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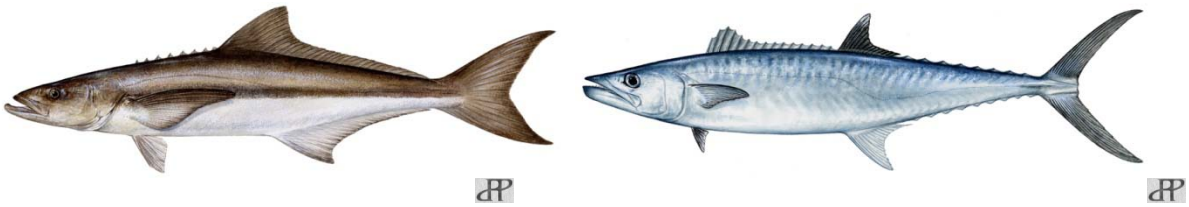
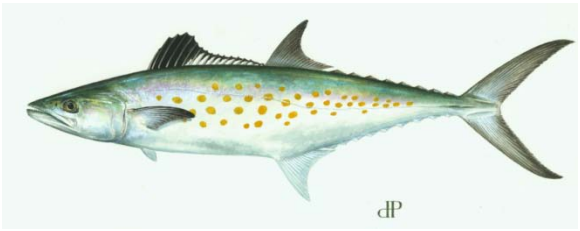
Modifications to the Coastal Migratory Pelagic Zones





Draft Amendment 20

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

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

June 2012

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Name of Action

Draft Amendment 20 to Fishery Management Plan for Coastal Migratory Pelagics in the Gulf of Mexico and South Atlantic addressing modifications to the Coastal Migratory Pelagic Zones, Including Environmental Assessment, Fishery Impact Statement, Regulatory Impact Review, and Regulatory Flexibility Act Analysis

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ABBREVIATIONS USED IN THIS DOCUMENT

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

NEFSC	New England Fisheries Science Center
NOAA	National Oceanic and Atmospheric Administration
nm	nautical mile
NOS	National Ocean Service
OFL	Overfishing level
OMB	Office of Management and Budget
OY	Optimum yield
PRA	Paperwork Reduction Act
Pw	Product weight
RA	Regional Administrator
RFA	Regulatory Flexibility Act of 1980
RIR	Regulatory impact review
rq	regional quotient
SAV	Submerged aquatic vegetation
Secretary	Secretary of Commerce
SEDAR	Southeast Data, Assessment and Review
SEFSC	Southeast Fisheries Science Center
SERO	Southeast Regional Office
South Atlantic Council	South Atlantic Fishery Management Council
SOVI	Social Vulnerability Index
SSC	Scientific and Statistical Committee
SPR	Spawning potential ratio
TAC	Total allowable catch
TPWD	Texas Parks and Wildlife Department
ww	whole weight

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CHAPTER 1. INTRODUCTION

What Actions Are Being Proposed?

Actions in this amendment will address issues associated with the boundaries between migratory groups, zones, and subzones for king mackerel, Spanish mackerel, and cobia.

Who Is Proposing the Action?

The Gulf of Mexico (Gulf) and South Atlantic Fishery Management Councils (Councils) are proposing the actions. The Councils develop the regulations and submit them to the NOAA Fisheries Service who ultimately approves, disapproves, or partially approves the actions in the amendment on behalf of the Secretary of Commerce. NOAA Fisheries Service is an agency in the National Oceanic and Atmospheric Administration.

Who's Who?

- NOAA Fisheries Service and Council staffs – Develop alternatives based on guidance from the Council, and analyze the environmental impacts of those alternatives
- Gulf and South Atlantic Councils –Determine a range of actions and alternatives, and recommend action to NOAA Fisheries Service
- Secretary of Commerce – Will approve, disapprove, or partially approve the amendment

Why Are The Councils Considering Action?

For king mackerel, conflicts have arisen due to early closures of zones and subzones. For Spanish mackerel and cobia, a new stock assessment will be completed by the end of 2012. The actions in this amendment will address issues arising from these situations

1.1 Background

The Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (CMP FMP), effective February 1983, treated king mackerel, Spanish mackerel, and cobia each as one U.S. stock. The present management regime recognizes two migratory groups of each species, the Gulf migratory group and the Atlantic migratory group.

Each migratory group is managed separately. The Gulf king mackerel migratory group and the Atlantic Spanish mackerel migratory group are also divided into zones or subzones for management purposes. This amendment will evaluate the appropriateness of these divisions, and consider changes or additions, to allow for more targeted management.

King mackerel: The two migratory groups seasonally mix off the east coast of Florida and in Monroe County, Florida. For management and assessment purposes, a boundary between the migratory groups of king mackerel was specified at 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) (Figure 1.1.1).

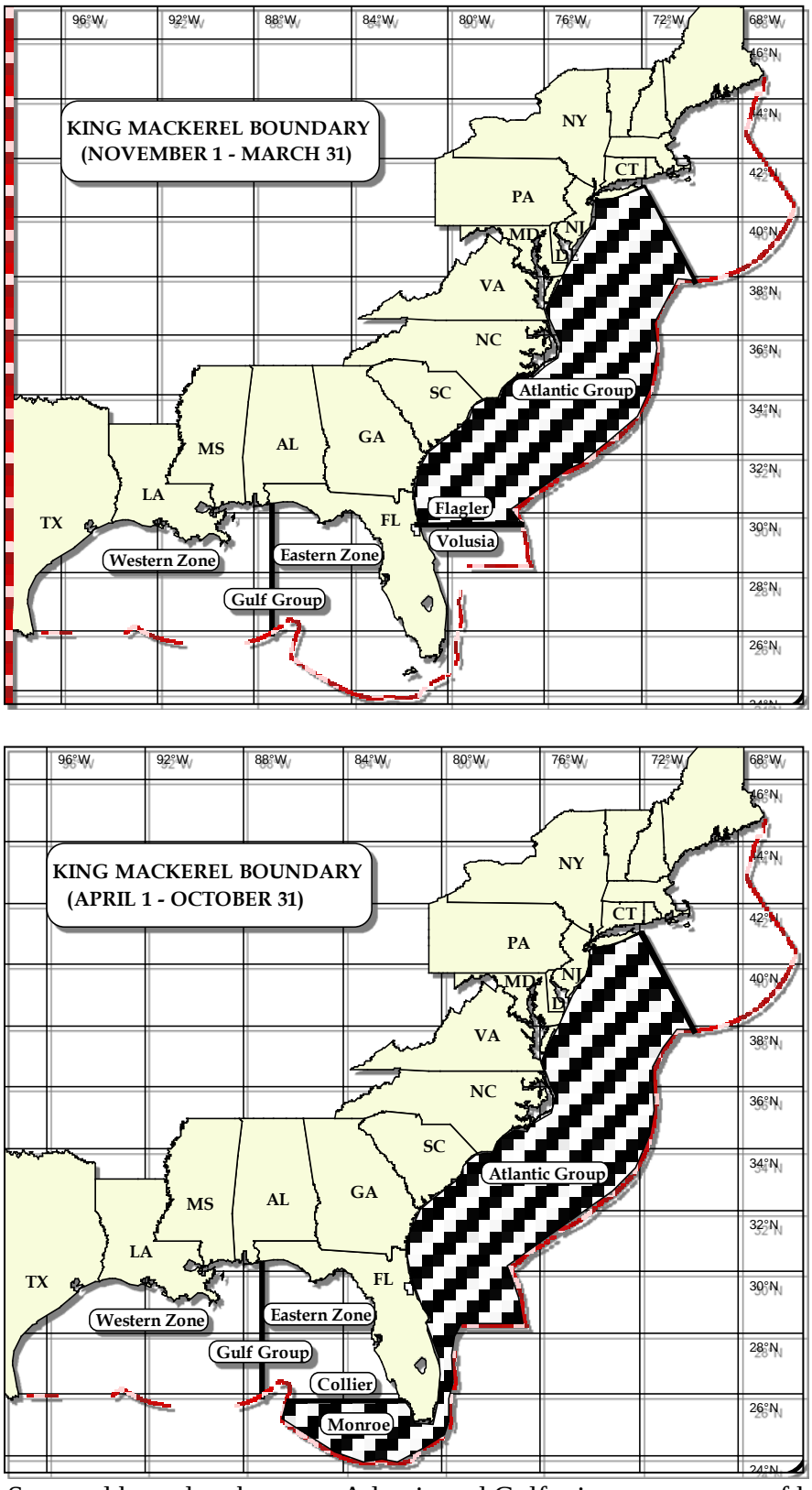

Figure 1.1.1. Seasonal boundary between Atlantic and Gulf migratory groups of king mackerel.

When the original boundary between the Gulf and Atlantic migratory groups of king mackerel was set, it was based on tagging data that indicated the mix was approximately 60% Gulf and 40% Atlantic. The Councils agreed to count king mackerel in the winter mixing zone (previously discussed) as 100% Gulf migratory group fish to help rebuild the then overfished Gulf migratory group. The most recent scientific information used in the Southeast Data, Assessment, and Review (SEDAR) 16 stock assessment (2008) indicated the mixing rate is probably closer to 50% Atlantic and 50% Gulf. Actions to set annual catch limits (ACLs) in Amendment 18 (GMFMC and SAFMC 2011) were based upon this 50/50 mixing rate assumption.

Amendment 1 to the CMP FMP (GMFMC and SAFMC 1985) established separate commercial allocations for the Gulf migratory group divided at the Alabama/Florida border into eastern and western zones. Amendment 9 to the CMP FMP (GMFMC and SAFMC 2000) further subdivided the commercial hook-and-line king mackerel allocation for the eastern zone Florida west coast subzone by establishing two regions, north and south, with a dividing line between the two regions at the Collier/Lee County line. These zones, subzones, and regions were established to ensure that fishermen throughout the Gulf had an opportunity to fish in their homeport area and that some of the allowable quota was available for those areas.

The fishing year for the Gulf Western Zone and West Coast Florida Subzone is July 1- June 30. The trip limit is 3,000 lbs per day for the Western zone. In general, the quota in this zone is met in September to November of each year, and fishing is closed; in 2008-2009, the zone remained open until March. Both the north and south regions have a 1,250-lb trip limit until 75% of the quota is reached, and then the trip limit is 500 lbs until the quota is taken, or the end of the fishing year. The north region closed in October 2009, but previously had not closed since 2003-2004. The quota for the south region for the hook-and-line sector generally is met in March or April, but occasionally the quota is not filled before the end of the fishing year. In the south region, the gillnet season opens on the day after the Martin Luther King, Jr. holiday. The fishing year ends June 30, but the quota is usually reached within one to two weeks after opening.

The fishing year for the Atlantic migratory group is March 1 – end of February. The northern boundary for this group is at the jurisdictional boundary between the Mid-Atlantic and New England Councils, which is at the intersection point of Connecticut, Rhode Island, and New York.

Many king mackerel fishermen will travel throughout the southeast region to fish under different quotas. For example, fishermen from the east coast of Florida may fish in the western zone in the summer and early fall until that quota is filled. They will then move to the panhandle of Florida to fish under the northern west coast Florida quota. When that quota is filled, they generally will travel back to their homeport to fish during the winter and spring.

Recently, some fishermen who do not travel have expressed discontent with fishermen from outside their area contributing to filling the quota. In particular, fishermen from Louisiana and the Florida panhandle feel that their zone/subzone is closed too quickly each year, depriving those who do not travel of fishing opportunities. Additionally, because of the fall closures of the north subzone, fishermen on the west central coast of Florida have fewer opportunities to fish for

mackerel; by the time the fish have migrated that far south, the subzone is closed. Proposed actions to address these problems include moving boundaries, creating new subzones, limiting fishermen to one or two zones/subzones, and changing the dates of the fishing year.

Another problem resulting from management by subzones is that in spring, often the Florida west coast subzones are closed, but Monroe County is open (because starting April 1, that county is part of the Atlantic group). Some fishermen from southwest Florida, particularly from Collier County, fish in waters of northern Monroe County on the Florida west coast. Currently, regulations prevent them from transiting the closed area (Collier County) to return to their homeport. Their only option is to travel to the Florida Keys, a considerable distance from the fishing area. This amendment will consider allowing transit of closed areas, provided gear is appropriately stowed.

Spanish mackerel: Although these two migratory groups mix in south Florida, abundance trends along each coast of Florida are different, indicating sufficient isolation between the two migratory groups. Consequently, the boundary for Spanish mackerel was fixed at the Miami-Dade/Monroe County border on Florida's southeast coast (Figure 1.1.2). The Atlantic migratory group is divided into a north and south zone at the Florida/Georgia border and the northern zone extends to the jurisdictional boundary between the Mid-Atlantic and New England Councils. Although only one quota is assigned to both zones, each zone has different trip limits and accountability measures. This amendment proposes a division of the quota by state or by region. The fishing year for the Gulf migratory group is April 1 – March 30 and the fishing year for the Atlantic migratory group is March 1 – end of February.

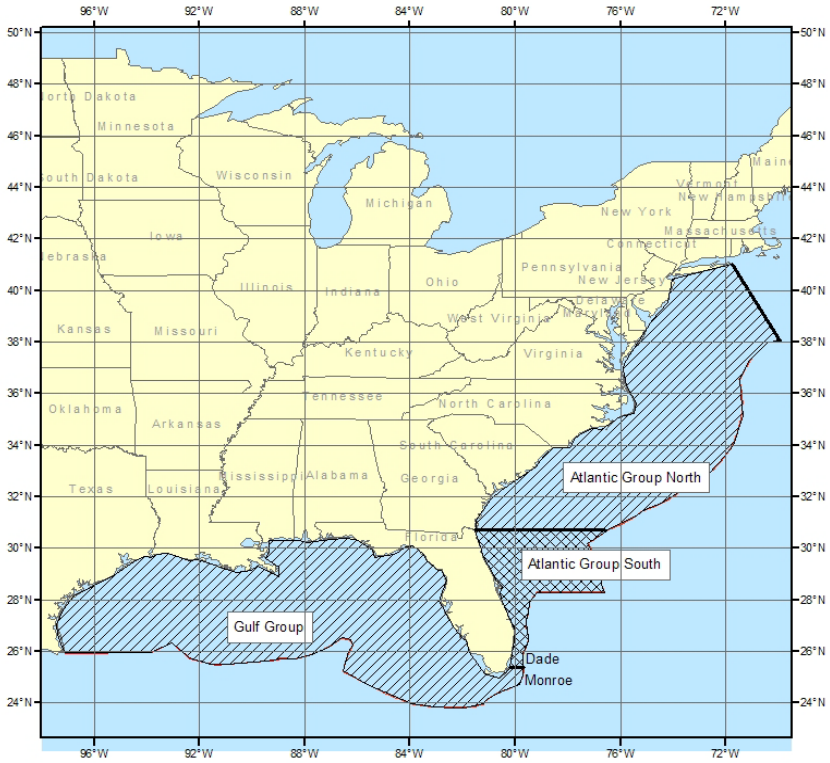

Figure 1.1.2. Fixed boundary between Atlantic and Gulf migratory groups of Spanish mackerel.

Cobia: Separate migratory groups of cobia were established in Amendment 18 to the CMP FMP (GMFMC and SAFMC 2011). The division between Gulf and Atlantic migratory groups was set at the Council jurisdictional boundary, off the Florida Keys. During the data workshop for SEDAR 28, participants determined the biological boundary between the Gulf and Atlantic migratory groups should be at the Florida/Georgia border. This decision was based on genetic and tagging data, and recommendations from the commercial and recreational working groups. They determined that a mixing zone occurs around Brevard County, Florida, and potentially to the north. Although they did not find enough resolution in the data to specifically identify a biological boundary, the Florida/Georgia line did not conflict with life history information and would be easiest for management (SEDAR 2012). The northern boundary of the Atlantic migratory group is at the jurisdictional boundary between the Mid-Atlantic and New England Councils (Figure 1.1.3).

Because the biological boundary from the stock assessment differs from the management boundary, the acceptable biological catch (ABC) will need to be allocated for the east coast of Florida and accountability measures established. Further, the assessment is expected to produce new recommendations for ABC, which would result in new ACLs and annual catch targets for cobia.

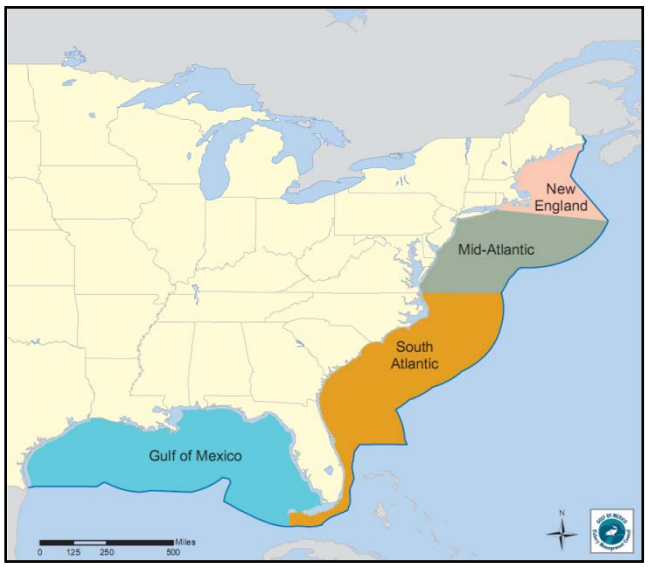

Figure 1.1.3. Jurisdictional boundaries of the Gulf of Mexico (blue), South Atlantic (orange), Mid-Atlantic (green), and New England (peach) Management Councils.

1.2 Purpose and Need

Purpose for Action

The purpose of this amendment is to determine if the current and proposed zones along with their allocations, commercial trip limits, and other regulations are necessary and appropriate and provide the greatest benefit to the coastal migratory pelagic fishery.

Need for Action

The need for the proposed actions is to achieve optimum yield while ensuring regulations are fair and equitable and fishery resources are utilized efficiently.

1.3 History of Management

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

FMP Amendments

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

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

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

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

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

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

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

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

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

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

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

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

- Reallocated the percentage of the commercial allocation of TAC for the North Area (Florida east coast) and South/West Area (Florida west coast) of the Eastern Zone to 46.15% North and 53.85% South/West and retained the recreational and commercial allocations of TAC at 68% recreational and 32% commercial;
- Subdivided the commercial hook-and-line king mackerel allocation for the Gulf migratory group, Eastern Zone, South/West Area (Florida west coast) by establishing two subzones with a dividing line between the two subzones at the Collier/Lee County line;

- Established regional allocations for the west coast of Florida based on the two subzones with 7.5% of the Eastern Zone allocation of TAC being allowed from Subzone 2 and the remaining 92.5% being allocated as follows:
- 50% - Florida east coast
- 50% - Florida west coast that is further subdivided:
    - 50% - Net Fishery
    - 50% - Hook-and-Line Fishery
- Established a trip limit of 3,000 lb per vessel per trip for the Western Zone;
- Established a moratorium on the issuance of commercial king mackerel gillnet endorsements and allow re-issuance of gillnet endorsements to only those vessels that: 1) had a commercial mackerel permit with a gillnet endorsement on or before the moratorium control date of October 16, 1995 (Amendment 8), and 2) had landings of king mackerel using a gillnet in one of the two fishing years, 1995-1996 or 1996-1997, as verified by the NOAA Fisheries Service or trip tickets from Florida; allowed transfer of gillnet endorsements to immediate family members (son, daughter, father, mother, or spouse) only; and prohibited the use of gillnets or any other net gear for the harvest of Gulf migratory group king mackerel north of an east/west line at the Collier/Lee County line;
- Increased the minimum size limit for Gulf migratory group king mackerel from 20 in to 24 in FL
- Allowed the retention and sale of cut-off (damaged), legal-sized king and Spanish mackerel within established trip limits.

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

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

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

Amendment 13, with SEIS, implemented August 19, 2002, established two marine reserves in the EEZ of the Gulf in the vicinity of the Dry Tortugas, Florida known as Tortugas North and Tortugas South in which fishing for coastal migratory pelagic species is prohibited. This action complements previous actions taken under the NOAA Sanctuaries Act.

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

Amendment 15, with EA, implemented August 8, 2005, established an indefinite limited access program for the commercial king mackerel fishery in the EEZ under the jurisdiction of the Gulf, South Atlantic, and Mid-Atlantic Councils. It also changed the fishing season to March 1 through February 28/29 for the Atlantic migratory groups of king and Spanish mackerel.

Amendment 16, was not developed.

Amendment 17, with SEIS, implemented June 15, 2006, established a limited access system on for-hire reef fish and CMP permits. Permits are renewable and transferable in the same manner as currently prescribed for such permits. There will be a periodic review at least every 10 years on the effectiveness of the limited access system.

Amendment 18, with EA, implemented January 30, 2012, established annual catch limits and accountability measures for Gulf and Atlantic migratory groups for cobia, king mackerel, and Spanish mackerel. It also removed cero, little tunny, dolphin, and bluefish from the fishery management plan, revised the framework procedure, and separated cobia into Atlantic and Gulf migratory groups.

CHAPTER 2. MANAGEMENT ALTERNATIVES

2.1 Action 1 – Modify Subzones and Allocation of Gulf Migratory Group Eastern Zone King Mackerel.

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

Alternative 2: Eliminate the current northern and southern subzones and add the assigned allocation to the combined eastern zone.

Alternative 3: Modify the Florida West Coast subzones and reallocate quota

Option a: Retain subzones but modify the boundary between the northern and southern subzones to the Dixie/Levy County line.

Option b: Create a third Florida West Coast subzone from the Collier/Lee County line to the Dixie/Levy County line with an allocation based on:

Suboption i. Reallocating x lbs from the Southern subzone hook-and-line fishery

Suboption ii. Reallocating x lbs from the East Coast Zone, Gill Net allocation, and Southern Subzone allocation

Suboption iii. Reallocating 2% from the recreational sector allocation based on a temporary reallocation for the next 5 years

Option c: Retain the current subzones but increase the allocation to the Northern subzone based on:

suboption i. Reallocating x lbs from the Southern Subzone hook-and-line fishery

suboption ii. Reallocating x lbs from the East Coast Zone, Gill Net allocation, and Southern Subzone allocation

suboption iii. Reallocating 2% from the recreational sector allocation based on a temporary reallocation for the next 5 years

Discussion:

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

monitoring. It also provides for a larger potential share of TAC for fishermen over a broader area.

Table 2.1.1. Gulf of Mexico king mackerel landings for the northern subzone inside the eastern zone. Landings (pounds whole weight) and percent of total landings were calculated for two different areas by county of reported landing: Escambia to Dixie Counties and Levy to Lee Counties for the most recent fishing seasons.

Fishing year	Escambia to Dixie		Levy to Lee		Total pounds	Trip Limit Reduction Date	Fishery Closure Date
	Total	%	Total	%			
2004/2005	106,567	89.3	12,760	10.7	119,327	None	None
2005/2006	52,144	54.7	43,124	45.3	95,268	None	None
2006/2007	146,743	70.2	62,167	29.8	208,910	27-Nov-06	None
2007/2008	165,964	73.2	60,738	26.8	226,702	27-Dec-07	None
2008/2009	165,681	74.2	57,590	25.8	223,271	None	None
2009/2010	265,707	96.1	10,714	3.9	276,421	None	24-Oct-09
2010/2011	196,280	92.2	16,587	7.8	212,867	26-Oct-10	4-Apr-11

Source: Coastal logbook datafile (4/12/2012)

Table 2.1.2. Gulf of Mexico king mackerel landings for the northern subzone inside the eastern zone. Landings (pounds whole weight) and percent of total landings were calculated for two different areas by reported area fished: Ecambia to Levy counties (statzones 7-10) and Citrus to northern Collier counties (statzones 4-6) for the most recent fishing seasons.

Fishing year	Areas 7-10* Escambia to Levy		Areas 4-6** Citrus to N. Collier		Total pounds	Trip Limit Reduction Date	Fishery Closure Date
	Total	%	Total	%			
2004/2005	90,594	81.1	21,181	18.9	111,775	None	None
2005/2006	51,305	40.8	74,443	59.2	125,748	None	None
2006/2007	152,204	70.7	62,955	29.3	215,159	27-Nov-06	None
2007/2008	174,102	71.0	71,058	29.0	245,160	27-Dec-07	None
2008/2009	177,340	80.8	42,068	19.2	219,408	None	None
2009/2010	272,702	94.2	16,886	5.8	289,588	None	24-Oct-09
2010/2011	219,495	90.9	21,880	9.1	241,375	26-Oct-10	4-Apr-11

* Area 7 includes Levy County

**Area 4 extends south to northern Collier County

Source: Coastal logbook datafile (4/12/2012)

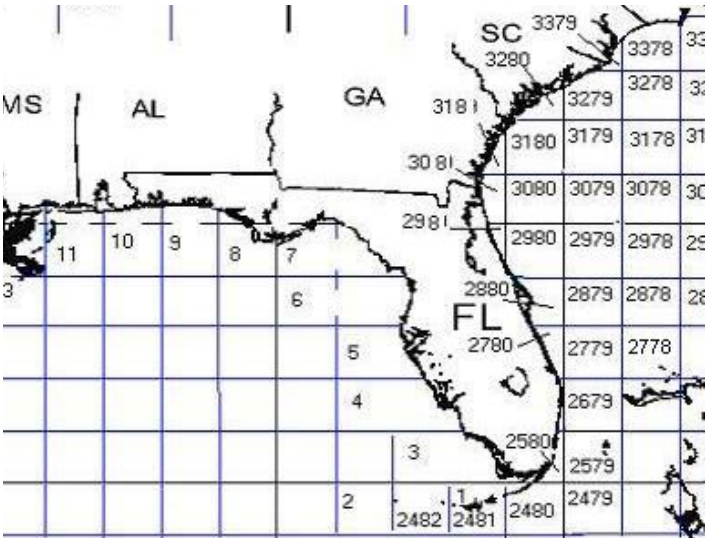

Figure 2.1.1. Statzones used for logbook landings.

<u>Council Conclusions</u>:

2.2 Action 2 - Modify the Commercial Hook-and-Line Trip Limits for Gulf Migratory Group King Mackerel.

Alternative 1: No Action – Retain the existing commercial hook-and-line trip limits.

Option a: Western zone at 3,000 lbs

Option b: Eastern zone northern subzone at 1,250 lbs until 75% of the quota is taken, at which time the trip limit decreases to 500 lbs

Option c: Eastern zone southern subzone at 1,250 lbs until 75% of the quota is taken, at which time the trip limit decreases to 500 lbs

Alternative 2: Set the commercial hook-and-line trip limit at 1,500 lbs with no reduction.

Option a: For the Western zone

Option b: For the Eastern zone northern subzone

Option c: For the Eastern zone southern subzone

Alternative 3: Set the commercial hook-and-line trip limit at 2,000 lbs with no reduction.

Option a: For the Western zone

Option b: For the Eastern zone northern subzone

Option c: For the Eastern zone southern subzone

Alternative 4: Set the commercial hook-and-line trip limit at 2,500 lbs with no reduction.

Option a: For the Western zone

Option b: For the Eastern zone northern subzone

Option c: For the Eastern zone southern subzone

Alternative 5: Set the commercial hook-and-line trip limit at 3,000 lbs with no reduction.

Option a: For the Western zone

Option b: For the Eastern zone northern subzone

Option c: For the Eastern zone southern subzone

Discussion:

During the 1996/1997-2000/2001 fishing years, the western zone opened July 1 and closed consistently in August. At the Gulf Council's request, NOAA Fisheries Service implemented a 3,000-lb trip limit for the western zone in 1999 to lengthen the fishing season. This action appears to be partly successful in that the season has stayed open until at least September and usually until October or November (Table 2.2.1). However, the zone is still usually closed for half of the fishing year. Reducing the trip limit from 3,000 lbs would likely extend the season and may deter some of the transient fishing that has occurred in the past.

The trip limits and trip limit reductions for the northern and southern subzones of the eastern zone were also intended to extend the fishing season. Particularly in the southern subzone, fishermen travel long distances to reach the fishing grounds. A trip limit of 1,250 lbs may not allow enough income in a trip to cover expenses. This problem is exasperated when the trip limit is reduced to 500 lbs, leading to requests for removing the trip limit reduction. Additionally, in

some years king mackerel have been caught at such a high rate that NOAA Fisheries Service could not implement the reduction to 500 lbs before the zone needed to be closed (Table 2.2.1).

Table 2.2.1. Gulf Migratory Group King Mackerel Season Closure Dates. TLR=Trip limit reduction.

		00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12
Western zone	Close	26-Aug	19-Nov	25-Oct	24-Sep	20-Oct	17-Nov	6-Oct	3-Nov	27-Mar	4-Sep	11-Feb	16-Sept
West Coast FL North	TLR	12-Nov	x	30-Nov	30-Oct	x	x	27-Nov	27-Dec	x	x	26-Oct	x
	Close	19-Nov	10-Nov	5-Dec	13-Nov	x	x	x	x	x	24-Oct	4-Apr	7-Oct
West Coast FL South	TLR	20-Feb	11-Mar	5-Mar	20-Mar	25-Feb	25-Feb	3-Mar	22-Mar	28-Feb	7-Feb	8-Mar	x
	Close	2-Mar	23-Mar	x	9-Apr	x	12-Mar	10-Apr	x	x	15-Feb	23-Mar	26-Feb

Note: The 10/11 fishing season was impacted by the Deepwater Horizon MC 252 oil spill.

Having a single trip limit for the entire Gulf area would simplify enforcement. The current situation is that vessels fishing off Alabama, Mississippi, Louisiana, and Texas can land 3,000 lbs; whereas vessels fishing off Florida can only land 1,250 lbs. However, fishermen in different areas may prefer lower trip limits and longer seasons to higher trip limits and shorter seasons, so the Councils could set different trip limits for the three areas.

Council Conclusions:

2.3 Action 3 - Change the Fishing Season for Gulf Group King Mackerel for the Eastern and Western Zone.

Alternative 1: No Action - the fishing season remains July 1 – June 30.

Alternative 2: Change the fishing season for Gulf group king mackerel season to September 1 – August 31.

Option a: For the western zone

Option b: For the eastern zone

Alternative 3: Change the fishing season for Gulf group king mackerel season to October 1 – September 30.

Option a: For the western zone

Option b: For the eastern zone

Alternative 4: Change the fishing season for Gulf group king mackerel season to November 1 – October 31.

Option a: For the western zone

Option b: For the eastern zone

Discussion:

Some fishers have indicated in the past that a later opening would allow them to harvest king mackerel from the western zone more efficiently because fish are present in larger numbers and closer to shore in the main fishing areas off south Louisiana in the fall as opposed to the summer. They also claim that fish can be kept in better condition due to the cooler weather. A later opening, possibly combined with a lower trip limit, might also discourage movement of fishers from the Atlantic coast of Florida to south Louisiana and into the Florida Panhandle as has been the case for several years. Such a change could extend the season.

Alternative 1 would continue the current situation, where the western zone and the northern subzone of the eastern zone generally close in the fall. For the western zone, the closures come right when the most and largest fish are in the area. However, the Western zone quota is met each year generally with three to four months of the July 1 opening (Table 2.3.1); an opening during a time when more fish are available may result in a shorter fishing season if fishermen are not currently landing the maximum trip limit.

Alternatives 2-4 would move the opening of the fishing year to the fall to allow fishing during the time that is best for the fishery. However, if the season starts too late in the fall, fish may migrate south earlier in some years and not be available. Also, weather conditions may make fishing more difficult and less safe if the season extends into winter months.

ACLs for both the recreational and commercial sectors are tracked by the commercial fishing season. Recreational data is available by two-month waves, starting with January. An October

opening (**Alternative 3**) would complicate monitoring of the recreational ACL because the opening would fall in the middle of a wave.

Council Conclusions:

Table 2.3.1. Gulf of Mexico king mackerel landings by region and month. Landings (pounds whole weight) were calculated for two different regions by county landed: E Gulf (Lee - Escambia) and W Gulf (AL, MS, LA, TX) for the most recent fishing seasons.

Region	Fishing Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
E Gulf	2004-2005	2,073	202	2,461	2,353	12,639	5,231	26,830	6,317	4,512	20,247	29,684	6,779	119,328
	2005-2006	1,757	19	11,027	27,572	15,971	7,922	5,699	3,194	2,446	6,586	10,057	3,016	95,266
	2006-2007	10,447	6,162	22,277	7,516	7,392	10,634	14,452	7,192	8,299	43,820	58,316	12,404	208,911
	2007-2008	1,244	16,502	17,520	8,926	4,398	8,394	13,628	8,631	2,419	19,369	87,623	38,048	226,702
	2008-2009	17,816	4,488	7,150	3,463	19,816	21,472	11,732	2,424	14,794	49,562	53,795	16,760	223,272
	2009-2010	943	5,234	.	5,589	23	72	38,567	14,062	72,858	138,489	16	568	276,421
	2010-2011	2,324	2,560	3,176	1,869	27	588	14,082	13,386	42,496	114,222	17,486	653	212,869
W Gulf	2004-2005	0	0	0	0	55	1,000	523,855	260,422	85,559	154,774	9,585	0	1,035,250
	2005-2006	9	5,611	0	0	.	2,002	258,809	331,320	60,865	138,908	90,483	0	888,007
	2006-2007	0	0	0	0	42	2,942	340,450	310,585	223,975	87,429	0	65	965,488
	2007-2008	0	0	0	0	0	1,327	377,431	247,445	81,633	148,218	24,189	0	880,243
	2008-2009	6,213	11,883	22,207	0	27	204	313,216	147,988	71,138	174,208	152,751	3,646	903,481
	2009-2010	0	0	0	0	0	0	495,628	324,231	101,161	1,251	0	0	922,271
	2010-2011	120,427	20,699	0	0	0	6,783	57,504	96,609	40,612	215,763	310,100	75,657	944,154

Source: Coastal logbook datafile (4/12/2012)

Table 2.3.2. Gulf of Mexico king mackerel landings by region and month. Landings (pounds whole weight) were calculated for two different regions by reported area fished: E Gulf (statzones 4-10) and W Gulf (statzones 11-21) for the most recent fishing seasons.

Region	Fishing Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
E Gulf	2004-2005	889	1,065	2,581	2,806	4,715	5,241	22,568	4,338	2,814	18,711	29,719	16,328	111,775
	2005-2006	10,233	19	16,915	37,303	15,971	7,978	6,480	5,057	1,909	4,542	9,126	10,216	125,749
	2006-2007	15,355	1,786	25,556	9,553	7,428	10,561	18,882	6,764	8,759	43,857	59,680	6,977	215,158
	2007-2008	1,244	16,379	29,931	8,858	4,308	8,681	17,094	9,372	3,478	19,623	89,290	36,902	245,160
	2008-2009	7,941	14	8,063	3,463	19,816	21,539	18,913	5,961	15,324	49,673	53,721	14,980	219,408
	2009-2010	20	89	0	10,885	23	72	51,397	14,441	73,589	138,489	16	568	289,589
	2010-2011	2,542	5,504	6,720	255	0	588	14,082	13,386	42,877	117,555	33,230	4,637	241,376
W Gulf	2004-2005	0	364	0	1,186	7,979	1,000	528,117	262,402	87,257	156,385	9,603	0	1,054,293
	2005-2006	9	5,611	0	0	0	2,006	257,982	329,458	61,402	140,953	91,414	0	888,835
	2006-2007	0	5,049	0	0	42	3,022	336,019	311,025	223,515	87,407	12	71	966,162
	2007-2008	0	0	0	90	114	1,184	374,165	246,704	80,574	147,964	24,241	0	875,036
	2008-2009	6,150	11,883	22,207	0	27	136	306,035	144,451	70,567	174,042	152,853	3,747	892,098
	2009-2010	0	4,059	0	0	0	0	482,798	323,874	100,481	1,265	0	0	912,477
	2010-2011	120,781	20,699	0	0	0	6,783	57,504	96,609	40,230	212,430	294,356	71,673	921,065

Source: Coastal logbook datafile (4/12/2012)

Council Conclusions:

2.4 Action 4 - Establish a Transit Provision for King Mackerel Harvested in the Exclusive Economic Zone (EEZ) off Monroe County when the Rest of the West Coast of Florida is Closed.

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

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

Alternative 3: Establish a transit provision for fish harvested in the EEZ off Monroe County to be landed in Collier County when the rest of the west coast of Florida is closed.

Discussion:

Often the Florida west coast southern subzone, comprised of Collier and Monroe Counties, closes in early spring (see Table 2.2.1). Beginning April 1 of each year, Monroe County is considered to contain Atlantic migratory group king mackerel and the Florida west coast southern subzone is comprised of only Collier County. Some fishermen fish in the northern portion of Monroe County, which is a sparsely populated area. To land those fish they must travel to the Florida Keys where dealers in Monroe County are located. This trip could be up to 100 miles. A transit provision would allow fishermen who legally harvest king mackerel from Monroe County after April 1 of each year to transport and land their catch in other areas of the Gulf that are closed. Transit would be allowed for vessels traveling through the closed area with fishing gear appropriately stowed. The term "transit" is defined as on a direct and continuous course through a closed area. The term “appropriately stowed” means:

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

Current regulations prohibit fishing for or retain king mackerel in or from a closed zone. Therefore, **Alternative 1** would not allow transit through any closed area even if the fish were harvested from an open area, because retention of king mackerel in a closed area is prohibited. Fishermen must either forgo fishing opportunities or expend extra time and fuel to land fish in the Florida Keys.

Alternative 2 would allow fishermen to fish in Monroe County and land king mackerel in counties north that may be closed to fishing; in other words the prohibition on retention in the closed zone would be removed and a transit provision would be established. **Alternative 3** would do the same, but only for Collier County. The Florida Fish and Wildlife Conservation Commission recently changed their regulations to allow transit under these circumstances

through Collier County only. This alternative would reduce the potential for abuse and ease the enforcement burden.

Both **Alternative 2** and **Alternative 3** would reduce the economic burden on fishermen in southwest Florida by allowing them to return to their homeport after fishing. Both alternatives would also promote safety at sea by reducing travel time.

Council Conclusions:

2.5 Action 5 - Restrictions on Fishing for King Mackerel in Multiple Zones.

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

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

Option a: only one zone may be identified

Option b: two zones may be identified

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

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

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

Discussion:

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

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

Council Conclusions:

2.6 Action 6 - Modify the Gulf and Atlantic Migratory Group Cobia Annual Catch Limits (ACLs).

Alternative 1: No Action –

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

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

Option a: Use 2000-2009 landings to establish the percentage split by subzone.
Option b: Use 2005-2009 landings to establish the percentage split by subzone.
Option c: Use 2007-2009 landings to establish the percentage split by subzone.
Option d: Other years???

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

Option a: Use 2000-2009 landings to establish the percentage split by subzone.
Option b: Use 2005-2009 landings to establish the percentage split by subzone.
Option c: Use 2007-2009 landings to establish the percentage split by subzone.
Option d: Other years???

Discussion:

Council Conclusions:

2.7 Action 7 - Establish State-by-State or Regional Quotas for Atlantic Migratory Group King Mackerel, Spanish Mackerel, and Cobia.

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

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

Option a: king mackerel
Option b: Spanish mackerel
Option c: cobia

Alternative 3: Establish commercial quotas for three regions: North Carolina/South Carolina, Georgia/Florida, and Mid Atlantic for Atlantic migratory groups of king mackerel, Spanish mackerel, and cobia. (

Option a: king mackerel
Option b: Spanish mackerel
Option c: cobia

Alternative 4: Establish commercial quotas for three regions: North Carolina, South Carolina/Georgia/Florida, and Mid-Atlantic for Atlantic migratory groups of king mackerel, Spanish mackerel, and cobia.

Option a: king mackerel
Option b: Spanish mackerel
Option c: cobia

Discussion:

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

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

2.8 Action 8 - Set Annual Catch Target (ACTs) by Sub-Zones for Atlantic Migratory Group Cobia.

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

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

Discussion:

Council Conclusions:

2.9 Action 9 - Specify Accountability Measures (AMs) by Sub-Zones for Atlantic Migratory Group Cobia.

Alternative 1: No Action:

a. The commercial AM for Atlantic migratory group cobia is to prohibit harvest, possession, and retention when the commercial quota (total ACL x commercial allocation) is met or projected to be met. All purchase and sale is prohibited when the commercial quota is met or projected to be met.

b. The recreational AM for Atlantic migratory group cobia is if the recreational sector quota (total ACL x recreational allocation) is exceeded, the Regional Administrator shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the recreational sector quota for the following fishing year. Compare the recreational ACL with recreational landings over a range of years. For 2011, use only 2011 landings. For 2012, use the average landings of 2011 and 2012. For 2013 and beyond, use the most recent three-year (fishing years) running average. If in any year the ACL is changed, the sequence of future ACLs will begin again starting with a single year of landings compared to the ACL for that year, followed by two-year average landings compared to the ACL in the next year, followed by a three-year average of landings ACL for the third year and thereafter. Only adjust the recreational season length if the Total ACL is exceeded.

c. Commercial payback of any overage. Payback only if overfished - If the commercial sector ACL is exceeded, the Assistant Administrator for Fisheries shall file a notification with the Office of the Federal Register to reduce the commercial sector ACL in the following year by the amount of the overage.

d. Recreational payback of any overage from one year to the next. Payback only if overfished - If the recreational ACL is exceeded, the Assistant Administrator for Fisheries shall file a notification with the Office of the Federal Register to reduce the recreational ACL in the following year by the amount of the overage. The ACT would also be adjusted according to the ACT formula in CMP Amendment 18, Action 19-6. Only deduct overages if the Total ACL is exceeded

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

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

Discussion:

Council Conclusions:

2.10 Action 10 - Modify the Framework Procedure.

Alternative 1: No Action – do not modify the framework procedure adopted through Amendment 18.

Alternative 2: Modify the framework procedure to include changes to accountability measures (AMs) under the standard documentation process for open framework actions. Accountability measures that could be changed would include:

Inseason AMs

- Closures and closure procedures
- Trip limit reductions or increases
- Designation of an IFQ program as the AM for species in the IFQ program
- Implementation of gear restrictions

Postseason AMs

- Adjustment of season length
- Implementation of a closed season
- Adjustment or implementation of bag, trip, or possession limit
- Reduction of the ACL to account for the previous year overage
- Revoking a scheduled increase in the ACL if the ACL was exceeded in the previous year
- Implementation of gear restrictions
- Reporting and monitoring requirements

Alternative 3: Modify the framework procedure to include changes to accountability measures (AMs) under the standard documentation process for open framework actions. Accountability measures that could be changed would include:

Inseason AMs

- Closure procedures
- Trip limit reductions or increases

Postseason AMs

- Adjustment of season length
- Adjustment of bag, trip, or possession limit

Alternative 4: Modify the framework procedure to include designation of responsibility to each Council for setting regulations for the migratory groups of each species.

Alternative 5: Make editorial changes to the framework procedure to reflect changes to the Council advisory committees and panels.

Note: Alternatives 4 and 5 could be selected in addition to Alternative 2 or 3.

Discussion:

The Councils currently have three different regulatory vehicles for addressing fishery management issues. First, they may develop a fishery management plan or plan amendment to

establish management measures. The amendment process can take one to three years depending on the analysis needed to support the amendment actions. Second, the Councils may vote to request an interim or emergency rule that could remain effective for 180 days with the option to extend it for an additional 186 days. Interim and emergency rules are only meant as short-term management tools while permanent regulations are developed through an amendment. Third, the Councils may prepare a framework action based on a predetermined procedure that allows changes to specific management measures and parameters. Typically, framework actions take less than a year to implement, and, like plan amendments, are effective until amended. The current framework procedure was implemented through Amendment 18 (GMFMC and SAFMC 2011). The section below highlights the changes proposed in the alternatives to this action.

Proposed Language for Updated Framework Procedure

This framework procedure provides standardized procedures for implementing management changes pursuant to the provisions of the Coastal Migratory Pelagic Fishery Management Plan (FMP) managed jointly between the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils). Two basic processes are included: the open framework process and the closed framework process. The open framework addresses issues where more policy discretion exists in selecting among various management options developed to address an identified management issue, such as changing a size limit to reduce harvest. The closed framework addresses much more specific factual circumstances, where the FMP and implementing regulations identify specific action to be taken in the event of specific facts occurring, such as closing a sector of a fishery when the quota is or is projected to be harvested.

Open Framework:

1. Situations under which this framework procedure may be used to implement management changes include the following:
    a. A new stock assessment resulting in changes to the overfishing limit, acceptable biological catch, or other associated management parameters. In such instances the Councils may, as part of a proposed framework action, propose an annual catch limit (ACL) or series of ACLs and optionally an annual catch target (ACT) or series of ACTs, as well as any corresponding adjustments to MSY, OY, and related management parameters.
    b. New information or circumstances. The Councils will, as part of a proposed framework action, identify the new information and provide rationale as to why this new information indicates that management measures should be changed.
    c. Changes are required to comply with applicable law such as the Magnuson-Stevens Act, Endangered Species Act, Marine Mammal Protection Act, or are required as a result of a court order. In such instances the Regional Administrator (RA) will notify the Councils in writing of the issue and that action is required. If there is a legal deadline for taking action, the deadline will be included in the notification.

2. Open framework actions may be implemented in either of two ways, abbreviated documentation, or standard documentation process.

a. Abbreviated documentation process. Regulatory changes that may be categorized as a routine or insignificant may be proposed in the form of a letter or memo from the Councils to the RA containing the proposed action, and the relevant biological, social and economic information to support the action. Either Council may initiate the letter or memo, but both Councils must approve it. If multiple actions are proposed, a finding that the actions are also routine or insignificant must also be included. If the RA concurs with the determination and approves the proposed action, the action will be implemented through publication of appropriate notification in the Federal Register. Changes that may be viewed as routine or insignificant include, among others:
    i. Reporting and monitoring requirements,
    ii. Permitting requirements,
    iii. Gear marking requirements,
    iv. Vessel marking requirements,
    v. Restrictions relating to maintaining fish in a specific condition (whole condition, filleting, use as bait, etc.),
    vi. Bag and possession limit changes of not more than one fish,
    vii. Size limit changes of not more than 10% of the prior size limit,
    viii. Vessel trip limit changes of not more than 10% of the prior trip limit,
    ix. Closed seasons of not more than 10% of the overall open fishing season,
    x. Species complex composition,
    xi. Restricted areas (seasonal or year-round) affecting no more than a total of 100 nautical square miles,
    xii. Respecification of ACL, ACT or quotas that had been previously approved as part of a series of ACLs, ACTs or quotas,
    xiii. Specification of MSY proxy, OY, and associated management parameters (such as overfished and overfishing definitions) where new values are calculated based on previously approved specifications,
    xiv. Gear restrictions, except those that result significant changes in the fishery, such as complete prohibitions on gear types,
    xv. Quota changes of not more than 10%, or retention of portion of an annual quota in anticipation of future regulatory changes during the same fishing year,

b. Standard documentation process. Regulatory changes that do not qualify as a routine or insignificant may be proposed in the form of a framework document with supporting analyses. Non routine or significant actions that may be implemented under a framework action include:
    i. Specification of ACTs or sector ACTs,
    ii. Rebuilding plans and revisions to approved rebuilding plans,
    iii. The addition of new species to existing limited access privilege programs (LAPP),
    iv. Changes specified in section 2(a) that exceed the established thresholds.
    v. Changes to accountability measures (AMs) including:
    Inseason AMs
        1. Closures and closure procedures
        2. Trip limit reductions or increases

3. Designation of an IFQ program as the AM for species in the IFQ program
4. Implementation of gear restrictions

Postseason AMs

5. Adjustment of season length
6. Implementation of a closed season
7. Adjustment or implementation of bag, trip, or possession limit
8. Reduction of the ACL to account for the previous year overage
9. Revoking a scheduled increase in the ACL if the ACL was exceeded in the previous year
10. Implementation of gear restrictions
11. Reporting and monitoring requirements

3. Either Council may initiate the open framework process to inform the public of the issues and develop potential alternatives to address the issues. The framework process will include the development of documentation and public discussion during at least one meeting for each Council.

4. Prior to taking final action on the proposed framework action, each Council may convene their advisory committees and panels, as appropriate, to provide recommendations on the proposed actions.

5. For all framework actions, the initiating Council will provide the letter, memo, or the completed framework document along with proposed regulations to the RA in a timely manner following final action by both Councils.

6. For all framework action requests, the RA will review the Councils' recommendations and supporting information and notify the Councils of the determinations, in accordance with the Magnuson-Stevens Act (Section 304) and other applicable law.

Closed Framework:
Consistent with existing requirements in the FMP and implementing regulations, the RA is authorized to conduct the following framework actions through appropriate notification in the Federal Register:

a. Close or adjust harvest any sector of the fishery for a species, sub-species, or species group that has a quota or sub-quota at such time as projected to be necessary to prevent the sector from exceeding its sector-quota for the remainder of the fishing year or sub-quota season,
b. Reopen any sector of the fishery that had been prematurely closed,
c. Implement an in-season AM for a sector that has reached or is projected to reach, or is approaching or is projected to approach its ACL, or implement a post-season AM for a sector that exceeded its ACL in the current year.

Responsibilities of Each Council:

1. Recommendations with respect to the Atlantic migratory groups of king mackerel, Spanish mackerel, and cobia will be the responsibility of the South Atlantic Council, and

those for the Gulf migratory groups of king mackerel, Spanish mackerel, and cobia will be the responsibility of the Gulf Council, with the following exceptions:

a. The South Atlantic Council will have responsibility to set vessel trip limits, closed seasons or areas, or gear restrictions for the Eastern Zone - East Coast Subzone for Gulf migratory group king mackerel and Gulf group cobia.

2. For stocks where a stock assessment indicates a different boundary between the Gulf and Atlantic migratory groups than the management boundary, a portion of the ACL for one migratory group may be apportioned to the appropriate zone, but management measures for that zone will be the responsibility of the Council within whose management area that zone is located.

3. Both councils must concur on recommendations that affect both migratory groups.

Alternative 1 would retain the current CMP framework procedure without any changes. This framework procedure provides the Councils and NOAA Fisheries Service the flexibility to respond quickly to changes in the CMP fishery. The framework has both open and closed components. The open components provide more policy discretion, whereas the closed components address more specific, factual circumstances. Measures that can be changed under the procedure are identified, as well as the appropriate process needed for each type of change.

Alternatives 2 and **3** would allow changes to AMs under the standard documentation process of the open framework procedure (see highlighted portion of section 2b). Each alternative contains a list of the specific AMs that could be changed through the process. **Alternative 2** is a more comprehensive list that includes all AMs currently in place. **Alternative 3** would limit the types of AMs that could be changed through a framework action. Table 2.10.1 lists the types of AMs that would be included under these alternatives, and an example of a change to an AM that would be possible through the framework.

It is important to note that some items included in **Alternatives 2** and **3** are currently listed under the abbreviated process of the open framework procedure as management measures. Although similar, AMs differ from management measures in that they are tied in some way to the ACL. For example, through the abbreviated process, the Councils and NOAA Fisheries Service may implement closed seasons of not more than 10% of the overall open fishing season. The reason for the closed season may be to protect spawning populations or to extend a fishing season later into the year. This is a management measure and would remain in effect until changed through another framework action. On the other hand, **Alternative 2** would allow the Councils and NOAA Fisheries Service to implement a measure through the standard process whereby the Regional Administrator has the authority to set a closed season in the year following a year in which the ACL is exceeded. In this case, the reason for the closed season is to prevent another overage of the ACL. This is an AM and the closed season would only be in effect temporarily. Therefore, the current framework allows changes to management measures, but the proposed alternatives would allow changes to AMs, including adding new AMs to the existing suite.

Table 2.10.1. Examples of proposed AMs that could be changed through a framework action, rather than a plan amendment.

AM type	Example
In-season	
Closure	Create an in-season closure when the ACL/ACT is reached or projected to be reached
Trip limit change	Implement or reduce a trip limit when landings reach 75% of the quota
LAPP	Allow an IFQ program to act as the commercial AM, and remove other AMs (as was done for grouper and tilefish)
Gear restrictions	Prohibit longlines when landings reach 75% of the quota
Post-season AMs	**In a year following a year with an overage of the ACL/ACT:**
Season length	Reduce the length of the season by the amount needed to prevent another overage
Closed season/time period	Prohibit fishing during a two-month closed season (as was done for greater amberjack) Prohibit fishing on weekends
Bag/trip/possession limit	Reduce the bag limit by the amount needed to prevent another overage
Reduction of ACL/ACT	Subtract the amount of the overage
Revoke an ACL/ACT increase	Freeze the ACL/ACT at the current level until overages cease
Gear restrictions	Prohibit use of longline gear shoreward of the 20 fathom contour
Reporting and monitoring	Require daily instead of weekly reporting to better track the ACL/ACT

A section outlining each Council's responsibilities was in the previous framework, but was inadvertently omitted when the new framework was developed in Amendment 18 (GMFMC and SAFMC 2011). **Alternative 4** would reinstate that language in addition to expanding the responsibilities to include those for Spanish mackerel and cobia. Section 1 allows each Council to set regulations for the respective migratory groups of each species. An exception is included for east coast zones of king mackerel and cobia (if created in Action 6), which are considered to contain Gulf migratory group fish, but are located within the South Atlantic Council's jurisdiction. Section 2 allows similar exceptions if future stock assessments set biological boundaries different from management boundaries. Section 3 ensures both Councils are involved when actions would affect fish in both areas. The Councils could choose this alternative in addition to either **Alternative 2** or **Alternative 3**.

Alternative 5 would fix language in the framework that refers to the Socioeconomic Panel (SEP), which no longer exists under that name due to reorganization of the Statistical and Scientific Committee (SSC). The more general proposed language would accommodate future changes (see highlighted portion of section 4). The Councils could choose this alternative in addition to any of the other alternatives.

No direct physical, biological, or ecological effects would be expected from modifications of the framework procedure. However, if modifications increase the ease with which regulations can be implemented as needed, long-term biological benefits would increase, such as increased stock size. Framework changes may also result in a faster implementation of measures beneficial to fishery participants. Indirect positive economic effects are expected to result from these potential benefits to the stocks or to fishery participants. Further, timeliness in the regulatory process removes uncertainty with regard to changes in management while protecting the stock.

Council Conclusions:

CHAPTER 3. AFFECTED ENVIRONMENT

3.1 Description of the Fishery and Status of the Stocks

Two migratory groups, Gulf of Mexico (Gulf) and Atlantic, are recognized for king mackerel, Spanish mackerel, and cobia. Commercial landings data come from the Southeast Fisheries Science Center (SEFSC) Accumulated Landings System (ALS), the Northeast Fisheries Science Center (NEFSC) Commercial Fisheries Data Base System (CFDBS), and SEFSC Coastal Fisheries Logbook (CFL) database. Recreational data come from the Marine Recreational Fisheries Statistics Survey (MRFSS), the Headboat Survey (HBS), and the Texas Parks and Wildlife Department (TPWD). All landings are in whole weight.

3.1.1 Description of the Fishery

A detailed description of the coastal migratory pelagic (CMP) fishery was included in Amendment 18 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region (GMFMC and SAFMC 2011) and is incorporated here by reference. Amendment 18 can be found at http://www.gulfcouncil.org/docs/amendments/Final%20CMP%20Amendment%2018%20092311%20w-o%20appendices.pdf.

King Mackerel

A king mackerel commercial vessel permit is required to retain king mackerel in excess of the bag limit in the Gulf and Atlantic. These permits are under limited access. In addition, a limited-access gillnet endorsement is required to use gillnets in south Florida. For-hire vessels must have either a Gulf or South Atlantic charter/headboat CMP vessel permit, depending on where they fish. The Gulf permit is under limited access, but the South Atlantic permit is open access. The commercial permits have an income requirement of 25% of earned income or $10,000 from commercial or charter/headboat fishing activity in one of the previous three calendar years. As of May 23, 2012, there were 1,496 valid or renewable federal king mackerel permits.

For the commercial sector, the area occupied by Gulf migratory group king mackerel is divided into Western and Eastern zones. The Western zone extends from the southern border of Texas to the Alabama/Florida state line. The fishing year for this zone is July 1 through June 30.

The Eastern zone, which includes only waters off of Florida, is divided into the East Coast and West Coast subzones (Figure 3.1.1.1A). The East Coast subzone is from the Flagler/Volusia county line south to the Miami-Dade/Monroe county line and only exists from November 1 through March 31, when Gulf migratory group king mackerel migrate into that area. During the rest of the year, king mackerel in that area are considered part of the Atlantic migratory group (Figure 3.1.1.1B).

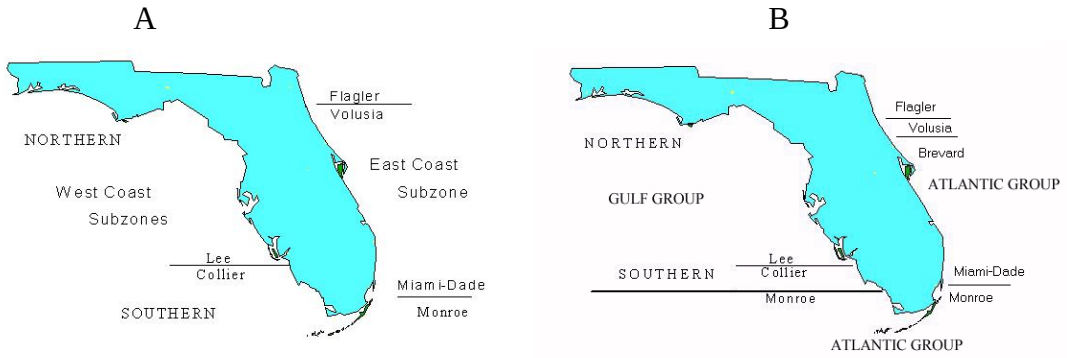

Figure 3.1.1.1. Gulf migratory group king mackerel Eastern zone subzones for A) November 1 – March 31 and B) April 1- October 31.

The West Coast subzone, from the Alabama/Florida state line to the Monroe/Miami-Dade county line, is further divided into North and South regions at the Lee/Collier county line. The fishing year for the hook-and-line sector in both regions runs July 1-June 30; in the South region, the gillnet season opens on the day after the Martin Luther King, Jr. holiday. Fishing is allowed during the first weekend thereafter, but not on subsequent weekends.

Management measures for the South Atlantic apply to king mackerel from New York to Florida. The Atlantic migratory group of king mackerel fishing year is March 1 through end of February. This migratory group is not divided into zones; however, different areas have different trip limits at different times of the year.

Commercial landings of Gulf migratory group king mackerel increased as the total quota for the Gulf increased until 1997-1998 when the quota was set at 3.39 mp. After that, landings have been relatively steady at around 3.3 mp. The quota was decreased to 3.26 mp starting with the 2000-2001 season. Commercial landings of Atlantic king mackerel have also increased in recent years. The recent three-year annual average was 3.6 mp versus 2.8 mp for the previous ten years (Table 3.1.1.1). Updates for recent years will be added in the next version of this amendment.

Table 3.1.1.1. Annual commercial landings of king mackerel.

Fishing Year	Landings (lbs x 1,000)	
	Gulf	Atlantic
1997-1998	3,412	3,002
1998-1999	3,906	2,675
1999-2000	3,072	2,225
2000-2001	3,079	2,150
2001-2002	2,933	1,935
2002-2003	3,228	1,689
2003-2004	3,183	1,861
2004-2005	3,229	2,778
2005-2006	3,021	3,118
2006-2007	3,232	3.810
2007-2008	3,489	3.413
2008-2009	3,855	3,715
2009-2010	3,399	3,513

Source: SEFSC, ALS database
Note: 2009-2010 data as of June 25, 2010, and may not be fully complete.

King mackerel have been a popular target for recreational fishermen for many years. Sixty-eight percent of the Gulf annual catch limit (ACL) and 62.9% of the Atlantic ACL is allocated to the recreational sector. From the late 1980s to the late 1990s, Gulf landings averaged about 4.9 mp per year. In the most recent ten years, average annual landings have been about 3.7 mp. The recent ten-year average for the Atlantic migratory group recreational landings is 4.2 mp per year (Table 3.1.1.2).

Table 3.1.1.2. Annual recreational landings of king mackerel.

Fishing Year	Landings (lbs x 1,000)	
	Gulf	Atlantic
2000-2001	3,617	5,474
2001-2002	4,197	4,404
2002-2003	4,554	2,761
2003-2004	3,881	4,192
2004-2005	3,213	4,613
2005-2006	3,944	3,485
2006-2007	4,459	4,054
2007-2008	3,471	6,080
2008-2009	3,146	3,487
2009-2010	2,391	3,885

Source: SEFSC; MRFSS, HBS, and TPW databases.
Note: 2009-2010 data as of June 25, 2010, and may not be fully complete.

Spanish Mackerel

A commercial Spanish mackerel permit is required for vessels fishing in the Gulf or South Atlantic. This permit is open access. For-hire vessels must have a charter/headboat CMP permit. The commercial permit has an income requirement of 25% of earned income or $10,000 from commercial or charter/headboat fishing activity in one of the previous three calendar years. As of May 23, 2012, there were 1,809 valid federal Spanish mackerel permits.

Gulf migratory group Spanish mackerel are considered a single stock throughout the Gulf from the southern border of Texas to the Miami-Dade/Monroe county border on the east coast of Florida. A single ACL for both commercial and recreational sectors was implemented through Amendment 18 (GMFMC and SAFMC 2011) beginning with the 2012/2013 fishing year. Before that, the commercial and recreational sectors had separate quotas. The fishing year is April 1- March 31.

The area of the Atlantic migratory group of Spanish mackerel is divided into two zones: the Northern zone includes waters off New York through Georgia, and the Southern zone includes waters off the east coast of Florida. One quota is set for both zones, which is adjusted for management purposes. The fishing year for Atlantic migratory group Spanish mackerel is March-February. This fishing year was implemented in August 2005; before then, the fishing year was April-March. Because of the change in fishing year, the 2005/2006 fishing year has only 11 months of landings and has been normalized for comparison with other years.

Landings compiled for SEDAR 28 divide the two migratory groups at the Council boundary, although the management boundary is at the Dade/Monroe County line. Additionally, landings were compiled by calendar year rather than fishing year. For consistency with previous analyses, landings based on the correct boundary and calendar year are included here. Updates for recent years will be added in the next version of this amendment.

Commercial landings over the past five years have averaged 1.3 mp annually in the Gulf and 3.7 mp annually in the Atlantic. Commercial landings of Spanish mackerel fell sharply in 1995 after Florida implemented a constitutional amendment banning certain types of nets, but average landings then increased back to near historical levels (Table 3.1.1.3).

Table 3.1.1.3. Annual commercial landings of Spanish mackerel.

Fishing Year	Landings (lbs x 1,000)	
	Gulf	Atlantic
2000-2001	1,053	2,794
2001-2002	809	3,036
2002-2003	1,729	3,207
2003-2004	899	3,740
2004-2005	1,981	3,677
2005-2006	1,124	4,041
2006-2007	1,479	4,038
2007-2008	869	3,500
2008-2009	2,284	3,511
2009-2010	842	4,038

Source: Vondruska, 2010; ALS database
*For 99/00-04/05, the Atlantic fishing year is Apr-Mar; for 06/07-09/10, the fishing year is Mar-Feb.

Recreational catches of Spanish mackerel in the Gulf have remained rather stable since the early 1990's at around 2.0 to 3.0 mp, despite increases in the bag limit from three fish in 1987 to ten fish in 1992 to 15 fish in 2000. Recreational landings in the Atlantic also have remained fairly steady over time and averaged around 1.6 mp during the recent five years (Table 3.1.1.4). The recreational allocation in the Atlantic is 45%.

Table 3.1.1.4. Annual recreational landings of Spanish mackerel.

Fishing Year	Landings (lbs x 1,000)	
	Gulf	Atlantic
2000-2001	2,782	2,280
2001-2002	3,553	2,034
2002-2003	3,172	1,605
2003-2004	2,738	1,846
2004-2005	2,663	1,365
2005-2006	1,589	1,649
2006-2007	2,837	1,653
2007-2008	2,717	1,711
2008-2009	2,529	2,047
2009-2010	1,890	2,108

Source: SEFSC, September 2010 ACL data sets; MRFSS, HBS, TPWD

Cobia

Currently, no commercial vessel permit is required for cobia. Charter/headboats must have a charter/headboat CMP permit to land cobia. The regulations in the FMP also apply to cobia in the Mid-Atlantic region. Two migratory groups of cobia were created through Amendment 18

(GMFMC and SAFMC 2011), with the division occurring at the Council boundary in Monroe County, Florida. However, the data workshop for SEDAR 28 determined the division between migratory groups should be at the Florida/Georgia state line. The landings tables below use the SEDAR division; Action 6 in CMP 20 addresses this difference in terms of the ACL.

Commercial landings have declined since the highest landings in 1996 (Vondruska 2010), with a steeper decline between 2004 and 2005, especially in the Gulf (Table 3.1.1.5). Recreational cobia landings have fluctuated during the past 10 years (Table 3.1.1.6).

Table 3.1.1.5. Annual commercial landings of cobia.

	Landings (lbs)	
Fishing Year	**Gulf**	**Atlantic**
2000	212,009	43,532
2001	177,866	40,791
2002	183,531	42,236
2003	194,832	35,305
2004	179,290	32,650
2005	136,851	28,675
2006	151,045	33,785
2007	147,188	31,576
2008	139,414	33,783
2009	137,304	42,278
2010	194,933	56,544

Source: SEDAR 28; ALS data

Table 3.1.1.6. Annual recreational landings of cobia.

Fishing Year	Landings (lbs)	
	Gulf	Atlantic
2000	1,508,490	464,236
2001	1,555,655	483,926
2002	1,227,709	381,849
2003	2,060,423	615,522
2004	2,090,424	1,028,231
2005	1,461,040	815,600
2006	1,572,637	1,231,415
2007	1,685,402	776,180
2008	1,312,126	546,297
2009	996,103	711,821
2010	1,317,728	876,505

Source: SEDAR 28; MRFSS, HBS, and TPWD databases

3.1.2 Status of Stocks

Spanish mackerel and cobia benchmark assessments are ongoing (SEDAR 28) and are scheduled to be completed by the end of 2012. A king mackerel benchmark assessment is scheduled for 2013 (SEDAR 39).

King Mackerel

Both the Gulf and Atlantic migratory groups of king mackerel were assessed by SEDAR in 2008 (SEDAR 16). The assessment determined the Gulf migratory group of king mackerel was not overfished and was uncertain whether the Gulf migratory group was experiencing overfishing. Subsequent analyses showed that $F_{current}/F_{MSY}$ has been below 1.0 since 2002. Consequently, the most likely conclusion is the Gulf migratory group king mackerel stock is not undergoing overfishing. Atlantic migratory group king mackerel were also determined not overfished however, it was uncertain whether overfishing is occurring, and thought to be at a low level if it is occurring.

Spanish Mackerel

The latest assessment for Gulf migratory group Spanish mackerel was conducted in 2003 (SEDAR 5), and for Atlantic migratory group Spanish mackerel in 2008 (SEDAR 17). In the Atlantic, estimates of stock biomass have more than doubled since 1995. In the Gulf of Mexico, biomass has also continued to increase. SEDAR 5 determined Gulf migratory group Spanish mackerel were not overfished or undergoing overfishing. SEDAR 17 determined Atlantic

migratory group Spanish mackerel was not undergoing overfishing, but the overfished status could not be determined.

Cobia

Cobia in the Atlantic have never been assessed; the status of Gulf cobia was assessed in 2001 (Williams 2001). The Gulf assessment was inconclusive in determining the status of the Gulf cobia stock; however Williams (2001) stated that "fishing mortality in the last few years has decreased slightly with all the point estimates of F_{2000}/F_{MSY} falling below 1.0." Although the mackerel stock assessment panel (MSAP 2001) concluded that the Gulf cobia stock was undergoing overfishing, this conclusion was based on the assumption of a natural mortality value of 0.3 and a percentage probability of $F_{2000}>F_{MSY}$ of no more than 30%. The natural mortality rate for cobia is unknown, and the choice of natural mortality rate greatly affected the outcome of the assessment (Williams 2001 assessed values of 0.2, 0.3, and 0.4). Also the Gulf Council's approved definition of overfishing is a probability that $F_{current}/F_{MSY}$ is greater than 50%. Consequently, the most likely conclusion is that the stock is not undergoing overfishing.

The 2001 Gulf cobia assessment was able to conclude with some certainty that the cobia population had increased in abundance since the 1980s (Williams 2001). Furthermore, the MSAP (2001) noted that there was only a 30% probability that $B_{2000}<B_{MSY}$. Consequently, the most likely conclusion is that the stock is not overfished.

3.2 Description of the Physical Environment

A description of the physical environment for coastal migratory pelagic (CMP) species is provided in Amendment 18 for CMP Resources in the Atlantic and Gulf of Mexico (GMFMC and SAFMC 2011), and is incorporated herein by reference.

3.2.1 Gulf of Mexico

The Gulf of Mexico (Gulf) has a total area of approximately 600,000 square miles (1.5 million km^2), including state waters (Gore 1992). It is a semi-enclosed, oceanic basin connected to the Atlantic Ocean by the Straits of Florida and to the Caribbean Sea by the Yucatan Channel. Oceanic conditions are primarily affected by the Loop Current, the discharge of freshwater into the Northern Gulf, and a semi-permanent, anticyclonic gyre in the western Gulf. Gulf water temperatures range from 12º C to 29º C (54º F to 84º F) depending on time of year and depth of water.

The Madison/Swanson and Steamboat Lumps Marine Reserves (219 square nautical miles), which are no-take marine reserves where all fishing except for surface trolling during May through October is prohibited (Figure 3.2.1.1). The Tortugas North and South Marine Reserves are no-take marine reserves cooperatively implemented by the Florida, NOAA's National Ocean Service (NOS), the Gulf of Mexico Fishery Management Council (Gulf Council), and the National Park Service (185 square nautical miles). In addition, essential fish habitat (EFH) requirements, habitat areas of particular concern (HAPC), and adverse effects of fishing

prohibited the use of anchors in these HAPCs were addressed in the following Gulf Council Fishery Management Plans: Shrimp, Red Drum, Reef Fish, Stone Crab, Coral and Coral Reefs in the Gulf, and Spiny Lobster and the Coastal Migratory Pelagic resources of the Gulf and South Atlantic (GMFMC 2005).

Individual reef areas and bank HAPCs of the northwestern Gulf containing pristine coral areas are protected by preventing use of some fishing gear that interacts with the bottom. These areas are: East and West Flower Garden Banks; Stetson Bank; Sonnier Bank; MacNeil Bank; 29 Fathom; Rankin Bright Bank; Geyer Bank; McGrail Bank; Bouma Bank; Rezak Sidner Bank; Alderice Bank; and Jakkula Bank (Figure 3.2.1.1; 263.2 square nautical miles). Some of these areas were made marine sanctuaries by NOS and these marine sanctuaries are currently being revised. Bottom anchoring and the use of trawling gear, bottom longlines, buoy gear, and all traps/pots on coral reefs are prohibited in the East and West Flower Garden Banks, McGrail Bank, and on the significant coral resources on Stetson Bank.

Other environmental sites of special interest relevant to CMP species in the Gulf include the Florida Middle Grounds HAPC, where pristine soft corals are protected from use of any fishing gear interfacing with bottom (348 square nautical miles), and the Pulley Ridge HAPC, which is closed to anchoring, trawling gear, bottom longlines, buoy gear, and all traps/pots to protect deepwater hermatypic coral reefs (2,300 square nautical miles). In addition, fishing by a vessel operating as a charter vessel or headboat, a vessel in the Alabama special management zone that does not have a commercial permit for Gulf reef fish, or a vessel with such a permit fishing for Gulf reef fish, is limited to hook-and-line gear with no more than three hooks. Nonconforming gear is restricted to bag limits, or for reef fish without a bag limit, to 5% by weight of all fish aboard.

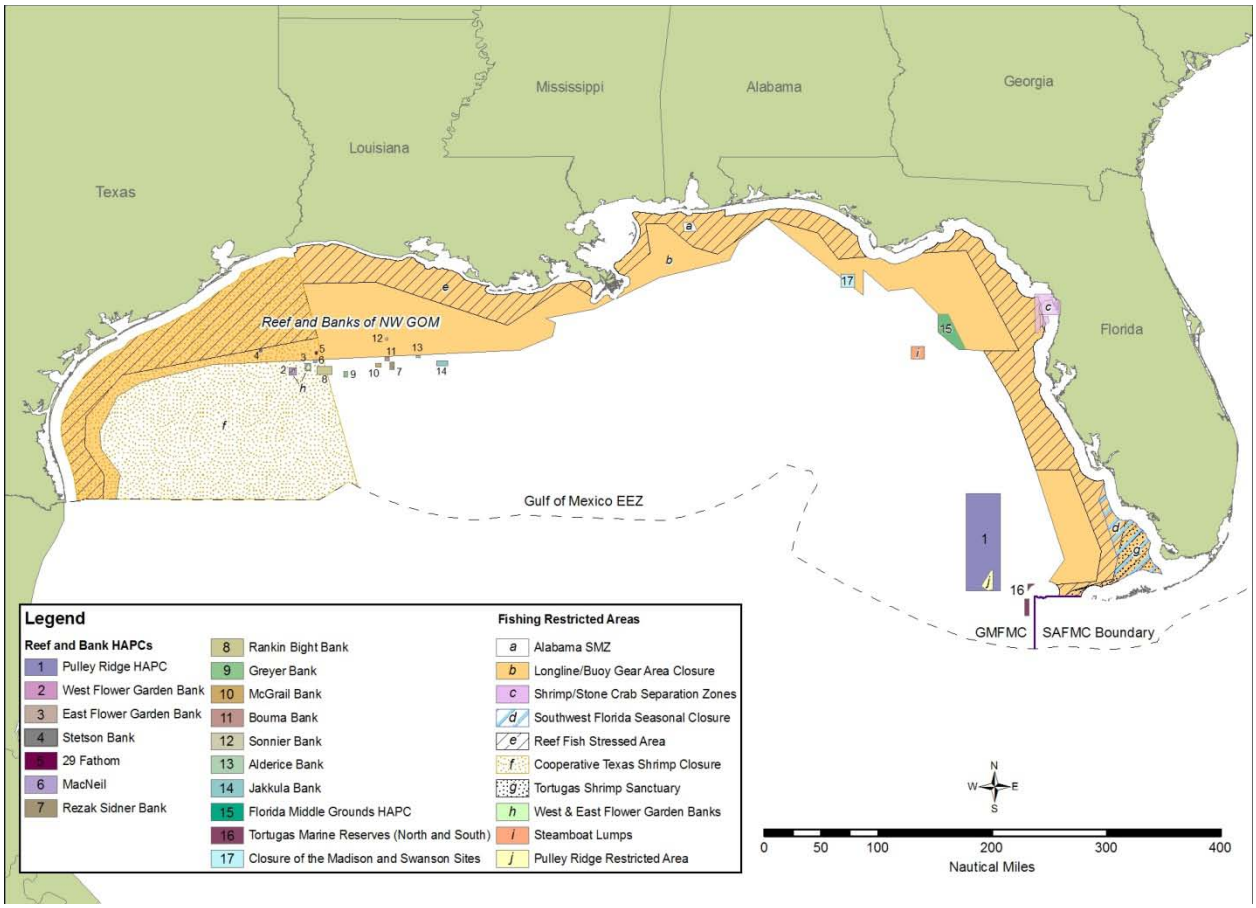

Figure 3.2.1.1. Environmental Sites of Special Interest Relevant to CMP Species in the Gulf of Mexico.

3.2.2 South Atlantic

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

In the northern region, additional physical processes are important and the shelf environment can be subdivided into three oceanographic zones (Atkinson et al. 1985; Menzel 1993), the outer shelf, mid-shelf, and inner shelf. The outer shelf (40-75 m) is influenced primarily by the Gulf

Stream and secondarily by winds and tides. On the mid-shelf (20-40 m), the water column is almost equally affected by the Gulf Stream, winds, and tides. Inner shelf waters (0-20 m) are influenced by freshwater runoff, winds, tides, and bottom friction. Water masses present from the Dry Tortugas, Florida, to Cape Canaveral, Florida, include Florida Current water, waters originating in Florida Bay, and shelf water. From Cape Canaveral, Florida, to Cape Hatteras, North Carolina four water masses found are: Gulf Stream water; Carolina Capes water; Georgia water; and Virginia coastal water.

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

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

3.3 Description of the Biological/Ecological Environment

A description of the biological environment for CMP species is provided in Amendment 18 (GMFMC and SAFMC 2011), and is incorporated herein by reference.

On April 20, 2010, an explosion occurred on the Deepwater Horizon MC252 oil rig, resulting in the release of an estimated 4.9 million barrels of oil into the Gulf. In addition, 1.84 million gallons of Corexit 9500A dispersant were applied as part of the effort to constrain the spill. The cumulative effects from the oil spill and response may not be known for several years. There have been no observed fish kills from the oil spill in federal waters. The highest concern is that

the oil spill may have impacted spawning success of species that spawn in the summer months, either by reducing spawning activity or by reducing survival of the eggs and larvae. The oil spill occurred during spawning months for every species in the CMP FMP; however, most species have a protracted spawning period that extends beyond the months of the oil spill.

Species in the fishery management plan are migratory and move into specific areas to spawn. King mackerel, for example, move from the southern portion of their range to more northern areas for the spawning season. In the Gulf, that movement is from Mexico and south Florida to the northern Gulf (Godcharles and Murphy 1986). However, environmental factors, such as temperature can change the timing and extent of their migratory patterns (Williams and Taylor 1980). The possibility exists that mackerel would be able to detect environmental cues when moving toward the area of the oil spill that would prevent them from entering the area. These fish might then remain outside the area where oil was in high concentrations, but still spawn.

If eggs and larvae were affected, impacts on harvestable-size coastal migratory pelagic fish will begin to be seen when the 2010 year class becomes large enough to enter the fishery and be retained. King mackerel and cobia mature at ages of 2-3 years and Spanish mackerel mature at age 1-2; therefore, a year class failure in 2010 could be felt as early as 2011 or 2012. The impacts would be realized as reduced fishing success and reduced spawning potential, and would need to be taken into consideration in the next Southeast Data, Assessment, and Review (SEDAR) assessment.

The oil and dispersant from the spill may have direct negative impacts on egg and larval stages. Oil present in surface waters could affect the survival of eggs and larvae, affecting future recruitment. Effects on the physical environment such as low oxygen and the inter-related effects that culminate and magnify through the food web could lead to impacts on the ability of larvae and post-larvae to survive, even if they never encounter oil. In addition, effects of oil exposure may not always be lethal, but can create sub-lethal effects on the early life stages of fish. There is the potential that the stressors can be additive, and each stressor may increase the susceptibility to the harmful effects of the other.

The oil spill resulted in the development of major monitoring programs by NOAA Fisheries Service and other agencies, as well as by numerous research institutions. Of particular concern was the potential health hazard to humans from consumption of contaminated fish and shellfish. NOAA, the Food and Drug Administration, the Environmental Protection Agency, and the Gulf States implemented a comprehensive, coordinated, multi-agency program to ensure that seafood from the Gulf of Mexico is safe to eat. In response to the expanding area of the Gulf surface waters covered by the spill, NOAA Fisheries Service issued an emergency rule to temporarily close a portion of the Gulf of Mexico exclusive economic zone (EEZ) to all fishing [75 FR 24822] to ensure seafood safety. The initial closed area (May 2, 2010) extended from approximately the mouth of the Mississippi River to south of Pensacola, Florida, and covered an area of 6,817 square statute miles. The coordinates of the closed area were subsequently modified periodically in response to changes in the size and location of the area affected by the spill. At its largest size on June 2, 2010, the closed area covered 88,522 square statute miles, or approximately 37% of the Gulf of Mexico EEZ.

The mackerel family, Scombridae, includes tunas, mackerels and bonitos are among the most important commercial and sport fishes. The habitat of adults in the coastal pelagic management unit is the coastal waters out to the edge of the continental shelf in the Atlantic Ocean. Within the area, the occurrence of coastal migratory pelagic species is governed by temperature and salinity. All species are seldom found in water temperatures less than 20°C. Salinity preference varies, but these species generally prefer high salinity, less than 36 ppt. Salinity preference of little tunny and cobia is not well defined. The habitat for eggs and larvae of all species in the coastal pelagic management unit is the water column. Within the spawning area, eggs and larvae are concentrated in the surface waters.

King Mackerel

King mackerel is a marine pelagic species that is found throughout the Gulf of Mexico and Caribbean Sea and along the western Atlantic from the Gulf of Maine to Brazil and from the shore to 200 meter depths. Adults are known to spawn in areas of low turbidity, with salinity and temperatures of approximately 30 ppt and 27°C, respectively. There are major spawning areas off Louisiana and Texas in the Gulf (McEachran and Finucane 1979); and off the Carolinas, Cape Canaveral, and Miami in the western Atlantic (Wollam 1970; Schekter 1971; Mayo 1973).

Spanish Mackerel

Spanish mackerel is also a pelagic species, occurring in depths 75 meters throughout the coastal zones of the western Atlantic from southern New England to the Florida Keys and throughout the Gulf of Mexico (Collette and Russo 1979). Adults usually are found from the low-tide line to the edge of the continental shelf, and along coastal areas. They inhabit estuarine areas, especially the higher salinity areas, during seasonal migrations, but are considered rare and infrequent in many Gulf estuaries.

Cobia

The cobia is a member of the family Rachycentridae but is managed in the Fishery Management Plan for CMP Resources in the Gulf of Mexico and Atlantic because of its migratory behavior. The cobia is distributed worldwide in tropical, subtropical and warm-temperate waters. In the western Atlantic Ocean it occurs from Nova Scotia, Canada, south to Argentina, including the Caribbean Sea. It is abundant in warm waters off the coast of the U.S. from the Chesapeake Bay south and throughout the Gulf of Mexico. Cobia prefer water temperatures between 68°-86°F. Seeking shelter in harbors and around wrecks and reefs, the cobia is often found off south Florida and the Florida Keys. As a pelagic fish, cobia are found over the continental shelf as well as around offshore reefs. It prefers to reside near any structure that interrupts the open water such as pilings, buoys, platforms, anchored boats, and flotsam. The cobia is also found inshore inhabiting bays, inlets, and mangroves.

3.3.1 Reproduction

King Mackerel

Spawning occurs generally from May through October with peak spawning in September (McEachran and Finucane 1979). Eggs are believed to be released and fertilized continuously during these months, with a peak between late May and early July with another between late July and early August. Maturity may first occur when the females are 450 to 499 mm (17.7 to 19.6 in) in length and usually occurs by the time they are 800 mm (35.4 in) in length. Stage five ovaries, which are the most mature, are found in females by about age 4 years. Males are usually sexually mature at age 3, at a length of 718 mm (28.3 in). Females in U.S. waters, between the sizes of 446-1,489 mm (17.6 to 58.6 in) release 69,000-12,200,000 eggs. Because both the Atlantic and Gulf populations spawn while in the northernmost parts of their ranges, there is some thought that they are reproductively isolated groups.

Larvae of the king mackerel have been found in waters with temperatures between 26-31° C (79-88° F). This developmental and has a short duration. King mackerel can grow up to 0.02 to 0.05 inches (0.54-1.33 mm) per day. This shortened larval stage decreases the vulnerability of the larva, and is related to the increased metabolism of this fast-swimming species.

Spanish Mackerel

Spawning occurs along the inner continental shelf from April to September (Powell 1975). Eggs and larvae occur most frequently offshore over the inner continental shelf at temperatures between 20°C to 32°C and salinities between 28 ppt and 37 ppt. They are also most frequently found in water depths from 9 to about 84 meters, but are most common in < 50 meters.

Cobia

Cobia form large aggregations, spawning during daylight hours between June and August in the Atlantic Ocean near the Chesapeake Bay, off North Carolina in May and June, and in the Gulf of Mexico during April through September. Spawning frequency is once every 9-12 days, spawning 15-20 times during the season. During spawning, cobia undergo changes in body coloration from brown to a light horizontal-striped pattern, releasing eggs and sperm into offshore open water. Cobia have also been observed to spawn in estuaries and shallow bays with the young heading offshore soon after hatching. Cobia eggs are spherical, averaging 1.24mm in diameter. Larvae are released approximately 24-36 hours after fertilization.

3.3.2 Development, Growth and Movement Patterns

King Mackerel

Juveniles are generally found closer to shore than adults (to < 9 m) and occasionally in estuaries. Adults are migratory, and the Fishery Management Plan for CMP Resources in the Atlantic and Gulf of Mexico recognizes two migratory groups (Gulf and Atlantic). Typically, adult king

mackerel are found in the southern climates (south Florida and extreme south Texas/Mexico) in the winter and in the northern Gulf in the summer. Food availability and water temperature are likely causes of these migratory patterns. King mackerel mature at approximately age 2 to 3 and have longevities of 24 to 26 years for females and 23 years for males (GMFMC/SAFMC 1985; MSAP 1996; Brooks and Ortiz 2004).

Spanish Mackerel

Juveniles are most often found in coastal and estuarine habitats and at temperatures >25° C and salinities >10 ppt. Although they occur in waters of varying salinity, juveniles appear to prefer marine salinity levels and generally are not considered estuarine dependent. Like king mackerel, adult Spanish mackerel are migratory, generally moving from wintering areas of south Florida and Mexico to more northern latitudes in spring and summer. Spanish mackerel generally mature at age 1 to 2 and have a maximum age of approximately 11 years (Powell 1975).

Cobia

Newly hatched larvae are 2.5 mm long and lack pigmentation. Five days after hatching, the mouth and eyes develop, allowing for active feeding. A pale yellow streak is visible, extending the length of the body. By day 30, the juvenile takes on the appearance of the adult cobia with two color bands running from the head to the posterior end of the juvenile.

Weighing up to a record 61 kg (135 lbs), cobia are more common at weights of up to 23 kg (50 lbs). They reach lengths of 50-120 cm (20-47 in), with a maximum of 200 cm (79 in). Cobia grow quickly and have a moderately long life span. Maximum ages observed for cobia in the Gulf of Mexico were 9 and 11 years for males and females respectively while off the North Carolina coast maximum ages were 14 and 13 years. Females reach sexual maturity at 3 years of age and males at 2 years in the Chesapeake Bay region. During autumn and winter months, cobia migrate south and offshore to warmer waters. In early spring, migration occurs northward along the Atlantic coast.

3.4 Description of the Economic Environment

3.5 Description of the Social Environment

Coastal growth and development affects many coastal communities, especially those with commercial and/or recreational working waterfronts. The rapid disappearance of these types of waterfronts has important implications such as the disruption of various types of fishing-related businesses and employment. The process of “gentrification,” evidenced when those of a lower socio-economic class are no longer able to reside in waterfront communities as property values and taxes rise, has become common along coastal areas of the U.S. and around the world. Working waterfronts tend to be displaced with development that is often stated as the “highest and best” use of waterfront property, but often is not associated with water-dependent

occupations. However, with the continued removal of these types of businesses over time the local economy becomes less diverse and more reliant on the service sector and recreational tourism. As home values increase, people within lower socio-economic strata find it difficult to live within these communities and eventually must move. Consequently they spend more time and expense commuting to work, if jobs continue to be available. Newer residents often have no association with the water-dependent employment and may see that type of work and its associated infrastructure as unappealing. They often do not see the linkage between those occupations and the aesthetics of the community that produced the initial appeal for many migrants. Demographic trends within counties can provide some indication as to whether these types of coastal change may be occurring, such as if an unusually high rate of growth or change in the demographic character of the population is present. A rise in education levels, property values, fewer owner occupied properties, and an increase in the median age can at times indicate a process of gentrification. Demographic profiles of coastal communities can be found in Amendment 18 (GMFMC and SAFMC 2011).

3.5.1 Fishing Communities

The communities displayed in the maps below represent a categorization of communities based upon their overall value of local commercial landings divided by the overall value of commercial landings referred to as a "regional quotient." These data were assembled from the accumulated landings system (ALS) which includes all species from both state and federal waters landed in 2010. All communities were ranked on this "regional quotient" and divided by those who were above the mean and those below. Those above the mean were then divided into thirds with the top tier classified as Primarily Involved in fishing; the second tier classified as Secondarily Involved; and the third classified as being Tangentially Involved. The communities included within the maps below were only those communities that were categorized as primarily or secondarily involved. This breakdown of fisheries involvement is similar to the how communities were categorized in the community profiling of South Atlantic fishing communities (Jepson et al. 2005). However, the categorization within the community profiles included other aspects associated with fishing such as infrastructure and other measures to determine a community's status with regard to reliance upon fishing. While these communities represent all fishing, communities those that are more involved in the coastal migratory pelagic species are represented in more depth within their respective county descriptions.

The social vulnerability index (SoVI) was created to understand social vulnerability of communities to coastal environmental hazards and can also be interpreted as a general measure of vulnerability to other social disruptions, such as adverse regulatory change or manmade hazards. Detailed information about the SoVI can be found in Amendment 18 (GMFMC and SAFMC 2011). High social vulnerability does not necessarily mean that there will be adverse effects of proposed actions in this amendment, only that there may be a potential for adverse effects under the right circumstances. Fishing communities in these counties may have more difficulty adjusting to regulatory changes if those impacts affect employment or other critical social capital. The SoVI for counties in each state is illustrated in the maps for each state in Sections 3.5.3 and 3.5.4.

3.5.2 Coastal Pelagic Fishing Communities

The figures below present the top fifteen communities based upon a regional quotient of commercial landings and value for coastal migratory pelagic species (Figures 3.5.2.1 – 3.5.2.6). The regional quotient is the proportion of landings and value out of the total landings and value of that species for that region. The Keys communities are included in both South Atlantic and Gulf communities to allow comparison within each region. In Figure 3.5.2.1, Cocoa, FL, lands over 25% of all king mackerel for South Atlantic fishing communities and those landings represent over 30% of the value. Only four North Carolina communities make up the top fifteen, and no South Carolina or Georgia communities are included in this graph.

Those communities that are categorized within the top 15 for regional quota are profiled under their county description which includes the top fifteen species landed within each community by local quotient (lq) and represents those species ranked according to their contribution to landings and value out of total landings and value for each community (Table 3.5.2.1). Only those communities that have landings or landed value of 3% or more will be profiled under a county description.

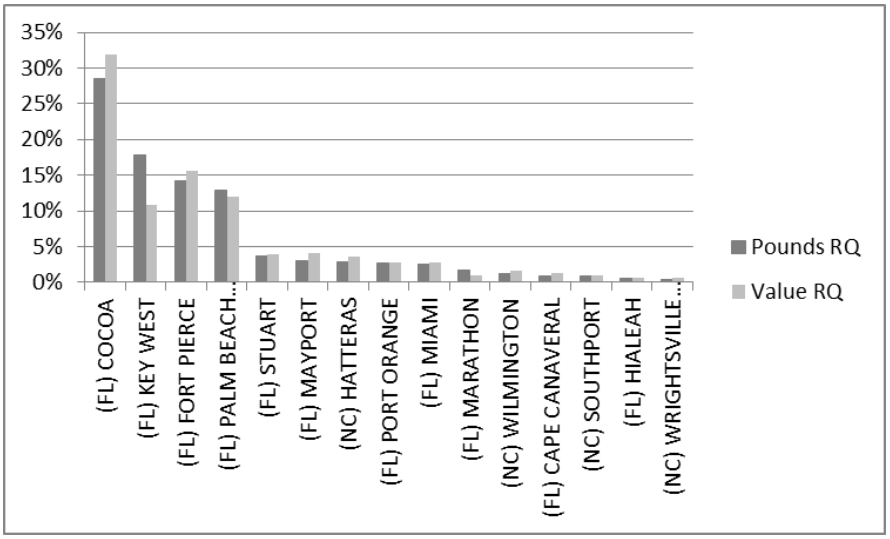

Figure 3.5.2.1. Top 15 South Atlantic Communities Ranked by Pounds and Value Regional Quotient of King Mackerel.
Source: ALS 2010

Top landings of king mackerel for Gulf communities (Figure 3.5.2.2), which also include the Florida Keys, has Destin with just under 30% of the landings and almost 40% of the value for the region. Key West is next with just over 25% of landings and 15% of the value of king mackerel with Golden Meadow, Louisiana third with just over 15% of landings. Three Louisiana communities are included in the top fifteen, and one community is included for Alabama, Texas, and Mississippi.

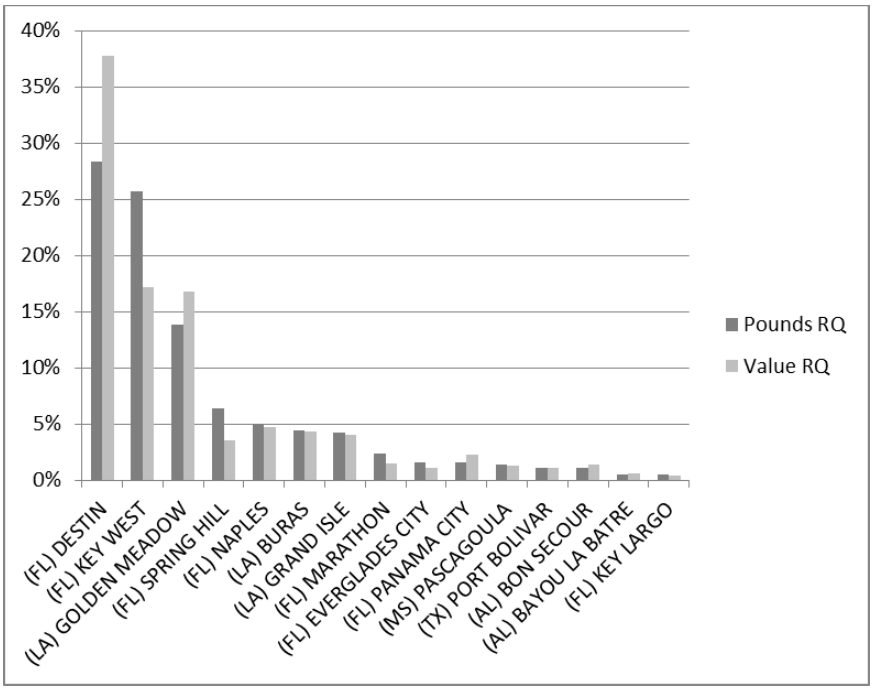

Figure 3.5.2.2. Top 15 Gulf Communities Ranked by Pounds and Value of Regional Quotient of King Mackerel.
Source ALS 2010

For Spanish mackerel in the Atlantic (Figure 3.5.2.3), Fort Pierce has almost 35% of the landings and just almost 30% of the value. Cocoa is second with just over 20% of landings and about 17% of value. Although Hatteras, North Carolina ranked third for value, the community had lower landings than Palm Beach Gardens, Florida. No South Carolina or Georgia communities are included in the top fifteen for Spanish mackerel.

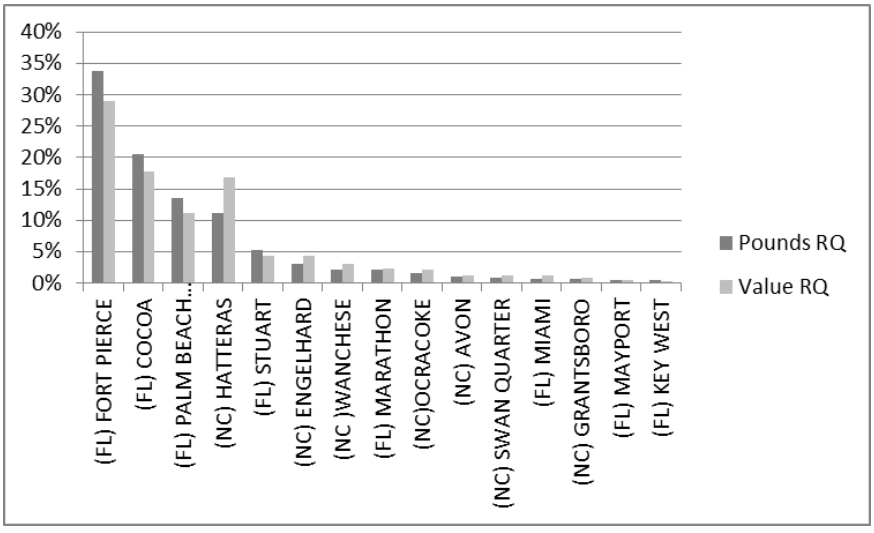

Figure 3.5.2.3. Top 15 South Atlantic Communities Ranked by Pounds and Value of Regional Quotient of Spanish Mackerel. Source: ALS 2010

The top Gulf community in terms of Spanish mackerel landings (Figure 3.5.2.4) is Destin with about 25% of value and over 25% of landings. The Alabama communities of Bayou La Batre and Lillian each make up around 15% of landings and value.

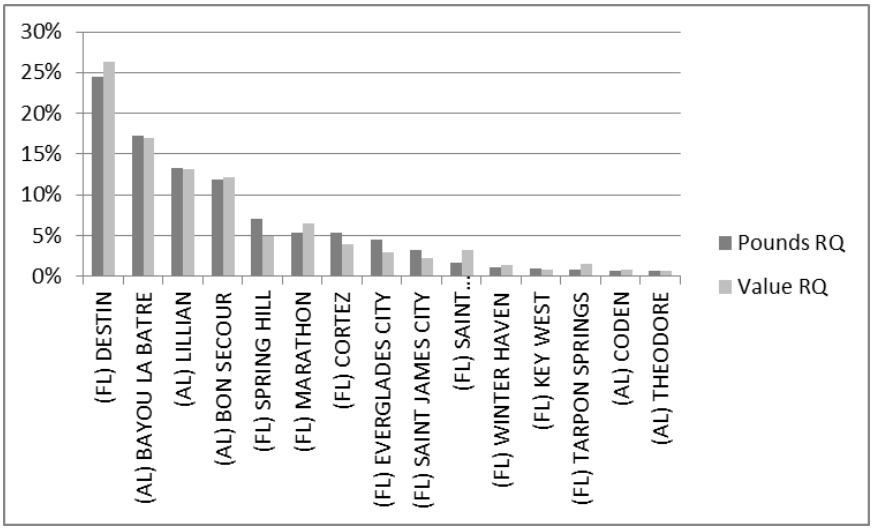

Figure 3.5.2.4. Top 15 Gulf Communities Ranked by Pounds and Value of Regional Quotient of Spanish Mackerel.
Source: ALS 2010

Cocoa, Florida was also tops in pounds and value for cobia landed in the South Atlantic with 15% of the value and almost 15% of the landings (Figure 3.5.2.5). Although Hatteras, North Carolina has higher landings than Jupiter, Florida, Hatteras value is significantly lower than Jupiter. Three additional North Carolina communities are included in the top fifteen, and no South Carolina or Georgia communities are included.

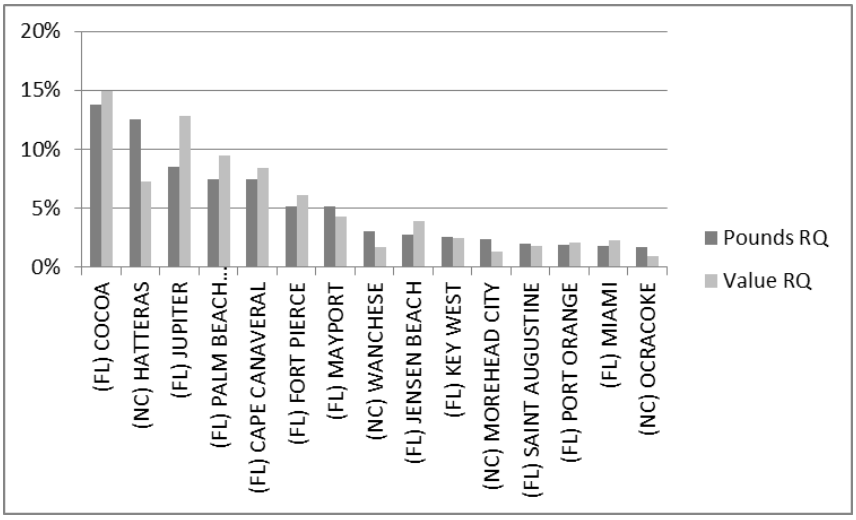

Figure 3.5.2.5. Top 15 South Atlantic Communities Ranked by Pounds and Value Regional Quotient (rq) of Cobia. Source ALS 2010.

Destin, FL, is the top Gulf community for cobia, with almost 50% of regional landings and 40% of the value (Figure 3.5.2.6). Other Gulf communities make up relatively small proportions of Gulf commercial cobia landings and value, and almost all of the top communities are in Florida.

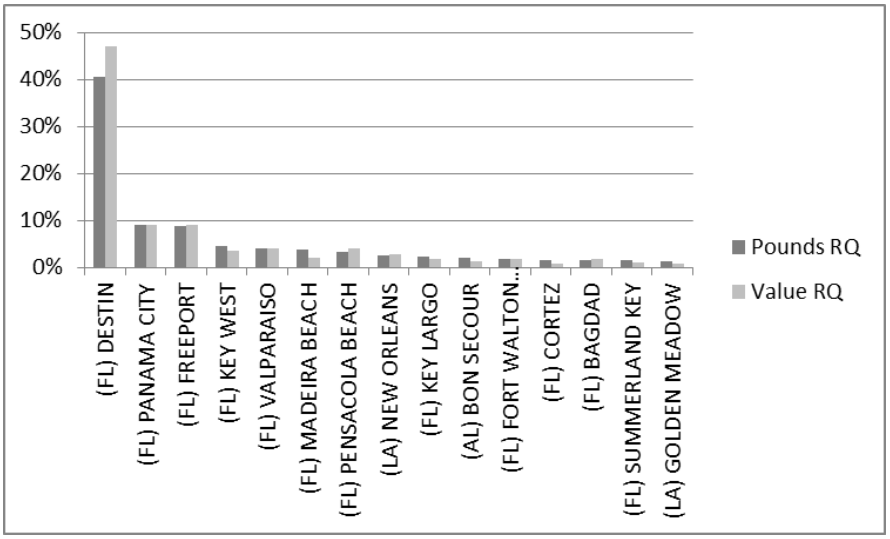

Figure 3.5.2.6. Top 15 Gulf Communities Ranked by Pounds and Value Regional Quotient (rq) of Cobia. Source ALS 2010.

Recreational Fishing Communities

Recreational fishing communities in the South Atlantic are listed in Table 3.5.2.1 and those in the Gulf in Table 3.5.2.2. These communities were selected by their ranking on a number of criteria including number of charter permits per thousand population and recreational fishing infrastructure as listed under the Marine Recreational Information Program (MRIP) survey identified within each community.

Table 3.5.2.1. South Atlantic Recreational Fishing Communities.

Community	State	Community	State
Jekyll Island	GA	Cape Carteret	NC
Hatteras	NC	Kill Devil Hill	NC
Manns Harbor	NC	Murrells Inlet	SC
Manteo	NC	Little River	SC
Atlantic Beach	NC	Georgetown	SC
Wanchese	NC	Islamorada	FL
Salter Path	NC	Cudjoe Key	FL
Holden Beach	NC	Key West	FL
Ocean Isle	NC	Tavernier	FL
Southport	NC	Little Torch Key	FL
Wrightsville Beach	NC	Ponce Inlet	FL
Marshallberg	NC	Marathon	FL
Carolina Beach	NC	Sugarloaf Key	FL
Oriental	NC	Palm Beach Shores	FL
Topsail Beach	NC	Big Pine Key	FL
Swansboro	NC	Saint Augustine	FL
Nags Head	NC	Key Largo	FL
Harkers Island	NC	Summerland Key	FL
Calabash	NC	Sebastian	FL
Morehead City	NC	Cape Canaveral	FL

Table 3.5.2.2. Gulf Recreational Fishing Communities.

Community	State	Community	State
Orange Beach	AL	Marco Island	FL
Dauphin Island	AL	Redington Shores	FL
Saint Marks	FL	Gulf Breeze	FL
Steinhatchee	FL	Homosassa	FL
Chokoloskee	FL	Fernandina Beach	FL
Carrabelle	FL	New Port Richey	FL
Apalachicola	FL	Venice	LA
Destin	FL	Grand Isle	LA
Cedar Key	FL	Chauvin	LA
Suwannee	FL	Grand Chenier	LA
Yankeetown	FL	Empire	LA
Horseshoe Beach	FL	Port O'Connor	TX
Panacea	FL	Port Aransas	TX
Hernando Beach	FL	Matagorda	TX
Port Saint Joe	FL	South Padre Island	TX
Anna Maria	FL	Freeport	TX
Madeira Beach	FL	Port Mansfield	TX
Nokomis	FL	Sabine Pass	TX
Port Richey	FL		
Panama City Beach	FL		

3.5.3 South Atlantic Communities

Florida Counties

Figure 3.5.3.1. The Social Vulnerability Index applied to South Atlantic Florida Counties.

A good portion of Florida's east coast (Figure 3.5.3.1) is considered either medium high or highly vulnerable in terms of social vulnerability. The only counties not included in those two categories are Nassau, St. John's and Monroe. Those counties with communities with significant landings of coastal pelagics are profiled below.

In 2012, Florida vessels had 1,690 king mackerel and Spanish mackerel commercial permits, including king mackerel gillnet permits (there is no cobia permit at this time) (Table 3.5.3.1).

Monroe County (Florida Keys) has the largest number of king mackerel and Spanish mackerel permits, followed by Palm Beach County. In general, the more southern counties have more CMP permits. Most vessels have permits for both king and Spanish mackerel.

Table 3.5.3.1. Number of CMP permits in Florida counties (2012).

County*	King Mackerel Gill Net	King Mackerel	Spanish Mackerel	Total
Brevard	0	84	85	**169**
Broward	0	47	60	**107**
Duval	0	27	26	**53**
Indian River	0	51	54	**105**
Martin	4	55	72	**131**
Miami-Dade	0	82	153	**235**
Monroe	11	152	245	**408**
Nassau	0	5	5	**10**
Palm Beach	0	150	156	**306**
St Johns	0	6	7	**13**
St Lucie	0	52	69	**121**
Volusia	0	15	17	**32**
Total	**15**	**726**	**949**	**1,690**

*Based on mailing address of permit holder.

Important mackerel and cobia fishing communities are found in six counties in the South Atlantic region, which are profiled below. Detailed demographic information about these counties can be found in CMP Amendment 18 (GMFMC and SAFMC 2011).

Duval County

The primary fishing communities in Duval County are Jacksonville and Mayport, but because Jacksonville is a large city, the commercial fisheries have less of a local economic impact than in a smaller community like Mayport. Figure 3.5.3.2 shows the top fifteen commercial species landed in Mayport. Overall, white shrimp is the most important commercial fishery in the community, and just over 3% of landings consisting of CMP species with king mackerel making up the largest proportion of CMP landings.

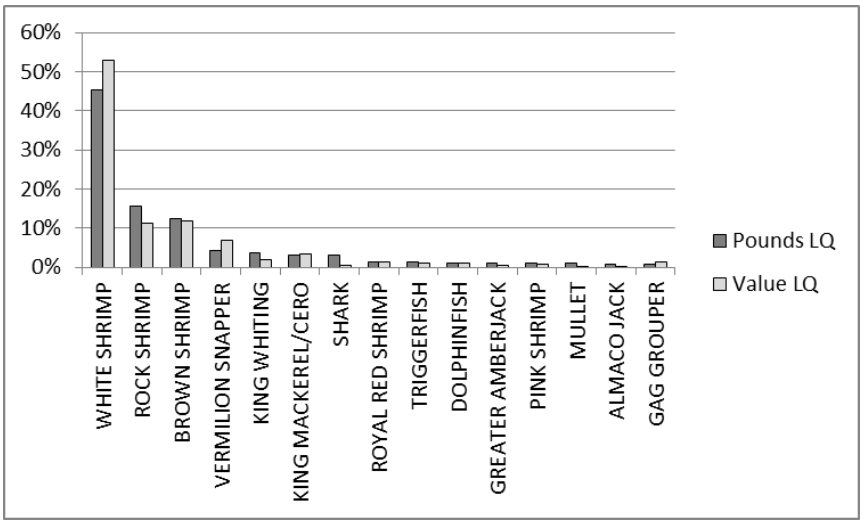

Figure 3.5.3.2. The top 15 species in terms of proportion (lq) of total landings and value for Mayport, Florida. Source: ALS 2010

Brevard County

The primary fishing communities are Cape Canaveral, Cocoa, Melbourne, and Titusville. Brevard County is also home to a large cruise terminal and the Kennedy Space Center in Cape Canaveral. Both Cocoa and Cape Canaveral are included in the top fifteen South Atlantic communities with CMP landings. Cocoa is the top community in the South Atlantic for king mackerel and cobia commercial landings, and the second community for Spanish mackerel. King mackerel and Spanish mackerel make up almost 70% of landings in the community and about 70% of the local commercial value (Table 3.5.3.3).

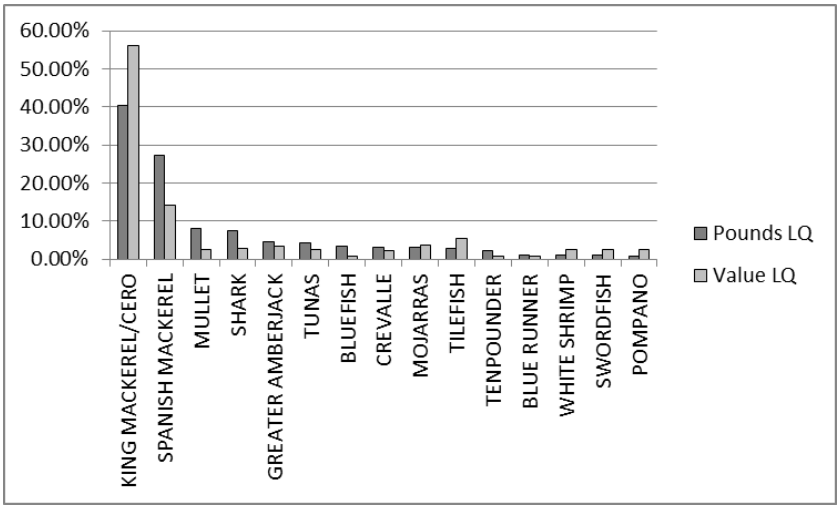

Figure 3.5.3.3. The top 15 species in terms of proportion (lq) of total landings and value for Cocoa, Florida. Source: ALS 2010

Although Cape Canaveral is one of the top 15 South Atlantic communities in commercial cobia landings, the species does not make up a significant portion of local landings (Figure 3.5.3.4). Deepwater and penaeid shrimp species are the majority of landings in this community.

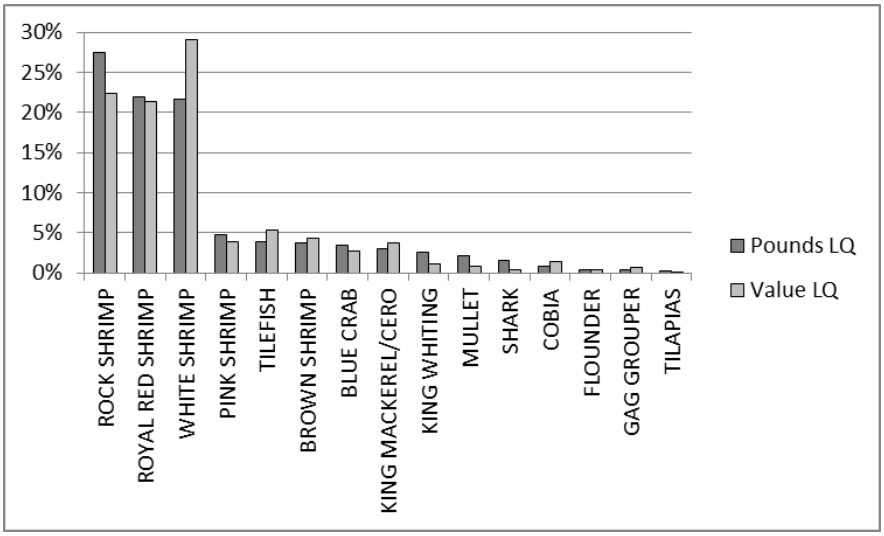

Figure 3.5.3.4. The top 15 species in terms of proportion (lq) of total landings and value for Cape Canaveral, Florida. Source: ALS 2010

St. Lucie County

The primary fishing communities are Port St. Lucie and Fort Pierce. Fort Pierce was included in the top 15 communities for CMP species and the distribution of commercial landings is shown in Table 3.5.3.5. Spanish mackerel and king mackerel make up more than 60% of all commercial landings and commercial value.

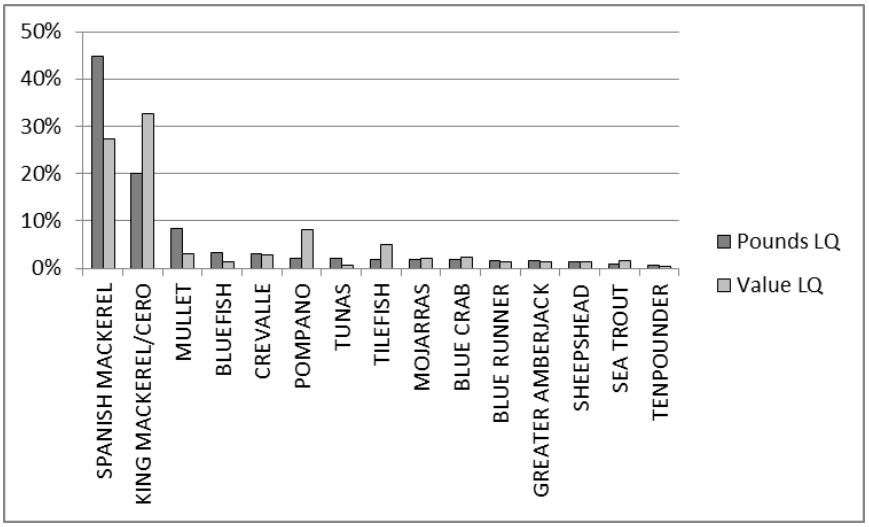

Figure 3.5.3.5. The top 15 species in terms of proportion (lq) of total landings and value for Fort Pierce, Florida. Source: ALS 2010

Martin County

The primary fishing communities are Stuart, Port Salerno, Jensen Beach, and Hobe Sound. Stuart is one of the top fifteen communities in the South Atlantic for CMP species. Spanish mackerel and king mackerel make up about 45% of commercial landings in Stuart and almost 50% of commercial fishing value (Table 3.5.3.6).

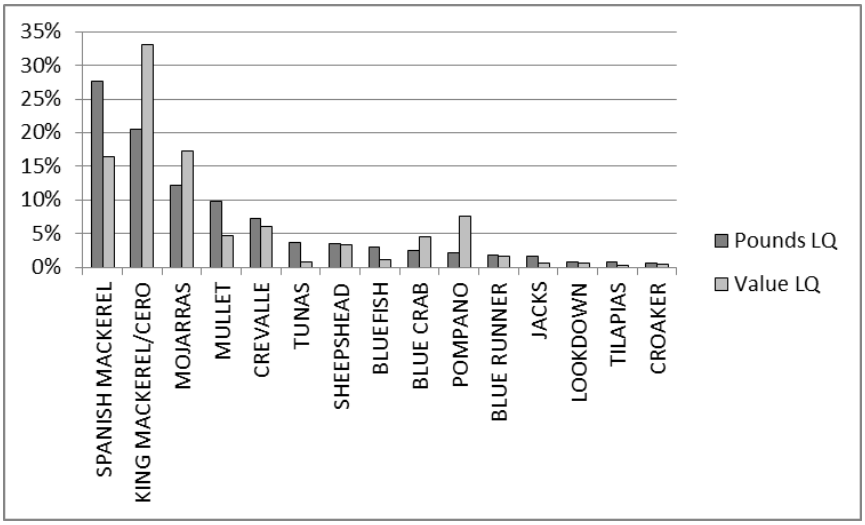

Figure 3.5.3.6. The top 15 species in terms of proportion (lq) of total landings and value for Stuart, Florida. Source: ALS 2010

Palm Beach County

The primary fishing communities are Atlantic Beach, Boynton Beach, Delray Beach, Jupiter, Lake Worth, Palm Beach, and Palm Beach Gardens. Palm Beach Gardens is one of the top fifteen South Atlantic communities for CMP species, and king mackerel and Spanish mackerel make up about 40% of local landings and about 20% of local fishery value (Table 3.5.3.7). Although swordfish and tuna make up about the same proportion of landings, these two fisheries make up a substantial part of the local fishery value.

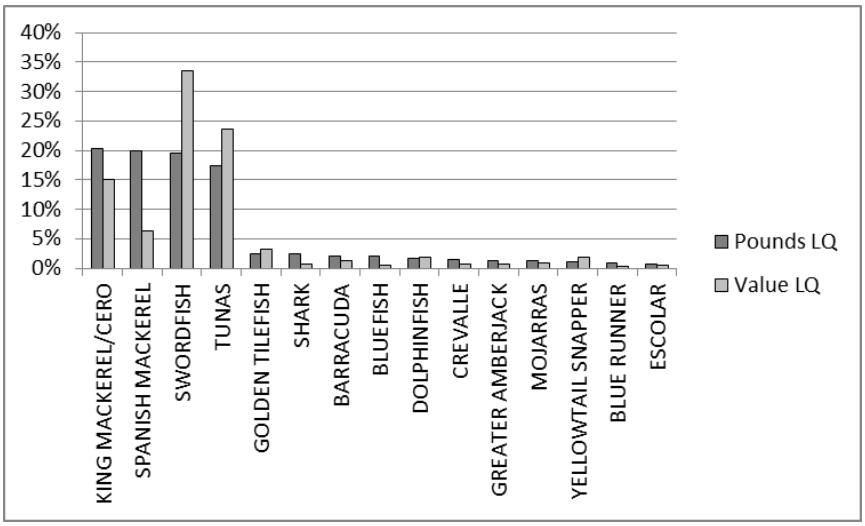

Figure 3.5.3.7. The top 15 species in terms of proportion (lq) of total landings and value for Palm Beach Gardens, Florida. Source: ALS 2010

Monroe County

Detailed demographic information about Monroe County can be found in Amendment 18 (GMFMC and SAFMC 2011). The primary fishing communities are Key Largo, Islamorada, Tavernier, Marathon, Big Pine Key, Summerland Key, and Key West. Key West is one of the top fifteen communities in the South Atlantic and in the Gulf (see section 3.5.4). Spiny lobster and pink shrimp are the primary commercial species in Key West (Table 3.5.3.8), with king mackerel making up almost 20% of local landings.

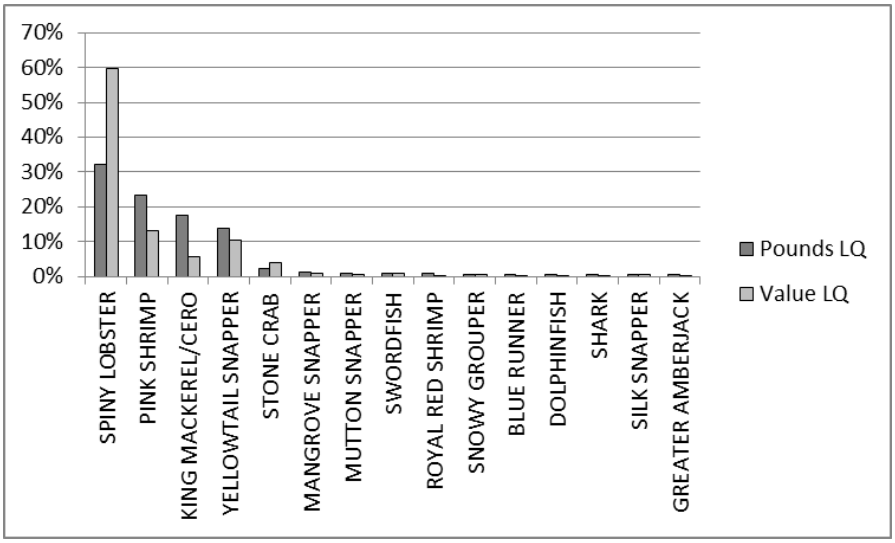

Figure 3.5.3.8. The top 15 species in terms of proportion (lq) of total landings and value for Key West, Florida. Source: ALS 2010

Georgia Counties

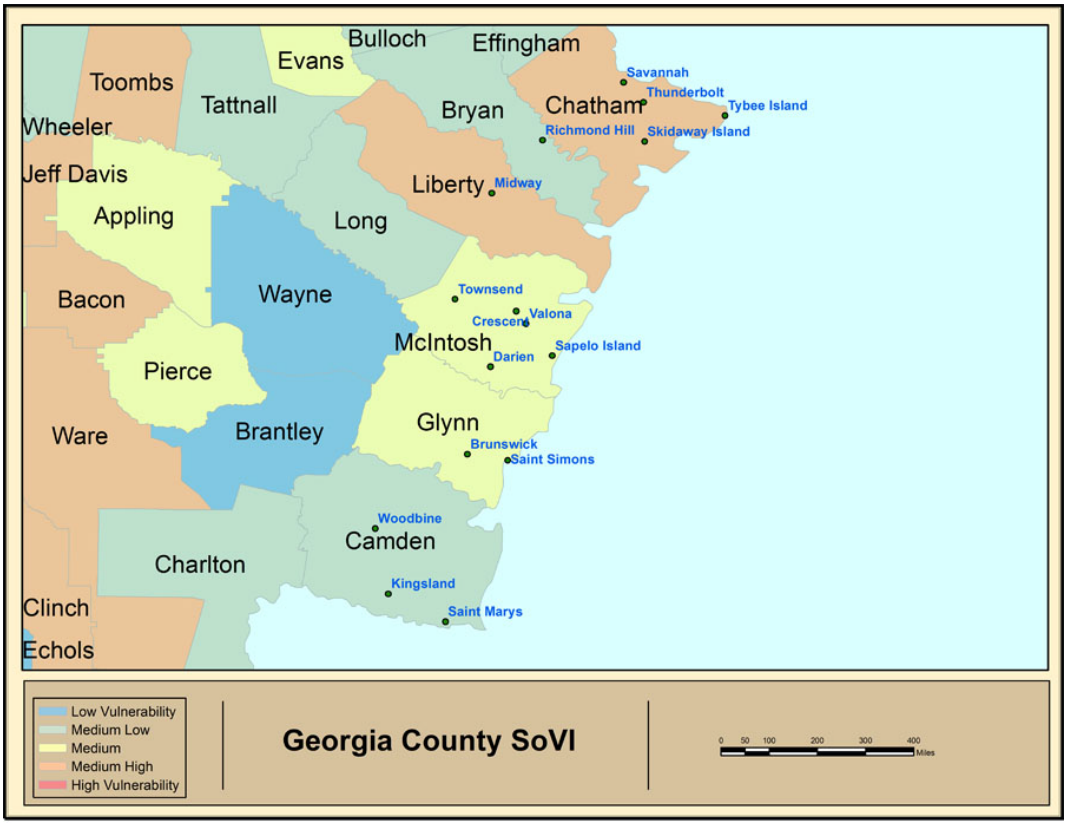

Figure 3.5.3.9. The Social Vulnerability Index applied to Georgia Coastal Counties.

There were two counties in Georgia with medium high vulnerability and those were Liberty and Chatham (Figure 3.5.3.9). The fishing communities located in those counties are Savannah, Thunderbolt, Tybee Island and Skidaway Island in Chatham County, and Midway in Liberty County. There are few king mackerel and Spanish mackerel permits in Georgia, with the largest number in McIntosh County (Table 3.5.3.2).

Table 3.5.3.2. Number of CMP permits in Georgia counties (2012).

County*	King Mackerel	Spanish Mackerel	Total
Camden	1	1	**2**
Chatham	1	1	**2**
Glynn	1	1	**2**
McIntosh	3	2	**5**
Putnam	1	0	**1**
Telfair	1	1	**2**
Other	3	1	**4**
Total	**11**	**7**	**18**

*Based on the mailing address of the permit holder.

Georgia had no communities with landings or value over 3% for any coastal pelagic. While there were no substantial commercial landings within the state, the recreational fishery may be important. However, it is unfeasible to place recreational landings at the community level. Recreational fishing communities in the state are listed above in Table 3.5.2.1.

South Carolina Counties

Coastal South Carolina had no counties that were either medium or highly vulnerable (Figure 3.5.3.10). This does not mean that communities could not be vulnerable to adverse impacts because of regulatory action. It may suggest that coastal South Carolina is more resilient and capable of absorbing such impacts without substantial social disruption. South Carolina had no communities with landings or value over 3% for any coastal pelagic. Although there were no substantial commercial landings within the state, the recreational fishery may be important. However, it is unfeasible to place recreational landings at the community level. Recreational fishing communities in the state are listed above in Table 3.5.2.1.

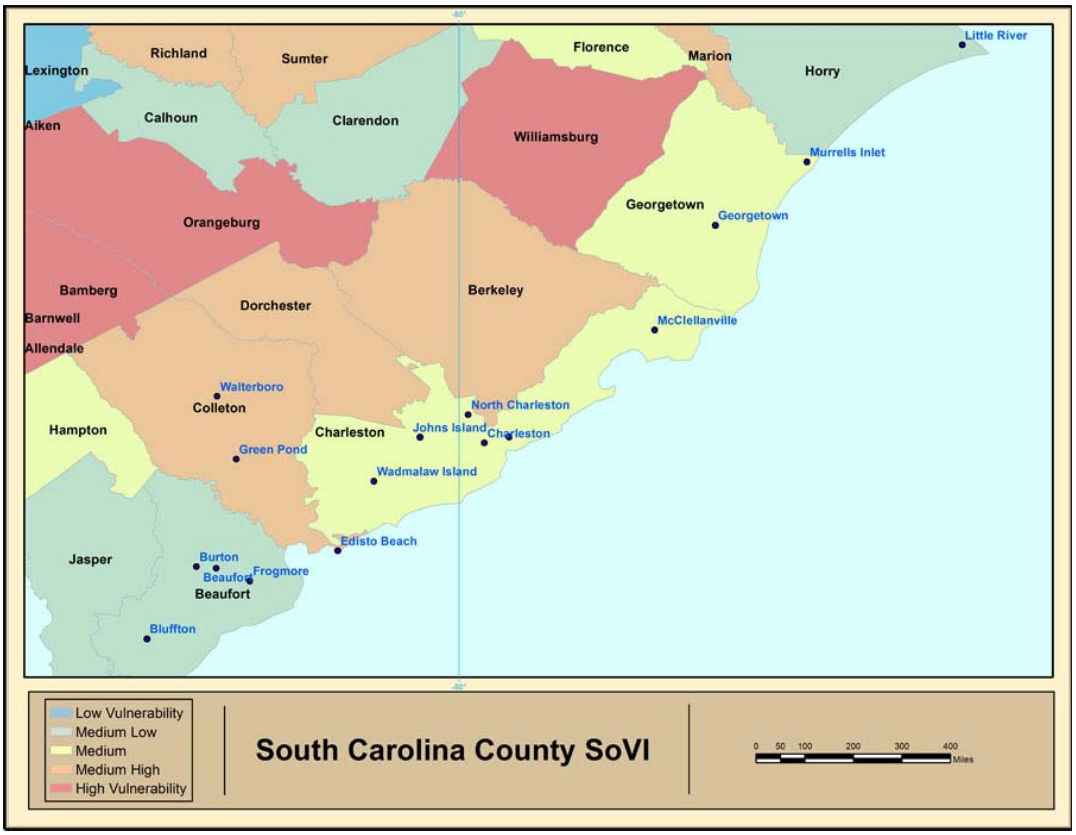

Figure 3.5.3.10. The Social Vulnerability Index applied to South Carolina Coastal Counties.

In comparison to other states, South Carolina has a lower number of king mackerel and Spanish mackerel permits. Most of the permit holders live in Georgetown County or Horry County, with some individuals from Charleston County (Table 3.5.3.3).

South Carolina had no communities with landings or value over 3% for any coastal pelagic. Although there were no substantial commercial landings within the state, the recreational fishery, particularly for cobia, is important for private anglers and the for-hire sector.

Table 3.5.3.3. Number of CMP permits in South Carolina counties (2012).

County*	King Mackerel	Spanish Mackerel	Total
Berkeley	1	0	**1**
Charleston	4	2	**6**
Georgetown	11	4	**15**
Hampton	2	1	**3**
Horry	7	6	**13**
Williamsburg	0	2	**2**
Total	**25**	**15**	**40**

*Based on mailing address of the permit holder.

North Carolina Counties

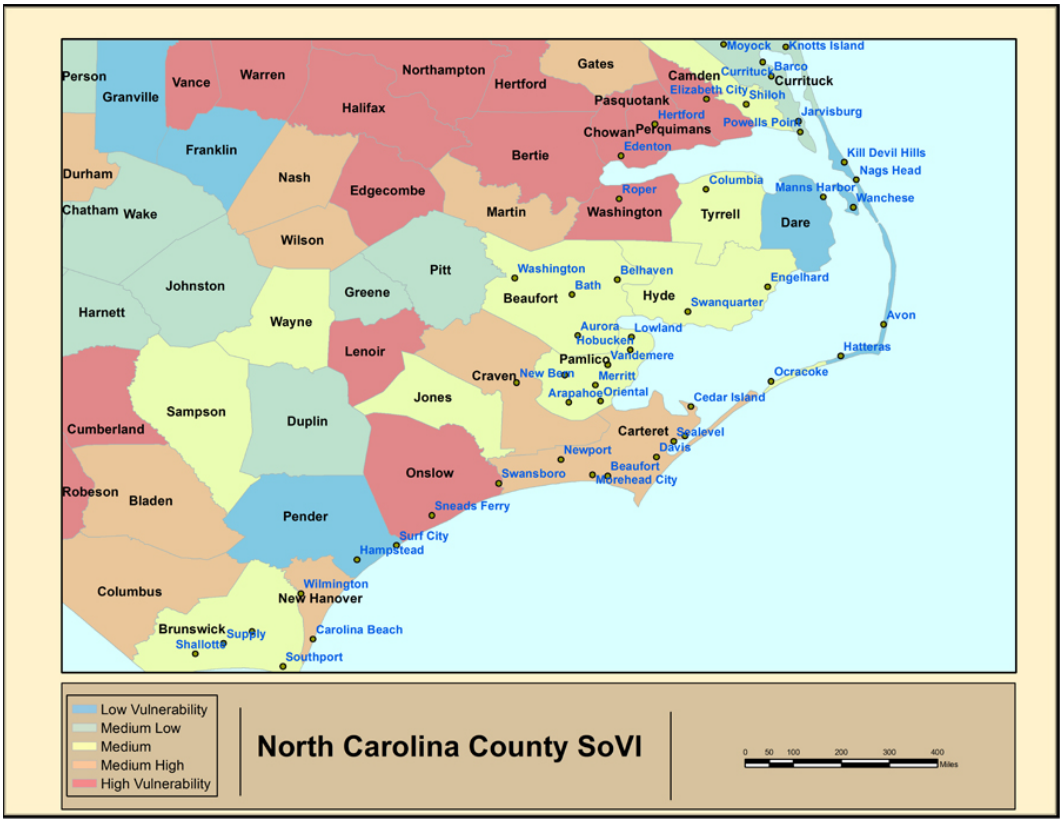

Figure 3.5.3.11. The Social Vulnerability Index applied to North Carolina Coastal Counties.

There are a number of North Carolina counties classified as being either medium high or high on the social vulnerability scale and within those counties there are numerous fishing communities (Figure 3.5.3.11). Those counties that are considered to be either medium high or high on the SoVI are: New Hanover, Onslow, Carteret, Washington, Bertie, Chowan, Pasquotank, and Perquimans.

North Carolina has slightly more king mackerel permits than Spanish mackerel permits, and in general most vessels have both permits (Table 3.5.3.4). Dare County has the highest number of CMP permits followed by Brunswick County. Carteret County and New Hanover County also have relatively significant numbers of CMP permits.

Hatteras is the only community in North Carolina with landings or value over 3% for any coastal pelagic. While there were no substantial commercial landings within the state, the recreational fishery is important for private anglers and the for-hire sector.

Table 3.5.3.4. Number of CMP permits in North Carolina counties (2012).

County*	King Mackerel	Spanish Mackerel	Total
Beaufort	1	1	**2**
Brunswick	55	37	**92**
Carteret	30	23	**53**
Dare	77	76	**153**
Hyde	4	8	**12**
New Hanover	35	13	**48**
Onslow	6	2	**8**
Pamlico	0	8	**8**
Pasquotank	0	1	**1**
Pender	10	4	**14**
Pitt	1	2	**3**
Randolph	3	3	**6**
Wake	1	0	**1**
Other	15	13	**28**
Total	**238**	**191**	**429**

*Based on mailing address of the permit holder.

Dare County

Detailed demographic information about Dare County can be found in CMP Amendment 18 (GMFMC and SAFMC 2011). The primary fishing communities are Wanchese, Avon, Nags Head, Duck, and Hatteras. Hatteras is one of the top fifteen communities for Spanish mackerel commercial landings. Spanish mackerel makes up a little over 10% of commercial landings and over 20% of local value, with shark being the primary commercial fishery in the community (Figure 3.3.5.12).

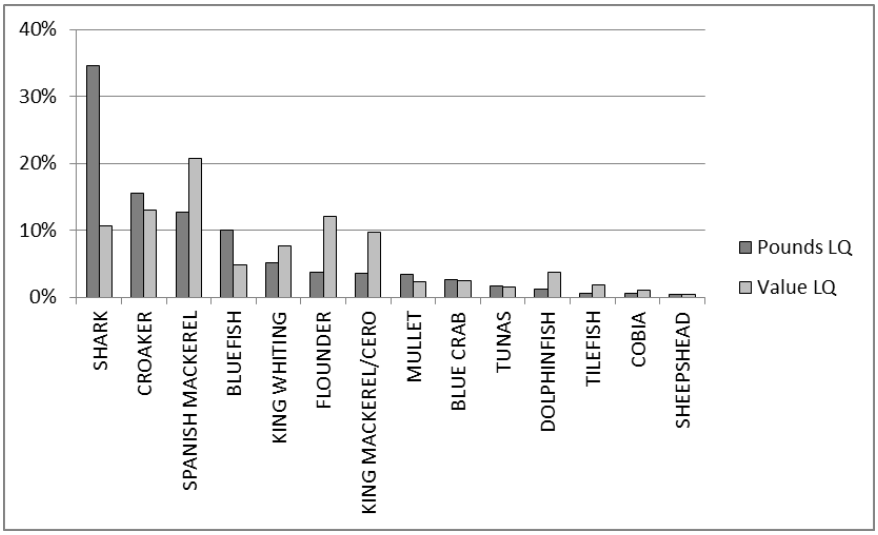

Figure 3.5.3.12. The top 15 species in terms of proportion (lq) of total landings and value for Hatteras, North Carolina. Source: ALS 2010

3.5.4 Gulf Communities

Florida Gulf Counties

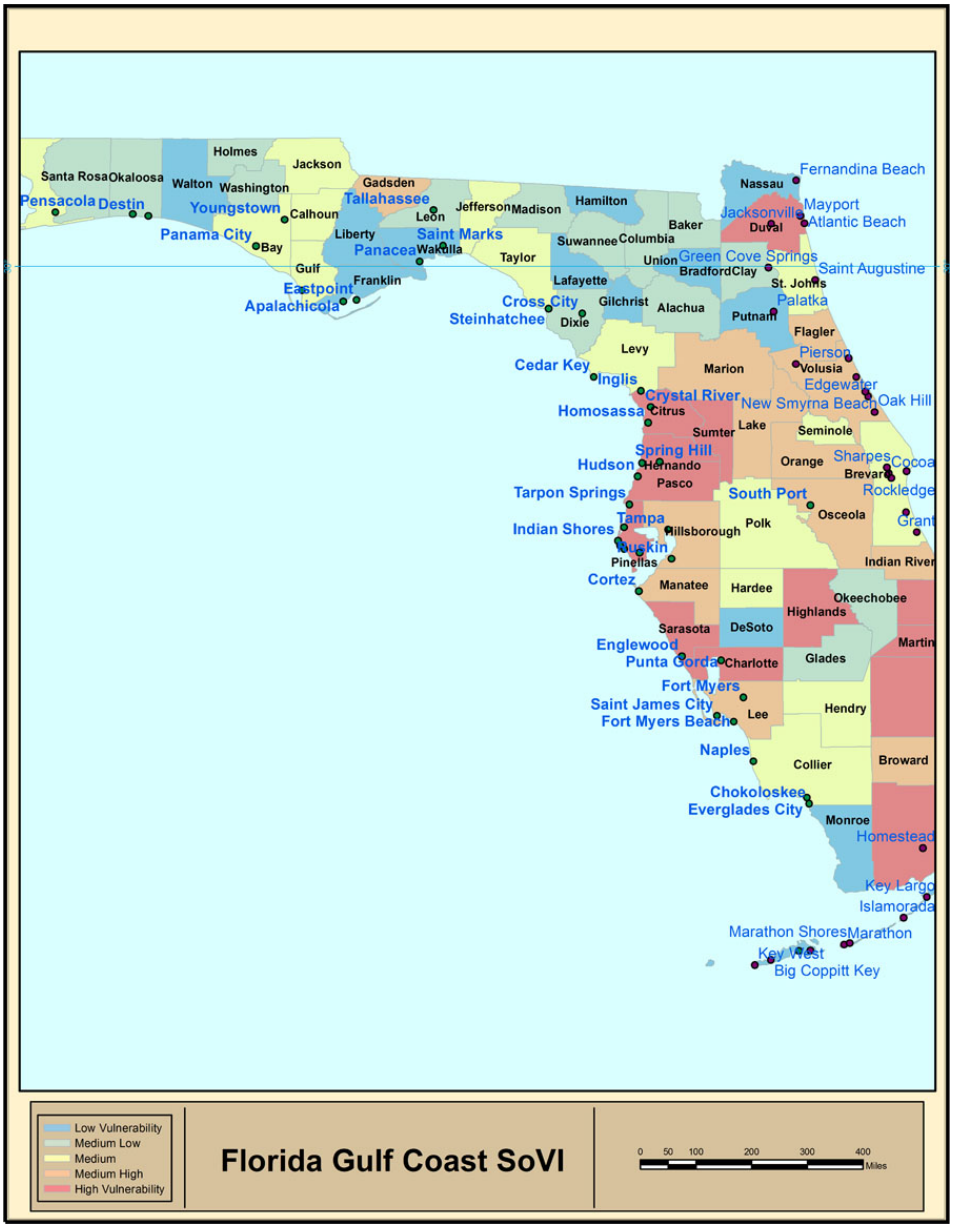

Figure 3.5.4.1. The Social Vulnerability Index applied to Florida Gulf Coastal Counties.

The majority of Florida Gulf coast counties that are classified as being vulnerable in Figure 3.5.4.1 are located along the Central west coast. The counties of Citrus, Pinellas, Hillsborough, Manatee, Sarasota, and Charlotte are all within either the medium high to high vulnerability categories. The fishing communities included within these counties are: Crystal River, Homosassa, Spring Hill, Hudson, Tarpon Springs, Indian Shores, Clearwater, Madeira Beach, Redington Shores, Tampa, Ruskin, Cortez, Englewood, Punta Gorda, Fort Myers, Ft. Myers Beach and Saint James.

Important mackerel and cobia fishing communities are found in several counties in the Gulf region, which are profiled below. Detailed demographic information about these counties can be found in CMP Amendment 18 (GMFMC and SAFMC 2011).

Okaloosa County

The primary fishing community in Okaloosa County is Destin (Figure 3.5.4.2). The community of Destin is by far the leader in terms of Gulf communities with regard to coastal pelagic landings and value. King mackerel leads all other species landed within the community with 30% of landings and over 27% of landed value for all species. Spanish mackerel is fourth in terms both landings and value making those two species close to 50% of landings overall.

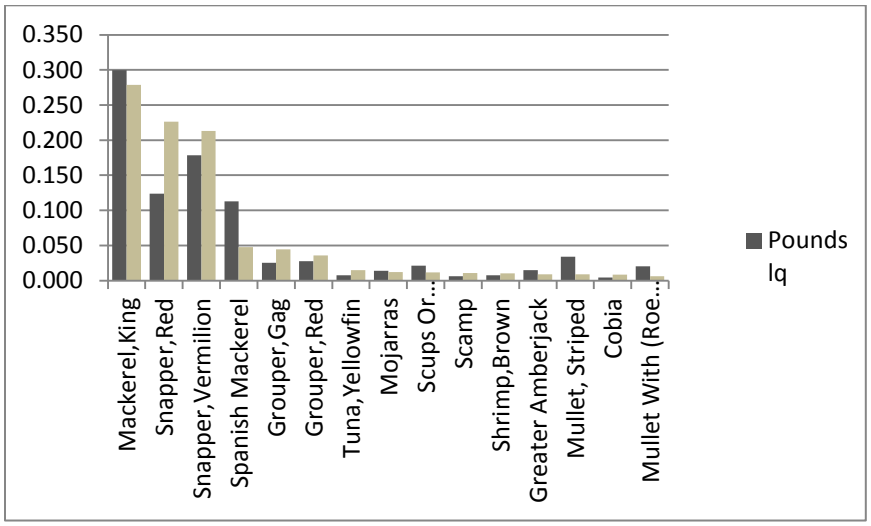

Figure 3.5.4.2. The top 15 species in terms of proportion (lq) of total landings and value for Destin, Florida. Source: ALS 2008

Bay County

The primary fishing community in Bay County is Panama City, and landings and value are not dominated by any particular species as shown in Figure 3.5.4.3, and no coastal pelagic contributes more than 4 percent. Dolphin is the only coastal pelagic that is landed with any substantive number with both landings and value around 4 percent.

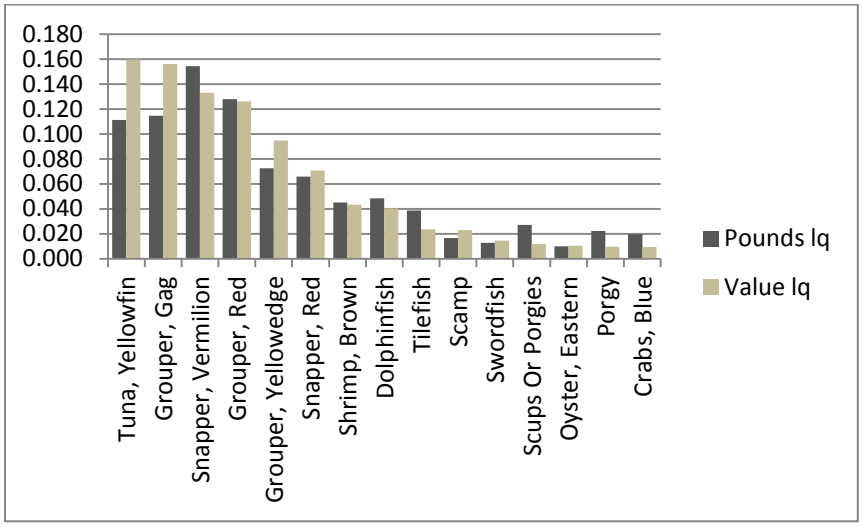

Figure 3.5.4.3. The top 15 species in terms of proportion (lq) of total landings and value for Panama City, Florida. Source: ALS 2008.

Hernando County

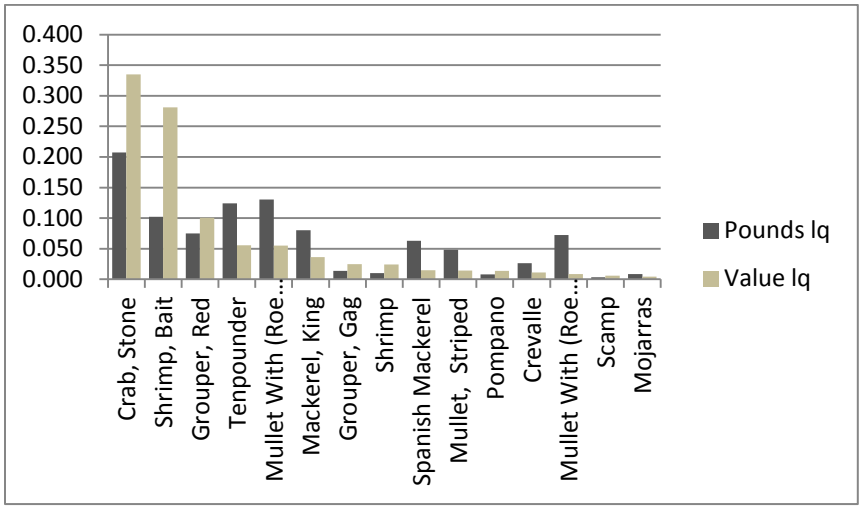

Figure 3.5.4.4. The top 15 species in terms of proportion of total landings and value (lq) for Spring Hill, Florida. Source: ALS 2008

Within Hernando County, Spring Hill is the only community with landings of coastal pelagic that are greater than 3%. King mackerel landings are over 7% of total landings for the community, but value is around 4% according to Figure 3.5.4.4.

Pinellas County

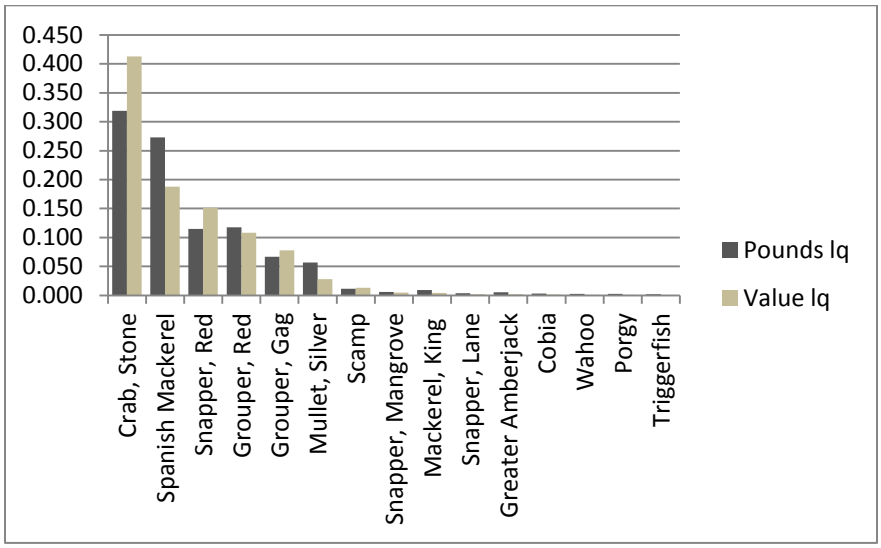

Figure 3.5.4.5. The top 15 species in terms of proportion of total landings and value (lq) for Dunedin, Florida. Source: ALS 2008

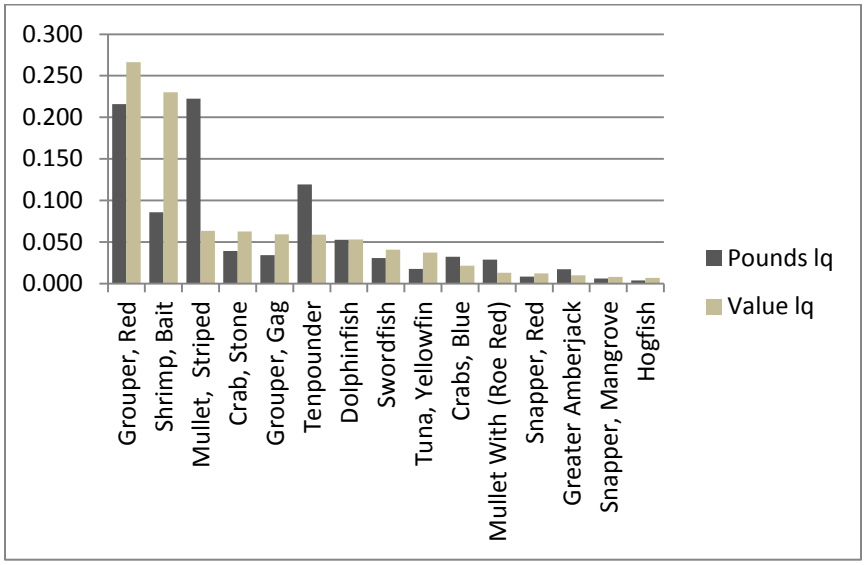

Figure 3.5.4.6. The top 15 species in terms of proportion of total landings and value (lq) for St. Petersburg, Florida. Source: ALS 2008

Of the two communities in Pinellas County with substantive landings of coastal pelagics, Dunedin has a much higher percentage with over 25% of its total landings coming from Spanish mackerel with a value of almost 20% out of all landings in Figure 3.5.4.5. King mackerel was well behind in both with less than 1% landings and value. St. Petersburg had landings and value of dolphinfish both at 5% from Figure 3.5.4.6.

Lee County

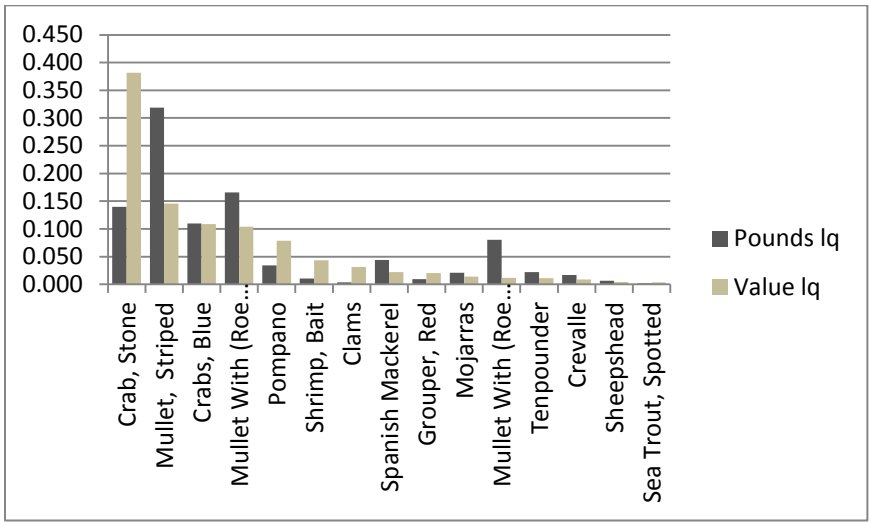

Figure 3.5.4.7. The top 15 species in terms of proportion of total landings and value (lq) for St. James City, Florida. Source: ALS 2008

St. James City had Spanish mackerel landings of just under 5% with its value below 3% out of total landings for the community as shown in Figure 3.5.4.7.

Monroe County

Monroe County communities are described under Section 3.5.3.

Mississippi-Alabama Counties

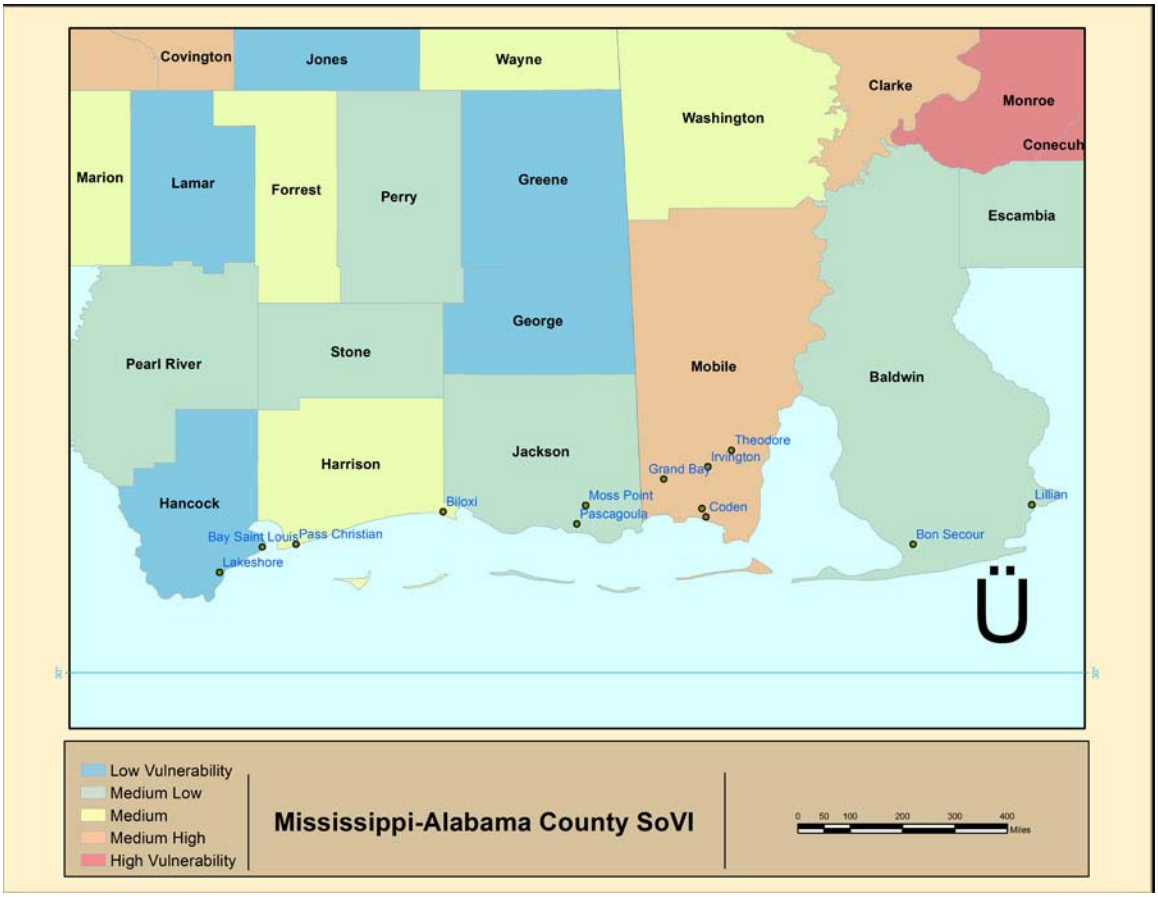

Figure 3.5.4.8. The Social Vulnerability Index applied to Mississippi-Alabama Coastal Counties.

While Mississippi had no counties with medium or high vulnerability, Mobile County in Alabama was rated as having medium high vulnerability (Figure 3.5.4.8). There are several fishing communities located in the county including: Bayou LaBatre, Coden, Grand Bay, Irvington and Theodore. Dauphin Island is also located within the county but is more known for its recreational fishing as it holds a well-known recreational fishing tournament each year.

Mobile County

Bayou LaBatre is an important CMP community in the region, but brown and white shrimp are the most significant fisheries in the community (Figure 3.5.4.9).

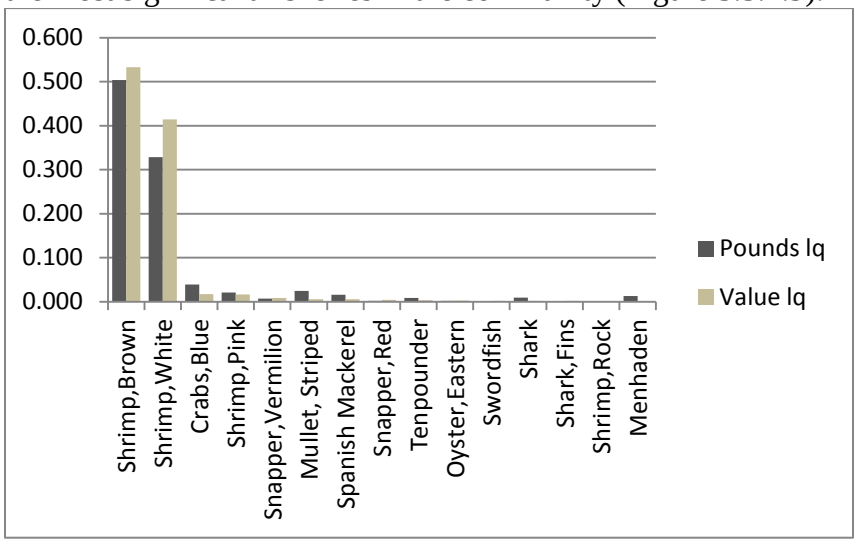

Figure 3.5.4.9. The top 15 species in terms of proportion of total landings and value (lq) for Bayou LaBatre, Alabama. Source: ALS 2008

Baldwin County

Bon Secour had landings of Spanish mackerel in the range of 8% of total landings with a value far less, near 3%. Shrimp dominate the landings for this community as shown in Figure 3.5.4.10.

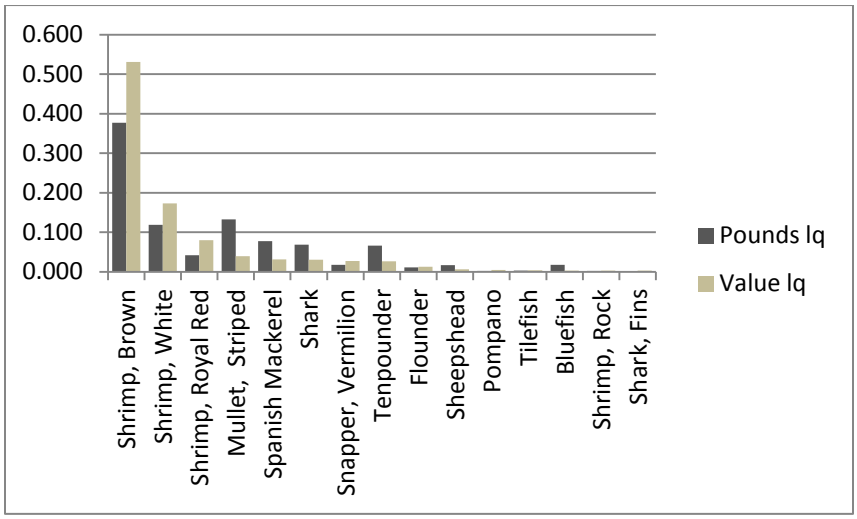

Figure 3.5.4.10. The top 15 species in terms of proportion of total landings and value (lq) for Bon Secour, Alabama. Source: ALS 2008

Louisiana Counties

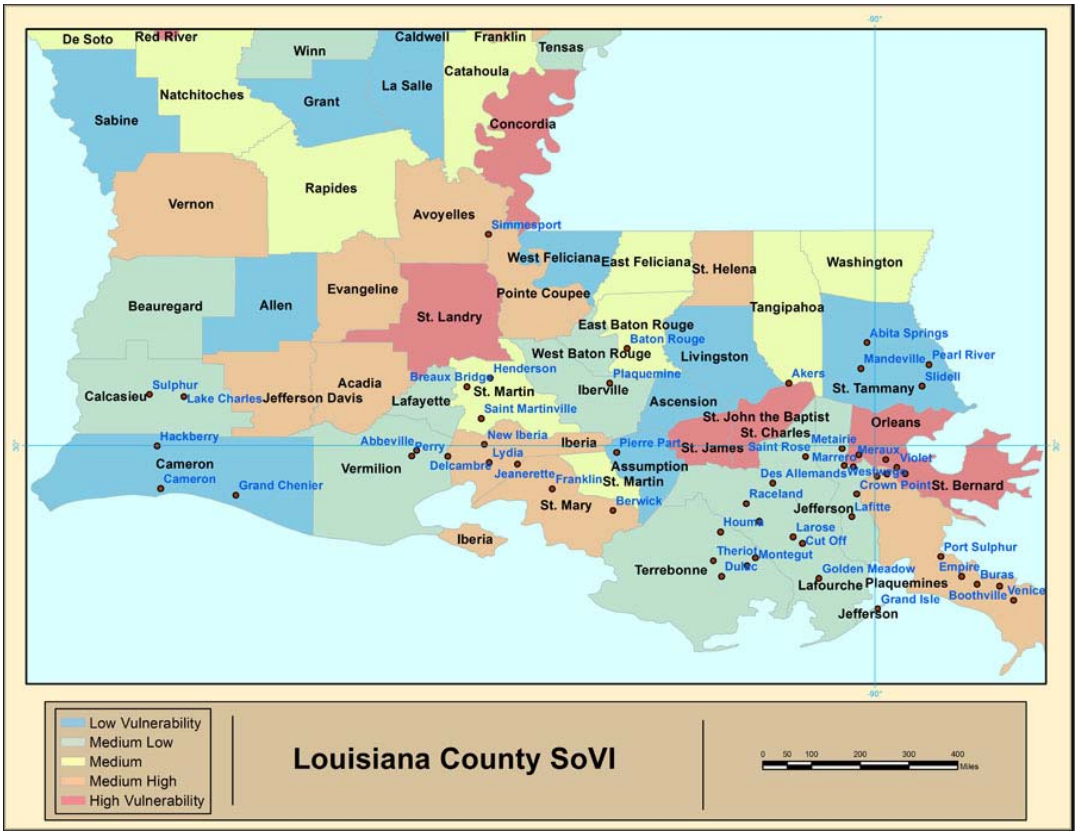

Figure 3.5.4.11. The Social Vulnerability Index applied to Louisiana Coastal Counties.

Several Parishes in Louisiana are categorized as medium high or high social vulnerability (Figure 3.5.4.11). Plaquemines, St. Mary and Iberia are all classified with medium high vulnerability. St. John the Baptist, St. James, Orleans and St. Bernard are classified as being highly vulnerable.

Golden Meadow has close to 6% of value and landings in king mackerel out of total landings for the community in Figure 3.5.4.12.

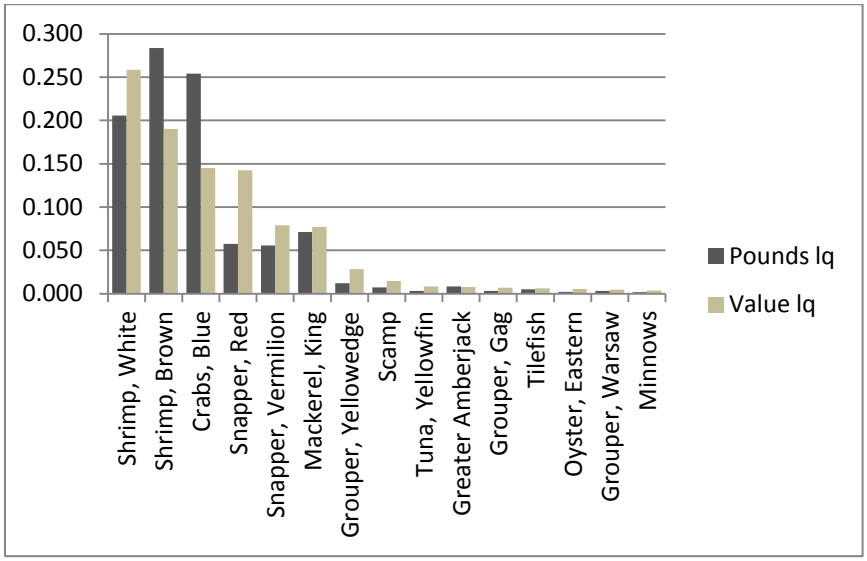

Figure 3.5.4.12. The top 15 species in terms of proportion (lq) of total landings and value for Golden Meadow, Louisiana. Source: ALS 2008.

Texas Counties

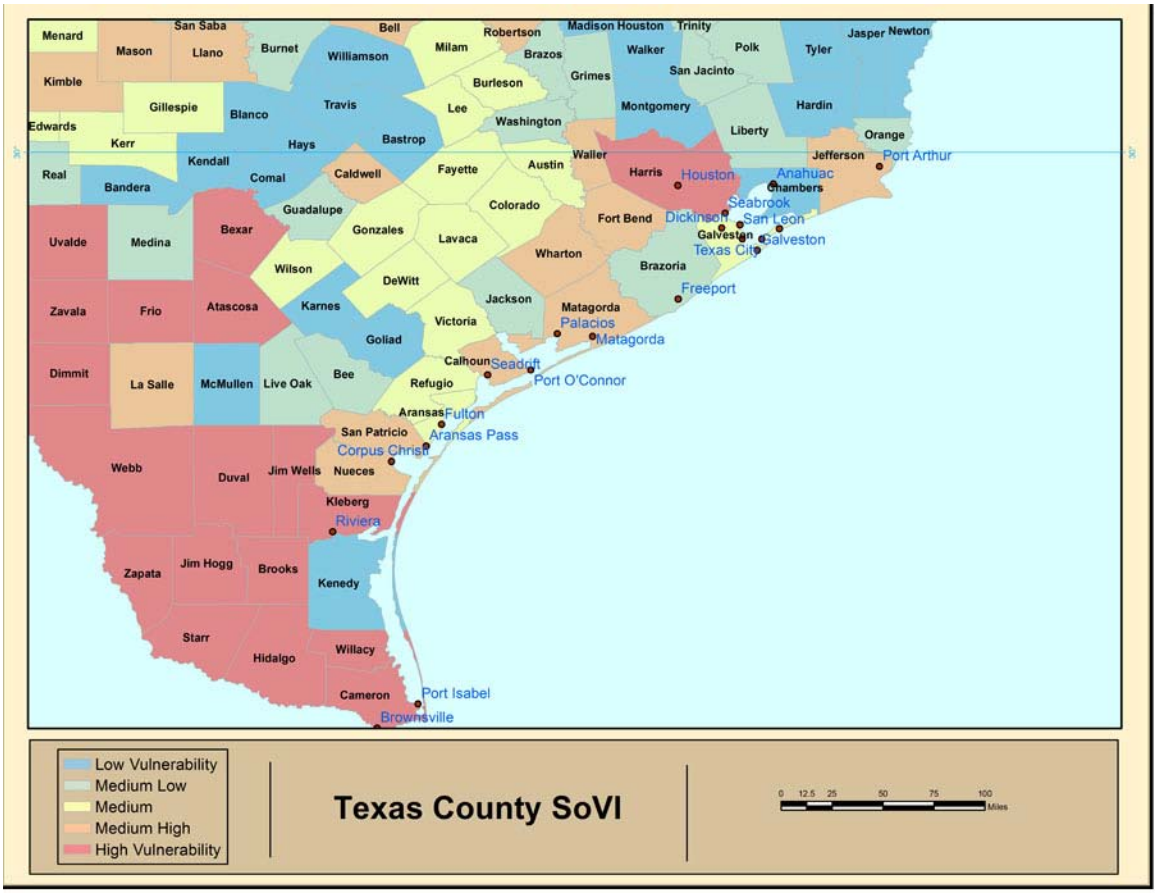

Figure 3.5.4.13. The Social Vulnerability Index applied to Texas Coastal Counties.

Those counties within Texas that are either medium high or high vulnerability cover a considerable part of the coast (Figure 3.5.4.13). Those counties that are highly vulnerable are: Harris, Kleberg, Willacy and Cameron. Those that are medium high for social vulnerability are: Jefferson, Matagorda, Calhoun, San Patricio and Nueces.

While Texas did not have any communities other than Port Bolivar with substantial landings of coastal pelagics, both private recreational and charter fishing for coastal pelagics is an important seasonal fishing activity. The communities of Port O'Connor, Port Aransas, Matagorda, South Padre Island, Freeport, Port Mansfield and Sabine Pass are all categorized has having substantial recreational fishing infrastructure. The communities of Matagorda and Port O' Connor are located in counties that are also identified as having medium high social vulnerability.

3.5.5 Environmental Justice Considerations

Executive Order 12898 requires federal agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. This executive order is generally referred to as environmental justice (EJ).

To evaluate EJ considerations for the proposed actions, information on poverty and minority rates is examined at the county level. Information on the race and income status for groups at the different participation levels (vessel owners, crew, dealers, processors, employees, employees of associated support industries, etc.) is not available. Because the proposed actions would be expected to affect fishermen and associated industries in several communities along the South Atlantic and Gulf coasts and not just those profiled, it is possible that other counties or communities have poverty or minority rates that exceed the EJ thresholds.

In order to identify the potential for EJ concern, the rates of minority populations (non-white, including Hispanic) and the percentage of the population that was below the poverty line were examined. The threshold for comparison that was used was 1.2 times the state average for minority population rate and percentage of the population below the poverty line. If the value for the community or county was greater than or equal to 1.2 times the state average, then the community or county was considered an area of potential EJ concern. Census data for the year 2010 were used. Estimates of the state minority and poverty rates and associated thresholds are provided in Table 3.5.5.1.

Table 3.5.5.1. Each state's average proportion of minorities and population living in poverty, and the corresponding threshold used to consider an area of potential EJ concern.

	Minorities		Poverty	
State	% Population	EJ Threshold	% Population	EJ Threshold
Alabama	31.5	37.8	16.8	20.2
Florida	39.5	47.4	13.2	15.8
Georgia	41.7	50	15	18
Louisiana	38.2	45.8	18.4	22.1
Mississippi	41.2	49.4	21.4	25.7
North Carolina	32.6	39.1	15.1	18.1
South Carolina	34.9	41.9	15.8	19.0
Texas	52.3	62.7	16.8	20.1

Source: U.S. Census Bureau 2010

For Florida, the estimate of the minority (interpreted as non-white, including Hispanic) population was 39.5%, while 13.2% of the total population was estimated to be below the poverty line. These values translate in EJ thresholds of approximately 47.4% and 15.8%, respectively. In Florida with regard for poverty, Broward (4.6%) and Miami-Dade (34.5%) counties exceed the threshold by the percentage noted. In regard to poverty, Gulf (1.7%), Dixie (3.8%), Jefferson (4.6%), and Franklin (8%) counties exceed the threshold by the percentage noted. No potential EJ concern is evident for the remaining counties which fall below the poverty and minority thresholds.

In Alabama, Mobile was the only county to exceed the minority threshold (by 1.7%). Neither of Alabama's coastal counties exceeded the poverty threshold for potential EJ concern. In Georgia, Liberty was the only coastal county to exceed the minority threshold (by 3.2%). None of Georgia's coastal counties exceeded the poverty threshold for potential EJ concern. In Louisiana, Orleans Parish exceeded the minority threshold by 25% and the poverty threshold by 1.3%. No coastal county in Mississippi exceeded either threshold.

In North Carolina, the counties of Chowan (0.1%), Tyrrell (4.2%), Pasquotank (4.3%), Washington (15.6%), and Bertie (25.5%) exceed the minority threshold for potential EJ concern. The North Carolina counties of Chowan (0.5%), Perquimans (0.5%), Tyrrell (1.8%), Bertie (4.4%), and Washington (7.7%) exceed the poverty threshold. Chowan, Tyrrell, and Washington counties exceed both the minority and poverty thresholds and are the North Carolina communities identified as most likely to be vulnerable to EJ concerns.

In South Carolina, the counties of Colleton (2.5%) and Jasper (19.9%) exceed the minority threshold by the percentage noted. The South Carolina counties of Georgetown (0.3%), Jasper (0.9%), and Colleton (2.4%) exceed the poverty threshold. Colleton and Jasper counties exceed both the minority and poverty thresholds and are the South Carolina communities identified as most likely to be vulnerable to EJ concerns.

Texas has several counties that exceed the thresholds. In descending order of magnitude for exceeding the minority threshold were Willacy (26.3%), Cameron (24.7%), Kleberg (12.3%), Kenedy (9%), Nueces (2.8%), and Harris (.8%). Exceeding the poverty threshold were Kenedy (32.3%), Willacy (26.8%), Cameron (15.6%), Kleberg (6%), and Matagorda (1.8%). Willacy, Kenedy, Cameron, and Kleberg counties exceed both the minority and poverty thresholds and are the communities identified as most likely to be vulnerable to EJ concerns.

While some communities expected to be affected by this proposed amendment may have minority or economic profiles that exceed the EJ thresholds and, therefore, may constitute areas of concern, significant EJ issues are not expected to arise as a result of this proposed amendment. No adverse human health or environmental effects are expected to accrue to this proposed amendment, nor are these measures expected to result in increased risk of exposure of affected individuals to adverse health hazards. The proposed management measures would apply to all participants in the affected area, regardless of minority status or income level, and information is not available to suggest that minorities or lower income persons are, on average, more dependent on the affected species than non-minority or higher income persons.

King mackerel and Spanish mackerel are part of an important commercial fishery throughout the South Atlantic and Gulf regions, and specifically in Florida, and the fish are also targeted by recreational fishermen. Cobia has less importance commercially but is an extremely important recreational species, particularly in the Carolinas and for the for-hire sector on the Florida panhandle. The actions in this proposed amendment are expected to incur social and economic benefits to users and communities by implementing management measures that would contribute to conservation of the coastal pelagic stocks and to maintaining the commercial and recreational sectors of the fishery. Although there will be some short-term impacts due to some of the

proposed management measures, the overall long-term benefits are expected to contribute to the social and economic health of South Atlantic and Gulf coastal communities.

Finally, the general participatory process used in the development of fishery management measures (e.g., scoping meetings, public hearings, and open South Atlantic and Gulf Council meetings) is expected to provide sufficient opportunity for meaningful involvement by potentially affected individuals to participate in the development process of this amendment and have their concerns factored into the decision process. Public input from individuals who participate in the fishery has been considered and incorporated into management decisions throughout development of the amendment.

3.6 Description of the Administrative Environment

3.6.1 Federal Fishery Management

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

Responsibility for federal fishery management decision-making is divided between the Secretary of Commerce (Secretary) and eight regional fishery management councils that represent the expertise and interests of constituent states. Regional councils are responsible for preparing, monitoring, and revising management plans for fisheries needing management within their jurisdiction. The Secretary is responsible for promulgating regulations to implement proposed plans and amendments after ensuring that management measures are consistent with the Magnuson-Stevens Act, and with other applicable laws summarized in Section 9. In most cases, the Secretary has delegated this authority to NOAA Fisheries Service.

The Gulf Council is responsible for fishery resources in federal waters of the Gulf of Mexico. These waters extend to 200 nautical miles offshore from the nine-mile seaward boundary of the states of Florida and Texas, and the three-mile seaward boundary of the states of Alabama, Mississippi, and Louisiana. The Gulf Council consists of 17 voting members: 11 public members appointed by the Secretary; one each from the fishery agencies of Texas, Louisiana, Mississippi, Alabama, and Florida; and one from NOAA Fisheries.

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

The Mid-Atlantic Fishery Management Council (Mid-Atlantic Council) has two voting seats on the South Atlantic Council's Mackerel Committee but does not vote during Council sessions. The Mid-Atlantic Council is responsible for fishery resources in federal waters off New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina.

The Councils use a Scientific and Statistical Committee to review the data and science being used in assessments and fishery management plans/amendments. Regulations contained within FMPs are enforced through actions of the NOAA's Office for Law Enforcement, the USCG, and various state authorities.

The public is involved in the fishery management process through participation at public meetings, on advisory panels and through council meetings that, with few exceptions for discussing personnel matters, are open to the public. The regulatory process is in accordance with the Administrative Procedures Act, in the form of "notice and comment" rulemaking, which provides extensive opportunity for public scrutiny and comment, and requires consideration of and response to those comments.

3.6.2 State Fishery Management

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

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

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

More information about these agencies can be found from the following web pages:
Texas Parks & Wildlife Department - http://www.tpwd.state.tx.us
Louisiana Department of Wildlife and Fisheries http://www.wlf.state.la.us/
Mississippi Department of Marine Resources http://www.dmr.state.ms.us/
Alabama Department of Conservation and Natural Resources http://www.dcnr.state.al.us/
Florida Fish and Wildlife Conservation Commission http://www.myfwc.com
Georgia Department of Natural Resources, Coastal Resources Division http://crd.dnr.state.ga.us/
South Carolina Department of Natural Resources http://www.dnr.sc.gov/
North Carolina Department of Environmental and Natural Resources
http://portal.ncdenr.org/web/guest/

CHAPTER 4. ENVIRONMENTAL CONSEQUENCES

4.1 Action 1: Modify Subzones and Allocation of Gulf Group Eastern Zone King Mackerel.

4.1.1 Direct and Indirect Effects on the Physical Environment

4.1.2 Direct and Indirect Effects on the Biological/Ecological Environment

4.1.3 Direct and Indirect Effects on the Economic Environment

4.1.4 Direct and Indirect Effects on the Social Environment

4.1.5 Direct and Indirect Effects on the Administrative Environment

4.2 Action 2: Modify the Commercial Hood-and-Line Trip Limits for gulf Group King Mackerel.

4.2.1 Direct and Indirect Effects on the Physical Environment

4.2.2 Direct and Indirect Effects on the Biological/Ecological Environment

4.2.3 Direct and Indirect Effects on the Economic Environment

4.2.4 Direct and Indirect Effects on the Social Environment

4.2.5 Direct and Indirect Effects on the Administrative Environment

4.3 Action 3: Change the Fishing Season for Gulf Group King Mackerel for the Eastern and Western Zone.

4.3.1 Direct and Indirect Effects on the Physical Environment

4.3.2 Direct and Indirect Effects on the Biological/Ecological Environment

4.3.3 Direct and Indirect Effects on the Economic Environment

4.3.4 Direct and Indirect Effects on the Social Environment

4.3.5 Direct and Indirect Effects on the Administrative Environment

4.4 Action 4: Establish a Transit Provision for Fish Harvested in the Exclusive Economic Zone (EEZ) off Monroe County when the Rest of the West Coast of Florida is Closed.

4.4.1 Direct and Indirect Effects on the Physical Environment

4.4.2 Direct and Indirect Effects on the Biological/Ecological Environment

4.4.3 Direct and Indirect Effects on the Economic Environment

4.4.4 Direct and Indirect Effects on the Social Environment

4.4.5 Direct and Indirect Effects on the Administrative Environment

4.5 Action 5: Restrictions on Fishing for King Mackerel in Multiple Zones.

4.5.1 Direct and Indirect Effects on the Physical Environment

4.5.2 Direct and Indirect Effects on the Biological/Ecological Environment

4.5.3 Direct and Indirect Effects on the Economic Environment

4.5.4 Direct and Indirect Effects on the Social Environment

4.5.5 Direct and Indirect Effects on the Administrative Environment

4.6 Action 6: Modify the Gulf and Atlantic Migratory Group Cobia Annual Catch Limits (ACLs).

4.1.1 Direct and Indirect Effects on the Physical Environment

4.6.2 Direct and Indirect Effects on the Biological/Ecological Environment

4.6.3 Direct and Indirect Effects on the Economic Environment

4.6.4 Direct and Indirect Effects on the Social Environment

4.6.5 Direct and Indirect Effects on the Administrative Environment

4.7 Action 7: Establish State-by-State or Regional Quotas for Atlantic Migratory Group King Mackerel, Spanish Mackerel, and Cobia.

4.7.1 Direct and Indirect Effects on the Physical Environment

4.7.2 Direct and Indirect Effects on the Biological/Ecological Environment

4.7.3 Direct and Indirect Effects on the Economic Environment

4.7.4 Direct and Indirect Effects on the Social Environment

4.7.5 Direct and Indirect Effects on the Administrative Environment

4.8 Action 8: Set Annual Catch Target (ACTs) by Sub-Zones for Atlantic Migratory Group Cobia.

4.8.1 Direct and Indirect Effects on the Physical Environment

4.8.2 Direct and Indirect Effects on the Biological/Ecological Environment

4.8.3 Direct and Indirect Effects on the Economic Environment

4.8.4 Direct and Indirect Effects on the Social Environment

4.8.5 Direct and Indirect Effects on the Administrative Environment

4.9 Action 9: Specify Accountability Measures (AMs) by Sub-Zones for Atlantic Migratory Group Cobia.

4.9.1 Direct and Indirect Effects on the Physical Environment

4.9.2 Direct and Indirect Effects on the Biological/Ecological Environment

4.9.3 Direct and Indirect Effects on the Economic Environment

4.9.4 Direct and Indirect Effects on the Social Environment

4.9.5 Direct and Indirect Effects on the Administrative Environment

4.10 Action 10: Modify the Framework Procedure.

4.1.1 Direct and Indirect Effects on the Physical Environment

4.10.2 Direct and Indirect Effects on the Biological/Ecological Environment

4.10.3 Direct and Indirect Effects on the Economic Environment

4.10.4 Direct and Indirect Effects on the Social Environment

4.10.5 Direct and Indirect Effects on the Administrative Environment

4.11 Cumulative Effects Analysis

4.12 Other Effects

(Discuss unavoidable adverse effects; relationship between short-term uses and long-term productivity; mitigation, monitoring, and enforcement measures; and irreversible and irretrievable commitments of resources)

CHAPTER 5. REGULATORY IMPACT REVIEW

5.1 Introduction

5.2 Problems and Objectives

5.3 Methodology and Framework for Analysis

5.4 Description of the Fishery

A description of the xx fishery, with particular reference to xx, is contained in Chapter 3.

5.5 Effects on Management Measures

5.6 Public and Private Costs of Regulations

Council costs of document preparation, meetings, public hearings, and information Dissemination $x0,000

NOAA Fisheries administrative costs of document preparation, meetings and review $x0,000

TOTAL $x0,000

5.7 Determination of Significant Regulatory Action

CHAPTER 6. REGULATORY FLEXIBILITY ACT ANALYSIS

6.1 Introduction

6.2 Statement of the need for, objective of, and legal basis for the rule

6.3 Description and estimate of the number of small entities to which the proposed action would apply

6.4 Description of the projected reporting, record-keeping and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for the preparation of the report or records

6.5 Identification of all relevant federal rules, which may duplicate, overlap or conflict with the proposed rule

6.6 Significance of economic impacts on a substantial number of small entities

6.7 Description of the significant alternatives to the proposed action and discussion of how the alternatives attempt to minimize economic impacts on small entities

CHAPTER 7. BYCATCH PRACTICABILITY ANALYSIS

CHAPTER 8. LIST OF PREPARERS

CHAPTER 9. LIST OF AGENCIES, ORGANIZATIONS AND PERSONS CONSULTED

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APPENDIX A. ALTERNATIVES CONSIDERED BUT REJECTED

Consider modifications to the existing commercial fishery boundary line between the Gulf group king mackerel eastern zone and western zone (currently set at the Alabama - Florida border [87°31'06"]).

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

Alternative 2: Move the current boundary line between the eastern zone and western zone from the Alabama/Florida border to Cape San Blas, Florida (85°30' w. longitude).

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

Discussion:

The current boundary between the eastern and western zones at the Alabama/Florida border was set in 1985 with the implementation of Amendment 1 to the Coastal Migratory Pelagics Fishery Management Plan (Figure 2.1.1). This line was chosen because existing scientific information at that time recognized a western migratory group of king mackerel that moved northward up the Texas and Louisiana coasts in spring and summer and southward in fall and winter. Another migratory group moved northward from the Florida Keys area to the Panhandle area of Florida in the spring and summer and back southward in fall and winter. Although these groups were known to mix, such mixing was believed to be small, and the Mississippi River outfall appeared to be somewhat of a barrier. In considering the boundary, the Councils also took into consideration the need to allow all areas of the Gulf some degree of access to the stock. The stock is managed under a commercial allocation of total allowable catch (TAC), and the TAC was very low at that time (only approximately 2.9 mp as compared to 10.2 mp over the past few years). With a set season and TAC, it was believed that without a zone/separate TAC allocation, the entire TAC would be taken before fish migrated into some areas. The Councils also considered that there was very little participation in the commercial fishery from Alabama and Mississippi, thus the dividing line at the Florida/Alabama border and a July 1 season opening were considered the least disruptive measures to participants. These decisions were based on known elements of the fishery from the mid to late 1970s. A review of the current and more recent past data may provide additional information.

APPENDIX B. OTHER APPLICABLE LAW

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

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

Coastal Zone Management Act
Section 307(c)(1) of the federal Coastal Zone Management Act of 1972 (CZMA), as amended, requires federal activities that affect any land or water use or natural resource of a state's coastal zone be conducted in a manner consistent, to the maximum extent practicable, with approved state coastal management programs. The requirements for such a consistency determination are set forth in NOAA regulations at 15 C.F.R. part 930, subpart C. According to these regulations and CZMA Section 307(c)(1), when taking an action that affects any land or water use or natural resource of a state's coastal zone, National Marine Fisheries Service is required to provide a consistency determination to the relevant state agency at least 90 days before taking final action.

Upon submission to the Secretary, National Marine Fisheries Service will determine if this plan amendment is consistent with the Coastal Zone Management programs of the states of Alabama, Florida, Louisiana, Mississippi, and Texas to the maximum extent possible. Their determination will then be submitted to the responsible state agencies under Section 307 of the CZMA administering approved Coastal Zone Management programs for these states.

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

Specifically, the DQA directs the Office of Management and Budget (OMB) to issue government wide guidelines that "provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by federal agencies." Such guidelines have been issued, directing all federal agencies to create and disseminate agency-specific standards to: 1) ensure information quality and develop a pre-

dissemination review process; 2) establish administrative mechanisms allowing affected persons to seek and obtain correction of information; and 3) report periodically to OMB on the number and nature of complaints received.

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

Endangered Species Act

The Endangered Species Act (ESA) of 1973, as amended, (16 U.S.C. Section 1531 et seq.) requires federal agencies use their authorities to conserve endangered and threatened species. The ESA requires National Marine Fisheries Service, when proposing a fishery action that "may affect" critical habitat or endangered or threatened species, to consult with the appropriate administrative agency (itself for most marine species, the U.S. Fish and Wildlife Service for all remaining species) to determine the potential impacts of the proposed action. Consultations are concluded informally when proposed actions may affect but are "not likely to adversely affect" endangered or threatened species or designated critical habitat. Formal consultations, including a biological opinion, are required when proposed actions may affect and are "likely to adversely affect" endangered or threatened species or adversely modify designated critical habitat. If jeopardy or adverse modification is found, the consulting agency is required to suggest reasonable and prudent alternatives. National Marine Fisheries Service, as part of the Secretarial review process, will make a determination regarding the potential impacts of the proposed actions.

Executive Orders

E.O. 12630: Takings

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

E.O. 12866: Regulatory Planning and Review

Executive Order 12866: Regulatory Planning and Review, signed in 1993, requires federal agencies to assess the costs and benefits of their proposed regulations, including distributional impacts, and to select alternatives that maximize net benefits to society. To comply with E.O. 12866, National Marine Fisheries Service prepares a Regulatory Impact Review (RIR) for all

fishery regulatory actions that either implement a new fishery management plan or significantly amend an existing plan. RIRs provide a comprehensive analysis of the costs and benefits to society of proposed regulatory actions, the problems and policy objectives prompting the regulatory proposals, and the major alternatives that could be used to solve the problems. The reviews also serve as the basis for the agency's determinations as to whether proposed regulations are a "significant regulatory action" under the criteria provided in E.O. 12866 and whether proposed regulations would have a significant economic impact on a substantial number of small entities in compliance with the Regulatory Flexibility Act. A regulation is significant if it a) has an annual effect on the economy of $100 million or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments and communities; b) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency; c) materially alters the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or d) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order. National Marine Fisheries Service has preliminarily determined that this action will not meet the economic significance threshold of any criteria.

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

This Executive Order mandates that each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions. Federal agency responsibilities under this Executive Order include conducting their programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons from participation in, denying persons the benefit of, or subjecting persons to discrimination under, such, programs policies, and activities, because of their race, color, or national origin. Furthermore, each federal agency responsibility set forth under this Executive Order shall apply equally to Native American programs. Environmental justice considerations are discussed in detail in Section 2.5.

E.O. 12962: Recreational Fisheries

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

conserving or managing recreational fisheries. The Council also is responsible for developing, in cooperation with federal agencies, States and Tribes, a Recreational Fishery Resource Conservation Plan - to include a five-year agenda. Finally, the Order requires National Marine Fisheries Service and the U.S. Fish and Wildlife Service to develop a joint agency policy for administering the ESA.

E.O. 13132: Federalism

The Executive Order on Federalism requires agencies in formulating and implementing policies, to be guided by the fundamental Federalism principles. The Order serves to guarantee the division of governmental responsibilities between the national government and the states that was intended by the framers of the Constitution. Federalism is rooted in the belief that issues not national in scope or significance are most appropriately addressed by the level of government closest to the people. This Order is relevant to FMPs and amendments given the overlapping authorities of National Marine Fisheries Service, the states, and local authorities in managing coastal resources, including fisheries, and the need for a clear definition of responsibilities. It is important to recognize those components of the ecosystem over which fishery managers have no direct control and to develop strategies to address them in conjunction with appropriate state, tribes and local entities (international too).

No Federalism issues have been identified relative to the action proposed in this amendment. Therefore, consultation with state officials under Executive Order 12612 is not necessary.

Essential Fish Habitat

The amended Magnuson-Stevens Act included a new habitat conservation provision known as Essential Fish Habitat (EFH) that requires each existing and any new FMPs to describe and identify EFH for each federally managed species, minimize to the extent practicable impacts from fishing activities on EFH that are more than minimal and not temporary in nature, and identify other actions to encourage the conservation and enhancement of that EFH. To address these requirements the Council has, under separate action, approved an environmental impact statement (GMFMC 2004) to address the new EFH requirements contained within the Magnuson-Stevens Act. Section 305(b)(2) requires federal agencies to obtain a consultation for any action that may adversely affect EFH. An EFH consultation will be conducted for this action.

APPENDIX C. SUMMARIES OF PUBLIC COMMENTS RECEIVED

List the locations of the scoping hearings and public hearings, then list the summaries and written comments

APPENDIX D. DECISIONS TOOLS