

DECISION DOCUMENT

**JOINT GULF & SOUTH ATLANTIC  
FISHERY MANAGEMENT COUNCILS**

**MACKEREL  
COMMITTEE MEETING**

**Key West Marriott Beachside Hotel  
3841 N. Roosevelt Boulevard  
Key West, FL  
(800) 228-9290 or (305) 296-8100**

**JUNE 8, 2011**



**Gulf of Mexico Fishery  
Management Council  
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**REVISED AGENDA**

**GULF OF MEXICO FISHERY MANAGEMENT COUNCIL**

**JOINT MEETING OF THE  
GULF OF MEXICO FISHERY MANAGEMENT COUNCIL/  
SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
MACKEREL MANAGEMENT COMMITTEES**

**MARRIOTT BEACHSIDE**

**SALON B AND C**

**KEY WEST, FLORIDA**

**WEDNESDAY, JUNE 8, 2011  
1:00 P.M. – 4:00 P.M.**

**(Note:** Each Council's Committee will vote separately. Myron Fischer will conduct the voting for the Gulf Council's Committee, and George Geiger will conduct the voting for the South Atlantic Council's Committee.)

- I. Adoption of Agenda **(Tab C, No. 1)** – Fischer/Geiger
- II. Approval of Minutes **(Tab C, No. 2 through Tab C, No. 4)** – Fischer/Geiger
  - a. South Atlantic Mackerel Committee March 7, 2011 Minutes **(Tab C, No. 2)** – Geiger
  - b. Gulf Council Mackerel Committee April 12, 2011 Minutes **(Tab C, No. 3)** – Fischer
  - c. Joint Gulf & SA Mackerel Committee June 7, 2010 Minutes **(Tab C, No. 4)** – Fischer/Geiger
- III. Amendment 18 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Atlantic and Gulf of Mexico, Including Environmental Assessment, Regulatory Impact Review, and Regulatory Flexibility Act Analysis **(Tab C, No. 5)** – Fischer/Geiger
  - a. South Atlantic Council Public Hearing Minutes & Letters **(Tab C, No. 6 & 7)** – Waugh
  - b. South Atlantic Council AP Recommendations **(Tab C, No. 8)** – Waugh
  - c. South Atlantic Council SSC Recommendations **(Tab C, No. 9)** – Waugh
  - d. Joint Actions – Actions 1, 2, and 3
    - A. Overview **(Decision Document; Tab C, No. 10)** – Waugh
    - B. Discussion – Fischer/Geiger
    - C. GMFMC Committee Recommendations – Fischer
    - D. SAFMC Committee Recommendations – Geiger

- e. South Atlantic Council Actions – Action 13 through 21 – Geiger/Waugh
  - 1. Overview (**Decision Document; Tab C, No. 10**) – Waugh
  - 2. Discussion – Fischer/Geiger
  - 3. SAFMC Committee Recommendations – Geiger
  - 4. GMFMC Committee Recommendations – Fischer
- f. Gulf Actions – Actions 4 through 12 – Fischer/Leard
  - 1. Overview (Amendment 18) – Leard
  - 2. Discussion – Fischer/Geiger
  - 3. GMFMC Committee Recommendations – Fischer
  - 4. SAFMC Committee Recommendations – Geiger

IV. Other Business – Fischer/Geiger

V. Adjourn – Fischer/Geiger

Members:

Gulf Council Committee:

Myron Fischer, Chair  
 John Greene, V. Chair  
 Roy Crabtree/Phil Steele/Steve Branstetter  
 Tom McIlwain  
 Damon McKnight  
 Chris Blankenship/Kevin Anson  
 Ed Sapp

Staff: Rick Leard/Karen Burns

South Atlantic Council Committee:

George Geiger, Chair  
 David Cupka, V. Chair  
 Tom Burgess  
 Mac Currin  
 Brian Cheuvront  
 Duane Harris  
 Ben Hartig  
 Charlie Phillips  
 Mark Robson  
 Tom Swatzel  
 Red Munden, Mid-Atlantic Representative

Staff: Gregg Waugh

Attachments:

- Tab C, No. 1. Agenda
- Tab C, No. 2. South Atlantic Mackerel Committee March 7, 2011 Minutes
- Tab C, No. 3. Gulf Council Mackerel Committee April 12, 2011 Minutes
- Tab C, No. 4. Joint Gulf & SA Mackerel Committee June 7, 2010 Minutes
- Tab C, No. 5. Amendment 18 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Atlantic and Gulf of Mexico
- Tab C, No. 6. South Atlantic Council Public Hearing Minutes
- Tab C, No. 7. South Atlantic Council Public Hearing Letters
- Tab C, No. 8. South Atlantic Council AP Recommendations
- Tab C, No. 9. South Atlantic Council SSC Recommendations
- Tab C, No. 10. Decision Document

## DECISIONS

The material is organized by Action and then Alternatives for (a) Joint Actions 1-3 and (b) SAFMC Actions 13-21. GMFMC Actions 4-12 will be addressed using the Amendment 18 document. There are four categories of information presented for each action:

- A. What is being proposed? This shows the wording of the action and alternatives.
- B. What do the public and AP/SSC think about the actions/alternatives? This shows the comments/recommendations from the Scientific & Statistical Committees (SSCs), Advisory Panels (APs), public hearings, and letters.
- C. Do you want to change the preferred? Based on your review of the public and AP/SSC input, are there any alternatives that should be modified/added/etc? Do you want to change any preferred alternatives? Each Committee should develop the rationale to go along with their recommendations.
- D. What does it do? This material summarizes the impacts of the actions/alternatives.

### Notes:

- 1. Preferred Alternatives are shown highlighted in turquoise: Preferred Alternative
- 2. Action/Decisions for Committee/Council consideration are shown highlighted in yellow:
  - Option 1. No change. If the Committee does not want to make a change, a consensus statement that no change is being made is sufficient.
  - Option 2. Specify changes. If there are suggestions from Council/NMFS/NOAA GC Staff they are shown. If the Committee wishes to make a change, then a motion is in order.

## 1. Removing Species from Unit

### A. What is being proposed?

The Councils manage 7 species in the “Coastal Migratory Pelagics Fishery Management Unit”. The Councils are concerned that the requirement for ACLs and AMs for some species will create a significant administrative burden to science and the administrative environment as landings are minimal and variable over time; specification of ACLs and AMs could trigger common overages. In addition, many of these species have state regulations. Therefore, the Councils are considering a re-organization of the coastal migratory pelagics complex by removing species from the complex.

Action 1 (Modifications to Fishery Management Unit) Alternatives
<b>Alternative 1.</b> No Action – Retain the following species in the Fishery Management Plan for data collection purposes only, but do not add them to the Fishery Management Unit: cero, little tunny, dolphin (Gulf only), and bluefish (Gulf only).
<b>Alternative 2.</b> Add the following species to the Fishery Management Unit and set annual catch limits and accountability measures: <b>Option a.</b> Cero Suboption i: In the Gulf of Mexico region Suboption ii: In the South Atlantic region <b>Option b.</b> Little tunny Suboption i: In the Gulf of Mexico region Suboption ii: In the South Atlantic region <b>Option c.</b> Dolphin (In the Gulf of Mexico region only) <b>Option d.</b> Bluefish (In the Gulf of Mexico region only)
<b>Preferred Alternative 3.</b> Remove the following species from the Fishery Management Plan: <b>Option a.</b> Cero Suboption i: In the Gulf of Mexico region Suboption ii: In the South Atlantic region <b>Option b.</b> Little tunny Suboption i: In the Gulf of Mexico region Suboption ii: In the South Atlantic region <b>Option c.</b> Dolphin Suboption i: In the Gulf of Mexico region Suboption ii: In the South Atlantic region <b>Option d.</b> Bluefish (In the Gulf of Mexico region only)

### B. What do the public and AP/SSC think about the actions/alternatives?

- (i) SAFMC AP – approved Preferred Alternative 3.
- (ii) SAFMC SSC – no comment.
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

### C. Do you want to change the preferred?

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

Option 1. No change.

Option 2. Specify changes.

#### **D. What does it do?**

##### **Impacts from Action 1 (Modifications to Fishery Management Unit)**

###### *Biological/Ecological & Physical*

**Alternative 1** would not meet the National Standard 1 guidelines and have the same impacts to the physical or biological environments as currently exist. **Alternatives 2** would add these species to the FMU and the Council would set ACLs and AMs. This alternative would be expected to have positive impacts on the physical and biological environments if catch is constrained below current levels. **Alternative 3** would remove all of the other species from the fishery management plan. If other agencies, such as the individual states, took over management, positive physical and biological impacts could occur. If another agency did not take over management of other species, and overfishing or detriment to the resource occurred without our knowledge, negative physical and biological impacts would be expected.

###### *Economic*

The economic effects of **Alternatives 1-3** are based on the expected biological effects of the alternatives. While implementation of **Alternative 2** would cap harvest, **Alternatives 1 and 3 (Preferred)** would not and this might result in higher short-term economic benefits from **Alternatives 1 and 3 (Preferred)**. However, under **Preferred Alternative 3**, removal of the listed species from the CMP FMP leaves the removed species more vulnerable than if they are retained for data collection purposes only (**Alternative 1**) while **Alternative 2** would offer the greatest protection by setting ACLs and AMs for the four species. However, if the states take over management of the species under **Preferred Alternative 3**, an improvement in management could be expected. For these reasons, **Alternative 2** is expected to offer the greatest long-term economic benefit followed by **Alternative 1** and **Preferred Alternative 3**.

###### *Social*

This action would have indirect effects on the social environment due to additional data and management required to implement ACLs and monitor landings for Cero and Little Tunny in **Alternative 1** and **Alternative 2**. For some species that are caught infrequently and in low numbers it may be more efficient to exclude those from management as the difficulty in tracking landings and monitoring could prove costly to implement by assigning ACLs to all. Ultimately, this could have negative effects on commercial and recreational sectors for King Mackerel, Spanish Mackerel, and Cobia.

By removing Cero (**Option 3-a**) and Little Tunny (**Option 3-b**) from the FMP, **Preferred Alternative 3** would have positive indirect effects on the social environment in that management for remaining CMP stocks could be streamlined. Removal of Dolphin (**Option 3-c**) will update the FMP language to reflect the existence of a separate FMP for Dolphin in the Atlantic.

###### *Administrative*

**Alternative 1** would not remove any species from the FMU and would result in increased administrative impacts associated with establishing ACLs and AMs. Under **Alternative 1**, king and Spanish mackerel and cobia would remain in the FMU and ACLs and AMs would be required. **Alternative 2** would add cero, little tunny, and dolphin in the Gulf and bluefish in the Gulf to the FMU. This would increase the administrative burden associated with establishing ACLs and AMs for those species. **Alternative 3** would remove the same species from the FMP resulting in less administrative burden with regards to establishing ACLs and AMs. However, removing these species from the FMP (rather than the FMU) may make it more difficult to develop management measures for these species if the need arises.

## 2. Modify the Framework Procedure

### A. What is being proposed?

The Councils currently have three different regulatory vehicles for addressing fishery management issues. First, a full amendment may be developed to implement management measures. The amendment process can take one to three years depending on the type of NEPA document needed to support the amendment actions. Second, the Council 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 FMP amendment. Third, the Councils may prepare a regulatory amendment (hereafter called a framework action) based on the framework procedure, previously included through an amendment, which allows changes in specific management measures and parameters. Typically, framework actions take less than a year to implement, and are effective until amended.

<b>Action 2 (Modify the Framework Procedure) Alternatives</b>
<b>Alternative 1.</b> No Action – Do not modify the framework procedure.
<b>Alternative 2.</b> Update the framework procedure to incorporate the SEDAR process and adjustments to ACLs (Appendix A).
<b>Alternative 3.</b> Revise the framework procedure to incorporate the SEDAR process and adjustments to ACLs, and expand the procedure to allow adjustments of greater range of management measures under specific procedural guidelines. <b>Preferred Option 1.</b> Adopt the base Framework Procedure (Appendix B) <b>Option 2.</b> Adopt the more broad Framework Procedure (Appendix C) <b>Option 3.</b> Adopt the more narrow Framework Procedure (Appendix D)

### B. What do the public and AP/SSC think about the actions/alternatives?

- (i) SAFMC AP – approved Preferred Alternative 3, Option 1.
- (ii) SAFMC SSC – no comment.
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

### C. Do you want to change the preferred?

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

**Option 1.** No change.

**Option 2.** Specify changes.

#### **Council/NMFS/NOAA GC Staff**

1. Change the base Framework Procedure (Appendix B) – see new Appendix B attached to the end of this decision document and in Amendment 18.

**Motion: Preferred Option 1.** Adopt the revised base Framework Procedure (Appendix B).

## D. What does it do?

### Impacts from Action 2 (Modify the Framework Procedure)

#### *Biological/Ecological & Physical*

There are no direct physical, biological, or ecological effects 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 will increase. **Alternatives 2 and 3** offer the greater management flexibility and therefore are expected to offer greater long-term biological benefits than **Alternative 1 (No Action)**; **Alternative 3** offers the greatest efficiency and effectiveness of management change and therefore largest expected long-term biological benefits. The physical environment would be indirectly impacted if a more flexible framework is implemented.

#### *Economic*

There are no direct economic effects expected from modifications to the framework procedure. However, if modifications increase the ease with which regulations can be implemented as needed, long-term economic benefits will increase as a consequence of increases in biological benefits. Since **Alternative 2** and **Alternative 3 (Including Preferred Option 1)** offer greater management flexibility and therefore are expected to offer greater long-term economic benefits than **Alternative 1 (No Action)** with **Alternative 3 (including Preferred Option 1)** offering the greatest efficiency and effectiveness of management change and therefore largest expected long-term economic benefits.

#### *Social*

**Alternative 1** would allow for neither updates in the management framework procedure nor development of a process to incorporate new information to adjust ACLs. This could negatively impact the recreational and commercial fishing sectors should new data indicate that a stock had improved but the Council had no means to rapidly increase the ACL, resulting in loss of opportunity, income, and/or recreational angling experiences. **Alternative 2** and **Alternative 3** would generate indirect positive effects on the social environment with the framework modifications to incorporate a procedure for adjusting ACLs; updating text to reflect adoption of SEDAR as the source of stock assessment information (**Alternative 2** and **Alternative 3**) would provide consistency in language with regulatory changes and have few effects on the social environment. **Preferred Alternative 3, Option 1** will most likely result in positive social benefits in that it gives a clear and flexible procedure for the Council to make a management change. **Option 2** and **Option 3** will also provide the same outcome, but **Option 2** forfeits public participation and advisory panel input for a shorter timeline while **Option 3** works with more participation but a longer timeline to implementation. These more rigid procedures require the choice between timeliness and participation for all future management actions, both of which are important but in different situations. For example, while **Option 2** allows for timeliness by requiring discussion at only one council meeting (while **Option 3** requires three council meeting discussions), there may be a time when lack of discussion leads to negative social impacts.

#### *Administrative*

Framework amendments generally require less time and staff effort and would lessen the administrative burden on the agency. **Alternative 3, Option 1** would provide the most flexibility in the preparation of framework amendments, resulting in the least administrative burden on the agency. **Alternative 3, Option 3** would have tighter guidelines of when a framework can be used as well as the amount of public discussion and the involvement of the SSC, SEP, or APs. **Alternative 3, Option 3** is the most restrictive of options but would offer more flexibility than **Alternative 1** or **Alternative 2**.



### 3. Establish Separate Atlantic and Gulf Migratory Groups of Cobia

#### A. What is being proposed?

Currently the CMP FMP considers there is only one stock of cobia that includes the Gulf and Atlantic through New York. Genetic and tagging work show mixing between the Atlantic and Gulf coasts. A previous stock assessment was done for cobia in the Gulf using the Miami-Dade/Monroe County line as the boundary. More recent unpublished data from research conducted by South Carolina DNR indicate a homogenous offshore group, including the Florida Panhandle area, with distinct inshore aggregations in the Atlantic.

#### The preferred alternative would establish separate Atlantic & Gulf Migratory Groups of Cobia:

- (1) Track boundary proposed for black grouper
- (2) Different from king & Spanish mackerel
- (3) Allow Gulf & South Atlantic/Mid-Atlantic Council to manage cobia separately
- (4) Addresses new genetic results from SCDNR

Action 3 (Establish Separate Atlantic and Gulf Migratory Groups of Cobia) Alternatives
Alternative 1. No Action – Maintain one group of cobia.
Alternative 2. Separate the two migratory groups at the Miami-Dade/Monroe County line.
Preferred Alternative 3. Separate the two migratory groups at the SAFMC/GMFMC boundary.

#### B. What do the public and AP/SSC think about the actions/alternatives?

- (i) SAFMC AP – approved Preferred Alternative 3 and recognized Port Royal/St. Helena Cobia as a distinct population segment.
- (ii) SAFMC SSC – no comment.
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

#### C. Do you want to change the preferred?

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

Option 1. No change.

Option 2. Specify changes.

#### **D. What does it do?**

### **Impacts from Action 3 (Establish Separate Atlantic and Gulf Migratory Groups of Cobia)**

#### *Biological/Ecological & Physical*

There are no direct physical, biological, or ecological effects from the separation of Atlantic and Gulf migratory groups of cobia because this is a management decision. Cobia mix in the Atlantic and Gulf and as long as both migratory groups are managed to prevent overfishing there will be no negative biological effects.

#### *Economic*

While there are no direct economic effects from the separation of Atlantic and Gulf migratory groups of cobia, where the management boundary is established could have distributional impacts on fishermen. Also, management and enforcement difficulties resulting from the three alternatives could have a negative effect on long-term economic benefits.

#### *Social*

Overall, this action will most likely have the largest social impact on the Florida Keys. Continuing to manage cobia as one stock, as under **Alternative 1**, would have little effects on the social environment, as this is how the stock has been managed since 1982 when the CMP FMP was implemented. There may be some negative social impacts on the both the commercial and recreational sectors in south Florida due to changes in distribution under **Alternative 2** and **Preferred Alternative 3**. Additionally, **Preferred Alternative 3** will split Monroe County, requiring additional burden and increased risk of misreporting because fishermen move from oceanside to bayside on a regular basis.

#### *Administrative*

Establishing separate migratory groups of cobia for management purposes would be a procedural issue and would not increase the administrative burden. However, any permits associated with the single stock of cobia (status quo) would need to be revised and re-issued if **Alternative 2** or **Preferred Alternative 3** were selected. The administrative burden associated with revising and re-issuing necessary permits is expected to be significant.

### 13. Specify MSY, MSST, MFMT/OFL, ABC, OY, ACL & ACT for Atlantic Migratory Group King Mackerel

#### A. What is being proposed?

Atlantic migratory group king mackerel were last assessed in SEDAR 16 (2008) with data through 2006. The fishing mortality and biomass parameters were accepted by the SEDAR Review Panel and the Councils Scientific and Statistical Committee. SEDAR 33, which begins in 2012 and is scheduled to be completed in 2013, will assess the three species in the CMP FMP including Atlantic migratory group king mackerel with data through 2011.

<b>Action 13.1 MSY, MSST &amp; MFMT for Atlantic Migratory Group King Mackerel</b>
The Councils have determined that the value for MSY is the value of yield at $F_{MSY}$ from the most recent stock assessment. Currently MSY = 10.4 million pounds. Based on the SEDAR 16 assessment, MSY = 8.964 million pounds. Based on updated projections, <b>MSY = 9.357-12.836 million pounds whole weight.</b>
The Council has determined that the value for MSST is the value from the most recent stock assessment based on $MSST = [(1-M) \text{ or } 0.5 \text{ whichever is greater}] * B_{MSY}$ . Currently MSST = $0.85(B_{MSY})$ with no poundage estimated. Based on the SEDAR 16 assessment, MSST = 1,827.5 billion hydrated eggs.
The Council has determined that the value for MFMT is the value of $F_{MSY}$ or proxy from the most recent stock assessment. Currently MFMT = $F_{MSY} = F_{30\%SPR}$ with no poundage estimated. Based on the SEDAR 16 assessment, <b>MFMT = <math>F_{MSY} = F_{30\%SPR} = 0.256</math>.</b>
<b>There are no alternatives under consideration because these values are being updated from the latest SEDAR stock assessment.</b>

<b>Action 13.2 Overfishing Level (OFL) for Atlantic Migratory Group King Mackerel</b>
The Scientific and Statistical Committee provided the following OFL at their April 2010 meeting: "The OFL for king mackerel is 12.8359 million pounds (corresponds to yield at $F_{30\%SPR}$ , the accepted MSY proxy from the last stock assessment)." Note: This is the expected yield in 2011.
<b>There are no alternatives under consideration because the overfishing level has been provided by the SSC.</b>

<b>Action 13.3 ABC Control Rule and ABC for Atlantic Migratory Group King Mackerel</b>
<b>Alternative 1. No Action.</b> Do not establish an ABC Control Rule for Atlantic migratory group king mackerel.
<b>Preferred Alternative 2.</b> Adopt the SAFMC SSC recommended ABC control rule and establish ABC as 10.46 million pounds (MP).
<b>Alternative 3.</b> Establish an ABC Control Rule where ABC equals OFL (12.8359 million pounds).
<b>Alternative 4.</b> Establish an ABC Control Rule where ABC equals a percentage of OFL. <b>Alternative 4a:</b> ABC = 65%OFL (8.3433 million pounds) <b>Alternative 4b:</b> ABC = 75%OFL (9.6269 million pounds) <b>Alternative 4c:</b> ABC = 85%OFL (10.9105 million pounds)

**B. What do the public and AP/SSC think about the actions/alternatives?**

- (i) SAFMC AP – approved Preferred Alternative 2.
- (ii) SAFMC SSC – no comment.
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

**C. Do you want to change the preferred?**

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

**Option 1. No change.**

**Option 2. Specify changes.**

**Council/NMFS/NOAA GC Staff Recommendations:**

1. Editorial changes: 13.1 to 13-1, 13.2 to 13-2 & 13.2 to 13-3; change million pounds to mp; and change Alternative 4a-4c to Option a-c. These changes are made throughout the document to conform to agreed formatting/layout.
2. Modify Action 13-3 to read as follows [If the numbers are in the actual alternative, then we are stuck with them and need another amendment to change them. If we just have definitions, the values can just be changed in the regulations if the ABC changes. This change is suggested throughout the actions.]:

**Motion: Adopt the following revised wording for Action 13-3:**

**Action 13-3 Allowable Biological Catch (ABC) Control Rule and ABC for Atlantic Migratory Group King Mackerel**

**Alternative 1.** No Action - Do not establish an ABC Control Rule for Atlantic migratory group king mackerel.

**Preferred Alternative 2.** Adopt the SAFMC SSC recommended ABC control rule [currently 10.46 million pounds (mp)].

**Alternative 3.** Establish an ABC Control Rule where ABC equals OFL (currently 12.8359 mp).

**Alternative 4.** Establish an ABC Control Rule where ABC equals a percentage of OFL.

**Option a.** ABC = 65%OFL (currently 8.3433 mp)

**Option b.** ABC = 75%OFL (currently 9.6269 mp)

**Option c.** ABC = 85%OFL (currently 10.9105 mp)

#### **D. What does it do?**

**Impacts from Action 13.1-13.3** (Specify MSY, MSST, MFMT/OFL, ABC for Atlantic Migratory Group King Mackerel)

##### *Biological/Ecological & Physical*

While there are no direct biological effects from identification of an ABC, it does set the upper limit on the level of landings that will be allowed for fishermen and prevents overfishing.

**Alternative 1** (No Action) would not meet the new Magnuson-Stevens Act requirements.

**Alternative 2** would adopt the SAFMC SSC recommended ABC control rule and would be expected to provide the greatest biological benefits over the long term by accounting for assessment uncertainty while preventing overfishing. **Alternative 3** provides the highest level of landings of all the alternatives but carries more biological risk and exceeds the SSC recommendations which could lead to overfishing and negative biological effects. **Alternative 4a-4c** range from providing less biological protection to more as compared to **Alternative 2**. Setting an ABC could affect the physical environment if effort changes from current levels.

##### *Economic*

While there are no direct economic effects from identification of an ABC, it does set the upper limit on the level of landings that will be allowed for fishermen to harvest. In general, a higher ABC is expected to result in higher short-term economic benefits and smaller long-term economic benefits. **Alternative 3** provides the highest level of landings of all the alternatives and therefore is expected to bring about the highest short-term economic benefits. It could also bring about the highest long-term economic benefits as long as the risk of overfishing is very low. If the risk of overfishing is high, **Alternative 3** could provide the lowest long-term economic benefits. **Alternatives 4a and 4b** offer lower short-term economic benefits than **Alternatives 2 (Preferred) 3 and 4c** but also offer the highest long-term economic benefits.

##### *Social*

Establishment of the biological parameters for harvest thresholds will have few direct social effects. Impacts on the social environment are more indirect, resulting from the implementation of the ABC and any subsequent reduction when setting ACLs and ACTs. The more risk averse a control rule or threshold is, the more chances of negative social effects accruing in the short-term if harvest is reduced. The least restrictive ABC would result from **Alternative 3**, while **Alternative 4c** is the most restrictive, but all effects on the social environment will depend on subsequent decisions for the ACL and AMs following this action.

##### *Administrative*

The establishment of an ABC Control Rule is a procedural exercise. The rule is developed by the Council's SSC for consideration by the Council. Although the control rule can have implications on management actions, no specific management actions are required through the specification of the control rule. The administrative impacts of establishing a control rule are minimal and impacts would not differ much between the proposed alternatives.

### 13.4 Specify OY & ACL for Atlantic Migratory Group King Mackerel

#### A. What is being proposed?

<b>Action 13.4 (Annual Catch Limit or ACL) Alternatives</b>	
<b>Alternative 1.</b>	No action. Currently TAC or ACL = 10.0 million pounds based on an ABC of 8.9 - 13.3 million pounds.
<b>Preferred Alternative 2.</b>	ACL = OY = ABC = 10.46 million pounds which is the average of the ABC values for 2011-2013 recommended by the SSC.
<b>Alternative 3.</b>	ACL = OY = ABC = 10.06 million pounds which is the lowest value within the 2011-2013 recommendations (10.06 – 10.95 million pounds).
<b>Alternative 4.</b>	ACL = OY = ABC = 10.95 million pounds which is the highest value within the 2011-2013 recommendations (10.06 – 10.95 million pounds).
<b>Alternative 5.</b>	ACL = OY = X% of ABC = _____ million pounds.
<b>Sub-Alternative 5a.</b>	ACL = 65%ABC = 65%(10.46) = 6.799 million pounds.
<b>Sub-Alternative 5b.</b>	ACL = 75%ABC = 75%(10.46) = 7.845 million pounds.
<b>Sub-Alternative 5c.</b>	ACL = 85%ABC = 85%(10.46) = 8.891 million pounds.
<b>Sub-Alternative 5d.</b>	ACL = 80%ABC = 80%(10.46) = 8.368 million pounds.
<b>Sub-Alternative 5e.</b>	ACL = 90%ABC = 90%(10.46) = 9.414 million pounds.

#### B. What do the public and AP/SSC think about the actions/alternatives?

- (i) SAFMC AP – approved Preferred Alternative 2.
- (ii) SAFMC SSC – no comment.
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

#### C. Do you want to change the preferred?

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

Option 1. No change.

Option 2. Specify changes.

**Council/NMFS/NOAA GC Staff Recommendation:** Modify Action 13-4 to read as follows [Showing the sector allocations (%) makes it more clear that sector ACLs are being established.]:

**Motion: Adopt the following revised wording for Action 13-4:**

**Action 13-4 Annual Catch Limit (ACL) and Optimum Yield (OY) for Atlantic Migratory Group King Mackerel**

**Alternative 1.** No Action - Currently TAC or ACL = 10.0 mp based on an ABC of 8.9 - 13.3 mp (Recreational Sector ACL = 62.9% = 6.3 mp; Commercial Sector ACL = 37.1% = 3.71 mp).

**Preferred Alternative 2.** ACL = OY = ABC (currently 10.46 mp which is the average of the ABC values for 2011-2013 recommended by the SSC; Recreational Sector ACL = 62.9% = 6.58 mp; Commercial Sector ACL = 37.1% = 3.88 mp).

**Alternative 3.** ACL = OY = ABC [currently 10.06 mp which is the lowest value within the 2011-2013 recommendations (10.06 – 10.95 mp); (Recreational Sector ACL = 62.9% = 6.33 mp; Commercial Sector ACL = 37.1% = 3.73 mp)].

**Alternative 4.** ACL = OY = ABC [currently 10.95 mp which is the highest value within the 2011-2013 recommendations (10.06 – 10.95 mp); (Recreational Sector ACL = 62.9% = 6.89 mp; Commercial Sector ACL = 37.1% = 4.06 mp)].

**Alternative 5.** ACL = OY = X% of ABC = \_\_\_\_\_ mp.

**Option a.** ACL = 65%ABC = 65%(currently 10.46 mp) = 6.799 mp (Recreational Sector ACL = 62.9% = 4.28 mp; Commercial Sector ACL = 37.1% = 2.52 mp).

**Option b.** ACL = 75%ABC = 75%( currently 10.46 mp) = 7.845 mp (Recreational Sector ACL = 62.9% = 4.94 mp; Commercial Sector ACL = 37.1% = 2.91 mp).

**Option c.** ACL = 85%ABC = 85%( currently 10.46 mp) = 8.891 mp (Recreational Sector ACL = 62.9% = 5.59 mp; Commercial Sector ACL = 37.1% = 3.30 mp).

**Option d.** ACL = 80%ABC = 80%( currently 10.46 mp) = 8.368 mp (Recreational Sector ACL = 62.9% = 5.26 mp; Commercial Sector ACL = 37.1% = 3.11 mp).

**Option e.** ACL = 90%ABC = 90%( currently 10.46 mp) = 9.414 mp (Recreational Sector ACL = 62.9% = 5.92 mp; Commercial Sector ACL = 37.1% = 3.49 mp).

## D. What does it do?

### Impacts from Action 13.4 (Annual Catch Limit)

#### *Biological/Ecological & Physical*

Setting an ACL potentially will have an impact on the biological environment if harvest changes from current levels; however, this is not expected to be the case. **Alternatives 2-4** are based on the SSC recommendations and would prevent overfishing. **Alternative 5** would provide more biological protection by setting the ACL below the ABC. Setting an ACL could affect the physical environment if harvest changes from current levels; however this is not expected to be the case as most alternatives would maintain catches close to **Alternative 1**.

#### *Economic*

In general, a more conservative ACL would result in higher long-term economic benefits and smaller short-term economic benefits while the opposite is true of a larger ACL. **Alternative 4** offers the largest ACL and therefore the greatest short-term economic benefits to commercial and recreational fishermen but also the smallest long-term economic benefit due to the increased risk of overfishing. **Alternatives 2 (Preferred), 3, and 1 (No Action)** follow in descending order. **Alternatives 2 (Preferred)-4** would result in an economic gain in the short-term to commercial and recreational fishermen in comparison to the 10 million pound ACL under **Alternative 1 (No Action)**. The suite of alternatives proposed under **Alternative 5** are all lower than **Alternatives 1-4** and therefore offer less risk of overfishing and greater long-term economic benefits and smaller short-term economic benefits compared to **Alternatives 1-4**.

#### *Social*

In general, more restrictive ACLs will increase the risk of short-term negative impacts on commercial and recreational fishermen and communities. For the commercial and for-hire sectors, a more restrictive ACL could cause reduced effort and job loss if an operation cannot stay in business through low ACLs. However, successful management through ACLs will result in long-term overall benefits for the fishermen, communities, and general public as the resource is protected from overfishing. The most restrictive ACL scenarios are in **Alternative 5** (percentage of the ABC) and the least restrictive is **Alternative 4** (highest value within the 2011-2013 recommendations for ABC). **Preferred Alternative 2** is less restrictive than most other alternatives, which will most likely not result in the negative impacts expected from **Alternative 5**.

#### *Administrative*

The administrative impacts of specifying OY are minimal and would not differ much between the proposed alternatives. Specifying an ACL or sector ACLs alone would not increase the administrative burden over the status-quo. However, the monitoring and documentation needed to track the ACL can potentially result in a need for additional cost and personnel resources if a monitoring mechanism is not already in place. **Alternative 1**, would not meet the requirements of the Magnuson-Stevens Act for Atlantic migratory group king mackerel, and could be subject to litigation, which would result in a significant administrative burden on the agency.



## 13.5 Annual Catch Target (ACT) for Atlantic Migratory Group King Mackerel

### A. What is being proposed?

Action 13.5a (Commercial Sector ACT) Alternatives
<b>Preferred Alternative 1.</b> Do not specify commercial sector ACTs for Atlantic migratory group king mackerel.
<b>Alternative 2.</b> The commercial sector ACT equals 90% of the commercial sector ACL.
<b>Alternative 3.</b> The commercial sector ACT equals 80% of the commercial sector ACL.

Action 13.5b (Recreational Sector ACT) Alternatives
<b>Alternative 1 (No Action).</b> Do not specify recreational sector ACTs for Atlantic migratory group king mackerel.
<b>Alternative 2.</b> The recreational sector ACT equals 85% of the recreational sector ACL.
<b>Alternative 3.</b> The recreational sector ACT equals 75% of the recreational sector ACL.
<b>Preferred Alternative 4.</b> The recreational sector ACT equals sector ACL[(1-PSE) or 0.5, whichever is greater].

### B. What do the public and AP/SSC think about the actions/alternatives?

- (i) SAFMC AP – approved Action 13-5a Preferred Alternative 1 and Action 13-5b Preferred Alternative 4.
- (ii) SAFMC SSC – no comment.
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

### C. Do you want to change the preferred?

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

Option 1. No change.

Option 2. Specify changes.

#### Council/NMFS/NOAA GC Staff Recommendations:

1. Editorial changes: change 13.5 to 13-5; change (**No Action**) to No Action; and insert No Action after Preferred Alternative 1 for Action 13-5a. These changes are made throughout the document to conform to agreed upon formatting/layout.
2. Modify Action 13-5 to read as follows [Showing the sector ACTs makes it clearer that sector ACTs are being considered.]:

**Motion: Adopt the following revised wording for Action 13-5:**

**Action 13-5 Annual Catch Target (ACT) for Atlantic Migratory Group King Mackerel**

**Action 13-5a. Commercial Sector ACT**

**Preferred Alternative 1** No Action - Do not specify commercial sector ACTs for Atlantic migratory group king mackerel.

**Alternative 2.** The commercial sector ACT equals 90% of the commercial sector ACL (currently 3.49 mp).

**Alternative 3.** The commercial sector ACT equals 80% of the commercial sector ACL (currently 3.10 mp).

**Action 13-5b. Recreational Sector ACT**

**Alternative 1** No Action - Do not specify recreational sector ACTs for Atlantic migratory group king mackerel.

**Alternative 2.** The recreational sector ACT equals 85% of the recreational sector ACL (currently 5.59 mp).

**Alternative 3.** The recreational sector ACT equals 75% of the recreational sector ACL (currently 4.94 mp).

**Preferred Alternative 4.** The recreational sector ACT equals sector ACL[(1-PSE) or 0.5, whichever is greater] (currently 6.18 mp).

## D. What does it do?

### Impacts from Action 13.5 Annual Catch Target (ACT) for Atlantic Migratory Group King Mackerel

#### *Biological/Ecological & Physical*

Setting an ACT provides more biological protection by accounting for management uncertainty and provides greater assurance that overfishing will be prevented.

##### *Commercial*

**Alternative 1** would not set an ACT. **Alternatives 2 and 3** would set the ACT below the ACL with **Alternative 3** providing more assurance overfishing would not occur.

##### *Recreational*

**Alternative 1** would not set an ACT. **Alternatives 2 and 3** would set the ACT below the ACL with **Alternative 3** providing more assurance overfishing would not occur. **Alternative 4** takes into account the variability of recreational catches while preventing overfishing.

#### *Economic*

##### *Commercial*

In this action, **Preferred Alternative 1** provides the greatest short-term economic benefits while **Alternative 3**, being the most conservative biologically, offer the smallest short-term economic benefits. Discussion of long-term economic benefits depends on the risk of the ACT being exceeded. If the risks are high, then **Alternative 3** would offer the highest long-term economic benefits and **Preferred Alternative 1**, the smallest.

##### *Recreational*

In this action, **Preferred Alternative 4** provides the greatest short-term economic benefits while **Alternative 3**, being the most conservative biologically, offer the smallest short-term economic benefits to the recreational fishery while **Preferred Alternative 4** would be close to the five year average. **Alternative 2** would be below the average for recreational landings. Discussion of long-term economic benefits depends on the risk of the ACT being exceeded. If the risks are high, then **Alternative 3** would offer the highest long-term economic benefits and **Preferred Alternative 4**, the smallest.

#### *Social*

For the commercial sector action, **Preferred Alternative 1** does not establish an ACT and commercial harvest will continue until the ACL is reached, which allows more fishing opportunities and economic benefits to the commercial sector. **Alternative 2** and **Alternative 3** establish the commercial ACT at 90% and 80% of the ACL, respectively, which will cause short-term social impacts as the harvest approaches these levels in a shorter period, and may result in early closing. For the recreational sector, **Alternative 1** does not establish an ACT and would also have few if any negative social effects. **Alternative 2** and **Alternative 3** would impose reductions lower than the ACL, which would cause the level to be reached in a shorter period and could limit recreational opportunities and social benefits if the recreational sector is closed early. **Preferred Alternative 4** would establish a recreational ACT close to the five-year average, which may affect future recreational opportunities if the sector continues to grow.

#### *Administrative*

Specifying an ACT or sector ACTs alone would not increase the administrative burden over the status-quo. However, the monitoring and documentation needed to track how much of the ACT has been harvested throughout a particular fishing season can potentially result in a need for additional cost and personnel resources if a monitoring mechanism is not already in place. Other administrative burdens that may result from all of the alternatives considered would take the form of development and dissemination of outreach and education materials for fishery participants.

**Table 2.13.4.1. Summary of quota management and harvest for Atlantic Migratory Group King Mackerel.**

Fishing Year	ABC Range <sup>1</sup> (lbs)	TAC (lbs)	Recreational Allocation/Quota <sup>2</sup> (lbs. /numbers)	Commercial Quota	Annual Harvest Levels		
					<b>Com (37.1%)</b>	<b>Rec (62.9%)</b>	Total <sup>3</sup>
1986/87	6.9-15.4	9.68		3.59 (PS=0.40)	2.84	5.98	8.82
1987/88	6.9-15.4	9.68	6.09	3.59 (PS=0.40)	3.453	3.905	7.358
1988/89	5.5-10.7	7	4.4	2.6 (PS=0.40)	3.091	4.881	7.972
1989/90	6.9-15.4	9	5.66/666,000	3.34	2.635	3.4	6.035
1990/91	6.5-15.7	8.3	5.22/601,000	3.08	2.676	3.718	6.394
1991/92	9.6-15.5	10.5	6.60/735,000	3.9	2.516	5.822	8.338
1992/93	8.6-12.0	10.5	6.60/834,000	3.9	2.227	6.251	8.478
1993/94	9.9-14.6	10.5	6.60/854,000	3.9	2.018	4.438	6.456
1994/95	7.6-10.3	10	6.29/709,000	3.71	2.197	3.728	5.925
1995/96	7.3-15.5	7.3	4.60/454,000	2.7	1.87	4.153	6.023
1996/97	4.1-6.8	6.8	4.28/438,525	2.52	2.702	3.99	6.692
1997/98	4.1-6.8	6.8	4.28/438,525	2.52	3.002	5.158	8.16
1998/99	8.4-11.9	8.4	5.28/504,780	3.12	2.675	4.268	6.943
1999/00	8.9-13.3	10	6.30/601,338	3.71	2.225	3.424	5.649
2000/01	8.9-13.3	10	6.30/601,338	3.71	2.15	5.474	7.624
2001/02	8.9-13.3	10	6.30/601,338	3.71	1.935	4.404	6.339
2002/03	8.9-13.3	10	6.30/601,338	3.71	1.689	2.761	4.45
2003/04	8.9-13.3	10	6.30/601,338	3.71	1.861	4.192	6.053
2004/05	8.9-13.3	10	6.30/601,338	3.71	2.778	4.613	7.391
2005/06	8.9-13.3	10	6.30/601,338	3.71	2.251	3.485	5.736
2006/07	8.9-13.3	10	6.30/601,338	3.71	2.994	4.054	7.048
2007/08	8.9-13.3	10	6.30/601,338	3.71	2.667	6.08	8.747
2008/09	8.9-13.3	10	6.30/601,338	3.71	3.108	3.487	6.595
2009/10	8.9-13.3	10	6.30/601,338	3.71	3.559	3.885	7.444

## 14. Specify Accountability Measures (AMs) for Atlantic Migratory Group King Mackerel

### A. What is being proposed?

Action 14 (Accountability Measures) Alternatives
<p><b>Alternative 1 (No Action).</b> The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met. All purchase and sale is prohibited when the quota is met. Do not implement ACLs or AMs for the recreational sector.</p>
<p><b>Preferred Alternative 2.</b> The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met or projected to be met. All purchase and sale is prohibited when the quota is met or projected to be met. Implement AMs for the recreational sector for this stock. If the recreational sector ACL is exceeded, the Regional Administrator shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the recreational sector ACL for the following fishing year. Compare recreational ACL with recreational landings over a range of years. For 2011/12, use only 2011/12 landings. For 2012/13, use the average landings of 2011/12 and 2012/13. For 2013/14 and beyond, use the most recent three-year (fishing years) running average.</p> <p><b>Sub-Alternative a.</b> Reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the recreational sector ACL for the following fishing year.</p> <p><b>Preferred Sub-Alternative b.</b> Reduce the bag limit to ensure landings do not exceed the recreational sector ACL for the following fishing year.</p>
<p><b>Alternative 3.</b> Commercial payback of any overage.</p> <p><b>Preferred Sub-Alternative 3a.</b> Payback regardless of stock status.</p> <p><b>Sub-Alternative 3b.</b> Payback only if overfished.</p>
<p><b>Alternative 4.</b> Recreational payback of any overage from one year to the next.</p> <p><b>Preferred Sub-Alternative 4a.</b> Payback regardless of stock status.</p> <p><b>Sub-Alternative 4b.</b> Payback only if overfished.</p>

### B. What do the public and AP/SSC think about the actions/alternatives?

- (i) SAFMC AP – approved Sub-Alternatives 3b & 4b and recommended Council modify the AMs to only adjust bag limits or season length & deduct overages only if the Total ACL is exceeded.
- (ii) SAFMC SSC – no comment.
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

### C. Do you want to change the preferred?

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

**Option 1.** No change.

**Option 2.** Specify changes.

**SAFMC AP Recommendation:** only adjust bag limits or season length & deduct overages only if the Total ACL is exceeded.

### **Council/NMFS/NOAA GC Staff Recommendations:**

1. Editorial changes: change (**No Action**) to No Action and change Sub-Alternative to Option. These changes are made throughout the document to conform to agreed upon formatting/layout.
2. Clarify that the Regional Administrator has authority to revert possession limits to zero which is a recreational AM.
3. Clarify the wording of Preferred Alternative 2 to indicate that the Regional Administrator shall publish a notice to reduce the length of the following fishing year or reduce the bag limit (Options a & b specify which is to be adjusted).
4. Clarify that the commercial and recreational quotas are calculated by applying the respective allocations to the total ACL.
5. Add wording to indicate that if the ACL is changed, the process of comparing catches in one, then two and then 3-year moving average begins again; this will be consistent with all Gulf Council ACL Amendments).
6. Add wording explaining how the payback would work.
7. Clarify Councils' intent on recreational fishing year. TAC and the resulting commercial quota and recreational allocation/quota have been tracked using the April 1<sup>st</sup> and then the current March 1<sup>st</sup> fishing year. However, the regulations show the calendar year for the recreational bag limits. NOAA GC will advise on whether wording in the discussion is sufficient or whether wording needs to be added to the alternatives.
8. Modify Action 14 to read as follows [Showing the sector ACTs makes it clearer that sector ACTs are being considered.]:

### **Motion: Adopt the following revised wording for Action 14:**

#### **ACTION 14: Specify Accountability Measures (AMs) for Atlantic Migratory Group King Mackerel**

**Alternative 1** No Action - The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met. All purchase and sale is prohibited when the quota is met. The recreational AM for this stock is the Regional Administrator has authority via the framework to revert the recreational possession limit to zero if fishermen have achieved or are expected to achieve their allocation.

**Preferred Alternative 2.** The commercial AM for this stock 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 quota is met or projected to be met. Implement additional AMs for the recreational sector for this stock. 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 or reduce the bag limit 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 2011/12, use only 2011/12 landings. For 2012/13, use the average landings of 2011/12 and 2012/13. For 2013/14 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.

**Option a.** Reduce the length of the following recreational fishing year by the amount necessary to ensure landings do not exceed the recreational sector quota for the following fishing year.

**Preferred Option b.** Reduce the recreational bag limit to ensure landings do not exceed the recreational sector quota for the following fishing year.

**New Option c.** Only adjust the recreational bag limits or season length if the Total ACL is exceeded.

**Alternative 3.** Commercial payback of any overage.

**Preferred Option a.** Payback regardless of stock status - 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.

**Option b.** 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.

**New Option c.** Only deduct overages if the Total ACL is exceeded.

**Alternative 4.** Recreational payback of any overage from one year to the next.

**Preferred Option a.** Payback regardless of stock status - 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 Action 13-5.

**Option b.** 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 Action 13-5.

**New Option c.** Only deduct overages if the Total ACL is exceeded.

## D. What does it do?

**Impacts from Action 14 Specify Accountability Measures (AMs) for Atlantic Migratory Group King Mackerel**

### *Biological/Ecological & Physical*

**Alternative 1** is not considered a viable option since it would specify no AMs for the recreational sector and therefore, would not limit harvest to the ACL; there is no commercial or recreational correction for an ACL overage. **Alternative 1** would provide no biological benefit to the species. **Alternative 2** would attempt to limit harvest to levels at or below the ACL or ACT by reducing and/or closing harvest once a particular landings threshold is met. **Alternative 3** would provide for a commercial payback of any overage with **Sub-Alternative 3a** providing more biological benefits. **Alternative 4** would provide for a recreational payback of any overage with **Sub-Alternative 4a** providing more biological benefits.

### *Economic*

**Alternatives 3 and 4** both have positive long-term economic benefits and negative short-term economic benefits due to instability of landings, making maintaining customers more difficult. **Sub-Alternatives 3b and 4b** would likely result in higher short-term economic benefits than **Preferred Sub-Alternatives 3a and 4a**. **Alternative 2** would result in positive long-term economic benefits and negative short-term economic benefits for commercial fisheries. Shortening the length of the recreational fishing season (**Sub-Alternative 2a**) would likely have negative short-term economic effects compared to (**Preferred Sub-Alternative 2b**) due to the importance of particular times of the year for recreational fishing and the need to maintain customers for charter and for-hire vessels.

### *Social*

**Alternative 1** would not change the current regime, which has no AMs for the recreational fishery. With **Alternative 2** new AMs would be imposed on the recreational sector through a reduction in the fishing season or bag limit the next year and present regulations for the commercial sector remain. By reducing the bag limit in **Preferred Sub-Alternative 2b** to prevent the recreational fishery from exceeding the sector ACL, this action will limit some recreational opportunities. However, it is less restrictive than reducing the length of the subsequent fishing year (**Sub-Alternative 2a**), which would impact recreational fishing opportunities. For the commercial sector AM, the mandatory payback in **Preferred Sub-Alternative 3a** does not allow as much flexibility as requiring payback only for overfished (**Sub-Alternative 3b**), and a reduction in the ACL for a subsequent year could have significant negative social impacts if the overage is substantial. **Alternative 4** requires the same mandatory payback AM for the recreational sector and **Preferred Sub-Alternative 4a** would have similar effects on the recreational fishing community as mentioned for **Sub-Alternative 3a**, depending on the overage. Because recreational landings can be difficult to track, overages may be common and paybacks substantial, resulting in negative impacts on the recreational sector.

### *Administrative*

**Alternative 1 (No Action)** would not produce short-term administrative impacts. However, this alternative would not comply with Reauthorized Magnuson-Stevens Act requirements and therefore, may trigger some type of legal action. If this scenario were to occur, the burden on the administrative environment could be significant in the future. **Alternative 2** would comply with the Magnuson Stevens Act but would result in an increased administrative burden associated with monitoring and tracking landings on a continuing basis. **Alternatives 3-4**, and associated **Sub-Alternatives**, would result in a minimal increase in administrative burden associated with calculating payback of overages for the commercial or recreational sectors. These alternatives would require outreach and education related to how the process would operate.



## 15. Management Measures for Atlantic Migratory Group King Mackerel

### A. What is being proposed?

Action 15 Management Measures
<b>Preferred:</b> The Councils have concluded no changes to existing management measures are necessary because the ACLs do not appear likely to be exceeded.

### B. What do the public and AP/SSC think about the actions/alternatives?

- (i) SAFMC AP –
- (ii) SAFMC SSC – no comment.
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

### C. Do you want to change the preferred?

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

Option 1. No change.

Option 2. Specify changes.

### D. What does it do?

No change to existing regulations other than quotas for commercial and recreational sectors:

1. Minimum size limit = 24” FL (recreational & commercial)
2. Recreational bag limit = 3 per person off GA through New York and 2 per person off Florida.
3. Commercial trip limits
4. Fishing year for quotas = March 1 – end of February; for bag limits = calendar year

## 16. Specify MSY, MSST, MFMT/OFL, ABC, OY, ACL & ACT for Atlantic Migratory Group Spanish Mackerel

### A. What is being proposed?

Atlantic migratory group Spanish mackerel were last assessed in SEDAR 17 (2008) with data through 2007. The fishing mortality parameters were accepted by the SEDAR Review Panel and the Councils Scientific and Statistical Committee (SSC); however, the biomass parameters were not accepted. SEDAR 33, which begins in 2012 and is scheduled to be completed in 2013, will assess the three species in the CMP FMP including Atlantic migratory group Spanish mackerel with data through 2011.

<b>Action 16.1 MSY, MSST &amp; MFMT for Atlantic Migratory Group Spanish Mackerel</b>
The Council has determined that the value for MSY is the value from the most recent stock assessment. <b>Currently MSY = 10.4 million pounds.</b> Based on the SEDAR 17 assessment, MSY = 11.461 million pounds. The SSC has recommended this value not be used and so the Council is not proposing to change the existing value. This will be reexamined when the next SEDAR assessment is completed.
The Council has determined that the value for MSST is the value from the most recent stock assessment based on <b>MSST = [(1-M) or 0.5 whichever is greater]*B<sub>MSY</sub>.</b> Currently MSST = 0.85(B <sub>MSY</sub> ) with no poundage estimated. Based on the SEDAR 17 assessment, MSST = 8,085 metric tons. The SSC has recommended this value not be used and so the Council is not proposing to change the existing value. This will be reexamined when the next SEDAR assessment is completed.
The Council has determined that the value for MFMT is the value of F <sub>MSY</sub> or proxy from the most recent stock assessment. Currently <b>MFMT = F<sub>MSY</sub> = F<sub>30%SPR</sub></b> with no poundage estimated. Based on the SEDAR 17 assessment, MFMT = F <sub>MSY</sub> = 0.371. The SSC has recommended this value not be used and so the Council is not proposing to change the existing value. This will be reexamined when the next SEDAR assessment is completed.
<b>There are no alternatives under consideration because these values should be specified from the latest SEDAR stock assessment; however, in this case they are not being updated because the biomass parameters were not accepted.</b>

<b>Action 16.2 Overfishing Level (OFL) for Atlantic Migratory Group Spanish Mackerel</b>
The Scientific and Statistical Committee (SSC) provided the following OFL recommendation at their <u>April 2010 meeting</u> : Since no estimate of MSY is available for Spanish mackerel, the SSC decided to develop ABC recommendations based on landings data. Based on the SEDAR 17 review panel recommendation that overfishing was not occurring, the SSC decided to bypass the OFL estimate and recommend ABC as the median of landings over the last 10 years.
During their <u>March 3, 2011 meeting</u> the SSC provided the following recommendation: <b>OFL is unknown.</b>
The Council was advised by NOAA GC at the March 7-11, 2011 meeting that if the SSC did not provide a recommended OFL, then the Council would need to specify OFL. The Council is recommending an interim OFL = mean of 10 years landings + (2*Standard Deviation) (OFL=6.14 MP) based on the Gulf Council's ABC Control Rule. The SAFMC's SSC is meeting in April, and the Council has requested they review this interim OFL. <b>SSC DID NOT OBJECT BUT THEY KEPT OFL=UNKNOWN</b>
<b>There are no alternatives under consideration because the overfishing level has been provided by the SSC.</b>

<b>Action 16.3 ABC Control Rule and ABC for Atlantic Migratory Group Spanish Mackerel</b>
<b>Alternative 1. No Action.</b> Do not establish an ABC Control Rule for Atlantic migratory group Spanish mackerel.
<b>Preferred Alternative 2.</b> Adopt the SAFMC SSC recommended ABC control rule and establish ABC as 5.29 million pounds (MP). <b>NEW SSC ABC = 5.69 MP</b>

**B. What do the public and AP/SSC think about the actions/alternatives?**

- (i) SAFMC AP – approved Alternative 1 and expressed discontent with the SEDAR Assessment.
- (ii) SAFMC SSC – recommend new ABC Control Rule where  $ABC = 3^{\text{rd}}$  highest year of landings (currently  $ABC = 5.69$  mp).
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

**C. Do you want to change the preferred?**

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

Option 1. No change.

Option 2. Specify changes.

**SSC Recommendation:** recommend new ABC Control Rule where  $ABC = 3^{\text{rd}}$  highest year of landings (currently  $ABC = 5.69$  mp).

**Council/NMFS/NOAA GC Staff Recommendations:**

1. Editorial changes: 16.1 to 16-1, 16.2 to 16-2 & 16.2 to 16-3; change million pounds to mp; and change Alternative 3a-3e to Option a-e. These changes are made throughout the document to conform to agreed formatting/layout.
2. Adopt new SSC ABC Control Rule (currently  $ABC = 5.69$  mp).
3. Modify Action 16-3 to read as follows [If the numbers are in the actual alternative, then we are stuck with them and need another amendment to change them. If we just have definitions, the values can just be changed in the regulations if the ABC changes. This change is suggested throughout the actions.]:

**Motion: Adopt the following revised wording for Action 16-3:**

**Action 16-3 Allowable Biological Catch (ABC) Control Rule and ABC for Atlantic Migratory Group Spanish Mackerel**

**Alternative 1.** No Action - Do not establish an ABC Control Rule for Atlantic migratory group Spanish mackerel.

**Preferred Alternative 2.** Adopt the SAFMC SSC recommended ABC control rule (currently 5.69 mp).

#### **D. What does it do?**

**Impacts from Action 16.1-16.3** (Specify MSY, MSST, MFMT/OFL, ABC for Atlantic Migratory Group Spanish Mackerel)

##### *Biological/Ecological & Physical*

While there are no direct biological effects from identification of an ABC, it does set the upper limit on the level of landings that will be allowed for fishermen and prevents overfishing.

**Alternative 1** (No Action) would not meet the new Magnuson-Stevens Act requirements.

**Alternative 2** would adopt the SAFMC SSC recommended ABC control rule and would be expected to provide the greatest biological benefits over the long term by accounting for assessment uncertainty while preventing overfishing. **Alternative 2** provides more biological protection as compared to **Alternative 1**.

##### *Economic*

In general, the higher the ABC, the greater the long-term biological benefits and therefore, the greater the long-term economic benefits if there is little risk of overfishing. If the risk of overfishing is significant, a buffer between the OFL and the ABC would result in the greatest long-term economic benefits but smaller short-term economic benefits. **Preferred Alternative 2** likely provides short-term economic benefits to the effect of 5.29 million pounds annually.

##### *Social*

Establishment of the biological parameters for harvest thresholds will have few direct social effects. Impacts on the social environment are more indirect, resulting from the implementation of the ABC and any subsequent reduction when setting ACLs and ACTs. Certainly, the more risk averse a control rule or threshold is, the more chances of negative social effects accruing in the short term if harvest is reduced. **Preferred Alternative 2** is based on landings and is not a significant reduction from recent landings trends; however, it will allow limited expansion for the recreational and commercial sectors.

##### *Administrative*

The establishment of an ABC Control Rule is a procedural exercise. The rule is developed by the Council's SSC for consideration by the Council. Although the control rule can have implications on management actions, no specific management actions are required through the specification of the control rule. The administrative impacts of establishing a control rule are minimal and impacts would not differ much between the proposed alternatives.

## 16.4 Specify OY & ACL for Atlantic Migratory Group Spanish Mackerel

### A. What is being proposed?

Action 16.4 (Annual Catch Limit or ACL) Alternatives	
<b>Alternative 1.</b>	No action. Currently TAC or ACL = 7.04 million pounds based on an ABC of 5.7 – 9.0 million pounds.
<b>Preferred Alternative 2.</b>	ACL = OY = ABC = 5.29 million pounds which is the ABC recommended by the SSC. <b>NEW SSC: ABC = 5.69 MP</b>
<b>Alternative 3.</b>	ACL = OY = X% of ABC = _____ million pounds.
<b>Sub-Alternative 3a.</b>	ACL = 75%ABC = 3.97 million pounds.
<b>Sub-Alternative 3b.</b>	ACL = 85%ABC = 4.50 million pounds.
<b>Sub-Alternative 3c.</b>	ACL = 95%ABC = 5.03 million pounds.
<b>Sub-Alternative 3d.</b>	ACL = 80%ABC = 4.23 million pounds.
<b>Sub-Alternative 3e.</b>	ACL = 90%ABC = 4.76 million pounds.

### B. What do the public and AP/SSC think about the actions/alternatives?

- (i) SAFMC AP – approved Alternative 1.
- (ii) SAFMC SSC – recommend new ABC Control Rule where ABC = 3<sup>rd</sup> highest year of landings (currently ABC = 5.69 mp).
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

### C. Do you want to change the preferred?

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

**Option 1.** No change.

**Option 2.** Specify changes.

**SSC Recommendation:** recommend new ABC Control Rule where ABC = 3<sup>rd</sup> highest year of landings (currently ABC = 5.69 mp).

**Council/NMFS/NOAA GC Staff Recommendation:** Modify Action 16-4 to read as follows [Showing the sector allocations (%) makes it more clear that sector ACLs are being established.]:

**Motion: Adopt the following revised wording for Action 16-4:**

**Action 16-4 Annual Catch Limit (ACL) and Optimum Yield (OY) for Atlantic Migratory Group Spanish Mackerel**

**Alternative 1.** No Action - Currently TAC or ACL = 7.04 mp based on an ABC of 5.7 – 9.0 mp (Recreational Sector ACL = 45% = 3.17 mp; Commercial Sector ACL = 55% = 3.87 mp).

**Preferred Alternative 2.** ACL = OY = ABC (currently 5.69 mp which is the 3<sup>rd</sup> highest year of landings recommended by the SSC; Recreational Sector ACL = 45% = 2.56 mp; Commercial Sector ACL = 55% = 3.13 mp).

**Alternative 3.** ACL = OY = X% of ABC = \_\_\_\_\_ mp.

**Option a.** ACL = 75%ABC = 75%(currently 5.69 mp) = 4.27 mp (Recreational Sector ACL = 45% = 1.92 mp; Commercial Sector ACL = 55% = 2.35 mp).

**Option b.** ACL = 85%ABC = 85%(currently 5.69 mp) = 4.84 mp (Recreational Sector ACL = 45% = 2.18 mp; Commercial Sector ACL = 55% = 2.66 mp).

**Option c.** ACL = 95%ABC = 95%(currently 5.69 mp) = 5.41 mp (Recreational Sector ACL = 45% = 2.43 mp; Commercial Sector ACL = 55% = 2.98 mp).

**Option d.** ACL = 80%ABC = 80%(currently 5.69 mp) = 4.55 mp (Recreational Sector ACL = 45% = 2.05 mp; Commercial Sector ACL = 55% = 2.50 mp).

**Option e.** ACL = 90%ABC = 90%(currently 5.69 mp) = 5.12 mp (Recreational Sector ACL = 45% = 2.30 mp; Commercial Sector ACL = 55% = 2.82 mp).

## D. What does it do?

### Impacts from Action 16.4 (Annual Catch Limit)

#### *Biological/Ecological & Physical*

**Alternative 1** (No Action). Setting an ACL potentially will have an impact on the biological environment if harvest changes from current levels; however, this is not expected to be the case.

**Alternative 2** is based on the SSC recommendations and would prevent overfishing.

**Alternative 3** would provide more biological protection by setting the ACL below the ABC.

Setting an ACL or ACT could affect the physical environment if effort changes from current levels. If harvest is restricted under an ACL, fishing effort could be reduced through accountability measures such as a shortened season, and negative impacts might be decreased.

#### *Economic*

In general, the higher the ACL, the higher the economic benefits as long as there is no significant overfishing risk. If there is a risk of overfishing, a buffer between the ABC and the ACL could provide positive long-term economic benefits but also negative short-term economic benefits. **Sub-Alternative 3a** offers the most conservative ACL, the least short-term economic benefits, and the greatest long-term economic benefits. **Sub-Alternative 3d** offers the next largest long-term economic benefit followed by **Sub-Alternatives 3b, 3e, and 3c**. **Preferred Alternative 2** offers the next largest long-term economic benefits. **Alternative 1** would likely result in the highest short-term economic benefits but the smallest long-term economic benefits.

#### *Social*

In general, more restrictive ACLs will increase the risk of short-term negative impacts on commercial and recreational fishermen and communities. For the commercial and for-hire sectors, a more restrictive ACL could cause reduced effort and job loss if an operation cannot stay in business through low ACLs. However, successful management through ACLs will result in long-term overall benefits for the fishermen, communities, and general public as the resource is protected from overfishing. The establishment of the ACL for Atlantic Spanish Mackerel will limit harvest, potentially reducing fishing opportunities for commercial and recreational. The most restrictive ACL scenarios are in **Alternative 3** (percentage of the ABC) and the least restrictive is **Alternative 3e** (90% of ABC). **Preferred Alternative 2** sets the ACL at ABC and is less restrictive than most other alternatives, which will most likely not result in negative short-term impacts expected from allowing only a percentage of the ABC to be harvested as in **Alternative 3**.

#### *Administrative*

The administrative impacts of specifying OY are minimal and would not differ much between the proposed alternatives. Specifying an ACL or sector ACLs alone would not increase the administrative burden over the status-quo. However, the monitoring and documentation needed to track the ACL can potentially result in a need for additional cost and personnel resources if a monitoring mechanism is not already in place. **Alternative 1**, would not meet the requirements of the Magnuson-Stevens Act for Atlantic migratory group king mackerel, and could be subject to litigation, which would result in a significant administrative burden on the agency.

## 16.5 Annual Catch Target (ACT) for Atlantic Migratory Group Spanish Mackerel

### A. What is being proposed?

Action 16.5a (Commercial Sector ACT) Alternatives
<b>Preferred Alternative 1.</b> Do not specify commercial sector ACTs for Atlantic migratory group Spanish mackerel.
<b>Alternative 2.</b> The commercial sector ACT equals 90% of the commercial sector ACL.
<b>Alternative 3.</b> The commercial sector ACT equals 80% of the commercial sector ACL.

Action 16.5b (Recreational Sector ACT) Alternatives
<b>Alternative 1 (No Action).</b> Do not specify recreational sector ACTs for Atlantic migratory group Spanish mackerel.
<b>Alternative 2.</b> The recreational sector ACT equals 85% of the recreational sector ACL.
<b>Alternative 3.</b> The recreational sector ACT equals 75% of the recreational sector ACL.
<b>Preferred Alternative 4.</b> The recreational sector ACT equals sector ACL[(1-PSE) or 0.5, whichever is greater].

### B. What do the public and AP/SSC think about the actions/alternatives?

- (i) SAFMC AP – approved Preferred Alternative 1 for the commercial ACT and Preferred Alternative 4 for the recreational ACT.
- (ii) SAFMC SSC – no comment.
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

### C. Do you want to change the preferred?

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

**Option 1.** No change.

**Option 2.** Specify changes.

#### **Council/NMFS/NOAA GC Staff Recommendations:**

1. Editorial changes: change 16.5 to 16-5; change **(No Action)** to No Action; and insert No Action after Preferred Alternative 1 for Action 16-5a. These changes are made throughout the document to conform to agreed upon formatting/layout.
2. Modify Action 16-5 to read as follows [Showing the sector ACTs makes it clearer that sector ACTs are being considered.]:



**Motion: Adopt the following revised wording for Action 16-5:**

**Action 16-5 Annual Catch Target (ACT) for Atlantic Migratory Group Spanish Mackerel**

**Action 16-5a. Commercial Sector ACT**

**Preferred Alternative 1** No Action - Do not specify commercial sector ACTs for Atlantic migratory group Spanish mackerel.

**Alternative 2.** The commercial sector ACT equals 90% of the commercial sector ACL (currently 2.82 mp).

**Alternative 3.** The commercial sector ACT equals 80% of the commercial sector ACL (currently 2.50 mp).

**Action 16-5b. Recreational Sector ACT**

**Alternative 1** No Action - Do not specify recreational sector ACTs for Atlantic migratory group Spanish mackerel.

**Alternative 2.** The recreational sector ACT equals 85% of the recreational sector ACL (currently 2.18 mp).

**Alternative 3.** The recreational sector ACT equals 75% of the recreational sector ACL (currently 1.92 mp).

**Preferred Alternative 4.** The recreational sector ACT equals sector ACL[(1-PSE) or 0.5, whichever is greater] (currently 2.36 mp).

## **D. What does it do?**

### **Impacts from Action 16.5 Annual Catch Target (ACT) for Atlantic Migratory Group Spanish Mackerel**

#### *Biological/Ecological & Physical*

Setting an ACT provides more biological protection by accounting for management uncertainty and provides greater assurance that overfishing will be prevented.

##### *Commercial*

**Alternative 1** would not set an ACT. **Alternatives 2 and 3** would set the ACT below the ACL with **Alternative 3** providing more assurance overfishing would not occur.

##### *Recreational*

**Alternative 1** would not set an ACT. **Alternatives 2 and 3** would set the ACT below the ACL with **Alternative 3** providing more assurance overfishing would not occur. **Alternative 4** takes into account the variability of recreational catches while preventing overfishing.

#### *Economic*

##### *Commercial Sector ACT*

In general, if there is no concern regarding exceeding the ACL, **Preferred Alternative 1** offers the greatest short-term and long-term economic benefits. If there is concern of an overage, **Alternatives 2 and 3** can provide greater long-term economic benefits than **Preferred Alternative 1**.

##### *Recreational Sector ACT*

In general, if there is no concern regarding exceeding the ACL, **Alternative 1** offers the greatest short-term and long-term economic benefits followed by **Preferred Alternative 4**. If there is concern of an overage, **Alternatives 2 and 3** can provide greater long-term economic benefits than **Alternative 1** and **Preferred Alternative 4**.

#### *Social*

For the commercial sector, **Preferred Alternative 1** does not establish an ACT and commercial harvest will continue until the ACL is reached, which allows more fishing opportunities and short-term economic benefits to the commercial sector. **Alternative 2** and **Alternative 3** establish the commercial ACT at 90% and 80% of the ACL, respectively, which will cause short-term social impacts as the harvest approaches these levels in a shorter period, and may result in early closing.

For the recreational sector, **Alternative 1** does not establish an ACT and would also have few if any negative social effects. **Alternative 2** and **Alternative 3** would impose reductions from the ACL, which would cause the level to be reached in a shorter period and could limit recreational opportunities and economic benefits if the recreational sector is closed early. **Preferred Alternative 4** would establish a recreational ACT close to the five year average, which may affect future recreational opportunities if the sector continues to grow.

#### *Administrative*

Specifying an ACT or sector ACTs alone would not increase the administrative burden over the status-quo. However, the monitoring and documentation needed to track how much of the ACT has been harvested throughout a particular fishing season can potentially result in a need for additional cost and personnel resources if a monitoring mechanism is not already in place. Other administrative burdens that may result from all of the alternatives considered would take the form of development and dissemination of outreach and education materials for fishery participants.

**Table 2.16.4.1. Summary of quota management and harvest for Atlantic Migratory Group Spanish Mackerel.**

Fishing Year	ABC Range <sup>1</sup> (lbs)	TAC (M lbs)	Recreational Allocation/Quota <sup>2</sup> (lbs. /numbers)	Rec. Bag Limit	Commercial Quota	Annual Harvest Levels		
						Com (55%)	Rec (45%)	Total <sup>3</sup>
1987/88	1.7 - 3.1	3.1	0.74	4 in FL, 10 GA-NC	2.36	3.475	1.474	4.949
1988/89	1.3 - 5.5	4	0.96	4 in FL, 10 GA-NC	3.04	3.521	2.74	6.261
1989/90	4.1 - 7.4	6	2.76 / 1,725,000	4 in FL, 10 GA-NC	3.24	3.941	1.569	5.51
1990/91	4.2 - 6.6	5	1.86 / 1,216,000	4 in FL, 10 GA-NC	3.14	3.535	2.075	5.61
1991/92	5.5 - 13.5	7	3.50 / 2,778,000	5 in FL, 10 GA-NC	3.5	4.707	2.287	6.994
1992/93	4.9 - 7.9	7	3.50 / 2,536,000	10 FL - NY	3.5	3.727	1.995	5.722
1993/94	7.3 - 13.0	9	4.50 / 3,214,000	10 FL - NY	4.5	4.811	1.493	6.304
1994/95	4.1 - 9.2	9.2	4.60 / 3,262,000	10 FL - NY	4.6	5.254	1.378	6.632
1995/96	4.9 - 14.7	9.4	4.70 / 3,113,000	10 FL - NY	4.7	1.834	1.089	2.923
1996/97	5.0 - 7.0	7	3.50 / 2,713,000	10 FL - NY	3.5	3.098	0.849	3.947
1997/98	5.8 - 9.4	8	4.00 / 2,564,000	10 FL - NY	4	3.057	1.66	4.717
1998/99	5.4 - 8.2	8	4.00 / 2,564,000	10 FL - NY	4	3.272	0.817	4.089
1999/00	5.7 - 9.0	7.04	3.17 / 2,032,000	10 FL - NY	3.52	2.608	1.505	4.113
2000/01	5.7 - 9.0	7.04	3.17 / 2,032,000	15 FL - NY	3.87	3.007	2.28	5.287
2001/02	5.7 - 9.0	7.04	3.17 / 2,032,000	15 FL - NY	3.87	3.329	2.034	5.363
2002/03	5.7 - 9.0	7.04	3.17 / 2,032,000	15 FL - NY	3.87	3.679	1.605	5.284
2003/04	5.7 - 9.0	7.04	3.17 / 2,032,000	15 FL - NY	3.87	4.091	1.846	5.937
2004/05	5.7 - 9.0	7.04	3.17 / 2,032,000	15 FL - NY	3.87	3.761	1.365	5.126
2005/06	5.7 - 9.0	7.04	3.17 / 2,032,000	15 FL - NY	3.87	4.041	1.649	5.69
2006/07	5.7 - 9.0	7.04	3.17 / 2,032,000	15 FL - NY	3.87	4.038	1.653	5.691
2007/08	5.7 - 9.0	7.04	3.17 / 2,032,000	15 FL - NY	3.87	3.5	1.711	5.211
2008/09	5.7 - 9.0	7.04	3.17 / 2,032,000	15 FL - NY	3.87	2.508	2.047	4.555
2009/10	5.7 - 9.0	7.04	3.17 / 2,032,000	15 FL - NY	3.87	2.633	2.108	4.741

## 17. Specify Accountability Measures (AMs) for Atlantic Migratory Group Spanish Mackerel

### A. What is being proposed?

The Councils may specify multiple preferreds from among the following:

Action 17 (Accountability Measures) Alternatives
<b>Alternative 1 (No Action).</b> The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met. All purchase and sale is prohibited when the quota is met. Do not implement ACLs or AMs for the recreational sector.
<b>Preferred Alternative 2.</b> The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met or projected to be met. All purchase and sale is prohibited when the quota is met or projected to be met. Implement AMs for the recreational sector for this stock. If the recreational sector ACL is exceeded, the Regional Administrator shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the recreational sector ACL for the following fishing year. Compare recreational ACL with recreational landings over a range of years. For 2011/12, use only 2011/12 landings. For 2012/13, use the average landings of 2011/12 and 2012/13. For 2013/14 and beyond, use the most recent three-year (fishing years) running average. <b>Sub-Alternative a.</b> Reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the recreational sector ACL for the following fishing year. <b>Preferred Sub-Alternative b.</b> Reduce the bag limit to ensure landings do not exceed the recreational sector ACL for the following fishing year.
<b>Alternative 3.</b> Commercial payback of any overage. <b>Preferred Sub-Alternative 3a.</b> Payback regardless of stock status. <b>Sub-Alternative 3b.</b> Payback only if overfished.
<b>Alternative 4.</b> Recreational payback of any overage from one year to the next. <b>Preferred Sub-Alternative 4a.</b> Payback regardless of stock status. <b>Sub-Alternative 4b.</b> Payback only if overfished.

### B. What do the public and AP/SSC think about the actions/alternatives?

- (i) SAFMC AP – approved Sub-Alternatives 2b, 3b & 4b and recommended Council modify the AMs to only adjust bag limits or season length & deduct overages only if the Total ACL is exceeded.
- (ii) SAFMC SSC – no comment.
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

### C. Do you want to change the preferred?

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

Option 1. No change.

Option 2. Specify changes.

**SAFMC AP Recommendation:** only adjust bag limits or season length & deduct overages only if the Total ACL is exceeded.

### **Council/NMFS/NOAA GC Staff Recommendations:**

1. Editorial changes: change (**No Action**) to No Action and change Sub-Alternative to Option. These changes are made throughout the document to conform to agreed upon formatting/layout.
2. Clarify that the Regional Administrator has authority to revert possession limits to zero which is a recreational AM.
3. Clarify the wording of Preferred Alternative 2 to indicate that the Regional Administrator shall publish a notice to reduce the length of the following fishing year or reduce the bag limit (Options a & b specify which is to be adjusted).
4. Clarify that the commercial and recreational quotas are calculated by applying the respective allocations to the total ACL.
5. Add wording to indicate that if the ACL is changed, the process of comparing catches in one, then two and then 3-year moving average begins again; this will be consistent with all Gulf Council ACL Amendments).
6. Add wording explaining how the payback would work.
7. Clarify Councils' intent on recreational fishing year. TAC and the resulting commercial quota and recreational allocation/quota have been tracked using the April 1<sup>st</sup> and then the current March 1<sup>st</sup> fishing year. However, the regulations show the calendar year for the recreational bag limits. NOAA GC will advise on whether wording in the discussion is sufficient or whether wording needs to be added to the alternatives.
8. Modify Action 14 to read as follows [Showing the sector ACTs makes it clearer that sector ACTs are being considered.]:

### **Motion: Adopt the following revised wording for Action 17:**

#### **ACTION 17: Specify Accountability Measures (AMs) for Atlantic Migratory Group Spanish Mackerel**

**Alternative 1** No Action - The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met. All purchase and sale is prohibited when the quota is met. The recreational AM for this stock is the Regional Administrator has authority via the framework to revert the recreational possession limit to zero if fishermen have achieved or are expected to achieve their allocation.

**Preferred Alternative 2.** The commercial AM for this stock 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 quota is met or projected to be met. Implement additional AMs for the recreational sector for this stock. 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 or reduce the bag limit 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 2011/12, use only 2011/12 landings. For 2012/13, use the average landings of 2011/12 and 2012/13. For 2013/14 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.

**Option a.** Reduce the length of the following recreational fishing year by the amount necessary to ensure landings do not exceed the recreational sector quota for the following fishing year.

**Preferred Option b.** Reduce the recreational bag limit to ensure landings do not exceed the recreational sector quota for the following fishing year.

**New Option c.** Only adjust the recreational bag limits or season length if the Total ACL is exceeded.

**Alternative 3.** Commercial payback of any overage.

**Preferred Option a.** Payback regardless of stock status - 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.

**Option b.** 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.

**New Option c.** Only deduct overages if the Total ACL is exceeded.

**Alternative 4.** Recreational payback of any overage from one year to the next.

**Preferred Option a.** Payback regardless of stock status - 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 Action 16-5.

**Option b.** 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 Action 16-5.

**New Option c.** Only deduct overages if the Total ACL is exceeded.

## **D. What does it do?**

### **Impacts from Action 17 Specify Accountability Measures (AMs) for Atlantic Migratory Group Spanish Mackerel**

#### *Biological/Ecological & Physical*

**Alternative 1** is not considered a viable option since it would specify no AMs for the recreational sector and therefore, would not limit harvest to the ACL; there is no commercial or recreational correction for an ACL overage. **Alternative 1** would provide no biological benefit to the species. **Alternative 2** would attempt to limit harvest to levels at or below the ACL or ACT by reducing and/or closing harvest once a particular landings threshold is met. **Alternative 3** would provide for a commercial payback of any overage with **Sub-Alternative 3a** providing more biological benefits. **Alternative 4** would provide for a recreational payback of any overage with **Sub-Alternative 4a** providing more biological benefits.

#### *Economic*

**Preferred Alternative 2** would result in positive long-term economic benefits and negative short-term economic benefits for commercial fisheries. Shortening the length of the recreational fishing season (**Sub-Alternative 2a**) would likely have negative short-term economic effects compared to (**Preferred Sub-Alternative 2b**) due to the importance of particular times of the year for recreational fishing and the need to maintain customers for charter and for-hire vessels. **Alternatives 3 and 4** both have positive long-term economic benefits and negative short-term economic benefits due to instability of landings, making maintaining customers more difficult. **Sub-Alternatives 3b and 4b** would likely result in higher short-term economic benefits than **Preferred Sub-Alternatives 3a and 4a**.

#### *Social*

**Alternative 1** would not change the current regime, which has no AMs for the recreational fishery. With **Alternative 2** new AMs would be imposed on the recreational sector through a reduction in the fishing season or bag limit the next year and present regulations for the commercial sector remain. By reducing the bag limit in **Preferred Sub-Alternative 2b** to prevent the recreational fishery from exceeding the sector ACL, this action will limit some recreational opportunities. However, it is less restrictive than reducing the length of the subsequent fishing year (**Sub-Alternative 2a**), which would impact recreational fishing opportunities. For the commercial sector AM, the mandatory payback in **Preferred Sub-Alternative 3a** does not allow as much flexibility as requiring payback only for overfished (**Sub-Alternative 3b**), and a reduction in the ACL for a subsequent year could have significant negative social impacts if the overage is substantial. **Alternative 4** requires the same mandatory payback AM for the recreational sector and **Preferred Sub-Alternative 4a** would have similar effects on the recreational fishing community as mentioned for **Sub-Alternative 3a**, depending on the overage. Because recreational landings can be difficult to track, overages may be common and paybacks substantial, resulting in negative impacts on the recreational sector.

#### *Administrative*

**Alternative 1 (No Action)** would not produce short-term administrative impacts. However, this alternative would not comply with Reauthorized Magnuson-Stevens Act requirements and therefore, may trigger some type of legal action. If this scenario were to occur, the burden on the administrative environment could be significant in the future. **Alternative 2** would comply with the Magnuson Stevens Act but would result in an increased administrative burden associated with monitoring and tracking landings on a continuing basis. **Alternatives 3-4**, and associated **Sub-Alternatives**, would result in a minimal increase in administrative burden associated with calculating payback of overages for the commercial or recreational sectors. These alternatives would require outreach and education related to how the process would operate.

## 18. Management Measures for Atlantic Migratory Group Spanish Mackerel

### A. What is being proposed?

Action 18 Management Measures					
<b>Alternative 1 (No Action).</b> Individual recreational bag limit is 15 NY-FL. Bag limit sales are allowed consistent with state regulations. The commercial possession limits are as follows: <ol style="list-style-type: none"><li>1. April 1 - November 30 -- 3,500 pounds per vessel per day.</li><li>2. December 1 until 75% of the adjusted allocation is taken:<table><tr><td>Monday - Friday</td><td>Unlimited</td></tr><tr><td>Other days</td><td>1,500 pounds</td></tr></table>(Vessel fishing days begin at 6:00 a.m. and extend until 6:00 a.m. the following day, and vessels must be unloaded by 6:00 p.m. of that following day.)</li><li>3. After 75% of the adjusted allocation is taken 1,500 pounds per vessel per day for all days.</li><li>4. When 100% of the adjusted allocation is reached: 500 pounds per vessel per day to the end of the fishing year (March 31). Adjusted allocation compensates for estimated catches of 500 pounds per vessel per day to the end of the season.</li></ol>		Monday - Friday	Unlimited	Other days	1,500 pounds
Monday - Friday	Unlimited				
Other days	1,500 pounds				
<b>Alternative 2.</b> Set a maximum bag limit of 60 Spanish mackerel per boat for charter boats.					
<b>Alternative 3.</b> Set a maximum bag limit of 60 Spanish mackerel per boat for private recreational boats.					
<b>Preferred Alternative 4.</b> Reduce the individual bag limit from 15 to 10 per person.					

### B. What do the public and AP/SSC think about the actions/alternatives?

- (i) SAFMC AP – recommend individual bag limit = 12 and a boat limit = 60.
- (ii) SAFMC SSC – no comment.
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

### C. Do you want to change the preferred?

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

Option 1. No change.

Option 2. Specify changes.

#### Council/NMFS/NOAA GC Staff Recommendations:

1. Editorial changes: change (**No Action**) to No Action.
2. Clarify that bag limit is per person per day.
3. Clarify that individual bag limit in Preferred Alternative 4 refers to the per person per day bag limit on private recreational, charter, and headboats.
4. Modify Action 18 to read as follows [Showing the sector ACTs makes it clearer that sector ACTs are being considered.]:



**Motion: Adopt the following revised wording for Action 18:**

**ACTION 18: Management Measures for Atlantic Migratory Group Spanish Mackerel**

**Alternative 1** No Action - Individual recreational bag limit is 15 per person per day for NY-FL. Bag limit sales are allowed consistent with state regulations. The commercial possession limits are as follows:

1. April 1-November 30 – 3,500 pounds per vessel per day.
2. December 1 until 75% of the adjusted allocation is taken:
  - Monday-Friday – Unlimited
  - Other days – 1,500 pounds
  - (Vessel fishing days begin at 6:00 a.m. and extend until 6:00 a.m. the following day, and vessels must be unloaded by 6:00 p.m. of that following day.)
3. After 75% of the adjusted allocation is taken – 1,500 pounds per vessel per day for all days.
4. When 100% of the adjusted allocation is reached – 500 pounds per vessel per day to the end of the fishing year (March 31). Adjusted allocation compensates for estimated catches of 500 pounds per vessel per day to the end of the season.

**Alternative 2.** Set a maximum bag limit of 60 Spanish mackerel per vessel per day for charter boats.

**Alternative 3.** Set a maximum bag limit of 60 Spanish mackerel per vessel per day for private recreational boats.

**Preferred Alternative 4.** Reduce the individual bag limit for all recreational vessels from 15 to 10 per person per day.

**New Option 5.** Reduce the individual bag limit for all recreational vessels from 15 to 12 per person per day and set a maximum vessel limit of 60 per vessel per day.

## **D. What does it do?**

### **Impacts from Action 18 Management Measures for Atlantic Migratory Group Spanish Mackerel**

#### *Biological/Ecological & Physical*

Comparing the recreational and commercial ACL with recent landings does not indicate that a reduction in current harvest levels is necessary. The commercial ACL will be tracked and the fishery closed when the ACL is met or projected to be met. Effort in the recreational fishery is not limited by management and the bag limit of 15 Spanish mackerel per person could allow catches to increase and potentially exceed the recreational ACL. **Preferred Alternative 4** reduces the bag limit from 15 to 10 per person and is expected to reduce landings by 13% in Florida, 11% in Georgia, 3% in South Carolina, 17% in North Carolina, and 7% in Virginia based on average catches from 2005-09 (Table 4.18.1). **Alternatives 2 and 3** would set maximum boat limits based on the new bag limit of 10 per person and would be expected to have similar reductions for charter boats and private recreational boats as projected for **Preferred Alternative 4**. Any management measures that reduce effort could affect the physical environment.

#### *Economic*

Placing limits on the total number of fish that a recreational vessel is allowed to take will have varied negative economic effects depending on how many people the vessels typically take on a trip. **Alternatives 2 and 3** might not result in short-term economic losses as long as 4 or less people typically catch fish on these vessels. The distribution of the number of people fishing on charter and private vessels is not known at this time and therefore quantitative results cannot be estimated. **Preferred Alternative 4** reduces the bag limit from 15 to 10 fish per person. Maximum economic losses in consumer surplus are estimated based on how many trips are taken by individuals multiplied by the trip expenditures made per fish.

#### *Social*

**Alternative 1** would make no changes to current management measures, which likely would not affect the commercial sector but may negatively impact the recreational sector by triggering an overage by allowing the current bag limit to stand. The 60-per-boat limit in **Alternative 2** and **Alternative 3** will only have negative impacts on for-hire and private boats if the number of people on board exceeds four. Specifically **Alternative 2** will decrease fishing opportunities and potentially the economic benefits for those employed by party boats and headboats, and their clients. The effects on the social environment from a lower bag limit in **Preferred Alternative 4** will result from reduced economic benefits and reduced fishing opportunities for Atlantic Spanish Mackerel, specifically for North Carolina, Florida, and Georgia. However, if the reduced bag limit helps to avoid a payback in the following year, this will provide more social benefits in the long term.

#### *Administrative*

Under the **Alternative 1** (no action) the administrative impacts would not increase. **Alternatives 2-4** would result in a moderate increase in the administrative burden due to rule-making, monitoring, enforcement, and outreach.

## 19. Specify MSY, MSST, MFMT/OFL, ABC, OY, ACL & ACT for Atlantic Migratory Group Cobia

### A. What is being proposed?

Atlantic migratory group cobia have never been assessed by the NMFS Southeast Fisheries Science Center or through SEDAR. SEDAR 33, which begins in 2012 and is scheduled to be completed in 2013, will assess the three species in the CMP FMP including Atlantic migratory group cobia with data through 2011.

<b>Action 19.1 MSY, MSST &amp; MFMT for Atlantic Migratory Group Cobia</b>
The Council has determined that the value for MSY is the value from the most recent stock assessment. Currently <b>MSY is unknown</b> .
The Council has determined that the value for MSST is the value from the most recent stock assessment based on $MSST = [(1-M) \text{ or } 0.5 \text{ whichever is greater}] * B_{MSY}$ . Currently <b>MSST is unknown</b> .
The Council has determined that the value for MFMT is the value of $F_{MSY}$ or proxy from the most recent stock assessment. Currently <b>MFMT is unknown</b> .
<b>There are no alternatives under consideration because these values are all unknown. They will be updated once SEDAR 33 is completed in 2013.</b>

<b>Action 19.2 Overfishing Level (OFL) for Atlantic Migratory Group Cobia</b>
The Scientific and Statistical Committee provided the following OFL at their April 2010 meeting: "Since no estimate of MSY is available for cobia the SSC decided to estimate OFL as the median of landings data for the period 1986-2008. Therefore, OFL = 857,714 pounds."
The Council used the SSC methodology (median of 10 years of landings) and updated landings data to calculate a new OFL = 1,302,740 pounds.
The SSC provided the following OFL at their March 3, 2011 meeting: <b>OFL = unknown</b> .
The Council was advised by NOAA GC at the March 2011 meeting that if the SSC did not provide a recommended OFL, then the Council would need to specify OFL. The Council is recommending an interim OFL = mean of 10 years landings + (2*Standard Deviation) (OFL=1.68 MP) based on the Gulf Council's ABC Control Rule. The SAFMC's SSC is meeting in April and the Council has requested they review this interim OFL. <b>SSC's new approach similar number so ABC OK but OFL unknown</b> .
<b>There are no alternatives under consideration because the overfishing level is being provided by the SSC.</b>

<b>Action 19.3 ABC Control Rule and ABC for Atlantic Migratory Group Cobia</b>
<b>Alternative 1. No Action.</b> Do not establish an ABC Control Rule for Atlantic migratory group cobia.
<b>Alternative 2.</b> Adopt the SAFMC SSC recommended ABC control rule and establish ABC as xxxx pounds. Note: During their March 3, 2011 meeting, the SSC developed a new ABC = median of last 10 years and using the updated ACL data set, ABC = 1,026,079 pounds. <b>Note: The landings database used by the SSC was different than that used by the Council as shown in Table 4.19.3.1. Based on the data in Table 4.19.3.1, the ABC = median 2000-2009 = 1,302,740 pounds whole weight.</b>
<b>Alternative 3.</b> Adopt the SAFMC SSC recommended ABC control rule and establish an ABC Control Rule where ABC equals OFL (1,302,740 pounds). <b>Note: This OFL was recommended by the SSC prior to their March 3, 2011 meeting when they determined that OFL was unknown and they specified ABC = median of 10 years of landings. With the data in Table 4.19.3.1.1, this value is 1,302,740 pounds whole weight.</b>
<b>Alternative 4.</b> Adopt the SAFMC SSC recommended ABC control rule and establish an ABC Control Rule where ABC equals a percentage of OFL. <b>Note: OFL = 1,302,740 pounds whole weight.</b> <b>Sub-Alternative 4a.</b> ABC=65%OFL=846,781 pounds. <b>GMFMC Preferred Sub-Alternative 4b.</b> ABC=75%OFL=977,055 pounds. <b>Sub-Alternative 4c.</b> ABC=85%OFL=1,107,329 pounds.
<b>SAFMC Preferred Alternative 5.</b> Adopt the Gulf Council's ABC Control Rule as an interim control rule and establish an ABC equal to the mean plus 1.5 times the standard deviation of the most recent 10 years of landings data (ABC = 1,571,399 pounds whole weight). <b>Note: The values are shown in Table 4.19.3.1.2. The Council requests that the SSC review this interim control rule at their April 2011 meeting. SSC's new approach similar number so ABC OK.</b>

**B. What do the public and AP/SSC think about the actions/alternatives?**

- (i) SAFMC AP – approved Preferred Alternative 5.
- (ii) SAFMC SSC – SSC’s new approach using 3<sup>rd</sup> highest year of landings is similar so the Councils’ proposed ABC is fine.
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

**C. Do you want to change the preferred?**

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

**Option 1. No change.**

**Option 2. Specify changes.**

**SSC Recommendation:** SSC’s new approach using 3<sup>rd</sup> highest year of landings is similar so the Councils’ proposed ABC is fine.

**Council/NMFS/NOAA GC Staff Recommendations:**

- 1. Editorial changes: 19.1 to 19-1, 19.2 to 19-2 & 19.3 to 19-3; and change Alternative 4a-4c to Option a-c. These changes are made throughout the document to conform to agreed formatting/layout.
- 2. Modify Action 19-3 to read as follows [If the numbers are in the actual alternative, then we are stuck with them and need another amendment to change them. If we just have definitions, the values can just be changed in the regulations if the ABC changes. This change is suggested throughout the actions.]:

**Motion: Adopt the following revised wording for Action 19-3:**

**Action 19-3 Allowable Biological Catch (ABC) Control Rule and ABC for Atlantic Migratory Group Cobia**

**Alternative 1.** No Action - Do not establish an ABC Control Rule for Atlantic migratory group cobia.

**Alternative 2.** Adopt the SAFMC SSC recommended ABC control rule [currently 1,571,399 pounds whole weight; equal to the mean plus 1.5 times the standard deviation of the most recent 10 years landings].

**Alternative 3.** Establish an ABC Control Rule where ABC equals OFL (currently 1,302,740 pounds). [Note: This OFL was recommended by the SSC prior to their March 3, 2011 meeting when they determined that OFL was unknown and they specified ABC = median of 10 years of landings. With the data in Table 4.19.3.1.1, this value is 1,302,740 pounds whole weight.]

**Alternative 4.** Establish an ABC Control Rule where ABC equals a percentage of OFL.

**Option a.** ABC = 65% OFL (currently 846,781 pounds)

**GMFMC Preferred Option b.** ABC = 75% OFL (977,055 pounds)

**Option c.** ABC = 85% OFL (currently 1,107,329 pounds)

**SAFMC Preferred Alternative 5.** Adopt the Gulf Council’s ABC Control Rule as an interim control rule (currently ABC equals the mean plus 1.5 times the standard deviation of the most recent 10 years of landings data = 1,571,399 pounds whole weight).

#### **D. What does it do?**

**Impacts from Action 19.1-19.3** (Specify MSY, MSST, MFMT/OFL, ABC for Atlantic Migratory Group Cobia)

##### *Biological/Ecological & Physical*

While there are no direct biological effects from identification of an ABC, it does set the upper limit on the level of landings that will be allowed for fishermen and prevents overfishing.

**Alternative 1** (No Action) would not meet the new Magnuson-Stevens Act requirements.

**Alternative 2** would adopt the SAFMC SSC recommended ABC control rule and would be expected to provide positive biological benefits over the long term by accounting for assessment uncertainty while preventing overfishing. **Alternative 3** provides the second highest level of landings of all the alternatives but carries more biological risk and does not account for management uncertainty which could lead to overfishing and negative biological effects. **Alternative 4 and Sub-Alternatives 4a-4c** provide more biological protection as compared to **Alternatives 2 and 3**. **Alternative 5** would adopt the Gulf Council's ABC control rule as an interim control rule until results are available from SEDAR 33 which begins in 2012 and would provide the greatest biological benefits over the long term if it sufficiently accounts for assessment uncertainty and prevents overfishing.

##### *Economic*

In general, the higher the ABC, the greater the biological benefits and therefore, the greater the long-term economic benefits if there is little risk of overfishing. If the risk of overfishing is significant, a buffer between the OFL and the ABC would result in the greatest long-term economic benefits but smaller short-term economic benefits. Therefore, **SAFMC Preferred Alternative 5** likely provides the greatest short-term economic benefits whereas **Sub-Alternative 4a** would likely provide the greatest long-term economic benefits but also the smallest short-term economic benefits followed by **GMFMC Preferred Sub-Alternative 4b, Alternative 2, Sub-Alternative 4c, and Alternative 3** in declining order.

##### *Social*

Establishment of the biological parameters for harvest thresholds will have few direct social effects. Impacts on the social environment are more indirect, resulting from the implementation of the ABC and any subsequent reduction when setting ACLs and ACTs. The more risk averse a control rule or threshold is, the more chances of negative social effects accruing in the short-term if harvest is reduced. The least restrictive ABC would result from **Preferred Alternative 5**, while **Alternative 4a** is the most restrictive, but all effects on the social environment will depend on subsequent decisions for the ACL and AMs following this action.

##### *Administrative*

The establishment of an ABC Control Rule is a procedural exercise. The rule is developed by the Council's SSC for consideration by the Council. Although the control rule can have implications on management actions, no specific management actions are required through the specification of the control rule. The administrative impacts of establishing a control rule are minimal and impacts would not differ much between the proposed alternatives.

**Table 4.19.3.1.1. Recreational and commercial landing of Atlantic cobia by year and area for Action 3 (Cobia Management Boundary) Alternatives 1, 2, and 3.**

Year	Commercial					Recreational			South Atlantic				
	South Atlantic only	Gulf only	S. Atlantic	Monroe County Gulf	Total	South Atlantic only	Gulf only	Monroe County	South Atlantic Com.	South Atlantic % Com.	South Atlantic Rec.	South Atlantic % Rec.	South Atlantic Total
2000	91,269	126,604	23,076	3,286	26,362	1,017,028	880,413	27,070	114,345	10%	1,030,563	90%	1,144,908
2001	95,435	89,760	19,707	2,348	22,055	849,194	1,165,227	47,868	115,142	12%	873,128	88%	988,270
2002	88,767	103,113	16,836	2,109	18,945	771,362	851,683	14,908	105,603	12%	778,816	88%	884,419
2003	80,665	108,886	29,535	2,580	32,115	1,509,248	1,098,724	70,593	110,200	7%	1,544,545	93%	1,654,745
2004	89,200	97,460	14,363	3,733	18,096	1,184,435	1,270,392	46,270	103,563	8%	1,207,570	92%	1,311,133
2005	59,513	84,377	12,372	3,104	15,476	1,274,058	1,222,264	35,963	71,885	5%	1,292,040	95%	1,363,925
2006	81,013	76,714	11,644	4,842	16,486	1,150,144	1,043,001	103,093	92,657	7%	1,201,690	93%	1,294,347
2007	83,918	68,932	13,359	4,220	17,579	1,246,670	1,056,228	17,076	97,277	7%	1,255,208	93%	1,352,485
2008	82,764	65,220	14,393	2,430	16,823	1,220,307	981,149	6,479	97,157	7%	1,223,547	93%	1,320,704
2009	99,475	60,424	9,608	1,120	10,728	946,037	594,786	4,493	109,083	10%	948,284	90%	1,057,367

## 19.4 Allocation by Sector for Atlantic Migratory Group Cobia

### A. What is being proposed?

Action 19.4 (Allocation) Alternatives
<b>Alternative 1.</b> No action. Currently there are no allocations for cobia.
<b>Alternative 2.</b> Define allocations for Atlantic migratory group cobia based upon landings from the ALS, MRFSS, and headboat databases. The allocation would be based on landings from the years 2006-2008. The allocation would be 8% commercial and 92% recreational. The commercial and recreational allocation specified for 2011 would remain in effect beyond 2011 until modified.
<b>Preferred Alternative 3.</b> Define allocations for Atlantic migratory group cobia based upon landings from the ALS, MRFSS, and headboat databases. The allocation would be based on the following formula for each sector: Sector apportionment = (50% * average of long catch range (lbs) 2000-2008 + (50% * average of recent catch trend (lbs) 2006-2008). The allocation would be 8% commercial and 92% recreational. The commercial and recreational allocation specified for 2011 would remain in effect beyond 2011 until modified.

### B. What do the public and AP/SSC think about the actions/alternatives?

- (i) SAFMC AP – approved Preferred Alternative 3.
- (ii) SAFMC SSC – no comment.
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

### C. Do you want to change the preferred?

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

Option 1. No change.

Option 2. Specify changes.

#### Council/NMFS/NOAA GC Staff Recommendations:

1. Editorial changes: 19.4 to 19-4; change No action to No Action.
2. Modify Action 19-4 to read as follows:

#### Motion: Adopt the following revised wording for Action 19-4:

#### Action 19-4 Allocations for Atlantic Migratory Group Cobia

**Alternative 1.** No Action - Currently there are no allocations for cobia.

**Alternative 2.** Define allocations for Atlantic migratory group cobia based upon landings from the ALS, MRFSS, and headboat databases. The allocation would be based on landings from the years 2006-2008. The allocation would be 8% commercial and 92% recreational. The commercial and recreational allocations specified would remain in effect until modified.

**Preferred Alternative 3.** Define allocations for Atlantic migratory group cobia based upon landings from the ALS, MRFSS, and headboat databases. The allocation would be based on the following formula for each sector:

Sector apportionment = (50% \* average of long catch range (lbs) 2000-2008 + (50% \* average of recent catch trend (lbs) 2006-2008). The allocation would be 8% commercial and 92% recreational. The allocation would be 8% commercial and 92% recreational. The commercial and recreational allocations specified would remain in effect until modified.





## D. What does it do?

### Impacts from Action 19.4 (Allocations)

#### *Biological/Ecological & Physical*

There are no physical, biological or ecological effects from allocating by sector. The ACL or ACT and AMs provide biological protection and prevent overfishing. Using the landings data shown in Table 4.18.2.1.1 for Alternative 3 (management separated at the Council boundary), the allocation is 92% recreational and 8% commercial for both **Alternative 3** and **Preferred Alternative 4**. Prior to NMFS updating commercial and recreational catches the allocations were different between **Alternatives 2 and 3**; however, the updated landings results in the same allocation (92% recreational and 8% commercial).

#### *Economic*

Creating sector allocations for Atlantic cobia will have positive benefits to each sector depending on the percentage allocated to that sector. The recreational sector will benefit more given a larger share while the same applies to the commercial sector. Deviations from the current harvest levels will have effects, both positive and negative, while allocations close to current harvest levels will have smaller effects. In this case, **Alternative 2** and **Preferred Alternative 3** result in the same allocations and will have no differential economic effects. However, compared to **Alternative 1**, the commercial and recreational sectors may feel they have experienced losses given that under **Alternative 1**, each sector had the opportunity to harvest more than under **Alternative 2** and **Preferred Alternative 3**.

#### *Social*

Effects on the social environment resulting from sector allocation will likely depend on the equity of the allocation and the newly separated accountability. **Alternative 1** would not define separate allocations but does allow both sectors to harvest until the overall ACL is met, which may provide more fishing opportunities than **Alternative 2** or **Preferred Alternative 3** for one or both of the sectors. **Alternative 2** or **Preferred Alternative 3** result in the same allocation, and would have similar social effects. There would likely be few or no short-term changes for either sector, because the allocation is based on recent landings history. However, possible negative social impacts may result in the future by limiting expansion of one or both sectors, or from less-than-optimal use of the fishery due to unused quota by one sector that could not be accessed by the other sector.

#### *Administrative*

**Alternative 1**, no action, would not increase the administrative burden as it would not create allocations for cobia. Under any of the proposed action alternatives, administrative impacts will occur as allocations will need to be monitored and enforced to ensure that the sectors do not exceed their allocation and if so, appropriate overages are accounted for. The administrative impacts associated with the proposed alternatives are expected to be similar to the administrative impacts under **Alternative 1**. None of the action alternatives are expected to increase the administrative impacts more than the others.

## 19.5 Specify OY & ACL for Atlantic Migratory Group Cobia

### A. What is being proposed?

Action 19.5 (Annual Catch Limit or ACL & OY) Alternatives	
<b>Alternative 1.</b>	No action. Currently there is no TAC or ACL for cobia.
<b>Preferred Alternative 2.</b>	ACL = OY = ABC = 977,055 pounds based on the SSC recommendation. Note: During their March 3, 2011 meeting, the SSC developed a new ABC = median of last 10 years and using the updated ACL data set, ABC = 1,026,079 pounds. <b>Using the SAFMC's Interim Control Rule, ABC = 1,571,399 pounds.</b>
<b>Alternative 3.</b>	ACL = X% of ABC = ??? thousand pounds. <b>Sub-Alternative 3a.</b> ACL = 65%ABC = 635,086 pounds = 1,021,409 pounds. <b>Sub-Alternative 3b.</b> ACL = 75%ABC = 732,791 pounds = 1,178,549 pounds. <b>Sub-Alternative 3c.</b> ACL = 85%ABC = 830,497 pounds = 1,335,689 pounds. <b>Sub-Alternative 3d.</b> ACL = 80%ABC = 781,644 pounds = 1,257,119 pounds. <b>Sub-Alternative 3e.</b> ACL = 90%ABC = 879,350 pounds = 1,414,259 pounds. <b>Note:</b> The first set of ACL numbers in Alternative 3 above are calculated with ABC = 977,055 pounds whole weight which was the Council's previous preferred alternative. At the March 2011 meeting, the Council changed their preferred to using the ABC from their proposed Interim Control Rule with ABC = 1,571,399 pounds whole weight. The Council's new preferred ABC was used to calculate the second set of ACL numbers.

### B. What do the public and AP/SSC think about the actions/alternatives?

- (i) SAFMC AP – approved Preferred Alternative 2.
- (ii) SAFMC SSC – no comment.
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

### C. Do you want to change the preferred?

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

**Option 1.** No change.

**Option 2.** Specify changes.

**SSC Recommendation:** SSC's new approach using 3<sup>rd</sup> highest year of landings is similar so the Councils' proposed ABC is fine.

**Council/NMFS/NOAA GC Staff Recommendation:** Modify Action 19-5 to read as follows [Showing the sector allocations (%) makes it more clear that sector ACLs are being established.]:

**Motion: Adopt the following revised wording for Action 19-5:**

**Action 19-5 Annual Catch Limit (ACL) and Optimum Yield (OY) for Atlantic Migratory Group Cobia**

**Alternative 1.** No Action - Currently there is no TAC or ACL for cobia.

**Preferred Alternative 2.** ACL = OY = ABC (currently 1,571,399 pounds based on the SSC Interim Control Rule; Recreational Sector ACL = 92% = 1,445,687 pounds; Commercial Sector ACL = 8% = 125,712 pounds).

**Alternative 3.** ACL = OY = X% of ABC = \_\_\_\_\_ mp.

**Option a.** ACL = 75%ABC = 75%(currently 1,571,399 pounds) = 1,021,409 pounds (Recreational Sector ACL = 92% = 939,696 pounds; Commercial Sector ACL = 8% = 81,713 pounds).

**Option b.** ACL = 85%ABC = 85%(currently 1,571,399 pounds) = 1,178,549 pounds (Recreational Sector ACL = 92% = 1,084,265 pounds; Commercial Sector ACL = 8% = 94,284 pounds).

**Option c.** ACL = 95%ABC = 95%(currently 1,571,399 pounds) = 1,335,689 pounds (Recreational Sector ACL = 92% = 1,228,834 pounds; Commercial Sector ACL = 8% = 106,855 pounds).

**Option d.** ACL = 80%ABC = 80%(currently 1,571,399 pounds) = 1,257,119 pounds (Recreational Sector ACL = 92% = 1,156,550 pounds; Commercial Sector ACL = 8% = 100,570 pounds).

**Option e.** ACL = 90%ABC = 90%(currently 1,571,399 pounds) = 1,414,259 pounds (Recreational Sector ACL = 92% = 1,301,118 pounds; Commercial Sector ACL = 8% = 113,141 pounds).

## D. What does it do?

### Impacts from Action 19.5 (ACL)

#### *Biological/Ecological & Physical*

Setting an ACL potentially will have an impact on the biological environment if harvest changes from current levels; however, this is not expected to be the case as most alternatives would maintain catches close to **Alternative 1** (No Action). **Preferred Alternative 2** is based on the SSC recommendations and would prevent overfishing. **Alternative 3** would provide more biological protection by setting the ACL below the ABC. ACL values based on the various values in **Preferred Alternative 2** and **Alternative 3** are shown in Table 4.19.5.1.1. Setting an ACL could affect the physical environment if harvest changes from current levels.

**Table 4.19.5.1.1. ACL values (pounds whole weight).**

	ACL	If ABC =	If ABC =	If ABC =
Alternative	Formula	977,055	1,026,079	1,571,399
		Then ACL =	Then ACL =	Then ACL =
Preferred Alternative 2	ACL=OY=ABC	977,055	1,026,079	1,571,399
Sub-Alternative 3a	ACL=65%ABC	635,086	666,951	1,021,409
Sub-Alternative 3b	ACL=75%ABC	732,791	769,559	1,178,549
Sub-Alternative 3c	ACL=85%ABC	830,497	872,167	1,335,689
Sub-Alternative 3d	ACL=80%ABC	781,644	820,863	1,257,119

#### *Economic*

**Preferred Alternative 2** offers the highest ACL level and therefore the greatest short-term and long-term economic

benefits as long as there is no significant risk of overfishing. If there is a significant risk of overfishing, **Sub-Alternatives** under **Alternative 3** would offer higher long-term economic benefits but smaller short-term economic benefits compared to **Preferred Alternative 2**.

#### *Social*

Establishment of the ACL for Atlantic Cobia will limit harvest, potentially reducing fishing opportunities for commercial and recreational. The most restrictive ACL scenarios are in **Alternative 3** (percentage of the ABC) and the least restrictive is **Alternative 3e** (90% of ABC). **Preferred Alternative 2** sets the ACL at ABC and is less restrictive than most other alternatives, which will most likely not result in negative short-term impacts expected from allowing only a percentage of the ABC to be harvested as in **Alternative 3**.

#### *Administrative*

**Alternative 1**, would not meet the requirements of the Magnuson-Stevens Act for Atlantic migratory group king mackerel, and could be subject to litigation, which would result in a significant administrative burden on the agency. The administrative impacts of specifying an ACL through **Alternatives 2- 3**, and the **Sub-Alternatives** associated with **Alternative 3** are minimal and would not differ much between the action alternatives. Other administrative burdens that may result from all of the action alternatives considered would take the form of development and dissemination of outreach and education materials for fishery participants.

## 19.6. Annual Catch Target (ACT) for Atlantic Migratory Group Cobia

### A. What is being proposed?

Action 19.6a (Commercial Sector ACT) Alternatives
<b>Preferred Alternative 1.</b> Do not specify commercial sector ACTs for Atlantic migratory group cobia.
<b>Alternative 2.</b> The commercial sector ACT equals 90% of the commercial sector ACL.
<b>Alternative 3.</b> The commercial sector ACT equals 80% of the commercial sector ACL.

Action 19.6b (Recreational Sector ACT) Alternatives
<b>Alternative 1 (No Action).</b> Do not specify recreational sector ACTs for Atlantic migratory group cobia.
<b>Alternative 2.</b> The recreational sector ACT equals 85% of the recreational sector ACL.
<b>Alternative 3.</b> The recreational sector ACT equals 75% of the recreational sector ACL.
<b>Preferred Alternative 4.</b> The recreational sector ACT equals sector ACL[(1-PSE) or 0.5, whichever is greater].

### B. What do the public and AP/SSC think about the actions/alternatives?

- (i) SAFMC AP – approved Preferred Alternative 1 for commercial ACT and Preferred Alternative 4 for the recreational ACT.
- (ii) SAFMC SSC – no comment.
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

### C. Do you want to change the preferred?

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

**Option 1.** No change.

**Option 2.** Specify changes.

#### **Council/NMFS/NOAA GC Staff Recommendations:**

1. Editorial changes: change 19.6 to 19-6, 19.6a to 19-6a, and 19.6b to 19-6b; change (**No Action**) to No Action; and insert No Action after Preferred Alternative 1 for Action 16-5a. These changes are made throughout the document to conform to agreed upon formatting/layout.
2. Modify Action 19-6 to read as follows [Showing the sector ACTs makes it clearer that sector ACTs are being considered.]:

**Motion: Adopt the following revised wording for Action 19-6:**

**Action 19-6 Annual Catch Target (ACT) for Atlantic Migratory Group Cobia**

**Action 19-6a. Commercial Sector ACT**

**Preferred Alternative 1** No Action - Do not specify commercial sector ACTs for Atlantic migratory group cobia.

**Alternative 2.** The commercial sector ACT equals 90% of the commercial sector ACL (currently 113,141 pounds).

**Alternative 3.** The commercial sector ACT equals 80% of the commercial sector ACL (currently 100,570 pounds).

**Action 19-6b. Recreational Sector ACT**

**Alternative 1** No Action - Do not specify recreational sector ACTs for Atlantic migratory group cobia.

**Alternative 2.** The recreational sector ACT equals 85% of the recreational sector ACL (currently 1,228,834 pounds).

**Alternative 3.** The recreational sector ACT equals 75% of the recreational sector ACL (currently 1,084,265 pounds).

**Preferred Alternative 4.** The recreational sector ACT equals sector ACL[(1-PSE) or 0.5, whichever is greater] (currently 1,199,920 pounds).

## **D. What does it do?**

### **Impacts from Action 19.6 Annual Catch Target (ACT) for Atlantic Migratory Group Cobia**

#### *Biological/Ecological & Physical*

Setting an ACT provides more biological protection by accounting for management uncertainty and provides greater assurance that overfishing will be prevented.

##### *Commercial*

**Alternative 1** would not set an ACT. **Alternatives 2 and 3** would set the ACT below the ACL with **Alternative 3** providing more assurance overfishing would not occur.

##### *Recreational*

**Alternative 1** would not set an ACT. **Alternatives 2-4** would set the ACT below the ACL with **Alternative 3** providing more assurance overfishing would not occur. **Alternative 4** takes into account the variability of recreational catches while preventing overfishing.

#### *Economic*

##### *Commercial Sector ACT*

**Preferred Alternative 1** proposes the highest commercial ACL and would result in the greatest short-term and long-term economic benefits as long as there is a low risk of overages. If there is a significant risk of overages, **Alternatives 2 and 3** would result in greater long-term economic benefits than **Preferred Alternative 1** but smaller short-term economic benefits.

##### *Recreational Sector ACT*

**Preferred Alternative 4** proposes the highest recreational ACT and will result in the greatest short-term and long-term economic benefits as long as there is a low risk of overages. If there is a significant risk of overages, **Alternatives 2 and 3** would result in greater long-term economic benefits than **Preferred Alternative 4** but smaller short-term economic benefits.

#### *Social*

For the commercial sector, **Preferred Alternative 1** does not establish an ACT and commercial harvest will continue until the ACL is reached, which allows more fishing opportunities and short-term economic benefits to the commercial sector. **Alternative 2** and **Alternative 3** establish the commercial ACT at 90% and 80% of the ACL, respectively, which will cause short-term social impacts as the harvest approaches these levels in a shorter period, and may result in early closing.

For the recreational sector, **Alternative 1** does not establish an ACT and would also have few if any negative social effects. **Alternative 2** and **Alternative 3** would impose reductions from the ACL, which would cause the level to be reached in a shorter period and could limit recreational opportunities and economic benefits if the recreational sector is closed early. **Preferred Alternative 4** would establish a recreational ACT less restrictive than **Alternative 3**, but still may affect future recreational opportunities if the sector continues to grow.

#### *Administrative*

Specifying an ACT or sector ACTs alone would not increase the administrative burden over the status-quo. However, the monitoring and documentation needed to track how much of the ACT has been harvested throughout a particular fishing season can potentially result in a need for additional cost and personnel resources if a monitoring mechanism is not already in place. Other administrative burdens that may result from all of the alternatives considered would take the form of development and dissemination of outreach and education materials for fishery participants.

## 20. Specify Accountability Measures (AMs) for Atlantic Migratory Group Cobia

### A. What is being proposed?

**Note:** Accountability Measures (AMs) include in-season measures that are intended to limit each sector to their ACL/ACT and post-season measures to make adjustments if the ACL/ACT is exceeded. In-season measures are equivalent to management measures (regulations) that have been set in the past. The Councils may specify multiple preferreds from among the following:

Action 20 (Accountability Measures) Alternatives
<b>Alternative 1 (No Action).</b> There is no quota for cobia and there are no AMs in place for cobia.
<b>Alternative 2.</b> The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met or projected to be met. All purchase and sale is prohibited when the quota is met or projected to be met. Do not implement ACLs or AMs for the recreational sector.
<b>Preferred Alternative 3.</b> The commercial AM for this stock is to prohibit harvest, possession, and retention when the quota is met or projected to be met. All purchase and sale is prohibited when the quota is met or projected to be met. Implement Accountability Measures (AMs) for the recreational sector for this stock. If the ACL is exceeded, the Regional Administrator shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the sector ACL for the following fishing year. Compare recreational ACL with recreational landings over a range of years. For 2011, use only 2011 landings. For 2012, use the average landings of 2011 and 2012. For 2013 and beyond, use three-year running average.
<b>Alternative 4.</b> Commercial payback of any overage. <b>Preferred Sub-Alternative 4a.</b> Payback regardless of stock status. <b>Sub-Alternative 4b.</b> Payback only if overfished.
<b>Alternative 5.</b> Recreational payback of any overage from one year to the next. <b>Preferred Sub-Alternative 5a.</b> Payback regardless of stock status. <b>Sub-Alternative 5b.</b> Payback only if overfished.

### B. What do the public and AP/SSC think about the actions/alternatives?

- (i) SAFMC AP – approved Preferred Alternative 3 & Sub-Alternatives 4b & 5b and recommended Council modify the AMs to only adjust bag limits or season length & deduct overages only if the Total ACL is exceeded.
- (ii) SAFMC SSC – no comment.
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

### C. Do you want to change the preferred?

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

**Option 1.** No change.

**Option 2.** Specify changes.

#### Council/NMFS/NOAA GC Staff Recommendations:

- 1. Editorial changes: change (**No Action**) to No Action and change Sub-Alternative to Option. These changes are made throughout the document to conform to agreed upon formatting/layout.
- 2. Clarify that the Regional Administrator has authority to revert possession limits to zero which for cobia would apply to both the recreational and commercial sectors since both



are managed with the same bag limit; therefore this is both a recreational and commercial AM.

3. Clarify that the commercial and recreational quotas are calculated by applying the respective allocations to the total ACL.
4. Clarify whether the first year of landings is 2011 given that the regulations will likely not be implemented until 2012.
5. Add wording to indicate that if the ACL is changed, the process of comparing catches in one, then two and then 3-year moving average begins again; this will be consistent with all Gulf Council ACL Amendments).
6. Add wording explaining how the payback would work.
7. Clarify Councils' intent on recreational fishing year. TAC and the resulting commercial quota and recreational allocation/quota have been tracked using the April 1<sup>st</sup> and then the current March 1<sup>st</sup> fishing year. However, the regulations show the calendar year for the recreational bag limits. NOAA GC will advise on whether wording in the discussion is sufficient or whether wording needs to be added to the alternatives.
8. Modify Action 20 to read as follows [Showing the sector ACTs makes it clearer that sector ACTs are being considered.]:

**Motion: Adopt the following revised wording for Action 20:**

**ACTION 20: Specify Accountability Measures (AMs) for Atlantic Migratory Group Cobia**

**Alternative 1** No Action - The recreational and commercial AM for this stock is the Regional Administrator has authority via the framework to revert the recreational and commercial possession limit to zero if fishermen have achieved or are expected to achieve their allocation.

**Alternative 2.** The commercial AM for this stock 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. Do not implement additional AMs for the recreational sector for this stock.

**Preferred Alternative 3.** The commercial AM for this stock 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. Implement additional AMs for the recreational sector for this stock. 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.

**New Option a.** Only adjust the recreational season length if the Total ACL is exceeded.

**Alternative 4.** Commercial payback of any overage.

**Preferred Option a.** Payback regardless of stock status - 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.

**Option b.** 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.

**New Option c.** Only deduct overages if the Total ACL is exceeded.

**Alternative 5.** Recreational payback of any overage from one year to the next.

**Preferred Option a.** Payback regardless of stock status - 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 Action 19-6.

**Option b.** 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 Action 19-6.

**New Option c.** Only deduct overages if the Total ACL is exceeded.

## D. What does it do?

### Impacts from Action 20 Specify Accountability Measures (AMs) for Atlantic Migratory Group Cobia

#### *Biological/Ecological & Physical*

**Alternative 1** is not considered a viable option since it would specify no AMs for the recreational sector and therefore, would not limit harvest to the ACL; there is no commercial or recreational correction for an ACL overage. The Magnuson-Stevens Act requires that mechanisms of accountability be established for all federally managed species. **Alternative 1** would not comply with this mandate, and would provide no biological benefit to the species. **Alternatives 2 and 3** would attempt to limit commercial and recreational harvest to levels at or below the ACL or ACT by reducing and/or closing harvest once a particular landings threshold is met. **Alternative 4** would provide for a commercial payback of any overage with **Sub-Alternative 4a** providing more biological benefits. **Alternative 5** would provide for a recreational payback of any overage with **Sub-Alternative 5a** providing more biological benefits.

#### *Economic*

**Alternative 2** would result in some positive long-term economic benefits and negative short-term economic benefits for commercial fisheries. However, **Preferred Alternative 3** proposes AMs for both the commercial and recreational sectors and this would have even greater long-term economic benefits for both sectors. However, shortening the length of the recreational fishing season would likely have greater negative short-term economic benefits compared to **Alternatives 4 and 5** due to the importance of particular times of the year for recreational fishing. **Alternatives 4 and 5** require payback of an overage with two **Sub-Alternatives**. While both have positive long-term economic benefits, both also have negative short-term economic benefits due to instability of landings, making maintaining customers more difficult. **Preferred Alternatives 4a and 5a**, while economically beneficial in the long-term, would have greater negative short-term economic effects than **Alternatives 4b and 5b**.

#### *Social*

**Alternative 1** would have little or no effects on the social environment. The commercial sector would experience some negative impacts if the season is closed early (**Alternative 2**) but the recreational sector would not experience any changes due to the alternative. **Preferred Alternative 3** includes an in-season closure for the commercial sector, which would have similar effects as **Alternative 2**. For the recreational sector, **Preferred Alternative 3** includes a reduction of the following year of an overage, which would impact fishing opportunities and economic benefits for the recreational sector. For the commercial sector AM, the mandatory payback in **Preferred Sub-Alternative 4a** does not allow as much flexibility as requiring payback only for overfished (**Sub-Alternative 4b**), and a reduction in the ACL for a subsequent year could have significant negative social impacts if the overage is substantial. **Preferred Sub-Alternative 5a** would have similar effects on the recreational fishing community as mentioned for **Sub-Alternative 4a**, depending on the overage.

#### *Administrative*

**Alternative 1 (No Action)** would not produce near-term administrative impacts but there are no AMs in place for cobia and this alternative would not comply with Reauthorized Magnuson-Stevens Act requirements and therefore, may trigger some type of legal action. If this were to occur, the burden on the administrative environment could be significant in the future. **Alternative 2** would not comply with the Magnuson Stevens Act. **Alternative 3** would increase the administrative burden through the need for in-season monitoring, tracking of recreational landings, rule-making and education and outreach. **Alternatives 4-5**, would result in a minimal increase in administrative burden associated with calculating payback of overages for the commercial or recreational sectors.

## 21. Management Measures for Atlantic Migratory Group Cobia

### A. What is being proposed?

Action 21 Management Measures
<b>Preferred Alternative 1 (No Action).</b> Recreational and commercial fishermen are limited to two cobia per person. This would retain the following regulations that apply to both recreational and commercial fishermen: (a) 33" fork length minimum size limit, (b) 2 per person bag limit (Note: Florida State regulations only allow 1 per person for recreational and 2 per person for commercial), (c) one day possession limit, (d) must be landed with heads and fins intact, and (d) charter/headboats require a permit for Coastal Migratory Pelagics. <b>Note: The fishing year is January 1 through December 31.</b>
<b>Alternative 2.</b> Specify a commercial trip limit: <b>Sub-Alternative 2a.</b> Two cobia per person. <b>Sub-Alternative 2b.</b> One cobia per person.
<b>Alternative 3.</b> Reduce the recreational bag limit from 2 to 1 cobia per person.
<b>Alternative 4.</b> Reduce the recreational bag limit from 2 to 1 cobia per boat per day.
<b>Alternative 5.</b> Establish a closed season for the recreational fishery.
<b>Alternative 6.</b> Reduce the recreational bag limit from 2 to 1 cobia per person per day during the spawning season. Note: There was some discussion during the March 2010 Council meeting of using April, May, and June.

### B. What do the public and AP/SSC think about the actions/alternatives?

- (i) SAFMC AP – approved Alternative 6 for April 1 – June 30.
- (ii) SAFMC SSC – no comment.
- (iii) Public Hearings
- (iv) Letters
- (v) DEIS Comments

### C. Do you want to change the preferred?

After reviewing the public and AP/SSC input, do we need to add/modify any alternatives? Do you want to change your preferred alternative? The discussions and rationale presented during the Joint Committee meeting and joint Council session will be shown under “Council Conclusions” in the final amendment document.

**Option 1.** No change.

**Option 2.** Specify changes.

#### **Council/NMFS/NOAA GC Staff Recommendations:**

1. Editorial changes: change (**No Action**) to No Action and change Sub-Alternative to Option. These changes are made throughout the document to conform to agreed upon formatting/layout.
2. Clarify that the possession limits are per day possession limits and apply to both commercial and recreational.
3. Change boat to vessel.
4. Modify Action 21 to read as follows:

**Motion: Adopt the following revised wording for Action 21:**

**ACTION 21: Management Measures for Atlantic Migratory Group Cobia**

**Preferred Alternative 1** No Action - Recreational and commercial fishermen are limited to two cobia per person. This would retain the following regulations that apply to both recreational and commercial fishermen: (a) 33" fork length minimum size limit, (b) two per person per day possession limit (Note: Florida State regulations only allow 1 per person per day for recreational and 2 per person per day for commercial), (c) one day possession limit, (d) must be landed with heads and fins intact, and (d) charter/headboats require a permit for Coastal Migratory Pelagics.

**Note: The fishing year is January 1 through December 31.**

**Alternative 2.** Specify a commercial trip limit:

**Option a.** Two cobia per person per day.

**Option b.** One cobia per person per day.

**Alternative 3.** Reduce the recreational bag limit from 2 to 1 cobia per person per day.

**Alternative 4.** Reduce the recreational bag limit from 2 to 1 cobia per vessel per day.

**Alternative 5.** Establish a closed season for the recreational fishery.

**Alternative 6.** Reduce the recreational bag limit from 2 to 1 cobia per person per day during the spawning season (April 1 through June 30).

## D. What does it do?

### Impacts from Action 21 Management Measures for Atlantic Migratory Group Cobia

#### *Biological/Ecological & Physical*

**Alternative 1 (No Action)** would continue the precautionary management put in place through Coastal Migratory Pelagics (CMP) Amendment 1, implemented in September of 1985, which established a minimum size limit for cobia at 33 inches FL or 37 inches TL. Also, CMP Amendment 5, implemented in August 1990, established a daily bag limit of two (2) cobia per person for both recreational and commercial sectors. CMP Amendment 8, implemented in March 1998, expanded the management area for cobia through the MAFMC's area of jurisdiction (New York). So, since 1998 cobia have been protected with a 2 fish daily bag limit and a 33" FL or 37" TL minimum size limit throughout the management area. **Alternative 1** would continue this level of precautionary biological protection.

**Alternative 2** would specify a commercial trip limit based on either the existing 2 cobia per person bag limit (**Sub-Alternative 2a**) or reduce the limit to 1 cobia per person (**Sub-Alternative 2b**). The minimum size limit would remain unchanged under either sub-alternative. **Sub-Alternative 2a** would continue the level of protection in place since 1990 in the South Atlantic and 1998 in the Mid-Atlantic. **Sub-alternative 2b** would reduce the commercial trip limit to 1 cobia per person per trip which would be more biologically conservative unless fishermen made more than one trip per day. As shown in Table 4.21.2, the expected reduction in harvest would range from 14%-22%. The level of reduction would not prevent a commercial closure when the commercial ACL is met or projected to be met.

Reducing the recreational bag limit from 2 to 1 per person (**Alternative 3**) will not impact catches in the Mid-Atlantic except for Virginia where the reduction would be 10% based on 2007 catches (Table 4.21.3). Catches, based on 2005-2009 data, would be reduced on average by 6% in Florida, 64% in Georgia, 16% in South Carolina, and 13% in North Carolina (Table 4.21.3). The bag limit reduction (**Alternative 3**) would help prevent the recreational ACL from being exceeded, if the Council's Interim Control Rule is not accepted, whereas **Alternative 1** would not reduce catches and would likely result in the recreational ACL being met.

**Alternative 4** would result in greater reductions in recreational catches than **Alternative 3** and is more biologically conservative. A closed season (**Alternative 5**) could have disproportionate biological impacts depending on when the season was closed. For example, catches in South Carolina mainly occur during April-June and if these times were not closed there would be minimal biological impacts. On the other hand, if they were closed, there would be large biological benefits but obviously large negative social and economic impacts. The level of biological benefit would depend on when the Council chose to consider a closure. The public is invited to comment during the public hearing process on the timing and benefits/costs of a closed season. Similar benefits and costs would result under **Alternative 6**. The fact that the bulk of South Carolina's catch (about 50%) relies on the strong 2004 year class (Figure 4.21.12) raises a point of concern and the recreational sector may want to consider reducing the bag limit to 1 per person per day to head off any future problems. The public is urged to comment on this during the hearing process.

Any management measures that reduce effort could affect the physical environment.

#### *Economic*

##### *Commercial*

**Alternative 2b** decreases the number of cobia that can be taken commercially by limiting the number of cobia to 1 fish per person per trip compared to 2 fish per person under **Alternative 1 (No Action)**. Imposing this restriction to previous years (2007-09) indicates a 14-22% reduction in the number of fish landed, depending on the method used. This would result in short-term economic losses but possible

long-term economic benefits. **Alternative 2a** is the same as **Alternative 1 (No Action)** and no economic losses would be expected to the commercial fishery.

#### *Recreational*

Reducing the recreational bag limit from 2 to 1 cobia person (**Alternative 3**) and reducing the bag limit from 2 to 1 cobia per boat per day (**Alternative 4**) would have negative short-term economic effects on the recreational fishery. However, **Alternatives 3 and 4** could have a positive long-term economic effect on the recreational fishery if the proposed management strategies succeeded in decreasing the total number of cobia harvested each year. **Alternatives 5 and 6** would both have negative short-term economic effects and positive long-term economic effects on the recreational fishery.

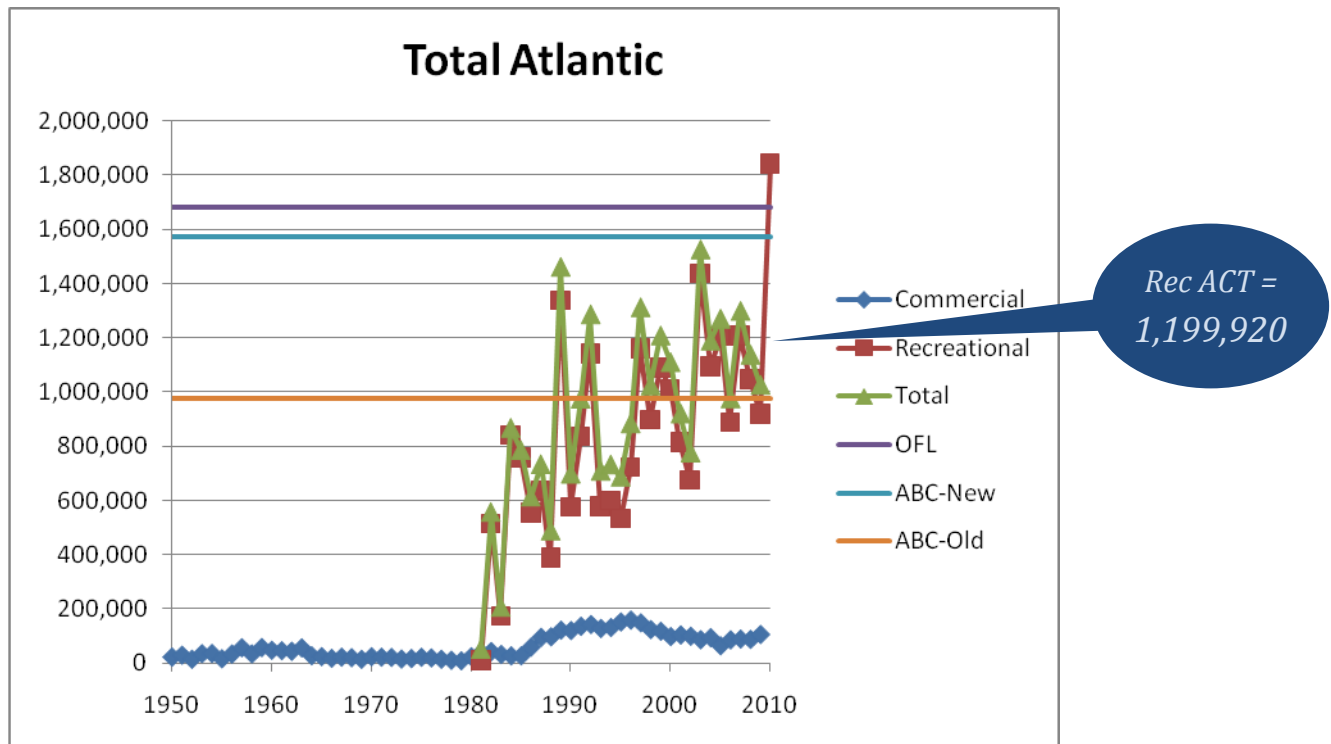
#### *Social*

**Preferred Alternative 1** and **Sub-Alternative 2a** would maintain status quo for commercial bag limits and would likely have little or no impacts on either sector. **Sub-Alternative 2b** could result in lower catches for commercial cobia fishermen if only one fish is allowed per person per trip.

For the recreational sector, there would be little or no social effects from **Preferred Alternative 1**. The restrictive measures in **Alternatives 3-6** will reduce the fishing opportunities and short-term economic benefits, although could result in long-term positive social benefits by decreasing the likelihood of an early closure or resource depletion.

#### *Administrative*

Under the **Alternative 1** (no action) the administrative impacts would not increase. **Alternatives 2-5** would result in a moderate increase in the administrative burden due to rule-making, monitoring, enforcement, and outreach.



**Figure 4.21.11. Landings of cobia in the Mid-Atlantic and South Atlantic.**

Source: ACCSP.org

## APPENDIX B – BASE FRAMEWORK PROCEDURE

This framework procedure provides standardized procedures for implementing management changes pursuant to the provisions of the FMP. There are two basic processes, the open framework process and the closed framework process. Open frameworks address issues where there is more policy discretion in selecting among various management options developed to address an identified management issue, such as changing a size limit to reduce harvest. Closed frameworks address 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 after their quota has been harvested.

Open Framework:

Situations under which this framework procedure may be used to implement management changes include the following:

A new stock assessment resulting in changes to the overfishing limit, acceptable biological catch, or other associated management parameters.

In such instances the Council 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.

New information or circumstances.

The Council 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.

Changes are required to comply with applicable law such as MSA, ESA, MMPA, or are required as a result of a court order.

In such instances the Regional Administrator will notify the Council 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.

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

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 Council to the Regional Administrator containing the proposed action, and the relevant biological, social and economic information to support the action. If multiple actions are proposed, a finding that the actions are also routine or insignificant must also be included. If the Regional Administrator concurs with the determination and approves the proposed action, the action will be implemented through publication of appropriate notification in the Federal Register. Actions that may be viewed as routine or insignificant include, among others:



Reporting and monitoring requirements,

Permitting requirements,

Gear marking requirements,

Vessel marking requirements,

Restrictions relating to maintaining fish in a specific condition (whole condition, filleting, use as bait, etc.),

Bag and possession limit changes of not more than 1 fish,

Size limit changes of not more than 10% of the prior size limit,

Vessel trip limit changes of not more than 10% of the prior trip limit,

Closed seasons of not more than 10% of the overall open fishing season,

Species complex composition,

Restricted areas (seasonal or year-round) affecting no more than a total of 100 nautical square miles,

Respecification of ACL, ACT or quotas that had been previously approved as part of a series of ACLs, ACTs or quotas,

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,

Gear restrictions, except those that result significant changes in the fishery, such as complete prohibitions on gear types,

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,

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, among others:

Specification of ACTs or sector ACTs,

Rebuilding plans and revisions to approved rebuilding plans,

The addition of new species to existing limited access privilege programs (LAPP),

Changes specified in section 4(a) that exceed the established thresholds.

The Council will 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 council meeting.

Prior to taking final action on the proposed framework action, the Council may convene its SSC, SEP, or AP, as appropriate, to provide recommendations on the proposed actions.

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

For all framework action requests, the Regional Administrator will review the Council's recommendations and supporting information and notify the Council of the determinations, in accordance with the MSA and other applicable law.

Closed Framework:

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<sup>0</sup> SEC. 304. ACTION BY THE SECRETARY 16 U.S.C. 1854

(a) REVIEW OF PLANS.—

(1) Upon transmittal by the Council to the Secretary of a fishery management plan or plan amendment, the Secretary shall—

(A) immediately commence a review of the plan or amendment to determine whether it is consistent with the national standards, the other provisions of this Act, and any other applicable law; and

(B) immediately publish in the Federal Register a notice stating that the plan or amendment is available and that written information, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.

(2) In undertaking the review required under paragraph (1), the Secretary shall—

(A) take into account the information, views, and comments received from interested persons;

(B) consult with the Secretary of State with respect to foreign fishing; and

(C) consult with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea and to fishery access adjustments referred to in section 303(a)(6).

(3) The Secretary shall approve, disapprove, or partially approve a plan or amendment within 30 days of the end of the comment period under paragraph (1) by written notice to the Council. A notice of disapproval or partial approval shall specify—

(A) the applicable law with which the plan or amendment is inconsistent;

(B) the nature of such inconsistencies; and

(C) recommendations concerning the actions that could be taken by the Council to conform such plan or amendment to the requirements of applicable law. If the Secretary does not notify a Council within 30 days of the end of the comment period of the approval, disapproval, or partial approval of a plan or amendment, then such plan or amendment shall take effect as if approved.

(4) If the Secretary disapproves or partially approves a plan or amendment, the Council may submit a revised plan or amendment to the Secretary for review under this subsection.

(5) For purposes of this subsection and subsection (b), the term “immediately” means on or before the 5th day after the day on which a Council transmits to the Secretary a fishery management plan, plan amendment, or proposed regulation that the Council characterizes as final.

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

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,

Reopen any sector of the fishery that had been prematurely closed,

Implement an in-season AM for a sector that has reached or is projected to reach, or is approaching (e.g., within x percent) or is projected to approach its ACL, or implement a post-season AM for a sector that exceeded its ACL in the current year.

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(b) REVIEW OF REGULATIONS.—

(1) Upon transmittal by the Council to the Secretary of proposed regulations prepared under section 303(c), the Secretary shall immediately initiate an evaluation of the proposed regulations to determine whether they are consistent with the fishery management plan, plan amendment, this Act and other applicable law. Within 15 days of initiating such evaluation the Secretary shall make a determination and—

(A) if that determination is affirmative, the Secretary shall publish such regulations in the Federal Register, with such technical changes as may be necessary for clarity and an explanation of those changes, for a public comment period of 15 to 60 days; or

(B) if that determination is negative, the Secretary shall notify the Council in writing of the inconsistencies and provide recommendations on revisions that would make the proposed regulations consistent with the fishery management plan, plan amendment, this Act, and other applicable law.

(2) Upon receiving a notification under paragraph (1)(B), the Council may revise the proposed regulations and submit them to the Secretary for reevaluation under paragraph (1).

(3) The Secretary shall promulgate final regulations within 30 days after the end of the comment period under paragraph (1)(A). The Secretary shall consult with the Council before making any revisions to the proposed regulations, and must publish in the Federal Register an explanation of any differences between the proposed and final regulations.

	Option 1 (Base) ( <b>Preferred</b> )	Option 2 (Broad)	Option 3 (Narrow)
Types of framework processes	Open abbreviated Open standard Closed	Open Closed	Open Closed
When open framework can be used	New stock assessment New information or circumstances When changes are required to comply with applicable law or a court order	In response to any new information or changed circumstances	Only when there is a new stock assessment
Actions that can be taken	Abbreviated Open framework can be used for actions that are considered minor and insignificant Standard Open framework used for all others Lists of actions that can be taken under Abbreviated and Standard Open framework are given.  Closed framework can be used for a specific list of actions	Open framework can be used for a representative list of actions, plus other measures deemed appropriate by the Councils  Closed framework can be used for a specific list of actions, plus any other immediate action specified in the regulations	Open framework can only be used for specific listed actions  Closed framework can only be used for a specific list of actions
Public input	Requires public discussion at one meeting for each Council	Requires public discussion at one meeting for each Council	Requires public discussion during at least three meetings for each Council, and discussion at separate public hearings within the areas most affected by the proposed measures.
AP/SSC participation	Each Council may convene their SSC, SEP, or AP, as appropriate	Convening the SSC, SEP, or AP, prior to final action is not required	Each Council shall convene their SSC, SEP, and AP
How a request of action is made	Abbreviated requires a letter or memo from the Councils with supporting analyses Standard requires a completed framework document with supporting analyses	Via letter, memo, or the completed framework document with supporting analyses.	Via letter, memo, or completed framework document with supporting analyses.