

Decision Document

Coastal Migratory Pelagics Joint Amendment 28

(Separate management plans/ permits)

South Atlantic Mackerel Committee
March 2015



February 10, 2015

Background

The Gulf and Atlantic stocks of king mackerel, Spanish mackerel, and cobia are managed jointly by the South Atlantic Fishery Management Council and the Gulf of Mexico Fishery Management Council. The South Atlantic Council manages the Atlantic groups of all three stocks through the Mid-Atlantic region.

King mackerel

Currently, the stock boundary for king mackerel is a shifting boundary. From April 1- October 31, the boundary is at the Monroe/Collier county line (**Figure 1**). From November 1- March 31, the boundary is at the Flagler/Volusia county line (**Figure 2**). The framework procedure allows each Council to designate the management measures such as trip limits and fishing years in the area of its jurisdiction regardless of the king mackerel stock being harvested at that time. For example, in the winter, king mackerel harvested in the Florida east coast subzone (the mixing zone) have been considered (and tracked as) Gulf stock, but the South Atlantic Council sets the trip limits for that area.

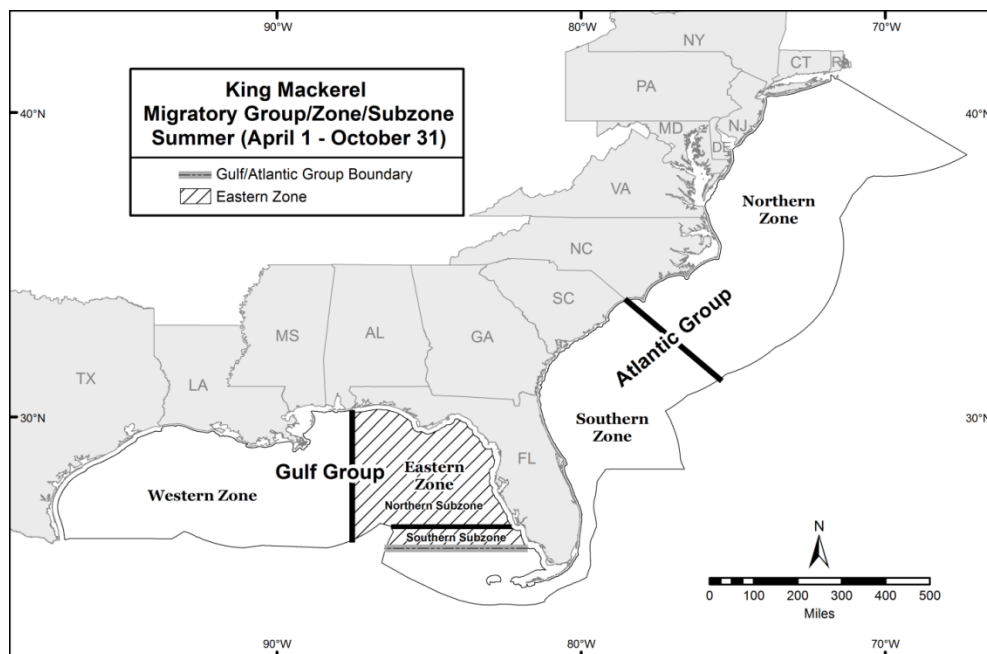


Figure 1. King mackerel seasonal boundaries April 1-October 31, with the Northern and Southern Zones in the Atlantic Group.

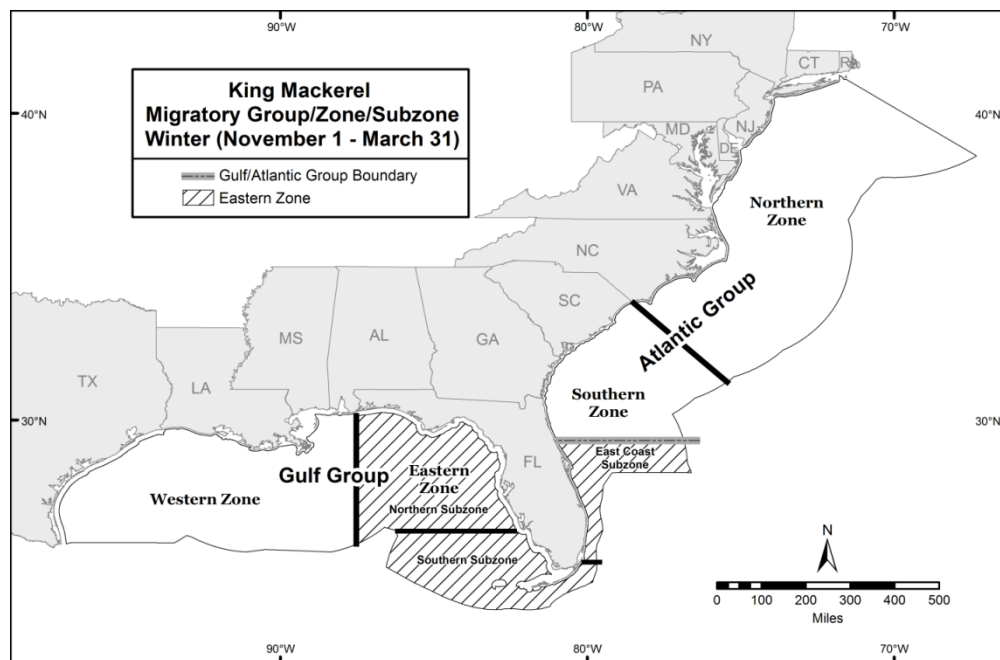


Figure 2. King mackerel seasonal boundaries November 1- March 31, with the Northern and Southern Zones in the Atlantic Group.

However, SEDAR 38 (2014) used more recent data and redefined the mixing zone to be the Florida Keys, with boundary to be set at the Council management boundary in the Keys, with a shift to the Monroe/Dade county line in the winter (**Figure 3**). CMP Amendment 26 includes an action to modify the stock boundary for king mackerel based on the results from SEDAR 38.

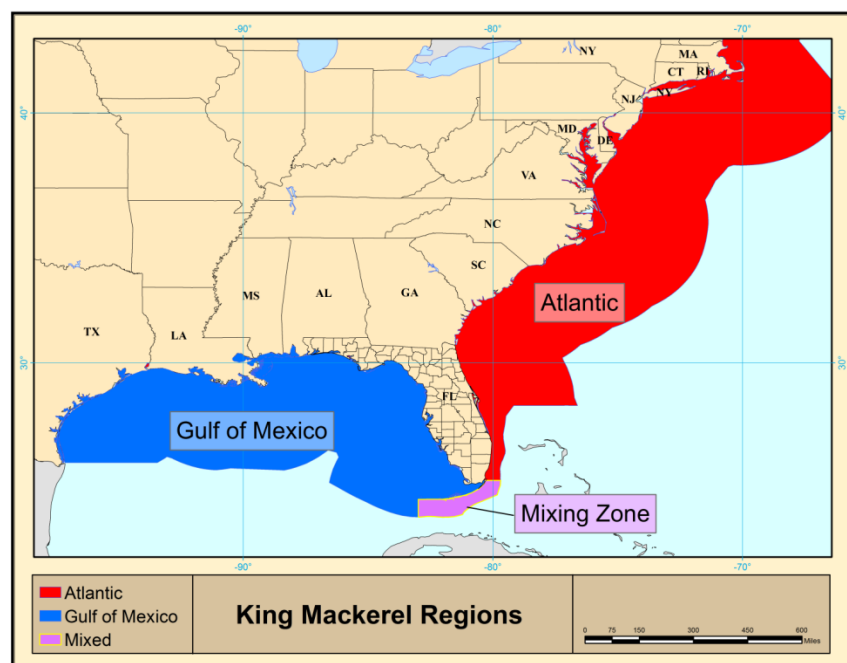


Figure 3. SEDAR 38 king mackerel stock boundaries.

Additionally, Amendment 20B established Northern and Southern Zones, each with their own commercial quotas based on proportions of total landings from 2002-2013. The boundary between the zones is the South Carolina/North Carolina line.

There is one federal commercial permit for king mackerel required for commercial harvest and sale of king mackerel in the EEZ of the Gulf, South Atlantic, and Mid-Atlantic regions. This permit is under a limited entry program and there are currently 1,332 permits (as of 2/4/15). Additionally there is a permit required for commercial harvest of king mackerel with gillnet in the Gulf Eastern Zone/Southern Subzone. This is also a limited entry permit and there are currently 19 permits (as of 2/4/15).

There are separate federal CMP permits for for-hire vessels. In the EEZ of the South Atlantic and Mid-Atlantic regions, king mackerel charter boats or headboats must have a federal South Atlantic Charter/Headboat for Pelagic Fish permit. This is an open access permit and there are 1,343 permits (as of 2/4/15). In the EEZ of the Gulf, king mackerel charter boats or headboats must have a federal Gulf of Mexico Charter/Headboat for Pelagic Fish permit or a Historical Captain Gulf of Mexico Charter/Headboat for Pelagic Fish permit. Both of these are limited entry permits, and there are currently 1,151 and 31 permits, respectively (as of 2/4/15).

Spanish mackerel

The stock boundary for Spanish mackerel is fixed at the Monroe/Dade county line throughout the year (**Figure 4**). Spanish mackerel harvested in the Florida Keys are considered Gulf stock.

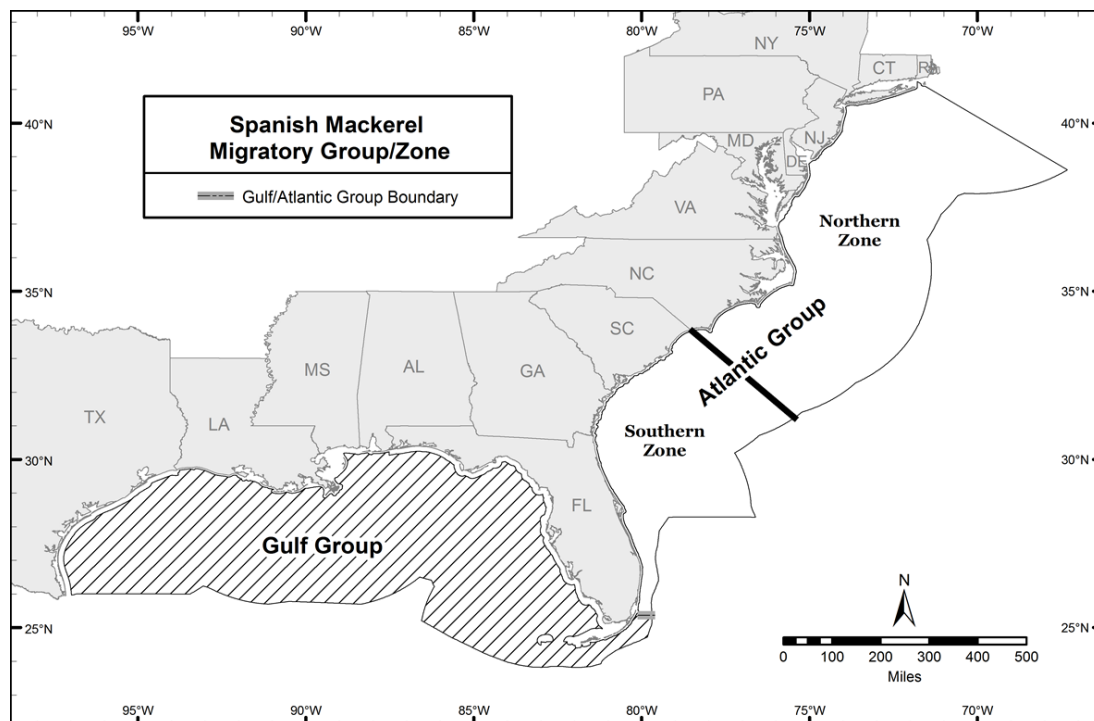


Figure 4. Fixed boundary between Atlantic and Gulf migratory groups of Spanish mackerel, with the Northern and Southern Zones in the Atlantic Group.

As with king mackerel, Amendment 20B established Northern and Southern Zones for Spanish mackerel, each with their own Spanish mackerel commercial quotas.

There is one federal commercial permit for Spanish mackerel required for commercial harvest and sale of king mackerel in the EEZ of the Gulf, South Atlantic and Mid-Atlantic regions. This permit is open access and there are currently 1,728 permits (as of 2/4/15).

There are separate federal CMP permits for for-hire vessels fishing for Spanish mackerel, as with king mackerel. The South Atlantic CMP Charter/Headboat permit is open access, and the two Gulf CMP Charter/Headboat permits are limited entry.

Cobia

Following SEDAR 28, the Councils revised the stock boundary for cobia to be at the Georgia/Florida state line throughout the year (**Figure 5**). Amendment 20B established an Atlantic group cobia ACL that applied north of the Georgia/Florida line. For the EEZ off the Georgia/Florida line to the Council management boundary in the Keys, the quota is a portion of the Gulf group cobia ACL, but is managed by the South Atlantic Council. The Gulf Council sets the Gulf ACL and a portion is allocated to the Florida East Coast Zone using a previously agreed percentage; the South Atlantic Council specifies the management measures for the Florida East Coast Zone.

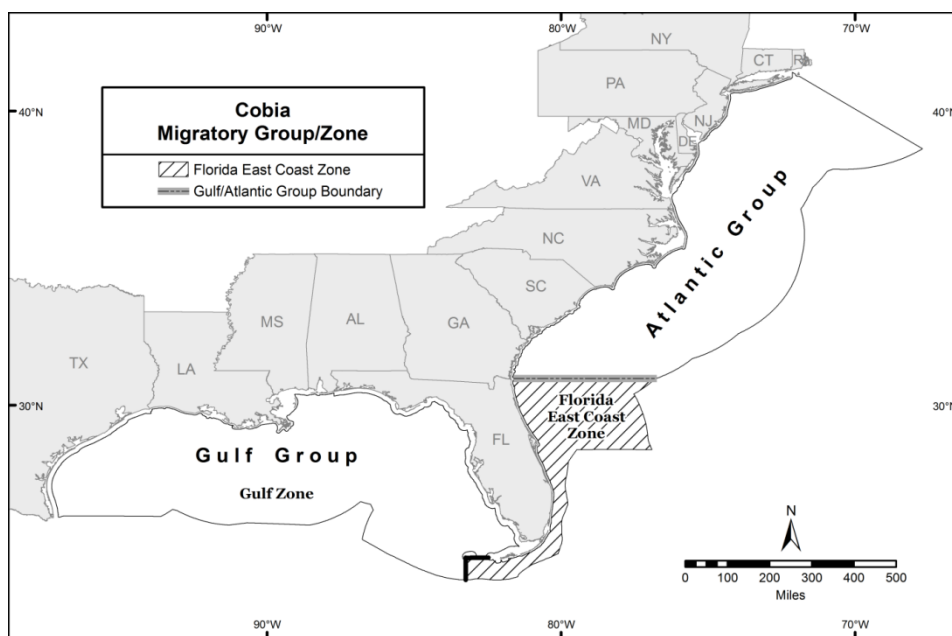


Figure 5. Fixed boundary between Atlantic and Gulf migratory groups of cobia, with the Florida East Coast zone established in Amendment 20B.

There is no federal commercial permit requirement for cobia in the Gulf, South Atlantic, and Mid-Atlantic regions. Charter boats and headboats must have the appropriate federal CMP permit(s), as with king and Spanish mackerel.

Coral Fishery Management Plan

In 1982, the South Atlantic and Gulf Councils established the joint Fishery Management Plan for coral and coral reefs. Through Amendment 2 (1994), the joint FMP was separated into two FMPs.

From Amendment 2 (available at: <http://www.safmc.net/Library/pdf/CoralAmend2.pdf>) :
pp.25-27

Action 3. Provide for different management in the jurisdictional areas of the two Councils by promulgating a separate set of management measures and regulations for the South Atlantic.

Discussion:

The two Councils selected different preferred options for public hearings. In part because the issues are different in the two areas. Most of the Florida reef tract where much of live rock is produced lies within the jurisdiction of the South Atlantic Council. Most live rock in the Gulf comes from live bottom areas on the Florida shelf where there are fewer live coral reefs. The Councils opted for different approaches to management because of the differences in bottom types and their need for protection.

The South Atlantic Council on February 11, 1994, approved promulgating of a separate set of management measures and regulations for the South Atlantic area. The Gulf Council on March 17, 1994 concurred with the South Atlantic Council's position. The following issues serve as a basis for separate management. The Gulf Council will hold additional public hearings to address measures that were not previously taken to public hearing. The South Atlantic Council approved a position in February and was ready to submit Amendment #2 for approval but had to wait for approval of the Gulf Council. Now that the Gulf Council is going back to public hearings on Gulf issues, the South Atlantic Council is severing the South Atlantic Council's preferred management actions into a separate amendment for Secretarial review. Other justification for establishing separate regulations for the South Atlantic is that the South Atlantic Council's area of jurisdiction already includes the Florida Keys and the Florida reef tract, the continental United States' most extensive coral habitat. The coral, coral reefs, and hard bottom habitats in the South Atlantic are not mobile or migratory and will remain in South Atlantic jurisdiction. The South Atlantic Council has a vested interest in taking all possible actions to protect and restore (SAFMC Habitat Policy-Appendix B) coral, coral reefs, and hard bottom habitat in the South Atlantic region because most recreational and commercial fisheries under management depend on these resources. The South Atlantic Council has taken extensive action under other plans/amendments to protect coral and hard bottom habitats, and delay will allow the continued harvest in Florida and expansion of live rock harvest to other South Atlantic areas.

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The intent of finalizing a separate amendment for submission to the Secretary of Commerce is to facilitate the rapid implementation of the South Atlantic Council approved actions. On March 17 the Gulf Council concurred with the South Atlantic Council establishing the management regime for the South Atlantic region. Approval of these actions will assure that

regulations will be implemented during 1994 and reduce the probability of exceeding the quota established in the South Atlantic for 1994.

From the final rule for Amendment 2, published on Dec 28, 1994 (available at: http://sero.nmfs.noaa.gov/sustainable_fisheries/policy_branch/rules/gulf_sa/coral/1994/am2_fr_122894.pdf)

SUPPLEMENTARY INFORMATION: The FMP for Coral and Coral Reefs of the Gulf of Mexico and South Atlantic was prepared by the South Atlantic Fishery Management Council (South Atlantic Council) and the Gulf of Mexico Fishery Management Council (Gulf Council) and is implemented through regulations at 50 CFR part 638 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). With implementation of Amendment 2, the single FMP is separated into two FMPs--the FMP for Coral and Coral Reefs off the Southern Atlantic States under the purview of the South Atlantic Council and the FMP for Coral and Coral Reefs of the Gulf of Mexico under the purview of the Gulf Council. Regulations implementing both FMPs remain in 50 CFR part 638.

Committee Actions

OPTION 1. DIRECT STAFF/IPT TO INCLUDE AN ACTION IN AMENDMENT 28 TO ESTABLISH SEPARATE GULF AND SOUTH ATLANTIC COASTAL MIGRATORY PELAGICS FISHERY MANAGEMENT PLANS.

OPTION 2. DO NOT DEVELOP SEPARATE COASTAL MIGRATORY PELAGICS FISHERY MANAGEMENT PLANS.

OPTION 3. OTHERS???