

# **DECISION DOCUMENT**

for

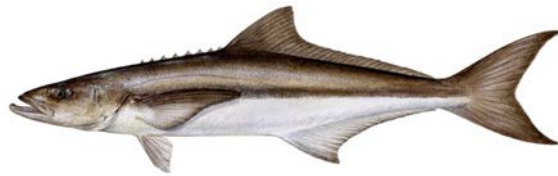
## **AMENDMENT 20**

to the joint Fishery Management Plan for  
Coastal Migratory Pelagic Resources

of the

**Gulf of Mexico and South Atlantic**  
(zones and boundaries)

This is a draft



**Orlando, FL**  
**June 2012**

## **Actions in Amendment 20**

1. Modify Subzones and Allocation of Gulf Migratory Group Eastern Zone King Mackerel.
2. Modify the Commercial Hook-and-Line Trip Limits for Gulf Migratory Group King Mackerel
3. Change the Fishing Season for Gulf Group King Mackerel for the Eastern and Western Zone
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
5. Restrictions on Fishing for King Mackerel in Multiple Zones
6. Modify the Gulf and Atlantic Migratory Group Cobia Annual Catch Limits (ACLs).
7. Establish State-by-State or Regional Quotas for Atlantic Migratory Group King Mackerel, Spanish Mackerel, and Cobia
8. Set Annual Catch Target (ACTs) by Sub-Zones for Atlantic Migratory Group Cobia.
9. Specify Accountability Measures (AMs) by Sub-Zones for Atlantic Migratory Group Cobia
10. Modify the Framework Procedure

## **Action 1. Modify Subzones and Allocation of Gulf Migratory Group Eastern Zone King Mackerel.**

**Background:** The Northern Subzone of the Gulf Eastern Zone has caught its allocation in seven of the last twelve years and the closure of the subzone has usually occurred in the fall before the fish have migrated south. As a result, fishermen along the peninsula of Florida have not had 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 of Mexico (Gulf) group king mackerel from three to two, thus it simplifies monitoring. It also provides for a larger potential share of total allowable catch for fishermen over a broader area.

### **Current allocations for Gulf Group Eastern Zone:**

Gulf/Eastern/Northern: 197,064 lbs

Gulf/Eastern/Southern: 1,215,228 lbs (50/50 gillnet and hook and line)

Gulf/Eastern/FL East Coast: 1,215,228 lbs

**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.

This will make Gulf/Eastern include AL/FL line to Flagler/Volusia county line and the Gulf/Eastern ACL= 2,250,000 lbs

**Alternative 3:** Modify the Florida West Coast Subzones and reallocate quota.

**Option a:** Retain the 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

**Gulf Council Motions**

- Directed staff to add an Alternative 4 that develops alternatives to permit access to the king mackerel fishery by those just north of the Collier/Lee boundary.

- Removed an alternative that combined the Gulf/Eastern/Northern with the Gulf/Western ACL and zone.

**Mackerel AP Recommendations**

- None

**Gulf Scoping comments**

Most commenters did not want any changes to boundaries or seasons.

**Committee Actions**

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

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

**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

<b>Gulf Council Motions</b>
None

<b>Mackerel AP Recommendation</b>
Support a trip limit of 3,000 lbs in the Gulf/Eastern/Southern Subzone (Alternative 5, Option c)

<b>Gulf Scoping comments</b>
Commenters support higher trip limits and no reduction. When the trip limit is reduced to 500 lbs, it is not worth it to go fishing.

**Committee Actions**

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

**2) Do you want to select a preferred alternative/option?**

**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

<b>Gulf Council Motions</b>
None

<b>Mackerel AP Recommendations</b>
Select Alternative 1 (No Action) as the Preferred.

<b>Gulf Scoping comments</b>
Most commenters did not support changing the fishing seasons.

**Committee Actions**

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

**2) Do you want to select a preferred alternative/option?**

**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.**

Background: 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.

**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.

<b>Mackerel AP Recommendation</b>
Select Alternative 2 as the Preferred.

<b>Gulf Scoping comments</b>
All commenters supported a transit provision.

**Committee Actions**

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

**2) Do you want to select a preferred alternative?**

## **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, Atlantic?).

**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

**Suboptionii:** Annual

<b>Mackerel AP Recommendations</b>
Select Alternative 1 (No Action) as the Preferred.

<b>Gulf Scoping comments</b>
About half of the commenters did not support zones because the fish migrate and fishermen need to be able to travel to catch them. Commenters who supported zones felt that it would help protect fishing grounds, and that if zones were used then the fishermen should be able to select which zones to use (instead of being designated by home address, etc).

### **Committee Actions**

**1) Clarify zones or subzones.** Under Alternative 2, would the permit holder have to identify down to a subzone in Gulf Eastern, or they could select just a zone? For example:

-If you selected Gulf Group Eastern Zone, you would or would not have to select a Subzone (Northern, Southern, FL East Coast)?

- If you selected Atlantic Group Mid and South Atlantic Zone, you would or would not have to select a Subzone and its associated trip limit?

- Would it be fair that someone could select Gulf Group Western Zone and fish an ACL of 1,010,000lbs, but another person had to select a Gulf Group Eastern Zone subzone and its ACL?



**2) Clarify transferability and duration of endorsements**

- Do you want endorsements to be transferable

1) at any time,

2) only while the season is open for that zone/subzone

3) never?

- Do you want permit holders to select their zone(s) prior to the season opening for that zone/subzone?

- Or once the endorsement is designated to a zone/subzone, it is permanent?

**3) Do you want to add or remove any more alternatives or options?**

**4) Do you want to select a preferred alternative/ option?**

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

Background: Because the biological boundary from the cobia 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.

### **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 for based on the Gulf of Mexico Fishery Management Council's Scientific and Statistic (SSC) acceptable biological catch (ABC) control rule and latest stock assessment. The ABC and annual catch limit (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 = optimum yield (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 ABC 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???

<b>Mackerel AP Recommendation</b>
None.

<b>Gulf Scoping comments</b>
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None.
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**Committee Actions**

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

**2) Do you want to select a preferred alternative?**

**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

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

**Mackerel AP Recommendation**

Select Alternative 1 as the Preferred.

The AP felt that if quota was tight, this may be a good option. North Carolina supports this more than the other states.

**Gulf Scoping comments**

Three commenters did not support state quotas, one commenter supported state quota but using historical catch to allocate.

**Note: This would be very complicated with the zone designations in Action 5.**

## **Committee Actions**

### **1) Are the quotas tight?**

**Table 1.** Percentage of Atlantic Group King Mackerel and Spanish Mackerel quota landed in the past ten years. Source: SERO Mackerel Quota Reports.

<b>Fishing Year</b>	<b>% of King Mackerel Quota Landed</b>	<b>% of Spanish Mackerel Quota Landed</b>
2011-12	54.8%	96.2%
2010-11	72.5%	104.3%
2009-10	94.6%	72.7%
2008-09	77.6%	66%
2007-08	71.1%	75%
2006-07	90.8%	75.2%
2005-06	57.9%	76.4%
2004-05	66.9%	75.5%
2003-04	52.8%	79.2%
2002-03	44.7%	76.2%

Note: Reports dated 5-10 days after season closing date are included with the exception of 2006-07 and 2004-05 reports, which were dated 5-10 days prior to the season closing date.

**Table 2.** Commercial cobia landings and percentage of the current commercial ACL for Atlantic Group cobia. Source: NMFS commercial landings database.

	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
FL (East)	65,499	61,336	53,282	62,188	37,004	57,875	60,805	57,003	65,953	101,564
GA	0	0	0	705	0	0	245	0	0	0
SC	5,632	6,357	6,802	4,343	4,194	2,635	3,771	3,212	2,275	2,747
NC	24,744	21,080	21,330	20,187	17,902	20,291	19,030	22,069	31,928	43,737
VA	10,085	0	7,387	6,143	6,108	6,369	6,086	6,982	6,199	8,852
MD	0	0	0	0	118	398	266	1	37	77
NJ	683	2,086	621	576	329	1,169	1,650	0	1,134	270
NY	252	70	84	758	57	0	0	48	0	0
RI	223	48	198	268	0	870	137	0	154	0
<b>Total Pounds</b>	<b>107,118</b>	<b>90,977</b>	<b>89,704</b>	<b>95,168</b>	<b>65,712</b>	<b>89,607</b>	<b>91,990</b>	<b>89,315</b>	<b>107,680</b>	<b>157,247</b>
<b>% of Current Atl Group Cobia Commercial ACL</b>	<b>85.2%</b>	<b>72.4%</b>	<b>71.4%</b>	<b>75.7%</b>	<b>52.3%</b>	<b>71.3%</b>	<b>73.2%</b>	<b>71.0%</b>	<b>85.7%</b>	<b>125.1%</b>

**2) Things to consider and be explicit about when discussing state/regional quotas.**

**- Which would count towards a state's quota: landings by designed permits, or landings in a state?**

If designated permits: Would fishermen be assigned to a state/region? If so, based on home address, home port, landings site, etc? Or could they choose a state/region? Can they change the selection?

If landings in a state: how would you address the likely problem of fishermen from another state with a closed quota landing in an open-quota state?

**- How would you allocate the quotas?** If based on historic landings, what years? Whose landings (fishermen with permit associated with that state, or ALS data from the state)?

**- Could state/regions transfer quota among themselves?**

**3) Do you want to add or remove any alternatives/options?**

**4) Do you want to select a preferred alternative/option?**

## **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  $ACL[(1-PSE) \text{ or } 0.5, \text{ whichever is greater}]$  (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  $ACL[(1-PSE) \text{ or } 0.5, \text{ whichever is greater}]$ . Note: PSE is the average of the most recent five years data available.

<b>Mackerel AP Recommendation</b>
Select Alternative 1 as the Preferred.

### **Committee Actions**

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

**2) Do you want to select a preferred alternative?**

## **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 separately to each of the Atlantic migratory group cobia subzones (as determined by Action 7).

**Alternative 3:** The current commercial and recreational AMs for Atlantic migratory group cobia apply to separately 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.

### **Committee Actions**

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

**2) Do you want to select a preferred alternative?**



## **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.*

## **Committee Actions**

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

Option 1. Approve CMP Amendment 20 for public hearings.

Option 2. Review CMP Amendment 20 at the September 2012 meeting before approving for public hearings.