

DECISION DOCUMENT

for

AMENDMENT 19

to the joint Fishery Management Plan for
Coastal Migratory Pelagic Resources

of the

**Gulf of Mexico and South Atlantic
(CMP Sale and Permit Provisions)**



**Orlando, FL
June 2012**

Actions in Amendment 19

1. Sale of King and Spanish Mackerel
2. Sale of Cobia
3. Tournament Sale of King Mackerel
4. Elimination of Latent Effort in the Gulf Group King Mackerel Gillnet Sector
5. Elimination of Latent Effort in the King Mackerel Hook and Line Sector
6. Federal Regulatory Compliance (in state waters when fishing with a federal CMP permit)
7. Modify or Eliminate Income Requirements for Gulf and South Atlantic Commercial Coastal Migratory Pelagic Permits Annual Pounds Overage
8. Atlantic Group Spanish Mackerel Gillnet Endorsement

Background for Actions 1-3

Currently, some commercial or recreational fishermen who do not possess a valid federal commercial permit may sell coastal migratory pelagic (CMP) species harvested in the exclusive economic zone (EEZ), in an amount not exceeding applicable recreational bag limits. The South Atlantic and Gulf of Mexico (Gulf) Fishery Management Councils (Councils) are considering a requirement for fishermen harvesting CMP species in the Gulf and Atlantic EEZ to possess a valid federal commercial permit to sell fish harvested under the bag limits. A person aboard a vessel with both a for-hire vessel permit and a federal commercial CMP permit is considered to be fishing as a charter when that vessel is less than 100 gross tons, and carries six or fewer passengers for hire. CMP species caught on such a trip also would not be allowed to be sold or purchased.

Federal regulations prohibit sale of the following species without a federal commercial permit: South Atlantic snapper-grouper, golden crab, or rock shrimp; Atlantic dolphin-wahoo (unless authorized for a 200-pound trip limit); Gulf reef fish; and South Atlantic and Gulf live rock. With the exception of live rock, federal dealer permits are also required to purchase these species.

NOAA Fisheries Service issues a king mackerel limited access permit and a Spanish mackerel open access permit. These permits are required for commercial fishermen in the Gulf, South Atlantic, or Mid-Atlantic to retain fish in excess of the bag limit for the respective species. No permits are issued for cobia; however, the commercial cobia possession limit is the same as the recreational possession limit.

The king and Spanish mackerel commercial permits are joint permits valid for fishing in the Gulf, South Atlantic, and Mid-Atlantic regions. However, both species have separate regulations for two migratory groups, Gulf and Atlantic, which are developed by the Councils. Currently, sale of fish caught under the bag limit is allowed for both groups.

Scoping Comments from Gulf meetings (March 2012, including Key West) about bag limit sales

- Limited recreational sales will further harm businesses.
- Recreational sales should be limited due to non-reporting and backdoor sales. These sales should be required through a fish house.
- Recreational sales when the commercial season is closed are unfair.
- Recreational fishermen should not be selling fish. Charter-for-hire fishermen selling their catch should be given a control date to phase out sales so that they can adjust their business model, or grandfather in current permits and then when they are transferred, the sale of recreationally caught fish will be eliminated.
- No recreationally caught fish should be sold except for for-hire with appropriate licensing.
- Tournament sales should be counted towards the recreational ACL.
- Some of the recreational ACL should be allocated to the commercial ACL to cover bag limit sales.

Action 1. Sale of King and Spanish Mackerel

Alternative 1: No Action - no federal permit requirement to sell king and Spanish mackerel. Sale of king and Spanish mackerel harvested under the bag limit is allowed for persons that possess the necessary state permits. However, if a commercial closure has been implemented, the sale or purchase of king or Spanish mackerel of the closed species, migratory group, subzone, or gear type, is prohibited, including any king or Spanish mackerel taken under the bag limits.

Alternative 2: Prohibit the sale of king and Spanish mackerel caught under the bag limit except for allowing sale by for-hire vessels that possess the necessary state and federal commercial permits to sell CMP species harvested in or from the South Atlantic Council's jurisdiction. Prohibition of sale during a commercial closure would apply.

Option a. The South Atlantic Council's Jurisdiction

Option b. The Gulf council's Jurisdiction

Alternative 3: For a person to sell king or Spanish mackerel in or from the EEZ of the Gulf of Mexico or Atlantic, those fish must have been harvested aboard a vessel with a commercial vessel permit/endorsement for each species taken and prohibit the sale of king or Spanish mackerel caught under the bag limit.

Note: Sale or sell means the act or activity of transferring property for money or credit, trading, or bartering, or attempting to so transfer, trade, or barter. Also, if tournament sales are allowed under Action 3, they would be exempt from the requirements of either Alternative 2 or 3 above.

3

What's the difference?

Alt2- KM and SM caught on a charter trip can be sold if the vessel has the KM and/or SM commercial permit.

Alt 3- KM and SM can only be sold if they were caught on a commercial trip (with KM/SM commercial permits).

What you saw in March:

Option 2. Prohibit the sale of recreationally caught fish (any fish caught under a bag limit) that are managed under the Coastal Migratory Pelagics FMP.

Option 6. Prohibit the sale of bag limit caught coastal migratory pelagics except for allowing for-hire vessels that possess the necessary state and federal commercial permits to sell coastal migratory pelagics harvested under the bag limit in or from the South Atlantic Council's jurisdiction

Gulf Council Motions

- Directed staff to add an Alternative 4 which would require that for a person to sell king or Spanish mackerel in or from the EEZ of the Gulf of Mexico or Atlantic, those fish must have been harvested aboard a vessel with a commercial vessel permit/endorsement for each species taken and prohibit the sale of king or Spanish mackerel caught under the bag limit.

- Alternative 2, to remove “South Atlantic Council” and to add Option a. Gulf Council and Option b. South Atlantic Council to read as follows:

Alternative 3: Prohibit the sale of king and Spanish mackerel caught under the bag limit except for allowing sale by for-hire vessels that possess the necessary state and federal commercial permits to sell CMP species harvested in or from:

Option a. the South Atlantic Council’s jurisdiction

Option b. the Gulf Council’s jurisdiction.

- Moved Alternative 3 to the considered but rejected section.

Mackerel AP Recommendations

- A motion was made to recommend Alternative 1 (No Action) as the Preferred, but the motion was tabled for later discussion. The AP did not return to the action to make a recommendation, but members raised the following concerns about CMP bag limit sales:

- a primary concern is counting bag limit sales towards the commercial quota
- a small portion of the rec allocation moved to commercial allocation to cover bag limit sales (note: this was for Gulf Group king mackerel in Amendment 9, in which it does affect the allocation to the Gulf Eastern Zone/ Florida East Coast Sub-zone but not any Atlantic group king or Spanish.)
- bag limit sales after the commercial season is closed are unfair
- only commercial vessels with commercial permits should be allowed to sale fish
- in some areas, bag limit sales are tradition and part of the for-hire crew’s income. In other areas, bag limit sales are minimal.
- it is a waste of fish if the customer (typically a tourist) cannot or does not want to take the catch, and the crew cannot sell the fish
- the stocks are not overfished, there is no reason to deny the market

Committee Actions

1) Let’s talk about clarifying the language in the alternatives.

- **current Alternative 2:** Prohibit the sale of king and Spanish mackerel caught under the bag limit except for allowing sale by for-hire vessels that possess the necessary state and federal commercial permits to sell CMP species harvested in or from the South Atlantic Council’s jurisdiction. Prohibition of sale during a commercial closure would apply.

Option a. The South Atlantic Council’s Jurisdiction

Option b. The Gulf council’s Jurisdiction

Is the intent to allow sales from KM and SM (and cobia if you create a permit) caught on for-hire trips but only if the vessel is dually permitted? If yes, IPT/staff recommends this language:

Alternative 2: Prohibit sale of CMP species caught in federal waters under the bag limit, with the exception of for-hire trips in which the vessel also holds the appropriate federal commercial permit. All sales of CMP species during a commercial closure are prohibited.

Option a: South Atlantic Council's jurisdiction
Option b. Gulf Council's jurisdiction.

- **current Alternative 3:** For a person to sell king or Spanish mackerel in or from the EEZ of the Gulf of Mexico or Atlantic, those fish must have been harvested aboard a vessel with a commercial vessel permit/endorsement for each species taken and prohibit the sale of king or Spanish mackerel caught under the bag limit.

**Is the intent to prohibit CMP species sale from any and all private recreational and for-hire trips?
If yes, IPT/staff recommends this language:**

Alternative 3: Prohibit sale of CMP species caught in federal waters under the bag limit.

“Under the bag limit” refers to these situations:

A charter vessel with a commercial permit, as required under § 622.4(a)(2), is considered to be operating as a charter vessel when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

A headboat with a commercial vessel permit, as required under § 622.4(a)(2), is considered to be operating as a headboat when it carries a passenger who pays a fee or--

(ii) In the case of persons aboard fishing for or possessing coastal migratory pelagic fish, when there are more than three persons aboard, including operator and crew.

2) Do you want to add or remove any alternatives?

3) Do you want to select a preferred alternative?

Action 2. Sale of Cobia

Alternative 1: No Action - no federal permit requirement to sell cobia. Sale of cobia harvested under the possession limit is allowed for persons that possess the necessary state permits. However, if a commercial closure has been implemented, the sale or purchase of cobia of the migratory group, subzone, or gear type, is prohibited, including any cobia taken under the possession limit.

Alternative 2: Create a new commercial cobia permit. For a person to sell cobia in or from the EEZ of the Atlantic or Gulf of Mexico, those fish must have been harvested aboard a vessel with a commercial cobia vessel permit.

Alternative 3: For a person to sell cobia in or from the EEZ of the Atlantic or Gulf of Mexico, those fish must have been harvested aboard a vessel with a commercial vessel king mackerel or Spanish mackerel permit.

Alternative 4: For a person to sell cobia in or from the EEZ of the Atlantic or Gulf of Mexico, those fish must have been harvested aboard a vessel with at least one of the following commercial vessel permits: king mackerel, Spanish mackerel, Gulf reef fish, South Atlantic snapper/grouper, or South Atlantic dolphin/wahoo.

Gulf Council Motions
None

Mackerel AP Recommendation
Select Alternative 4 as the Preferred, because it covers most of the commercial fishermen already.

Gulf Scoping comments
Most commenters did not feel a cobia permit is necessary, or it could just be linked to an existing permit like KM or SM.

1) Do you want to add or remove any alternatives?

2) Do you want to select a preferred alternative?

Action 3. Tournament Sales of King Mackerel

Alternative 1: No Action - no federal permit requirement to sell or donate king mackerel caught during a tournament. Sale or donation of king mackerel harvested during a tournament is allowed for tournament organizers in accordance with state laws and regulations in the state in which the tournament is held. However, if a commercial closure has been implemented, the sale or purchase of king mackerel of the migratory group, subzone, or gear type is prohibited, including any king mackerel harvested during a tournament.

Alternative 2: Establish a federal king mackerel tournament permit to be obtained by tournament organizers in order to sell or donate tournament-caught king mackerel. Sale is prohibited during a commercial closure, and all fish sold or donated shall be counted against the recreational allocation of the ACL.

Alternative 3: Prohibit the sale of tournament-caught king mackerel.

Alternative 4: Create a set aside from the recreational king mackerel ACL for tournament sales. Tournament organizers would be required to report all king mackerel harvested during the tournament.

Gulf Council Motions
None

Mackerel AP Recommendations
Add the following wording to Alternative 4: ANY SALE PROVISION OF THESE FISH BE LEFT UP TO THE STATE, and select Alternative 4 as the Preferred. This would allow tournament catch to be counted as part of the recreational ACL and let states decide how and if sales are allowed (e.g., in SC they are prohibited).

1) Do you want to add or remove any alternatives?

2) Do you want to select a preferred alternative?

Action 4. Elimination of Latent Endorsements in the Gulf Group King Mackerel Gillnet Sector

Background: The number of king mackerel gillnet endorsements has decreased over time and now stands at 23 valid or renewable permits. Some of these permitted vessels have not had landings in recent years, if ever. Elimination of latent king mackerel gillnet endorsements may help protect the interests of the current participants.

Alternative 1: No Action – do not eliminate any gillnet endorsements

Alternative 2: Renew gillnet endorsements for commercial king mackerel permits if average landings met the threshold (defined below) during:

Option a. All years with data available (2001-2011)

Suboption i. Average of all years

Suboption ii. Average of the best 10 years of the 11 years

Suboption iii. At least one of the 11 years

Suboption iv. At least two of the 11 years

Suboption v. At least three of the 11 years

Note: The IPT recommends elimination of suboptions ii, iv, and v.

Option b. All years before the control date (2001-2009)

Suboption i. Average of all years

Suboption ii. Average of the best eight of nine years

Suboption iii. At least one of the nine years

Suboption iv. At least two of the nine years

Suboption v. At least three of the nine years

Note: The IPT recommends elimination of suboptions ii, iv, and v.

Option c. The threshold for average reported landings would be:

Suboption i. 5,000 lbs

Suboption ii. 10,000 lbs

Suboption iii. 15, 000 lbs

Suboption iv. 20,000 lbs.

Note: If the Councils chose an option from a-b, they must also choose an option from c.

Alternative 3: Renew permits for commercial king mackerel gillnet vessels only if the vessel had reported landings in:

Option a. The fishing year ending June 30, 2009

Option b. At least one of the five years preceding the June 30, 2009 control date

Option c. At least two of the five years preceding the June 30, 2009 control date

Table 1. Number of qualifying king mackerel gillnet endorsements for Alternative 2 using landing levels to determine qualification. Y=qualify, N=do not qualify.

Minimum Annual Pounds (Alt 2c)	2001-2011 (Alt 2a)				2001-2009 (Alt 2b)			
	All years (Alt 2ai)		Best 10 of 11 (Alt 2aii)		All years (Alt 2bi)		Best 8 of 9 (Alt 2bii)	
	Y	N	Y	N	Y	N	Y	N
5,000 (Alt 2ci)	15	8	17	6	16	7	16	7
10,000 (Alt 2cii)	15	8	15	8	14	9	14	9
15,000 (Alt 2ciii)	13	10	13	10	13	10	13	10
20,000 (Alt 2civ)	8	15	10	13	9	14	10	13

Source: SEFSC logbooks and SERO Permits database.

Table 2. Number of qualifying king mackerel gillnet endorsements for Alternatives 2 and 3 using number of years with landings to determine qualification. Y=qualify, N=do not qualify.

2001-2011 (Alt 2a)			2001-2009 (Alt 2b)			2005-2009 (Alt 3)		
Number of Years	Y	N	Number of Years	Y	N	Number of Years	Y	N
1 out of 11 (Alt 2aiii)	18	5	1 out of 9 (Alt 2biii)	18	5	2009 only (Alt 3a)	14	9
2 out of 11 (Alt 2aiv)	16	7	2 out of 9 (Alt 2biv)	16	7	1 out of 5 (Alt 3b)	16	7
3 out of 11 (Alt 2av)	16	7	3 out of 9 (Alt 2bv)	15	8	2 out of 5 (Alt 3c)	14	9

I'll sum up: typical annual pounds seem to be about 10,000-12,000 lbs and seem to landing regularly, so most of these endorsement holders will be considered “active” in any of the eligibility scenarios. In general, the more restrictive options (e.g., 20K lb minimum) will more likely remove some of the smaller but consistently active participants.

Gulf Council Motions
Eliminated an option under the minimum landings alternative to include 5 years prior to the control date (2005-2009). This option is not included in this version of the document.

Mackerel AP Recommendation
Select Alternative 1 as the Preferred, because it is a traditional fishery and the gillnet quota would not change anyway.

Gulf Scoping comments
Most commenters supported some way of removing latent gillnet endorsements. Three commenters thought the KM gillnet fishery should be eliminated.

IPT Recommendations
-Eliminate suboptions ii, iv, and v from Options a and b. Option a. All years with data available (2001-2011) Suboption i. Average of all years Suboption ii. Average of the best 10 years of the 11 years Suboption iii. At least one of the 11 years Suboption iv. At least two of the 11 years

~~Suboption v. At least three of the 11 years~~

Option b. All years before the control date (2001-2009)

Suboption i. Average of all years

~~Suboption ii. Average of the best eight of nine years~~

Suboption iii. At least one of the nine years

~~Suboption iv. At least two of the nine years~~

~~Suboption v. At least three of the nine years~~

- Add an appeals process.

1) Do you want to also eliminate an option under Alternative 2 to consider minimum landings from 2005-2009 (track the Gulf's action)?

2) Do you want to accept the IPT recommendations?

In which Alternative 2 would look like this:

Alternative 2: Renew gillnet endorsements for commercial king mackerel permits if average landings met the threshold (defined below) during:

Option a. All years with data available (2001-2011)

Suboption i. Average of all years

Suboption ii. At least one of the 11 years

Option b. All years before the control date (2001-2009)

Suboption i. Average of all years

Suboption ii. At least one of the 9 years

Option c. The threshold for average reported landings would be:

Suboption i. 5,000 lbs

Suboption ii. 10,000 lbs

Suboption iii. 15, 000 lbs

Suboption iv. 20,000 lbs.

3) Appeals process?

4) Do you want to add or remove any alternatives/options/suboptions?

5) Do you want to select a preferred alternative/option/suboption?

Action 5. Elimination of Latent Permits in the King Mackerel Hook-and-Line Sector

Background: A moratorium on the issuance of new commercial king mackerel hook-and-line permits has been in effect since 1998. Some historical king mackerel fishermen are concerned that permit holders who have not been fishing or fishing at low levels may begin participating more fully. More vessels fishing under the same quota could mean lower catches for each vessel. On the other hand, many king mackerel fishermen diversify and harvest species from multiple fisheries. Although they may be considered “part-time” king mackerel fishermen, king mackerel may contribute a large portion of their income.

Alternative 1: No Action – do not eliminate any king mackerel permits

Alternative 2: Renew commercial king mackerel permits if average landings met the threshold (defined below) during:

Option a. All years with data available (1998/1999-2009/2010)

- i. Average of all years
- ii. Average of the best x years of the **12 years**
- iii. At least one of the 12 years
- iv. At least two of the 12 years
- v. At least three of the 12 years

Note: The IPT recommends elimination of suboptions ii, iv, and v.

Option b. Ten years (1999/2000-2008/2009 or 2000/2001-2009/2010)

- i. Average of all years
- ii. Average of the best nine of **ten years**
- iii. At least one of the ten years
- iv. At least two of the ten years
- v. At least three of the ten years

Note: The IPT recommends elimination of suboptions ii, iv, and v.

Option c. The threshold for average reported landings would be:

- i. 1 lbs
- ii. 100 lbs
- iii. 500 lbs
- iv. 1,000 lbs.

Note: The Councils must choose one option from a-b AND one option from c.

Alternative 3: Renew commercial king mackerel permits only if the permit had reported landings in:

Option a. The fishing year ending June 30, 2009

Option b. At least one of the five years preceding the June 30, 2009 control date

Option c. At least two of the five years preceding the June 30, 2009 control date

Note: This control date is for the Gulf; however the permit covers both Gulf and South Atlantic. The South Atlantic control date is September 17, 2010.

Table 3. Number of permits that would not meet various landing thresholds during two proposed time periods (Alternative 2) and the year of the control date (Alternative 3). Note: data is preliminary.

Threshold to renew In pounds	3-yr average	
	06/07-08/09	07/08-09/10
1 (Option ci)	308	328
100 (Option cii)	492	489
500 (Option ciii)	708	717
1,000 (Option civ)	829	833
During 08/09 (Alt 3a)	301	

Source: SEFSC logbooks and SERO Permits database.

Table 4. Current distribution of KM permits in the regions and states. Source: SERO Permits database May 30, 2012.

King Mackerel Commercial Permits	
Gulf	390
AL	27
LA	44
MS	9
TX	41
FL_Gulf	269
FL_Keys	152
South Atlantic	844
FL_SouthAtl	577
GA	10
SC	27
NC	230
Mid-Atlantic	31
New England	3
Other	7
Grand Total	1,427

Gulf Council Motions

Removed an option to consider landings minimum in 2005-2009.
 Moved the Action for passive (2-for-1) reduction to the Considered but Rejected.

Mackerel AP Recommendations

Add a new alternative and select as the Preferred:
 Alternative 4: Do not allow sale (allow transfer to family members) of latent permits but do not eliminate them.

Also a motion to recommend to the GMFMC to use the two-for-one passive reduction of KM permits.

The AP also passed a motion to ask the Council to address latent permits since they can potentially be a problem and that the Council should define what a full-time commercial fisherman is, and use this definition to give preference in addressing latent permits.

Gulf Scoping comments

About half of the commenters did not feel any action was necessary, and about half were in support of some action to remove latent permits. Some commenters were in favor of requiring KM permit transfers to be two-for-one.

IPT Recommendations

Eliminate suboptions ii, iv, and v under Alternative 2 Options a and b:

Alternative 2: Renew commercial king mackerel permits if average landings met the threshold (defined below) during:

Option a. All years with data available (1998/1999-2009/2010)

- i. Average of all years
- ii. ~~Average of the best x years of the 12 years~~
- iii. At least one of the 12 years
- iv. ~~At least two of the 12 years~~
- v. ~~At least three of the 12 years~~

Option b. Ten years (1999/2000-2008/2009 or 2000/2001-2009/2010)

- i. Average of all years
- ii. ~~Average of the best nine of ten years~~
- iii. At least one of the ten years
- iv. ~~At least two of the ten years~~
- v. ~~At least three of the ten years~~

- Add an appeals process.

1) Do you want to also eliminate an option under Alternative 2 to consider minimum landings from 2005-2009 (track the Gulf's action)?

2) How about the passive (2-for-1) reduction action/alternative?

3) Appeals process?

4) Do you want to accept the IPT recommendations?

In which Alternative 2 would look like this:

Alternative 2: Renew commercial king mackerel permits if average landings met the threshold (defined below) during:

Option a. All years with data available (1998/1999-2009/2010)

- i. Average of all years

- ii. At least one of the 12 years
- Option b. Ten years (1999/2000-2008/2009 or 2000/2001-2009/2010)
- i. Average of all years
 - ii. At least one of the ten years

5) Do you want to add or remove any more alternatives?

6) Do you want to select a preferred alternative?

Action 6. Federal Regulatory Compliance

Background: In developing regulations, analyses for Council amendments and FMPs assume that states will comply with proposed federal regulations. If states do not comply, then projected reductions in harvest and fishing mortality may not occur, compromising the Council's ability to end overfishing and rebuild overfished stocks. The net result is that landings may exceed target levels, and future determinations of stock status may indicate overfishing is occurring. Although most king mackerel are predominantly caught outside of state territorial waters, catch in state waters can still be significant for Spanish mackerel and cobia. Additionally, more liberal regulations in state waters complicate law enforcement and may provide fishermen with an incentive to harvest greater amounts of fish, regardless of where the fish are caught.

NMFS has the authority to establish permit requirements and conditions for federal for-hire and commercial permit holders who choose to have a federal fishing permit and engage in the privilege of fishing. By requiring federal permit holders to comply with the more restrictive of state or federal CMP regulations when fishing in state waters, the probability of overages occurring would be reduced and there would be an increased likelihood that overfishing is prevented. This is especially important given the new mandates of the reauthorized Magnuson-Stevens Act, which require annual catch limits and accountability measures for Council-managed species.

Alternative 1: No Action - All vessels with federal commercial king and/or Spanish mackerel permits, as well as CMP charter permits are subject to applicable federal CMP regulations when fishing in the EEZ, and are subject to applicable state CMP regulations when fishing in state waters.

Alternative 2: All vessels with federal commercial king and/or Spanish mackerel permit, as well as CMP charter permits must comply with the more restrictive of state or federal CMP regulations when fishing in state waters.

Gulf Council Motions
None

Mackerel AP Recommendation
Select Alternative 1 as the Preferred.

Gulf Scoping comments
Most commenters supported no action. One commenter was concerned that gillnets would be prohibited in federal waters as well as Florida waters.

1) Do you want to add or remove any alternatives?

2) Do you want to select a preferred alternative?

Action 7. Modify or Eliminate Income Requirements for Gulf and South Atlantic Commercial Coastal Migratory Pelagic Permits

Background: Currently, the renewal of both king and Spanish mackerel commercial permits requires 25% of the applicant's income to have come from fishing or \$10,000 from commercial or charter/headboat fishing activity in one of the previous three calendar years of the application.

Alternative 1: No Action – Maintain existing income requirements for Gulf and South Atlantic commercial king and Spanish mackerel permits. To obtain or renew a commercial vessel permit for king or Spanish mackerel, at least 25% of the applicant's earned income, or at least \$10,000, must have been derived from commercial fishing or from charter fishing during one of the three calendar years preceding the application.

Alternative 2: If established in Action 1, establish an income requirement for the cobia permit consistent with the requirements for Gulf and South Atlantic commercial king and Spanish mackerel permits. Maintain existing income requirements for Gulf and South Atlantic commercial king and Spanish mackerel permits.

Alternative 3: Eliminate income requirements for commercial king and Spanish mackerel permits.

Alternative 4: Replace the current income requirements for king and Spanish mackerel (and cobia, if applicable) with a Coastal Migratory Pelagics landings requirement, such that in one of the three years preceding the application, landings must be greater than:

- Option a: 500 lbs of coastal migratory pelagic species
- Option b: 1,000 lbs of coastal migratory pelagic species
- Option c: 5,000 lbs of coastal migratory pelagic species
- Option d: 10,000 lbs of coastal migratory pelagic species

Alternative 5: Modify the current income requirements to allow the Gulf or South Atlantic Council to suspend the renewal requirements by passage of a motion specifying: (a) the event or condition triggering the suspension; (b) the duration of the suspension; and (c) the criteria establishing who is eligible for the suspension. The affected Council would then request that the Regional Administrator suspend income requirements according to the terms outlined in the motion.

Note: **Alternative 5** may be selected alone or with **Alternative 2** and/or **Alternative 4**.

Gulf Council Motions
None

Mackerel AP Recommendation
Select Alternative 1 as the Preferred.

Gulf Scoping comments

Most commenters were in support of the income requirement over a landings requirement. Some commenters suggested increasing the required percentage of income to 40%, 50%, and 75%.

1) Do you want to add or remove any alternatives?

2) Do you want to select a preferred alternative?

Action 8. Atlantic Group Spanish Mackerel Gillnet Endorsement

Background: The fishing power of gillnets is substantially higher than cast net and hook-and-line gears. In the past there was an equitable balance among the gears. In recent years there have been additional vessels entering the gillnet fishery in the Atlantic and this will negatively impact hook-and-line and cast-net fishermen as the gillnet catches occur earlier in the season, than the other gears.

Alternative 1: No Action – Do not establish an Atlantic group Spanish mackerel gillnet endorsement

Alternative 2: Establish an Atlantic group Spanish mackerel gillnet endorsement with qualifying poundages for a commercial gillnet endorsement based on the new control dates and average landings during the most recent 5, 10, or 15 years prior to these control dates (September 17, 2010 for Atlantic group Spanish mackerel)

Option a: 30,000 pounds

Option b: 20,000 pounds

Option c: 10,000 pounds

Gulf Council Motions
None

Mackerel AP Recommendation
Select Alternative 1 as the Preferred.

Gulf Scoping comments
Most commenters did not think a SM gillnet endorsement was necessary.

1) Do you want to add or remove any alternatives?

2) Do you want to select a preferred alternative?

Public Hearing Dates and Locations

Public Hearings will be held from 4 – 7 p.m.

<p><u>August 9, 2012</u> Hilton Key Largo Resort 97000 South Overseas Highway Key Largo, Florida 33037 Phone: 305-852-5553</p>	<p><u>August 8, 2012</u> Doubletree Hotel 2080 N. Atlantic Avenue Cocoa Beach, Florida 32931 Phone: 321-783-9222</p>
<p><u>August 7, 2012</u> Jacksonville Marriott 4670 Salisbury Road Jacksonville, Florida 32256 Phone: 904-296-2222</p>	<p><u>August 6, 2012</u> Richmond Hill City Center 520 Cedar Street Richmond Hill, Georgia 31324 Phone: 912-445-0043</p>
<p><u>August 14, 2012</u> Hilton Garden Inn Airport 5265 International Boulevard North Charleston, SC 29418 Phone: 843-308-9330</p>	<p><u>August 16, 2012</u> Hilton New Bern Riverfront 100 Middle Street New Bern, North Carolina 28560 Phone: 252-638-3585</p>

Option 1. Approve CMP Amendment 19 for public hearings.

Option 2. Review CMP Amendment 19 at the September 2012 meeting before approving for public hearings.