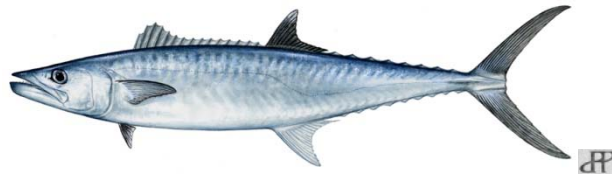


Modifications to the King Mackerel Boundaries and Transit Provisions



Options Paper for Amendment 20 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

**Including Environmental Assessment,
Fishery Impact Statement, Regulatory Impact Review,
and Regulatory Flexibility Act Analysis**

March 2012



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ENVIRONMENTAL ASSESSMENT COVER SHEET

Name of Action

Options Paper for Amendment 20 to Fishery Management Plan for Coastal Migratory Pelagics in the Gulf of Mexico and South Atlantic addressing changes to boundaries and transit provisions, Including Environmental Assessment, Fishery Impact Statement, Regulatory Impact Review, and Regulatory Flexibility Act Analysis

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Type of Action

Administrative
 Draft

Legislative
 Final

Summary/Abstract

To be written

ABBREVIATIONS USED IN THIS DOCUMENT

ABC	Acceptable biological catch
ACL	Annual catch limit
ACT	Annual catch target
ALS	Accumulated Landings System
AMs	Accountability measures
APA	Administrative Procedures Act
B	Biomass
B _{MSY}	Stock biomass level capable of producing an equilibrium yield of MSY
CDT	Commercial decision tool
CI	Confidence interval
Gulf Council	Gulf of Mexico Fishery Management Council
CMP	Coastal Migratory Pelagics
CPUE	Catch per unit effort
CS	consumer surplus
CZMA	Coastal Zone Management Act
DQA	Data Quality Act
EA	Environmental Assessment
EEZ	Exclusive Economic Zone
EFH	Essential fish habitat
EIS	Environmental impact statement
EJ	Environmental justice
ELMR	Estuarine living marine resources
ESA	Endangered Species Act
F	Instantaneous rate of fishing mortality
FL	fork length
FLS	Federal logbook system
F _{MSY}	Fishing mortality rate corresponding to an equilibrium yield of MSY
F _{OY}	Fishing mortality rate corresponding to an equilibrium yield of OY
F _{30% SPR}	Fishing mortality corresponding to 30% spawning potential ratio
FMP	Fishery Management Plan
FWRI	Florida Wildlife Research Institute
GMFMC	Gulf of Mexico Fishery Management Council
HAPC	Habitat area of particular concern
HBS	Headboat Survey
IRFA	Initial regulatory flexibility analysis
LOF	List of fisheries
lq	location quotient
M	Mortality
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MFMT	Maximum fishing mortality threshold
MMPA	Marine Mammal Protection Act
mp	million pounds
MRFSS	Marine Recreational Fisheries Survey and Statistics

MRIP	Marine Recreational Information Program
MSST	Minimum stock size threshold
MSY	Maximum sustainable yield
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOAA Fisheries	Same as NMFS
nm	nautical mile
NOR	net operating revenues
NOS	National Ocean Service
NSI	National Standard 1 guidelines
OFL	Overfishing level
OMB	Office of Management and Budget
OY	Optimum yield
PCA	Principal component analysis
PRA	Paperwork Reduction Act
PSE	Percent standard error
PS	Producer surplus
Pw	Product weight
QMS	Quota Monitoring System
RA	Regional Administrator
RFA	Regulatory Flexibility Act of 1980
RIR	Regulatory impact review
rq	regional quotient
SAV	Submerged aquatic vegetation
Secretary	Secretary of Commerce
SEDAR	Southeast Data, Assessment and Review
SEFSC	Southeast Fisheries Science Center
SERO	Southeast Regional Office
SMZ	Special Management Zone
South Atlantic Council	South Atlantic Fishery Management Council
SSBR	Spawning stock biomass per recruit
SSC	Scientific and Statistical Committee
SPR	Spawning potential ratio
TAC	Total allowable catch
TPWD	Texas Parks and Wildlife Department
ww	whole weight
YPR	Yield per recruit

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FISHERY IMPACT STATEMENT

CHAPTER 1. INTRODUCTION

1.1 Background

Amendment 1 to the Coastal Migratory Fisheries Management plan established separate commercial allocations for an eastern and western zone divided at the Alabama/Florida border. It also established a mixing zone from the Monroe/Collier County line to the Volusia/Flagler County line wherein all fish in the zone from November 1 through March 31 of each year were considered Gulf group king mackerel, and from April 1 through October 31, they were considered to be Atlantic group fish.

Amendment 9 further subdivided the commercial hook-and-line king mackerel allocation for the Gulf migratory group, eastern zone, south/west area (Florida west coast) by establishing two subzones with a dividing line between the two subzones at the Collier/Lee County line. These zones and subzones were established to ensure that fishermen throughout the Gulf had an opportunity to fish in their homeport area and that some of the allowable quota was available for those areas. Furthermore, the Gulf group king mackerel season was determined to be from July 1 through June 30 of each year.

Gulf of Mexico Fishery Management Council

- Responsible for conservation and management of fish stocks
- Consist of 11 voting members who are appointed by the Secretary of Commerce; and 1 voting member representing each of the five Gulf states
- Responsible for developing fishery management plans and recommending regulations to NOAA Fisheries Service for implementation

South Atlantic Fishery Management Council

- Responsible for conservation and management of fish stocks
- Consists of 13 voting members who are appointed by the Secretary of Commerce and 4 non-voting members from North & South Carolina, Georgia, and Florida
- Management area is from 3 to 200 miles off the coasts of North Carolina, South Carolina, Georgia, and east Florida through Key West
- Responsible for developing fishery management plans and recommending regulations to NOAA Fisheries Service for implementation

NOAA Fisheries Service

- Responsible for preventing overfishing while achieving optimum yield
- Approves, disapproves, or partially approves Council recommendations
- Implements regulations

1.2 Purpose and Need

The South Atlantic and Gulf of Mexico Councils have established or are considering establishing a number of zones and subzones for coastal migratory pelagic fishes in the Gulf and Atlantic. These zones and subzones are intended to ensure that a fair and equitable portion of the allowable harvest is available throughout the migratory range of these stocks. The Councils are considering whether the current and proposed zones along with their current or future allocations and commercial trip limits are necessary and appropriate and provide the greatest benefit to the commercial industry. The Gulf Council is also considering changes to the season as a whole or by zone to potentially increase fishing efficiency and perhaps extend the season in some areas. Likewise, both Councils are considering potential requirements for vessels to declare fishing zones or to establish endorsements for zones to reduce effort in some areas and perhaps lengthen the season. Finally, the Gulf Council is considering a measure to allow transit through closed areas by vessels that have caught and possess fish legally in another area.

Purpose for Action

The purpose of this amendment is to consider modifications to the current zones, allocations, and trip limits are appropriate to provide the greatest benefit to the industry.

Need for Action

The need for the proposed actions is to ensure regulations are fair and equitable; harvested fish are not counted towards the wrong quota; and total landings data are accurate.

1.3 History of Management

CHAPTER 2. MANAGEMENT ALTERNATIVES

2.1 Action 1 - 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 [87°31'06'']).

Alternative 1: No Action - Retain the current boundary between the eastern and western zones at the Alabama/Florida border

Alternative 2: 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).

Alternative 3: Move the current boundary line between the eastern zone and western zone from the Alabama/Florida border to 89°30' w. longitude near the mouth of the Mississippi river.

Discussion:

The current boundary between the eastern and western zones at the Alabama/Florida border was set in 1985 with the implementation of Amendment 1 to the Coastal Migratory Pelagics Fishery Management Plan (Figure 2.1.1). 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. The stock is managed under a commercial allocation of total allowable catch (TAC), and the TAC was very low at that time (only approximately 2.9 mp as compared to 10.2 mp over the past few years). With a set season and TAC, it was believed that without a zone/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 considered 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.

Council Conclusions:

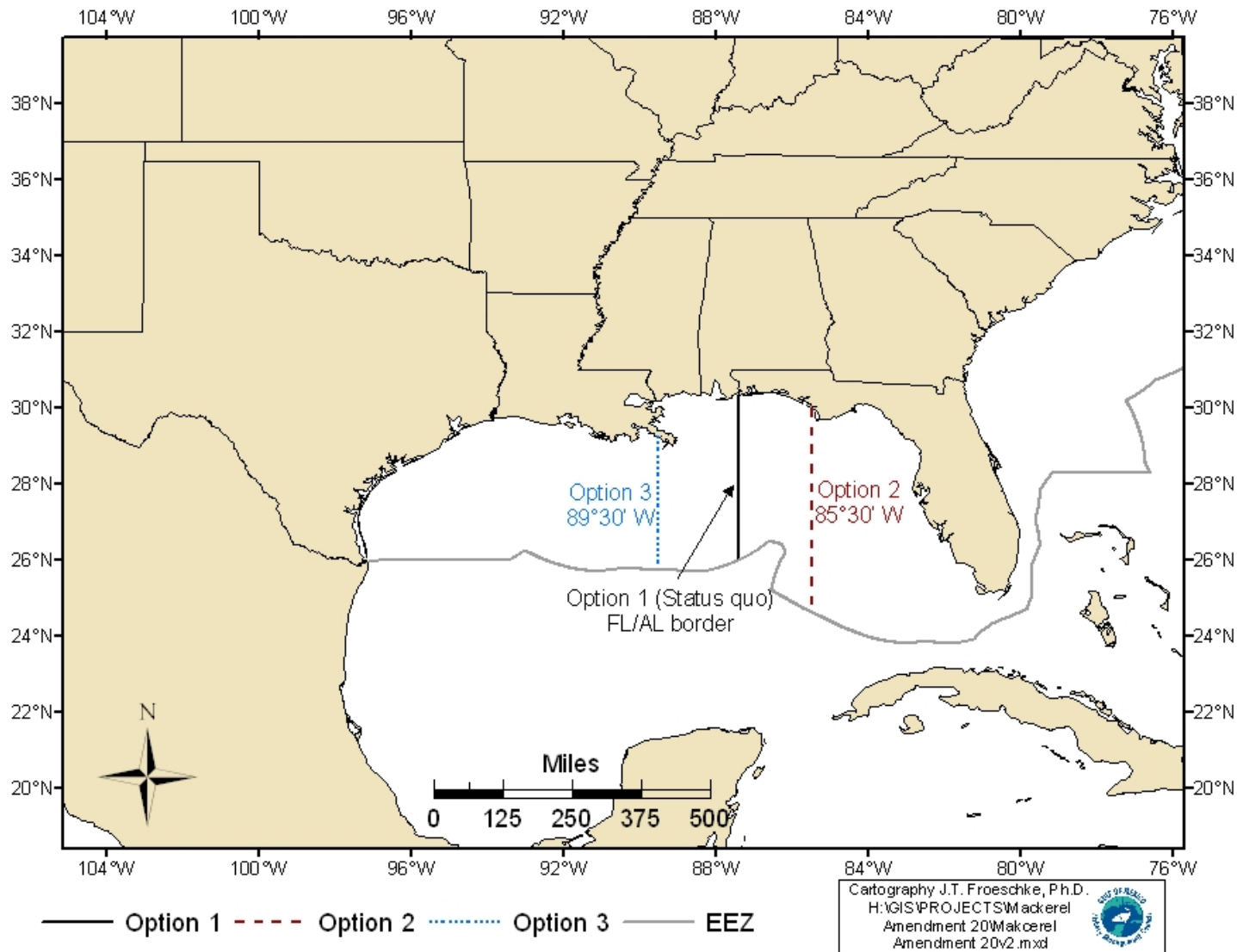


Figure 2.1.1. Action 1 Proposed Optional Boundaries

2.2 Action 2 - Consider retaining or eliminating the northern subzone based on any of the boundaries chosen in Action 1. If eliminated, consider transferring the current allocation percentage to either the eastern or western zone based on any of the boundaries chosen in Action 1.

Alternative 1: No Action – Retain the existing northern and southern subzones and retain the existing allocations for these areas

Alternative 2: Eliminate the northern subzone and add the assigned allocation to the eastern zone based on any of the boundaries chosen in Action 1.

Alternative 3: Eliminate the northern subzone and add the assigned allocation to the western zone based on any of the boundaries chosen in Action 1.

Discussion:

In 2000, the Council established two subzones off the west coast of Florida with the northern subzone extending from the Collier/Lee County line to the Alabama/Florida border. This action was based on the king mackerel fishery in the panhandle area of Florida having significantly increased its catch in the last few years prior to 1999. In establishing this northern subzone the Gulf and South Atlantic Councils agreed to allocate to this new subzone a small portion of the total allocation for the eastern zone (approximately 3.85% that amounted to approximately 168,500 pounds). Since the implementation of this action, the northern subzone has caught its allocation in seven of the twelve years. However, when the subzone has been closed, it has happened usually in the fall, before the fish have migrated south. The result is that fishermen along the peninsula of Florida do not have an opportunity to participate in the fishery during those years. Combining the northern subzone with the southern subzone or 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 potential share of TAC for fishermen over a broader area.

Council Conclusions:

2.3 Action 3 - Consider modifications to the commercial trip limit in the eastern and western zones based on any of the boundaries chosen in Action 1.

Alternative 1: No Action – Retain the existing commercial hook and line trip limit of 3,000 pounds for the western zone and 1,250 pounds for the eastern zone (until 75% of the quota is taken at which time the trip limit reverts to 500 pounds), based on any of the boundaries chosen in Action 1.

Alternative 2: Retain the existing commercial hook and line trip limit of 3,000 pounds for the western zone and set the trip limit for the eastern zone at 1,500/2,000/2,500 pounds with no step down, based on any of the boundaries chosen in Action 1.

Alternative 3: Set the commercial hook and line trip limit for both the eastern and western zones at 1,500/2,000/2,500 pounds with no step down, based on any of the boundaries chosen in Action 1.

Discussion:

In 2003, numerous complaints were received from fishermen that vessels from particularly the east coast of Florida had moved into southern Louisiana in late summer to fish on the western zone quota. This additional effort resulted in the quota allocation being filled over a month sooner than in 2002 (9/24/03). At the Council’s request, 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 stayed open until 11/19/01 and 10/25/02; however, it closed in August of 2000. (Closure dates for the western zone from fishing years 1999-2000 through 2011-1012 are shown in Table 2.3.1). The Council has also received complaints from fishermen in the northern subzone of the eastern zone regarding these same vessels fishing out the quota (168,750 pounds).

Table 2.3.1. Gulf King Mackerel Western Zone Season Closure Dates

Year	99-00	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12
Closing Date	25-Aug	26-Aug	19-Nov	25-Oct	24-Sep	20-Oct	17-Nov	6-Oct	3-Nov	27-Mar	4-Sep	11-Feb	16-Sept

Reducing the trip limit from 3,000 pounds would likely extend the season and may deter some of the transient fishing that has occurred in the past. Also, having a single trip limit for the entire Gulf area would simplify enforcement. The current situation is that vessels fishing off Alabama, Mississippi, Louisiana, and Texas can land 3,000 pounds; whereas vessels fishing off Florida can

only land 1,250 pounds. Finally, having a set trip limit with no step down has been requested by fishermen claiming that expenses are too large for them to profit from making a trip to only catch 500 pounds, and in 2011 king mackerel were being caught at a rate that precluded NOAA Fisheries from being able to implement the step down to 500 pounds when 75% of the quota in the eastern zone was taken.

Council Conclusions:

2.4 Action 4 - Change the opening date of the Gulf group king mackerel season for the eastern and western zone.

Alternative 1: No Action - the opening date remains at July 1

Alternative 2: Change the opening date of the Gulf group king mackerel season for the eastern and/or western zone or other subzones from July 1 to September 1.

Alternative 3: Change the opening date of the Gulf group king mackerel season for the eastern and/or western zone or other subzones from July 1 to October 1.

Alternative 4: Change the opening date of the Gulf group king mackerel season for the eastern and/or western zone or other subzones from July 1 to November 1.

Discussion:

Some fishers have indicated in the past that a later opening would allow them to harvest king mackerel from the northern subzone of the eastern zone and the western zone more efficiently because fish are present in larger numbers and closer to shore in the main fishing areas off south Louisiana in the fall as opposed to the summer. They also claim that fish can be kept in better condition due to the cooler weather. A later opening, possibly combined with a lower trip limit, might also discourage movement of fishers from the Atlantic coast of Florida to south Louisiana and into the Florida Panhandle as has been the case for several years. Such a change could extend the season; however, if it is set too late in the fall, fish may migrate back south earlier in some years and not be available. Also, weather conditions may make fishing more difficult and less safe if the season extends into winter months.

Council Conclusions:

2.5 Action 5 - Establish a transit provision for fish harvested in the EEZ off Monroe County when the rest of the west coast of Florida is closed.

Alternative 1: No Action - do not establish a transit provision.

Alternative 2: Establish a transit provision for fish harvested in the EEZ off Monroe County when the rest of the west coast of Florida is closed.

Discussion:

A transit provision would allow fishermen to legally harvest king mackerel from Monroe County after April 1 of each year to transport and land their catch in other areas of the Gulf that are closed. Transit would be allowed for vessels traveling through the closed area with fishing gear appropriately stowed. The term "transit" is defined as on a direct and continuous course through a closed area. The term "appropriately stowed" means:

- 1) A gillnet must be left on the drum. Any additional gillnets not attached to the drum must be stowed below deck.
- 2) A rod and reel must be removed from the rod holder and stowed securely on or below deck. Terminal gear (i.e., hook, leader, sinker, flasher, or bait) must be disconnected and stowed separately from the rod and reel. Sinkers must be disconnected from the down rigger and stowed separately.

Council Conclusions:

2.6 Action 6 - Restrictions on fishing for king mackerel in multiple zones.

Alternative 1: No Action – vessels with king mackerel commercial vessel permits may fish in any zone of the Gulf or South Atlantic.

Alternative 2: Require that prior to the beginning of the fishing year, each owner of a permitted commercial king mackerel hook-and-line vessel must identify the zone/subzone in which the vessel will fish during the upcoming fishing year (western zone, Florida east coast subzone, Florida west coast southern subzone, or Florida west coast northern subzone).

Option a: only one zone may be identified

Option b: two zones may be identified

Alternative 3: Require an endorsement to fish in a particular zone or subzone.

Option a: Only one endorsement is allowed at any one time, and it is not transferable during that year.

Option b: No more than two endorsements are allowed at any one time, and they are not transferable during that year.

Discussion:

Historically, commercial king mackerel hook-and-line vessels have primarily fished in the zones that they are home-ported. In recent years, however, a fleet of vessels from the east coast of Florida has traveled to the western zone in the summer months to fish on that quota and subsequently moved to the Florida west coast northern subzone; thus following the migrating fish from area to area where they are most abundant. This additional effort in each zone has resulted in earlier than normal closings in some years. Requiring vessels to declare and fish in only 1 or 2 zones/subzones during a given year would help reduce the chance of early closures and could help maintain a higher ex-vessel value. On the other hand, it would probably increase the monitoring and enforcement burden tremendously.

Requiring an endorsement would ease the at sea enforcement burden of identifying the legal area in which a vessel is entitled to fish. **On the other hand**.....

Council Conclusions:

2.7 Action 7 - Set the Gulf and Atlantic migratory group cobia annual catch limits (ACLs).

Alternative 1: No Action –

- a. The Gulf migratory group cobia ACL = ABC for Gulf migratory group cobia [1.46 mp based on preferred ABC]. Set a single stock ACL
- b. The Atlantic migratory group cobia ACL = OY = ABC (currently 1,571,399 lbs based on the SSC Interim Control Rule; Recreational Sector ACL = 92% = 1,445,687 lbs; Commercial Sector ACL = 8% = 125,712 lbs)
- c. The entire Gulf migratory group cobia ACL applies to the Gulf Council jurisdictional area and the South Atlantic migratory group cobia ACL applies to the South Atlantic jurisdictional area.

Alternative 2: The Gulf migratory group cobia ACL = ABC for Gulf migratory group cobia based on the SSC control rule and latest stock assessment. The ABC/ACL for the Gulf migratory group cobia would be divided between the Gulf jurisdictional area and the east coast of Florida based on the options below. A portion of the Gulf group cobia ACL is assigned to the east coast of Florida. The ACL for the Atlantic migratory group cobia = OY = ABC from the SSC based on the most recent stock assessment, plus the ABC/ACL from the Gulf for the east coast of Florida.

Option a: Use 2000-2009 landings to establish the percentage split by subzone.

Option b: Use 2005-2009 landings to establish the percentage split by subzone.

Option c: Use 2007-2009 landings to establish the percentage split by subzone.

Option d: Other years???

Alternative 3: The Gulf migratory group cobia ACL = ABC for Gulf migratory group cobia based on the SSC control rule and latest stock assessment. The ABC/ACL for the Gulf migratory group cobia would be divided between the Gulf jurisdictional area and the east coast of Florida based on the options below. A portion of the Gulf group cobia ACL is assigned to the east coast of Florida. The ACL for the Atlantic migratory group cobia = OY = 90% of the ABC from the SSC based on the most recent stock assessment, plus the ABC/ACL from the Gulf for the east coast of Florida.

Option a: Use 2000-2009 landings to establish the percentage split by subzone.

Option b: Use 2005-2009 landings to establish the percentage split by subzone.

Option c: Use 2007-2009 landings to establish the percentage split by subzone.

Option d: Other years???

Discussion:

Council Conclusions:

2.8 Action 8 - Establish state-by-state or regional quotas for Atlantic Migratory Group king mackerel, Spanish mackerel, and cobia.

Alternative 1: No Action - retain one commercial quota each for Atlantic migratory groups of king mackerel, Spanish mackerel, and cobia.

Alternative 2: Establish commercial quotas for each South Atlantic state for Atlantic migratory groups of king mackerel, Spanish mackerel, and cobia (northern and southern subzones). Establish a commercial quota for: Mid-Atlantic Council area for Atlantic migratory group of king mackerel, Spanish mackerel, and cobia.

Option a: king mackerel

Option b: Spanish mackerel

Option c: cobia

Alternative 3: Establish commercial quotas for three regions: North Carolina/South Carolina and Georgia/Florida for Atlantic migratory groups of king mackerel, Spanish mackerel, and cobia (northern and southern subzones). Establish a commercial quota for: Mid-Atlantic Council area for Atlantic migratory group of king mackerel, Spanish mackerel, and cobia. Option a. king mackerel

Option a: king mackerel

Option b: Spanish mackerel

Option c: cobia

Alternative 4: Establish commercial quotas for three regions: North Carolina and South Carolina/Georgia/Florida for Atlantic migratory groups of king mackerel, Spanish mackerel, and cobia (northern and southern subzones). Establish a commercial quota for: Mid-Atlantic Council area for Atlantic migratory group of king mackerel, Spanish mackerel, and cobia. Option a. king mackerel

Option a: king mackerel

Option b: Spanish mackerel

Option c: cobia

Discussion:

The South Atlantic Council is concerned that the commercial annual catch limits (ACLs) will be filled by fishermen in one state before fish are available to fishermen in other states (e.g., NC and FL). This becomes more probable as the ACLs are lowered (e.g., Spanish mackerel) or the commercial ACL established is very low (e.g., cobia). Allocating state by state would be similar to how commercial quotas are managed in the Mid-Atlantic and New England areas. Fishermen and some state representatives have expressed a desire to move in this direction.

The State of North Carolina currently monitors quotas and reports catches to ACCSP and to NMFS. The NMFS SEFSC is currently developing a new commercial quota monitoring system (CLM) that should be able to track quotas at the state level.

Council Conclusions:

2.9 Action 9 – Set annual catch target (ACTs) by sub-zones for Atlantic migratory group cobia.

Alternative 1: No Action – There is no commercial sector ACT for Atlantic migratory group cobia. The recreational sector ACT equals sector ACL[(1-PSE) or 0.5, whichever is greater] (currently 1,184,688 lbs). Note: PSE is the average of the most recent 5 years data available.

Alternative 2: The commercial sector ACT for the Atlantic migratory group cobia for each subzone (to be determined by Action 7) equals 90% of the subzone ACL. The recreational sector ACT for the Atlantic migratory group cobia subzones (to be determined by Action 7) equals sector ACL[(1-PSE) or 0.5, whichever is greater]. Note: PSE is the average of the most recent 5 years data available.

Discussion:

Council Conclusions:

2.10 Action 10 - Specify Accountability Measures (AMs) by sub-zones for Atlantic migratory group cobia.

Alternative 1: No Action:

- a. The commercial AM for Atlantic migratory group cobia is to prohibit harvest, possession, and retention when the commercial quota (total ACL x commercial allocation) is met or projected to be met. All purchase and sale is prohibited when the commercial quota is met or projected to be met.
- b. The recreational AM for Atlantic migratory group cobia is if the recreational sector quota (total ACL x recreational allocation) is exceeded, the Regional Administrator shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the recreational sector quota for the following fishing year. Compare the recreational ACL with recreational landings over a range of years. For 2011, use only 2011 landings. For 2012, use the average landings of 2011 and 2012. For 2013 and beyond, use the most recent three-year (fishing years) running average. If in any year the ACL is changed, the sequence of future ACLs will begin again starting with a single year of landings compared to the ACL for that year, followed by two-year average landings compared to the ACL in the next year, followed by a three-year average of landings ACL for the third year and thereafter. Only adjust the recreational season length if the Total ACL is exceeded.
- c. Commercial payback of any overage. Payback only if overfished - If the commercial sector ACL is exceeded, the Assistant Administrator for Fisheries shall file a notification with the Office of the Federal Register to reduce the commercial sector ACL in the following year by the amount of the overage.
- d. Recreational payback of any overage from one year to the next. Payback only if overfished - If the recreational ACL is exceeded, the Assistant Administrator for Fisheries shall file a notification with the Office of the Federal Register to reduce the recreational ACL in the following year by the amount of the overage. The ACT would also be adjusted according to the ACT formula in CMP Amendment 18, Action 19-6. Only deduct overages if the Total ACL is exceeded

Alternative 2: The current commercial and recreational AMs for Atlantic migratory group cobia apply to each of the Atlantic migratory group cobia subzones (as determined by Action 7).

Alternative 3: The current commercial and recreational AMs for Atlantic migratory group cobia apply to each of the Atlantic migratory group cobia subzones (as determined by Action 7) except that the 3-year moving average is replaced by the most recent year's landings.

Discussion:

Council Conclusions:

