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SUPPLEMENTAL REGULATORY IMPACT REVIEW
OF PRESEASON CHANGES IN TAC, PERMITS, AND BAG LIMITS FOR
KING MACKEREL ATLANTIC MIGRATORY GROUP
MANAGED UNDER THE FISHERY MANAGEMENT PLAN FOR THE
COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO
AND THE SOUTH ATLANTIC

INTRODUCTION

The Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic (FMP) was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils). The Assistant Administrator for Fisheries, NOAA (Assistant Administrator) approved the FMP on April 1, 1982 and the Secretary of Commerce (Secretary) implemented final regulations on February 4, 1983 (48 FR 5272), under the authority of the Magnuson Fishery Conservation and Management Act, as amended (Magnuson Act). An amendment to the FMP (amendment one) was prepared jointly by the Councils, approved on July 26, 1985 by the Regional Director, NMFS, and implemented September 22, 1985 (50 FR 34843).

The FMP manages the coastal migratory pelagics fishery throughout the fishery conservation zone (FCZ) off the south Atlantic coastal states from the Virginia-North Carolina border south and through the Gulf of Mexico to the Texas-Mexico border. Major species in the management unit for the FMP are Spanish mackerel, king mackerel, and cobia. Within the king mackerel stock, a Gulf of Mexico migratory group and an Atlantic migratory group are distinguished. The Gulf of Mexico migratory group, which is in a state of recruitment overfishing and on the verge of a complete collapse, is the focus of an emergency rule. The Atlantic migratory group is approaching full exploitation and is in need of protection through a reduction in total allowable catch (TAC) to prevent overfishing.

The Councils have recommended a reduction in TAC for the Atlantic migratory group for the 1986-1987 fishing year. The Councils also have recommended permits be required for commercial vessels and bag limitations for recreational fishermen. NMFS accepts these recommendations as necessary for management of the resource.

DESCRIPTION OF THE PROPOSED ACTION

Changes in the total allowable catch (TAC) permitting requirements, and bag limits for the Atlantic migratory group of king mackerel are being made in accordance with the framework procedure under amendment one to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic. TAC and allocations for Atlantic group king mackerel are reduced by 18 percent based on recent catch data and permits for commercial vessels and bag limits for recreational fishermen are required. The intended effects are to protect the king mackerel Atlantic group and still allow a catch by the important recreational and commercial fisheries that are dependent on this species and to implement a permit requirement for commercial vessels for the purpose of improved management.

NEED FOR PROPOSED ACTION

The Atlantic group, which inhabits the Atlantic Ocean during the year and supports the summer fishery in Southeast Florida is approaching full exploitation. King mackerel Atlantic migratory group landings would have exceeded the TAC of 11.8 million pounds, set in amendment one, in two out of

the past six years due to large recreational catches. Recreational catches would have been in excess of their allocation during three of the past six years since the 1979-1980 fishing year: 1980-1981, 1983-1984, and 1984-1985. The TAC for the Atlantic group was set high under amendment one to allow for an increase in catch (as TAC for the Gulf group was set low to provide a decrease) so that the stock moves towards equilibrium.

The Councils now consider it prudent to lower TAC and thus user group allocations by 18 percent for the Atlantic group in order to move toward MSY, stabilize catches, prevent overfishing and assist in recovery of the Gulf group with which it mixes seasonally. Eighteen percent is the amount of reduction necessary to implement a recreational bag limit of three fish per person per trip. The public indicated acceptance of the three fish per person per trip bag limit during the recent public hearings. The reduction in TAC and allocations also would provide for long-term stability of this resource by anticipating a shift in effort to the Atlantic group as the result of reduced catch on the Gulf group.

The Councils, therefore, requested that under the authority of §642.27 the TAC be reduced to 9.68 million pounds for the Atlantic migratory group for the 1986-1987 fishing year beginning on April 1, 1986. The allocations established by the prescribed formula in the FMP would be a commercial allocation of 3.59 million pounds under §642.21 (a) and 6.09 million pounds for recreational fishermen who are to be regulated under §642.28 by a bag limit of three fish per person per trip including the captain and the crew of the vessel.

When the recreational fishery allocation of 6.09 million pounds or the commercial fishery allocation of 3.59 million pounds is reached, or is projected to be reached, that fishery will be closed under the authority of §642.2.

Commercial boats fishing the Atlantic group are required to obtain an annual permit and may do so providing the owner or operator has derived at least 10 percent of his earned income from commercial fishing in the previous year. Charter vessel operators may obtain a permit to fish the Atlantic group commercially if they meet the earned income requirement and adhere to bag limits while under charter. A charter vessel that has been permitted to fish commercially will be considered to be under charter if more than three persons are aboard including the captain and crew. The Regional Director will issue non-transferrable permits at no cost during the 60-day period prior to the beginning of the season (April 1). Permits may be issued at other times for newly registered vessels or in cases of demonstrated hardships. The issuance of permits for commercial vessels will assist in determining the distribution of the reduced TAC between commercial and recreational fishermen and will be an aid in evaluating the status of each user group's catch. The minimum income percentage requirement for a permit for commercial fishermen also will prevent large numbers of recreational fishermen from obtaining permits and thereby circumventing the bag limitation.

REGULATORY IMPACTS SUMMARY

Based on actual landings over the past six fishing years (Table 1), the reduction in TAC is expected to have minimal adverse impacts on the

recreational and commercial sectors. Although the proposed TAC (9.7 million pounds) is an 18 percent reduction from the original TAC of 11.8 million pounds, average landings from the user groups as shown in Table 1 were 9.9 million pounds over the past six years. The FMP allocates 62.9 percent of the TAC to the recreational and 37.1 percent to the commercial sectors.

Under the proposed TAC, the recreational sector would received 6.09 million pounds. This amount is an 18 percent reduction (1.34 million pounds) in the average landings over the past six fishing years. Recreational fishermen will be regulated by a bag limit of the three fish per person per trip. This bag limit reduces the catch by the desired 18 percent. Charter vessels are allowed to fish commercially on the commercial quota if the owner/operator derived at least ten percent of his earned income from commercial fishing in the previous year. A permitted charter vessel must adhere to the bag limit while under charter and is considered to be under charter if more than three persons are aboard, including the captain and crew. When the recreational sector catches its allocation and the fishery is closed the recreational anglers have the following (unranked) options: continue to fish for king mackerel but release the catch; diversify their activity to include other species such as cobia and red snapper; or cease fishing. Permitted charter vessel operators would be able to fish commercially as long as the commercial quota is not reached. The impact on the private angler-dependent support industries and the charter vessel operators is unknown; however, it would be adverse only if a large number of anglers ceased fishing. At this time, no information exists to make this

determination, but it is doubtful that the three fish bag limit, which represents only an 18 percent reduction in catch, would cause wholesale abandonment of participation in the fishery.

Under the proposed TAC, the commercial sector would receive 3.59 million pounds, an 18 percent reduction from the original allocation of 4.38 million pounds. This amount is 43 percent or 1.08 million pounds above the average commercial landings over the past six fishing years. Commercial and permitted charter vessels fishing on the Atlantic group should not be adversely affected by the allocation since this level of catch was reached only once over the past six fishing years. The number of vessels permitted to fish on this migratory group is estimated to be about 900 (415 charter, 463 Florida-based commercial, and 22 snapper/grouper commercial vessels). Also an unknown number of the 64 Louisiana-based permitted vessel may enter this fishery. There is no information to determine the portion of allocation each group of vessels would take. Cost to NMFS for issuing the permits has been estimated to about \$2,200. Total burden to the fishermen has been estimated to be about 150 hours.

TABLE 1

Atlantic Migratory Group King Mackerel Catches

(Thousands of Pounds)

<u>Year</u>	<u>Recreational Catch</u>	<u>Commercial Catch</u>	<u>Total</u>
1979-1980	2,729	1,925	4,654
1980-1981	11,098*	2,787	13,885***
1981-1982	4,968	2,342	7,310
1982-1983	5,917	3,834**	9,751
1983-1984	10,332*	2,386	12,718***
1984-1985 ¹	<u>9,561*</u>	<u>1,778</u>	<u>11,339</u>
Average	7,434	2,509	9,943

* Would have exceeded a recreational allocation of 7.434 million pounds.

** Would have exceeded a commercial allocation of 3.59 million pounds

*** Would have exceeded a TAC of 11.8 million pounds

¹ Preliminary

Source: Peter, Eldridge; Trends in Commercial and Recreational Fisheries or King Mackerel in the Southeastern United States. Fishery Analysis Division Contribution NO. ML 1-85-16, August 1985. NMFS, Charleston, Laboratory.