent stock assessment (SEDAR 38 update) suggests that the total ACL can be increased. The South Atlantic AP has suggested revising the minimum size limit for Atlantic king mackerel to account for smaller king mackerel sometimes landed when targeting other species. Young/medium sized king mackerel are often more desirable. They are not targeted, but commonly caught when fishing for larger king mackerel or other species (especially Spanish mackerel). King mackerel can occasionally be fragile and released as dead discards, which is especially common when king mackerel are caught incidentally when fishing for Spanish mackerel.

**Action 6. Modify the recreational requirement for Coastal Migratory Pelagic species in the Atlantic region to be landed with heads and fins intact.**

**Alternative 1 (No Action).** Cut-off (damaged) Atlantic migratory group king mackerel or Atlantic migratory group Spanish mackerel caught under the recreational bag limit may not be possessed.

**Alternative 2.** Cut-off (damaged) fish caught under the recreational bag limit, that comply with the minimum size limits, may be possessed, and offloaded ashore.

**Sub-alternative 2a.** Atlantic migratory group king mackerel

**Sub-alternative 2b.** Atlantic migratory group Spanish mackerel

**Discussion:**

Commercial fishermen are allowed to keep cut/damaged king and Spanish mackerel that meet minimum size limits. Given the issue with damaged king mackerel and the increase in shark depredation, the AP has requested the South Atlantic Council considered a similar provision for the recreational sector. The highly migratory species (HMS) regulations also include a provision for landing cut/damaged fish that allows fishermen to retain and land a fish that is damaged through predation by sharks or other marine species if the length of the remainder of the fish is equal to or greater than a specific length.