DECISION DOCUMENT

SAFMC/MAFMC ITEMS FOR

AMENDMENT 18
TO THE COASTAL MIGRATORY
PELAGICS FISHERY MANAGEMENT PLAN

Atlantic Beach Sheraton Oceanfront
Atlantic Beach, North Carolina

Mackerel Committee Meeting December 18, 2009

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.
7. Joint SAFMC/GMFMC Mackerel Committee from September 18-19, 2006 meeting.
8. SAFMC and GMFMC Council Actions through March & April 2009 meetings.
9. SAFMC Council Actions from June 2009 meeting.
10. SAFMC AP Actions from August 2009 meeting.
11. SAFMC Council Actions from September 2009 meeting.

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

NOVEMBER 2009

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1.0 INTRODUCTION

The Gulf of Mexico Fishery Management Council (GMFMC), the South Atlantic Fishery Management Council (SAFMC), and the Mid-Atlantic Fishery Management Council (MAFMC) are preparing to amend the Coastal Migratory Pelagics Fishery Management Plan (FMP) by consideration of actions as stated and discussed below. The primary action under consideration would establish Annual Catch Limits (ACLs) and Accountability Measures (AMs) for the following managed species:

(1) Cobia, *Rachycentron canadum*
(2) King mackerel, *Scomberomorus cavalla*
(3) Spanish mackerel, *Scomberomorus maculates*

The final rule to amend the National Standard 1 Guidelines for setting Annual Catch Limits (ACLs) and Accountability Measures (AMs) indicates that for species not undergoing overfishing, the mechanisms and values for ACLs and AMs must be specified in FMPs, FMP amendments, implementing regulations, or annual specifications beginning in fishing year 2011 (see Section(2)(A) in the center column on page 3211). This will require the Councils to complete the amendment by the end of 2010. Other species that are included in the FMP for data collection purposes are:

(4) Bluefish, *Pomatomus saltatrix* (Gulf of Mexico only)
(5) Cero, *Scomberomorus regalis*
(6) Little tunny, *Euthynnus alleteratus*
(7) Dolphin*, *Coryphaena hippurus* (Gulf of Mexico only)

These four species are not subject to the requirement of setting ACLs and AMs in fishing year 2011.

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

In addition to setting ACLs and AMs, the Councils are considering additional actions to bring the CMP FMP into full compliance with the Magnuson-Steven Fishery Conservation and Management Act (M-SFCMA) and be consistent with best available science and current management practices.

2.0 PURPOSE FOR TAKING ACTION

Revisions to the M-SFCMA in 2006 require establishment of a mechanism for specifying Annual Catch Limits (ACLs) at a level that prevents overfishing and does not exceed the recommendations of the respective Council's Scientific and Statistical Committee (SSC) or other established peer review processes for all managed species. It also requires setting measures to ensure accountability. Accountability measures (AMs) are management controls that ensure that the Annual Catch Limits (ACLs) are not exceeded; or if the ACL is exceeded corrective measures are taken to prevent overfishing. Since none of the managed species under the CMP FMP are considered to be undergoing overfishing or are designated as overfished, the Councils have until sometime within the 2011 fishing year to implement ACLs and AMs.

The Councils are also considering adding cero, little tunny, and Atlantic bonito into the fishery management unit in the Atlantic. Furthermore, various changes to the Framework Procedure within the CMP FMP are being considered and include: 1) incorporate the Southeast Data Assessment and Review (SEDAR) process for assessing stocks; 2) allow changes to the Councils' definitions of MSY, OY, MFMT, and MSST; 3) add modifications to and/or elimination of the existing zones, subzones, migratory group boundaries, and allocations to the list of actions that can be taken under the framework; 4) separate cobia into separate Atlantic and Gulf migratory groups; and 5) include setting or changing the Overfishing Level (OFL), Acceptable Biological Catch (ABC), ACL, Annual Catch Targets (ACT), and AM for managed stocks by framework action. By being able to modify these parameters through framework actions, the Councils can more-expeditiously respond to changing scientific advice as may be dictated by future stock assessments.

3.0 BACKGROUND

3.1 Boundary

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.

Cobia

The following is taken directly from the "Assessment of cobia, *Rachycentron canadum*, in the waters of the U.S. Gulf of Mexico by Erik H. Williams (NOAA TECHNICAL MEMORANDUM NMFS-SEFSC-469, November 2001)":

"This assessment applies to cobia (*Rachycentron canadum*) located in the territorial waters of the U.S. Gulf of Mexico. Separation of the Gulf of Mexico and Atlantic Ocean is defined by the seaward extension of the Dade/Monroe county line in south Florida. Mixing of fish between the Atlantic and Gulf of Mexico occurs in the Florida Keys during winter months. Cobia annually migrate north in early spring in the Gulf to spawning grounds in the northern Gulf of Mexico, returning to the Florida Keys by winter.

Cobia (*Rachycentron canadum*), the only member of the family Rachycentridae in North America, is a widely distributed species of pelagic fish found worldwide, except the Eastern Pacific; in tropical, subtropical, and warm temperate waters (Shaffer and Nakamura 1989). In the U.S., cobia are found in the Atlantic Ocean from the Florida Keys to Massachusetts and throughout the Gulf of Mexico. Cobia exhibit seasonal migrations in the Atlantic and Gulf of Mexico. In the Atlantic Ocean cobia begin their spring migration north from wintering grounds in the Florida Keys, generally appearing by late spring and early summer in the poly/mesohaline areas of coastal Virginia and the Carolinas (Schwartz et al. 1981, Smith 1995). In the Gulf of Mexico, cobia migrate in early spring from their wintering grounds in the Florida Keys to the northeastern Gulf where they occur in the nearshore and coastal waters off northwestern Florida to Texas from March through October (Biesiot et al. 1994, Franks et al. 1999). In the Atlantic and Gulf of Mexico there is evidence of some cobia overwintering in deeper waters (100-125 m) off the Carolinas and northern Gulf (Franks et al. 1999, Joseph W. Smith personal communication).

Tagging studies have revealed migrations of fish in both directions between the northern Gulf of Mexico and the

Carolinas, indicating some level of exchange of fish from the Gulf of Mexico and Atlantic Ocean (Franks et al. 1992, Franks and McBee 1994, Franks and Moxey 1996). A genetics study of mtDNA of cobia samples from the Atlantic and Gulf of Mexico did not reveal differences (Hrincevich 1993). Despite the evidence of mixing and genetic similarity, Thompson (1993) suggested that cobia be managed based on a two stock hypothesis (Thompson 1996). The two stock approach was endorsed by the Mackerel Stock Assessment Panel in 1993 and is used for this analysis."

Previous assessment efforts support separation of Gulf and Atlantic Migratory Groups of cobia at the Miami-Dade/Monroe County line which is also used for Spanish mackerel. This separation has never been formally implemented through the Mackerel FMP and is included in Amendment 18 as an action item. Historical catch data are shown in Table 1.

Table 1. Commercial landings of Cobia on Florida's east coast by year and county. Note: Data will be updated.

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: 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.

Other Species

The information for separation of other species into Gulf and Atlantic Migratory Groups needs to be examined. It may be best to use the same Miami-Date/Monroe County line as used for Spanish mackerel and cobia. This separation is included in the next amendment after Mackerel Amendment 18 as an action item.

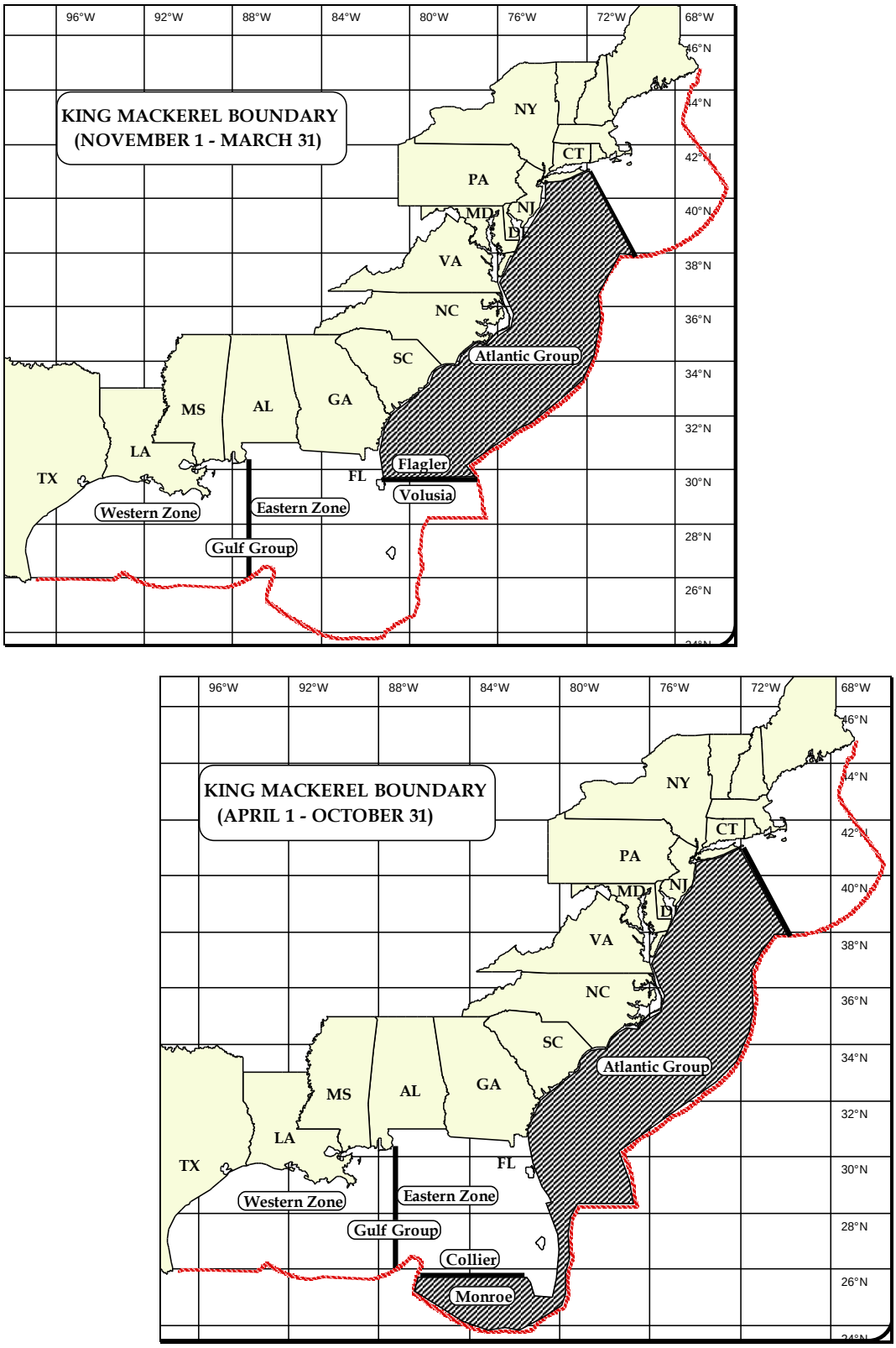

Figure 1. Seasonal boundary between Atlantic and Gulf Migratory Groups of king mackerel.

3.2 Allocations

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.

Allocation alternatives may need to be included for cobia and the other species to be added to the fishery management unit in the Atlantic.

3.3 Mixing Percentage

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. The most recent scientific information used in the SEDAR assessment indicated that the mixing rate is 50% Atlantic and 50% Gulf. The tables and values are specified based upon this 50/50 mixing rate.

3.4 MSY, OY, OFL, MFMT, MSST, ABC, ACL (TAC), AND ACT

The most recent assessments will be used to specify these values for each of the species included in the fishery management unit. Actions and alternatives are included for each species.

4.0 ACTIONS

4.1 Atlantic Migratory Group King Mackerel

Stock Status (SSC Review of SEDAR 16 at their December 2008 meeting)

The SSC approved the recent SEDAR 16 King Mackerel assessment as based on the best available science and advises that management measures be formulated in accordance with the base assessment model run. The SSC supports the conclusion of the review panel that the South Atlantic king mackerel stocks were **not overfished**. It is **uncertain, however, whether overfishing is occurring in the South Atlantic stock or not, but if it is, it is occurring at a low level.**

Discussion leading to this conclusion centered on three major topics that arose from the assessment and the SEDAR Review Panel report(s). First, the SSC focused on comments by the Review Panel where they concluded that the base model run was a plausible representation of the king mackerel population; however, the review panel also requested alternative model runs that were necessary to understand more fully the underlying uncertainty of the assessment. In particular, the model was very sensitive to specific fishery-dependent and independent abundance indices and their relative weighting schemes. For example, two alternative model runs were conducted with different treatments of the indices suggested by the Review Panel and resulted in substantially reduced probability of overfishing the stock at higher yields in comparison to the base run. The SSC believed that the base run provided more realistic results with respect to overfishing probabilities, and recommends that it be used as the basis for management. Second, and related to this point, the Review Panel recommended that decision tables be prepared to capture the uncertainty under various model scenarios. The SSC reviewed these tables (prepared by the assessment team) but commented that the Review Panel provided little guidance on how to compare alternative approaches to the base case. Third, the SSC discussed the failure of the Stock Synthesis 3 model to provide management benchmarks under the spatial constraints of the terms of reference. The Review Panel agreed that the Stock Synthesis 3 formulation allows both the Gulf and South Atlantic king mackerel stocks to be modeled while allowing mixing between the stocks during the winter. However, the SS3 model was ultimately not used because it was unclear whether the model was converging and it was not possible to estimate stock-specific benchmarks as required by the terms of reference. Hence, the assessment proceeded using VPAs to independently model Gulf and South Atlantic migratory groups under a 50:50 mixing scenario. The SSC suggests that, in the future, if the two stocks are to be modeled separately, the SS3 model or another statistical (need to get rest of their statement???)

The SSC briefly discussed research recommendations arising from the SEDAR process and found them to be well-documented. In particular, the SSC believes that stronger fishery-independent abundance indices are needed to improve future assessments. In addition, the SSC agrees that a full assessment of king mackerel would benefit from better access to catch information from the Mexican fishery.

4.1.1 Action 1. Specify MSY, OY, OFL, ABC, ACL (TAC), and ACT? levels for Atlantic Migratory Group king mackerel.

The MSY, OFL and ABC will come from each SEDAR assessment and the recommendations of the SSC as they review each assessment. The SSC has approved the SEDAR assessment but has not provided specific MSY, OFL and ABC recommendations yet. Information from the SEDAR assessment concerning MSY, OFL and ABC is shown in Table 2.

The Council will set OY and potential values are shown in Table 2.

4.1.1.1 Maximum Sustainable Yield (MSY), Maximum Fishing Mortality Threshold (MFMT), and Minimum Stock Size Threshold (MSST)

The Council has determined that the value for MSY is the value from the most recent stock assessment. Currently MSY = 10.4 million pounds. Based on the SEDAR 16 assessment, MSY = 8.964 million pounds (Table 2).

The Council has determined that the value for MFMT is the value of F_{MSY} or proxy from the most recent stock assessment. Currently MFMT = F_{MSY} = $F_{30\%SPR}$ with no poundage estimated. Based on the SEDAR 16 assessment, MFMT = F_{MSY} = $F_{30\%SPR}$ = 0.256 (Table 2).

The Council has determined that the value for MSST is the value from the most recent stock assessment based on MSST = [(1-M) or 0.5 whichever is greater]*B_{MSY}. Currently MSST = 0.85(B_{MSY}) with no poundage estimated. Based on the SEDAR 16 assessment, MSST = 1,827.5 billion hydrated eggs (Table 2).

4.1.1.2 Optimum Yield (OY)

Currently OY = the yield from fishing at a fishing mortality rate equal to 40%Spawning Potential Ratio; however, a value was not previously estimated. Based on the SEDAR 16 assessment and the Council's actions on other species, the following options are likely (Table 2).

Option 1. No action. Currently OY = yield at $F_{40\%SPR}$ with no poundage estimated.

Option 2. OY = 65%$F_{30\%SPR}$ = 7.70 million pounds.

Option 3. OY = 75%$F_{30\%SPR}$ = 8.38 million pounds.

Option 4. OY = 85%$F_{30\%SPR}$ = 8.67 million pounds.

4.1.1.3 Overfishing Level (OFL)

The Scientific and Statistical Committee will specify an OFL level. Note: SEDAR results in Table 2 show F_{MSY} = $F_{30\%SPR}$ = 0.256.

Table 2. Specific management criteria for Atlantic Migratory Group King Mackerel from SEDAR 16.

Specific Management Criteria for Atlantic Migratory Group King Mackerel from SEDAR 16				
	Current		**Proposed**	
Criteria	**Definition**	**Value**	**Definition**	**Value**
M (natural mortality rate)		0.15	Base of Lorenzen M	0.1603
Biomass References				
MSY (Maximum Sustainable Yield)	Yield at F_{MSY}	10.4 MP	Yield at F_{MSY}	8.964 MP
OY (Optimum Yield)	Yield at $F_{40\%SPR}$	unknown	Yield at F_{OY}	OY (65%$F_{30\%SPR}$)=7.70 MP
				OY (75%$F_{30\%SPR}$)=8.38 MP
				OY (85%$F_{30\%SPR}$)=8.67 MP
MSST (Minimum Stock Size Threshold)+	0.85(B_{MSY})	unknown	=[(1-M) or 0.5 whichever is greater]*BMSY	1827.5
SSB_{MSY} = $SSB_{F30\%SPR}$				2175.0
$SSB_{CURRENT}$ = SSB_{2006}				2433.0
Fishing Mortality Rate References				
F_{MSY}*		unknown	F_{MSY}	unknown
$F_{30\%SPR}$			$F_{30\%SPR}$	0.256
MFMT (Maximum Fishing Mortality Threshold)	F_{MSY} = $F_{30\%SPR}$	unknown	F_{MSY} = $F_{30\%SPR}$	0.256
F_{OY}	$F_{40\%SPR}$		65%, 75% OR 85% F_{MSY}	65%$F_{30\%SPR}$=0.17
				75%$F_{30\%SPR}$=0.19
				85%$F_{30\%SPR}$=0.22
$F_{CURRENT}$			Fishing mortality rate in 2006=F_{2006}	0.258
Probability value for evaluating stock status				
Fishing Mortality Rate References	50% Fcurr>Fmsy=overfishing			
Biomass References	50% Bcurr<MSST=overfished			
Overfishing Ratio				
$F_{CURRENT}$/MFMT			$F_{CURRENT}$/MFMT = F_{2006}/$F_{30\%SPR}$=0.258/0.256	1.01
Overfished Ratio				
$SSB_{CURRENT}$/MSST			$SSB_{CURRENT}$/MSST=SSB_{2006}/MSST	1.331
$SSB_{CURRENT}$/SSB_{MSY}			$SSB_{CURRENT}$/SSB_{MSY}=SSB_{2006}/$SSB_{F30\%SPR}$	1.119
Projections				
Average yields 2011-2016			Based on 65%$F_{30\%SPR}$ =	7.426
			Based on 75%$F_{30\%SPR}$ =	7.939
			Based on 85%$F_{30\%SPR}$ =	8.356

4.1.1.4 Allowable Biological Catch (ABC)

ABC is recommended by the Scientific and Statistical Committee and specified by the Council. The SSC will provide an ABC at their December 2009 meeting. In the interim, the Council is using the projections averaged over 2011-2016 for F65%SPR30 and F85%SPR30 as the ABC range (Table 3). This results in ABC = 7.426 – 8.356 million pounds. The current ABC = 8.9 – 13.3 million pounds.

Table 3. Projected yields (landings in million pounds) under different fishing mortality rate (F) strategies.

Projected yields (landings in million pounds) under different F strategies (SEDAR 16).						
Atlantic Migratory Group King Mackerel						
Year	F30%SPR	F40%SPR	Fcurrent	F 65% SPR30	F 75% SPR30	F 85% SPR30
2007	9.277	9.277	9.277	9.277	9.277	9.277
2008	9.453	6.669	9.504	6.391	7.291	8.17
2009	9.248	6.956	9.288	6.706	7.498	8.236
2010	9.154	7.24	9.184	7.017	7.718	8.344
2011	9.132	7.522	9.156	7.319	7.943	8.477
2012	8.86	7.476	8.88	7.295	7.851	8.314
2013	8.788	7.549	8.805	7.379	7.893	8.309
2014	8.794	7.665	8.81	7.507	7.985	8.369
2015	8.737	7.672	8.75	7.52	7.979	8.338
2016	8.704	7.685	8.717	7.538	7.981	8.327
Avg 2011-2016	8.836	7.595	8.853	7.426	7.939	8.356

4.1.1.5 Annual Catch Limit (ACL)

The ACL is equivalent to TAC as used in the past. Based on projections provided by the NMFS Southeast Fisheries Science Center after the SEDAR assessment (Table 3), the Council is considering the following options:

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

Discussion

The recreational allocation (62.9%) is 6.30 million pounds and the commercial allocation (37.1%) is 3.71 million pounds.

Option 2. ACL = 7.939 million pounds which is the best point estimate of the likely ABC range (7.426 – 8.356 million pounds). This likely ABC range is presented for initial discussions; the SSC will provide their OFL and ABC recommendations at their December 2009 meeting.

Discussion
The recreational allocation (62.9%) would be 4.994 million pounds and the commercial allocation (37.1%) would be 2.945 million pounds.

Option 3. ACL = 7.426 million pounds which is the lowest value within the likely ABC range (7.426 – 8.356 million pounds). This likely ABC range is presented for initial discussions; the SSC will provide their OFL and ABC recommendations at their December 2009 meeting.

Discussion
The recreational allocation (62.9%) would be 4.671 million pounds and the commercial allocation (37.1%) would be 2.755 million pounds.

AP MOTION #1: RECOMMEND OPTION 4 (ACL=8.356 MP)
APPROVED BY AP

AP MOTION #2: RECOMMEND STATE BY STATE ALLOCATION OF COMMERCIAL QUOTA BASED ON HISTORICAL CATCHES
DISAPPROVED 5 TO 3

AP MOTION #3: RECOMMEND COMMERCIAL QUOTA BE ALLOCATED INTO TWO REGIONS: NC/SC AND GA/FL
APPROVED 6 TO 1 AND 1 ABST.

AP MOTION #4: RECOMMEND THAT AMENDMENT 18 CREATE A SEPARATE CATEGORY FOR RECREATIONAL BAG LIMIT SALES SO THEY DO NOT COUNT AGAINST THE COMMERCIAL QUOTA [INTENT THAT IF NMFS CANNOT CREATE THIS CATEGORY THEN PROHIBIT BAG LIMIT SALE]
MOTION WITHDRAWN

AP MOTION #5: NO SALE OF RECREATIONALLY CAUGHT FISH
APPROVED 6 TO 2

Option 4. ACL = 8.356 million pounds which is the top end of the likely ABC range (7.426 – 8.356 million pounds). This likely ABC range is presented for initial discussions; the SSC will provide their OFL and ABC recommendations at their December 2009 meeting.

Discussion
The recreational allocation (62.9%) would be 5.256 million pounds and the commercial allocation (37.1%) would be 3.100 million pounds.

Option 5. Others?

4.1.2 Action 2. Specify Accountability Measures (AMs) for Atlantic Migratory Group king mackerel.

Option 1 (Status Quo). The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met. All purchase and sale is prohibited when the quota is met. Do not implement ACLs or AMs for the recreational sector.

Option 2. The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met. All purchase and sale is prohibited when the quota is met. Implement Accountability Measures (AMs) for the recreational sector for this stock. If the ACL 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 sector ACL for the following fishing year. Compare 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 three-year running average.

AP MOTION #6: SUGGEST REDUCING THE BAG LIMIT RATHER THAN REDUCING THE LENGTH OF THE FOLLOWING FISHING YEAR APPROVED BY AP WITH 1 OBJECTION

Option 3. Others??

4.1.3 Action 3. Specify Management Measure Changes for Atlantic Migratory Group king mackerel.

Note: The objective is to set management measures (regulations) that will limit each sector to their ACL (ACT?).

AP MOTION # 7: STATUS QUO ON RECREATIONAL MANAGEMENT CHANGES [INTENT TO REEXAMINE AFTER A YEAR WHEN POTENTIAL EFFORT SHIFT FROM SNAPPER GROUPER COULD TAKE PLACE]
APPROVED BY AP

AP MOTION #8: REDUCE THE COMERCIAL KING MACKEREL MINIMUM SIZE LIMIT FROM 24" TO 22" FORK LENGTH
APPROVE BY AP

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.

Option g. Prohibit sale of recreationally caught Atlantic migratory group king mackerel.

TRIP LIMITS FOR ATLANTIC GROUP KING MACKEREL

MOTION: BOTH COMMITTEES APPROVED DELETING A AND KEEPING B (6/04)

~~**a. Status Quo - The possession limits are as follows:**~~

~~April 1 - March 31 NY/CT to Volusia/Flagler~~	~~3,500 pounds~~
~~April 1 - October 31 Volusia/Flagler to Brevard/Volusia~~	~~3,500 pounds~~
~~April 1 - October 31 Brevard/Volusia to Dade/Monroe~~	~~75 fish~~
~~April 1 - October 31 Monroe County~~	~~1,250 pounds~~

b. Modify the bycatch allowances for the shark drift net fishery to:

1. 25 fish per vessel per trip from April 1 through November 15
2. 20 fish per vessel per trip
3. 4 fish per person per trip
4. The 25 fish per vessel per trip from April 1 through November 15 would apply only to vessels that have a history of observer activity and in the area from St. Lucie Inlet, Florida to the Florida/Georgia border
5. Status quo - the possession limit remains at 2 fish per person per trip

SAFMC AP MEMBER REQUESTED A LIMIT ON NUMBER OF SHARK DRIFT NET VESSELS (6/06)

4.2 Atlantic Migratory Group Spanish Mackerel

Stock Status (SSC Review of SEDAR 17 at their December 2008 meeting)

There was significant discussion about the review of the Spanish mackerel. The two major sources of uncertainty in the assessment are the historical recreational catches and the amount of mackerel bycatch in the shrimp fishery. Unfortunately, the uncertainty in these data cannot be decreased with additional research. The models must simply deal with this uncertainty. One way to assess the impact of some of this uncertainty is to conduct sensitivity runs. The point estimates for fishing mortality, biomass, Fmsy, and Bmsy were quite sensitive to the assumptions being examined via the sensitivity runs. However, the ratio of current fishing mortality to Fmsy appeared to be robust to the sensitivity runs performed in the Review Workshop and was in agreement with the results of the ASPIC biomass dynamic model. As such, it was determined that the stock was **not experiencing overfishing**. There was some question as to whether this robustness would hold over a wider range of sensitivity runs. The ratio of current biomass to Bmsy, however, was quite sensitive to the various runs, and as such, the **model could not reliably determine whether the stock was overfished or not. There was some discussion as to the overall robustness of the ratios, but the SSC consensus was to agree with the findings of the Review Panel.**

It was noted the even though the model could estimate the steepness parameter for the stock-recruit curve, the Review Panel expressed concern over its uncertainty. The SSC noted that we will likely never have precise estimates of such parameters and must make decisions despite this uncertainty.

The SSC briefly discussed research recommendations arising from the SEDAR process and found them to be well-documented. In particular, the SSC believes that stronger fishery-independent abundance indices are needed to improve future assessments.

4.2.1 Action 1. Specify MSY, OY, OFL, ABC, ACL (TAC), and ACT levels for Atlantic migratory group Spanish mackerel.

The MSY, OFL and ABC will come from each SEDAR assessment and the recommendations of the SSC as they review each assessment. The SSC has approved the SEDAR assessment but has not provided specific MSY, OFL and ABC recommendations yet. Information from the SEDAR assessment concerning MSY, OFL and ABC is shown in Table 4.

The Council will set OY and potential values are shown in Table 4.

4.2.1.1 Maximum Sustainable Yield (MSY), Maximum Fishing Mortality Threshold (MFMT), and Minimum Stock Size Threshold (MSST)

The Council has determined that the value for MSY is the value from the most recent stock assessment. Currently MSY = 10.4 million pounds. Based on the SEDAR 17 assessment, MSY = 11.461 million pounds (Table 4).

The Council has determined that the value for MFMT is the value of F_{MSY} or proxy from the most recent stock assessment. Currently MFMT = F_{MSY} = $F_{30\%SPR}$ with no poundage estimated. Based on the SEDAR 17 assessment, MFMT = F_{MSY} = 0.371 (Table 4).

The Council has determined that the value for MSST is the value from the most recent stock assessment based on MSST = [(1-M) or 0.5 whichever is greater]*B_{MSY}. Currently MSST = 0.85(B_{MSY}) with no poundage estimated. Based on the SEDAR 17 assessment, MSST = 8,085 metric tons (Table 4).

4.2.1.2 Optimum Yield (OY)

Currently OY = the yield from fishing at a fishing mortality rate equal to 40%Spawning Potential Ratio; however, a value was not previously estimated. Based on the SEDAR 17 assessment and the Council's actions on other species, the following options are likely (Table 4).

Option 1. No action. Currently OY = yield at $F_{40\%SPR}$ with no poundage estimated.

Option 2. OY = 65%F_{MSY} = 10.608 million pounds.

Option 3. OY = 75%F_{MSY} = 11.051 million pounds.

Option 4. OY = 85%F_{MSY} = 11.320 million pounds.

4.2.1.3 Overfishing Level (OFL)

The Scientific and Statistical Committee will specify an OFL level.

Table 4. Spanish mackerel status determination criteria.

Spanish Mackerel Status Determination Criteria (SEDAR 17; Addendum T1.16)*										
Quantity	**Estimate**									
F_{MSY}	0.371									
$F_{30\%}$	0.54									
$F_{40\%}$	0.38									
B_{MSY} (MT)	33743									
SSB_{MSY} (MT)	12438									
MSST (MT)	8085									
MSY (MP)	11.461									
Overfishing Ratio										
F_{2007}/F_{MSY}	0.872									
Overfished Ratio										
$SSB_{2007}/MSST$	0.701									
SSB_{2007}/SSB_{MSY}	0.456			**Allocations (45%Rec:55%Com)**						
Projections				**Rec**	**Com**					
Yield @ 65%F_{MSY} (MP)	10.608			4.774	5.834					
Yield @ 75%F_{MSY} (MP)	11.051			4.973	6.078					
Yield @ 85%F_{MSY} (MP)	11.320			5.094	6.226					
*The Review Panel did not accept the base assessment model as appropriate for making biomass determinations										
and did not accept estimates of stock abundance, biomass, and exploitation rates, due to concerns about robustness										
of the assessment to uncertainty in inputs and model assumptions. Conclusions about biomass benchmarks										
are largely uncertain and should be viewed with extreme caution.										
In light of the uncertainty in the assessment results, the Review Panel suggests that the Spanish mackerel										
assessment be re-evaluated within a timeframe which allows for necessary management advice.										

4.2.1.4 Allowable Biological Catch (ABC)

ABC is recommended by the Scientific and Statistical Committee and specified by the Council. The SSC will provide an ABC at their December 2009 meeting. In the interim, the Council is using the projections of yield at various portions of the yield at MSY as the ABC range (Table 4). This results in ABC = 10.608 – 11.320 million pounds. The current ABC = 5.7 – 9.0 million pounds.

4.2.1.5 Annual Catch Limit (ACL)

The ACL is equivalent to TAC as used in the past. Based on projections provided by the NMFS Southeast Fisheries Science Center after the SEDAR assessment (Table 4), the Council is considering the following options:

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

Discussion
The recreational allocation (45%) would be 3.168 million pounds and the commercial allocation (55%) is 3.872 million pounds.

Option 2. ACL (TAC) = 11.051 million pounds which is the best point estimate of the likely ABC range (10.608 – 11.320 million pounds). This likely ABC range is presented for initial discussions; the SSC will provide their OFL and ABC recommendations at their June or December 2009 meeting.

Discussion
The recreational allocation (45%) would be 4.973 million pounds and the commercial allocation (55%) would be 6.078 million pounds.

Option 3. ACL (TAC) = 10.608 million pounds which is the lowest value within the likely ABC range (10.608 – 11.320 million pounds). This likely ABC range is presented for initial discussions; the SSC will provide their OFL and ABC recommendations at their June or December 2009 meeting.

Discussion
The recreational allocation (45%) would be 4.774 million pounds and the commercial allocation (55%) would be 5.834 million pounds.

Option 4. ACL (TAC) = 11.320 million pounds which is the top end of the likely ABC range (10.608 – 11.320 million pounds). This likely ABC range is presented for initial discussions; the SSC will provide their OFL and ABC recommendations at their June or December 2009 meeting.

Discussion
The recreational allocation (45%) would be 5.094 million pounds and the commercial allocation (55%) would be 6.226 million pounds.

AP MOTION #9: RECOMMEND ACL = 8 MILLION POUNDS (OPTION 5) APPROVED BY AP

Option 5. ACL (TAC) = 8 million pounds.

Discussion
The recreational allocation (45%) would be 3.6 million pounds and the commercial allocation (55%) would be 4.4 million pounds.

Option 6. ACL (TAC) = 9 million pounds

Discussion
The recreational allocation (45%) would be 4.05 million pounds and the commercial allocation (55%) would be 4.95 million pounds.

Option 7. Others??

4.2.2 Action 2. Specify Accountability Measures (AMs) for Atlantic Migratory Group Spanish mackerel.

Option 1 (Status Quo). The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met. All purchase and sale is prohibited when the quota is met. Do not implement ACLs or AMs for the recreational sector.

Option 2. The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met. All purchase and sale is prohibited when the quota is met. Implement Accountability Measures (AMs) for the recreational sector for this stock. If the ACL 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 sector ACL for the following fishing year. Compare 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 three-year running average.

AP MOTION #10: SUGGEST REDUCING THE BAG LIMIT RATHER THAN REDUCING THE LENGTH OF THE FOLLOWING FISHING YEAR APPROVED BY AP 6 TO 2

Option 3. Others??

4.2.3 Action 3. Specify Management Measure Changes for Atlantic Migratory Group Spanish mackerel.

Bag Limits
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).~~

AP MOTION #11: SUGGEST OPTIONS B & C.
[TABLED UNTIL TOMORROW]
UNTABLED
[INTENT THAT THIS NOT APPLY TO HEADBOATS]
APPROVED BY AP

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.

AP MOTION #12: PROHIBIT SALE OF RECREATIONALLY CAUGHT SPANISH MACKEREL
APPROVED BY AP 6 TO 2

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.)

Option e. Reduce the individual bag limit at from 15 to 10 per person.

Trip Limits
MOTION: KEEP FOR SCOPING
APPROVED BY SAFMC COMMITTEE (6/04)
APPROVED BY GMFMC COMMITTEE (6/04)

Option a. Status Quo - The possession limits are as follows:

1. April 1 - November 30 -- 3,500 pounds per vessel per day.
2. December 1 until 75% of the adjusted allocation is taken:
   Monday - Friday Unlimited
   Other days 1,500 pounds

(Vessel fishing days begin at 6:00 a.m. and extend until 6:00 a.m. the following day, and vessels must be unloaded by 6:00 p.m. of that following day.)

3. After 75% of the adjusted allocation is taken 1,500 pounds per vessel per day for all days.
4. When 100% of the adjusted allocation is reached: 500 pounds per vessel per day to the end of the fishing year (March 31). Adjusted allocation compensates for estimated catches of 500 pounds per vessel per day to the end of the season.

Option b. Change the unlimited opening from December 1 to November 1st or 15th**.**

SAFMC AP would like to see this changed to November 14th. (6/04)
MOTION: KEEP SPANISH MACKEREL TRIP LIMITS STATUS QUO BUT CHANGE THE START DATE TO TRACK THE FISHING YEAR (MARCH 1)
APPROVE BY SAFMC AP (6/06)
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).

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

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 COMMERCIALLY IN STATE WATERS IN FLORIDA.
APPROVED BY SAFMC AP (6/04)

SAMFC AP MOTION: SET A CONTROL 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 COMMERCIALLY 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).

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.

4.3 Atlantic Migratory Group Cobia

Cobia in the Atlantic have not been assessed.

4.3.1 Action 1. Specify Atlantic and Gulf Migratory Groups of Cobia

Option 1. No action.

Option 2. Separate the two migratory groups at the Miami-Dade/Monroe County line.

Option 3. Separate the two migratory groups at the SAFMC/GMFMC boundary.

Oprion 4. Others??

4.3.2 Action 2. Specify MSY, OY, OFL, ABC, ACL (TAC), Allocations, and ACT levels for Atlantic migratory group cobia.

4.3.3 Action 3. Specify Accountability Measures (AMs) for Atlantic Migratory Group cobia.

Option 1 (Status Quo). There is no quota for cobia and there are no AMs in place for cobia.

Option 2. The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met. All purchase and sale is prohibited when the quota is met. Do not implement ACLs or AMs for the recreational sector.

Option 3. The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met. All purchase and sale is prohibited when the quota is met. Implement Accountability Measures (AMs) for the recreational sector for this stock. If the ACL 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 sector ACL for the following fishing year. Compare 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 three-year running average.

Option 3. Others??

4.3.4 Action 4. Specify Management Measure Changes for Atlantic Migratory Group cobia.

Option 1. No action. This would retain the following regulations that apply to both recreational and commercial fishermen: (a) 33" fork length minimum size limit, (b) 2 per person bag limit (Note: Florida state regulations only allow 1 per person), (c) one day possession limit, (d) must be landed with heads and fins intact, and (d) charter/headboats require a permit for Coastal Migratory Pelagics.

AP MOTION #13: REDUCE THE BAG LIMIT TO 1/PERSON REGION-WIDE DISAPPROVE WITH 1 IN FAVOR

AP MOTION #14: REDUCE THE RECREATIONAL AND COMMERCIAL BAG LIMIT TO 1/PERSON IN STATE AND FEDERAL WATERS OF SC NO SECOND

AP MOTION #15: FOR SC, FROM APRIL 15 – JUNE 15, RECREATIONAL ONLY, CONSIDER THE FOLLOWING ALTERNATIVES:
1. 1 FISH BAG LIMIT
2. 2-FISH BAG LIMIT WITH 39" SIZE LIMIT
3. 1 FISH AND MINIMUM SIZE LIMIT OF 39"
APPROVED BY AP WITH 1 OPPOSED

AP MOTION #16: NO SALE OF RECREATIONALLY CAUGHT COBIA APPROVED BY AP 6 TO 2

Option 2. Reduce the bag limit to 1 per person.

Option 3. Establish a spawning season closure: April-September or April-June or some other time period (Council to specify).

Option 4. Establish a spawning season closure: April-September or April-June or some other time period (Council to specify). **NOTE: OPTION 4 SHOULD REFER TO ESTABLISHING A SPAWNING SEASON/AREA CLOSURE.**

Option 5. Establish a boat limit of 1 per boat/vessel during: April-September or April-June or some other time period (Council to specify).

Option 6. Others???

Note: The issue of selling cobia is addressed below.

4.4 Modify the Framework Procedure

4.4.1 Action 1. Modify the Framework Procedure to Incorporate the Southeast Data Assessment and Review (SEDAR) Process

Option 1. Modify the framework procedure as shown in Appendix A.
Option 2. No Action – Do not modify the framework procedure.

Discussion: In 2002 the Councils adopted the Southeast Data Assessment and Review (SEDAR) as its preferred method of assessing the status of stocks and determining allowable catch levels. Benchmark assessments under SEDAR are completed using a series of three workshops: Data, Assessment, and Review. In the Data Workshop scientists from the states, the National Marine Fisheries Service (NMFS), and academia along with constituents and environmental nongovernment organization (ENGO) representatives meet to select the appropriate data and assessment techniques that will be used to assess a particular stock or group of stocks. In the Assessment Workshop mostly scientists (and some lay representation) with familiarity with stock assessments meet to develop the stock assessment in conjunction with scientists from the Southeast Fisheries Science Center (SEFSC). Finally, the Review Workshop is a peer review process where mostly outside experts review and critique the assessment and develop a consensus report with their findings.

Update assessments are also conducted under SEDAR. Assessment updates typically use the same data sets and assessment techniques used in an earlier benchmark assessment with succeeding year's data being added.

Prior to 2002, the SEFSC developed stock assessments that were in turn reviewed by the Councils' stock assessment panels for the various species or species groups being assessed. The current language in the Framework Procedure describes this outdated process. Consequently, the Councils are considering modified language to incorporate the SEDAR process (Appendix A).

4.4.2 Modify the Framework Procedure to Fully Incorporate Changes to the Councils' Definitions of MSY, OY, MFMT and MSST in the Stock Assessment Process and Include Changes to Zones, Subzones, Migratory Group Boundaries, and Allocations

Option 1. Modify the framework procedure as shown in Appendix A.
Option 2. No Action – Do not modify the framework procedure.

Discussion: The Councils' Generic Sustainable Fisheries Amendment established definitions of maximum sustainable yield (MSY), Optimum Yield (OY), Maximum Fishing Mortality Threshold (MFMT), and Minimum Stock Size Threshold (MSST) and allowed these definitions to be modified through framework actions as dictated by best available science. These definitions were partially approved in 1999. The Gulf Council subsequently modified its definitions for Gulf group

king mackerel, Gulf group Spanish mackerel, and Gulf group cobia in a regulatory amendment in 2004. These definitions for Gulf group cobia were held in abeyance until the Framework Procedure for the CMP FMP could be changed. This document considers this language change for cobia based on the 2000 stock assessment, as well as adding modifications to and/or elimination of the existing zones, subzones, migratory group boundaries, and allocations based on future scientific advice.

ITEMS ABOVE THIS LINE ARE TO BE ADDRESSED IN AMENDMENT 18; AS SOON AS PRACTICABLE, STAFF ARE TO BEGIN ANOTHER AMENDMENT TO ADDRESS THE ADDITIONAL ISSUES NOTINCLUDED IN AMENDMENT 18.

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ITEMS BELOW THIS LINE ARE TO BE ADDRESSED IN THE NEXT MACKEREL AMENDMENT.

4.5 Items for the next Mackerel Amendment

A. Modifications to the Fishery Management Unit

Action 1. 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 Atalntic 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.

B. For each species added to the Fishery Management Unit, the following actions need to be addressed

Action 1. Specify MSY, OY, OFL, ABC, ACL(TAC), and ACT levels for _____.

Action 2. Specify Accountability Measures (AMs) for _____.

Option 1. Specify commercial AMs:

Option 2. Specify recreational AMs:

Option 3. Others??

Action 3. Specify Management Measures for _____.

F. Sale of Coastal Migratory Pelagics

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 Reeffish permit requirements to Coastal Migratory Pelagics.

CONSENSUS:
GULF COMMITTEE APPROVED THE ABOVE OPTIONS (6/04)
SOUTH ATLANTIC COMMITTEE APPOVED 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.

G. BYCATCH ISSUES

Action 1. 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 Reeffish 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 methology 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 2. Specify an allowed bycatch of coastal migratory pelagics in other fisheries. This action was requested by the MAFMC.

RICK – DO YOU THINK WE SHOULD MOVE FORWARD WITH THIS ACTION?

H. PERMIT ISSUES

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.

I. FRAMEWORK ISSUES

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; rational 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.**

RICK – DO YOU THINK WE SHOULD MOVE FORWARD WITH THIS ACTION?

J. FUTURE PARTICIPATION IN KING MACKEREL

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 MACKERL].
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 REQUIREMNT 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.

Rick – do you all want to include any of these items????

K. GULF ISSUES

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.

Rick – Seems that we still need to address this.

L. RISK LEVELS

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.

APPENDIX A – MODIFICATIONS TO FRAMEWORK

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 preseason adjustment of TAC and other framework measures. However, in the event of changes in the stocks or fisheries~~, **T**he 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 rate**s** relative to F_{MSY} and $F_{0.1}$ as well as $F_{30\ percentSPR,}$ and $F_{40\ percentSPR,}$ **OFL, or other limits as deemed appropriate.**

    b. Spawning potential ratio**s** (SPR).

    c. Abundance relative to **biomass at MSY and MSST** ~~an adequate spawning biomass.~~

    d. Trends in recruitment.

    e. Acceptable Biological Catch (ABC) **estimates** which will result in long-term yield as near MSY as possible **based on the level of scientific uncertainty.**

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_{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_{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: $F_{OY}=0.85*F_{MSY}$ when the stock is at equilibrium for Gulf group king mackerel and the yield corresponding to a fishing mortality rate (F_{OY}) defined as: $F_{OY}=0.75*F_{MSY}$ 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 $F_{30\% \ SPR}$ when the stock is at equilibrium and the yield associated with F_{MSY} when the stock is at equilibrium for cobia) and OY as well as the consideration of scientific uncertainty.** ~~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,~~ **T**he act of overfishing is defined as **MFMT = F_{MSY} and OFL is the yield associated with this level of fishing mortality. 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., $F_{30\ percent}$ or MFMT).~~ If fishing mortality rates that exceed the level associated with **these thresholds** ~~the static SPR threshold~~ are maintained, the stock**s** 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**, OFL and ABC** for any stock, including ~~their~~ rationale for the proposed change**s**.

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 **and their SSCs** ~~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 **and uncertainty** 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 **and their SSCs** 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~~. **The** 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**s 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. OFL, ABC, ACL, and possibly ACT
e~~d~~. quotas (including zero quotas),
f~~e~~. trip limits,

g~~f~~. bag limits (including zero bag limits),
h~~g~~. minimum sizes,
~~i~~**h**. reallocation of Atlantic group Spanish mackerel,
~~j~~**i**. gear restriction (ranging from modifying current regulations to a complete prohibition),
~~k~~**j**. permit requirements, or
~~l~~**k**. season/area closure and reopening (including spawning closure).
m. zones, subzones, and migratory group boundaries
n. 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 Council**'s**~~'~~ 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 **cobia** ~~other stocks~~. Specification of B_{MSY} and the MSST for the stocks. Respecification of levels or statements of OY and MSY (proxy).

2. Setting **ACLs** ~~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 **ACL** ~~TAC~~ may exceed the best point estimate of MSY by more than 10 percent for more than one year.

    b. No **ACL** ~~TAC~~ may exceed the upper range of ABC if it results in overfishing **(as previously defined)**.

    c. Downward adjustments of **ACL** ~~TAC~~ of any amount **(i.e. to ACT)** are allowed in order to protect the stock and prevent overfishing.

    d. Reductions or increases in allocations as a result of changes in the **ACL** ~~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 **ACLs** ~~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.