

**Mackerel Committee Report
October 25, 2021
Mr. Kevin Anson – Vice Chair**

The Committee adopted the agenda (**Tab C, No. 1**) and approved the minutes (**Tab C, No. 2**) of the August 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. All 2021 landings are preliminary. Gulf Zone cobia commercial and recreational landings, and FLEC Zone commercial landings, remain below previous years, and the 2018 – 2020 average. FLEC Zone recreational landings for 2021 are on par with the average landings from 2018 – 2020. Commercial and recreational landings of Gulf king mackerel are similar to observations for years 2018 – 2020. Spanish mackerel recreational and commercial landings have been lower than observed for fishing years 2018 – 2020.

Presentation on History of Coastal Migratory Pelagics Permits and Sale of Recreational Cobia (Tab C, No. 5)

Mr. Hood (NMFS SERO) presented a summary of previous Council discussions that addressed the creation of CMP permits. King and Spanish mackerel are the only species under the CMP Fishery Management Plan with commercial permits. The Council had previously discussed creating a federal permit for cobia, but decided not to move forward with that action as the Gulf states had their own requirements for the sale of cobia.

The Committee is still concerned about any unintended consequences that may result from the proposed changes to 50 C.F.R. § 622.386(c) to make the restriction on purchase by federally permitted dealers applicable to only king and Spanish mackerel. The Council sent a letter to each of the Gulf states requesting a summary of the state's regulations and cobia landings to understand the magnitude of recreational cobia sales to federal seafood dealers. From the responses received, generally, the sale of recreationally harvest cobia is not allowed. Some states designate cobia as a gamefish, while others require commercial licenses and/or special permits to be able to sell. If there is any illegal sale of recreationally landed cobia, the current monitoring methods are not able to capture the extent to which this may be occurring.

Final Action: Amendment 32: Modifications to the Gulf of Mexico Migratory Group Cobia Catch Limits, Possession Limits, Size Limits, and Framework Procedure (Tab C, No. 6)

Gulf and South Atlantic Council staff summarized the comments received during the public hearings for CMP Amendment 32. This amendment seeks to end overfishing of Gulf migratory group cobia (Gulf Group Cobia) as determined by the SEDAR 28 Update (2020) stock assessment. Public comments included concerns about the declining status of the stock and

support for reducing the per person daily possession limit and creating vessel and trip limits (Action 5); although, some comments expressed hesitation about establishing a commercial trip limit since the resultant estimated reduction in cobia harvest is less than 1%. There is also support in having a minimum size limit of 36-inches fork length (FL) in the Gulf and FLEC Zones (Action 6). Since the last public hearing was scheduled to take place after Monday's Council session, Council staff has updated the Public Hearings Summary and made available for further discussion during Full Council.

Currently, both Councils concur on preferred alternatives for all seven actions. In Action 5.1, a Council member suggested selecting preferred Alternative 4c (i.e., commercial trip limit of 6 fish), given comments received in Ft. Myers, FL, that the commercial sector lands a very small portion of the Gulf Zone's annual catch limit (ACL). Several committee members expressed concern about the unintended consequences of having a larger trip limit for the commercial sector, given the overfishing status of the stock. In addition, a Committee member expressed a desire to have consistent regulations in federal waters off Florida, and that the state may consider following suit with similar state regulations.

NOAA General Counsel reviewed the changes that will be reflected on the codified text based on the current preferred alternatives. The Committee did not make additional modifications to the preferred alternatives.

The Committee recommends, and I so move: **to recommend the Council approve CMP Amendment 32 and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate.**

Motion carried with one opposed.

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

Council staff reviewed the need for CMP Amendment 33, which considers catch limits and sector allocations for the Gulf migratory group of king mackerel (Gulf king mackerel). The SEDAR 38 Update (2020) stock assessment found that, as of the 2017/2018 fishing year, the stock was not overfished and was not undergoing overfishing. However, despite the total ACL for the stock not being harvested in any fishing season in the last 20 years, the spawning stock biomass (SSB) of Gulf king mackerel is below the SSB at maximum sustainable yield (SSB_{MSY}). Thus, the catch recommendations from SEDAR 38 Update, which now incorporate increased recreational catch and effort via the Marine Recreational Information Program's Fishing Effort Survey (MRIP-FES), increase over the projection period to achieve SSB_{MSY}. This represents an assumption that recruitment will be more similar to the long-term average, and that the stock will rebuild towards SSB_{MSY}.

In discussing Action 1, which examines modifications to the catch limits, the Committee asked that an additional table be developed to examine the differences between the recreational landings in MRIP-FES and the estimated recreational ACL in MRIP-FES from the simulation conducted by the Southeast Fisheries Science Center (SEFSC) for the fishing years currently examined. The Committee also asked about the increasing yields recommended by the Scientific and Statistical Committee. Council staff replied that because the stock is below the SSB_{MSY} , but above the minimum stock size threshold, the projected yields increase over time to eventually achieve SSB_{MSY} .

In discussing Action 2, which considers sector allocations for Gulf king mackerel, Council staff noted that changing the sector allocation does not affect the yields and recommended catch limits discussed in Action 1. That is, if the sector allocations change, it does not result in a change to the catch limits as the Council has observed in reef fish species. The current sector allocation apportions 32% to the commercial sector, and 68% to the recreational sector, based on average landings data from the 1975 – 1979 fishing years. Because MRIP-FES is only calibrated back to 1981, a conversion is not possible for these species as has been common for species for which sector allocations are based on more recent years. Thus, the Council can either retain or change the current sector allocation for Gulf king mackerel. A Committee member asked that the analysis for Alternative 2 compare the MRIP-FES adjusted historical landings to the MRIP-FES adjusted predicted ACL from the SEFSC simulation, as opposed to the 2023/2024+ fishing year ACL, and assume that the commercial sector would have landed its sector allocation when conducting the analysis. The Committee member contended that this assumption for the commercial landings is supported by the historical proportion of the commercial ACL landed. Another Committee member questioned using the longer time period for Alternative 3, which would include two very disparate management regimes in the same time frame.

The Committee recommends, and I so move: **in Action 2, to move Alternative 3 to Considered but Rejected.**

Alternative 3: Modify the sector allocation of the total ACL between the recreational and commercial sectors by reallocating to the commercial sector a percentage of the average difference between the total landings from the 2010/2011 through 2019/2020 fishing years using MRIP-FES data and the total projected ACL for 2023/2024 from Action 1.

Option 3a: 25% of the average difference

Option 3b: 50% of the average difference

Option 3c: 75% of the average difference

Option 3d: 100% of the average difference

Motion carried with no opposition.

A Committee member asked about the sentiments of the recreational fishing community regarding the fish left in the water. Council staff recounted past public testimony by the recreational fishing fleet about the increased probability of interaction with king mackerel by recreational fishermen by leaving some of those fish in the water. The Committee member then asked about the proportion of fish caught but released by the recreational sector. Council staff

replied that retention could be investigated, but that these data were highly uncertain for the recreational fleet. Another Committee member added that the MRIP Access Point Angler Intercept Survey has codes for the disposition of catch released alive (legal or not legal), and that such data may be worth investigating. Lastly, the Committee considered splitting the document's actions into a framework amendment to address the revised catch limits, and a plan amendment to address the sector allocation. A Committee member thought it best to keep these actions together at this time.

Public Hearing Draft Amendment 34: Atlantic Migratory Group King Mackerel Catch Levels and Atlantic King and Spanish Mackerel Management Measures (Tab C, No. 8)

Ms. Christina Wiegand (South Atlantic Council Staff) reviewed the need for CMP Amendment 34, which examines Atlantic migratory group king mackerel (Atlantic king mackerel) in response to the results of the SEDAR 38 Update (2020) stock assessment. SEDAR 38 Update for Atlantic king mackerel found the stock to be healthy, and due to exceptional recruitment, the catch limit recommendations from the South Atlantic Scientific and Statistical Committee (SSC) represent a considerable increase from the previous catch levels from the original SEDAR 38 stock assessment (2014). Amendment 34 also considers sector allocations, recreational size and bag limits and commercial retention regulations. At this point in time, the South Atlantic Council has selected preferred alternatives for all actions except one. Ultimately, both Councils will need to select commensurate preferred alternatives before final action can be taken.

Ms. Wiegand began with Action 1, which considers revising the catch limits for Atlantic king mackerel. The catch limits recommended by the South Atlantic SSC use recreational catch and effort data revised by MRIP-FES, and as such, the current no action alternative no longer represents the best scientific information available. The South Atlantic Council currently prefers to set the stock ACL and optimum yield at 95% of the stock Acceptable Biological Catch (ABC) (Alternative 3). The Committee asked about the setting of a constant catch level in Action 1, represented by Alternative 5, at the lowest of the annual yields recommended by the South Atlantic SSC. The Committee noted that the South Atlantic SSC could be asked to consider a constant catch yield calculated by averaging the annual yields for the OFL and ABC, respectively, across the recommended time series.

The Committee recommends, and I so move: in Action 1, to make South Atlantic Preferred Alternative 3 the preferred.

South Atlantic Preferred Alternative 3. The total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel is equal to 95% of the updated acceptable biological catch level. The updated acceptable biological catch level is inclusive of recreational estimates from the Marine Recreational Information Program's Fishing Effort Survey.

Motion carried with no opposition.

In Action 2, Ms. Wiegand described the proposed revisions to the sector allocations for Atlantic king mackerel in response to the inclusion of the MRIP-FES data in the SEDAR 38 Update. Currently, the South Atlantic Council prefers Alternative 1, to retain the current sector allocations at 62.9% recreational and 37.1% commercial. Alternative 2 would allocate 77.3% of the revised total ACL to the recreational sector and 22.7% to the commercial sector, and is based on approximately maintaining the current commercial ACL beginning in the 2026/2027 fishing season and allocating the remaining revised total ACL to the recreational sector. Alternative 3 would allocate 68.9% of the revised total ACL to the recreational sector and 31.1% of the revised total ACL to the commercial sector, based on average landings for the 2014 – 2019 fishing years, inclusive of MRIP-FES data. Ms. Wiegand noted that the recreational and commercial sectors have remained considerably below their respective ACLs.

The Committee recommends, and I so move: **in Action 2, to make South Atlantic Preferred Alternative 1 the preferred.**

South Atlantic Preferred Alternative 1 (No Action). Retain the current recreational sector and commercial sector allocations of 62.9% and 37.1%, respectively, of the revised total annual catch limit for Atlantic migratory group king mackerel. Apply these percentages to the revised total annual catch limit.

Motion carried with no opposition.

Ms. Wiegand reviewed Action 3, which considers revising the recreational ACT for Atlantic king mackerel, which is currently calculated using the equation: [(1-Percent Standard Error) or 0.5, whichever is greater]; this equation is retained as previously calculated using MRIP-CHTS data in Alternative 1. Alternative 2 uses the same equation with MRIP-FES data (86.3% of the recreational ACL), while Alternatives 3 and 4 set the recreational ACT at 90% or 85% of the recreational ACL, respectively. The South Atlantic Council currently prefers Alternative 2.

The Committee recommends and I so move: **In Action 3, to make South Atlantic Preferred Alternative 2 the preferred.**

South Atlantic Preferred Alternative 2. Revise the recreational annual catch target to reflect the updated acceptable biological catch level. The recreational annual catch target equals the sector annual catch limit [(1-Percent Standard Error) or 0.5, whichever is greater].

Motion carried with no opposition.

Action 4 considers increasing the recreational bag and possession limits for Atlantic king mackerel off Florida. The current recreational bag limit is two fish per person per day (Alternative 1), and the South Atlantic Council prefers increasing that daily bag limit to three fish per person (Alternative 2). Increasing the recreational bag limit is expected to increase recreational landings and fishing opportunities.

The Committee recommends, and I so move: **In Action 4, to make South Atlantic Preferred Alternative 2 the preferred.**

South Atlantic Preferred Alternative 2. Increase the daily bag limit for Atlantic migratory group king mackerel to three fish per person in the exclusive economic zone off Florida.

Motion carried with no opposition.

Ms. Wiegand discussed Action 5, which considers reducing the recreational minimum size limit for Atlantic king mackerel, which is currently 24-inches FL. Discard mortality assumptions remained unchanged from SEDAR 38, and were as follows: 20% discard mortality from commercial handline fisheries, 100% discard mortality for the gillnet and shrimp trawl fishery, 22% discard mortality for the recreational headboat fishery, and 20% discard mortality for recreational private, charter, and tournament fisheries.

A Committee member expressed concern in selecting a preferred alternative for a minimum size limit that is below the length at which 50% of individuals reach sexual maturity. Dr. Porch (SEFSC) also recommended additional analyses to look at changes in selectivity using size limits and catch limits in tandem. A Committee member also asked about the age of the data used for discard mortality, as public comment seems to point towards a higher discard mortality rate than what may be used in the stock assessment. Mr. Rindone recalled that the way king mackerel are landed has not changed significantly since the data were first determined in the stock assessment (SEDAR 16 2007); thus, discard mortality is likely also unchanged.

The Committee recommends, and I so move: **in Action 5, to make Alternative 1 the Gulf Council preferred.**

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

Motion carried with two opposed.

In discussing Action 6, which would reduce the minimum size limit for commercial harvest of Atlantic king mackerel, the preferred alternative would reduce the minimum size limit to 22 inches FL. There is some concern from the South Atlantic Mackerel-Cobia Advisory Panel in reducing the minimum size limit. Data suggest that a percentage of legal-sized king mackerel are being discarded by the commercial sector. A Committee member asked about the implications of removing the allowance to possess undersized king mackerel in quantities not exceeding 5% of the weight of king mackerel on board. Ms. Weigand responded that the rationale from the SAFMC to remove that allowance is to reduce the number of smaller fish coming into the market. Due to similar concerns in setting a size limit below the estimated length at sexual maturity that was discussed in Action 5, the Committee recommended No Action in Action 6.

The Committee recommends, and I so move: **in Action 6, to make Alternative 1 the Gulf Council preferred.**

Alternative 1 (No Action). The minimum size limit for commercial harvest of Atlantic migratory group king mackerel is 24-inches fork length commercial fishermen may possess undersized king mackerel in quantities not exceeding 5 percent, by weight, of the king mackerel on board.

Motion carried with no opposition.

Action 7 would modify the recreational requirement to land Atlantic king and Spanish mackerel with heads and fins intact. Currently, commercial fishermen are allowed to keep cut/damaged king and Spanish mackerel that meet minimum size limits. The Committee asked about the state regulations on landing cut-off fish. Ms. Weigand responded that most states do require the recreational harvest of king and Spanish mackerel to be landed with heads and fins intact.

Acknowledging the timeline of the document and that not concurring on all preferred alternatives might encourage more discussions from the public, the Committee recommends proceeding with public hearings.

The Committee recommends, and I so move: **to recommend CMP Amendment 34 be taken out to public hearings.**

Motion carried with no opposition

Mr. Chair, this concludes my report.