

**Mackerel Committee Report
August 23, 2021
Mr. Robin Riechers – Chair**

The Committee adopted the agenda (**Tab C, No. 1**) and approved the minutes (**Tab C, No. 2**) of the June 2021 meeting as written.

Review of Coastal Migratory Pelagics (CMP) Landings Update (Tab C, No. 4)

Ms. Kelli O'Donnell (NMFS Southeast Regional Office [SERO]) reviewed the recent landings for the Gulf migratory groups of cobia, king mackerel, and Spanish mackerel. Landings provided for 2021 are preliminary. Gulf Zone cobia commercial landings have remained consistent, although preliminary data suggest a slight decrease in 2021. Florida East Coast (FLEC) Zone cobia commercial landings were lower in 2020 and 2021 when compared to the 2019 fishing year, and average of the most recent three years (2018-2020). Gulf king mackerel commercial landings for the 2020/2021 fishing year are lower than the previous year, which could be due to the early closure of the Southern Zone hook and line fishery on February 22, 2021. The zone was reopened on April 4, 2021 and reclosed on April 9, 2021. Comments from commercial fishermen suggest that this could be a result of limitations associated with bad weather at the time the fishery was reopened. Spanish mackerel commercial landings were lower for the 2020/2021 fishing year. It is unclear if this decrease is related to changes in fishing practices as a result of COVID-19 or a change in the abundance of fish in the water. A Committee member commented that the changes in Gulf king mackerel landings could also be related to COVID-19, as some fishermen have mentioned having to adapt to the available market.

Public Hearing Draft Amendment 32: Modifications to the Gulf of Mexico Migratory Group Cobia Catch Limits, Possession Limits, Size Limits, and Framework Procedure (Tab C, No. 5)

Council staff presented a public hearing draft for CMP Amendment 32, which would modify Gulf Group Cobia catch limits, zone apportionment, sector allocations, management measures related to possession and minimum size limits, and would modify the Gulf and South Atlantic responsibilities in the management of CMP resources via framework action. Presently, both the Gulf and South Atlantic Councils concur on the preferred alternatives for each of the seven actions.

A Council member asked about the possibility to include an alternative in Action 3 to remove sector allocations in the FLEC Zone. The South Atlantic Council liaison responded that their Council wants to retain historical management practices, and that the majority of their managed species have sector allocations. Since this is a joint plan amendment, the South Atlantic Council would have to concur on incorporating this alternative into the document and additional actions would be needed to address accountability measures that would be associated with managing FLEC Zone as a single stock. The Committee also expressed concerns regarding how this may impact the implementation of this amendment, as ending overfishing of Gulf Group Cobia is a priority.

Next, Council staff brought to the Committee's attention that Chapter 3 of this draft includes a discussion on NMFS intent to correct language in 50 C.F.R. § 622.386(c) that limits from whom a federally permitted dealer can purchase cobia. There is no federal permit required to sell cobia harvested from the Exclusive Economic Zone (EEZ). However, the regulations at 50 C.F.R. § 622.386(b) and (c) restrict the sale and purchase of CMP species by vessels and dealers issued federal permits. Because there is no federal permit required to sell Gulf Group cobia, these restrictions are internally inconsistent with respect to that species. Section 622.386(b) requires that Gulf Group cobia harvested on any vessel that has a valid federal vessel permit (commercial or for-hire for any federal fishery) be sold to a seafood dealer who has a valid federal Gulf and South Atlantic dealer permit. However, under section 622.386(c), the same federally permitted seafood dealer may only purchase Gulf Group Cobia from a vessel that has been issued a federal CMP permit (commercial or for-hire). Thus, although vessel operators with any federal vessel permit must sell Gulf Group Cobia to a federally permitted seafood dealer, that same seafood dealer can only legally buy those fish from someone on a vessel with a federal CMP permit.

NMFS intends to correct the regulations at 50 C.F.R. § 622.386(c) to make the restriction on purchase by federally permitted dealers applicable only to king and Spanish mackerel, rather than CMP generally. This will allow federally permitted dealers to accept cobia harvested from the EEZ from any vessel, regardless of permit status.

The Committee raised some concerns regarding the modifications to the regulatory language in 50 CFR 622.386 in that it may have some unintended consequences. Based on the intent of this amendment to end overfishing of cobia, the Committee asked if the proposed change might increase fishing effort by the recreational sector and allow them to sell cobia. The proposed change does not remove any restrictions put in place in the CMP FMP, but rather corrects an inconsistency in the regulations that occurred when NMFS implemented the Gulf and South Atlantic Councils' Generic Amendment that modified the federal dealer reporting requirements. The CMP FMP and current federal regulations do not require any permit to sell Gulf Group cobia. The Gulf and South Atlantic Councils considered requiring a federal permit to sell cobia in CMP Amendment 20A, but did not proceed with that action. However, sales may be restricted by the state where the cobia is sold. Currently, all five Gulf states restrict the sale of cobia to properly permitted individuals/commercial vessels; thus, in effect, the sale of cobia by private recreational anglers is not permitted in the Gulf.

The Committee recommends, and I so move: **to take Amendment 32: Modifications to the Gulf of Mexico Migratory Group Cobia Catch Limits, Possession Limits, Size Limits, and Framework Procedure out for Public Hearing.**

Motion carried with no opposition.

The Committee discussed the list of potential locations to hold public hearings throughout the Gulf. Council staff expressed concern with the limited amount of time between the SAFMC September meeting and the Gulf Council's October meeting to allow for eight in-person public hearings to take place. The Committee requested to see public participation on previous CMP public hearings during Full Council.

Council staff reviewed participation in public hearings over the past 10 years. The most recent cobia action, Framework Amendment 7, did not have a standalone public hearing. Attendance at public hearings for other CMP amendments has been low, as is reflected on the table below.

2016 - Mackerel Amend 26 & Yellowtail Commercial Gear		2016 – CMP Amendment 29: Allocation Sharing and AM’s for Gulf King Mackerel	
Location	Attendance	Location	Attendance
Corpus Christi, TX	1	Tampa, FL	3
Pascagoula, MS	0	Key West, FL	16
Texas City, TX	6	Port Aransas, TX	12
Orange Beach, AL	0	Pascagoula, MS	1
Kenner, LA	1	Galveston, TX	2
Destin, FL	9	Mobile, AL	0
Key West, FL - CMP	8	Houma, LA	0
Sarasota, FL - BOTH	0	Panama City, FL	3

The current list of potential locations by state is as follows:

- Florida: Ft. Myers/Naples, Tampa Bay, Destin
- Alabama: Orange Beach (concurrent with the October Council meeting)
- Mississippi: Biloxi/Gulfport
- Louisiana: New Orleans/Kenner or Baton Rouge; depending on COVID-19 restrictions
- Texas: Corpus Christi/Port Aransas, Galveston

Public hearings, virtual or in-person, would take place after the SAFMC concurs with the approval of the public hearing draft.

Clarification on Gulf King Mackerel Commercial Historic Landings Data (Tab C, No. 6)

Dr. Jim Nance (SSC Chair) reviewed an analysis on the historical king mackerel landings data, modeled in SEDAR 38, against the MRIP-FES data applied to the same modeling framework. Supplanting the MRIP-CHTS recreational catch and effort data with the same from MRIP-FES would have resulted in an ABC of 14.56 million pounds (mp) for the 2015/2016 fishing season, or an increase of 59% over the 9.17 mp ABC projected under MRIP-CHTS. This increase is almost wholly attributable to the use of MRIP-FES data. As other model factors are added (i.e., additional years of data through the 2017/2018 fishing year, updating of shrimp bycatch with 2020 estimate), the difference in the projected ABC between the SEDAR 38 and SEDAR 38 Update models decreases. In so far as this analysis relates to the Council’s request of the

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SEFSC, this means that had MRIP-FES data been available for use in the original SEDAR 38, the commercial sector for Gulf king mackerel would have had access to a larger sector ACL (4.66 mp) than was set using MRIP-CHTS data (2.93 mp).

Dr. Nance also briefly reviewed an investigation into a commercial landings data discrepancy discussed by the Council at its June 2021 meeting and by the SSC at its August 2021 meeting. The SEFSC's investigation determined that the commercial landings data used in SEDAR 38 and the SEDAR 38 Update are virtually identical. Further, the discrepancy was attributable to differences in how the data were reported between tables in the stock assessment reports. The SEFSC is working on standardized reporting procedures, which are expected to prevent these discrepancies and add clarity to stock assessment reports in the future.

Draft Amendment 33: Modifications to the Gulf of Mexico Migratory Group King Mackerel Catch Limits and Sector Allocations (Tab C, No. 7)

Due to time constraints, this agenda item will be discussed during Full Council or a future meeting.

Mr. Chair, this concludes my report.