

# 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 Atlantic King  
and Spanish Mackerel Management Measures)

Decision Document

June 2021

### 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 MRIP's 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 Council is considering revising current sector allocations, which were based on the historical proportion of landings between the commercial and recreational sector. Current sector allocations are based on landings from 1979 through 1983.

The South Atlantic Council is also considering action to modify management measures for Atlantic king and Spanish mackerel based on input from the South Atlantic Council's Mackerel Cobia Advisory Panel (AP). The recreational bag limit off the east coast of Florida is two fish per person, while the rest of the Gulf, South Atlantic, and Mid-Atlantic region has a bag limit of three fish per person. The AP has requested the South Atlantic Council consider raising the bag limit in federal waters off the east coast of Florida to allow all fishermen the same opportunity to harvest king mackerel. The AP also suggested the Councils consider decreasing the minimum size limit for Atlantic king mackerel because many smaller king mackerel are often caught when recreational fishing for other species, such as Spanish mackerel, and are released as dead discards. Finally, 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 Councils consider a similar provision for the recreational sector.

## Actions in this amendment

**Action 1.** Revise the stock total annual catch limit and annual optimum yield 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 the 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 Atlantic migratory group king mackerel and Spanish mackerel to be landed with heads and fins in intact.

## Tentative Timing for CMP 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
✓	South Atlantic Mackerel Cobia Advisory Panel reviews amendment	Spring 2021
	<b>South Atlantic Council reviews draft amendment, selects preferred alternatives, and approves for public hearings.</b>	<b>June 2021</b>
	<b>Gulf Council reviews document and provides direction to staff.</b>	<b>June 2021</b>
	Public Hearings	Summer 2021
	South Atlantic Council reviews the draft amendment, modifies the document as necessary.	September 2021
	Gulf Council reviews the draft amendment, modifies the document as necessary.	October 2021
	South Atlantic Council approves for formal review.	December 2021
	Gulf Council approves for formal review.	January 2022
	CMP Amendment 34 transmitted for Secretarial Review.	Spring 2022

**Opportunities to provide public comment in-person include 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 and annual optimum yield 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 stock annual catch limit and annual optimum yield for Atlantic migratory group king mackerel to reflect the updated acceptable biological catch level.**

**Purpose of Action:** update Atlantic king mackerel catch levels based on the results of the SEDAR 38 Update 2020 and SSC recommendations.

**Alternative 1 (No Action).** The total annual catch limit and annual optimum yield 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 and annual optimum yield for Atlantic migratory group king mackerel is equal to the updated acceptable biological catch level.

**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.

**Alternative 4.** The total annual catch limit and annual optimum yield 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. The SSC reviewed the results and provided new values for the acceptable biological catch (ABC) for Atlantic king mackerel.
  - 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**) or may consider including a buffer between the two values (**Alternatives 3-4; Table 2**).

**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 1 (No Action)	Alternative 2 (ACL=ABC)	Alternative 3 (ACL=95% ABC)	Alternative 4 (ACL=90% ABC)
2021/22	Not BSIA, not a viable alternative.	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).

*Preliminary Effects Analysis*

- Revising Atlantic king mackerel catch levels would not be expected to result in negative biological impacts to the stock since overall catch would be constrained to the ACL, and accountability measures (AMs) would prevent the ACL and OFL from being exceeded, correct for overages if they occur (if the stock is in an overfished condition), and prevent overfishing.
- While none of the ACLs are expected to lead to changes in Atlantic king mackerel harvest or fishing behavior for Atlantic king mackerel based on recent average landings in the fishery, ACLs that offer a larger buffer between the ACL and observed landings allow for higher potential landings and reduce the likelihood of restrictive AMs being triggered that would lead to short-term negative economic effects.
- In general, a higher ACL would lower the chance of triggering a recreational or commercial AM and result in the lowest level of negative effects on the recreational and commercial sectors. Additionally, higher ACLs may provide opportunity for commercial and recreational fishermen to expand their harvest providing social benefits associated with increased income to fishing businesses within the community and higher trip satisfaction.

## **Mackerel Cobia Advisory Panel Comments**

*April 2021 Meeting*

- AP members expressed concern about use of the new MRIP FES numbers in the stock assessment, and whether the significant increase in ABC was warranted.
  - It was noted that discussions related to the use of new MRIP-FES are being had throughout managed fisheries in the United States.
  - Catch is going to increase under the new FES numbers and that should be considered when discussing whether or not a buffer between ABC and ACL is appropriate.
- Some AP members felt that a 10% buffer (Alternative 4) was appropriate, while others felt that a 5% buffer (Alternative 3) was more appropriate.
  - There is enough room for a 10% buffer given the large increase in ABC and given uncertainty with MRIP numbers it would be wise to be precautionous.
    - While commercial landings are a census, recreational landings are not, and they come in two months waves and are often delayed. We won't know what the recreational landings are in year one until year two.
    - From a statistical standpoint, a 10% buffer is not substantial.
  - A 5% buffer would be ideal because the commercial fishermen have been heavily restricted for many years. There are also fish left on the table due to hurricanes and bad weather. The commercial industry could catch more fish if allowed.
    - A 5% buffer would still be safe if recreational landings increase due to the change in bag limit and size limit proposed later in the amendment.
- Commercial fishermen feel like their seeing a reoccurring theme with the new FES numbers. The new numbers result in a higher ABC/ACL and the entire increase is given to the recreational sector despite how heavily restricted the commercial fishery has been over the years.

*November 2020 Meeting*

- Given the increase in catch levels, the South Atlantic Council should consider accommodating a buffer between the ABC and ACL.
  - If the current catch is not reaching/exceeding the proposed ABC/ACL it makes sense to be cautious. Especially given that data for current and possibly future fishing years may be compromised due to the pandemic.
  - Due to MRIP data coming in waves or being otherwise delayed, a buffer instead of an annual catch target (ACT) would better account for management uncertainty.
  - Increased landings of king mackerel throughout the northern zone (North Carolina/South Carolina line to the New York/Connecticut/Rhode Island line) and into New England is a big source of management uncertainty warranting a buffer.
    - Especially recreationally, intercepts may not occur as often up north resulting in unreliable numbers.
    - Factoring climate change into management is especially important because we do not yet know if king mackerel are shifting northward or if their range is expanding.
- When looking at a buffer, it is important to make sure that commercial and recreational fisheries can remain open year-round.
- An alternative perspective was provided, stating the if landings are increasing in the northern zone a buffer should not be set because it is important to ensure all quota remains available to account for changes in landings.

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

**Purpose of Action:** The South Atlantic Council's Allocation Trigger Policy includes indicator-based criteria as triggers, including after a stock assessment is approved by the SSC. Allocations need to be reviewed considering recreational data from the Marine Recreational Information Program using the Fishing Effort Survey method and other changes in the fishery since allocations were originally set in 1985.

**Note:** The revised total annual catch limit in Alternatives 1 (No Action) through 5 reflect **Alternative 2 in Action 1** in Amendment 34 to the CMP FMP. 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 allocations of 62.9% to the recreational sector and 37.1% to the commercial sector, apply those allocations to the revised total annual catch limit for Atlantic migratory group king mackerel. The allocations are 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.

**Alternative 3.** Allocate 70.95% of the revised total annual catch limit for Atlantic migratory group king mackerel to the recreational sector. Allocate 29.05% of the revised total annual catch limit for Atlantic migratory group king mackerel to the commercial sector. The allocations are calculated based on MRIP-FES average landings for Atlantic king mackerel for the years 2004 – 2019.

**Alternative 4.** Allocate 68.9% of the revised total annual catch limit for Atlantic migratory group king mackerel to the recreational sector. Allocate 31.1% of the revised total annual catch limit for Atlantic migratory group king mackerel to the commercial sector. The allocations are calculated based on MRIP-FES average landings for Atlantic king mackerel for the years 2014 – 2019.

**Alternative 5.** Allocate 72.92% of the revised total annual catch limit for Atlantic migratory group king mackerel to the recreational sector. Allocate 27.08% of the revised total annual catch limit for Atlantic migratory group king mackerel to the commercial sector. The allocations are calculated based on MRIP-FES landings which balanced historical catches (2000-2008) with more recent landings (2017-2019) using the following formula.

Sector allocation = (50% \* average of Atlantic migratory group king mackerel long catch range (lbs) 2000-2008 + (50% \* average of recent catch trend (lbs) 2017-2019).



## 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.
  - The South Atlantic Council chose several indicator-based criteria as triggers, including after a stock assessment is approved by the SSC.
- The SEDAR 38 update includes revised recreational landings that are based on MRIP's newer FES method, 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). Catch was allocated based on the largest number of years, beginning in 1979 using 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.**
- There were changes to the commercial trip limits over the last few years that may bias more recent landing streams.
- Neither the commercial nor the recreational sector has reached their ACL, resulting in a closure, since the 1997/1998 fishing year.

**Table 3.** Description of allocation alternatives under **Action 2.**

Action 2 (Allocations)	Commercial Allocation	Recreational Allocation	Calculation
Alternative 1 (No Action)	37.1%	62.2%	Average landings 1978-1983
Alternative 2 <sup>1</sup>	21.56%	78.44%	Maintains current commercial ACL beginning in 2026/2017 season and allocates the remainder to the recreational sector
Alternative 3	29.05%	70.95%	Average landings 2004-2019
Alternative 4	31.1%	68.9%	Average landings 2014-2019
Alternative 5	27.08%	72.92%	(50% * average long catch range (lbs) 2000-2008 + (50% * average of recent catch trend (lbs) 2017-2019).

<sup>1</sup>The percentage allocation in Alternative 2 will vary based on the alternative chosen as preferred in Action 1 in Amendment 34 to the CMP FMP, current percentages reflect **Alternative 2 in Action 1.**

**Table 4.** Sector allocations based on alternatives under **Action 2**.

Fishing Year	Action 2 Alternatives									
	Alternative 1 (No Action)		Alternative 2		Alternative 3		Alternative 4		Alternative 5	
	Comm (37.1%)	Rec (62.9%)	Comm (21.56%)	Rec (78.44%)	Comm (29.05%)	Rec (70.95%)	Comm (31.1%)	Rec (68.9%)	Comm (27.08%)	Rec (72.92%)
2021/22	12,354,300	20,945,700	7,179,480	26,120,520	9,673,650	23,626,350	10,356,300	22,943,700	9,017,640	24,282,360
2022/23	10,573,500	17,926,500	6,144,600	22,355,400	8,279,250	20,220,750	8,863,500	19,636,500	7,717,800	20,782,200
2023/24	9,423,400	15,976,600	5,476,240	19,923,760	7,378,700	18,021,300	7,899,400	17,500,600	6,878,320	18,521,680
2024/25	8,644,300	14,655,700	5,023,480	18,276,520	6,768,650	16,531,350	7,246,300	16,053,700	6,309,640	16,990,360
2025/26+	8,087,800	13,712,200	4,700,080	17,099,920	6,332,900	15,467,100	6,779,800	15,020,200	5,903,440	15,896,560

**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.

### *Preliminary Effects Analysis*

- Biological effects to the stock are not expected to vary between **Alternative 1 (No Action)** through **Alternative 5**, since they do not change the total ACL specified in Action 1.
  - Based on the new MRIP FES recreational landings, none of the proposed recreational ACLs are expected to be exceeded. An average of the last five years of MRIP FES fishing year landings are 5,145,513 lbs., and the maximum MRIP FES landings from the last five years is 7,053,331 lb.
  - Based on commercial fishing year landings for the past five years, none of the proposed commercial ACLs are expected to be exceeded. An average of the last five years of commercial landings is 2,385,128 lbs. and the maximum commercial landings from the last five years is 2,971,512 lbs.
- In general, ACLs that allow for more fish to be landed can result in increased positive economic effects if harvest increases without notable effects on the stock of a species. The net economic effects of the allocation alternatives in **Action 2** would vary depending on the alternative examined and the preferred alternative selected in **Action 1**.
- As mentioned, there can be many different social effects that result as further allocations are discussed, and perceptions are formed. In the past there has been some resistance to further decreasing a given sector's percentage allocation. Again, it is difficult to predict the social effects with any allocation scheme as it would depend upon other actions in conjunction with this one.

### **IPT Recommendations**

- The increase in ABC reflects total biomass and spawning stock biomass estimates increasing steadily since 2013 and four years of recent high recruitment (SEDAR 38 Update) in addition to the new MRIP Fishing Effort Survey numbers. **Alternative 2** would hold the commercial sector at their current poundage and they would not benefit from the new recruitment in the form of an increased ACL.

## Mackerel Cobia Advisory Panel Comments

*April 2021*

- Even though percentage allocation between the sectors may change, the poundage for the commercial sector will increase.
- Need to have a bigger discussion about what the recreational sector would like their fishery to look like given some of the unharvested quota (what regulations need to change and what does the recreational sector value).
- Due to the change in MRIP numbers to FES currency, the no action would essentially result in reallocation to the commercial sector and quite a windfall.
  - Everyone knows to the pound what the commercial sector is landing. Isn't a windfall, it is a reward for putting in the work (restrictions) for rebuilding the stock.
- Commercial AP members expressed concern about losing percentage allocation. Specifically, they were concerned that if the ABC/ACL is lowered in the future then commercial fishermen will be pushed out of business due to the low percentage.
  - There is concern that once a percentage is gone; it is gone forever.
  - A low percentage could be especially detrimental as other things change in the commercial fishery, such as participation.
- Council members need to look at the entire history of the commercial and recreational fishery. There is no reason the entire increase should go to the recreational sector and not the commercial sector and fish-eating public.
  - For example, in the Atlantic Spanish mackerel fishery, the commercial sector has regularly been closed early due to meeting the ACL while the recreational fishery has not touched the extra poundage they were allocated.
- The commercial fishery has been restricted and shut down, but now the new MRIP data is showing that the stock was much larger than originally believed. The Council should reallocate to the commercial sector to make up for all the years they were heavily restricted. There is room for the fishery to expand and they should be afforded some quota to see what they can accomplish.
- There should not be any reallocation until the private recreational fishermen are reporting their landings in real time like the commercial sector.
- If the recreational sector closes, they can still go out and catch and release. It isn't the same for the commercial sector, who rely on access to fish to support their family and pay their bills. Commercial fishermen need a guaranteed poundage so that they can continue to go fishing.
  - The Council should guarantee that the commercial sector will never be below their 20-year average (poundage), then reallocation can be discussed. Otherwise, too much is up in the air and it is challenging to make long-term business decisions.
- It is important for the AP and the Council to make recommendations and decisions based on the hard numbers available. The commercial sector numbers are reliable, and the recreational sector (MRIP) numbers may or may not be high or low. The goal should be to come up with real solutions for both sectors as opposed to playing politics.
- The Council should consider allowing transfer of quota between the sectors for the next few years while we see how the MRIP numbers are going to play out.

- A soft quota would be better than a hard quota that is codified.
- The Council should consider creating a common pool allocation wherein whichever sector needs additional quota could pull out of the pool.
  - Due to how recreational landings come in, a common pool allocation may end up serving as more of a payback for the recreational sector.

**AP MOTION 1: RECOMMEND THE COUNCIL SELECT ALTERNATIVE 1 (NO ACTION) AS PREFERRED.**

MOTION APPROVED (6 IN FAVOR, 1 OPPOSED, 1 ABSTENTION, 10 NOT IN ATTENDANCE)

*November 2020*

- 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.
- The priority should be to get accurate recreational landings and discard estimates.
- Commercial king mackerel permits are limited access, helping to control effort in the fishery. It was noted that the price for king mackerel permits has increased in recent years (~\$15,000 per permit).
- It was noted that while there is no need to address regional allocations of king mackerel at this time, there needs to be a system in place to trigger consideration of reallocations related to increases in effort or if a sector/area is reaching its quota early.

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

**Purpose of Action:** update Atlantic king mackerel catch levels based on the results of the SEDAR 38 Update 2020 and SSC recommendations.

**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 the 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 the updated acceptable biological catch level. The recreational annual catch target equals 90% sector ACL.

**Alternative 4.** Revise the recreational annual catch target to reflect the 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.
- Current Accountability Measure
  - If the recreational landings exceed the recreational ACL and the sum of the commercial and recreational landings, exceeds the stock ACL, reduce the bag limit for the following fishing year by the amount necessary to ensure landings achieve the recreational ACT, but do not exceed the recreational ACL.
  - If the sum of the commercial and recreational landings exceeds the stock ACL and Atlantic king mackerel are overfished, reduce the recreational ACL and ACT for that following year by the amount of any 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.

### *Preliminary Effects Analysis*

- Revising Atlantic king mackerel recreational ACT would not be expected to result in negative biological impacts to the stock since overall catch would be constrained to the sector ACL, and AMs would prevent the ACL and OFL from being exceeded, correct for overages if they occur (if the stock is in an overfished condition), and prevent overfishing.
- Restricting harvest to the ACT may have indirect economic effects. The more that harvest must be restricted, the greater the loss in consumer surplus (CS) received from such harvest and thus negative economic effects. Under this notion, the lower the ACT, the great potential for short-term negative economic effects.

- Reductions in harvest thresholds may have potential negative social effects, which can range from changes in fishing behavior to other social disruptions that go beyond impacts to the fishery and may extend to the community or region. However, there would be long-term social benefits for fishermen, communities, and the public by preventing overfishing through an ACT for a stock that has potential to exceed the ACL.

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

**Purpose of Action:** included in the amendment based on a recommendation from the Mackerel Cobia Advisory Panel to create consistency in the recreational bag limit throughout the king mackerel management jurisdiction.

**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. The daily bag limit specified by Florida for its waters is two fish per person.

**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.

#### **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 to the Miami-Dade/Monroe Count line where the bag limit is set to match the daily bag limit specified for Florida state waters (currently two fish per person).
  - 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.

#### *Preliminary Effects Analysis*

- In terms of the risk of overfishing, increasing the bag limit would have no effect on overall harvest, which is limited by the ACL, and AMs are in place to prevent overages, so biological effects from both alternatives are expected to be neutral.
- Percent increase in landings was calculated with two different methods.
  - Method 1: assumes all the trips that met the 2-king mackerel bag limit would also meet the 3-king mackerel bag limit.
  - Method 2: isolated the trips that met the 2-king mackerel bag limit and allowed them to meet the 3-king mackerel bag limit if these trips also had discarded king mackerel.

**Table 5.** Percent increase in Atlantic king mackerel recreational landings generated from data for the years of 2017 to 2019.

Bag Limit	Method 1	Method 2
2 to 3 Fish in East Florida	14%	3%

- Generally, angler satisfaction increases with the number of fish that can be harvested. As such, an increase in the bag limit would lead to higher angler satisfaction from a recreational trip, likely resulting in higher overall economic benefits.
- Increasing the recreational bag limit would create consistency in recreational bag limit in federal waters throughout the king mackerel management range. Consistency in

regulations throughout federal waters would be expected to reduce confusion among fishermen and aid in compliance.

- Alternatively, it would create inconsistency between the bag limit in east Florida state waters (2-fish per person) and federal waters off the east coast of Florida.

## **Mackerel Cobia Advisory Panel Comments**

### *April 2021*

- It would be prudent for the recreational sector to have the choice of 3-fish per person because everyone else in the management area has the option.
- Consistency in regulations would make things simpler.
- The MCAP members representing the commercial sector indicated that they support the recreational representatives view on this issue.
- It was noted that while not a lot of MCAP representing the recreational sector would in attendance, this has been discussed at previous meetings.

### *November 2020*

- The recreational bag limit off the east coast of Florida is two fish per person, while the rest of the Gulf, South Atlantic, and Mid-Atlantic region has a bag limit of three fish per person. Raising the bag limit in federal waters off the east coast of Florida would allow all fishermen the same opportunity to harvest king mackerel.



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

**Purpose of Action:** included in the amendment based on a recommendation from the Mackerel Cobia Advisory Panel as a way to increase recreational harvest and reduce discards.

**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 migratory group king 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.

- 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 suggests that the total ACL can be increased.
  - The South Atlantic Council could consider regulatory changes directed towards increasing commercial and recreational harvest.
    - Commercial trip limits were increased via CMP Framework Amendment 6 and CMP Framework Amendment 8.
- The AP has suggested revising the minimum size limit for Atlantic king mackerel to account for smaller king mackerel sometimes landed when targeting other species.

*Preliminary Effects Analysis*

- Negative biological impacts to the stock can be expected under **Alternatives 2** through **4**, when compared to **Alternative 1 (No Action)** since more fish can be landed under a reduced minimum size limit.
  - Commercial: discarded fish below the minimum size limit accounted for 2.2% of the total discarded fish. Most of the discarded king mackerel (about 74%) were about 29 inches fork length suggesting a percentage of legal sized king mackerel are discarded in the commercial sector.
  - Recreational: FWC charter and headboat data indicated that the majority (44%) of discarded king mackerel measured 23-inches fork length (FL). However, discarded fish down to 22-inches FL (19%) and 20-inches FL (17%) were also documented.
- Reducing or removing the minimum size limit for Atlantic king mackerel may increase harvest, which would provide positive direct economic effects for the recreational and commercial sectors provided there are no long-term negative effects for the stock.

- Positive social effects of removing the minimum size limit would result from reduced discards. This would be expected to reduce waste for this portion of the coastal migratory pelagic fishery, improving the perception of management success.

### **IPT Recommendations:**

- If decreasing/removing the size limit, the Council may want to consider removing the current provision allowing commercial fishermen to possess undersized king mackerel in quantities not exceeding 5 percent, by weight, of the king mackerel on board.

### **Mackerel Cobia Advisory Panel Comments**

*April 2021*

- Dealers in Florida are concerned that smaller king mackerel are going to have a lower value.
  - The commercial sector is already allowed to possess undersized king and Spanish mackerel in quantities that do not exceed 5% by weight.
- In Florida, there are giant groups of undersized king mackerel. There may be a lot of pressure on those fish if the minimum size limit is decreased or removed. The current minimum size limit has been working just fine for the commercial sector.
- It is important to make sure that the smaller females are protected, as they are the future of the stock.
- In North Carolina, small king mackerel are not directly targeted but they are often caught during other activities, such as trolling for Spanish mackerel. Both mackerel species are fragile and can end up as dead discards.
  - Only a few small king mackerel are caught, but the AP would like to see more data on how lowering the recreational size limit may increase harvest.
- The Council may want to consider separating this action by sector to allow a different minimum size limit for commercial and recreational fishermen.

**AP MOTION 2: RECOMMEND THE COUNCIL SELECT ALTERNATIVE 1 (NO ACTION) AS THEIR PREFERRED FOR THE COMMERCIAL SECTOR, RECOMMEND SPLITTING THE ACTION BY SECTOR**  
**APPROVED BY CONSENSUS**

*November 2020*

- While fishermen are not currently keeping their bag limit, in the summer a lot of smaller king mackerel are released as dead discards. Decreasing the minimum size limit may increase recreational landings.
- 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.
  - This is especially common when king mackerel are caught incidentally when fishing for Spanish mackerel.

- A minimum size limit of 22-inches +/- an inch should be considered by the South Atlantic Council.
  - Based off the previous SEDAR assessment, 50% of females are mature around 22-inches.

**Action 6. Modify the recreational requirement for Atlantic migratory group king mackerel and Spanish mackerel to be landed with heads and fins in intact.**

**Purpose of Action:** included in the amendment based on a recommendation from the Mackerel Cobia Advisory Panel to increase recreational harvest and address the increase in shark and barracuda depredation.

**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.
  - Cut/damaged fish would still be subject to established recreational bag limits.

*Preliminary Effects*

- Allowing possession of damaged Atlantic king mackerel or Atlantic Spanish mackerel could be expected to minimally increase harvest, while reducing the amount of discarded fish. However, since fish in such a state are expected to be dead discards, the biological effects to the stock from discards and fish removal are neutral.
- Allowing possession of damaged Atlantic king mackerel or Spanish mackerel would increase harvest, which would provide positive direct economic effects for the recreational sector.
- This action directly addresses stakeholder concerns regarding increasing occurrences of damaged fish due to shark and barracuda depredation and may improve stakeholder perceptions of the management process.

**Mackerel Cobia Advisory Panel Comments**

*April 2021*

- This action just makes perfect sense. There is a big issue in North Carolina and Florida with sharks and barracuda. Fishermen regularly must throw back fish that meet minimum size limits because they've been damaged. This regulation should have been in place long ago.
- Some fishermen are already keeping damaged fish that meet minimum size limits, there is some confusion among law enforcement.

- Need to make it clear during public comment that this provision applies to Atlantic king and Spanish mackerel and not cobia.

**AP MOTION 3: RECOMMEND THE COUNCIL SELECT ALTERNATIVES 2A AND 2B AS THEIR PREFERRED.**  
**APPROVED BY CONSENSUS**

*November 2020*

- Currently, commercial fishermen are allowed to keep cut/damaged fish that meet minimum size limits. Given the issue with damaged king mackerel and the increase in shark depredation, this provision should be considered for the recreational sector.
  - Recommendation to mirror the HMS regulations for shark mutilated fish.