

Decision Document

# Coastal Migratory Pelagics Framework Amendment 5

(Modify permit restrictions)

South Atlantic Mackerel Committee  
June 2016



May 23, 2016

## **ACTION FOR FRAMEWORK AMENDMENT 5**

- Modify Permit Restrictions for Commercial King and Spanish Mackerel Permit Holders

### **BACKGROUND**

In January 2016, the Gulf Council directed staff to develop a framework amendment to modify regulations to remove restrictions on commercial king mackerel and Spanish mackerel permits that prohibit retaining the bag limit on recreational (non-commercial and non-charter/headboat) trips on federally permitted vessels when commercial harvest is closed in that zone, for the Gulf region only. King mackerel and Spanish mackerel are the only two species with this restriction on federally permitted vessels.

50 CFR 622.384(e)(2):

(e) *Restrictions applicable after a quota closure.* (1) A person aboard a vessel for which a commercial permit for king or Spanish mackerel has been issued, as required under §622.370(a)(1) or (3), may not fish for king or Spanish mackerel in the EEZ or retain king or Spanish mackerel in or from the EEZ under a bag or possession limit specified in §622.382(a) for the closed species, migratory group, zone, subzone, or gear, except as provided for under paragraph (e)(2) of this section.

(2) A person aboard a vessel for which valid charter vessel/headboat permits for Gulf coastal migratory pelagic fish or South Atlantic coastal migratory pelagic fish and a valid commercial vessel permit for king or Spanish mackerel have been issued may continue to retain fish under a bag and possession limit specified in §622.382(a), provided the vessel is operating as a charter vessel or headboat.

The South Atlantic Mackerel Committee will consider a joint framework amendment with the Gulf Council to modify the regulations to apply to the Gulf, South Atlantic and Mid-Atlantic regions. If the South Atlantic Council does not move forward with a joint framework amendment, Framework Amendment 5 will be a Gulf framework amendment and the action will only apply for the Gulf region.

### **TENTATIVE TIMELINE FOR FRAMEWORK AMENDMENT 5**

- June 2016- Each Council will review options paper and provide direction to staff
- August 2016- Gulf Council approves for formal review
- September 2016- South Atlantic Council approves for formal review
- September/October 2016- Submit for Secretarial review

### **DRAFT PURPOSE AND NEED**

The purpose of this action is to eliminate atypical permit restrictions on commercial king and Spanish mackerel permit holders in the Gulf.

The need for this proposed action is to remove an unnecessary permit restriction, and to reduce the potential for regulatory discards in the Gulf migratory group king mackerel component of the CMP fishery.

### **COMMITTEE ACTION**

- 1) Review, edit and approve the draft purpose and need.

## **Gulf Action 1: Modify Permit Restrictions for Commercial King and Spanish Mackerel Permit Holders**

**Alternative 1:** No Action – Do not modify permit restrictions for commercial king or Spanish mackerel permit holders. King or Spanish mackerel may not be retained aboard a vessel with an applicable federal commercial permit when the commercial season is closed and, for king mackerel, in the zone in which that commercially permitted vessel is fishing.

**Alternative 2:** Allow retention of the recreational bag limit of king mackerel on a vessel with a federal commercial king mackerel permit that is fishing recreationally when the Gulf of Mexico commercial zone in which the vessel is fishing is closed.

**Alternative 3:** Allow retention of the recreational bag limit of Spanish mackerel on a vessel with a federal commercial Spanish mackerel permit when the Gulf of Mexico commercial Spanish mackerel fishing season is closed.

## **Suggested Edits to Action 1 to Apply to Gulf, South Atlantic, and Mid-Atlantic: Modify Permit Restrictions for Commercial King and Spanish Mackerel Permit Holders**

**Alternative 1:** No Action – Do not modify permit restrictions for commercial king or Spanish mackerel permit holders. The recreational bag limit may not be retained aboard a vessel with an applicable federal commercial permit when the commercial season is closed and, for king mackerel, in the zone in which that commercial vessel is fishing.

**Alternative 2:** Allow retention of the recreational bag limit of king mackerel on a vessel with a federal commercial king mackerel permit that is fishing recreationally when the ~~Gulf of Mexico~~ [king mackerel](#) zone in which the vessel is fishing is closed.

**Alternative 3:** Allow retention of the recreational bag limit of Spanish mackerel on a vessel with a federal commercial Spanish mackerel permit [that is fishing recreationally in the South Atlantic or Mid-Atlantic](#) when the ~~Gulf of Mexico~~ [Spanish mackerel](#) zone in which the vessel is fishing is closed.

**NOTE:** The Gulf group of Spanish mackerel is managed with a stock ACL, so Alternative 3 would only apply to the South and Mid-Atlantic regions.

### **COMMITTEE ACTIONS**

- 1) Do you want to add this action and alternatives?
- 2) Do you want to any additional alternatives?
- 3) Do you want to select a Preferred Alternative?