

DECISION DOCUMENT

JOINT SAFMC/GMFMC MACKEREL COMMITTEE

FRAMEWORK ACTIONS AND AMENDMENT 18 TO THE COASTAL MIGRATORY PELAGICS FISHERY MANAGEMENT PLAN

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September 18-19, 2006

The Decision Document includes actions by the following groups:

1. Gulf & South Atlantic Committee actions (6/14-15/04),
2. SAFMC AP actions (6/16/04) from June 2004 meeting,
3. SAFMC AP actions from June 2006 meeting,
4. South Atlantic Mackerel Committee actions from June 2006 meeting,
5. South Atlantic Council actions from June 2006 meeting, and
6. Gulf of Mexico Council actions from August 2006 meeting.

**South Atlantic Fishery Management Council
Mid-Atlantic Fishery Management Council
Gulf of Mexico Fishery Management Council**

AUGUST 2005

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SECTION I. BOUNDARY/MANAGEMENT UNIT ISSUES

The Gulf of Mexico Fishery Management Council (Council) and the South Atlantic Fishery Management Council (SAFMC)/Mid-Atlantic Fishery Management Council (MAFMC) are preparing to amend the Coastal Migratory Pelagics Fishery Management Plan (FMP) by consideration of additional actions as stated and discussed below. Some of these actions may result in significant impacts while others may not.

ACTION 1. BOUNDARY ISSUES BETWEEN ATLANTIC AND GULF MIGRATORY GROUPS OF KING MACKEREL AND COBIA (AND OTHER SPECIES??)

ACTION 1A. DEVELOP SEPARATE CMP FMPS

The South Atlantic Council has instructed their staff to begin development of a separate FMP to manage Atlantic migratory group king and Spanish mackerel, cobia, cero mackerel, and little tunny within the South Atlantic Council's area of jurisdiction except that the boundary for Spanish mackerel would remain the same (Dade/Monroe County line on the east coast).

- A. This would include a fixed boundary between Atlantic and Gulf migratory groups of king mackerel at the boundary between the South Atlantic and Gulf Councils or some other agreed upon boundary (e.g., Dade/Monroe County line - see below).
- B. Based on a fixed boundary, future assessments would be used to develop ABC ranges, MSY, etc. (i.e., all SFA required parameters). Any necessary management action(s) would be implemented by each Council through separate regulatory actions; the South Atlantic Council would continue to work with the Mid-Atlantic Council.
- C. Permit requirements would be standardized to the maximum extent practicable between the two FMPs to minimize the number of permits fishermen are required to possess.

NOTE: DEVELOPMENT OF A SEPARATE FMP FOR CMP IN THE ATLANTIC AND GULF WOULD REQUIRE THAT THE COUNCILS REQUEST THAT NOAA FISHERIES APPROVE THE COUNCILS WITHDRAWING THE CURRENT JOINT FMP AND REPLACING IT WITH SEPARATE GULF AND ATLANTIC FMPS.

NOTE: MONICA SMIT-BRUNELLO (NOAA GC) WILL PROVIDE A LEGAL OPINION ON WHAT MUST BE DONE TO IMPLEMENT SEPARATE FMPS.

Purpose and Need: Separate FMPs would address the following: **(1) Ecosystem-Based Management** - the South Atlantic Council desires to coordinate all fishery management regulations and policies within the Council's area of jurisdiction, or as close to this as is practicable, through development of a Fishery Ecosystem Plan; **(2) Different Management Philosophies** - different philosophies exist between the Gulf and South Atlantic Councils. A number of the SFA criteria and risk levels are specified at a lower level of risk in the Atlantic; **(3) Reduce Duplication and Minimize Costs** - separate FMPs would eliminate the need for joint approval of amendments, especially those where actions may only affect one Council's area of jurisdiction. This change could expedite approval of proposed management measures. It would also reduce the need for affected fishermen and interested members of the public to travel

to each Council's meetings to protect their interests in the fishery. These meetings range from Texas to Florida to North Carolina. Separate management plans would greatly reduce the inconvenience and cost to the public. Separate FMPs would also speed up the management process by eliminating delays in the review and implementation stages resulting from having both Councils review and approve actions similar to the experience with the previous two mackerel amendments.

ACTION 1B. DEVELOP SEPARATE MANAGEMENT PROGRAMS

This approach would not address the needs outlined above. However, each council could fully manage the stocks in their respective areas of jurisdiction based on best available data as is currently approved for certain actions, i.e., "Except that the SAFMC will have responsibility to set vessel trip limits, closed seasons or areas, or gear restrictions for the northern area of the Eastern Zone (Dade through Volusia Counties, Florida) for the commercial fishery for Gulf group king mackerel." On the other hand, a single divisional line for the 2 FMPs could be developed as is currently set at the Dade/Monroe County line for Spanish mackerel.

ISSUES FOR ACTION 1A OR ACTION 1B

Four issues must be addressed to implement either Action 1A or Action 1B: (A) Boundary; (B) Mixing Zone; (C) Percentage Composition (%Atlantic & %Gulf); and (D) MSY, OY, MFMT, MSST, ABC, & TAC.

Issue A. Boundary

Option 1. No Action.

The Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP), approved in 1982 and implemented by regulations effective in February of 1983, treated king and Spanish mackerel each as one U.S. stock. The present management regime for mackerel recognizes two migratory groups of king and Spanish mackerel, the Gulf Migratory Group and the Atlantic Migratory Group. King mackerel from these two groups seasonally mix on the East Coast of Florida. For management and assessment purposes, a boundary between groups of king mackerel (Figure 1) was specified as the Volusia/Flagler County border on the Florida east coast in the winter (November 1 - March 31) and the Monroe/Collier County border on the Florida southwest coast in the summer (April 1 - October 31). Spanish mackerel mix in south Florida but abundance trends along each coast of Florida are different indicating sufficient isolation between the two migratory groups. The boundary for Spanish mackerel is fixed at the Miami-Dade/Monroe County border on Florida's southeast coast. Allocations were established for recreational and commercial fisheries, and the commercial allocation was divided between net and hook-and-line fishermen. For the purpose of allocating a limited resource among users, the management plan has set ratios based on historic unregulated catches. The Atlantic Migratory Group of king mackerel is allocated with 62.9% to recreational fishermen and 37.1% to commercial fishermen. The Atlantic Migratory Group of Spanish mackerel is presently allocated 55% to commercial fishermen and 45% to recreational fishermen. For Gulf migratory group king mackerel the allocation is 68% recreational and 32% commercial. For Gulf group Spanish mackerel, the allocation is 57%

commercial and 43% recreational.

Option 2. Establish a fixed boundary at the line between the South Atlantic and Gulf Councils' areas of jurisdiction.

Fixing the boundary at the boundary between the two Councils would include most of the mixing zone within the South Atlantic area. This would lead one to then specify what portion of the fish in the mixing zone are Atlantic versus Gulf (Issue C.).

Option 3. Establish a fixed boundary at the Dade/Monroe County line on the Florida East Coast to correspond to the Spanish mackerel fixed boundary.

This option would split the mixing zone between the South Atlantic and Gulf Councils. Given that both Councils are required to manage towards the same goal (biomass capable of producing MSY), one could argue that this boundary removes any necessity to specify the mixing percentages. The fish would still be mixing but as long as the fishing mortality rate on both groups of fish is held constant (at a level to produce MSY), both groups would be maintained at a level to produce MSY over the long-term. Therefore, the mixing rate issue goes away and scarce research money can be redirected to more pressing issues like updating the almost 20 year old fecundity data.

SAFMC COMMITTEE MOTION: Develop separate CMP FMPs (Action 1A) and establish a fixed boundary at the Dade/Monroe County line on the Florida East Coast to correspond to the Spanish mackerel fixed boundary (Option 3). This boundary applies to cero, cobia, king mackerel, Spanish mackerel, and little tunny; as new species are added, they would be included with this fixed boundary.

APPROVED BY SAFMC COMMITTEE (6/04)

The Committee did not change their position at the 6/06 meeting.

SAFMC AP MOTION: Delete Option 3 from the scoping document.

APPROVED BY SAFMC AP (6/04)

The AP did not change their position at the 6/06 meeting.

SAFMC AP Recommendation (6/06): Add Option 4. Establish a fixed boundary at the Martin/Palm Beach County line on the Florida East Coast.

GMFMC MOTION: That the Council begin a joint amendment to separate the Coastal Migratory Pelagics FMP.

APPROVED BY GMFMC (8/06)

Motion carried with no objection

[Note: Clarify which species are included; see list below. This was done in the committee's motion shown above.] Tables 1 & 2 present data for king mackerel and cobia.

This option would split the mixing zone between the South Atlantic and Gulf Councils. Given that both Councils are required to manage towards the same goal (biomass capable of producing MSY), one could argue that this boundary removes any necessity to specify the mixing

percentages. The fish would still be mixing but as long as the fishing mortality rate on both groups of fish is held constant (at a level to produce MSY), both groups would be maintained at a level to produce MSY over the long-term. Therefore, the mixing rate issue goes away and scarce research money can be redirected to more pressing issues like updating the almost 20 year old fecundity data.

Species in the fishery for Coastal Migratory Pelagics:

- (1) Bluefish, *Pomatomus saltatrix* (Gulf of Mexico only)
- (2) Cero, *Scomberomorus regalis*
- (3) Cobia, *Rachycentron canadum*
- (4) Dolphin*, *Coryphaena hippurus*
- (5) King mackerel, *Scomberomorus cavalla*
- (6) Little tunny, *Euthynnus alleteratus*
- (7) Spanish mackerel, *Scomberomorus maculatus*

*Note: Dolphin in the South Atlantic, Mid-Atlantic, and New England Fishery Management Council’s jurisdictions are managed under the new Dolphin and Wahoo Fishery Management Plan with the southern boundary at the border between the Gulf and South Atlantic Councils.

The most recent cobia stock assessment (Williams 2001), indicated that there is very little mixing of cobia found in the Gulf and cobia from the Atlantic, and this mixing primarily occurs in the Florida Keys in winter. Prior to this recent analysis, cobia were believed to extensively mix in the Gulf and Atlantic, thus the councils adopted the following language in its Generic SFA Amendment: “For stocks, such as cobia, where scientific information indicates it is a common stock that migrates through the Gulf and South Atlantic jurisdictions, both Councils must concur on the recommendations.” The purpose of this action would be to separate management of cobia under the joint CMP FMP to be consistent with the current best available scientific information.

Table 1. Comparison of Atlantic migratory group king mackerel commercial landings in Florida with the current seasonal boundary shifts and with the proposed fixed boundary at the Miami-Dade/Monroe county line on the Florida east coast.

Fishing Year	Current Shifting Boundary	Proposed Fixed Boundary	Difference in Landings
	April 1 – March 31	April 1 – March 31	
2000/2001	1,082,524	1,831,678	749,154
2001/2002	1,036,963	1,740,418	703,455
2002/2003	916,609	1,828,411	911,802

Source: Commercial landings of king mackerel (whole weight) for the counties on the east coast of Florida and Monroe County, 2000-2003. Data are from the Southeast Fisheries Science Center, General Canvass Landings Statistics, Miami, FL. Extraction date: 6/4/2004. Data provided by John Poffenberger, NMFS SEFSC. Table constructed by Dr. Kathi Kitner, former SAFMC staff.

Table 2. Commercial landings of Cobia on Florida's east coast by year and county.

Year	Florida East Coast	Monroe County	Total Landings
2000	60,478	26,461	86,939
2001	65,499	22,059	87,558
2002	61,340	18,954	80,294
2003	53,102	31,885	84,987

Source: Commercial landings of king mackerel (whole weight) for the counties on the east coast of Florida and Monroe County, 2000-2003. Data are from the Southeast Fisheries Science Center, General Canvass Landings Statistics, Miami, FL. Extraction date: 6/4/2004. Data provided by John Poffenberger, NMFS SEFSC. Table constructed by Dr. Kathi Kitner, former SAFMC staff.

Issue B. Mixing Zone (Figure 1)

Option 1. No Action. The current mixing zone is between the Volusia/Flagler County line and the Dade/Monroe County line on the Florida West Coast from November 1 through March 31 and the Collier/Monroe county line from April 1 through October 31.

~~**Option 2. Specify the mixing zone as Monroe County from November 1 through March 31.**~~

**CONCENSUS: STRIKE OPTIONS 2 & 3.
OK WITH BOTH COMMITTEES (6/04)**

~~**Option 3. Specify the mixing zone as the entire State of Florida from November 1 through March 31.**~~

Option 4. Specify other mixing zones for only the southern counties of Florida from November 1 through March 31.

**CONCENSUS: ADD VOLUSIA/BREVARD THROUGH DADE/MONROE LINE FROM NOVEMBER 1 THROUGH MARCH 31.
OK WITH BOTH COMMITTEES (6/04)**

Option 5. Options 1, 2, or 3 above but with the ending date being the end of February.

This change would track the change in fishing year for Atlantic Group king mackerel, if the Council does make that change.

**CONCENSUS: ADD NEW OPTION 6. DELETE THE MIXING ZONE. IF A FIXED BOUNDARY IS SELECTED, THE MIXING ZONE IS NO LONGER OPERABLE.
OK WITH BOTH COMMITTEES (6/04)**

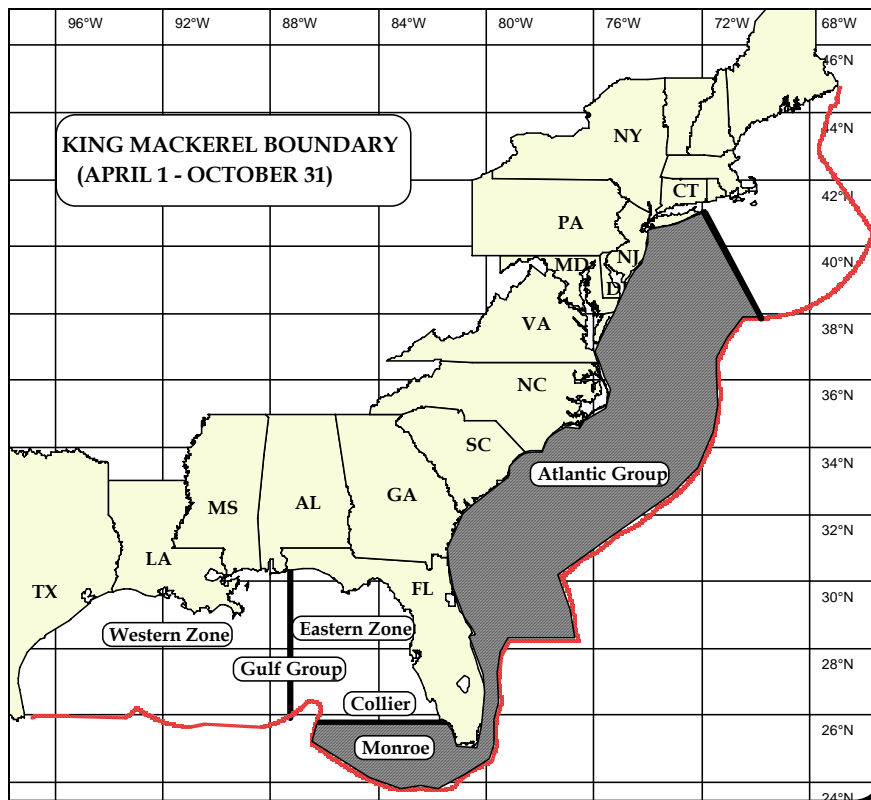
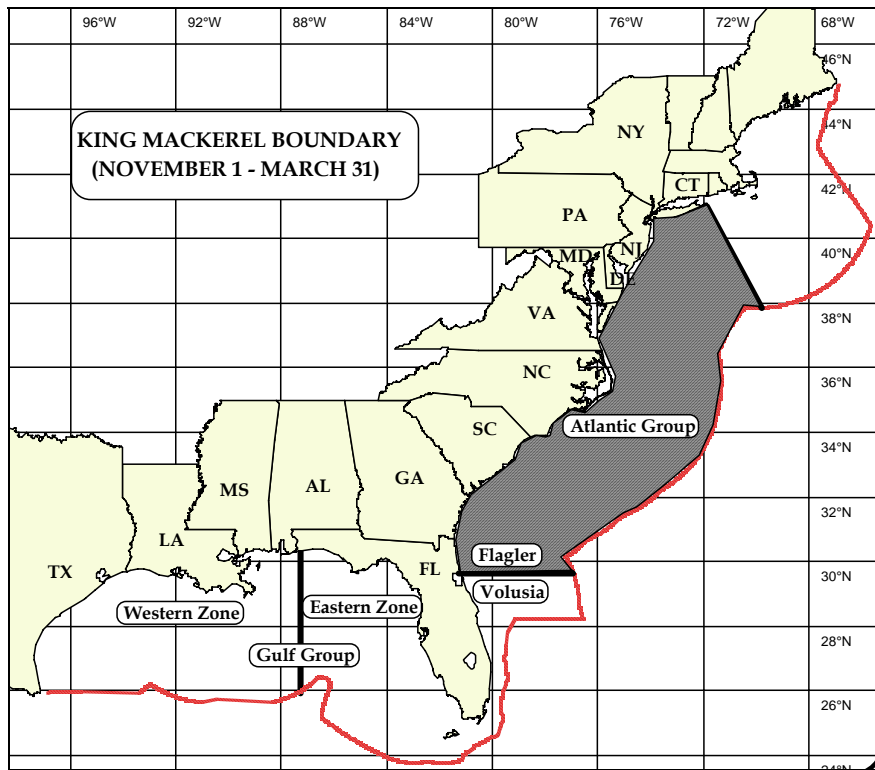


Figure 1. Seasonal boundary between Atlantic and Gulf Migratory Groups of king mackerel. (Source: SAFMC Staff)

Issue C. Percentage Composition (% Atlantic & % Gulf)

Option 1. No Action. Count 100% of king mackerel in the mixing zone as Gulf migratory group.

This is not supported by the best available scientific data, but it has been the constant, historical basis for scientific review of the status of the 2 migratory groups in order to discern stock trends. When the original boundary was set, based on tagging data, the mix was 60% Gulf and 40% Atlantic. The Gulf and South Atlantic Councils agreed to count these fish as 100% Gulf fish to help rebuild the overfished Gulf migratory group.

In May 2004, the South Atlantic Council's SSC rejected this as not being the best available science. They recommended using a 50%/50% mixing rate. The mackerel motions from their May 19, 2004 meeting in Charleston, SC are as follows:

1. Landings - important to have most recent data
2. Discards - recreational and commercial bycatch data should be incorporated in the assessment; shrimp trawl bycatch data should be used if viable (DW recommended using the discard data.)
3. Growth curves/data - should have used "newer" growth data rather than "old" data (DW recommended using newer growth data.). Incorporate the new data in the assessment.
4. Natural Mortality - DW recommended 0.2 (0.15-0.25) for both groups. RW rejected this and used existing ranges (Gulf 0.15-0.25 with 0.2 as point estimate; Atlantic 0.1-0.2 with 0.15 as point estimate). Recommend that the RW explain why the DW recommendation was rejected; needs to be more than "consistency".
5. Fecundity - using data about 20 years old; batch vs. total spawning. Relationship between total spawning for a batch spawning fish.

We question the use of this fecundity data. Need additional information on how data were used, implications of using the data and alternative assessment methods that would exclude the data.

6. Mixing rate - no scientific results indicate there is no mixing. RW supports 25-75% mixing but using 100% in base run.

SSC Subcommittee recommends using a 50% mixing rate:

- a. most defensible (values above and below 50%)
 - b. AW, RW & Chair of RW suggested 50%
 - c. sensitivities on each side (25-75 or 40-60)
 - d. use 50% for the base run
7. Alternative model structures should be considered including methods that take into account aging errors (e.g., forward projecting); whatever model is chosen should be justified.
 8. ABC - along the lines of the 50% mixing run in Table 19 but need to re-run after addressing the previous recommendations (see above).
Best point estimate and range should be provided when the assessment is re-run.
 9. Risk levels - policy not scientific decision. The SSC could provide recommendations on potential outcomes based on a risk level but the Council should specify the risk level.
 10. SSC recommends that the Mackerel SEDAR Assessment not be forwarded to the Council; the assessment should go back to the Assessment Workshop stage and incorporate the recommendations provided above and then to the Review Workshop.

This issue was reviewed by a joint sub-committee of the Gulf and South Atlantic Councils' SSC on April 13, 2006 in Atlantic, Georgia:

Executive Summary

A joint *ad hoc* sub-committee comprised of Scientific and Statistical Committee members (Appendix 1) from the South Atlantic and Gulf of Mexico Fishery Management Councils (hereafter referred to as the SSC Panel) was convened in Atlanta, GA, on April 13, 2006, to address king mackerel stock identification and mixing rate issues raised in reviews of the recent stock assessment conducted under the auspices of the Southeast Data, Assessment and Review (SEDAR) process. (SEDAR 5, the Southeast Data Assessment and Review process for Atlantic and Gulf king Mackerel reviewed mixing rates between the two migratory units. The process included

three workshops, a Data Workshop, an Assessment Workshop, and a Review Workshop.) A Terms of Reference and list of documents for the SSC Panel were provided by both Councils (Appendix 2).

The SSC Panel addressed each of the Terms of Reference, and a detailed description of the discussion and conclusions of the panel are presented below. A summary of the conclusions of the panel are as follows:

1. The SSC Panel concurred with conclusions of the SEDAR Data Workshop, Assessment Workshop and Review Workshop that tagging data were not conducive to estimating annual mixing rates between migratory groups, as the tagging studies were not designed to specifically address the mixing issue, but clearly showed significant winter mixing between groups. The SSC Panel concluded the genetic evidence confirmed distinct Gulf and Atlantic genetic signatures exist. The SSC Panel concurs with Gold et al. (2002) that genetic tags based on reported nuclear DNA microsatellite libraries are not robust enough for effective migratory group discrimination. Overall, the SSC Panel concluded otolith shape and chemistry analyses effectively distinguished king mackerel migratory groups, and can be used to provide a range of mixing rate estimates.

2. The SEDAR Review Workshop, except two members, agreed that the base model should provide the principal criteria for management advice. It has been the model used in the past (historical consistency). The SEDAR Review Workshop, except two members, decided there was only weak scientific justification to change the model or its input parameters. A majority of SEDAR Review Workshop participants agreed that to change the model at this point would not add any certainty to the management advice, given the sensitivity of the model to other poorly estimated biological parameters such as growth and fecundity estimates. The SSC Panel considered it important to note that historical consistency is not a criterion to be considered when making key decisions regarding a benchmark assessment and pointed out that there was no scientific data to justify the continued acceptance of the status quo (100% Gulf migratory group in the mixing zone). However, a member of both the SEDAR Review Workshop and the current SSC Panel reported that mixing was only one of the many assessment issues that required major review for a benchmark assessment, and that this last point was the most critical point to understand concerning the decisions of the SEDAR Review Workshop. Changing mixing rate estimates without making changes to other assessment components seemed inappropriate to a majority of the members of the SEDAR Review Workshop.

3. The SSC Panel was not made aware of, and did not have any personal knowledge of any additional research addressing Terms of Reference (TOR) article 3, however the SSC Panel did discuss research ideas/recommendations that might assist in elucidating the mixing rate issue temporally and spatially.

4. The SSC Panel recommends maintaining the current stock definition of a single stock with separate Gulf and Atlantic migratory groups as genetic differences are sufficiently weak (region explained only 0.19% of the total genetic variance (Gold et al. 2002) that the current paradigm of one stock (i.e. management unit) with different migratory units need not be changed. The SSC Panel agreed by consensus that otolith shape and otolith chemistry data suggest somewhere between 20% and 80% of the winter mixing zone landings likely are contributed by the Atlantic migratory group. Given the interannual and spatial variability in mixing rate estimates, the SSC Panel hypothesized the actual contribution of the Atlantic migratory group to winter mixing zone landings in any given year would lie somewhere in the range of 20%-80%.

5. The SSC Panel interpreted TOR 5 as directing the SSC Panel to recommend a method to allocate past winter mixing zone landings to either migratory group for the purpose of stock assessment and not as making a recommendation as to the allocation of future landings in a management context. To avoid confusion, the SSC Panel adopts the term "partition" rather than allocate. The SSC Panel did not have the time to discuss TOR 5 in sufficient detail, but concurred that no single value within the range of 20-80% was more defensible than another to partition past winter landings. As such, to partition past landings into the Gulf and South Atlantic migratory groups for the purpose of stock assessment, the SSC Panel suggested that imprecision in mixing zone estimates be incorporated in assessment models by randomly selecting a mixing rate between 20-80% for each year, as opposed to a randomly drawn mixing rate that is held constant across years. The sensitivity of the stock assessment output to the uncertainty in the mixing percentages should be tested by comparing model output of multiple runs where the mixing rate is randomly selected each year. The uncertainty in the mixing rate can, and should, be incorporated directly into the uncertainty in the stock assessment output by including the randomly drawn mixing rates into the bootstrap routine currently employed. A similar approach could be taken if the new benchmark assessment were to use a Bayesian framework.

The SAFMC SSC reviewed the sub-committee report during their June 12-14, 2006 meeting and concluded the following:

The SSC agrees with the findings of the joint ad-hoc subcommittee regarding mackerel stock identification.

The SSC would like to stress the need for additional stock identification research. The otolith microchemistry technique is an appropriate and useful method to further resolve this issue. Currently, microchemistry data are extremely limited, both temporally and geographically (only 2 winters in South Florida). Sampling must be expanded both temporally and geographically.

Based on currently available data, the SSC supports the ad-hoc subcommittee's conclusion that between 20% and 80% of the winter mixing zone landings likely are contributed by the Atlantic migratory group. No single point estimate for mixing rate can be justified from the limited existing analyses for partitioning past catches or projecting catches into the future due to uncertainty. Stochastic simulations which incorporate the uncertainty can be used to partition past catches as well as future projections. This will provide a distribution of outcomes. None of the studies justify the continued acceptance of the status quo (100% Gulf migratory group in the mixing zone).

The SSC restates that the next assessment should not be an update because many issues (e.g. age, growth, and fecundity) were not adequately addressed in SEDAR 5 and still require the major review associated with a benchmark assessment. Also, changes in management strategies will require socioeconomic analyses of potential impacts.

In addition, the Council asked the SSC three questions during our meeting to which we respond below:

1. Is it the opinion of our SSC that the Terms of Reference provided to the joint ad-hoc committee were answered? Yes, to the fullest extent possible given the best available data and science.
2. Is it the opinion of our SSC that the best available data was in fact used by the joint ad-hoc committee in forming their joint recommendations? Yes, to the best of our knowledge.
3. Is it the opinion of our SSC that the answers to expressed questions in the Terms of Reference benefit the sustainability of the King Mackerel stock? Yes. The stock identification issue relates to partitioning landings, which is an important ingredient in the stock assessment process. The answers to the Terms of Reference move us forward in terms of both identifying research needs and improving landings estimates.

During the Joint Mackerel Committee/AP meeting June 14-15, 2006 Dr. Nancy Thompson, SEFSC Director, was asked about the Center doing the bootstrapping on the 20/80 percent mixing and the timeline for completing analyses (see pages 42-44 of the minutes):

“Mr. Hartig: Nancy, you're here. I appreciate you coming at such short notice. We had a question about what could the Center do with the advice we got from the SSC to do the bootstrapping on the 20/80 percent and what is your timeline? Could that be done in any sense of time that you have? I know you guys are strapped to the hilt. I don't understand how long that takes and certainly you can address that.

Dr. Thompson: In all honesty, I'm really trying to figure out what it means. You have 20/80, 80/20 and all the combinations in between and what the bootstrapping means is that you take any random combination that falls within that range and you do 10,000 of these things or however many number of them and you come up with a probability distribution of what the actual mixing rate is. If you take 20/80 and 80/20 and you do all of these, you end up with 50/50, right?

Really, I'm not really sure what value added there is to the bootstrapping. I don't know. My advice has been and will continue to be that you guys do something and then the Gulf Council will do something and it will come to me -- It will presumably come to me eventually for certification as being based on best available information and I will make a decision and I've said this.

I've said this to the Gulf Council and I've said it to you guys. I still think there's value in terms of meeting and getting this all out on the table and having the discussion with the Gulf Council SSC about what this means. However, I really haven't had the opportunity to talk with my scientists at any great depth about what this means, but I think it's pretty clear if you have bounds that are 20/80 and 80/20 that the midpoint is 50/50.

I've been suggesting that as a starting point for this mixing for several months now to both councils. I think that's

the starting point. Now, there could be other reasons why you may want to deviate from that. There's the biology, there's the social overlay, there's the economic overlay as well, but my advice is, and will continue to be, that that is a reasonable starting point.

Mr. Geiger: If only you could be so forceful in causing the Gulf Council to take those actions and I know that's beyond you. That's just wishful thinking and my recommendation or my hesitancy to move forward unilaterally is that we don't see a benefit to both stocks with us doing something and the Gulf not doing something. If we can both move forward, I'm all for it, as we discussed.

Dr. Thompson: Like I said, if you do something that is a management action and the Gulf Council does something that's a management action relative to mackerel and it comes to me and I am required to certify it, I will make a decision. That is exactly what I have told the Gulf Council as well and they're aware of it as well.

Given the mixing, I mean -- Is there mixing? I've been through this before with them as well. Yes, there is mixing. Clearly there is mixing. The mixing is dynamic. The SEDAR and the SSCs have taken the information that's available and come up with these boundaries, which are this 20/80 and 80/20.

If you do the bootstrapping, which is simply developing a probability distribution, it's the midpoint again. It's going to show that on the average the mixing is somewhere around 50/50. That's all the bootstrapping is going to do. Yes, I think it's something that we could do, although the timing isn't great for us right now, but I'm not sure what more information it will provide.

My view of this whole thing has been that it's really not a science issue. The science and the information is there and so it's a matter of meeting with the Gulf Council and working it out and there could be a lot of other reasons other than the actual percentage of mixing to make a decision about where you're going with ABCs and TACs and that's it.

Mr. Hartig: Thank you. Are we done? We'll end on that positive note?"

During the SEDAR Steering Committee, August 1 - 2, 2006 in St. Thomas, USVI, the Committee reviewed the king mackerel mixing issue (the following is taken directly from the summary minutes):

"The Committee was provided the report of the king mackerel joint SSC subcommittee. The Committee did not believe that the suggestion of conducting Monte Carlo simulations will result in a mixing assumption different than 50/50 given the suggested simulation parameters. The Committee also discussed the other uncertainties in the assessment that were noted by the sub-committee.

The Committee agreed that it is not necessary to forward this issue for further deliberation by the subcommittee nor is it necessary to solicit an independent review of the mixing rate issue.

The Committee agreed that the Gulf and South Atlantic Councils should work to a consensus mixing rate assumption during the joint meeting scheduled for September 2006 in Hilton Head, SC."

Option 2. Count 60% of king mackerel in the mixing zone as Gulf migratory group and 40% as Atlantic migratory group.

This is supported by the original tagging data.

Option 3. Count 11% of king mackerel in the mixing zone as Gulf migratory group and 89% as Atlantic migratory group.

This is supported by one otolith shape analysis study.

Option 4. Count 2% of king mackerel in the mixing zone as Gulf migratory group and 100% as Atlantic migratory group.

This is supported by another, single otolith shape analysis study.

Option 5. Count XX% of king mackerel in the mixing zone as Gulf migratory group and YY% as Atlantic migratory group.

Justification for any changes to the levels specified would have to be provided. Current advice from the SEDAR Review Workshop is Option 1 (no action) due to: (1) the lack of sufficient data upon which to set percentages, (2) the fact that only a portion of the mixing zone has been analyzed, (3) uncertainties resulting from sensitivity runs that showed major changes to the status of the Gulf group king mackerel stock as fewer fish were assumed to be Gulf group in the area analyzed and the fact that there was little (if any) change to the status of Atlantic group king mackerel as percentages changed, and (4) the need to provide management with a consistent basis for decisions until a reliable scientific estimate of true mixing of these migratory groups can be determined. Other reasons for recommending no action are included in the report and in the minutes of the SEDAR Review Workshop minutes.

Committee Action: Pick a preferred action. If a fixed boundary is selected, the mixing zone and mixing rate are no longer operable and the committee may want to add a new option to delete the percent composition issue.

Issue D (MSY, OY, etc.) and Issue E (Counting/Assigning Fish for Quotas) can be addressed under any alternative for management units/separate FMP.

Issue D. MSY, OY, MFMT, MSST, ABC, AND TAC

Option 1. No Action.

Option 2. Specify based on the new fixed stock boundary or through separate FMPs.

[NOTE: Also need to specify for any new species added.]

The 2004 SEDAR 5 Assessment provided updated MSY, ABC, etc. values for Gulf and Atlantic migratory groups of king mackerel (Table 3) based on counting 100% of fish in the mixing zone as Gulf king mackerel. Values are also shown in Table 3 based on counting 50% of fish in the mixing zone as Gulf king mackerel.

Based on the top end of the new ABC ranges under a 50/50 mixing rate, the total ABC for both Gulf and Atlantic migratory groups would be 16.7 million pounds. If the SAFMC set TAC at the best point estimate of 7.1 million pounds, and the GMFMC continues to have a TAC of 10.2 million pounds, the total TAC would be 17.3 million pounds, which would exceed the top end of the total ABC. This would result in overfishing and could push both migratory groups into an overfished stock status.

The Committee and AP should discuss what TAC level is appropriate for Atlantic migratory group king mackerel:

Option 1. No action. Currently TAC =10.0 million pounds based on an ABC of 8.9 - 13.3 million pounds.

Option 2. TAC = 7.1 million pounds which is the best point estimate of the ABC range (5.3 - 9.6 million pounds).

Option 3. TAC = 5.3 million pounds which is the lowest value within the ABC range (5.3 - 9.6 million pounds).

Option 4. TAC = 9.6 million pounds which is the top end of the ABC range (5.3 - 9.6 million pounds).

Option 5. Others??

The Council could go forward in a separate Atlantic Coastal Migratory Pelagics FMP with these figures (and we would need to add the other SFA parameters based on the 50/50 mixing) and request that a full benchmark SEDAR assessment be conducted based on the fixed boundary. Once those values become available, the Council would amend the FMP to modify the SFA parameters and TAC/ABC as necessary.

MOTION: NO CHANGE FOR ATLANTIC MIGRATORY GROUP KING MACKEREL TAC (10.0 MILLION POUNDS).

APPROVED BY THE SAFMC AP WITH 1 OBJECTION (6/06)

MOTION: SET THE ATLANTIC KING MACKEREL TAC = 7.1 MILLION POUNDS

APPROVED BY THE SAFMC AP WITH 2 OBJECTIONS (6/06)

AP RECOMMENDED LOOKING AT THE ISSUE OF CARRYING FORWARD QUOTA NOT HARVESTED FROM ONE YEAR TO THE NEXT.

The Committee and AP should also discuss what TAC level is appropriate for Atlantic migratory group Spanish mackerel (Tables 4, 5 & 6):

Option 1. No action. Currently TAC = 7.04 million pounds based on an ABC of 5.7 – 9.0 million pounds.

Option 2. TAC = 6.7 million pounds which is the best point estimate of the ABC range (5.2 – 8.4 million pounds).

Option 3. TAC = 5.2 million pounds which is the lowest value within the ABC range (5.2 – 8.4 million pounds).

Option 4. TAC = 8.4 million pounds which is the top end of the ABC range (5.2 – 8.4 million pounds).

Option 5. Others??

Background information on Spanish mackerel is also provided in the ASMFC FMP Review (this is similar to what would be in a SAFE Report) and the 2003 Mackerel Stock Assessment Panel Report both of which are included in the folder with this decision document.

MOTION: SET THE ATLANTIC MIGRATORY GROUP SPANISH MACKEREL TAC = 8.4 MILLION POUNDS.

APPROVED BY THE SAFMC AP WITH 1 OBJECTION (6/06)

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MOTION: DEVELOP A REGULATORY AMENDMENT TO

- 1. SET THE ATLANTIC MIGRATORY GROUP KING MACKEREL TAC = 7.1 MILLION POUNDS,**
- 2. SET THE ATLANTIC MIGRATORY GROUP SPANISH MACKEREL TAC AT 6.7 MILLION POUNDS, AND**
- 3. CHANGE THE ATLANTIC MIGRATORY GROUP SPANISH MACKEREL TRIP LIMITS TO TRACK THE NEW FISHING YEAR (MARCH 1 – END OF FEBRUARY)**

APPROVED BY SAFMC COMMITTEE (6/06)

APPROVE BY SAFMC (6/06)

Table 3. Total Allowable Catch (TAC) and Acceptable Biological Catch (ABC) for king mackerel and commercial landings.

Total Allowable Catch (Acceptable Biological Catch) for King Mackerel Migratory Groups (million pounds)							
		SEDAR 5 - King Mackerel Assessment		Recent Total Catches (Com. + Rec.)			
	Current	100% Gulf	50% Gulf	2002/03	2003/04	2004/05	2005/06
Gulf Migratory Group	10.2 (5.3 - 9.6)	8.3 (6.7 - 10.2)	5.7 (4.4 - 7.1)	7.89	-----not being monitored-----		
Atlantic Migratory Group	10.0 (8.9 - 13.3)	5.7 (4.3 - 7.4)	7.1 (5.3 - 9.6)	6.00	-----not being monitored-----		
Commercial Atlantic Migratory Group King Mackerel Landings from Commercial Quota Reports							
Fishing Year	Quota	Landings	Source	Percentage	Thru		
2002/2003	3,710,000	1,659,649	Quota report; Godcharles	45%	4/28/2003		
2003/2004	3,710,000	1,958,050	Quota report; Godcharles	53%	4/21/2004		
2004/2005	3,710,000	2,549,164	Quota report; Godcharles	69%	3/31/2005		
2005/2006*	3,710,000	2,149,733	Quota report; Rueter	58%	1/31/2006		
* Beginning with 2005/2006 the fishing year changed to begin March 1 thru the end of February.							
Previous fishing years began on April 1 thru the end of March.							

Table 4. Total Allowable Catch (TAC) and Acceptable Biological Catch (ABC) for Spanish mackerel and commercial landings.

Total Allowable Catch (Acceptable Biological Catch) for Atlantic Migratory Group Spanish Mackerel (million pounds)							
				Recent Total Catches (Com. + Rec.)			
	Current	2003 Report of the MSAP		2001/02	2002/03	2003/04	2004/05
TAC (ABC Range)	7.04 (5.7 - 9.0)	6.7 (5.2 - 8.4)		5.08	-----not being monitored-----		
MSY	6.4 (-)	5.2 (4.4 - 6.4)					
Commercial Atlantic Migratory Group Spanish Mackerel Landings from Commercial Quota Reports							
Fishing Year	Quota	Landings	Source	Percentage	Thru		

2002/2003	3,870,000	2,948,199	Quota report; Godcharles	76%	4/28/2003			
2003/2004	3,870,000	3,066,413	Quota report; Godcharles	79%	4/21/2004			
2004/2005	3,870,000	4,232,121	Quota report; Godcharles	109%	3/31/2005			
2005/2006*	3,870,000	2,955,731	Quota report; Rueter	76%	2/16/2006			
* Beginning with 2005/2006 the fishing year changed to begin March 1 thru the end of February.								
Previous fishing years began on April 1 thru the end of March.								

Table 5. ATLANTIC SPANISH MACKEREL COMMERCIAL LANDINGS						
(FISHING SEASON QUOTA = 3,620,000 LBS)						
	-----2002/2003-----		-----2003/2004-----		-----2004/2005-----	
	Pounds	Percent	Pounds	Percent	Pounds	Percent
FL	3,143,160	84%	3,163,832	87%	2,372,785	73%
NC	455,589	12%	315,516	9%	699,468	21%
SC/GA	6	0%	20,335	1%	2,540	0%
VA	66,223	2%	98,229	3%	102,377	3%
Other	26,434	1%	22,343	1%	48,636	1%
TOTAL	3,721,412	103%	3,649,755	101%	3,253,806	90%
Notes:	2002/03 provided by Linda Bernstein, NMFS Beaufort Lab; FL revised 9/13/05.					
	2003/04 provided by David Gloeckner NMFS Beaufort Lab; FL revised 9/13/05.					
	2004/05 provided by David Gloeckner NMFS Beaufort Lab; FL revised 9/13/05.					

Table 6. FLORIDA EAST COAST SPANISH MACKEREL COMMERCIAL LANDINGS						
Year	Pounds	Trips				
1994	3,098,336	6,970				
1995	3,064,926	5,348				
1996	2,244,667	2,495				
1997	2,269,289	4,134				
1998	2,498,461	4,111				
1999	1,566,706	3,334				
2000	1,675,458	3,773				
2001	2,115,774	4,103				
2002	1,995,170	4,594				
2003	2,740,612	4,527				
2004	3,066,335	4,857				
2005	2,781,936	5,075				
Notes:	Extracted from Florida Commission Web Site on 5/2/06					
	2005 landings preliminary					

Issue E. Counting/Assigning Fish for Quotas

Option 1. No Action.

Option 2. Assign based on the percentage specified in Issue C above.

Option 3. Assign based on future assessment results through regulatory amendments.

ACTION 2. ADJUSTMENTS TO THE COASTAL MIGRATORY PELAGICS FMP AND/OR MANAGEMENT UNIT

Option a1. Add wahoo (Gulf only), blue runner, blackfin tuna, and Atlantic bonito to the Coastal Migratory Pelagics FMP management unit for management purposes.

Option a2. Add wahoo (Gulf only), blue runner, blackfin tuna, and Atlantic bonito to the Coastal Migratory Pelagics FMP management unit for data collection purposes only.

Option b. Add little tunny and dolphin to the management unit for management purposes in the Gulf area of jurisdiction.

Option c. Add any or all of the following species to the management unit for management purposes in the Gulf area of jurisdiction: dolphin, little tunny, cero, bluefish.

Option d. Remove dolphin in the Atlantic from the Coastal Migratory Pelagics FMP.

Option e. Status quo - retain only Gulf and Atlantic group king and Spanish mackerel and cobia in the management unit for management purposes and clarify that the other species are included in the management unit of the CMP FMP for data collection purposes only.

Option f. Add blackfin tuna and Atlantic bonito to the South Atlantic Coastal Migratory Pelagics FMP management unit and develop precautionary management measures.

SAFMC COMMITTEE WANTS OPTIONS D, E, AND F AS PROPOSED ACTION. MOTION: ADD GREAT BARRACUDA TO THE CMP MANAGEMENT UNIT AND DEVELOP PRECAUTIONARY MANAGEMENT MEASURES.

APPROVED BY SAFMC AP (6/04)

APPROVED BY SAFMC COMMITTEE (6/04)

NOTE: May want to delete Options a1, a2, b, and c as they deal with the Gulf area of jurisdiction.

MOTION: ESTABLISH A BAG LIMIT FOR COMMERCIAL AND RECREATIONAL FISHERMEN ON BLACKFIN TUNA, LITTLE TUNNY, ATLANTIC BONITO AND GREAT BARRACUDA

APPROVED BY SAFMC COMMITTEE (6/06)

SAFMC AP PROVIDED INPUT TO MOVE OFF OF A 2 FISH PER SPECIES BAG AT THIS TIME; SCOPE A BAG LIMIT WITHOUT A SPECIFIC NUMBER (6/06)

Purpose and Need: Currently managed species under the Coastal Migratory Pelagics FMP include Gulf group king and Spanish mackerel and cobia. Other stocks for which at least an exploratory stock assessment has been done include dolphin and little tunny. Based on these assessments there is minimal but sufficient information to establish status criteria and benchmarks if these stocks were added to the management unit for management purposes with some possible modifications. Note: Dolphin in the Atlantic have been placed in a FMP for Dolphin and Wahoo that is awaiting publication of the final rule; consequently, the above statements would only apply to dolphin in the Gulf and little tunny in both the Gulf and Atlantic.

For dolphin the 2000 stock assessment showed that F_{1997} was only approximately 51% of F_{MSY} and B_{1998} was approximately 156% of B_{MSY} . Consequently, the stock was extremely healthy at that time. Furthermore, landings have been relatively consistent in recent years and there does not appear to be any trend. Since the SAFMC has developed a dolphin and wahoo FMP for the Atlantic, a revised stock assessment that includes only the Gulf portion of the stock is needed. The Gulf portion of the stock was hypothesized to be a potentially different stock (or at least migratory group) with differences in life rates by Bentivoglio (1988). MSAP (2000) also discussed these differences and noted the need for additional studies of life rates. Consequently, a separate stock assessment for the Gulf is justified based on available data and would be needed to establish status criteria and benchmarks if dolphin (Gulf) were to be added to the CMP FMP for management purposes. Furthermore, dolphin in the Atlantic must be removed from the Coastal Migratory Pelagics FMP as they are managed by the SAFMC under the Dolphin/Wahoo FMP.

For little tunny, the stock assessment shows that there was a probability of overfishing in the early 1990s; however, during the last 5 years, landings have only been about one third of the estimated MSY. Furthermore B_{2001} was estimated at approximately 96% of B_{MSY} with likely further rebuilding to B_{MSY} in the near future (MSAP 2002). There are currently no regulations on either dolphin or little tunny stocks in federal waters of the Gulf, and based on available stock assessment information, there would not appear to be a need to impose regulations at this time.

For bluefish and cero, stock assessments were attempted; however, MSAP (2002) concluded that there was insufficient information to estimate status criteria or benchmarks that would be required if these stocks were to be placed in the management unit for purposes of management. These stocks are currently included in the Coastal Migratory Pelagics FMP for data collection purposes. Stock assessments have not been attempted for wahoo, blue runner, or blackfin tuna. For blue runner, the recreational landings appear to have increased in recent years with catches over 1.3 million fish in 2000 and over 2.1 million fish in 2001 as compared to catches in most years at approximately 0.5 million fish. However, headboat landings have shown a significant decline since the mid 1990s. Headboat landings are, however, only a small portion of total catch. Also, commercial catches of blue runner declined dramatically from an average of 1.3 MP for 1990 through 1995 to an average of approximately 250,000 pounds for 1996 through 2002.

Recreational landings of blackfin tuna have been highly variable since the early 1990s at between approximately 28,000 and 138,000 individuals but with no visible trend. On the other hand, headboat landings have shown a considerable increase in landings from approximately 1,000 individuals to over 7,000 individuals from 1989 to 1999; however, this component of the fishery is relatively insignificant. The commercial catch of blackfin tuna has declined significantly since the early 1990s from approximately 200,000 pounds to less than 50,000 pounds in 2001 and 2002.

Estimates of MSY for wahoo were attempted by NMFS for the Gulf, Atlantic, and Caribbean for the Draft Joint Dolphin/Wahoo FMP (memo Thompson - 6/27/2000); however, MSY was based on only an average of the last 5 years landings at that time. No additional attempts were made to address OY, overfishing, or overfished definitions. The trend in wahoo landings has been increasing from 1990 through 1999 (Goodyear 1999).

Some additional analyses or other evaluation of benchmarks and status criteria would have to be developed for cero, bluefish, blue runner, wahoo, and blackfin tuna if these stocks are to be included in the management unit for management purposes. Blue runner and blackfin tuna could, however, be added to the management unit for data collection purposes only. A wording change from “in the fishery but not in the management unit” to “in the management unit for data collection purposes only” could also be made for appropriate species.

SECTION II. ATLANTIC & GULF ISSUES

ACTION 3. SALE OF COASTAL MIGRATORY PELAGICS

- Option a.** Prohibit the sale of recreationally caught fish caught under a bag limit that are managed under the Coastal Migratory Pelagics FMP.
- Option b.** For a person aboard a vessel to be eligible for exemption from the bag limits, to fish under a commercial quota, and to sell king mackerel and Spanish mackerel in or from the EEZ of the Atlantic or Gulf of Mexico, a commercial vessel permit/endorsement for each species taken must have been issued to the vessel and must be on board.
- Option c.** For a person aboard a vessel to be eligible to sell cobia in or from the EEZ of the Atlantic or Gulf of Mexico, a commercial vessel permit/endorsement must have been issued to the vessel and must be on board.
- Option d.** Prohibit the sale of recreationally caught coastal migratory pelagics in or from the South Atlantic Council's jurisdiction except for allowing for-hire vessels that possess the necessary state and federal commercial permits to sell coastal migratory pelagics harvested under the bag limit in or from the South Atlantic Council's jurisdiction.
- Option e.** ~~Require tournament organizers to obtain a federal permit to sell coastal migratory pelagic fish. Add: Count towards recreational quota.~~
- Option f.** Status quo - commercial king and Spanish mackerel permits are required to fish under the commercial quota during open commercial seasons and areas.
- Option g.** A commercial permit is required to exceed the bag limit and expand the requirements to also require this permit in order to sell you catch.
- Option h.** Prohibit the sale of fish by tournaments.
- Option i.** Require fish be sold only to a federally permitted dealer. Permitted dealers can only buy fish from federally permitted fishermen.
- Option j.** Apply existing Gulf Reefish permit requirements to Coastal Migratory Pelagics.

CONSENSUS:

GULF COMMITTEE APPROVED THE ABOVE OPTIONS (6/04)

SOUTH ATLANTIC COMMITTEE APPROVED THE ABOVE OPTIONS (6/04)

SAFMC COMMITTEE (6/06) DIRECTED STAFF TO:

1. STRUCTURE THE SCOPING DOCUMENT TO ONLY ADDRESS SOUTH ATLANTIC COUNCIL ISSUES (remove the references to the Gulf Council's area of jurisdiction).
2. ADD AN OPTION THAT PROHIBITS THE SALE OF RECREATIONALLY CAUGHT COASTAL MIGRATORY PELAGICS IN OR FROM THE MANAGEMENT AREA UNDER THE SOUTH ATLANTIC COUNCIL'S CMP FMP.

Purpose and Need: Sale of recreationally caught king and Spanish mackerel is causing some fish to be counted against both the commercial hook-and-line and recreational allocations of TAC, particularly with regard to catches from for-hire vessels of king mackerel. This double counting may also be inflating the actual catch, contributing to TAC overruns, and decreasing the amount of fish available to commercial fishermen under their quota. This double counting problem is

probably not affecting other coastal migratory pelagic stocks to any extent because Spanish mackerel TACs are not being harvested and other stocks such as cobia and dolphin are not managed by TACs. The amount of king and Spanish mackerel being sold by recreational and for-hire fishermen while the commercial fishery is open is unknown; however, catch data indicate that landings and sales continue following the closure of the commercial fishery, particularly in the Florida Keys. Landings data for the 1995-96 fishing year showed hook-and-line sales of recreational, bag-limit catches of Gulf group king mackerel after the close of the commercial season of 112,474 pounds for the west coast of Florida (FDEP, unpublished data) representing approximately 26 percent of the total commercial hook-and-line allocation for 1995-96. For 1996-97, this catch was 117,953 pounds representing 27 percent of the commercial hook-and-line allocation. Additionally, sales during the season by the same vessels with sales after the season amounted to an additional approximately 100,000 pounds; however, it is unknown to what extent these catches/trips were recreational/charter or commercial because some charter/head boats also hold commercial king and Spanish mackerel permits (J. O’Hop, personal communication).

The majority of commercial sales by charter vessels occurs in the Florida Keys where approximately 81 charter vessels in Monroe County alone hold both charter and commercial king mackerel permits. The following table shows the number of vessels with either a charter permit or a commercial permit and those with both charter and commercial permits.

Commercial Only	Charter and Commercial	Charter Only	Total
987	190	333	1510

Possible Biological Impacts: The only biological impacts from prohibiting sale would occur if the recreational sector chooses to reduce its effort due to the inability to legally sell its catch. This could result in a reduction in overall harvest. Since the recreational sector is currently underharvesting its quota by approximately 2.0 million pounds, any such benefits would probably be minimal. Also, if some portion of the catch that is currently being double counted is only counted once, it should lead to a lower estimate of fishing mortality (F) and a improved status of the stock estimate, particularly for Gulf group king mackerel.

Possible Economic Impacts: The current federal rule allows the sale of recreationally caught king and Spanish mackerel only if allowed by the states where the fish are landed. In the particular case of Florida, where most of the sale of recreationally caught mackerel especially by charterboats occurs, a saltwater products license with a restricted species endorsement is required for the sale of mackerel. Charter and head boats possessing such licenses and endorsements may sell their recreationally caught mackerel regardless of whether the fish are caught in state or federal waters. When the federal commercial season for mackerel is closed, mackerel caught in the EEZ by recreational anglers, including charterboats, may not be sold; however, the sale of mackerel recreationally caught in state waters continues to be governed by that particular state’s rules.

ACTION 4. ESTABLISH A STANDARDIZED BYCATCH REPORTING METHODOLOGY

- Option 1.** Specify the ACCSP bycatch module as the methodology in the Atlantic.
- Option 2.** Specify the Recfin/Comfin and charter/headboat components of MRFSS.
- Option 3.** MRFSS.
- Option 4.** Add Gulf Reefish bycatch methodology.
- Option 5.** No action.

CONSENSUS: TAKE ALL OPTIONS TO SCOPING.

APPROVED BY GMFMC COMMITTEE (6/04)

APPROVED BY SAFMC COMMITTEE (6/04)

NOTE: may want to add the following two new options and delete the options that address the Gulf Council's management area.

New Option 6. Adopt the ACCSP bycatch module as the preferred methodology in the Atlantic. Until this module is fully funded, require the use of a variety of sources to assess and monitor bycatch including: observer coverage on vessels; logbooks; electronic logbook; video monitoring; MRFSS; state cooperation; and grant funded projects. After ACCSP is implemented, continue the use of technologies to augment and verify observer data.

New Option 7. Require the use of a variety of sources to assess and monitor bycatch including: observer coverage on vessels; logbooks; electronic logbook; video monitoring; MRFSS; state cooperation; and grant funded projects.

SAFMC COMMITTEE RECOMMENDED TAKING NEW OPTIONS 6 & 7 TO SCOPING (6/06)

Purpose and Need: Section 303 (a)(11) of the M-SFCMA requires that FMPs “establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority: (A) minimize bycatch, and (B) minimize the mortality of bycatch which cannot be avoided.” Bycatch information for the recreational fishery is currently being collected through the MRFSS program. Bycatch information for the commercial fishery could be collected through the use of observers, logbooks, or a combination. Mortality to bycatch could be reduced through the requirement of using only circle hooks, limiting the number of hooks, or artificial baits. Bycatch could be reduced by closing areas or seasons or by other means to reduce fishing effort as later discussed.

ACTION 5. CONSIDER MODIFYING THE EXISTING REQUIREMENTS FOR SEPARATE COMMERCIAL PERMITS FOR KING MACKEREL (CURRENTLY UNDER A MORATORIUM) AND SPANISH MACKEREL TO INCLUDE A SINGLE CMP PERMIT WITH ENDORSEMENTS FOR KING MACKEREL, SPANISH MACKEREL, AND COBIA WHILE RETAINING THE COMMERCIAL GILL NET ENDORSEMENT FOR GULF GROUP KING MACKEREL.

Option 1. No action.

Option 2. Modify the existing requirements for separate commercial permits for king and Spanish mackerel to include a single CMP permit with endorsements for king mackerel, Spanish mackerel, and cobia while retaining the commercial gill net endorsement for Gulf Group king mackerel.

Option 3. Others??

CONSENSUS: DELETE ACTION 5.
APPROVED BY GMFMC COMMITTEE (6/04)
APPROVED BY SAFMC COMMITTEE (6/04)

Purpose and Need: The purpose of this action would be to simplify the permitting requirements so that commercial participants would only have to purchase a single CMP permit with endorsements for the species for which they desired to fish and the gear that they would use. The king mackerel endorsement, with or without the gill net endorsement, would remain under the existing moratoriums; and the gill net endorsement would continue with its current restrictions of when and where it can be used, transferability, etc.

ACTION 6. CHANGES TO THE FRAMEWORK SEASONAL ADJUSTMENT PROCEDURE (SECTION 12.6.1)

Committee Action: Pick a preferred option.

Option 1. No action.

Option 2. Modify the framework as follows:

[**Note:** The Gulf Council voted to move Alternative 6.h to the considered but rejected section; rationale should be specified.]

- a. Remove all references to an assessment panel or Mackerel Stock Assessment Panel, its composition, and timing of assessments
- b. Note that a stock assessment will address the items listed under Section 12.6.1.1 (A) as well as any other appropriate measures as may be determined.
- c. Change Section 12.6.1.1 (A) (4) - overfishing- to include the proposed or approved definitions for each stock and migratory group that are managed under the management unit.
- d. Change Section 12.6.1.1 (B) to read as follows: “When a stock assessment is completed, a written stock assessment report will be prepared with recommendations to the Councils and the scientific basis for those recommendations.”
- e. Change Section 12.6.1.1 (D) by adding: “l. Zones, subzones, and migratory group boundaries and “m. allocations. Revise the last paragraph to read as follows: “For stocks where scientific information indicates it is a common stock that migrates through the Gulf and South Atlantic jurisdictions, both Councils must concur on the recommendations. For other stocks each Council will separately make management recommendations for these stocks in their jurisdictions.”
- f. Add an alternative to Section 12.6.1.1 (F)(2)(a) that would change the limit on TAC from not exceeding the best point estimate of MSY by more than 10% for more than one year to limit the TAC by the top end of the MSY range.
- g. Add an alternative to Section 12.6.1.1 (F)(5) that would include zones, subzones, and migratory group boundaries and allocations.
- h. ~~Consider changing the procedure for approval of recommended changes from publication of proposed and final rules to notice action similar to the approach used for salmon on the west coast.~~
- i. Status Quo - do not change the Framework Seasonal Adjustment Procedure (Section 12.6.1)

Option 3. Add changing the fishing year to the framework.

[NOTE: SAFMC STAFF DIRECTED TO DELETE THE OPTIONS/WORDING THAT ADDRESSES THE GULF COUNCIL’S MANAGEMENT AREA.]

Purpose and Need: The Councils have adopted the use of an alternate method for developing and reviewing stock assessments that involves greater peer review than the current process. Consequently, language in the framework needs to be changed to remove reference to a single stock assessment panel and allow greater flexibility in the advice provided from this process. Also, since all managed coastal migratory pelagic stocks are not considered overfished or undergoing overfishing under established or proposed criteria, the Councils believe that there

should be greater flexibility on the timing of stock assessments. Ongoing research and comments on fishing practices indicate that there may be a need to change migratory group boundaries or allocations of commercial portions of TAC among various zones and subzones in the Gulf and Atlantic. The Councils feel that these modifications might more appropriately be made through the framework process as opposed to FMP amendments.

Under alternatives “e” and “g”, the councils could set fixed stock/migratory group boundaries for all managed species based on best available data, such as is currently done for Spanish mackerel at the Dade/Monroe County line. The councils could also make changes to boundaries as better data on mixing are obtained. Currently, 100% of the king mackerel in the area from the Volusia/Flagler County line on the east coast of Florida southward and throughout the Gulf are considered Gulf migratory group fish from November 1 to March 31 of each year. Also, all king mackerel south of the Collier/Monroe County line and up the east coast are considered Atlantic migratory group fish from April 1 through October 31. Research is currently being conducted to determine if there should be a more appropriate division of these migratory groups. These alternatives would allow the councils to make changes in these dividing lines and allocations as data are developed. They would also allow the Gulf Council to change allocations and boundaries between zones and subzones in the Gulf as needed and appropriate.

Under alternative “h” above, the Council would receive the assessment report and consider framework changes at one meeting as is currently done. The Council’s recommendations would then be publicized and the public would have an opportunity to comment before and/or at the next Council meeting. The Council would then finalize the framework changes and NMFS would implement the changes via a notice in the Federal Register similar to the recent Atlantic Shrimp Closure. (Note: This replaces the current proposed and final rule with a notice in the federal register. The Council would be considering the changes over two meetings which would allow the public and the agency ample opportunity to comment.) **Note: Appendix A shows existing zones and subzones in the Gulf and South Atlantic with explanations and Appendix B provides a draft of how changes to the current framework could be made based on the alternatives presented under this action.**

ACTION 7. ALTERNATIVES FOR FUTURE QUALIFICATION TO PARTICIPATE IN THE KING MACKEREL FISHERY

Committee Action: Pick a preferred option.

SAFMC MOTION: DELETE ACTION 7. OPTION 5. ESTABLISH A CONTROL DATE AND DEMONSTRATE AT LEAST 1000 POUNDS OF KING MACKEREL IN ANY ONE YEAR.

SUBSTITUTE MOTION: DELETE OPTIONS 1-4 AND REQUEST STAFF DEVELOP OPTIONS BASED ON A CONTROL DATE OF 7/15/04 AND A LEVEL OF LANDINGS [OF KING MACKEREL].

SUBMOTION APPROVED BY SAFMC COMMITTEE (6/04)

MAIN MOTION APPROVED BY SAFMC COMMITTEE (6/04)

MAIN MOTION APPROVED BY GMFMC COMMITTEE (6/04)

GMFMC COMMITTEE MOTION: CHANGE THE CONTROL DATE TO 6/15/04.

APPROVED BY GMFMC COMMITTEE (6/04)

SAFMC COMMITTEE MOTION: CHANGE THE CONTROL DATE TO 6/15/04.

APPROVED BY SAFMC COMMITTEE (6/04)

MOTION: ESTABLISH A CONTROL DATE OF 6/15/04 FOR ATLANTIC MIGRATORY GROUP KING MACKEREL

APPROVED BY SAFMC COMMITTEE (6/06)

APPROVED BY SAFMC (6/06)

GMFMC COMMITTEE MOTION: ADD ANOTHER OPTION TO INCLUDE LANDINGS OF ALL SPECIES (INCLUDING SHRIMP) TO MEET THE LEVEL OF LANDINGS.

APPROVED BY GMFMC COMMITTEE (6/04)

APPROVED BY SAFMC COMMITTEE (6/04)

SAFMC AP MOTION: ADD OPTION TO INCLUDE PROVISION FOR NEW ENTRANTS TO THE KING MACKEREL FISHERY WITH A 2 FOR 1 PERMIT REQUIREMENT AS DONE IN THE SNAPPER GROUPER FISHERY.

APPROVED BY SAFMC AP (6/04)

SAFMC COMMITTEE MOTION: APPROVE AP MOTION.

APPROVED BY SAFMC COMMITTEE (6/04)

THE AP (6/06) SUGGESTED INCLUDING A PROVISION FOR SALE OF A SMALL BYCATCH OF SPANISH MACKEREL IN OTHER FISHERIES THAT MAY NOT HAVE A DIRECTED SPANISH MACKEREL PERMIT.

THE COMMITTEE AND AP AGREED TO INCLUDE THE FOLLOWING ITEMS FROM BEN HARTIG'S LETTER (as a result of two meetings with fishermen) AS ALTERNATIVES IN THE SCOPING DOCUMENT; THEY ALSO WANTED ANY ADDITIONAL ALTERNATIVES SUGGESTED DURING THE PUBLIC COMMENT PERIOD TO BE INCLUDED (6/06):

All options are specific to qualifying criteria pertaining to king and Spanish mackerel:

1. Require a Federal Spanish mackerel permit to harvest Spanish mackerel in State waters. This requirement already exists in the Reef Fish and King Mackerel fisheries.
2. Institute a permit moratorium after implementation of #1. (Spanish mackerel)
3. Implement a 2 for 1 permit requirement for new fishermen. (King & Spanish mackerel)
4. In order to qualify for a king or Spanish mackerel permit, fishermen must prove that 75% of their income was derived from commercial fishing in one of the past 3 years.
5. To re-qualify for a king or Spanish mackerel permit, fishermen must prove that 75% of their income was derived from commercial fishing in one of the past 3 years.
6. Permit holder must be on vessel.
7. Current corporate vessels where permit holder is not on board will be "grandfathered in" to allow this to continue. When the permit for that vessel is sold, new permit holder must be on vessel.
8. Part-time fishermen will be given one year to meet the 75% income qualification criteria, to become full-time fishermen. Must maintain that level in one of past 3 years to retain permit.
9. The status quo option.
10. Increase the State (Florida) Saltwater products license requirements to \$10,000 or 51% income requirement.
11. Moratorium on new Saltwater products licenses.
12. Increase the State (Florida) Saltwater products license requirements to \$15,000 or 51% income requirement (Federal permit requirements).
13. Crew shares need to be used for permit eligibility.
14. Set up a grievance committee for permit considerations.

~~**Option 1.** Establish a control date 3 years from the implementation date of this amendment, and during such period, license holders must demonstrate commercial landings of king mackerel in 2 of the 3 years following implementation. Licenses for vessels that do not meet this requirement will not be renewed.~~

~~**Option 2.** Establish a control date 5 years from the implementation date of this amendment, and during such period, license holders must demonstrate commercial landings of king mackerel in 3 of the 5 years following implementation. Licenses for vessels that do not meet this requirement will not be renewed.~~

~~**Option 3.** Establish a control date as with either Alternative 1 or Alternative 2; however, license holders must demonstrate commercial landings of king mackerel in excess of 1,000 pounds. Licenses for vessels that do not meet this requirement will not be renewed.~~

~~**Option 4.** Establish a control date as with either Alternative 1 or Alternative 2; however, license holders must demonstrate commercial landings of king mackerel in excess of 5,000 pounds. Licenses for vessels that do not meet this requirement will not be renewed.~~

NOTE: Committee should clarify how to handle Gulf Council motion on landings and SAFMC AP motion on new alternative.

ACTION 8. DEVELOP A CONTROL RULE MANAGEMENT PROGRAM FOR STOCKS THAT ARE NOT OVERFISHED TO REPLACE THE CURRENT TAC/QUOTA MANAGEMENT PROGRAM

Committee Action: Pick a preferred option.

Option 1. No action.

Option 2. Instruct staff to develop alternatives to address this action.

Option 3. Others??

GMFMC COMMITTEE MOTION: INCLUDE FOR SCOPING
APPROVED BY GMFMC COMMITTEE (6/04)
APPROVED BY SAFMC COMMITTEE (6/04)

SECTION III. GULF ISSUES [SAFMC COMMITTEE DIRECTED STAFF TO REMOVE GULF ISSUES FROM SAFMC DOCUMENT.]

~~ACTION 9. INCREASE THE MINIMUM SIZE LIMIT FOR GULF MIGRATORY GROUP COBIA~~

Committee Action: Pick a preferred action. NOTE: The Gulf Council voted to remove this action and list it as options that were considered by rejected; rationale should be provided.

Option a. Increase the minimum size limit for Gulf group cobia to 35 to 40 inches FL.

Option b. Increase the minimum size limit for Gulf group cobia from 33 inches FL to 40 inches FL, incrementally through increases of 1 inch per year for a period of 7 years.

Option c. Status Quo - the minimum size limit for Gulf group cobia remains at 33 inches FL.

MOTION: DELETE ACTION 9 & 10
APPROVED BY GMFMC COMMITTEE
APPROVED BY SAFMC COMMITTEE

Purpose and Need: Most male cobia are mature at the current 33" FL minimum size limit; however, females are just beginning to mature at this size. Almost all cobia (males and females) are mature at approximately 39" FL. Increasing the minimum size limit would potentially allow more fish to spawn. On the other hand, there would likely be little change in impacts of harvest on the stock because in recent years 85-90% of the recreational catch has been in excess of 33" FL with a mean size of approximately 39" FL from 1998 to 2000. The mean size of the commercial catch has steadily risen from 39" FL in 1992 to 43" FL in 2000, and from 1997 to 2000 between 97% and 100% of the commercial catch has been above 33" FL. Since the recreational sector harvests approximately 90% to the total catch, any reduction in catch and impacts would be primarily borne by this sector.

Note: An analysis of bycatch and impacts of an incremental increase in the minimum size limit for cobia will be added.

~~ACTION 10. REDUCE THE BAG AND POSSESSION LIMIT FOR GULF MIGRATORY GROUP COBIA~~

Committee Action: Pick a preferred action. NOTE: The Gulf Council voted to remove this action and list it as options that were considered by rejected; rationale should be provided.

Option a. Reduce the bag and possession limit for cobia to 1 fish per person.

Option b. Reduce the bag and possession limit for cobia to 4 fish per boat.

Option c. Reduce the bag and possession limit for cobia to 6 fish per boat.

Option d. Status quo - the bag and possession limit remains at 2 fish per person.

Purpose and Need: There appear to be increased landings of larger fish since the implementation of the 2-fish bag limit, implemented in 1990, as compared to catches in the 1980s (Williams 2001). Also, the most recent stock assessment shows that the cobia stock in the Gulf is neither overfished nor undergoing overfishing based on the status criteria chosen by the Council. Furthermore, preliminary information from the SEFSC indicates that on 2%-3% of recreational anglers are currently catching their 2-fish bag and possession limit. Consequently, a reduction in the bag limit would likely only affect more experienced cobia fishermen, and there would be little benefits to the stock.

ACTION 11. CONSIDER MODIFICATIONS TO THE EXISTING COMMERCIAL FISHERY BOUNDARY LINE BETWEEN THE GULF GROUP KING MACKEREL EASTERN ZONE AND WESTERN ZONE (CURRENTLY SET AT THE ALABAMA - FLORIDA BORDER), WITH CORRESPONDING CHANGES TO THE COMMERCIAL ALLOCATIONS

Committee Action: Pick a preferred action.

MOTION: INCLUDE FOR SCOPING
APPROVED BY GMFMC COMMITTEE
APPROVED BY SAFMC COMMITTEE

Option 1:

- a. Move the current boundary line between the Eastern Zone and Western Zone from the Alabama/Florida border to Cape San Blas, Florida (85°30' W. Longitude)
- b. Eliminate the Northern Subzone of the Eastern Zone and reestablish the Eastern Zone as extending from Cape San Blas, Florida (85°30' W. Longitude) and throughout its existing range
- c. Combine the commercial TAC allocation for the existing Northern Subzone of the Eastern Zone with the Western Zone
- d. Establish a trip limit for the newly defined Western Zone at 1,250 pounds until 75% of the allocation is taken, then reduce the trip limit to 500 pounds until the allocation is taken

Discussion: In 2003, numerous complaints were received from fishermen that vessels from the east and west coast of Florida had moved to southern Louisiana in late summer to fish on the Western Zone allocation of the commercial TAC. This additional effort resulted in the quota allocation being filled over a month sooner than in 2002 (9/23/03). At the Council's request, the NMFS implemented a 3,000-pound trip limit for the Western Zone in 1999 to lengthen this season. This action appeared to be partly successful in that the season lasted until 11/19/01 and 10/25/02; however, it closed in August of 2000. The Council has also received complaints from fishermen in the Northern Subzone of the Eastern Zone regarding the small allocation of TAC (168,750 pounds).

Combining the Northern Subzone with the Western Zone reduces the number of quota areas for Gulf group king mackerel from 3 to 2, thus it simplifies monitoring. It also provides for a larger share of TAC for fishermen over a broader area. Changing the trip limit from 3,000 pounds to 1,250 pounds with a potential reduction to 500 pounds as discussed above would likely extend the season for the area and would simplify enforcement because the trip limit would be the same throughout the Gulf, as opposed to the current situation where vessels in Alabama, Mississippi, Louisiana, and Texas can have 3,000 pounds whereas Florida vessels can only have 1,250 pounds.

Option 2:

- a. Move the current boundary line between the Eastern Zone and Western Zone from the Alabama/Florida border to 90° or 89°30' W. Longitude near the mouth of the Mississippi River
- b. Eliminate the Northern Subzone of the Eastern Zone and reestablish the Eastern Zone as extending from 90° or 89°30' W. Longitude and throughout its existing range
- c. Combine the commercial TAC allocation for the existing Northern Subzone of the Eastern Zone with the new Western Zone
- d. Establish a trip limit for the newly defined Western Zone at 1,250 pounds until 75% of the allocation is taken, then reduce the trip limit to 500 pounds until the allocation is taken

Discussion:

Option 3:

- a. Move the current boundary line between the Eastern Zone and Western Zone from the Alabama/Florida border to 90° or 89°30' W. Longitude near the mouth of the Mississippi River
- b. Eliminate the Northern Subzone of the Eastern Zone and reestablish the Eastern Zone as extending from 90° or 89°30' W. Longitude and throughout its existing range
- c. Subtract average annual landings for the past 5 years from the Alabama/Florida Border to 90° or 89°30' W. Longitude and add them to the allocation for the newly defined Eastern Zone
- d. Establish a trip limit for the newly defined Western Zone at 1,250 pounds until 75% of the allocation is taken, then reduce the trip limit to 500 pounds until the allocation is taken

Purpose and Need: The current boundary between the Eastern and Western Zone at the Alabama/Florida border was set in 1985 with the implementation of Amendment 1 to the Coastal Migratory Pelagics FMP. This line was chosen because existing scientific information at that time recognized a western migratory group of king mackerel that moved northward up the Texas and Louisiana coasts in spring and summer and southward in fall and winter. Another migratory group moved northward from the Florida Keys area to the Panhandle area of Florida in the spring and summer and back southward in fall and winter. Although these groups were known

to mix, such mixing was believed to be small, and the Mississippi River outfall appeared to be somewhat of a barrier. In considering the boundary, the councils also took into consideration the need to allow all areas of the Gulf some degree of access to the stock which was managed under a commercial allocation of TAC to a unit stock. With a set season and TAC, it was believed that without a boundary/separate TAC allocation, the entire TAC would be taken before fish migrated into some areas. The councils also considered that there was very little participation in the commercial fishery from Alabama and Mississippi, thus the dividing line at the Florida/Alabama border and a July 1 season opening were the least disruptive measures to participants. These decisions were based on known elements of the fishery from the mid to late 1970s. A review of the current and more recent past data may provide additional information.

New Option 4. No action.

ACTION 12. CHANGE THE OPENING DATE OF THE GULF GROUP KING MACKEREL SEASON FOR THE WESTERN ZONE

MOTION: INCLUDE FOR SCOPING
APPROVED BY GMFMC COMMITTEE
APPROVED BY SAFMC COMMITTEE

Committee Action: Pick a preferred action.

Option a. Change the opening date of the Gulf group king mackerel season for the Western Zone from July 1 to September 1.

Option b. Change the opening date of the Gulf group king mackerel season for the Western Zone from July 1 to October 1.

Option c. Change the opening date of the Gulf group king mackerel season for the Western Zone from July 1 to November 1.

New Option d. No action.

SECTION IV. ATLANTIC ISSUES

ACTION 13. BAG AND SIZE LIMITS FOR ATLANTIC GROUP KING AND SPANISH MACKEREL

ATLANTIC GROUP KING MACKEREL

Committee Action: Pick a preferred action.

MOTION: DELETE OPTIONS A & B AND ADD OPTION E.

APPROVED BY SAFMC COMMITTEE (6/04)

APPROVED BY GMFMC COMMITTEE (6/04)

SAFMC AP MOTION: INCREASE 45 INCHES TO 50 INCHES

APPROVED BY SAFMC AP (6/04)

SAFMC COMMITTEE: ADD A NEW OPTION WITH 50 INCHES

APPROVED BY SAFMC COMMITTEE (6/04)

~~**Option a. Change the bag limit for Atlantic group king mackerel to 3 for NY-FL**~~

~~(Note: Under this bag limit, the recreational catch would be expected to exceed the recreational allocation.)~~

~~**Option b. Change the bag limit for Atlantic group king mackerel to 3 for NY-FL with one fish greater than 45-inch fork length**~~

Option c. Examine the impacts of release mortality resulting from increasing the minimum size limit from 20 inches fork length to 24 inches fork length. Evaluate whether the minimum size limit should be reduced to 20 inches fork length.

Option d. Status Quo - the bag limit for Atlantic group king mackerel would remain at 3 NY-GA, 2 FL (Note: Under this bag limit, the recreational catch was 4.27 million pounds in 2002/2003, 4.04 million pounds in 2001/2002, and 5.34 million pounds in 2000/2001.)

Option e. Include within the existing bag limit, one fish >45 inches FL.

Option f. Include within the existing bag limit, one fish >50 inches FL.

ATLANTIC SPANISH MACKEREL

Committee Action: Pick a preferred action.

MOTION: DELETE OPTION A.

APPROVED BY SAFMC COMMITTEE (6/04)

APPROVED BY GMFMC COMMITTEE (6/04)

**SAFMC AP AND COMMITTEE BY CONSENSU RECOMMENDED INCLUDING
OPTION A FOR SCOPING (6/06).**

~~**Option a. Reduce the individual bag limit to 10 NY-FL** (Note: this was the previous bag limit).~~

Option b. Set a maximum bag limit of 60 Spanish mackerel per boat for charter boats.

Option c. Set the individual bag limit at 15 per person with a maximum of 60 per boat.

Option d. Status Quo - Individual Bag limit for Atlantic group Spanish mackerel remains at 15 NY-FL. (Note: This bag limit was approved at the June 1999 Council meeting, published as a final rule on July 3, 2000, and effective August 2, 2000.)

SAFMC AP SUGGESTED AN OPTION TO TRACK FLORIDA STATE REGULATIONS (3,500 POUNDS MONDAY THROUGH FRIDAY AND THEN 1,500 POUNDS ON SATURDAY AND SUNDAY) BE INCLUDED IN THE SCOPING DOCUMENT (6/06).

~~ACTION 15. CONSIDER OPTIONS TO ESTABLISH A MORATORIUM ON ATLANTIC MIGRATORY GROUP SPANISH MACKEREL AND A LIMITED ENTRY PROGRAM.~~

Note: An overview of annual Spanish mackerel landings is shown in Table 6. Additional information is presented in the ASMFC FMP Review.

Note: A control date of June 15, 2004 has been established for the Spanish mackerel fishery north of the Dade/Monroe county line on the Florida east coast. Should the Council decide to establish a limited entry program, fishermen obtaining a permit after June 15, 2004 are not guaranteed to be included in the limited entry program.

Note: A letter from Ben Hartig outlining proposed measures for the Atlantic Spanish Mackerel fishery is also attached.

Committee Action: Pick a preferred action.

Option 1. No action.

Option 2. Instruct staff to develop alternatives to address this action.

Option 3. Others??

MOTION: DELETE THIS ACTION; INCLUDE IN APPENDIX AS CONSIDERED BUT REJECTED.

APPROVED BY SAFMC COMMITTEE (6/04)

APPROVED BY GMFMC COMMITTEE (6/04)

SAFMC AP MOTION: REQUEST THE STATE OF FLORIDA MAKE SPANISH MACKEREL PERMIT A REQUISITE TO HARVEST SPANISH MACKEREL COMMERCIALY IN STATE WATERS IN FLORIDA.

APPROVED BY SAFMC AP (6/04)

SAMFC AP MOTION: SET A CPONTROL DATE OF 6/15/04 FOR ATLANTIC SPANISH MACKEREL

APPROVED BY SAFMC AP (6/04)

SAFMC COMMITTEE: REQUEST THE STATE OF FLORIDA MAKE SPANISH MACKEREL PERMIT A REQUISITE TO HARVEST SPANISH MACKEREL COMMERCIALY IN STATE WATERS IN FLORIDA

MOTION WITHDRAWN (6/04)

SAFMC COMMITTEE MOTION: SET A NEW CONTROL DATE OF 6/15/04 FOR SPANISH MACKEREL.

APPROVED BY SAFMC COMMITTEE (6/04)

APPROVED BY SAFMC COUNCIL (6/04)

Purpose and Need: The current stock assessment for Atlantic migratory group Spanish mackerel indicates that they are neither overfished nor undergoing overfishing. Their spawning stock biomass estimates are also well above B_{MSY} . Furthermore, there is reduced demand for these fish and harvest levels are well below current TAC levels. Consequently, there would not appear to be a need for a permit moratorium, unless the Councils feel that the existing number of permits could, if demand increased, provide sufficient effort to harvest MSY.

NOTE: The Gulf Council voted to remove this Action and list it as an option that was considered but rejected.

SAFMC COMMITTEE DIRECTED STAFF TO INCLUDE ALTERNATIVES THAT WERE SUGGESTED IN THE LETTER FROM BEN HARTIG AND THAT WERE SUGGESTED AT THE PUBLIC COMMENT PERIOD ON TUESDAY (6/06).

ACTION 16. RISK LEVELS FOR OVERFISHING AND OVERFISHED

Committee Action: Pick a preferred action.

- Option 1. The Gulf Council has specified 50% probability as the level to determine overfishing and overfished for Gulf migratory group king and Spanish mackerel and for cobia. This was approved by NOAA. Note: Attachment 4 includes the federal register notice (see 6/04 briefing materials).
- Option 2. Apply this same risk level (___%) to other species in the management unit.
- Option 3. For species under authority of the South Atlantic Council, set 50% probability as the level to determine overfishing and overfished.
- ~~Option 4. For species under authority of the South Atlantic Council, set 20% probability as the level to determine overfishing and overfished.~~
- Option 5. For species under authority of the South Atlantic Council, set 30% probability as the level to determine overfishing and 30% probability as the level to determine overfished. **NOTE:** changed to 50%.
- Option 6. No action.
- Option 7. Others??

MOTION: DELETE OPTION 4 AND GO WITH 30% AND 50%.

APPROVED BY SAFMC COMMITTEE (6/04)

APPROVED BY GMFMC COMMITTEE (6/04)

Background

A risk level is needed to determine whether or not a species is overfished or overfishing is taking place. The Gulf Council based their risk level on the flounder lawsuit that established 50% as the minimum chance that a species will be rebuilt within the rebuilding time period with the proposed management measures. The Mackerel Review Panel expressed some concern about this level not being risk averse. The South Atlantic Council may want to specify a lower risk level for overfishing so action is taken sooner to prevent overfishing from taking place. A slightly higher level could be specified for the overfished determination with the expectation that action would already have been taken under the overfishing trigger. The Council's confidence in the stock assessment should also factor into this issue. If you are very confident about the stock assessment, then set the levels lower. If you are not very confident about the stock assessment, then set the levels higher.

ACTION 17. SALE OF COBIA

MOTION: ADD OPTION TO ADD EITHER A FEDERAL CMP OR REEFISH COMMERCIAL PERMIT TO SELL COBIA; ANOTHER OPTION TO ADD ANY FEDERAL COMMERCIAL PERMIT

SUBSTITUTE MOTION: IN ORDER TO SELL COBIA ONE MUST POSSESS EITHER A COMMERCIAL KING MACKEREL PERMIT OR A COMMERCIAL REEFISH PERMIT; MUST SELL TO A FEDERALLY PERMITTED DEALER.

SUBMOTION APPROVED BY GMFMC COMMITTEE (6/04)

MAIN MOTION APPROVED BY GMFMC COMMITTEE (6/04)

GMFMC MOTION: AMEND THE MOTION TO APPLY THIS TO COBIA IN THE GULF OF MEXICO

APPROVED BY GMFMC COMMITTEE (6/04)

SAFMC COMMITTEE MOTION: ADOPT AMENDED MOTION

APPROVED BY SAFMC COMMITTEE (6/04)

NOTE: The committee should consider deleting this item as it addresses a Gulf Council issue only.

SCOPING

MOTION: RECOMMEND TO THE COUNCIL THAT AMENDMENT 16 BE TAKEN TO SCOPING

APPROVED BY GMFMC COMMITTEE (6/04)

APPROVED BY SAFMC COMMITTEE (6/04)

APPROVED BY SAFMC COUNCIL (6/04)

ACTION 18. SPANISH MACKEREL GILLNET ENDORSEMENT (provided by an AP member)

Implement a transferable Spanish mackerel gillnet endorsement for those vessels harvesting Spanish mackerel by gillnet in the EEZ:

1. Off Florida - The bulk of the harvest occurs off Florida therefore there is a justification for the Florida only option.
2. Within the management area of the South Atlantic Council, or
3. Throughout the range of the species.

Purpose and Need: In the past several years, Spanish mackerel have become more available in Federal waters. There is increased effort by new entrants into the gillnet fishery for Spanish mackerel. There has been a traditional gillnet fishery in Federal waters since the net ban. The most significant effort on Spanish mackerel occurs in State waters. There has been a good balance between Federal and State water Spanish mackerel harvest in the past. Accommodating new entrants into the gillnet fishery will disrupt the traditional balance that has occurred between State and Federal water fisheries.

The fishing power of gillnets is much greater than the cast net fishery, the predominant gear in State waters. The quota is already being reached. Introduction of new entrants into the gillnet fishery will cause the quota to be reached faster. And if the trend continues, more and more effort will be directed into the gillnet fishery.

All of the traditional net fishermen polled support a gillnet endorsement. A gillnet endorsement, depending on the qualifying criteria, would limit the number of gillnet permit to more traditional gillnet fishermen. Many of these fishermen were severely impacted by the net ban.

**MOTION: RECOMMEND TO THE COUNCIL
THAT THESE MACKEREL ISSUES BE TAKEN TO
SCOPING
APPROVED BY SAFMC COMMITTEE (6/06)
APPROVED BY SAFMC COUNCIL (6/06)**

DIRECTION TO SAFMC STAFF:

- 1. REQUEST NMFS ADVISE US WHAT NEEDS TO BE DONE TO RESOLVE THE AGING ISSUE.**
- 2. ALSO WHAT NEEDS TO BE DONE TO RESOLVE THE FECUNDITY ISSUE.**

Notes:

- (1) For each species that may be added to the management unit, alternatives for commercial and recreational allocations may be considered as was done for the Dolphin/Wahoo FMP
- (2) For each species that may be added to the management unit, alternatives for a commercial and recreational fishing year may be considered as was done for the Dolphin/Wahoo FMP
- (3) For each species that may be added to the management unit, alternatives for allowable gear and commercial trip limits may be considered or they could be postponed and implemented through the framework procedure because presently none of these stocks are known to be overfished or undergoing overfishing.
- (4) For each species that may be added to the management unit (especially Atlantic bonito, blackfin tuna, and false albacore), alternatives for recreational and commercial bag limits may be considered or they could be postponed and implemented through the framework procedure
- (5) Other issues that have arisen regarding Gulf group king mackerel include:
 - a. The commercial gill net fishery being allocated ½ of the FL West Coast southern subzone catch and said catch being taken in a few days by less than 20 vessels and its effect on reducing price.
 - b. The dividing line between the northern and southern subzones at the Collier/Lee County line severely limits a commercial fishery off the central west coast of Florida because when fish migrate north in the spring, the season is closed (begins July 1 and the allocation is usually taken by March) and when they migrate south in the fall the northern allocation is already taken and the area closed.

APPENDIX A.

KING AND SPANISH MACKEREL MIGRATORY GROUPS, COMMERCIAL QUOTAS, AND TRIP LIMIT INFORMATION

Mark F. Godcharles
NOAA FISHERIES
SOUTHEAST REGIONAL OFFICE
9721 Executive Center Drive North
St. Petersburg, FL 33702
F/SERX3/MFG:08-12-03

KING MACKEREL MIGRATORY GROUPS

King mackerel are divided into two migratory groups (See figure and federal regulations below):

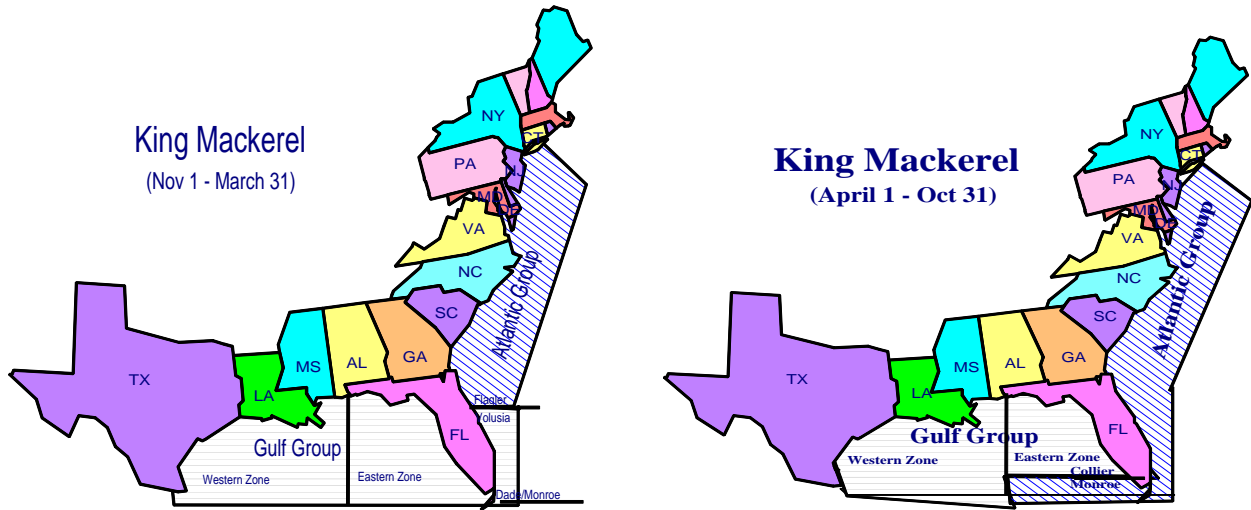
the *Gulf migratory group* and
the *Atlantic migratory group*.

They are separated by boundaries that change seasonally.

From April 1 through October 31, the boundary (summer separation) is a line extending westward into the Gulf of Mexico off southwest Florida directly from the Monroe/Collier County boundary.

From November 1 through March 31, the boundary (winter separation) which is a line extending eastward into the Atlantic off northeast Florida directly from the Volusia/Flagler County boundary.

**SEASONAL BOUNDARIES
GULF AND ATLANTIC GROUPS OF KING MACKEREL**



**GULF GROUP WESTERN AND
EASTERN ZONES**

50 CFR Part 622

§ 622.2 Definitions and acronyms.

Migratory group, for king and Spanish mackerel, means a group of fish that may or may not be a separate genetic stock, but that is treated as a separate stock for management purposes. King and Spanish mackerel are divided into migratory groups--the Atlantic migratory group and the Gulf migratory group. The boundaries between these groups are as follows:

(1) King mackerel--(i) Summer separation. From April 1 through October 31, the boundary separating the Gulf and Atlantic migratory groups of king mackerel is 25°48' N. lat., which is a line directly west from the Monroe/Collier County, FL, boundary to the outer limit of the EEZ.

(ii) Winter separation. From November 1 through March 31, the boundary separating the Gulf and Atlantic migratory groups of king mackerel is 29°25' N. lat., which is a line directly east from the Volusia/Flagler County, FL, boundary to the outer limit of the EEZ.

GULF GROUP KING MACKEREL: ZONES, FLORIDA SUBZONES, AND QUOTAS

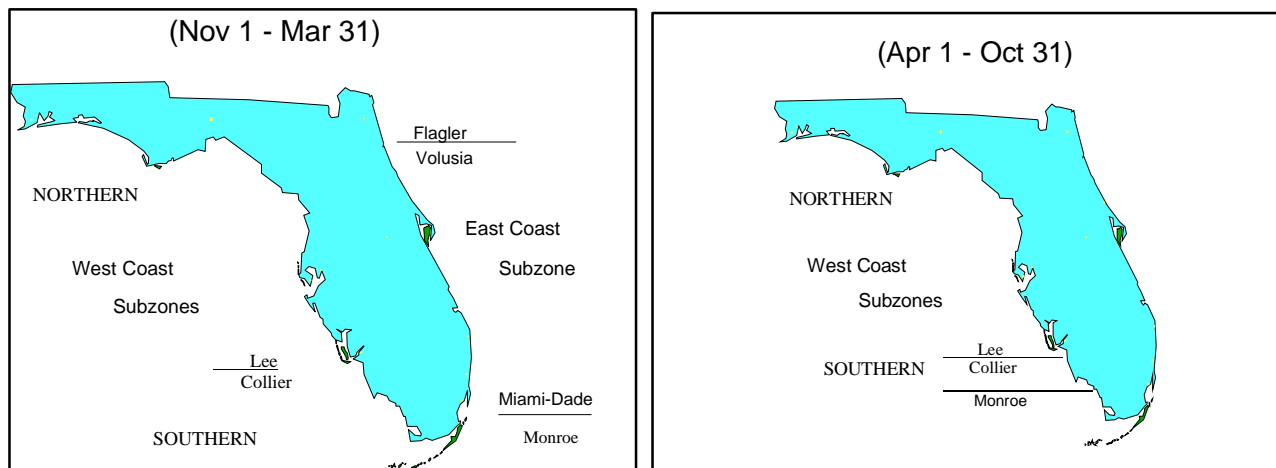
The Gulf group king mackerel fishery opens with a new quota every year on July 1. The subzone boundaries change seasonally based on the movement of the boundary that separates the Gulf and Atlantic migratory groups of king mackerel: Collier/Monroe County line -- April 1 - October 31, Flagler/Volusia County line -- November 1 - March 31.

The Florida west coast subzone (FWCSZ) extends from the Florida/Alabama State boundary to the Collier/Monroe County boundary from April 1 - October 31, and from November 1 - March 31 to the Miami-Dade/Monroe County boundary. The FWCSZ has separate quotas for the 2 fisheries: hook and line (H&L) and run-around gillnet (GN).

The Florida east coast subzone (FECSZ) exists only from November 1 - March 31 annually in the Atlantic between the Flagler/Volusia County boundary to the Miami-Dade/Monroe County boundary.

For the 2000/2001 fishing year, the Florida west coast subzone was divided into northern (N-FWCSZ) and southern (S-FWCSZ) subzones. The southern boundary of the N-FWCSZ is located year-round at the Lee/Collier County Line. The S-FWCSZ includes Gulf waters year-round off Collier County, and Gulf and Atlantic waters off Monroe County to the Miami-Dade/Monroe County line from November 1 - March 31 (CMP-FMP Amendment 9, final rule: 65 FR 16336, March 28, 2000). The N-FWCSZ has only a single quota for H&L gear. The S-FWCSZ has separate quotas for the H&L and GN fisheries.

GULF GROUP KING MACKEREL SEASONAL BOUNDARIES OF FLORIDA SUBZONES



GULF GROUP KING MACKEREL COMMERCIAL QUOTAS

<u>ZONE/SUBZONE</u>	<u>QUOTA (POUNDS)</u>	<u>SEASON BEGINS</u>
EASTERN ZONE (Florida)	2,250,000	
East Coast Subzone	1,040,625	Nov 1, 2003
West Coast Subzones	1,209,375	
<u>Northern</u>		
Hook and Line		168,750 July 1, 2003
<u>Southern</u>		
Hook and Line	520,312	July 1, 2003
Gillnet	520,312	Jan 21, 2004
WESTERN ZONE (Texas - Alabama)	1,010,00	July 1, 2003
Hook and Line		

GULF GROUP KING MACKEREL COMMERCIAL TRIP LIMIT CHANGES

Definition: Commercial trip limits are limits on the amount of the applicable species that may be possessed on board or landed, purchased, or sold from a vessel per day.

Gulf Group King Mackerel

For hook-and-line fisheries in the Florida west and east coast subzones:

Northern and Southern Florida west coast subzones

The trip limit for commercial vessels will be reduced from 1,250 pounds/day to 500 pounds/day of king mackerel when 75 percent of the subzone’s quotas are reached.

Florida east coast subzone,

The trip limit will be increased from 50 fish to 75 fish on February 1 if less than 75 percent of the Florida east coast subzone quota has been harvested, otherwise the trip limit will remain at 50 fish until the season ends on March 31.

§ 622.44 Commercial trip limits.

Commercial trip limits are limits on the amount of the applicable species that may be possessed on board or landed, purchased, or sold from a vessel per day....

(a) King mackerel--(1) Atlantic group...

(2) Gulf group. Commercial trip limits are established in the eastern and western zones as follows. (See § 622.42(c)(1)(i) for specification of the eastern and western zones and § 622.42(c)(1)(i)(A)(3) for specifications of the subzones in the eastern zone.)

(i) Eastern zone-Florida west coast subzone--(A) Gillnet gear. (1) In the southern

(B) Hook-and-line gear. In the Florida west coast subzone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel with a commercial permit for king mackerel, as required by § 622.4(a)(2)(iii), and operating under the hook-and-line gear quotas in § 622.42(c)(1)(i)(A)(2)(i) or (c)(1)(i)(A)(2)(ii):

(1) From July 1, each fishing year, until 75 percent of the respective **northern** or southern subzone's hook-and-line gear quota has been harvested--in amounts not exceeding 1,250 lb (567 kg) per day.

(2) From the date that 75 percent of the respective **northern** or southern subzone's hook-and-line gear quota has been harvested, until a closure of the respective **northern** or southern subzone's fishery for vessels fishing with hook-and-line gear has been effected under § 622.43(a)--in amounts not exceeding 500 lb (227 kg) per day.

(iii) Notice of trip limit changes. The Assistant Administrator, by filing a notification of trip limit change with the Office of the Federal Register, will effect the trip limit changes specified in paragraphs (a)(2)(i) and (a)(2)(ii)(B) of this section when the requisite harvest level has been reached or is projected to be reached.

SPANISH MACKEREL MIGRATORY GROUPS

Spanish mackerel are divided into two migratory groups (See figure and federal regulations below):

the *Gulf migratory group* and
the *Atlantic migratory group*.

These two groups are separated by a year-round, fixed boundary which is located in the Atlantic off southeast Florida. This boundary line extends directly east from the Miami-Dade/Monroe County, FL, boundary to the outer limit of the EEZ. The Atlantic group off Florida is located south of a line which is directly east from the seaward terminus of the Georgia/Florida boundary.

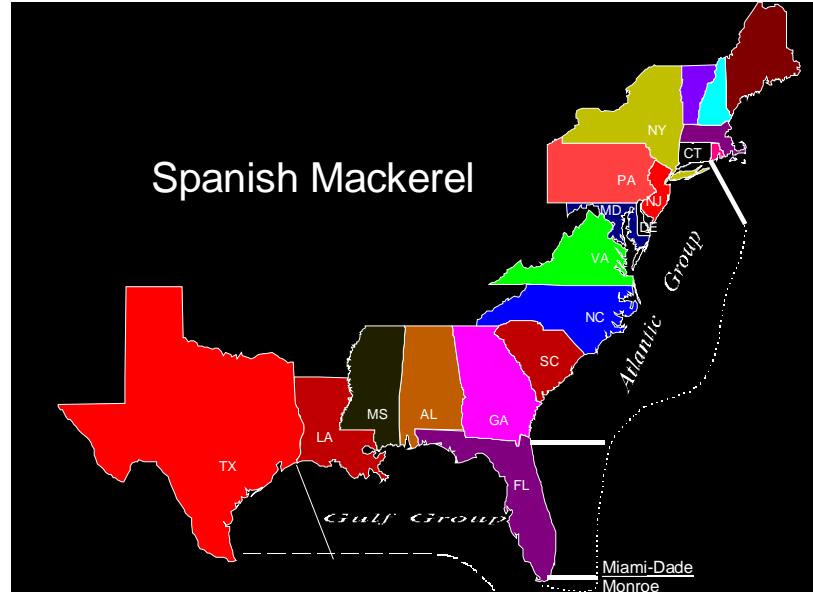
50 CFR Part 622

Migratory group, for king and Spanish mackerel, means a group of fish that may or may not be a separate genetic stock, but that is treated as a separate stock for management purposes. King and Spanish mackerel are divided into migratory groups--the Atlantic migratory group and the Gulf migratory group. The boundaries between these groups are as follows:

(1)

(2) Spanish mackerel. The boundary separating the Gulf and Atlantic migratory groups of Spanish mackerel is 25°20.4' N. lat., which is a line directly east from the Miami-Dade/Monroe County, FL, boundary to the outer limit of the EEZ.

Off Florida means the waters in the Gulf and South Atlantic from 30°42'45.6" N. lat., which is a line directly east from the seaward terminus of the Georgia/Florida boundary, to 87°31'06" W. long., which is a line directly south from the Alabama/Florida boundary.



FIXED BOUNDARIES FOR THE ATLANTIC GROUP SPANISH MACKEREL

SPANISH MACKEREL COMMERCIAL QUOTAS

Atlantic Group Spanish Mackerel Quota

<u>ZONE/SUBZONE</u>	<u>QUOTA (POUNDS)</u>	<u>SEASON BEGINS</u>
New York -SE Florida	3,053,805	04/01/2003

No closure required. Quota managed by trip limits.

Gulf Group Spanish Mackerel Quota

<u>ZONE/SUBZONE</u>	<u>QUOTA (POUNDS)</u>	<u>SEASON BEGINS</u>
Texas - Florida	5,187,000	04/01/2002

SPANISH MACKEREL COMMERCIAL TRIP LIMIT CHANGES

Atlantic Group Spanish Mackerel, Florida East Coast

From April 1 through November 30, not to exceed 3,500 Pounds.

On December 1, the **unlimited trip limit season** begins and continues until 75 percent of the **adjusted allocation** is harvested.

Daily trip limits during the "unlimited" season are: **unlimited** on Monday through Friday; and not to exceed **1,500** pounds on Saturday and Sunday.

For the above commercial trip limits, a fishing day begins 6 AM and extends for 24 hours. Spanish mackerel taken in compliance with the trip limit schedule and retained on a vessel terminating a trip prior to 6 AM will not be considered in possession, provided the vessel is not underway after 6 AM and the fish are unloaded prior to 6 PM that same day.

The daily trip is not to exceed **1,500 pounds after 75 percent of the adjusted quota is harvested** and continuing until 100 percent of the adjusted quota is taken.

The daily trip limit is not to exceed **500 pounds after 100 percent of the adjusted quota is taken** through the end of the fishing year, March 31.

Currently, **the Adjusted Quota is 3.62 million pounds**. The Adjusted Quota is the commercial quota for Atlantic migratory group Spanish mackerel (3.87 million pounds) reduced by an amount calculated to allow continued harvests of Atlantic group Spanish mackerel at the rate of 500 pounds per vessel per day for the remainder of the fishing year after the adjusted quota is reached. This fishery will not close if the quota is reached.

§ 622.42 Quotas.

Quotas apply for the fishing year for each species or species group. Except for the quotas for Gulf and South Atlantic coral, the quotas include species harvested from state waters adjoining the EEZ. Quotas for species managed under this part are as follows. (See § 622.32 for limitations on taking prohibited and limited-harvest species. The limitations in § 622.32 apply without regard to whether the species is harvested by a vessel operating under a commercial vessel permit or by a person subject to the bag limits.)

(a) ...

(c) King and Spanish mackerel. King and Spanish mackerel quotas apply to persons who fish under commercial vessel permits for king or Spanish mackerel, as required under § 622.4(a)(2)(iii) or (iv). A fish is counted against the quota for the area where it is caught when it is first sold.

(1) Migratory groups of king mackerel--(i) Gulf migratory group. The quota for the Gulf migratory group of king mackerel is 3.26 million lb (1.48 million kg). The Gulf migratory group is divided into eastern and western zones separated by 87°31'06" W. long., which is a line directly south from the Alabama/Florida boundary. Quotas for the eastern and western zones are as follows:

(A) Eastern zone--2.25 million lb (1.02 million kg), which is further divided into quotas as follows:

(1) Florida east coast subzone--1,040,625 lb (472,020 kg).

(2) Florida west coast subzone--(i) Southern--1,040,625 lb (472,020 kg), which is further divided into a quota of 520,312 lb (236,010 kg) for vessels fishing with hook-and-line and a quota of 520,312 lb (236,010 kg) for vessels fishing with run-around gillnets.

(ii) Northern--168,750 lb (76,544 kg).

(3) Description of Florida subzones. The Florida east coast subzone is that part of the eastern zone north of 25°20.4' N. lat., which is a line directly east from the Miami-Dade/Monroe County, FL, boundary. The Florida west coast subzone is that part of the eastern zone south and west of 25°20.4' N. lat. The Florida west coast subzone is further divided into southern and northern subzones. From November 1 through March 31, the southern subzone is that part of the Florida west coast subzone that extends south and west from 25°20.4' N. lat. to 26°19.8' N. lat., a line directly west from the Lee/Collier County, FL, boundary (i.e., the area off Collier and Monroe Counties). From April 1 through October 31, the southern subzone is that part of the Florida west coast subzone that is between 26°19.8' N. lat. and 25°48' N. lat., which is a line directly west from the Monroe/Collier County, FL, boundary (i.e., off Collier County). The northern subzone is that part of the Florida west coast subzone that is between 26°19.8' N. lat. and 87°31'06" W. long., which is a line directly south from the Alabama/Florida boundary.

(B) Western zone--1.01 million lb (0.46 million kg).

(ii) Atlantic migratory group. The quota for the Atlantic migratory group of king mackerel is 3.71 million lb (1.68 million kg). No more than 0.40 million lb (0.18 million kg) may be harvested by purse seines.

(2) Migratory groups of Spanish mackerel--(i) Gulf migratory group. The quota for the Gulf migratory group of Spanish mackerel is 5.187 million lb (2.353 million kg).

(ii) Atlantic migratory group. The quota for the Atlantic migratory group of Spanish mackerel is 3.87 million lb (1.76 million kg).

COMMERCIAL CLOSURES

§ 622.43 Closures.

(a) General. When a quota specified in § 622.42 is reached, or is projected to be reached, the Assistant Administrator will file a notification to that effect with the Office of the Federal Register. On and after the effective date of such notification, for the remainder of the fishing year, the following closure restrictions apply:

(1)...

(3) King and Spanish mackerel. The closure provisions of this paragraph (a)(3) do not apply to Atlantic migratory group Spanish mackerel, which are managed under the commercial trip limits specified in § 622.44(b) in lieu of the closure provisions of this section.

(i) A person aboard a vessel for which a commercial permit for king or Spanish mackerel has been issued, as required under § 622.4(a)(2)(iii) or (iv), 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 § 622.39(c) for the closed species, migratory group, zone, subzone, or gear, except as provided for under paragraph (a)(3)(ii) of this section.

(ii) 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 § 622.39(c), provided the vessel is operating as a charter vessel or headboat.

(iii) The sale or purchase of king or Spanish mackerel of the closed species, migratory group, zone, subzone, or gear type is prohibited, including such king or Spanish mackerel taken under the bag limits.

(4)...

(b) Exception on sale/purchase. (1) The prohibition on sale/purchase during a closure for Gulf reef fish, king and Spanish mackerel, royal red shrimp, greater amberjack, or wreckfish in paragraphs (a)(1), (a)(3)(iii), (a)(4), (a)(5)(i), or (a)(6) of this section does not apply to the indicated species that were harvested, landed ashore, and sold prior to the effective date of the closure and were held in cold storage by a dealer or processor.

(2) The prohibition on sale/purchase during a closure for allowable octocoral in paragraph (a)(2) of this section does not apply to allowable octocoral that was harvested and landed ashore prior to the effective date of the closure.

(c) Reopening. When a fishery has been closed based on a projection of the quota specified in § 622.42 being reached and subsequent data indicate that the quota was not reached, the Assistant Administrator may file a notification to that effect with the Office of the Federal Register. Such notification may reopen the fishery to provide an opportunity for the quota to be reached.

APPENDIX B.

Section 12.6.1 Mechanism for Determination of Framework Adjustments, as modified by this and previous amendments is as follows:

Section 12.6.1.1:

A. ~~An assessment panel (Panel) appointed by the Councils will normally reassess the condition of each stock or migratory group of king and Spanish mackerel and cobia in alternate (even numbered) years and other stocks when data allows for the purpose of providing for any needed pre-season adjustment of TAC and other framework measures. However, in the event of changes in the stocks or fisheries, The Councils may request additional assessments as may be needed. The Councils, however, may make annual seasonal adjustments based on the most recent assessment. The Panel shall be composed of NMFS scientists, Council staff, Scientific and Statistical Committee members, and other state, university, and private scientists as deemed appropriate by the Councils.~~

Each stock assessment The Panel should will address the following and perhaps other items for each stock:

1. Stock identity and distribution. This should include situations where there are groups of fish within a stock which are sufficiently different that they should be managed as separate units. If several possible stock divisions exist, ~~the Panel~~ **they** should describe the likely alternatives.
2. MSY and/or B_{MSY} (or appropriate proxies) for each identified stock. If more than one possible stock division exists, MSY and/or B_{MSY} for each possible combination should be estimated.
3. Condition of the stock(s) or groups of fish within each stock which could be managed separately. For each stock, this should include but not be limited to:
 - a. Fishing mortality rates relative to F_{MSY} and $F_{0.1}$ as well as $F_{30\text{ percent SPR}}$, and $F_{40\text{ percent SPR}}$ **or other limits as deemed appropriate.**
 - b. Spawning potential ratios (SPR).
 - c. Abundance relative to **biomass at MSY and MSST** ~~an adequate spawning biomass.~~
 - d. Trends in recruitment.
 - e. Acceptable Biological Catch (ABC) which will result in long-term yield as near MSY as possible.

- f. Calculation of catch ratios based on catch statistics using procedures defined in the FMP as modified.
- g. Estimate of current mix of Atlantic and Gulf migratory group king mackerel in the mixing zone for use in tracking quotas.

4. **Overfished and Overfishing:**

- a. **Gulf group king mackerel stocks in the Gulf of Mexico will be considered overfished if the probability that B_{current} is less than MSST is greater than 50%. The minimum stock size threshold (MSST) is defined as $(1-M)*B_{\text{MSY}}$ or 80% of B_{MSY} . Gulf group Spanish mackerel stocks and cobia stocks in the Gulf of Mexico will be considered overfished if the probability that B_{current} is less than MSST is greater than 50%. The minimum stock size threshold (MSST) is defined as $(1-M)*B_{\text{MSY}}$ or 70% of B_{MSY} . A mackerel stock or migratory group is considered to be overfished when the biomass is reduced below the MSST.**
- b. **The South Atlantic Council's target level or OY is 40 percent static SPR. The Gulf Council's target level or optimum yield (OY) is the yield corresponding to a fishing mortality rate (F_{OY}) defined as: $F_{\text{OY}}=0.85*F_{\text{MSY}}$ when the stock is at equilibrium for Gulf group king mackerel and the yield corresponding to a fishing mortality rate (F_{OY}) defined as: $F_{\text{OY}}=0.75*F_{\text{MSY}}$ when the stock is at equilibrium for Gulf group Spanish mackerel and cobia 30 percent static SPR. ABC is calculated based on both MSY (defined for Gulf group king and Spanish mackerel as the yield associated with $F_{30\% \text{ SPR}}$ when the stock is at equilibrium and the yield associated with F_{MSY} when the stock is at equilibrium for cobia) and OY the target level or optimum yield (SAFMC = 40 percent static SPR and GMFMC = 30 percent static SPR).**
- c. When a stock or migratory group is overfished (biomass is below MSST), a rebuilding program that makes consistent progress towards restoring stock condition must be implemented and continued until the stock is restored to B_{MSY} MSY. The rebuilding program must be designed to achieve recovery within an acceptable time frame consistent with the National Standard Guidelines, and as specified by the Councils. The Councils will continue to rebuild the stock above MSY until the stock is restored to the management target (OY) if different from MSY.
- d. ~~When a stock or migratory group is not overfished,~~ The act of overfishing is defined as $\text{MFMT} = F_{\text{MSY}}$. **The Gulf group king**

mackerel, Gulf group Spanish mackerel and Gulf group cobia stocks would be considered undergoing overfishing if the probability that F_{current} is larger than F_{MSY} is greater than 50%. ~~a static SPR that exceeds the threshold of 30 percent (i.e., $F_{30\text{ percent}}$ or MFMT).~~ If fishing mortality rates that exceed the level associated with **these thresholds ~~the static SPR threshold~~ are maintained, the stocks may become overfished. Therefore, if overfishing is occurring, a program to reduce fishing mortality rates toward management target levels (OY) will be implemented, even if the stock or migratory group is not in an overfished condition.**

- e. **The stock assessment process should** ~~The Councils have requested the Mackerel Stock Assessment Panel (MSAP)~~ provide a range of possibilities and options for specifying B_{MSY} and the MSST.
 - f. For species when there is insufficient information to determine whether the stock or migratory group is overfished, overfishing is defined as a fishing mortality rate in excess of the fishing mortality rate corresponding to a default threshold static SPR of 30 percent, which is the MFMT. If overfishing is occurring, a program to reduce fishing mortality rates to at least the level corresponding to management target levels will be implemented.
5. Management options. If recreational or commercial fishermen have achieved or are expected to achieve their allocations, the **stock assessment Panel** may **include** ~~delineate~~ possible options for non-quota restrictions on harvest, including effective levels for such actions as:
- a. Bag limits.
 - b. Size limits.
 - c. Gear restrictions.
 - d. Vessel trip limits.
 - e. Closed season or areas, and
 - f. Other options as requested by the Councils.
6. **The stock assessment process may also evaluate and provide recommendations for** ~~The Panels may also recommend~~ more appropriate levels or statements for the MSY (or proxy), OY, MFMT, and MSST for any stock, including ~~their~~ rationale for the proposed changes.
7. Other biological questions, as appropriate, **may also be addressed through the stock assessment process.**

- B. **The stock assessment process** ~~The Panel will develop~~ ~~prepare~~ a written report with its recommendations for submission to the Councils ~~each year~~ ~~(even years — full assessment, odd years — mini-assessments)~~ by such date as may be specified by the Councils **in coordination with NMFS**. The report will contain the scientific basis for ~~their~~ recommendations and indicate the degree of reliability which the Council should place on the recommended stock divisions, levels of catch, ~~and~~ options for non-quota controls of the catch, **and any other recommendations**.
- C. The Councils may take action based on the ~~panel~~ report or may take action based on issues/information that surface separate from the **report assessment group**. The steps are as follows:
1. **The stock assessment process** ~~Assessment panel~~ report: The Councils will consider the report and recommendations of ~~the Panel~~ and such public comments as are relevant to the ~~Panel's~~ report. Public hearings will be held at the time and place where the Councils consider the ~~Panel's~~ report. The Councils will consult their Advisory Panels and Scientific and Statistical Committees to review the report and provide advice prior to taking final action. After receiving public input, the Councils will make findings on the need for changes.
 2. Information separate from **the stock assessment process** ~~assessment panel~~ report: The Councils will consider information that surfaces separate from **the stock assessment process** ~~the assessment group~~. Councils' staff will compile the information and analyze the impacts of likely alternatives to address the particular situation. The Councils' staff report will be presented to the Councils. A public hearing will be held at the time and place where Councils consider the Councils' staff report. The Council **will** consult their Advisory Panels and Scientific and Statistical Committees to review the report and provide advice prior to taking final action. After receiving public input, the Councils will make findings on the need for changes.
- D. If changes are needed in the following, the Councils will advise the Regional Administrator (RA) of the Southeast Region of the National Marine Fisheries Service in writing of their recommendations, accompanied by the **stock assessment process report, staff reports, assessment panel's report**, relevant background material, and public comments, **as appropriate**:
- a. MSY or B_{MSY} (or proxies),
 - b. overfishing levels (MFMT) and overfished levels (MSST),
 - c. TACs and OY statements,
 - d. quotas (including zero quotas),
 - e. trip limits,

- f. bag limits (including zero bag limits),
- g. minimum sizes,
- h. reallocation of Atlantic group Spanish mackerel,
- i. gear restriction (ranging from modifying current regulations to a complete prohibition),
- j. permit requirements, or
- k. season/area closure and reopening (including spawning closure).
- l. zones, subzones, and migratory group boundaries**
- m. allocations**

Recommendations with respect to the Atlantic migratory groups of king and Spanish mackerel **and cobia** will be the responsibility of the South Atlantic Council, and those for the Gulf migratory groups of king and Spanish mackerel **and cobia** will be the responsibility of the Gulf Council. Except that the SAFMC will have responsibility to set vessel trip limits, closed seasons or areas, or gear restrictions for the northern area of the Eastern Zone (Dade through Volusia Counties, Florida) for the commercial fishery for Gulf group king mackerel. ~~This report shall be submitted by such data as may be specified by the Councils.~~

~~For stocks, such as cobia, where scientific information indicates it is a common stock that migrates through the Gulf and South Atlantic jurisdictions, both Councils must concur on the recommendations. For other stocks, such as bluefish, cero, and little tunny, there is no scientific information that shows they are common stocks, and each Council will separately make management recommendations for these stocks in their jurisdictions.~~

- E. The RA will review the Councils' recommendations, supporting rationale, public comments and other relevant information, and if the RA concurs with the recommendations, the RA will draft regulations in accordance with the recommendations. The RA may also reject **any** ~~the~~ recommendation, providing written reasons for rejection. In the event the RA rejects **a** ~~the~~ recommendation, existing regulations shall remain in effect until resolved. However, if the RA finds that a proposed recreational bag limit for Gulf migratory group or groups of king mackerels is likely to exceed the allocation and rejects the Councils' recommendation, the bag limit reverts to one fish per person per day.
- F. If the RA concurs that the Councils' recommendations are consistent with the goals and objectives of the plan, the National Standards, and other applicable law, the RA shall implement the regulations by proposed and final rules in the Federal Register prior to the appropriate fishing year or such dates as may be agreed upon with the Councils. A reasonable period for public comment

shall be afforded, consistent with the urgency, if any, of the need to implement the management measure.

Appropriate regulatory changes that may be implemented by the RA by proposed and final rules in the Federal Register are:

1. Adjustment of the overfishing level (MFMT) for king and Spanish mackerels and other stocks. Specification of B_{MSY} and the MSST for the stocks. Respecification of levels or statements of OY and MSY (proxy).
2. Setting total allowable catches (TACs) for each stock or migratory group of fish which should be managed separately, as identified in the FMP provided:
 - a. No TAC may exceed the best point estimate of MSY by more than 10 percent for more than one year.
 - b. No TAC may exceed the upper range of ABC if it results in overfishing (**as previously defined**).
 - c. Downward adjustments of TAC of any amount are allowed in order to protect the stock and prevent overfishing.
 - d. Reductions or increases in allocations as a result of changes in the TAC are to be as equitable as may be practical utilizing similar percentage changes to allocations for participants in a fishery.
3. Adjusting user group allocations in response to changes in TACs according to the formula specified in the FMP.
4. The reallocation of Atlantic Spanish mackerel between recreational and commercial fishermen may be made through the framework after consideration of changes in the social and/or economic characteristics of the fishery. Such allocation adjustments shall not be greater than a ten percent change in one year to either sector's allocation. Changes may be implemented over several years to reach a desired goal, but must be assessed each year relative to changes in TAC and social and/or economic impacts to either sector of the fishery.
5. Modifying (or implementing for a particular species):
 - a. quotas (including zero quotas)
 - b. trip limits
 - c. bag limits (including zero bag limits)
 - d. minimum sizes

- e. re-allocation of Atlantic group Spanish mackerel by no more than 10 percent per year to either the commercial or recreational sector.
- f. gear restriction (ranging from modifying current regulations to a complete prohibition)
- g. permit requirements, or
- h. season/area closures and re-openings (including spawning closure)
- i. **zones, subzones, migratory group boundaries and allocations**

Authority is also granted to the RA to close any fishery, i.e., revert any bag limit to zero, and close and reopen any commercial fishery, once a quota has been established through the procedure described above; and such quota has been filled. When such action is necessary, the RA will recommend that the Secretary publish a notice in the Federal Register as soon as possible.