

April 1, 2007

Mr. Bob Mahood, Executive Director
South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405

Dear Mr. Mahood:

Enclosed please find my public comments on the proposed Amendment 18 to the Coastal Migratory Pelagics Fishery Management Plan.

1) **Economic impact:** The proposed Amendment 18 summary of economic impact in the king mackerel commercial fishery is an obvious contradiction. The proposed commercial quota of 2.634 million pounds has been reached once in the last three years, which makes the possibility of reaching the new quota a real probability. A season closure would have very direct economic impact to the segments of the commercial fishery still operating in the fall and winter months such as North Carolina. To say there will be no direct economic impact under Alternative 2, and then say that additional harvest may occur in the commercial sector because of shifts to the mackerel fishery from regulation changes brought by Amendment 13C are in direct contradiction.

2) **Amount of economic impact:** 2004/05 commercial catch was 2,820,000 pounds. Under the proposed commercial quota of 2,634,100 pounds, this would be an overage of 185,900 pounds of king mackerel. A season closure would have resulted in a loss of this amount to the commercial sector. Average fall/winter king mackerel ex-vessel price for king mackerel at Hatteras, NC for the 2006/07 season was \$1.68 per pound. This closure would have resulted in a monetary loss of approximately \$312,312. This loss would not be spread equally among all fishermen regulated by SAFMC, but would be absorbed by a much smaller number of fishermen, many of them in North Carolina, with devastating results to individuals, such as myself, who have focused their fishery effort on the mackerel fisheries because of their good status as reported by SAFMC.

3) **Magnuson-Stevens Fishery Conservation and Management Act:** The act states that "to the extent practicable, an individual stock of fish shall be managed as a unit throughout its range," and that "conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges."

Amendment 18 proposes using a 50-50 mixing of fish from the Atlantic and Gulf groups of king mackerel in the mixing zone off the coasts of Florida in proposing the new TAC. The summary justification for reducing the current TAC is that overfishing could occur if all segments of the king mackerel fishery under the jurisdictions of the SAFMC and the GMFMC "harvested their full shares" under the current TAC. I submit that the mixing of fish between the Gulf and Atlantic, and the assertion by the SAFMC that overfishing would occur if the Gulf and Atlantic catches were combined, acknowledges that the Gulf and Atlantic stocks of king mackerel meet the

criteria of the Magnuson Act as to treatment. That being the case, a TAC reduction by the SAFMC without a corresponding reduction by the GMFMC would be a clear violation of the Magnuson Act. The GMFMC has stated no intention to consider such a reduction until after a new stock assessment in 2008. Further violation of the Magnuson Act would occur if a season closure were to happen under a new commercial quota, and only a small segment of the commercial fishery was made to absorb the financial loss of such a closure.

Amendment 18 appears to be an attempt by the SAFMC to cap commercial catches of king mackerel in the Atlantic group at their current levels, or below current levels, without sound scientific basis for that segment being responsible for any overfishing. This amendment is premature, with a new stock assessment coming next year, and a great deal of anecdotal information of a tremendous increase in stock size from a large 2003/04/05 appearance of small fish in the fishery. The amendment is also discriminatory towards a small segment of the king mackerel fishery without any scientific or economic justification. Amendment 18 should be tabled until the 2008 stock assessment is complete, and until an agreement in total TAC between GMFMC and SAFMC can be reached. The potential for overfishing of king mackerel for the entire stock in the interim is miniscule under current TAC and commercial closure mechanisms. Amendment 18 is a classic example of why we have the Magnuson-Stevens Act to promote and insure fisheries management will be "fair and equitable to all such fishermen."

Thank you for your consideration.

Sincerely,



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cc: The Hon. Walter Jones
The Hon. G. K. Butterfield
The Hon. Mike McIntyre
N. C. Fisheries Association