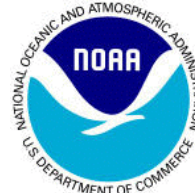


Modifications to Commercial Gulf King Mackerel Gillnet Fishing Season



Abbreviated Framework Amendment 12 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region

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FRAMEWORK AMENDMENT 12: MODIFICATIONS TO COMMERCIAL GULF KING MACKEREL GILLNET FISHING SEASON

Framework Amendment to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic: Modifications to Commercial Gulf King Mackerel Gillnet Fishing Season.

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ABBREVIATIONS USED IN THIS DOCUMENT

ACL	annual catch limit
AM	accountability measure
CMP	Coastal Migratory Pelagic
Council	Gulf of Mexico Fishery Management Council
FMP	Fishery Management Plan
lb lw	pounds landed weight
NMFS	National Marine Fisheries Service
SERO	Southeast Regional Office

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CHAPTER 1. INTRODUCTION

1.1 Background

Gulf of Mexico (Gulf) migratory group king mackerel (Gulf king mackerel) is jointly managed by the Gulf of Mexico Fishery Management Council (Council) and the South Atlantic Fishery Management Council under the Fishery Management Plan (FMP) for Coastal Migratory Pelagic (CMP) Resources in the Gulf and Atlantic Regions (CMP FMP). A summary of the commercial fishing zones for Gulf king mackerel is shown in Figure 1.1.1. The Gulf Southern Zone has two gear components: the hook and line and run-around gillnet (gillnet component).

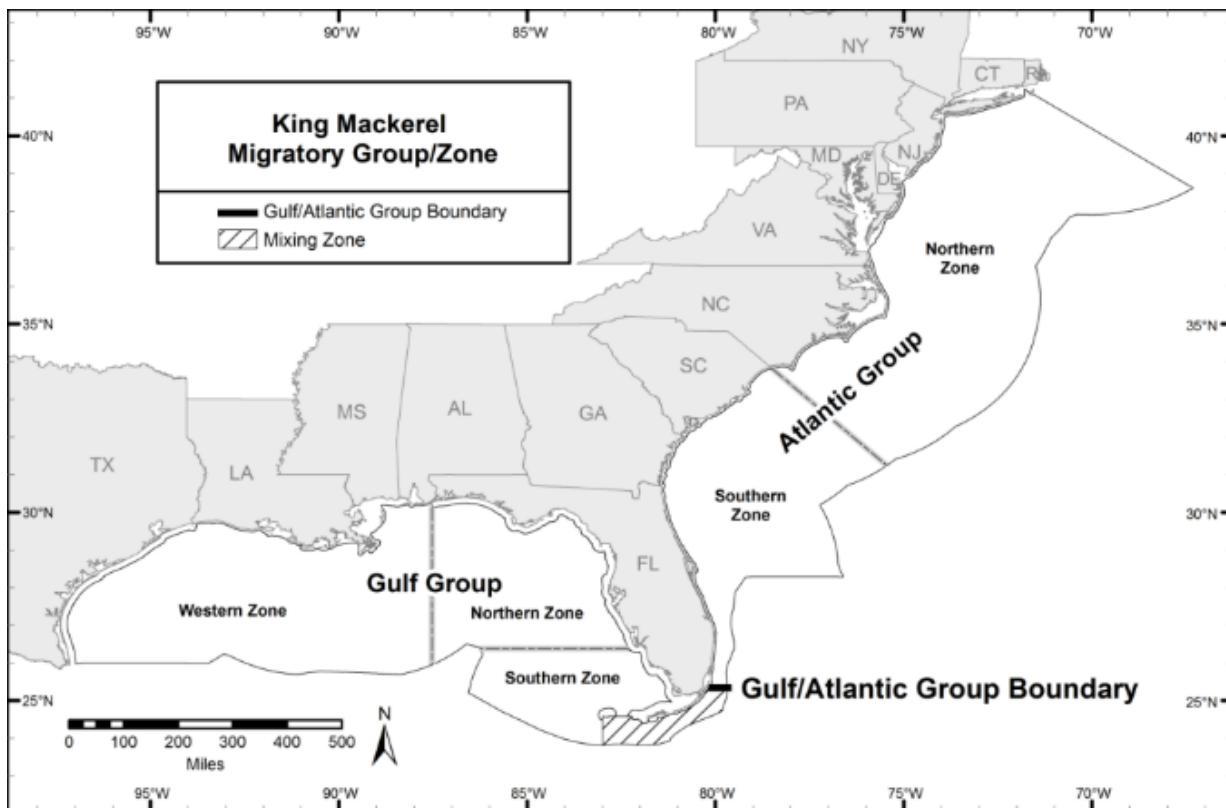


Figure 1.1.1. Gulf and Atlantic king mackerel migratory group boundaries as currently used by the Councils. Gulf king mackerel is further divided into commercial management Zones, which are managed by the Gulf Council, and includes the mixing zone (hashed area). The South Atlantic Council management area is divided into a Northern and Southern Zone, extending north to the easternmost tip of Long Island, New York.

The Gulf Southern Zone fishing year begins July 1 for both gear components; however, an endorsement to the federal commercial king mackerel permit is required for the gillnet component. Fishing for Gulf king mackerel with run-around gillnets is only permissible in the Gulf Southern Zone. Prior to 1999 (GMFMC 1999), the gillnet component of the Gulf king mackerel fishery did not have a seasonal closure; although, most permit holders with a gillnet endorsement waited until January to start their fishing season. Their preference to wait was

based on fishing for other species beforehand, mainly spiny lobster and stone crab, in the late summer and early fall, respectively.

At its April 2022 meeting, the Council discussed a request from the Gulf king mackerel commercial gillnet component to remove the weekend and holiday seasonal closures during that fleet's open season. The current commercial season for the gillnet component begins in January the Tuesday after the Martin Luther King Jr. holiday. A 1999 CMP FMP Framework Amendment (GMFMC 1999) implemented the current seasonal closure for the gillnet component in the Gulf Southern Zone as described in 50 CFR 622.378.

§ 622.378 SEASONAL CLOSURES OF THE GULF MIGRATORY GROUP KING MACKEREL GILLNET FISHERY.

(a) *Seasonal closures of the gillnet component for Gulf migratory group king mackerel.* The gillnet component for Gulf migratory group king mackerel in or from the southern zone is closed each fishing year from July 1 until 6 a.m. on the day after the Martin Luther King Jr. Federal holiday. The gillnet component is open on the first weekend following the Martin Luther King Jr. holiday, provided a notification of closure has not been filed under [§ 622.8\(b\)](#). The gillnet component is closed all subsequent weekends and observed Federal holidays. Weekend closures are effective from 6 a.m. Saturday to 6 a.m. Monday. Holiday closures are effective from 6 a.m. on the observed Federal holiday to 6 a.m. the following day. All times are eastern standard time. During these closures, a person aboard a vessel using or possessing a gillnet with a stretched-mesh size of 4.75 inches (12.1 cm) or larger in the southern zone may not fish for or possess Gulf migratory group king mackerel. (See [§ 622.369\(a\)\(1\)\(iii\)](#) for a description of the southern zone.)

Description of Fishing Practices Using Run-Around Gillnet Gear

The number of fishermen that hold an endorsement for run-around gillnet gear to the federal commercial king mackerel permit are limited to 16 active endorsements (determined on September 9, 2022), that can only fish this gear in the Gulf Southern Zone. The practice of using this gear in South Florida is unique to these communities. Historically, this fishery has been prosecuted by using spotter planes to locate large schools of king mackerel transiting the coast, which are then targeted by permitted vessels once the gillnet component determines the market price is adequate to harvest gillnet-caught king mackerel. In general, this small group of permitted fishermen is largely self-regulated by closely working together to communicate individual vessel landings per trip, taking turns to allow each vessel the opportunity to harvest king mackerel. Once the gillnet component begins fishing, its quota for is quickly landed.

The seasonal closure for the gillnet component was originally implemented due to very high catch rates of Gulf king mackerel in run-around gillnet gear, which often led to the component's quota being landed rapidly. The fast pace of these landings left little time for the National Marine Fisheries Service (NMFS) to implement a closure and prevent a quota overage, especially when landings were coming in when federal government offices are typically closed (i.e., weekends and holidays). In recent years, the gillnet component has continued to look for ways to efficiently conduct its fishing season, with season duration not being the primary goal;

many fishermen holding the gillnet endorsement on their federal commercial king mackerel permits participate in numerous other fisheries throughout the year.

Representatives from the gillnet component have requested removing the prohibition of pursuing the fishery during weekends and observed federal holidays. Fishing vessels with a gillnet endorsement also fish for spiny lobster and stone crab, and are set up to pull crab traps much of the year. When getting ready for run-around gillnet fishing for king mackerel, crab pot pulling gear is removed, and large drums holding the run-around gillnets are installed on the vessel. This equipment change is time consuming, and also means that a vessel rigged to fish run-around gillnets for king mackerel is no longer able to pull traps for crustacean species. While most fleets would want to extend their fishing season, the objective of the gillnet component is to complete its fishing season as quickly and efficiently as possible, so that those vessels may then resume fishing for stone crab and spiny lobster.

Landings Information and Regulatory Requirements

The gillnet component has been working with NMFS to prevent overages by voluntarily reporting landings daily to the NMFS Southeast Regional Office (SERO), and stopping fishing when it is notified that landings are approaching the gillnet component's quota. Federally permitted seafood dealers are required to report landings by 10:00 a.m. following offloading, and fishermen are able to get real-time landings updates before they head back out to fish. The current weekend closure, starting at 6:00 a.m. on Saturday, does not allow enough time for the fleet to return from the fishing grounds and offload if they did not catch fish until Friday night. Based on the desire by the gillnet component to increase fleet efficiency by reducing time and costs, and on the 5+-year record of close cooperation with the NMFS SERO to monitor landings, the fleet has requested that the Council reconsider the current seasonal closure and remove the weekend and subsequent holiday closures.

The gillnet endorsement required to use run-around gillnets in the Gulf Southern Zone is subject to a permit moratorium (GMFMC and SAFMC 1998), and valid or renewable permits with a gillnet endorsement may only be sold or transferred to immediate next of kin. In addition, although a vessel with a gillnet endorsement by default also has a federal commercial king mackerel permit, those vessels are prohibited from fishing for king mackerel with hook and line gear. The minimum allowable mesh size for a run-around gillnet used to harvest Gulf king mackerel is 4.75 inches (12.1 cm) stretched mesh. Landings by the gillnet component are shown in Table 1.1.1 for the 1991/1992 through 2021/2022 fishing years in pounds landed weight. The use of landed weight for king mackerel represents a combination of whole and gutted weight, since practices and handling of fish post-harvest may vary depending on the gear used (hook and line versus gillnet). The gillnet component operates under a post-season accountability measure (AM), whereby the following fishing year's quota is reduced by the amount of any exceedance of the quota in the previous fishing year (GMFMC 2015). Since the implementation of the payback post-season AM in 2016, the gillnet component has marginally exceeded its quota three times: 2018/19, 2020/21, and 2021/22 (Table 1.1.2).

Table 1.1.1. Gulf king mackerel Southern Zone Gillnet landings in pounds landed weight (lbs lw).

Year	Landings
1991/1992	327,184
1992/1993	915,671
1993/1994	432,312
1994/1995	392,867
1995/1996	599,901
1996/1997	424,593
1997/1998	603,144
1998/1999	991,297
1999/2000	390,749
2000/2001	434,681
2001/2002	316,814
2002/2003	349,924
2003/2004	458,194
2004/2005	645,985
2005/2006	491,046
2006/2007	468,044
2007/2008	586,800
2008/2009	845,017
2009/2010	589,462
2010/2011	522,267
2011/2012	437,040
2012/2013	498,609
2013/2014	595,382
2014/2015	543,730
2015/2016	529,745
2016/2017	538,213
2017/2018	552,775
2018/2019	604,700
2019/2020	517,481
2020/2021	587,320
2021/2022*	594,362

Source: SEFSC Commercial data
(August 31, 2022).

* Data are preliminary.

Table 1.1.2. Gulf king mackerel commercial gillnet landings (lbs lw), quota, payback-adjusted quota, percent quota landed, and closure dates for 2016 – 2022.

Year	Landings	Quota	Adjusted Quota	Percent of Quota Landed	Closure Date
2016/17	538,213	619,500	None	86.9	2/10/2017 reopened 5/11/2017 82 FR 10553 82 FR 21314
2017/18	552,775	596,400	None	92.7	None
2018/19	631,257	585,900	None	107.7	2/8/2019 84 FR 3723
2019/20	517,481	575,400	530,043	89.9	2/25/2020 84 FR 61568 85 FR 11861
2020/21	587,320	575,400	None	102.1	1/28/2021 86 FR 7815
2021/22	594,362	575,400	563,480	103.3	3/2/2022 86 FR 54871 87 FR 11596

Source: SEFSC Commercial ACL data (August 31, 2022).

Note: Due to the timing of publication of payback notices, total prior year overages based on landings and *Federal Register* noticed payback adjusted ACLs may not match.

1.2 Purpose and Need

The purpose is to allow the Gulf king mackerel gillnet component to continue to fish from the season start date until NMFS determines that the gillnet quota has been met.

The need is to increase the Gulf king mackerel gillnet component's efficiency and reduce economic burdens on fishermen, while managing to achieve optimum yield in accordance with the Magnuson-Stevens Fishery Conservation and Management Act.

1.3 Modifications to Fishing Season for King Mackerel Gillnet Fishery

While most fleets would want to extend their fishing season, the objective of the gillnet component is to complete its fishing season as quickly and efficiently as possible, so that those vessels may then resume fishing for stone crab and spiny lobster. The current seasonal closure limits the time available to fish due to how the fishery is prosecuted and the lengthy offload times. Due to the current and demonstrably effective working relationship between NMFS and

the gillnet component, as well as the post-season AM, these fishermen have requested removal of the subsequent weekend and observed federal holiday closures after the fishing season opens on the Tuesday after the Martin Luther King Jr. holiday.

Option 1. Maintain the current weekends and federal holiday closures for the gillnet component for Gulf migratory group king mackerel. The gillnet component is open on the first weekend following the Martin Luther King Jr. holiday and is closed all subsequent weekends and observed Federal holidays.

Option 2. Remove the weekend and holiday closure for the gillnet component for Gulf migratory group king mackerel.

CHAPTER 2. REFERENCES

GMFMC. 1999. Framework seasonal adjustment of harvest levels and procedures under the fishery management plan for coastal migratory pelagic resources (mackerels) in the Gulf of Mexico and South Atlantic region including environmental assessment, regulatory impact review. Gulf of Mexico Fishery Management Council, Tampa, Florida. 53 pp.

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GMFMC. 2015. Final framework amendment 3 to the fishery management plan for coastal migratory pelagic resources in the Gulf of Mexico and Atlantic, including environmental assessment, regulatory impact review, and regulatory flexibility act analysis: Modifications to commercial king mackerel gillnet trip limits, accountability measures, and electronic reporting requirements, and elimination of latent gillnet permits in the Gulf of Mexico.

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<http://gulfcouncil.org/wp-content/uploads/FINAL-Framework-Amendment-3-to-Modify-KM-GN-Trip-Limits-AMs-and-Permits-072815.pdf>

GMFMC and SAFMC. 1998. Amendment 9 to the fishery management plan for coastal migratory pelagic resources (mackerels) in the Gulf of Mexico and South Atlantic including environmental impact statement, regulatory impact review, and initial regulatory flexibility analysis. Gulf of Mexico Fishery Management Council. Tampa, Florida and South Atlantic Fishery Management Council. North Charleston, South Carolina. 77 pp.

