Framework Amendment 4

to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and South Atlantic Region

Management Measures for Atlantic Cobia

May 25, 2016

Environmental Assessment Regulatory Impact Review Regulatory Flexibility Analysis

A publication of the South Atlantic Fishery Management Council pursuant to National Oceanic and Atmospheric Administration (NOAA) Award Number FNA10NMF4410012

Abbreviations and Acronyms Used in the FMP

ABC	acceptable biological catch
ACL	annual catch limits
AM	accountability measures
ACT	annual catch target
B	a measure of stock biomass in either weight or other appropriate unit
B_{MSY}	the stock biomass expected to exist under equilibrium conditions when fishing at F_{MSY}
B_{OY}	the stock biomass expected to exist under equilibrium conditions when fishing at F_{OY}
B_{CURR}	The current stock biomass
CLM	Commercial Landings Monitoring System
CMP	coastal migratory pelagics
CPUE	catch per unit effort
EA	environmental assessment
EEZ	exclusive economic zone
EFH	essential fish habitat
ESA	Endangered Species Act
F	a measure of the instantaneous rate of fishing mortality
$F_{30\%SPR}$	fishing mortality that will produce a static SPR = 30%
F_{CURR}	the current instantaneous rate of fishing mortality
F_{MSY}	the rate of fishing mortality expected to achieve MSY under equilibrium conditions and a corresponding biomass of B_{MSY}
F_{OY}	the rate of fishing mortality expected to achieve OY under equilibrium conditions and a corresponding biomass of B_{OY}
FEIS	final environmental impact statement
FMP	fishery management plan
FMU	fishery management unit
HAPC	Habitat Area of Particular Concern
M	natural mortality rate
MARMAP	Marine Resources Monitoring Assessment and Prediction Program
MFMT	maximum fishing mortality threshold
MMPA	Marine Mammal Protection Act
MRFSS	Marine Recreational Fisheries Statistics Survey
MRIP	Marine Recreational Information Program
MSFCMA	Magnuson-Stevens Fishery Conservation and Management Act
MSST	minimum stock size threshold
MSY	maximum sustainable yield
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NS	National Standard
OFL	overfishing limit
OY	optimum yield
PSE	percent standard error
RIR	regulatory impact review
SEDAR	Southeast Data Assessment and Review
SEFSC	Southeast Fisheries Science Center
SERO	Southeast Regional Office
SPR	spawning potential ratio
SRD	Science and Research Director
SSC	Scientific and Statistical Committee

Framework Amendment 4 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and South Atlantic Region with Environmental Assessment and Regulatory Impact Review

Proposed action:	Modify recreational and commercial management measures for Atlantic migratory group cobia
Lead agency:	Framework Amendment – South Atlantic Fishery Management Council (South Atlantic Council) Environmental Assessment – National Marine Fisheries Service (NMFS) Southeast Regional Office
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Summary

The South Atlantic Fishery Management Council (South Atlantic Council) is proposing Framework Amendment 4 to the Fishery Management Plan for Coastal Migratory Pelagic Resources (CMP FMP) in the Gulf of Mexico and South Atlantic Region (Framework Amendment 4) to consider changes to management measures, fishing year, and accountability measures for Atlantic cobia.

In accordance with the provisions set forth in the Magnuson-Stevens Fishery Conservation and Management Act and regulations found at 50 CFR 622.389 (Adjustment of Management Measures), the intent of Framework Amendment 4 is to lengthen the recreational fishing season under the current constraints of the annual catch limit in place. Framework Amendment 4, with the integrated Environmental Assessment, will be available for public review before and during each South Atlantic Council meeting where the action will be discussed, during the proposed rule phase of the rulemaking process, and online at www.safmc.net.

DRAFT Actions

Action 1. Modify the recreational management measures for Atlantic cobia
Action 1-1: Modify the recreational harvest limits for Atlantic cobia
Action 1-2: Modify the minimum size limit for Atlantic cobia

Action 2. Modify the fishing year for Atlantic cobia

Action 3. Modify the recreational accountability measures for Atlantic cobia

Action 4. Establish a commercial trip limit for Atlantic cobia

The draft actions and alternatives will be reviewed by the South Atlantic Council in June 2016.

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Chapter 1. Introduction

1.1 What Actions are Being Proposed?

Framework Amendment 4 to the Fishery Management Plan for Coastal Migratory Pelagic Resources (CMP FMP) in the Gulf of Mexico and South Atlantic Region includes actions to modify the management measures for recreational and commercial harvest, fishing year and recreational accountability measures for Atlantic migratory group cobia in the exclusive economic zone (EEZ) from the Georgia/Florida line through the Mid-Atlantic region.

1.2 Who is Proposing these Actions?

The coastal migratory pelagic (CMP) fishery is managed jointly by the Gulf of Mexico Fishery Management Council (Gulf Council) and the South Atlantic Fishery Management Council (South Atlantic Council). Because this is a framework amendment, only the South Atlantic Council is proposing the actions and will give final approval on the actions. The South Atlantic Council develops framework amendments and submits them to the National Marine Fisheries Service (NMFS), which implements the actions on behalf of the Secretary of Commerce. NMFS is a line office in the National Oceanic and Atmospheric Administration.

South Atlantic
Fishery Management Council

- Responsible for conservation and management of fish stocks
- The South Atlantic Council consists of 13 voting members appointed by the Secretary of Commerce and 4 non-voting members. The Mackerel Committee of the South Atlantic Council also includes two voting seats for representatives from the Mid-Atlantic Fishery Management Council. The management area is from 3 to 200 nautical miles off the coasts of North Carolina, South Carolina, Georgia, and Florida through the Atlantic side of Key West. The South Atlantic Council manages the CMP Fishery through the Mid-Atlantic region.
- Develop management plans/amendments and recommends regulations to NMFS for implementation

1.3 Why is the South Atlantic Council Considering Action?

Recreational cobia landings for the Atlantic migratory group (Georgia to New York[1]) in 2015 exceeded the recreational annual catch limit of 630,000 lbs. The current accountability measure (AM) for cobia states requires that if the sum of the recreational and commercial landings exceed

[1] No landings were reported north of Virginia.

the stock ACL (recreational ACL plus commercial ACL), the AM is triggered. In this case, the National Marine Fisheries Service (NMFS) must file a notice at or near the beginning of the following fishing year to reduce the length of the recreational season by the amount necessary to ensure recreational landings may achieve the recreational ACT, but do not exceed the recreational ACL.

To determine whether an ACL has been exceeded, CMP Amendment 18 (GMFMC/SAFMC 2011) required using 2011 landings in the first year, then the average of 2011/12 in the second year, and then a three-year average of landings in the third year onwards, unless an ACL changed. In this case, the first single year of landings will be compared to the ACL. Because CMP Amendment 20B (GMFMC/SAFMC 2013) changed the ACL beginning in 2015 (based on the SEDAR 28 (2013) stock assessment), only the 2015 landings are used to determine whether the recreational or stock ACL was exceeded such that the AM is triggered. For 2015, both the recreational ACL and the stock ACL were exceeded, and thus, NMFS reduced the length of the 2016 fishing season.

On March 9, 2016, NMFS announced that the 2016 recreational season for Atlantic cobia would close on June 20, 2016. Because the closure would at the time of year when recreational fishing for cobia is highest, the early closure is expected to have negative social and economic impacts on recreational anglers, for-hire businesses, for-hire clients, and associated support businesses such as tackle shops. The negative effects of the closure will likely be most significant for recreational fishermen and businesses in North Carolina and Virginia. **Table 1.3.1** shows recreational landings of cobia by state.

Table 1.3.1. Recreational landings of Atlantic cobia from 2005-2015. Data sources: MRIP and SEFSC

Year	VA Landings	NC Landings	SC Landings	GA Landings	TOTAL ATLANTIC
2005	577,284	322,272	5,793	3,358	908,707
2006	733,740	104,259	101,018	4,824	943,841
2007	322,887	90,197	268,677	64,708	746,469
2008	167,949	66,258	50,108	257,690	542,006
2009	552,995	123,061	76,229	3,997	756,282
2010	232,987	561,486	65,688	79,855	940,015
2011	136,859	121,689	3,565	90,375	352,488
2012	36,409	68,657	224,365	105,193	434,623
2013	354,463	492,969	19,130	29,224	895,786
2014	214,427	277,489	31,927	20,642	544,485
2015	718,647	630,373	123,952	67,804	1,540,776

* There are no MRIP-estimated recreational landings of Atlantic cobia in states north of Virginia.

Federal regulations for recreational harvest of Atlantic cobia in the EEZ include a minimum size limit of 33 inches fork length (FL) and a 2 fish per person possession limit. The minimum size limit is also 33 inches FL in state waters of all states from Georgia through New York, except Virginia and North Carolina as discussed below. Recreational limits in state waters of all states except Virginia, North Carolina and parts of South Carolina are also 2 fish per person.

Virginia, North Carolina and South Carolina have implemented management changes for cobia harvest in state waters. Effective June 1, 2016, the recreational harvest limits in Virginia state

waters will be 1 fish per person and 2 fish per boat; the minimum size limit is 40 inches total length (TL) and no more than one cobia over 50 inches TL is allowed per boat; no gaffing will be permitted; and state waters will close for the year on August 30, 2016. The meeting summary will be available soon at: http://www.mrc.virginia.gov/calendar.shtm.

In February 2016, the North Carolina Marine Fisheries Commission approved a reduction in the recreational bag limit in North Carolina state waters to one fish per person per day effective on February 27, 2016 (see http://portal.ncdenr.org/web/mf/proclamation-ff-09-2016).

The North Carolina Commission made additional changes to cobia harvest in state waters in May 2016. Effective May 23, 2016, the recreational minimum size limit is 37 inches fork length and state waters will close on September 30, 2016. On for-hire trips, the harvest limit is 4 cobia per vessel per day or 1 cobia per person per day if fewer than four people are on board. Private recreational harvest is only allowed on Monday, Wednesday and Saturday, with a vessel limit of 2 cobia per day and a bag limit of 1 cobia per person per day if there is only one person on board. Shore-based cobia harvest is allowed seven days a week with a recreational bag limit of 1 fish per person per day. The proclamation is available here: http://portal.ncdenr.org/web/mf/proclamation-ff-25-2016.

In April 2016, the governor of South Carolina approved legislation to establish a Southern Cobia Management Zone, which included state waters from Jeremy Inlet, Edisto Island, to the South Carolina/Georgia boundary. Effective May 1, 2016, cobia harvest in the Zone is limited to catch and release only for May 1 through May 31, and is limited to 1 fish per person per day or 3 fish per vessel per day, whichever is lower, from June 1 through April 30. The full language of the bill is available here: https://legiscan.com/SC/text/H4709/2015.

The South Atlantic Council is considering changes to management measures for Atlantic cobia harvest in the EEZ. The changes are expected to extend the recreational fishing season and to provide fair access to the Atlantic cobia resource for fishermen in all states. Additionally, the South Atlantic Council is also considering modifying the recreational AMs to be consistent with AMs for other species. Changes to the commercial management measures will help to reduce the likelihood that commercial landings could exceed the commercial ACL in the future.

Management Plan Objectives

The current management objectives in the joint CMP FMP as amended are:

1) The primary objective of this FMP is to stabilize yield at the maximum sustainable yield (MSY), allow recovery of overfished populations, and maintain population levels sufficient to ensure adequate recruitment.
2) To provide a flexible management system for the resource which minimizes regulatory delay while retaining substantial Council and public input in management decisions and which can rapidly adapt to changes in resource abundance, new scientific information, and changes in fishing patterns among user groups or by areas.
3) To provide necessary information for effective management and establish a mandatory reporting system for monitoring catch.
4) To minimize gear and user group conflicts.
5) To distribute the total allowable catch of Atlantic migratory group Spanish mackerel between recreational and commercial user groups based on the catches that occurred

during the early to mid-1970s, which is prior to the development of the deep water run-around gillnet fishery and when the resource was not overfished.

6) To minimize waste and bycatch in the fishery.
7) To provide appropriate management to address specific migratory groups of king mackerel.
8) To optimize the social and economic benefits of the CMP fisheries.

The actions proposed in the amendment specifically help to meet CMP FMP Objectives 2 and 8.

1.3.1 DRAFT Purpose and Need Statement

Purpose for Action

The purpose of this amendment is to revise the management measures for Atlantic migratory group cobia to ensure consistent, stable and equitable fishing opportunities for all participants in the Atlantic cobia fishery.

Need for Action

The need for this amendment is to respond to changing fishery characteristics for Atlantic migratory group cobia, while increasing social and economic benefits of the CMP fishery through sustainable fishing opportunities and harvest of Atlantic migratory group cobia.

The South Atlantic Council will review the draft purpose and need in June 2016.

1.4 Which species and areas would be affected by the actions?

Three species—king mackerel, Spanish mackerel, and cobia—are included in the CMP FMP; however, cobia is the only species addressed in this framework amendment. Cobia is managed as two migratory groups—Atlantic and Gulf of Mexico. The actions in this amendment would address management of Atlantic migratory group cobia (Atlantic cobia) only.

The stock boundary between the Atlantic and Gulf of Mexico groups of cobia is established at the Georgia/Florida line, with the Atlantic cobia management area extended through the Mid-Atlantic region (**Figure 1.4.1.).** The boundary is based on the approach used in the most recent stock assessment (SEDAR 28, 2013), which incorporated new information about the two stocks through genetic data and tagging studies. Although cobia caught off the east coast of Florida are considered Gulf cobia and counted toward the Florida east coast's allocation of the Gulf annual catch limit (ACL), the South Atlantic Council manages the area through the Council boundary in the Florida Keys.

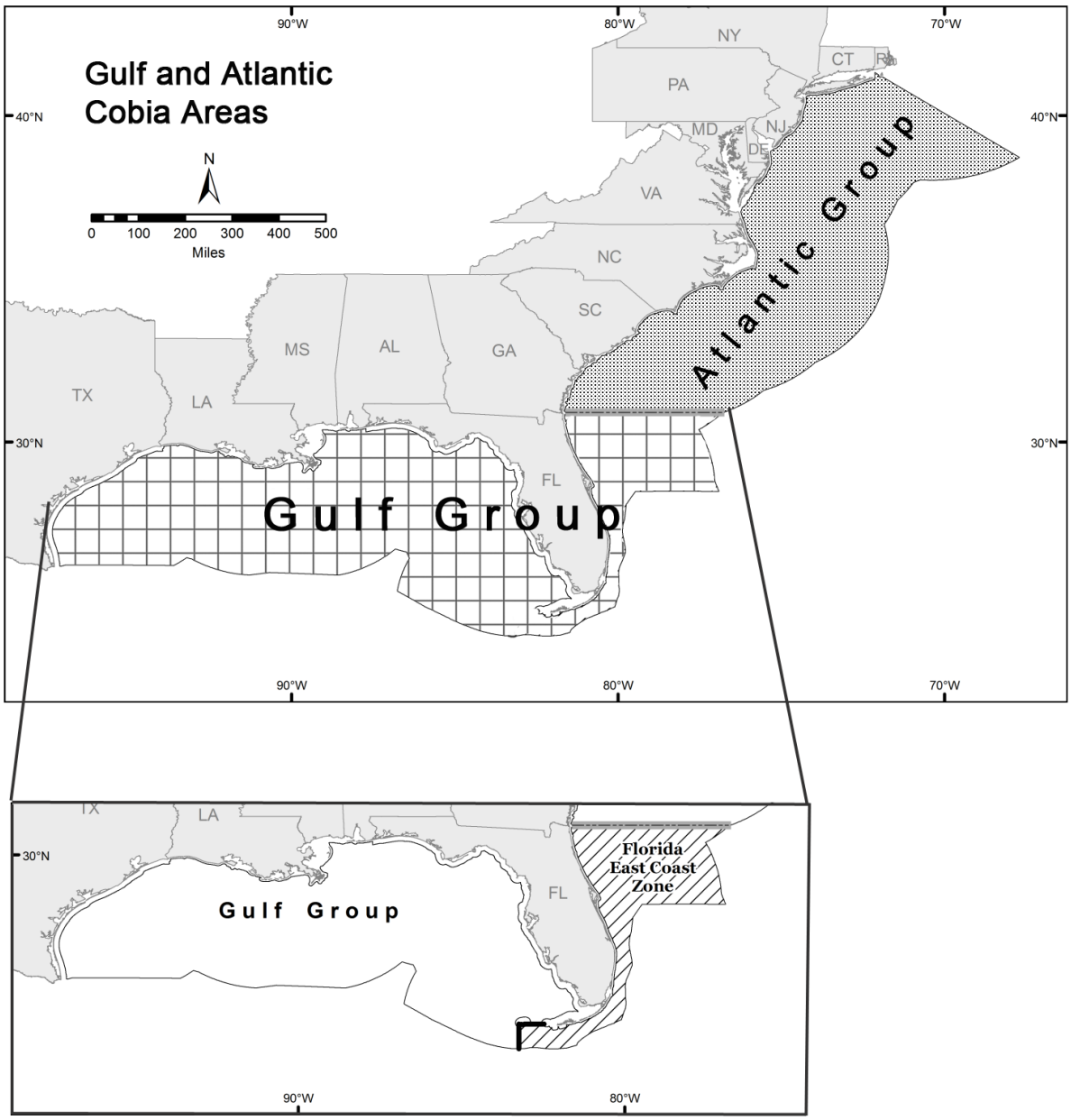

Figure 1.4.1. Boundary between Atlantic and Gulf group cobia

Chapter 2. Proposed Actions and Alternatives

Draft Action 1: Modify the recreational management measures for Atlantic cobia

This action contains two sub-actions, which will be analyzed separately and in combination.

Draft Action 1-1: Modify the recreational harvest limits for Atlantic cobia

Alternative 1 (No Action). Do not modify the possession limit of 2 fish per person per day for Atlantic cobia that are not sold.

Alternative 2. Establish a recreational bag limit for Atlantic cobia.
- **Option 2a**. 1 fish per person per day
- **Option 2b**. 2 fish per person per day

Alternative 3. Establish a recreational vessel limit for Atlantic cobia.
- **Option 3a**. 1 fish per vessel per day
- **Option 3b**. 2 fish per vessel per day
- **Option 3c**. 3 fish per vessel per day
- **Option 3d**. 4 fish per vessel per day
- **Option 3e**. 5 fish per vessel per day
- **Option 3f**. 6 fish per vessel per day

The Council can select options under Alternatives 2 and 3 as the preferred alternatives/options, but will need to clarify how the bag limit and vessel limit will interact. For example, the Council may select a bag limit of 1fish per person and vessel limit of 3 fish, whichever is lower.

Draft Action 1-2: Modify the minimum size limit for recreational harvest of Atlantic cobia

Alternative 1 (No Action). Do not modify the minimum size limit of 33 inches fork length (FL) for recreational and commercial harvest of Atlantic cobia.

Alternative 2. Modify the minimum size limit for Atlantic cobia for recreational and commercial harvest of Atlantic cobia.
- **Option 2a**. 34 inches FL
- **Option 2b**. 35 inches FL
- **Option 2c**. 36 inches FL
- **Option 2d**. 37 inches FL
- **Option 2e**. 38 inches FL

Option 2f. 39 inches FL
Option 2g. 45 inches FL
Option 2h. 50 inches FL

Discussion:

Action 1-1 and **Action 1-2** would implement harvest limits through personal bag limits, vessel limits, minimum size limits, or a combination of these management measures. The intent of this action is to ensure a longer fishing season for recreational cobia, and a combination of harvest limits and size limits are often an effective in slowing the rate of harvest, resulting in a longer fishing season.

Action 1-1 includes alternatives to modify the recreational possession limit to be a bag limit and to establish a vessel limit. Currently in the federal regulations, Atlantic cobia is designated as "sold" or "not sold" to differentiate between commercial and recreational harvest, respectively. The possession limit for commercial and recreational trips is the same: 2 fish per person. Under **Alternative 1 (No Action)**, the current recreational possession limit for Atlantic cobia would remain as 2 fish per person. **Alternative 2** would establish the recreational bag limit as 1 fish per person per day (**Option 2a**) or 2 fish per person per day (**Option 2b**). **Alternative 3** would establish a vessel limit for recreational cobia harvest at 1 fish (**Option 3a**), 2 fish (**Option 3b**), 3 fish (**Option 3c**), 4 fish (**Option 3d**), 5 fish (**Option 3e**) or 6 fish (**Option 3f**).

Table 2.1.1. shows the current regulations in state waters compared to the bag limits and vessel limits in **Alternatives 2** and **3.** The Council may select both **Alternatives 2** and **3** as preferred alternatives, and specify how the harvest limits will interact.

Table 2.1.1. Bag limits and vessel limits in state waters of Virginia, North Carolina, South Carolina and Georgia, compared to limits in options under **Alternatives 2** and **3.**

	Bag limit	Vessel limit	Consistent Options
Virginia	1 fish	*2 fish* (effective 6/1/16)	Option 2a, 3b
North Carolina	1 fish	For-hire: 4 fish on vessels with less than 4 people on board Private: 2 fish on vessels with more than 1 person on board	Options 2a, 3d (for-hire), 3b (private)
South Carolina – north of Jeremy Inlet, Edisto Island	2 fish	None	Option 2b
South Carolina-south of Jeremy Inlet, Edisto Island	1 fish June 1-Apr 30 Catch and release only May 1-May 31	3 fish per vessel or 1 fish per person, whichever is lower	June 1- Apr 30: Options 2a and 3c
Georgia	2 fish	None	Option 2b

Action 1-2 includes alternatives to modify the current minimum size limit for recreational harvest of Atlantic cobia. Under **Alternative 1 (No Action)**, the minimum size limit for recreational harvest would remain at 33 inches fork length. **Options 2a-2h** under **Alternative 2** would increase the minimum size limit to 34, 35, 36, 37, 38, 39, 45, or 50 inches fork length. **Table 2.1.2** shows the current minimum size limits in state waters compared to the options minimum size limit in **Alternative 2.**

Table 2.1.2. Minimum size limits in state waters of Virginia, North Carolina, South Carolina and Georgia, compared to limits in options under **Alternative 2.**

	Minimum size limit	Consistent Options
Virginia	*40 inches total length* (effective 6/1/16)	None, but comparable to Option 2b or 2c.
North Carolina	37 inches fork length	Option 3d
South Carolina	33 inches fork length	Alt 1 No Action
Georgia	33 inches fork length	Alt 1 No Action

Comparison of Alternatives:

Biological Effects

Economic Effects

Social Effects

Administrative Effects

Draft Action 2: Modify the fishing year for Atlantic cobia

Alternative 1 (No Action). Do not modify the current fishing year of January 1 through December 31.

Alternative 2. Modify the fishing year for Atlantic cobia to be May 1 through April 30.

Alternative 3. Modify the fishing year for Atlantic cobia to be June 1 through May 31.

Potential Alternative 4. Establish a closed season for Atlantic cobia.

Option 4a. Closed May 1 – May 31

Option 4b. Closed May 1 – June 30

NOTE: The Council may decide for this action to apply to only one sector or to both sectors.

Discussion:

Action 2 includes alternatives to modify the fishing year for Atlantic cobia and to establish a closed season for Atlantic cobia. **Alternative 1 (No Action)** would not change the current fishing year of January 1 through December 31. **Alternative 2** would change the fishing year to start on May 1 and end on April 30, and **Alternative 3** would change the fishing year to start on June 1 and end on May 31.

Alternative 4, if added by the Council, would establish a closed season for Atlantic cobia. This closed season could help reduce landings before the peak time of year for cobia fishing (June and July) and allow for the season to be longer. **Option 4a** includes a closed season for May 1 through May 31, which also aligns with the closed season in place for the South Carolina Southern Cobia Management Zone. **Option 4b** includes a closed season for May 1 through June 30.

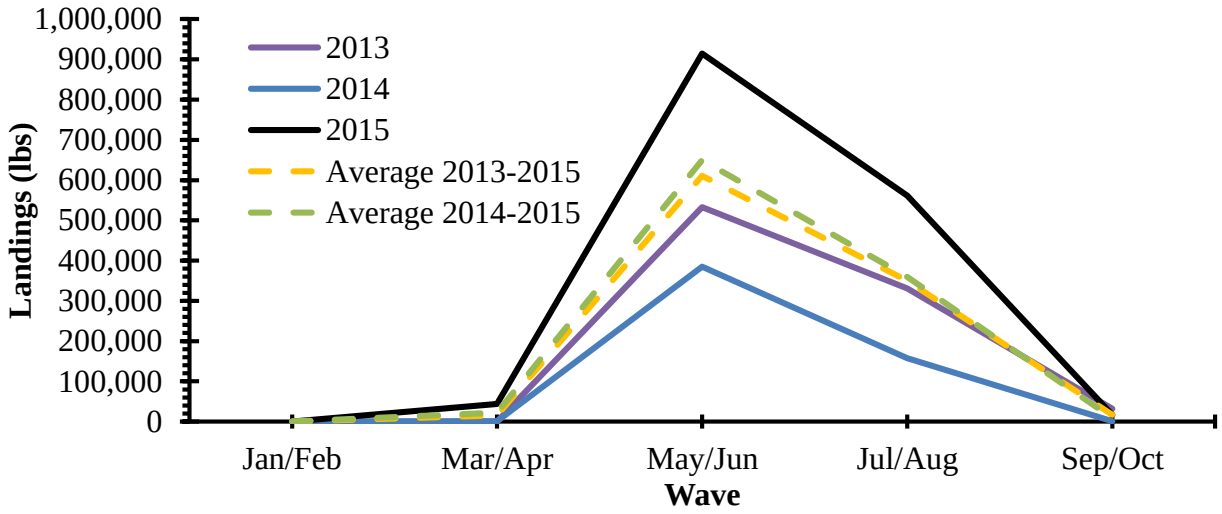

Figure 2.2.3. Atlantic recreational landings for January-October of 2013, 2014, 2015, average 2013-2015 landings, and average 2014-2015 landings by two-month wave. The landings for 2015 are preliminary. Source: SEFSC Recreational ACL Dataset

Comparison of Alternatives:

Biological Effects

Economic Effects

Social Effects

Administrative Effects

Draft Action 3: Modify the recreational accountability measures for Atlantic cobia

Alternative 1 (No Action): Do not revise the recreational accountability measures (AMs) for Atlantic cobia as established in Amendment 18 (GMFMC/SAFMC 2011).

NOTE: Alternatives 2-4 were adapted from SG34/DW8/GC9 (Generic AM amendment, SAFMC 2015). The highlighted alternatives and sub-alternatives would align with the preferred alternatives from the Generic AM amendment.

Alternative 2. If recreational landings, as estimated by the Science and Research Director, exceed the recreational ACL, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings. If necessary, the Regional Administrator shall publish a notice to reduce the length of the following fishing season to ensure that recreational landings meet the recreational ACT but do not exceed the recreational ACL, based on the recreational landings in the previous year. The length of the recreational season will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary. The ACT for 2016 and subsequent fishing years is 500,000 lbs, as established in CMP Amendment 20B.

Sub-alternative 2a. The Regional Administrator will reduce the length of the following fishing year only if the species is overfished.

Sub-alternative 2b. The Regional Administrator will reduce the length of the following fishing year only if the total ACL (commercial ACL and recreational ACL) is exceeded.

Sub-alternative 2c. The Regional Administrator will reduce the length of the following fishing year only if the species is overfished **and** the total ACL (commercial ACL and recreational ACL) is exceeded.

Alternative 3. If recreational landings, as estimated by the Science and Research Director, exceed the recreational ACL, the Regional Administrator shall publish a notice to reduce the recreational ACL in the following fishing year by the amount of the recreational overage. The length of the recreational season will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary. The ACT would also be adjusted according to the following formula: recreational sector ACT equals sector ACL[(1-PSE) or 0.5, whichever is greater].

Sub-alternative 3a. The Regional Administrator will reduce the recreational ACL and ACT of the following fishing year only if the species is overfished.

Sub-alternative 3b. The Regional Administrator will reduce the recreational ACL and ACT of the following fishing year only if the total ACL (commercial ACL and recreational ACL) is exceeded.

Sub-alternative 2c. The Regional Administrator will reduce the recreational ACL and ACT of the following fishing year only if the species is overfished **and** the total ACL (commercial ACL and recreational ACL) is exceeded.

Alternative 4. If recreational landings reach or are projected to reach the recreational ACL, the Regional Administator shall publish a notice to close the recreational sector for the remainder of

the fishing year, unless, using the best scientific information available, the Regional Administrator determines that a closure is unnecessary.

Sub-alternative 4a. If the species is overfished.

Sub-alternative 4b. Regardless of the overfished status of the species.

Potential additional Alternative 5. If recreational landings reach or are projected to reach the recreational annual catch target (ACT), the Regional Administator shall publish a notice to close the recreational sector for the remainder of the fishing year, unless, using the best scientific information available, the Regional Administrator determines that a closure is unnecessary.

Sub-alternative 5a. If the species is overfished.

Sub-alternative 5b. Regardless of the overfished status of the species.

Discussion:

The recreational AMs for the Atlantic migratory group of cobia were established in Amendment 18 (GMFMC/SAFMC 2011) as follows:

> If the recreational sector quota (total ACL x recreational allocation) is exceeded, the Regional Administrator shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the recreational sector ACT for the following fishing year, but only if the Total ACL is exceeded. The season length will allow recreational landings to achieve the applicable recreational ACT but not exceed the applicable recreational ACL.
>
> To calculate the recreational season length if this AM is triggered, the RA will use the following direction from Amendment 18:
>
> Compare the recreational ACL with recreational landings over a range of years. For 2011, use only 2011 landings. For 2012, use the average landings of 2011 and 2012. For 2013 and beyond, use the most recent three-year (fishing years) running average. If in any year the ACL is changed, the sequence of future ACLs will begin again starting with a single year of landings compared to the ACL for that year, followed by two-year average landings compared to the ACL in the next year, followed by a three-year average of landings ACL for the third year and thereafter.
>
> If the recreational ACL is exceeded, the Assistant Administrator for Fisheries shall file a notification with the Office of the Federal Register to reduce the recreational ACL in the following year by the amount of the overage, if the Total ACL is exceeded and the stock is overfished. The ACT would also be adjusted according to the following formula: recreational sector ACT equals sector ACL[(1-PSE) or 0.5, whichever is greater].

Because Amendment 20B (GMFMC/SAFMC 2014) changed the ACL beginning in 2015 (based on the SEDAR 28 (2013) stock assessment), only the 2015 landings are used to determine whether the recreational or stock ACL was exceeded such that the AM is triggered. For 2015, both the recreational ACL and the stock ACL were exceeded, and NMFS published a notice to reduce the length of the 2016 fishing season

Alternative 1 (No Action) would not modify the recreational AMs for Atlantic cobia, with no changes to the three-year rolling average used for evaluation when landings exceed the ACL. **Alternative 2** would modify the recreational AMs reduce the season length of the following fishing year if recreational landings exceeded the recreational annual catch limit (ACL), and the evaluation would be *based only on that year's recreational landings*. Under **Sub-alternative 2a**, the reduced season length would be implemented only if Atlantic cobia were designated as overfished. Under **Sub-alternative 2b,** the AM would only be triggered if the total ACL was exceeded as well as the recreational ACL. Under **Sub-alternative 2c**, the season would be shortened if both the recreational and total ACL were exceeded, and Atlantic cobia was designated as overfished.

Alternative 3 would modify the recreational AMs reduce the recreational ACL of the following fishing year if recreational landings exceeded the recreational annual catch limit (ACL). Under **Sub-alternative 3a**, the reduced recreational ACL would be implemented only if Atlantic cobia were designated as overfished. Under **Sub-alternative 3b,** the AM would only be triggered if the total ACL was exceeded as well as the recreational ACL. Under **Sub-alternative 3c**, the season would be shortened if both the recreational and total ACL were exceeded, and Atlantic cobia was designated as overfished. **Sub-alternative 3c** is consistent with the current post-season AM to reduce the recreational ACL under **Alternative 1 (No Action).**

Alternative 4 would modify the recreational AMs to include an in-season closure if recreational landings met or were projected to meet the recreational ACL. The in-season closure would occur only if Atlantic cobia are designated as overfished under **Sub-alternative 4a**, but would occur regardless of stock status under **Sub-alternative 4b.** An in-season closure could help reduce the likelihood of a substantial overage of the recreational ACL, because recreational harvest could be prohibited sooner.

Alternative 5 is a potential additional alternative for the Council to consider. Because the MRIP system may not allow for a timely in-season closure, the Council may consider setting the annual catch target (ACT) as the trigger for an in-season closure. The in-season closure would occur only if Atlantic cobia are designated as overfished under **Sub-alternative 5a**, but would occur regardless of stock status under **Sub-alternative 5b.**

Table 2.3.1. contains a summary of the recreational AMs under each alternative and sub-alternative. The highlighted sections show the AMs that would align with the preferred alternatives in the Generic AM amendment.

Table 2.3.1. Summary of Recreational AMs under the alternatives

	In-season AM	Post-season AM
Alternative 1 (status quo)	No in-season closure	Reduced season length so ACT is met but ACL not exceeded ONLY if rec ACL and total ACL are exceeded. Use the rolling average of most recent 3 years. Reduce the recreational ACL if rec ACL and total ACL are exceeded, AND Atlantic cobia is designated as overfished.
Alternative 2. Sub-alt 2a		Reduce season length based on last year's landings if overfished
Alternative 2. Sub-alt 2b		Reduce season length based on last year's landings if total ACL exceeded
Alternative 2. Sub-alt 2c		Reduce season length based on last year's landings if total ACL exceeded and overfished
Alternative 3 Sub-alt 3a		Reduce rec ACL by amount of the overage if overfished
Alternative 3 Sub-alt 3b		Reduce rec ACL by amount of the overage if total ACL exceeded
Alternative 3 Sub-alt 3c		Reduce rec ACL by amount of the overage if total ACL exceeded and overfished
Alternative 4 Sub-alt 4a	In-season closure when rec ACL is met or projected to be met if overfished	
Alternative 4 Sub-alt 4b	In-season closure when rec ACL is met or projected to be met regardless of stock status	
Alternative 5 Sub-alt 5a	In-season closure when rec ACT is met or projected to be met if overfished	
Alternative 5 Sub-alt 5b	In-season closure when rec ACT is met or projected to be met regardless of stock status	

Comparison of Alternatives:

Biological Effects

Economic Effects

Social Effects

Administrative Effects

Draft Action 4: Establish a commercial trip limit for Atlantic cobia

Alternative 1 (No Action). Do not modify the possession limit of 2 fish per person per day.

Alternative 2. Establish a commercial trip limit for Atlantic cobia of 2 fish per person per day. The trip limit will decrease to 1 fish per person per day when 75% of the commercial ACL has been met.

Alternative 3. Establish a commercial trip limit for Atlantic cobia of 6 fish per vessel per day. The trip limit will decrease to 3 fish per vessel per day when 75% of the commercial ACL has been met.

Discussion:

Cobia are unique among federally managed species in the southeast region, in that no federal commercial vessel fishery permit is required to commercially harvest cobia in federal waters. In federal waters there is a daily possession limit of two cobia per person that applies to both recreational and commercial catch. This makes the distinction between recreationally caught cobia and commercially caught cobia difficult, and the regulations define them as "cobia that are not sold" and "cobia that are sold." For purposes of this discussion, we will use the following terms interchangeably: "recreational" with "cobia that are not sold" and "commercial" with "cobia that are sold." Although a federal commercial vessel fishing permit is not required to fish for and sell cobia, federally permitted dealers can only buy cobia harvested from federally permitted fishing vessels; therefore, cobia harvested from a vessel fishing without any federal vessel fishing permit may only sell to a dealer that has a state license but not a federal license. The ACL for commercial cobia from Georgia to New York was 60,000 lbs in 2015, and is 50,000 lbs in 2016 and subsequent years. In 2015, commercial landings were 53,364 pounds, about 82% of the quota.

Alternative 1 (No Action) would not change the possession limit of 2 fish that applies to commercial harvest of Atlantic cobia. **Alternative 2** would establish a commercial trip limit of two fish per person per day with a possible reduction to one fish per person per day when commercial landings reach or are projected to reach 75% of the commercial ACL (37,500 lbs). **Alternative 3**, if added, would establish a vessel limit for commercial harvest of Atlantic cobia of 6 fish per vessel per day. When commercial landings reach or are projected to reach 75% of the commercial ACL, the vessel limit will decrease to 3 fish per vessel per day. Reducing the commercial landings of commercial catch through bag or vessel limits proposed in **Alternative 2** and **Alternative 3** may reduce commercial harvest enough to lengthen the fishing season.

Comparison of Alternatives:

Biological Effects

Economic Effects

Social Effects

Administrative Effects

Chapter 3. Affected Environment

This section describes the affected environment in the proposed project area. The affected environment is divided into five major components:

- **Habitat environment** (Section 3.1)
- **Biological environment** (Section 3.2)
- **Economic environment** (Section 3.3)
- **Social environment** (Section 3.4)
- **Administrative environment** (Section 3.5)

3.1 Habitat Environment

The South Atlantic Fishery Management Council (South Atlantic Council) has management jurisdiction of the federal waters (3-200 nautical miles) offshore of North Carolina, South Carolina, Georgia, and Florida. The continental shelf off the southeastern U.S., extending from the Dry Tortugas, Florida, to Cape Hatteras, North Carolina, encompasses an area in excess of 100,000 square km (Menzel 1993). Based on physical oceanography and geomorphology, this environment can be divided into two regions: Dry Tortugas, Florida, to Cape Canaveral, Florida, and Cape Canaveral, Florida, to Cape Hatteras, North Carolina. The continental shelf from the Dry Tortugas, Florida, to Miami, Florida, is approximately 25 km wide and narrows to approximately 5 km off Palm Beach, Florida. The shelf then broadens to approximately 120 km off Georgia and South Carolina before narrowing to 30 km off Cape Hatteras, North Carolina. The Florida Current/Gulf Stream flows along the shelf edge throughout the region. In the southern region, this boundary current dominates the physics of the entire shelf (Lee et al. 1994).

In the northern region, additional physical processes are important and the shelf environment can be subdivided into three oceanographic zones (Atkinson et al. 1985; Menzel 1993), the outer shelf, mid-shelf, and inner shelf. The outer shelf (40-75 meters (m)) is influenced primarily by the Gulf Stream and secondarily by winds and tides. On the mid-shelf (20-40 m), the water column is almost equally affected by the Gulf Stream, winds, and tides. Inner shelf waters (0-20 m) are influenced by freshwater runoff, winds, tides, and bottom friction. Water masses present from the Dry Tortugas, Florida, to Cape Canaveral, Florida, include Florida Current water, waters originating in Florida Bay, and shelf water. From Cape Canaveral, Florida, to Cape

Hatteras, North Carolina four water masses are found: Gulf Stream water; Carolina Capes water; Georgia water; and Virginia coastal water.

Spatial and temporal variation in the position of the western boundary current has dramatic effects on water column habitats. Variation in the path of the Florida Current near the Dry Tortugas induces formation of the Tortugas Gyre (Lee et al. 1992, 1994). This cyclonic eddy has horizontal dimensions of approximately 100 km and may persist near the Florida Keys for several months. The Pourtales Gyre, which has been found to the east, is formed when the Tortugas Gyres moves eastward along the shelf. Upwelling occurs in the center of these gyres, thereby adding nutrients to the near surface (<100 m) water column. Wind and input of Florida Bay water also influence the water column structure on the shelf off the Florida Keys (Smith 1994; Wang et al. 1994). Further, downstream, the Gulf Stream encounters the "Charleston Bump", a topographic rise on the upper Blake Ridge where the current is often deflected offshore resulting in the formation of a cold, quasi-permanent cyclonic gyre and associated upwelling (Brooks and Bane 1978). On the continental shelf, offshore projecting shoals at Cape Fear, Cape Lookout, and Cape Hatteras, North Carolina, affect longshore coastal currents and interact with Gulf Stream intrusions to produce local upwelling (Blanton et al. 1981; Janowitz and Pietrafesa 1982). Shoreward of the Gulf Stream, seasonal horizontal temperature and salinity gradients define the mid-shelf and inner-shelf fronts. In coastal waters, river discharge and estuarine tidal plumes contribute to the water column structure.

The water column from Dry Tortugas, Florida, to Cape Hatteras, North Carolina, serves as habitat for many marine fish and shellfish. Most marine fish and shellfish release pelagic eggs when spawning and thus, most species utilize the water column during some portion of their early life history (Leis 1991; Yeung and McGowan 1991). Many fish inhabit the water column as adults. Pelagic fishes include numerous clupeoids, flying fish, jacks, cobia, bluefish, dolphin, barracuda, and the mackerels (Schwartz 1989). Some pelagic species are associated with particular benthic habitats, while other species are truly pelagic.

3.2 Biological and Ecological Environment

3.2.1 Fish Populations Affected by this Amendment

3.2.2 Description of the Fishery

3.2.3 Protected Species

3.3 Economic Environment

TO BE ADDED

3.4 Social Environment

With the establishment of two migratory groups of cobia and setting of ACLs and ACTs in Amendment 18 (GMFMC/SAFMC 2011) and the establishment of a subzone for the Florida East Coast Zone in Amendment 20B (GMFMC/SAFMC 2014), the recent harvesting patterns reflect shifts in effort or changes in species range/status. The community description below is divided into the two subzones of Atlantic Group and Florida East Coast Zone with both recreational and commercial fishing communities identified for both zones. A description of Mid-Atlantic fishing communities will also be added to this section when data are obtained.

The regional quotients are based upon their subzone landings. For more comprehensive demographic descriptions of many communities, see the SERO Community Snapshots [2] and for Mid-Atlantic communities, see the NEFSC Community Snapshots.[3]

Recreational Fishing Communities
Recreational fishing communities for Atlantic cobia are listed in **Figure 3.4.1**. These communities were selected by their index ranking based on a factor analysis of a number of criteria including number of charter permits and recreational fishing infrastructure as listed under the Marine Recreational Information Program (MRIP) survey identified within each community. There are two thresholds included in **Figure 3.4.1** that correspond to both 1 and ½ standard deviations from the mean. The recreational engagement score is standardized so the mean is zero. Several communities in North Carolina and South Carolina exceed the threshold of 1 standard deviation which suggests those communities are highly engaged in recreational fishing. While this measure is not specific to cobia, but an overall recreational engagement measure, it is assumed that there would be more harvest of cobia from these ports recreationally because of increased effort.

The communities of Atlantic Beach, Hatteras, Manteo, Morehead City, NC and Charleston, Hilton Head, Little River and Murrells Inlet, SC all exceed the threshold of 1 standard deviation and likely have some dependence upon recreational fishing. The communities of Carolina Beach, Kill Devil Hills, Nags Head, Oak Island, Wanchese, Wilmington, NC and Mount Pleasant, SC all exceed the ½ standard deviation threshold and would also likely have some dependence upon recreational fishing within their economies, but not as much as those that exceed both thresholds. These communities may experience some effects of changes to management as they exhibit substantial recreational fishing activity. Unfortunately, we are unable at this time to describe cobia harvest within a community and must rely on an overall recreational fishing measure.

[2] http://sero.nmfs.noaa.gov/sustainable_fisheries/social/community_snapshot/index.html
[3] http://www.nefsc.noaa.gov/read/socialsci/communitySnapshots.php

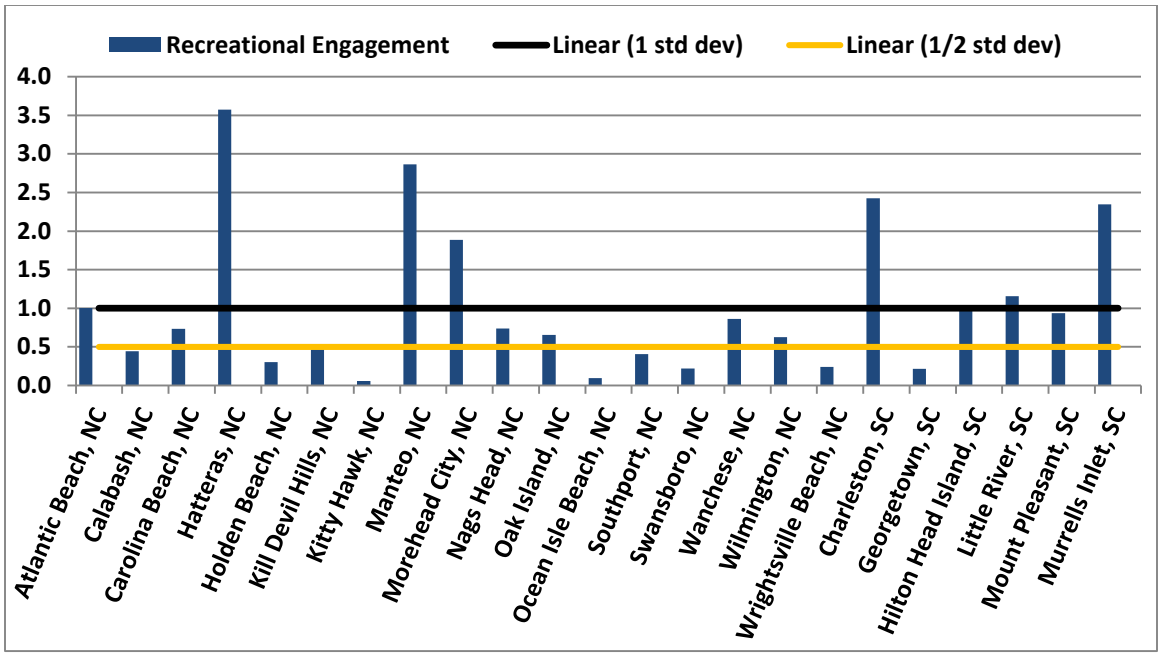

Figure 3.4.1. Recreational Engagement for Cobia Atlantic Group Fishing Communities.

Commercial Harvest

The communities ranked in **Figure 3.4.2** represent those top 16 communities in terms of their commercial landings of cobia within the Atlantic Group states. The data are based upon dealer data aggregated at the community level. The communities are ranked according to their landings of cobia as a percent of all cobia landings within the Atlantic Group. The community of Hatteras has seen a marked increase in its RQ for cobia in 2014, whereas other communities, such as Wanchese and Avon have seen a marked decrease in their RQ in the past few years. In fact, most communities in Figure 3.3.2 have seen decreases in their RQ.

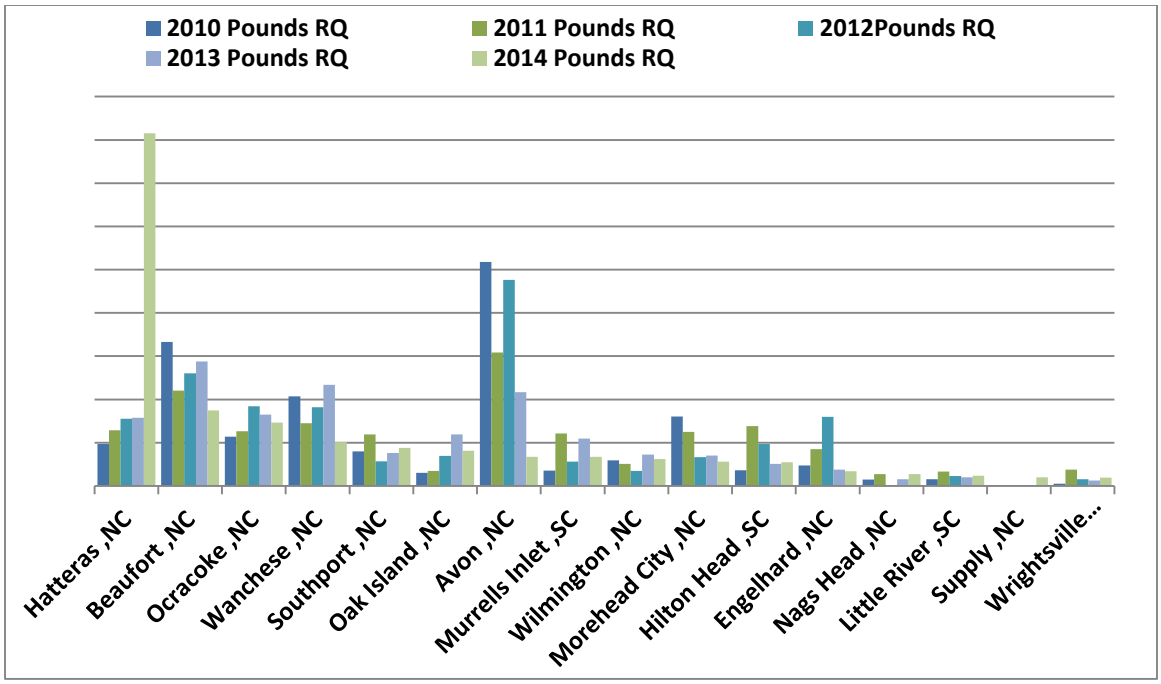

Figure 3.4.2. Cobia Commercial Regional Quotient for Atlantic Group Fishing Communities**.**

Recreational Fishing Communities

Recreational fishing communities for the Florida East Coast Sub-Group are listed in **Figure 3.4.3**. Again these communities are ranked based upon their overall recreational engagement score like the Atlantic Group communities were. There are several communities that exceed both thresholds with Cape Canaveral, Fort Lauderdale, Islamorada, Key West, Marathon, Miami, Ponce Inlet, Saint Augustine, Summerland Key and Tavernier all above the 1 standard deviation threshold. These communities, like those in the Atlantic Group, likely have substantial recreational fishing activity and would be more likely to be affected by management changes that affect recreational harvest in their region.

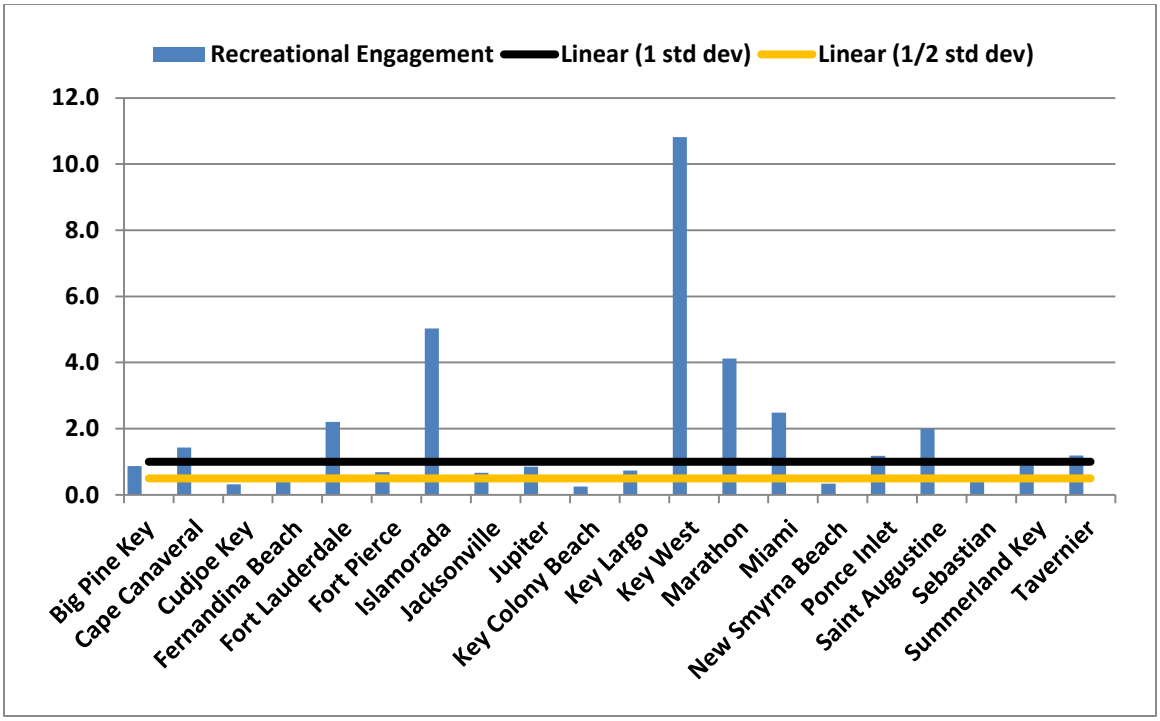

Figure 3.4.3. Recreational Fishing Engagement for Florida East Coast Sub-Group Fishing Communities.

Commercial Harvest

The top commercial fishing communities in the Florida East Coast Sub-region with cobia harvest are depicted in **Figure 3.4.4**. Again, the regional quotient is based upon the community's landings of cobia as a percentage of all cobia landings in the Sub-region. Cocoa, FL leads all communities in the Sub-region followed by Jupiter and Fort Pierce. Most communities in the top tier have seen their RQ increase while many in the lower tier have seen their RQ decrease over time, although there is certainly fluctuation from year to year. Those communities with a higher RQ would likely see more effects from management changes.

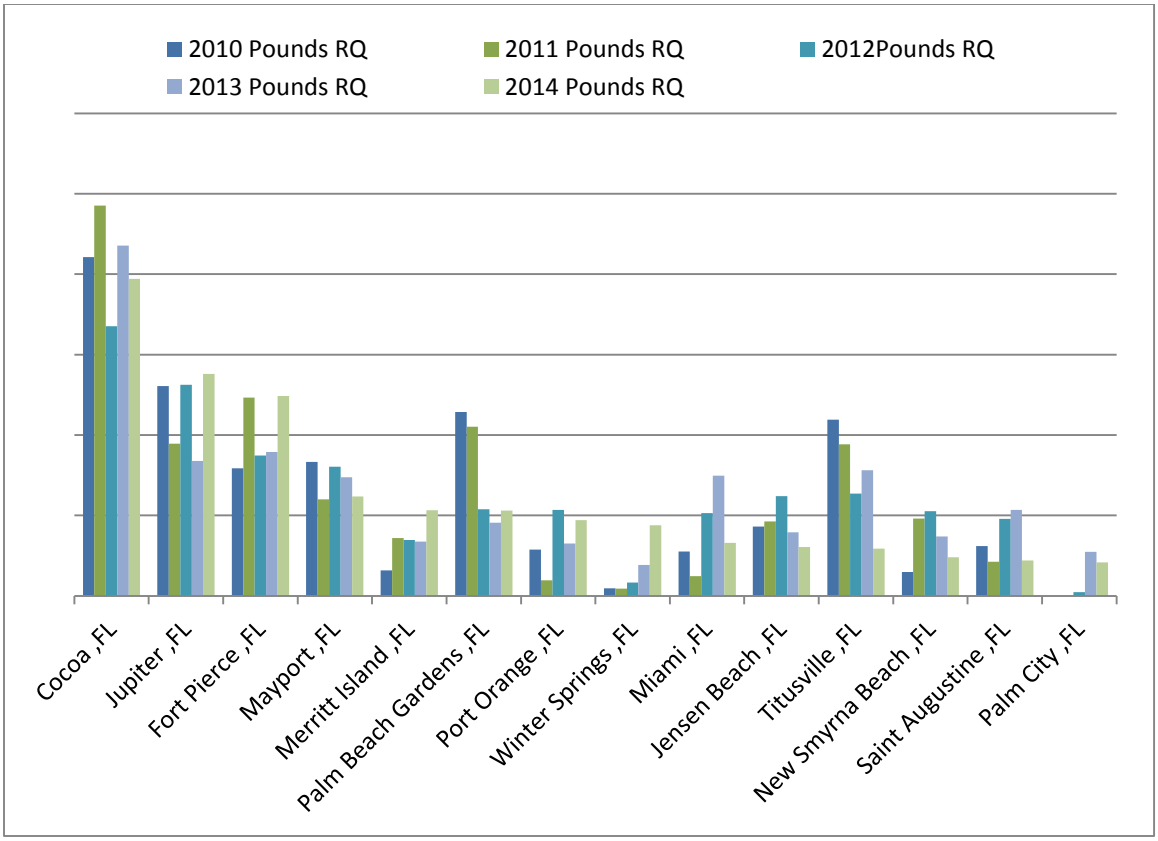

Figure 3.4.4. Cobia Commercial Regional Quotient for Florida East Coast Sub-Group Fishing Communities**.**

Mid-Atlantic Fishing Communities
TO BE COMPLETED

3.5 Administrative Environment

3.5.1 The Fishery Management Process and Applicable Laws

3.5.1.1 Federal Fishery Management

Federal fishery management is conducted under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 et seq.), originally enacted in 1976 as the Fishery Conservation and Management Act. The U.S. claims through the Magnuson-Stevens Act, sovereign rights and exclusive fishery management authority over most fishery resources within the EEZ, an area extending 200 nautical miles (nm) from the seaward boundary of each of the coastal states, and authority over U.S. anadromous species and continental shelf resources that occur beyond the U.S. EEZ.

Responsibility for federal fishery management decision-making is divided between the U.S. Secretary of Commerce (Secretary) and eight regional fishery management councils that represent the expertise and interests of constituent states. Regional councils are responsible for preparing, monitoring, and revising management plans for fisheries needing management within

their jurisdiction. The Secretary is responsible for collecting and providing the data necessary for the councils to prepare fishery management plans and for promulgating regulations to implement proposed plans and amendments after ensuring that management measures are consistent with the Magnuson-Stevens Act and with other applicable laws. In most cases, the Secretary has delegated this authority to NMFS.

The South Atlantic Council is responsible for conservation and management of fishery resources in federal waters of the U.S. South Atlantic. These waters extend from 3 to 200 nm offshore from the seaward boundary of the States of North Carolina, South Carolina, Georgia, and east Florida to Key West. The South Atlantic Council has 13 voting members: one from NMFS; one each from the state fishery agencies; and eight public members appointed by the Secretary. Non-voting members include representatives of the U.S. Fish and Wildlife Service, US Coast Guard (USCG), and Atlantic States Marine Fisheries Commission (ASMFC).

The Mid-Atlantic Fishery Management Council (Mid-Atlantic Council) has two voting seats on the South Atlantic Council's Mackerel Committee but does not vote during Council sessions. The Mid-Atlantic Council is responsible for fishery resources in federal waters off New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina. The coastal migratory pelagic fishery is jointly managed with the Gulf of Mexico Fishery Management Council (Gulf Council). Therefore, the Gulf Council reviewed CMP Framework 2 and voted to approve it for Secretarial review.

The Councils use their respective Scientific and Statistical Committees (SSC) to review data and science used in assessments and fishery management plans/amendments. Regulations contained within FMPs are enforced through actions of the NMFS' Office for Law Enforcement (NOAA/OLE), the USCG, and various state authorities.
The public is involved in the fishery management process through participation at public meetings, on advisory panels, and through council meetings that, with some exceptions, are open to the public. The regulatory process is in accordance with the Administrative Procedures Act, in the form of "notice and comment" rulemaking, which provides extensive opportunity for public scrutiny and comment, and requires consideration of and response to those comments.

3.5.1.2 State Fishery Management

The purpose of state representation at the Council level is to ensure state participation in federal fishery management decision-making and to promote the development of compatible regulations in state and federal waters. The state governments have the authority to manage their respective state fisheries including enforcement of fishing regulations. Each of the eight states exercises legislative and regulatory authority over their states' natural resources through discrete administrative units. Although each agency listed below is the primary administrative body with respect to the state's natural resources, all states cooperate with numerous state and federal regulatory agencies when managing marine resources.

The states are also involved through the Gulf States Marine Fisheries Commission and the ASMFC in management of marine fisheries. These commissions were created to coordinate state regulations and develop management plans for interstate fisheries.

NMFS' State-Federal Fisheries Division is responsible for building cooperative partnerships to strengthen marine fisheries management and conservation at the state, inter-regional, and national levels. This division implements and oversees the distribution of grants for two national (Inter-jurisdictional Fisheries Act and Anadromous Fish Conservation Act) and two regional (Atlantic Coastal Fisheries Cooperative Management Act and Atlantic Striped Bass Conservation Act) programs. Additionally, it works with the commissions to develop and implement cooperative State-Federal fisheries regulations.

More information about these agencies can be found from the following web pages:
Florida Fish and Wildlife Conservation Commission http://www.myfwc.com
Georgia Department of Natural Resources, Coastal Resources Division http://crd.dnr.state.ga.us/
South Carolina Department of Natural Resources http://www.dnr.sc.gov/
North Carolina Department of Environmental and Natural Resources
http://portal.ncdenr.org/web/guest/
Virginia Marine Resources Commission http://www.mrc.virginia.gov/

3.5.1.3 Enforcement

Both the NOAA/OLE and the USCG have the authority and the responsibility to enforce regulations. NOAA/OLE agents, who specialize in living marine resource violations, provide fisheries expertise and investigative support for the overall fisheries mission. The USCG is a multi-mission agency, which provides at sea patrol services for the fisheries mission.

Neither NOAA/OLE nor the USCG can provide a continuous law enforcement presence in all areas due to the limited resources of NOAA/OLE and the priority tasking of the USCG. To supplement at sea and dockside inspections of fishing vessels, NOAA entered into Cooperative Enforcement Agreements with all but one of the states in the Southeast Region (North Carolina), which granted authority to state officers to enforce the laws for which NOAA/OLE has jurisdiction. In recent years, the level of involvement by the states has increased through Joint Enforcement Agreements, whereby states conduct patrols that focus on federal priorities and, in some circumstances, prosecute resultant violators through the state when a state violation has occurred.

NOAA General Counsel issued a revised Southeast Region Magnuson-Stevens Act Penalty Schedule in June 2003, which addresses all Magnuson-Stevens Act violations in the Southeast Region. In general, this penalty schedule increases the amount of civil administrative penalties that a violator may be subject to up to the current statutory maximum of $120,000 per violation. The Final Penalty Policy was issued and announced on April 14, 2011 (76 FR 20959).

Chapter 4. Environmental Effects and Comparison of Alternatives

4.1 Action 1: Modify the recreational management measures for Atlantic cobia

Action 1-1: Modify the recreational harvest limits for Atlantic cobia

Alternative 1 (No Action). Do not modify the possession limit of 2 fish per person per day for Atlantic cobia that are not sold.

Alternative 2. Establish a recreational bag limit for Atlantic cobia.

Option 2a. 1 fish per person per day
Option 2b. 2 fish per person per day

Alternative 3. Establish a recreational vessel limit for Atlantic cobia.

Option 3a. 1 fish per vessel per day
Option 3b. 2 fish per vessel per day
Option 3c. 3 fish per vessel per day
Option 3d. 4 fish per vessel per day
Option 3e. 5 fish per vessel per day
Option 3f. 6 fish per vessel per day

Action 1-2: Modify the minimum size limit for recreational harvest of Atlantic cobia

Alternative 1 (No Action). Do not modify the minimum size limit of 33 inches fork length (FL) for recreational and commercial harvest of Atlantic cobia.

Alternative 2. Modify the minimum size limit for Atlantic cobia for recreational and commercial harvest of Atlantic cobia.

Option 2a. 34 inches FL
Option 2b. 35 inches FL
Option 2c. 36 inches FL
Option 2d. 37 inches FL
Option 2e. 38 inches FL
Option 2f. 39 inches FL
Option 2g. 45 inches FL
Option 2h. 50 inches FL

4.1.1 Biological Effects

Action 1-1 and **Action 1-2** would implement harvest limits through personal bag limits, vessel limits, size limits, or a combination of these management measures. The intent of this framework amendment is to ensure a longer fishing season for recreational cobia and a combination of harvest limits and size limits are often an effective means to ensuring a longer fishing season.

Recreational cobia landings for the Atlantic migratory group (Georgia to New York[4]) in 2015 were substantially higher than previous years. The 2015 recreational landings were higher than both 2013 and 2014 landings (**Table 4.1.1**). The 2015 recreational landings from Waves 1-5 have reached 245% of the recreational ACL and 231% of the stock ACL (recreational and commercial ACLs combined). Only 71 pounds whole weight of cobia were reported in wave 6 of 2015. The majority of the landings occurred off Virginia and North Carolina with much lower landings off Georgia and South Carolina. Florida landings are considered to be part of the Gulf of Mexico stock.

The number of cobia caught per person in 2014 and 2015 were not statistically significantly different between the years (t-test, df = 1, P = 0.8495). However, from 2013 to 2015 there was an increase in the average weight of cobia (**Figure 4.1.1**) which contributed to the high landings of cobia in 2015. Another contributing factor to the high landings of cobia in 2015 was the increase in in fishing effort. The recreational trips that targeted cobia from New York to Georgia increased by 25% from 2014 to 2015 (**Figure 4.1.2**).

Table 4.11. Recreational landings (lbs) for Waves 1 through 5 for 2013, 2014, and 2015 by state. In 2013, 138 lbs were reported for Wave 6; no landings in Wave 6 of 2014; and only 71 lbs were reported for Wave 6 in 2015. All landings for 2015 are preliminary.

		2013		2014		2015	
Wave	State	Landings	Wave Total	Landings	Wave Total	Landings	Wave Total
1		0	0	0	0	0	0
2	NC	121		600		142	
	SC	306	427	24	624	44,310	44,452
3	GA	8,801		18,028		66,928	
	SC	11,781		15,976		71,916	
	NC	445,578		228,231		585,568	
	VA	66,476	532,636	122,740	384,975	193,795	918,208
4	GA	20,395		2,500		876	
	SC	6,914		15,449		7,619	
	NC	16,456		48,246		33,881	
	VA	286,937	330,703	91,687	157,882	519,139	561,514

[4] No landings were reported north of Virginia.

5	GA	28		114		0	
	SC	129		478		107	
	NC	30,814		412		10,782	
	VA	1,050	32,021	0	1,004	5,713	16,601
Total			895,787		544,485		1,540,775

Source: SEFSC Recreational ACL Dataset

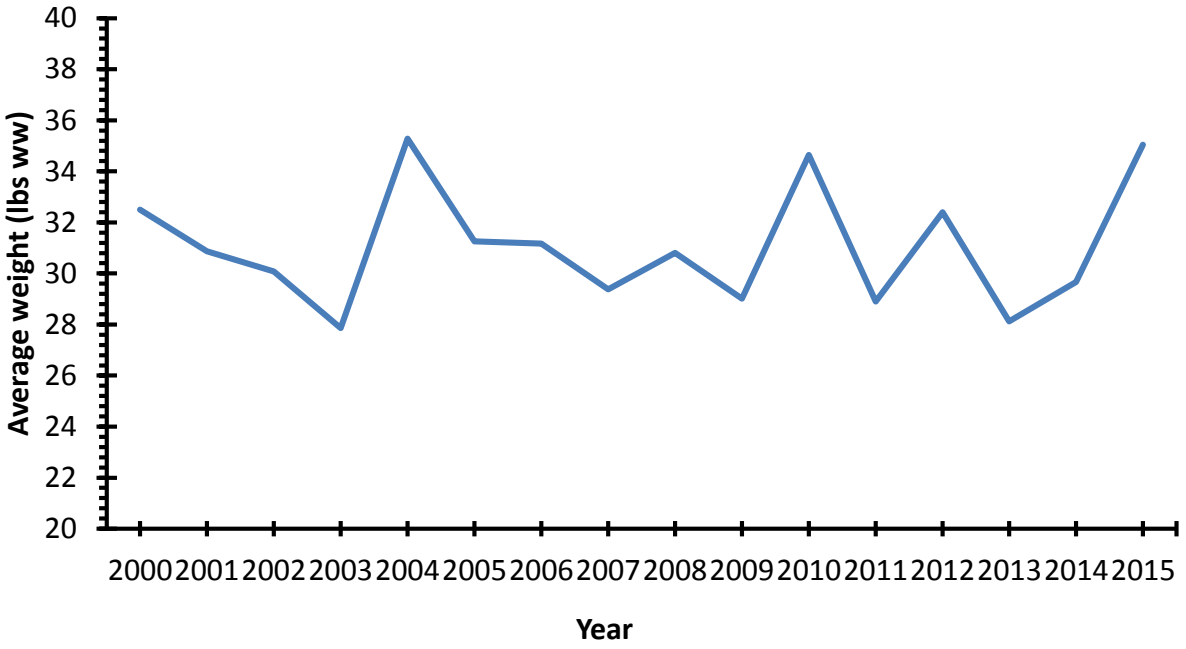

Figure 4.1.1. Average weights of cobia from New York to Georgia. The average weight for 2015 is preliminary. Source: SEFSC Recreational ACL Dataset

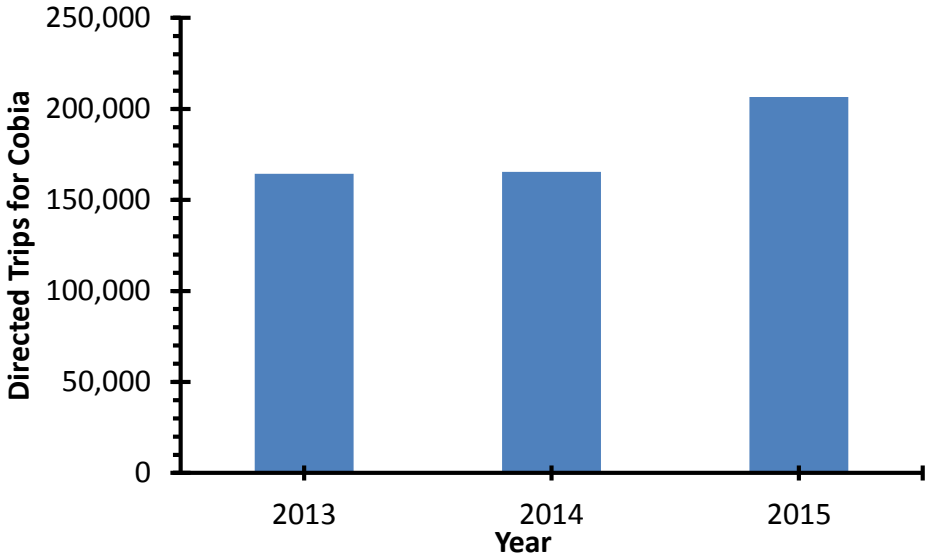

Figure 4.1.2. Directed recreational trips for cobia from New York to Georgia. The number of trips for 2015 are preliminary. Source: NOAA Office of Science and Technology Dataset

The accountability measure is to reduce the length of the season based on projections of when landings will reach the ACT in the following fishing year, to ensure landings stay within the ACL. Based on the scenario of 2015, the closure dates for 2016 were predicted using landings from 2013, 2014, 2015, the average of 2013-2015 landings, and the average of 2014-2015 landings (**Table 4.1.3**).

Table 4.1.3. Predicted closure dates for the Atlantic migratory group based on when the landings are predicted to reach the ACT of 500,000 lbs.

Landings	Closure Date
2013	6-Jun
2014	14-Aug
2015	31-May
Average 2013-2015	18-Jun
Average 2014-2015	14-Jun

Table 4.1.3 shows the predicted dates for when the cobia ACT would have been expected to be met under each catch rate scenario and assuming bag limit regulations do not change.

Alternative 1 (No Action) would not modify the possession limit of 2 fish per person per day for Atlantic cobia that are not sold. Under this alternative, with current rates of fishing effort, it would be expected that the fishing year would be shortened to ensure that the ACL is not exceeded.

Alternative 2, **option 2a** and **option 2b** would establish a recreational bag limit of one or two fish, respectively. Based on analysis of bag limits established for North Carolina this change will not result in much of a difference to the length of the fishing season.

On February 19, 2016, the North Carolina Marine Fisheries Commission reduced the bag limit from two fish to one fish per person per day in North Carolina state waters to help reduce landings and extend the season. The other state with high landings of cobia, Virginia, already has a one-fish bag limit.

To account for changes in the bag limit regulations, preliminary trip intercept data for 2015 were provided by the Southeast Fisheries Science Center, and percentage reductions in cobia landings were calculated from reducing the bag limit from two to one fish per person. This analysis was done with the trip intercept data for state waters from North Carolina, South Carolina, and Georgia. In all three areas, very few trips met the bag limit of two cobia per person per day, and the percentage reduction in landings for each state was 1% or less. Because the percentage reductions for all three states were low, NMFS assumed that the reduction in landings due to the one-fish bag limit was 5%, to allow a more fruitful analysis of the impact of the reduction. The landings were modified to adjust for the reduction of landings from the reduced bag limit, and

closure dates were estimated. Table 4 provides closure dates with the bag limit reduction implemented only in North Carolina state waters. The reduction in landings from the North Carolina change in bag limit had a small impact in the landings, and only extended the season by five or fewer days. The analysis shows that the predicted date when the recreational ACT for cobia would be met using the 2013, 2014, 2015, average 2013-2015, and average 2014-2015 landings ranges from June 1 to August 19 (**Table 4.1.4**).

Table 4.1.4. Predicted 2016 closure dates for Atlantic migratory group cobia based on when the landings are predicted to reach the ACT of 500,000 lbs after applying a one-fish bag limit to North Carolina state waters landings.

Landings	Closure Date	Increase in Days
2013	29-Jun	2
2014	19-Aug	5
2015	1-Jun	1
Average 2013-2015	**20-Jun**	**2**
Average 2014-2015	16-Jun	2

A closure date was also determined assuming a one-fish bag limit in South Carolina and Georgia state waters. The additional bag limit reduction in South Carolina and Georgia resulted in a small impact on landings and only extended the season by one additional day.

Alternative 3 and associated sub-options would implement a vessel limit of one to six fish per vessel per day. An analysis of vessel limits conducted using landings from North Carolina looked at vessel limits of one to four fish. Similar to **Alternative 2** and associated sub-options, the vessel limit has a small impact on the length of the fishing season (**Table 4.1.5**).

Table 4.1.5. Estimated percent decreases in cobia landings for various vessel limits for North Carolina state waters, and the corresponding closure date in 2016.

Vessel Limit	% Reduction	Closure Date
1	28.3	24-Jun
2	27.3	24-Jun
3	12.1	21-Jun
4	5.1	21-Jun

An analysis of the combination of vessel limits (**Alternative 3**) and size limits (**Alternative 4**) does provide an increase in the length of the fishing season. An analysis was conducted that combined changes to size limits (35-45 inches in fork length) and vessel limits in both Virginia and North Carolina state waters at the same time (**Table 4.1.6**). The analysis assumed both Virginia and North Carolina implemented the same regulation. For example, if both Virginia and North Carolina implement a 35 inch fork length size limit and a vessel limit of 2 fish. This analysis provided a range of closure dates, and under a 45 inch fork length and a 1 fish per vessel limit, no closure would be predicted.

Alternative 4, **option h** considers a 50 inch fork length, which would be expected to result in an even longer season length. In 2015 the recreational landings data for Virginia state waters did not have any fish harvested for the lengths of 33 through 35 inches fork length. Only cobia lengths of 36 inches fork length and longer were reported. The current minimum size limit for cobia in Virginia is 37 inches total length, which converts to 33-inches fork length.

Table 4.1.6. Estimated closure dates for a combination of size limits and vessel limits for both Virginia and North Carolina state waters.

Both Size Limit and Vessel Limit Combined		Closure Date
Fork Length	Vessel Limit	
35	2	27-Jun
35	1	30-Jun
37	2	28-Jun
37	1	3-Jul
40	2	3-Jul
40	1	15-Jul
45	2	3-Aug
45	1	No Closure

This analysis only impacts predicted landings in the state water of Virginia and North Carolina. Any new regulations in federal waters or in the state waters of South Carolina and Georgia could potentially extend the season.

Approximately 82% of the Atlantic migratory group cobia landings occur in state waters. When federal waters close for recreational harvest of cobia, if state waters do not also close, the ACL could still be exceeded. South Carolina automatically closes state waters when federal waters close; other states must carry out some other process to close state waters.

4.1.2 Economic Effects

Action 1-1

The current recreational possession limit for Atlantic cobia is 2 fish. Other than reducing to 1 fish, the only other option is to go to vessel limits, or prohibiting possession altogether. **Alternative 2** changes the definition to a recreational bag limit. Functionally, **Alternative 2**, **Option b** (2 fish per person bag limit) is functionally equivalent to **Alternative 1 (No Action)** (2 fish per person possession limit for Atlantic cobia that are not sold).

Clearly, **Alternative 2**, **Option 1** is more restrictive than **Alternative 1 (No Action)** and **Alternative 2**, **Option 2**. **Alternative 3**, **Options a – f** range from 1 to 6 fish per vessel in one fish increments, with **Option f** (6 fish per vessel) being least restrictive compared to **Option a** (1 fish per vessel).

Until there is further biological analysis showing expected landings, there is no definitive method for comparing the options of **Alternative 2** to those of **Alternative 3**.

Action 1-2

In general, increasing the size limit for a species has little long-term economic effect unless the larger size limit results in greater numbers of fish reaching spawning size and/or fish have higher fecundity prior to being harvested. Size limits that result in more spawning and/or higher fecundity would result on more direct, long-term, positive economic effects presumably through the availability of increased numbers of fish in the future. However, there could be some direct, short-term, negative economic effects as fewer fish would be available to harvest until the current population grows into the new minimum size and/or the biomass of harvestable fish increases. The greater the increase in size limit from **Alternative 1 (No Action)**, the probability increases for longer short-term negative economic effects, but could also eventually result in greater long-tern positive economic effects as long as increased size limits would result in a larger spawning biomass and overall biomass increasing above the minimum limit.

4.1.3 Social Effects

In general for **Action 1-1**, the social effects of modifying the recreational harvest limits would be associated with the biological costs of each alternative (see **Section 4.1.1**), as well as the effects on current recreational fishing opportunities. While **Alternatives 2** and **3** could restrict recreational fishing opportunities for Atlantic cobia, the harvest limits could help to extend the recreational fishing season by slowing the rate of harvest.

Different levels of recreational fishing opportunities under each alternative could affect recreational anglers and for-hire businesses targeting Atlantic cobia, particularly in North Carolina and Virginia. In general, benefits to the recreational sector will result from harvest limits that result in a longer fishing season but still maintain harvest limits large enough to have minimum effect on recreational trip satisfaction.

The social effects of the potential bag limits under **Alternative 2** will likely depend on the vessel limits in **Alternative 3**, particularly because **Option 2b** is the same as the current recreational possession limit for federal waters. **Option 2a** could have some negative effects on recreational fishing opportunities and trip satisfaction because the number of cobia that can be landed will decrease to one fish per person per day. The potential vessel limits in **Alternative 3** could have negative effects on vessels with larger numbers of people on board, if the Council specifies that the vessel limit will be the overall limit for the trip (instead of a bag limit for each person). The lower vessel limits will likely have more negative effects on trip satisfaction, but would be more likely to contribute to a longer fishing season.

Under **Action 1-2**, the social effects of an increased in the minimum size limit would be also associated with the benefits of a longer fishing season due to a slower rate of harvest, but potential negative effects on recreational trip satisfaction.

4.1.4 Administrative Effects

Establishing bag limits, vessel limits and size limits will have result in an administrative burden associated with rulemaking, outreach, education and enforcement. However, the impact is expected to be minimal based on the alternatives proposed in this amendment.

4.2 Action 2: Modify the fishing year for Atlantic cobia

Alternative 1 (No Action). Do not modify the current fishing year of January 1 through December 31.

Alternative 2. Modify the fishing year for Atlantic cobia to be May 1 through April 30.

Alternative 3. Modify the fishing year for Atlantic cobia to be June 1 through May 31.

Alternative 4. Establish a closed season for Atlantic cobia.
Option 4a. Closed May 1 – May 31
Option 4b. Closed May 1 – June 30

4.2.1 Biological Effects

Under **Alternative 1 (No Action)**, the fishing year would remain aligned with the calendar year. **Alternative 2** would implement a fishing year to start May 1 which corresponds with peak landings (**Figure 4.2.1**). **Alternative 3** would modify the fishing year to be June 1-May 31. **Alternative 4** could be chosen in conjunction with the **Alternative 1**, **Alternative** 2 or **Alternative 3** and would implement a closed season for the month of May. This closed season would result in a reduction of cobia during the time of historic peak landings. The State of South Carolina already has a spawning season closure of the month of May.

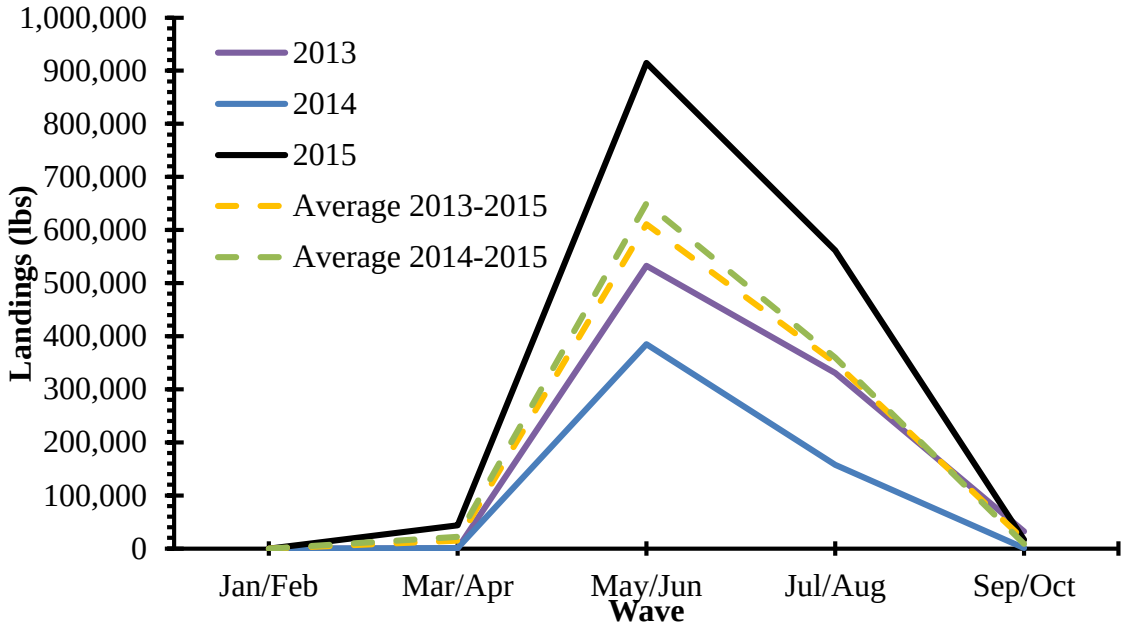

Figure 4.2.1. Atlantic recreational landings for January-October of 2013, 2014, 2015, average 2013-2015 landings, and average 2014-2015 landings by two-month wave. The landings for 2015 are preliminary. Source: SEFSC Recreational ACL Dataset

4.2.2 Economic Effects

Changing the starting and ending dates of a fishing year does not in and of themselves create changes in economic effects except if the entire ACL is taken prior to the end of the fishing year. Shifting the start date to a time when fish bring a lower price per pound in the commercial fishery or would result in a lower CS in the recreational fishery could result in negative economic effects. The opposite would be true if the start of the fishing year was changed to a period when the fish would be more valuable.

Establishing a closed season for Atlantic cobia during the spawning aggregations that occur in May and/or June would have short-term negative economic effects as fish are easier to catch while the fish are aggregated. However, closures that protect spawning aggregations are likely to result in long-term positive economic effects. The more fish are protected in spawning status, the greater long-term positive economic effects.

4.2.3 Social Effects

Modification to the fishing year and establishing closed season could have negative effects on the recreational sector by limiting fishing opportunities, but could also benefit the recreational sector by allowing the season to be open during peak harvest times during the year. Not allowing harvest during the first few months of the year (**Alternatives 2** and **3**) could help extend the season into the summer or later. However, because most harvest occurs in June and July, there may be little effect on season length due to changing the fishing year. The closed season in potential **Action 4** could allow harvest that would occur in May or May/June to be available for later in the fishing year. However, a closure in June (**Option 4b**) would likely have negative effects on recreational fishermen, particularly in Georgia, South Carolina and North Carolina by prohibiting harvest during peak fishing times. However, **Option 4b** would likely be most beneficial to fishermen in Virginia who usually harvest cobia later in the summer.

4.2.4 Administrative Effects

There will be no difference in the administrative burden between **Alternative 2** and **Alternative 3**. However, these action alternatives will have a greater administrative burden than **Alternative 1Alternative 4** may be selected in conjunction with another alternative and as the alternatives are combined, the administrative burden increases slightly. These impacts will be associated with rule-making, quota monitoring, outreach and education and enforcement.

4.3 Action 3: Modify the recreational accountability measures for Atlantic cobia

Alternative 1 (No Action): Do not revise the accountability measures (AMs) for Atlantic cobia.

Alternative 2. If recreational landings, as estimated by the Science and Research Director, exceed the recreational ACL, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings. If necessary, the Regional Administrator shall publish a notice to reduce the length of the following fishing season to ensure that recreational landings meet the recreational ACT but do not exceed the recreational ACL, based on the recreational landings in the previous year. The length of the recreational season will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary. The ACT for 2016 and subsequent fishing years is 500,000 lbs, as established in CMP Amendment 20B.

Sub-alternative 2a. The Regional Administrator will reduce the length of the following fishing year only if the species is overfished.

Sub-alternative 2b. The Regional Administrator will reduce the length of the following fishing year only if the total ACL (commercial ACL and recreational ACL) is exceeded.

Sub-alternative 2c. The Regional Administrator will reduce the length of the following fishing year only if the species is overfished **and** the total ACL (commercial ACL and recreational ACL) is exceeded.

Alternative 3. If recreational landings, as estimated by the Science and Research Director, exceed the recreational ACL, the Regional Administrator shall publish a notice to reduce the recreational ACL in the following fishing year by the amount of the recreational overage. The length of the recreational season will not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is unnecessary. The ACT would also be adjusted according to the following formula: recreational sector ACT equals sector ACL[(1-PSE) or 0.5, whichever is greater].

Sub-alternative 3a. The Regional Administrator will reduce the recreational ACL and ACT of the following fishing year only if the species is overfished.

Sub-alternative 3b. The Regional Administrator will reduce the recreational ACL and ACT of the following fishing year only if the total ACL (commercial ACL and recreational ACL) is exceeded.

Sub-alternative 2c. The Regional Administrator will reduce the recreational ACL and ACT of the following fishing year only if the species is overfished **and** the total ACL (commercial ACL and recreational ACL) is exceeded.

Alternative 4. If recreational landings reach or are projected to reach the recreational ACL, the Regional Administator shall publish a notice to close the recreational sector for the remainder of the fishing year, unless, using the best scientific information available, the Regional Administrator determines that a closure is unnecessary.

Sub-alternative 4a. If the species is overfished.

Sub-alternative 4b. Regardless of the overfished status of the species.

4.3.1 Biological Effects

As discussed above, the accountability measures (AM) for the Atlantic migratory group of cobia were established in Amendment 18 to the FMP. The current AM for the recreational sector requires that if the sum of the recreational and commercial landings exceed the stock ACL (recreational ACL plus commercial ACL) the AM is triggered. In this case, the National Marine Fisheries Service (NMFS) must file a notice at or near the beginning of the following fishing year to reduce the length of the recreational season by the amount necessary to ensure recreational landings may achieve the recreational ACT, but do not exceed the recreational ACL. To determine whether an ACL has been exceeded, Amendment 18 required using 2011 landings in the first year, then the average of 2011/12 in the second year and then a three-year average of landings in the third year onwards, unless an ACL changed, in which case the first single year of landings will be compared to the ACL. Because Amendment 20B changed the ACL beginning in 2015 (based on the stock assessment), only the 2015 landings are used to determine whether the recreational or stock ACL was exceeded such that the AM is triggered. For 2015, both the recreational ACL and the stock ACL were exceeded, and thus, the length of the 2016 fishing season must be reduced.

4.3.2 Economic Effects

The modifications to the recreational AMs proposed in **Action 3** will potentially make the accountability measures for Atlantic cobia the same as or closer to those set by the Council for other species (SAFMC 2016). **Alternative 2** options are potentially less restrictive than those of **Alternative 3**, as **Alternative 2** options will monitor landings for a persistence in increased landings, and would result in a reduced length of following season, if necessary and **Alternative 3** options will automatically reduce the recreational sector ACL in the next season by the amount of overage. Assuming the recreational ACL is exceeded, greater short-term negative economic effects would be expected from **Alternative 3** options than from **Alternative 2** options. However, if the ACL is not exceeded in any given season, there would be no differences between **Action 3** alternatives.

Alternative 4 gives the regional administrator (RA) authority to implement in season closures for cobia in case the ACL is met or project to be met. If the ACL is exceeded, the regional administrator could close the fishery to limit the size of the overage. **Option a** would allow the RA to implement an in season closure only if the fishery is overfished. **Option b** would allow the closure regardless of stock status. Minimizing ACL overages has long-term positive economic effects.

4.3.3 Social Effects

Accountability measures can have significant direct and indirect social effects because, when triggered, can restrict harvest in the current season or subsequent seasons. While the negative effects are usually short-term, they may at times induce other indirect effects through changes in fishing behavior or business operations that could have long-term social effects. Some of those effects are similar to other thresholds being met and may involve switching to other species or discontinuing fishing altogether. Those restrictions usually translate into reduced opportunity for

harvest which in turn can change fishing behaviors through species switching if the opportunity exists. That behavior can increase pressure on other stocks or amplify conflict. If there are no opportunities to switch species then losses of income or fishing opportunities may occur which can act like any downturn in an economy for fishing communities affected. If there is a substantial downturn then increased unemployment and other disruptions to the social fabric may occur. While these negative effects are usually short term, they may at times induce other indirect effects through the loss of fishing infrastructure that can have a lasting effect on a community.

In general, the most beneficial in the long term for the stock and for sustainable fishing opportunities a combination of an in-season closure and a payback provision. However, some flexibility in how these AMs are triggered, such as conditions of the stock being overfished or the total ACL being exceeded, can help to mitigate the negative short-term impacts on fishermen and associated businesses and communities.

Alternative 1 (No Action) would not modify the current recreational AMs for Atlantic cobia, including the use of the three-year rolling average in the evaluation of an overage. The rolling average may penalize the recreational sector by incorporating one year of very high landings into the evaluation of recreational landings for the next three years. **Alternative 2** would remove the rolling average and use only the most recent year's landings to evaluate the overage. This would likely be more beneficial to recreational fishermen because one year of high landings would not result in multiple years of a shortened season.

Alternative 3 would implement a reduction in the subsequent year's recreational ACL if there is an overage, which could negatively affect the season length and recreational fishing opportunities. **Alternative 4** would modify the AMs to include an in-season closure if the recreational ACL is expected to be met, which could help to avoid exceeding the ACL and post-season AMs to be triggered, but could also shorten the current year's fishing season.

4.3.4 Administrative Effects

Modifying the accountability measure is an administrative action which will have implications for rule making, outreach and education. However, none of the alternatives are expected to be more administratively burdensome than the others.

4.4 Action 4: Establish a commercial trip limit for Atlantic cobia

Alternative 1 (No Action). Do not modify the possession limit of 2 fish per person per day.

Alternative 2. Establish a commercial trip limit for Atlantic cobia of 2 fish per person per day. The trip limit will decrease to 1 fish per person per day when 75% of the commercial ACL has been met.

Alternative 3. Establish a commercial trip limit for Atlantic cobia of 6 fish per vessel per day. The trip limit will decrease to 3 fish per vessel per day when 75% of the commercial ACL has been met.

4.4.1 Biological Effects

Cobia are unique among federally managed species in the southeast region, in that no federal commercial vessel fishery permit is required to commercially harvest cobia in federal waters. In federal waters there is a daily possession limit of two cobia per person that applies to both recreational and commercial catch. This makes the distinction between recreationally caught cobia and commercially caught cobia difficult, and the regulations define them as "cobia that are not sold" and "cobia that are sold." For purposes of this discussion, we will use the following terms interchangeably: "recreational" with "cobia that are not sold" and "commercial" with "cobia that are sold." Although a federal commercial vessel fishing permit is not required to fish for and sell cobia, federally permitted dealers can only buy cobia harvested from federally permitted fishing vessels; therefore, cobia harvested from a vessel fishing without any federal vessel fishing permit may only sell to a dealer that has a state license but not a federal license. The ACL for commercial cobia from Georgia to New York is 60,000 pounds. In 2015, commercial landings were 53,364 pounds, about 82% of the quota. Reducing the commercial landings of commercial catch through bag or vessel limits proposed in **Alternative 2** and **Alternative 3** may reduce commercial harvest enough to lengthen the fishing season by a small amount.

4.4.2 Economic Effects

Generally, trip limits are not considered to be economically efficient because they require an increase in the number of trips and associated trip costs to land the same amount of fish. The fewer the number of trips that have to stop targeting cobia because the trip limit has been reached would result in the least amount of direct negative economic effect. There are no specific trip costs available for average trip costs associated with cobia, therefore specific values associated with trip costs cannot be estimated.

Alternative 2 would be more restrictive than **Alternative 1 (No Action)** because it would reduce the commercial trip limit to I fish per person when 75% of the commercial ACL is

reached. This would result in an extension in season length for cobia. The size of the direct negative economic effect is unknown as commercial trips typically do no solely target cobia, as they are caught as bycatch to other fisheries.

Alternative 3 would establish a vessel limit of 6 fish per vessel per day that would decrease to three fish per vessel per day. However, without additional analyses, it is not possible at this time to compare **Alternative 3** to either **Alternative 1 (No Action)** or **Alternative 2.**

4.4.3 Social Effects

In general, a commercial trip limit may help slow the rate of harvest, lengthen a season, and prevent the ACL from being exceeded, but trip limits that are too low may make fishing trips inefficient and too costly if fishing grounds are too far away. Additionally, if the trip limit is too low, the commercial ACL may not be met.

4.4.4 Administrative Effects

There will be no difference in the administrative burden between **Alternative 2** and **Alternative 3**. However, these action alternatives will have a greater administrative burden than **Alternative 1**. These impacts will be associated with rule-making, quota monitoring, outreach and education and enforcement.

Chapter 5. Council's Choice for the Preferred Alternatives

5.1 Modify the recreational management measures for Atlantic cobia

Action 1-1: Modify the recreational harvest limits for Atlantic cobia

Action 1-2: Modify the minimum size limit for recreational harvest of Atlantic cobia

5.1.1 Public Comments and Recommendations

5.1.2 Council's Choice for Preferred Alternative

5.2 Modify the fishing year for Atlantic cobia

5.2.1 Public Comments and Recommendations

5.2.2 Council's Choice for Preferred Alternative

5.3 Modify the recreational accountability measures for Atlantic cobia

5.3.1 Public Comments and Recommendations

5.3.2 Council's Choice for Preferred Alternative

5.4 Establish a commercial trip limit for Atlantic cobia

5.4.1 Public Comments and Recommendations

5.4.2 Council's Choice for Preferred Alternative

Chapter 6. Cumulative Effects

TO BE UPDATED

6.1 Affected Area

The immediate impact area would be the federal 200-mile limit of the Atlantic off the coasts of South Carolina, Georgia, and east Florida to Key West, which is also the South Atlantic Fishery Management Council's (South Atlantic Council) area of jurisdiction. The range of the affected species is described in **Section 3.2**. For this action, the cumulative effects analysis (CEA) includes an analysis of actions and events dating back to 2010 and through what is expected to take place approximately before or within 2015-2016.

6.2 Past, Present, and Reasonably Foreseeable Actions Impacting the Affected Area

Past Actions

The reader is referred to **Appendix C** for a list of all past regulatory activity for species in the CMP FMP. Recently implemented actions are listed below.

Amendment 18 to the CMP FMP (GMFMC/SAFMC 2011) established annual catch limits (ACL), annual catch targets (ACT), and accountability measures (AM) for king mackerel, Spanish mackerel, and cobia. The amendment also established both Atlantic and Gulf of Mexico (Gulf) migratory groups for cobia; modified the framework procedures; and removed the following species from the fishery management unit: cero, little tunny, dolphin and bluefish.

Generic amendments have been implemented requiring headboats in the South Atlantic and Gulf to report each week through electronic means. Regulations in the South Atlantic went into place on January 27, 2014, and regulations in the Gulf went into place on March 5, 2014.

Present Actions

Currently, there exist five CMP FMP/regulatory amendments in progress affecting Atlantic Spanish mackerel, including this framework action. One has recently been implemented (CMP Amendment 20A (GMFMC/SAFMC 2013a), and the others are in various stages of development and rulemaking. These actions include Amendment 20B (GMFMC/SAFMC 2014b), South Atlantic CMP Framework Action 2013 (GMFMC/SAFMC 2013b), Framework Amendment 1 (GMFMC/SAFMC 2014a), and this action (Framework Amendment 2).

Amendment 20A (GMFMC/SAFMC 2013a) allows certain types of sale of recreationally caught fish in each region. For the Atlantic region, Amendment 20A allows the sale of recreationally caught king and Spanish mackerel only from state-permitted tournaments where the proceeds are donated to charity. In addition, the amendment removes the income requirement for king and Spanish mackerel commercial permits. This action could increase the number of Spanish mackerel permits, which are open access.

Amendment 20B (GMFMC/SAFMC 2014b), which has been approved by the Gulf of Mexico and South Atlantic Fishery Management Councils, would establish transit provisions for travel through areas that are closed to king mackerel fishing, establish regional quotas for Atlantic migratory group king and Atlantic migratory group Spanish mackerel, modify the CMP FMP framework procedures, and modify the Gulf and Atlantic migratory group cobia ACLs and ACTs. NMFS published the proposed rule for Amendment 20B on October 31, 2014. The amendment is expected to be approved for implementation prior to implementation of Framework Amendment 2.

South Atlantic CMP Framework Action 2013 (GMFMC/SAFMC 2013b) would allow transfer of a portion of a Spanish mackerel gillnet and its contents from a vessel that has met their trip limit to another federally permitted Spanish mackerel vessel that has not yet met their trip limit. This action is in the final rule stage of implementation and is intended to reduce waste in the Spanish mackerel gillnet portion of the CMP fishery.

Framework Amendment 1 (GMFMC/SAFMC 2014a) would increase the ACLs for Spanish mackerel in the Gulf and South Atlantic based on the results from recent assessments that indicates the stocks are neither overfished nor undergoing overfishing. National Marine Fisheries Service (NMFS) published the proposed rule for this amendment on July 31, 2014. It is expected that Framework Amendment 1 will be effective prior to implementation of Framework Amendment 2.

The Joint Dealer Reporting Amendment, which was effective on August 7, 2014, is intended to improve the timeliness and accuracy of fisheries data reported by permitted dealers. The amendment created one dealer permit for all federally-permitted dealers in the southeast region. Previously, no dealer permit was previously required for CMP species. Requiring dealers to report landings data electronically each week is expected to improve in-season quota monitoring efforts, which would increase the likelihood that AMs can be implemented prior to commercial ACLs being exceeded.

Currently, a formal consultation is underway for the coastal migratory pelagics (CMP) fishery, triggered by the 2012 listing of five distinct population segments (Gulf of Maine, New York Bight, Chesapeake Bay, Carolina, and South Atlantic) of Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) under the Endangered Species Act. Additionally, in August 2014, the NMFS issued a final determination to newly list five Caribbean coral species found in the South Atlantic region as threatened and to maintain the threatened listing for the *Acropora* species (elkhorn and staghorn coral).

Recent increases in fishing effort and resultant management actions, particularly in the South Atlantic, have restricted access to other species that provide income for mackerel fishermen. In 2013, fishing for nine species or species groups in the South Atlantic was prohibited before the end of the year due to ACLs being met. Many commercial mackerel fishermen only fish for mackerel part time. With reduced income from other fishing, some fishermen that have not been very active in the CMP fishery may shift effort to fish for mackerel.

Reasonably Foreseeable Future Actions

Amendment 24 to the CMP FMP would consider re-allocating allowable catch between the commercial and recreational sector for Atlantic group Spanish mackerel, or establishing a process for in-season or pre-season quota shifts between the recreational and commercial sectors. Additionally, the stock assessment for king mackerel is complete (SEDAR 38) and will likely result in the Councils re-designating the zones and subzones for king mackerel. Revised annual catch limits based on the stock assessment, changes in zones and subzones, and other management measures for Gulf and Atlantic king mackerel are expected to be developed in 2015 and included in Amendment 26. In Amendment 28, the Councils may also consider establishing separate regional commercial permits for king and Spanish mackerel; currently, commercial permits are valid in both the Gulf and South Atlantic regions.

Expected Impacts from Past, Present, and Future Actions

Framework Amendment 2 alone would not result in significant cumulative impacts on the human environment. When combined with the impacts of past, present, and future actions affecting the CMP fishery, specifically the Atlantic migratory group Spanish mackerel portion of the CMP fishery, cumulative impacts are likely to accrue, such as a longer fishing season, increased management control for designated fishing zones, and social and economic benefits associated with improved management strategies. The generic and South Atlantic Council amendments intended to increase the frequency of reporting by dealers and fishermen are likely to benefit the human environment through more timely biological protections and unnecessary delay in data availability, leading to more stable market conditions. Actions that would help the Spanish mackerel segment of the CMP fishery avoid waste (South Atlantic CMP Framework Action 2013), increase the ACLs (Framework Amendment 1), allow flexibility in managing harvest limits among the fishing zones (Amendment 20B), and update the current method of sector allocations (Amendment 24), together or separately, are not expected to result in significant cumulative adverse biological or socioeconomic effects. All of the proposed or recently implemented management actions affecting South Atlantic Spanish mackerel and the CMP fishery are intended to improve management of the CMP resource, while minimizing, to the maximum extent practicable adverse social and economic impacts.

6.3 Consideration of Climate Change and Other Non-Fishery Related Issues

Climate Change

The Environmental Protection Agency's climate change webpage (http://www.epa.gov/climatechange/) provides basic background information on measured or anticipated effects from global climate change. A compilation of scientific information on climate change can be found in the United Nations Intergovernmental Panel on Climate Change's Fourth Assessment Report (IPCC 2007). Those findings are incorporated here by reference and are summarized. Global climate change can affect marine ecosystems through ocean warming by increased thermal stratification, reduced upwelling, sea level rise, and through increases in wave height and frequency, loss of sea ice, and increased risk of diseases in marine biota. Decreases in surface ocean pH due to absorption of anthropogenic carbon dioxide emissions may affect a wide range

of organisms and ecosystems. These influences could negatively affect biological factors such as migration, range, larval and juvenile survival, prey availability, and susceptibility to predators.

In the Southeast, general impacts of climate change have been predicted through modeling, with few studies on specific effects to species. Warming sea temperature trends in the southeast have been documented, and animals must migrate to cooler waters, if possible, if water temperatures exceed survivable ranges (Needham et al. 2012). Mackerels and cobia are migratory species, and may shift their distribution over time to account for the changing temperature regime. However, no studies have shown such a change yet. Higher water temperatures may also allow invasive species to establish communities in areas they may not have been able to survive previously. An area of low oxygen, known as the dead zone, forms in the northern Gulf each summer, which has been increasing in recent years. Climate change may contribute to this increase by increasing rainfall that in turn increases nutrient input from rivers. This increased nutrient load causes algal blooms that, when decomposing, reduce oxygen in the water (Kennedy et al. 2002; Needham et al. 2012). Other potential impacts of climate change to the southeast include increases in hurricanes, decreases in salinity, altered circulation patterns, and sea level rise. The combination of warmer water and expansion of salt marshes inland with sea-level rise may increase productivity of estuarine-dependent species in the short term. However, in the long term, this increased productivity may be temporary because of loss of fishery habitats due to wetland loss (Kennedy et al. 2002). Actions from this amendment are not expected to significantly contribute to climate change through the increase or decrease in the carbon footprint from fishing.

Weather Variables

Hurricane season is from June 1 to November 30, and accounts for 97% of all tropical activity affecting the Atlantic basin. These storms, although unpredictable in their annual occurrence, can devastate areas when they occur. Although these effects may be temporary, those fishing-related businesses whose profitability is marginal may go out of business if a hurricane strikes.

Deepwater-Horizon Oil Spill

On April 20, 2010, an explosion occurred on the Deepwater Horizon MC252 oil rig, resulting in the release of an estimated 4.9 million barrels of oil into the Gulf. In addition, 1.84 million gallons of Corexit 9500A dispersant were applied as part of the effort to constrain the spill. The cumulative effects from the oil spill and response may not be known for several years.

Indirect and inter-related effects on the biological and ecological environment of the CMP fishery in concert with the Deepwater Horizon MC252 oil spill are not well understood at this time. Changes in the population size structure could result from shifting fishing effort to specific geographic segments of populations, combined with any anthropogenically induced natural mortality that may occur from the impacts of the oil spill. Direct and indirect impacts on the food web from phytoplankton, to zooplankton, to mollusks, to top predators in the South Atlantic have not been significant and are not likely to be significant in the future.

6.4 Overall Impacts Expected from Past, Present, and Future Actions

The proposed management actions are summarized in **Chapter 2** of this document. Detailed discussions of the magnitude and significance of the impacts of the preferred alternatives on the human environment appear in **Chapter 4** of this document. None of the impacts of the action in this framework, in combination with past, present, and future actions have been determined to be significant. Though Amendment 20A, Amendment 20B, Framework Amendment 1, and South Atlantic Framework Action 2013, all supported by Environmental Assessments, contain actions that affect the species addressed in this framework action (Framework Amendment 2), the additive effects, beneficial and adverse, on the species and the fishery are not expected to result in a significant level of cumulative impacts.

The proposed action would not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places as these are not in the South Atlantic Exclusive Economic Zone (EEZ). This action is not likely to result in direct, indirect, or cumulative effects to unique areas, such as significant scientific, cultural, or historical resources, park land, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas as the proposed action is not expected to substantially increase fishing effort or the spatial and/or temporal distribution of current fishing effort within the South Atlantic region. The U.S. Monitor, Gray's Reef, and Florida Keys National Marine Sanctuaries are within the boundaries of the South Atlantic EEZ. The proposed actions are not likely to cause loss or destruction of these national marine sanctuaries because the actions are not expected to result in appreciable changes to current fishing practices.

6.5 Monitoring and Mitigation

The effects of the proposed action are, and will continue to be, monitored through collection of landings data by states, NMFS, stock assessments and stock assessment updates, life history studies, economic and social analyses, and other scientific observations. The proposed action relates to the harvest of an indigenous species in the Atlantic, and the activity being altered does not itself introduce non-indigenous species, and is not reasonably expected to facilitate the spread of such species through depressing the populations of native species. Additionally, it does not propose any activity, such as increased ballast water discharge from foreign vessels, which is associated with the introduction or spread on non-indigenous species.

None of the beneficial or adverse impacts from the proposed management action (as summarized in **Chapter 2** of this document) have been determined to be significant. See **Chapter 4** for the detailed discussions of the magnitude of the impacts of the preferred alternatives on the human environment. The action in CMP Framework Amendment 2 would not have significant biological, social, or economic effects because even though the action could extend fishing opportunities, accountability measures are also considered, and are in place to ensure overfishing does not occur. Therefore, the cumulative effects of the action proposed in CMP Framework Amendment 2 are not expected to affect bycatch, diversity and ecosystem structure of fish communities, or safety at sea of fishermen targeting CMP species, and other species managed by South Atlantic Council. Based on the cumulative effects analysis presented herein, the proposed

action will not have any significant adverse cumulative impacts compared to, or combined with, other past, present, and foreseeable future actions

Chapter 7. List of Interdisciplinary Plan Team (IPT) Members

Name	Agency/Division	Title
Kari MacLauchlin	SAFMC	IPT Lead/Fishery Social Scientist
Karla Gore	SERO /SF	IPT Lead/Fishery Biologist
David Carter	SEFSC	Economist
Brian Cheuvront	SAFMC	Deputy Director
Rick DeVictor	SERO/SF	Fishery Biologist
John Hadley	SAFMC	Fishery Economist
Stephen Holiman	SERO/SF	Economist
Michael Jepson	SERO/SF	Fishery Social Scientist
Michael Larkin	SERO/LAPP	Biologist
Tony Lamberte	SERO/SF	Economist
Jennifer Lee	SERO/PR	Protected Resources
Scott Sandorf	SERO	Technical Writer
Noah Silverman	SERO	NEPA Specialist
Monica Smit-Brunello	NOAA GC	General Counsel

NMFS = National Marine Fisheries Service, GMFMC = Gulf of Mexico Fishery Management Council, SAFMC = South Atlantic Fishery Management Council, SF = Sustainable Fisheries Division, PR = Protected Resources Division, SERO = Southeast Regional Office, HC = Habitat Conservation Division, GC = General Counsel, OLE= Office of Law Enforcement

Chapter 8. Agencies Consulted

Responsible Agencies

Coastal Migratory Pelagics Framework Amendment 2

South Atlantic Fishery Management Council (Administrative Lead)
4055 Faber Place Drive, Suite 201
Charleston, South Carolina 29405
843-571-4366/ 866-SAFMC-10 (TEL)
843-769-4520 (FAX)
www.safmc.net

Gulf of Mexico Fishery Management Council
2203 North Lois Avenue, Suite 1100
Tampa, Florida 33607
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Environmental Assessment:

NMFS, Southeast Region
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List of Agencies, Organizations, and Persons Consulted

SAFMC Law Enforcement Advisory Panel
SAFMC King and Spanish Mackerel Advisory Panel
SAFMC Scientific and Statistical Committee
North Carolina Coastal Zone Management Program
South Carolina Coastal Zone Management Program
Georgia Coastal Zone Management Program
Florida Coastal Zone Management Program
Florida Fish and Wildlife Conservation Commission
Georgia Department of Natural Resources
South Carolina Department of Natural Resources
North Carolina Division of Marine Fisheries
Virginia Marine Resources Commission
Atlantic States Marine Fisheries Commission
National Marine Fisheries Service

- Washington Office
- Office of Ecology and Conservation
- Southeast Regional Office
- Southeast Fisheries Science Center

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Appendix A. Glossary

Allowable Biological Catch (ABC): Maximum amount of fish stock than can be harvested without adversely affecting recruitment of other components of the stock. The ABC level is typically higher than the total allowable catch, leaving a buffer between the two.

ALS: Accumulative Landings System. NMFS database which contains commercial landings reported by dealers.

Biomass: Amount or mass of some organism, such as fish.

B_{MSY}: Biomass of population achieved in long-term by fishing at F_{MSY}.

Bycatch: Fish harvested in a fishery, but not sold or kept for personal use. Bycatch includes economic discards and regulatory discards, but not fish released alive under a recreational catch and release fishery management program.

Catch Per Unit Effort (CPUE): The amount of fish captured with an amount of effort. CPUE can be expressed as weight of fish captured per fishing trip, per hour spent at sea, or through other standardized measures.

Charter Boat: A fishing boat available for hire by recreational anglers, normally by a group of anglers for a short time period.

Cohort: Fish born in a given year. (See year class.)

Control Date: Date established for defining the pool of potential participants in a given management program. Control dates can establish a range of years during which a potential participant must have been active in a fishery to qualify for a quota share.

Constant Catch Rebuilding Strategy: A rebuilding strategy where the allowable biological catch of an overfished species is held constant until stock biomass reaches B_{MSY} at the end of the rebuilding period.

Constant F Rebuilding Strategy: A rebuilding strategy where the fishing mortality of an overfished species is held constant until stock biomass reached BMSY at the end of the rebuilding period.

Directed Fishery: Fishing directed at a certain species or species group.

Discards: Fish captured, but released at sea.

Discard Mortality Rate: The % of total fish discarded that do not survive being captured and released at sea.

Derby: Fishery in which the TAC is fixed and participants in the fishery do not have individual quotas. The fishery is closed once the TAC is reached, and participants attempt to maximize their harvests as quickly as possible. Derby fisheries can result in capital stuffing and a race for fish.

Effort: The amount of time and fishing power (i.e., gear size, boat size, horsepower) used to harvest fish.

Exclusive Economic Zone (EEZ): Zone extending from the shoreline out to 200 nautical miles in which the country owning the shoreline has the exclusive right to conduct certain activities such as fishing. In the United States, the EEZ is split into state waters (typically from the shoreline out to 3 nautical miles) and federal waters (typically from 3 to 200 nautical miles).

Exploitation Rate: Amount of fish harvested from a stock relative to the size of the stock, often expressed as a percentage.

F: Fishing mortality.

Fecundity: A measurement of the egg-producing ability of fish at certain sizes and ages.

Fishery Dependent Data: Fishery data collected and reported by fishermen and dealers.

Fishery Independent Data: Fishery data collected and reported by scientists who catch the fish themselves.

Fishery Management Plan: Management plan for fisheries operating in the federal produced by regional fishery management councils and submitted to the Secretary of Commerce for approval.

Fishing Effort: Usually refers to the amount of fishing. May refer to the number of fishing vessels, amount of fishing gear (nets, traps, hooks), or total amount of time vessels and gear are actively engaged in fishing.

Fishing Mortality: A measurement of the rate at which fish are removed from a population by fishing. Fishing mortality can be reported as either annual or instantaneous. Annual mortality is the percentage of fish dying in one year. Instantaneous is that percentage of fish dying at any one time.

Fishing Power: Measure of the relative ability of a fishing vessel, its gear, and its crew to catch fishes, in reference to some standard vessel, given both vessels are under identical conditions.

$F_{30\%SPR}$: Fishing mortality that will produce a static SPR = 30%.

$F_{45\%SPR}$: Fishing mortality that will produce a static SPR = 45%.

F_{OY}: Fishing mortality that will produce OY under equilibrium conditions and a corresponding biomass of B_{OY}. Usually expressed as the yield at 85% of F_{MSY}, yield at 75% of F_{MSY}, or yield at 65% of F_{MSY}.

F_{MSY}: Fishing mortality that if applied constantly, would achieve MSY under equilibrium conditions and a corresponding biomass of B_{MSY}

Fork Length (FL): The length of a fish as measured from the tip of its snout to the fork in its tail.

Framework: An established procedure within a fishery management plan that has been approved and implemented by NMFS, which allows specific management measures to be modified via regulatory amendment.

Gear restrictions: Limits placed on the type, amount, number, or techniques allowed for a given type of fishing gear.

Growth Overfishing: When fishing pressure on small fish prevents the fishery from producing the maximum poundage. Condition in which the total weight of the harvest from a fishery is improved when fishing effort is reduced, due to an increase in the average weight of fishes.

Gulf of Mexico Fishery Management Council (GFMC): One of eight regional councils mandated in the Magnuson-Stevens Fishery Conservation and Management Act to develop management plans for fisheries in federal waters. The GFMC develops fishery management plans for fisheries off the coast of Texas, Louisiana, Mississippi, Alabama, and the west coast of Florida.

Head Boat: A fishing boat that charges individual fees per recreational angler onboard.

Highgrading: Form of selective sorting of fishes in which higher value, more marketable fishes are retained, and less marketable fishes, which could legally be retained are discarded.

Individual Fishing Quota (IFQ): Fishery management tool that allocates a certain portion of the TAC to individual vessels, fishermen, or other eligible recipients.

Longline: Fishing method using a horizontal mainline to which weights and baited hooks are attached at regular intervals. Gear is either fished on the bottom or in the water column.

Magnuson-Stevens Fishery Conservation and Management Act: Federal legislation responsible for establishing the fishery management councils and the mandatory and discretionary guidelines for federal fishery management plans.

Marine Recreational Fisheries Statistics Survey (MRFSS): Survey operated by NMFS in cooperation with states that collects marine recreational data.

Maximum Fishing Mortality Threshold (MFMT): The rate of fishing mortality above which a stock's capacity to produce MSY would be jeopardized.

Maximum Sustainable Yield (MSY): The largest long-term average catch that can be taken continuously (sustained) from a stock or stock complex under average environmental conditions.

Minimum Stock Size Threshold (MSST): The biomass level below which a stock would be considered overfished.

Modified F Rebuilding Strategy: A rebuilding strategy where fishing mortality is changed as stock biomass increases during the rebuilding period.

Multispecies fishery: Fishery in which more than one species is caught at the same time and location with a particular gear type.

National Marine Fisheries Service (NMFS): Federal agency within NOAA responsible for overseeing fisheries science and regulation.

National Oceanic and Atmospheric Administration: Agency within the Department of Commerce responsible for ocean and coastal management.

Natural Mortality (M): A measurement of the rate at which fish are removed from a population by natural causes. Natural mortality can be reported as either annual or instantaneous. Annual mortality is the percentage of fish dying in one year. Instantaneous is that percentage of fish dying at any one time.

Optimum Yield (OY): The amount of catch that will provide the greatest overall benefit to the nation, particularly with respect to food production and recreational opportunities and taking into account the protection of marine ecosystems.

Overfished: A stock or stock complex is considered overfished when stock biomass falls below the minimum stock size threshold (MSST) (e.g., current biomass < MSST = overfished).

Overfishing: Overfishing occurs when a stock or stock complex is subjected to a rate of fishing mortality that exceeds the maximum fishing mortality threshold (e.g., current fishing mortality rate > MFMT = overfishing).

Quota: % or annual amount of fish that can be harvested.

Recruitment (R): Number or percentage of fish that survives from hatching to a specific size or age.

Recruitment Overfishing: The rate of fishing above which the recruitment to the exploitable stock becomes significantly reduced. This is characterized by a greatly reduced spawning stock, a decreasing proportion of older fish in the catch, and generally very low recruitment year after year.

Scientific and Statistical Committee (SSC): Fishery management advisory body composed of federal, state, and academic scientists, which provides scientific advice to a fishery management council.

Selectivity: The ability of a type of gear to catch a certain size or species of fish.

South Atlantic Fisheries Management Council (SAFMC): One of eight regional councils mandated in the Magnuson-Stevens Fishery Conservation and Management Act to develop management plans for fisheries in federal waters. The SAFMC develops fishery management plans for fisheries off North Carolina, South Carolina, Georgia, and the east coast of Florida.

Spawning Potential Ratio (Transitional SPR): Formerly used in overfished definition. The number of eggs that could be produced by an average recruit in a fished stock divided by the number of eggs that could be produced by an average recruit in an unfished stock. SPR can also be expressed as the spawning stock biomass per recruit (SSBR) of a fished stock divided by the SSBR of the stock before it was fished.

% Spawning Per Recruit (Static SPR): Formerly used in overfishing determination. The maximum spawning per recruit produced in a fished stock divided by the maximum spawning per recruit, which occurs under the conditions of no fishing. Commonly abbreviated as %SPR.

Spawning Stock Biomass (SSB): The total weight of those fish in a stock which are old enough to spawn.

Spawning Stock Biomass Per Recruit (SSBR): The spawning stock biomass divided by the number of recruits to the stock or how much spawning biomass an average recruit would be expected to produce.

Total Allowable Catch (TAC): The total amount of fish to be taken annually from a stock or stock complex. This may be a portion of the Allowable Biological Catch (ABC) that takes into consideration factors such as bycatch.

Total Length (TL): The length of a fish as measured from the tip of the snout to the tip of the tail.

Appendix B. Alternatives Considered but Rejected

Appendix C. History of Management

TO BE UPDATED

The Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and South Atlantic Region (CMP FMP; GMFMC/SAFMC 1982), with an environmental impact statement (EIS), was approved in 1982 and implemented by regulations effective in February 1983. Managed species included king mackerel, Spanish mackerel, and cobia. The CMP FMP treated king and Spanish mackerel as unit stocks in the Atlantic and Gulf (Gulf) of Mexico. The CMP FMP established allocations for the recreational and commercial sectors harvesting these stocks, and the commercial allocations were divided between net and hook-and-line fishermen.

CMP FMP Amendments

Amendment 1, with EIS, implemented in September 1985, provided a framework procedure for pre-season adjustment of total allowable catch (TAC), revised the estimate of king mackerel MSY downward, recognized separate Atlantic and Gulf migratory groups of king mackerel, and established fishing permits and bag limits for king mackerel. Commercial allocations among gear users, except purse seines, which were allowed 6% of the commercial allocation of TAC, were eliminated. The Gulf commercial allocation for king mackerel was divided into Eastern and Western Zones for the purpose of regional allocation, with 69% of the remaining allocation provided to the Eastern Zone and 31% to the Western Zone. Amendment 1 also established minimum size limits for Spanish mackerel at 12 inches fork length (FL) or 14 inches total length (TL), and for cobia at 33 inches FL or 37 inches TL.

Amendment 2, with an environmental assessment (EA), implemented in July 1987, revised MSY for Spanish mackerel downward, recognized two migratory groups, established allocations of TAC for the commercial and recreational sectors, and set commercial quotas and bag limits. Charterboat permits were established, and it was clarified that TAC must be set below the upper range of the acceptable biological catch. The use of purse seines on overfished stocks was prohibited, and their allocation of TAC was redistributed under the 69%:31% split.

Amendment 3, with EA, was partially approved in August 1989, revised, resubmitted, and approved in April 1990. It prohibited drift gillnets for coastal pelagic species and purse seines for the overfished migratory groups of mackerels.

Amendment 4, with EA, implemented in October 1989, reallocated Atlantic migratory group Spanish mackerel equally between recreational and commercial fishermen.

Amendment 5, with EA, implemented in August 1990, made the following changes in the management regime:

- Extended the management area for Atlantic migratory groups of mackerels through the Mid-Atlantic Council's area of jurisdiction;
- Revised problems in the fishery and plan objectives;
- Revised the fishing year for Gulf Spanish mackerel from July-June to April-March;
- Revised the definition of "overfishing";

- Added cobia to the annual stock assessment procedure;
- Provided that the South Atlantic Council will be responsible for pre-season adjustments of TACs and bag limits for the Atlantic migratory groups of mackerels while the Gulf Council will be responsible for Gulf migratory groups;
- Continued to manage the two recognized Gulf migratory groups of king mackerel as one until management measures appropriate to the eastern and western migratory groups can be determined;
- Re-defined recreational bag limits as daily limits;
- Deleted a provision specifying that bag limit catch of mackerel may be sold;
- Provided guidelines for corporate commercial vessel permits;
- Specified that Gulf migratory group king mackerel may be taken only by hook-and-line and run-around gillnets;
- Imposed a bag and possession limit of two cobia per person per day;
- Established a minimum size of 12 inches FL or 14 inches TL for king mackerel and included a definition of "conflict" to provide guidance to the Secretary.

Amendment 6, with EA, implemented in November of 1992, made the following changes:

- Identified additional problems and an objective in the fishery;
- Provided for rebuilding overfished stocks of mackerels within specific periods;
- Provided for biennial assessments and adjustments;
- Provided for more seasonal adjustment actions;
- Allowed for Gulf migratory group king mackerel stock identification and allocation when appropriate;
- Provided for commercial Atlantic migratory group Spanish mackerel possession limits;
- Changed commercial permit requirements to allow qualification in one of three preceding years;
- Discontinued the reversion of the bag limit to zero when the recreational quota is filled;
- Modified the recreational fishing year to the calendar year; and
- Changed the minimum size limit for king mackerel to 20 inches FL, and changed all size limit measures to FL only.

Amendment 7, with EA, implemented in November 1994, equally divided the Gulf commercial allocation in the Eastern Zone at the Dade-Monroe County line in Florida. The sub-allocation for the area from Monroe County through Western Florida is equally divided between commercial hook-and-line and net gear users.

Amendment 8, with EA, implemented in March 1998, made the following changes to the management regime:

- Clarified ambiguity about allowable gear specifications for the Gulf migratory group king mackerel fishery by allowing only hook-and-line and run-around gillnets. However, catch by permitted, multi-species vessels and bycatch allowances for purse seines were maintained;
- Established allowable gear in the South Atlantic and Mid-Atlantic areas as well as providing for the Regional Administrator to authorize the use of experimental gear;

- Established the Gulf and South Atlantic Councils' intent to evaluate the impacts of permanent jurisdictional boundaries between the Gulf and South Atlantic Councils and development of separate fishery management plans for coastal pelagic species in these areas;
- Established a moratorium on commercial king mackerel permits until no later than October 15, 2000, with a qualification date for initial participation of October 16, 1995;
- Increased the income requirement for a king or Spanish mackerel permit to 25% of earned income or $10,000 from commercial sale of catch or charter or head boat fishing in one of the three previous calendar years, but allowed for a one-year grace period to qualify under permits that are transferred;
- Legalized retention of up to five cut-off (damaged) king mackerel on vessels with commercial trip limits;
- Set an optimum yield target at 30% static spawning potential ratio (SPR) for the Gulf and 40% static SPR for the Atlantic;
- Provided the South Atlantic Council with authority to set vessel trip limits, closed seasons or areas, and gear restrictions for Gulf migratory group king mackerel in the North Area of the Eastern Zone (Dade/Monroe to Volusia/Flagler County lines);
- Established various data consideration and reporting requirements under the framework procedure;
- Modified the seasonal framework adjustment measures and specifications (see Appendix A);
- Expanded the management area for cobia through the Mid-Atlantic Council's area of jurisdiction (to New York).

Amendment 9, with EA, implemented in April 2000, made the following changes to the management regime:

- Reallocated the percentage of the commercial allocation of TAC for the North Area (Florida east coast) and South/West Area (Florida west coast) of the Eastern Zone to 46.15% North and 53.85% South/West and retained the recreational and commercial allocations of TAC at 68% recreational and 32% commercial;
- Subdivided the commercial hook-and-line king mackerel allocation for the Gulf migratory group, Eastern Zone, South/West Area (Florida west coast) by establishing two subzones with a dividing line between the two subzones at the Collier/Lee County line;
- Established regional allocations for the west coast of Florida based on the two subzones with 7.5% of the Eastern Zone allocation of TAC being allowed from Subzone 2 and the remaining 92.5% being allocated as follows:
- 50% - Florida east coast
- 50% - Florida west coast that is further subdivided:
    - 50% - Net Fishery
    - 50% - Hook-and-Line Fishery
- Established a trip limit of 3,000 pounds per vessel per trip for the Western Zone;
- Established a moratorium on the issuance of commercial king mackerel gillnet endorsements and allow re-issuance of gillnet endorsements to only those vessels that: 1) had a commercial mackerel permit with a gillnet endorsement on or before the

moratorium control date of October 16, 1995 (Amendment 8), and 2) had landings of king mackerel using a gillnet in one of the two fishing years, 1995-1996 or 1996-1997, as verified by the NMFS or trip tickets from Florida; allowed transfer of gillnet endorsements to immediate family members (son, daughter, father, mother, or spouse) only; and prohibited the use of gillnets or any other net gear for the harvest of Gulf migratory group king mackerel north of an east/west line at the Collier/Lee County line;

- Increased the minimum size limit for Gulf migratory group king mackerel from 20 in to 24 inches FL;
- Allowed the retention and sale of cut-off (damaged), legal-sized king and Spanish mackerel within established trip limits.

Amendment 10, with Supplemental Environmental Impact Statement (SEIS), approved June 1999, incorporated essential fish habitat provisions for the South Atlantic.

Amendment 11, with SEIS, partially approved in December 1999, included proposals for mackerel in the South Atlantic Council's Comprehensive Amendment Addressing Sustainable Fishery Act Definitions and other Provisions in FMPs of the South Atlantic Region.

Amendment 12, with EA, implemented October 2000, extended the commercial king mackerel permit moratorium from its current expiration date of October 15, 2000, to October 15, 2005, or until replaced with a license limitation, limited access, and/or individual fishing quota or individual transferable quota system, whichever occurs earlier.

Amendment 13, with SEIS, implemented August 2002, established two marine reserves in the EEZ of the Gulf in the vicinity of the Dry Tortugas, Florida known as Tortugas North and Tortugas South in which fishing for coastal migratory pelagic species is prohibited. This action complements previous actions taken under the National Marine Sanctuaries Act.

Amendment 14, with EA, implemented July 2002, established a three-year moratorium on the issuance of charter vessel and head boat Gulf migratory group king mackerel permits in the Gulf unless sooner replaced by a comprehensive effort limitation system. The control date for eligibility was established as March 29, 2001. Also includes provisions for eligibility, application, appeals, and transferability.

Amendment 15, with EA, implemented August 2005, established an indefinite limited access program for the commercial king mackerel fishery in the EEZ under the jurisdiction of the Gulf, South Atlantic Council, and Mid-Atlantic Council. It also changed the fishing season to March 1 through February 28/29 for the Atlantic migratory groups of king and Spanish mackerel.

Amendment 16, was not developed.

Amendment 17, with SEIS, implemented June 2006, established a limited access system on for-hire reef fish and coastal migratory pelagic permits. Permits are renewable and transferable in the same manner as currently prescribed for such permits. There will be a periodic review at least every 10 years on the effectiveness of the limited access system.

Amendment 18, with EA, implemented in January 2012 established ACLs, ACTs, and AMs for king mackerel, Spanish mackerel, and cobia. The amendment also established both Atlantic and Gulf migratory groups for cobia; modified the framework procedures; and removed the following species from the FMU: cero, little tunny, dolphin and bluefish. The South Atlantic and Gulf Councils approved the amendment for formal review in August 2011. The amendment was approved by the Secretary of Commerce in December 2011.

Amendment 20A, with EA, implemented July 2014 prohibits the sale of king and Spanish mackerel caught under the bag limit in each region except under limited circumstances. For the Gulf of Mexico, the amendment prohibits the sale of king and Spanish mackerel caught under the bag limit unless those fish are either caught on a for-hire trip and the vessel has both a for-hire and commercial vessel permit, or the fish are caught as part of a state-permitted tournament and the proceeds from the sale are donated to charity. For the Atlantic region, the amendment prohibits the sale of king and Spanish mackerel caught under the bag limit unless the fish are caught as part of a state-permitted tournament and the proceeds from the sale are donated to charity. In addition, the amendment removes the income qualification requirement for king and Spanish mackerel commercial permits.

Framework Adjustments relevant to the proposed action:

September 1996, with EA, modified the trip limits for Florida set up in Amendment 6. From April 1-October 31, the trip limit would be 1,500 lbs. Starting November 1, trips would be unlimited on Monday, Wednesday, and Friday, and there would be a trip limit of 1,500 lbs all other days. When 75% of the adjusted quota was met, the trip limit would be 1,500 lbs every day. When 100% of the adjusted quota was met, the trip limit would be 500 lbs.

January 2000, with EA, modified the trip limits for Florida. From April 1- November 30, the trip limit would be 1,500 lbs. Starting December 1, trips would be unlimited on weekdays and there would be a trip limit of 1,500 lbs on weekends. When 75% of the adjusted quota was met, the trip limit would be 1,500 lbs every day. When 100% of the adjusted quota was met, the trip limit would be 500 lbs.

August 2007, with EA, changed the first time period in the trip limit system for Florida to be March 1-November 30. This framework adjustment was necessary because the fishing year had been changed in Amendment 15 to start on March 1, but the trip limit system for Florida was set up to start on April 1.

Appendix D. Bycatch Practicability Analysis

Appendix E. Regulatory Impact Review

Appendix F. Regulatory Flexibility Analysis

Appendix G. Other Applicable Law

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 et seq.) provides the authority for fishery management in federal waters of the Exclusive Economic Zone. However, fishery management decision-making is also affected by a number of other federal statutes designed to protect the biological and human components of U.S. fisheries, as well as the ecosystems that support those fisheries. Major laws affecting federal fishery management decision-making are summarized below.

Administrative Procedures Act
All federal rulemaking is governed under the provisions of the Administrative Procedure Act (APA) (5 U.S.C. Subchapter II), which establishes a "notice and comment" procedure to enable public participation in the rulemaking process. Under the APA, National Marine Fisheries Service (NMFS) is required to publish notification of proposed rules in the *Federal Register* and to solicit, consider, and respond to public comment on those rules before they are finalized. The APA also establishes a 30-day waiting period from the time a final rule is published until it takes effect.

The proposed rule associated with this amendment will include a request for public comment, and if approved, upon publication of the final rule, there will be a 30-day wait period before the regulations are effective in compliance with the APA.

Coastal Zone Management Act
Section 307(c)(1) of the federal Coastal Zone Management Act of 1972 (CZMA), as amended, requires federal activities that directly affect any land or water use or natural resource of a state's coastal zone be conducted in a manner consistent, to the maximum extent practicable, with approved state coastal management programs. The requirements for such a consistency

determination are set forth in NOAA regulations at 15 C.F.R. part 930, subpart C. According to these regulations and CZMA Section 307(c)(1), when taking an action that affects any land or water use or natural resource of a state's coastal zone, NMFS is required to provide a consistency determination to the relevant state agency at least 90 days before taking final action.

Upon submission to the Secretary of Commerce, NMFS will determine if this framework amendment is consistent with the Coastal Zone Management programs of the states of Florida, Georgia, South Carolina, to the maximum extent possible. Their determination will then be submitted to the responsible state agencies under Section 307 of the CZMA administering approved Coastal Zone Management programs for these states.

Information Quality Act

The Information Quality Act (IQA) (Public Law 106-443) effective October 1, 2002, requires the government to set standards for the quality of scientific information and statistics used and disseminated by federal agencies. Information includes any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, cartographic, narrative, or audiovisual forms (includes web dissemination, but not hyperlinks to information that others disseminate; does not include clearly stated opinions).

Specifically, the IQA directs the Office of Management and Budget (OMB) to issue government wide guidelines that "provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by federal agencies." Such guidelines have been issued, directing all federal agencies to create and disseminate agency-specific standards to: 1) ensure information quality and develop a pre-dissemination review process; 2) establish administrative mechanisms allowing affected persons to seek and obtain correction of information; and 3) report periodically to OMB on the number and nature of complaints received.

Scientific information and data are key components of fishery management plans (FMPs) and amendments and the use of best available information is the second national standard under the Magnuson-Stevens Act. To be consistent with the IQA, FMPs and amendments must be based on the best information available. They should also properly reference all supporting materials and data, and be reviewed by technically competent individuals. With respect to original data generated for FMPs and amendments, it is important to ensure that the data are collected according to documented procedures or in a manner that reflects standard practices accepted by the relevant scientific and technical communities. Data will also undergo quality control prior to being used by the agency and a pre-dissemination review.

CMP Framework Amendment 2 uses the best available information and makes a broad presentation thereof. The Southeast Fisheries Science Center has reviewed the document, and has determined the information contained in this document was developed using best available scientific information. Therefore, this document is in compliance with the IQA.

Endangered Species Act (ESA)

The ESA of 1973 (16 U.S.C. Section 1531 et seq.) requires that federal agencies must ensure actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of

threatened or endangered species or the habitat designated as critical to their survival and recovery. The ESA requires NMFS to consult with the appropriate administrative agency (itself for most marine species, and the U.S. Fish and Wildlife Service for all remaining species) when proposing an action that may affect threatened or endangered species or adversely modify critical habitat. Consultations are necessary to determine the potential impacts of the proposed action. They conclude informally when proposed actions may affect but are "not likely to adversely affect" threatened or endangered species or designated critical habitat. Formal consultations, resulting in a biological opinion, are required when proposed actions may affect and are "likely to adversely affect" threatened or endangered species or adversely modify designated critical habitat.

NMFS completed a biological opinion, evaluating the impacts of the CMP fishery on ESA-listed species on August 13, 2007 (NMFS 2007). The opinion concluded the fishery would not affect ESA-listed marine mammals, *Acropora* corals, Gulf sturgeon, or listed critical habitat for North Atlantic right whales, and is not likely to jeopardize the continued existence or recovery of any listed sea turtle species or smalltooth sawfish. However, the opinion did state that the CMP fishery would adversely affect sea turtles and smalltooth sawfish and thus NMFS issued an Incidental Take Statement for these species. Reasonable and Prudent Measures to minimize the impact of these incidental takes were specified, along with Terms and Conditions to implement them.

Subsequent to the biological opinion, NMFS made several modifications to the list of protected species for which they are responsible. These changes included: (1) the designation of *Acropora* critical habitat, (2) the determination that the loggerhead sea turtle population consists of nine distinct population segments (DPSs; 76 FR 58868), (3) the listing of five DPSs of Atlantic sturgeon, and (4) the designation of critical habitat for the Northwest Atlantic DPS of loggerhead sea turtles (79 FR 39855). Further, NMFS has proposed the listing of 66 additional coral species (7 of which are in the South Atlantic or Gulf of Mexico) and the reclassification of *Acropora* from threatened to endangered (77 FR 73220).

NMFS addressed how the designation of *Acropora* critical habitat could impact the determinations of the 2007 biological opinion in a consultation memorandum. NMFS concluded the continued authorization of the CMP fishery, is not likely to adversely affect *Acropora* critical habitat (May 18, 2010). NMFS is similarly addressing how the CMP fishery could affect the newly designated critical habitat for the NWA loggerhead DPS in an additional memorandum. This memorandum was completed on November 3, 2014.

The listing of five DPSs of Atlantic sturgeon triggered reinitiation of consultation under Section 7 of the ESA because the previous opinion did not consider what effects the CMP fishery is likely to have on this species. Atlantic sturgeon are known to be captured by fishermen fishing for CMP species, therefore NMFS Protected Resources must analyze the impacts of these potential interactions. The Sustainable Fisheries Division requested reinitiation of Section 7 consultation on November 26, 2012. Following the request for consultation the Sustainable Fisheries Division considered the effects of the fishery on Atlantic sturgeon and developed ESA 7(a)(2) and 7(d) determinations in a January 11, 2013, memorandum. The CMP fishery is currently operating under the 7(a)(2) and 7(d) determinations while consultation proceeds.

Marine Mammal Protection Act

The Marine Mammal Protection Act (MMPA) established a moratorium, with certain exceptions, on the taking of marine mammals in U.S. waters and by U.S. citizens on the high seas. It also prohibits the importing of marine mammals and marine mammal products into the United States. Under the MMPA, the Secretary of Commerce (authority delegated to NMFS) is responsible for the conservation and management of cetaceans and pinnipeds (other than walruses). The Secretary of the Interior is responsible for walruses, sea otters, polar bears, manatees, and dugongs.

Part of the responsibility that NMFS has under the MMPA involves monitoring populations of marine mammals to make sure that they stay at optimum levels. If a population falls below its optimum level, it is designated as "depleted." A conservation plan is then developed to guide research and management actions to restore the population to healthy levels.

In 1994, Congress amended the MMPA, to govern the taking of marine mammals incidental to commercial fishing operations. This amendment required the preparation of stock assessments for all marine mammal stocks in waters under U.S. jurisdiction; development and implementation of take-reduction plans for stocks that may be reduced or are being maintained below their optimum sustainable population levels due to interactions with commercial fisheries; and studies of pinniped-fishery interactions. The MMPA requires a commercial fishery to be placed in one of three categories, based on the relative frequency of incidental serious injuries and mortalities of marine mammals. Category I designates fisheries with frequent serious injuries and mortalities incidental to commercial fishing; Category II designates fisheries with occasional serious injuries and mortalities; and Category III designates fisheries with a remote likelihood or no known serious injuries or mortalities.

Under the MMPA, to legally fish in a Category I and/or II fishery, a fisherman must take certain steps. For example, owners of vessels or gear engaging in a Category I or II fishery, are required to obtain a marine mammal authorization by registering with the Marine Mammal Authorization Program (50 CFR 229.4). They are also required to accommodate an observer if requested (50 CFR 229.7(c)) and they must comply with any applicable take reduction plans.

The 2015 proposed List of Fisheries classifies the Gulf and South Atlantic coastal migratory pelagic hook-and-line fishery as a Category III fishery (79 FR 50589, August 25, 2014). Category III designates fisheries with a remote likelihood or no known serious injuries or mortalities. The Gulf and South Atlantic coastal migratory pelagic gillnet fishery is classified as Category II fishery. This classification indicates an occasional incidental mortality or serious injury of a marine mammal stock resulting from the fishery (1-50% annually of the potential biological removal). The fishery has no documented interaction with marine mammals; NMFS classifies this fishery as Category II based on analogy (similar risk to marine mammals) with other gillnet fisheries.

The action in this framework amendment is not expected to negatively impact marine mammals.

Essential Fish Habitat

The amended Magnuson-Stevens Act included a new habitat conservation provision known as Essential Fish Habitat (EFH) that requires each existing and any new FMPs to describe and identify EFH for each federally managed species, minimize to the extent practicable impacts from fishing activities on EFH that are more than minimal and not temporary in nature, and identify other actions to encourage the conservation and enhancement of that EFH. To address these requirements the South Atlantic Fishery Management Council has, under separate action, approved an environmental impact statement (SAFMC 1998) to address the new EFH requirements contained within the Magnuson-Stevens Act. Section 305(b)(2) requires federal agencies to obtain a consultation for any action that may adversely affect EFH.

An EFH consultation was completed on October 16, 2014, for this action, and determined that no adverse impacts on EFH is expected.

Executive Orders

E.O. 12630: Takings

The Executive Order on Government Actions and Interference with Constitutionally Protected Property Rights that became effective March 18, 1988, requires each federal agency prepare a Takings Implication Assessment for any of its administrative, regulatory, and legislative policies and actions that affect, or may affect, the use of any real or personal property. Clearance of a regulatory action must include a takings statement and, if appropriate, a Takings Implication Assessment. The NOAA Office of General Counsel will determine whether a Taking Implication Assessment is necessary for this amendment.

E.O. 12866: Regulatory Planning and Review

Executive Order 12866: Regulatory Planning and Review, signed in 1993, requires federal agencies to assess the costs and benefits of their proposed regulations, including distributional impacts, and to select alternatives that maximize net benefits to society. To comply with E.O. 12866, NMFS prepares a Regulatory Impact Review (RIR) for all fishery regulatory actions that either implement a new fishery management plan or significantly amend an existing plan. RIRs provide a comprehensive analysis of the costs and benefits to society of proposed regulatory actions, the problems and policy objectives prompting the regulatory proposals, and the major alternatives that could be used to solve the problems. The reviews also serve as the basis for the agency's determinations as to whether proposed regulations are a "significant regulatory action" under the criteria provided in E.O. 12866 and whether proposed regulations would have a significant economic impact on a substantial number of small entities in compliance with the Regulatory Flexibility Act.

On June 12, 2014, the Small Business Administration issued a final rule revising the small business size standards for several industries effective July 14, 2014 (79 FR 33647). The rule increased the size standard for Finfish Fishing from $19.0 to $20.5 million, Shellfish Fishing from $5.0 to $5.5 million, and Other Marine Fishing from $7.0 to $7.5 million.

In light of these new standards, NMFS has preliminarily determined that the proposed action would not have a significant economic impact on a substantial number of small entities.

E.O. 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations

This Executive Order mandates that each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions. Federal agency responsibilities under this Executive Order include conducting their programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons from participation in, denying persons the benefit of, or subjecting persons to discrimination under, such, programs policies, and activities, because of their race, color, or national origin. Furthermore, each federal agency responsibility set forth under this Executive Order shall apply equally to Native American programs. Environmental justice considerations are discussed in detail in **Section 3.4**.

The action in this framework amendment is not expected to negatively impact minority or low-income populations.

E.O. 12962: Recreational Fisheries

This Executive Order requires federal agencies, in cooperation with states and tribes, to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities through a variety of methods including, but not limited to, developing joint partnerships; promoting the restoration of recreational fishing areas that are limited by water quality and habitat degradation; fostering sound aquatic conservation and restoration endeavors; and evaluating the effects of federally-funded, permitted, or authorized actions on aquatic systems and recreational fisheries, and documenting those effects. Additionally, it establishes a seven-member National Recreational Fisheries Coordination Council (Council) responsible for, among other things, ensuring that social and economic values of healthy aquatic systems that support recreational fisheries are considered by federal agencies in the course of their actions, sharing the latest resource information and management technologies, and reducing duplicative and cost-inefficient programs among federal agencies involved in conserving or managing recreational fisheries. The Council also is responsible for developing, in cooperation with federal agencies, states and tribes, a Recreational Fishery Resource Conservation Plan - to include a five-year agenda. Finally, the Order requires NMFS and the U.S. Fish and Wildlife Service to develop a joint agency policy for administering the ESA.

The action in this framework amendment does not affect the recreational sector of the coastal migratory pelagic fishery.

E.O. 13132: Federalism

The Executive Order on Federalism requires agencies in formulating and implementing policies, to be guided by the fundamental federalism principles. The Order serves to guarantee the division of governmental responsibilities between the national government and the states that was intended by the framers of the Constitution. Federalism is rooted in the belief that issues not

national in scope or significance are most appropriately addressed by the level of government closest to the people. This Order is relevant to FMPs and amendments given the overlapping authorities of NMFS, the states, and local authorities in managing coastal resources, including fisheries, and the need for a clear definition of responsibilities. It is important to recognize those components of the ecosystem over which fishery managers have no direct control and to develop strategies to address them in conjunction with appropriate state, tribes and local entities (international too).

No federalism issues have been identified relative to the actions proposed in this amendment.

References

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